

ASHFIELD DISTRICT COUNCIL



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

Agenda

Cabinet

Date: **Monday, 9th July, 2018**

Time: **2.00 pm**

Venue: **Committee Room, 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 Jason Zadrozny

Councillors:

Christian Chapman
Robert Sears-Piccavey
John Wilmott

Tom Hollis
Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

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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 a meeting of the Cabinet held on 14th June, 2018.** 5 - 12
4. **Combatting Modern Slavery - Policy and Statement.** 13 - 24

Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Jason Zadrozny – Leader of the Council
5. **Place Enhancement.** 25 - 30

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holders: Councillor Jason Zadrozny - Leader of the Council
and Councillor Tom Hollis – Deputy Leader of the Council (Inward Focus)
6. **Leisure Transformation Programme - Selston High School.** 31 - 36

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Tom Hollis - Deputy Leader of the Council
(Inward Focus)
7. **Housing in Multiple Occupation (HMO) Licensing Changes.** 37 - 42

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Christian Chapman – Cabinet Member
(Joint Focus)
8. **Civil Penalties.** 43 - 58

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Christian Chapman – Cabinet Member
(Joint Focus)

9. Housing Strategy Action Plan Update. 59 - 68

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor John Wilmott – Cabinet Member
(Outward)

10. Make a Stand Campaign. 69 - 74

Decision included in the Forward Plan of Executive Decisions
Portfolio Holders: Councillors John Wilmott – Cabinet Member
(Outward) and Christian Chapman – Cabinet Member (Joint Focus)

**11. Section 100A Local Government Act 1972;
Exclusion of the Press and Public**

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 item of business on the grounds that it involves 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.”

12. Lease Terms - Southwell Lane Kirkby in Ashfield. 75 - 78

Key Decision included in the Forward Plan of Executive Decisions
Portfolio Holder: Councillor Jason Zadrozny – Leader of the Council

CABINET

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

on Thursday, 14th June, 2018 at 10.00 am

Present: Councillor Jason Zadrozny in the Chair;

Councillors Tom Hollis, Robert Sears-Piccavey,
Helen-Ann Smith and John Wilmott.

Apology for Absence: Councillors Christian Chapman.

Officers Present: Craig Bonar, Carol Cooper-Smith,
Richard Crossland, Ruth Dennis,
Joanne Froggatt, Sharon Lynch, Robert Mitchell,
Paul Parkinson and Julie Robinson.

CA.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest.

CA.2 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 15th March, 2018 be received and approved as a correct record.

CA.3 Corporate Scorecard - Year End 2017/18 Position

Members were asked to consider the year-end 2017/18 outturn for the corporate performance scorecard which is aligned with the Corporate Priorities.

As the report relates to the delivery of the Corporate Plan priorities there were no alternative options to consider.

RESOLVED

that Cabinet notes the levels of performance achieved against the Corporate Scorecard at year-end 2017/18, in order to facilitate delivery of the Corporate Plan and improved performance of the organisation.

Reasons:

In March 2016 Cabinet agreed the use of a balanced scorecard methodology to enhance the organisation's 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. The new administration has identified specific priorities for action and a fuller consideration of the Corporate Plan and Corporate Scorecard will be enacted post the District Elections in 2019.

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

CA.4 Corporate Risk - Year End 2017/18 Position

Members were asked to review the Corporate Risk Register and the analysis of movement in risk and mitigating actions in respect of those risks and also consider the updated Corporate Risk Strategy.

In considering the report Cabinet discussed the need to mitigate against any Planning Appeals exceeding the 10% threshold which could result in Government intervention.

Furthermore, the Leader informed the Cabinet that County Council Leaders for Nottinghamshire, Derbyshire and Leicestershire are pushing ahead for Local Government Reorganisation. A meeting has been convened for 9 July, 2018 at Bassetlaw District Council to enable Council Leaders and Chief Executives to discuss this significant issue.

(Councillor Jason Zadrozny left the room at 10.12 a.m. during consideration of this item and returned at 10.14 a.m. Councillor Tom Hollis took the Chair for this duration.)

As the report relates to the delivery of the Corporate Plan priorities there were no alternative options to consider.

RESOLVED that

a) Cabinet endorse the current significant items on the Risk Register and also agree that the following issues be included:-

- Mitigation against Planning Appeals exceeding the 10% threshold which could result in Government intervention;
- Recognition of potential risk in the event of Local Government Reorganisation;

b) the Corporate Risk Strategy, as appended to the report, be approved.

Reason:

To prioritise and manage the mitigation of Risk in order that the Council can achieve its objectives.

Updates to the Corporate Risk Strategy were considered appropriate in order to facilitate greater understanding of risk maturity and improved organisational performance against the Alarm national performance model for risk management in public services, as suggested by Internal Audit. This is also highlighted as an improvement action in the Annual Governance Statement.

CA.5 General Fund, HRA and Capital Out-turn 2017/18

Members were asked to consider the report which sets out details of income and expenditure incurred in 2017/18 in respect of the General Fund, Housing Revenue Account (HRA) and the Capital Programme, and how this compares to budget and provides an explanation of significant variances.

Members also considered the following alternative options:-

1. The financial outturn is as reported within the 2017/18 draft statement of accounts therefore there are no further options to consider .
2. Not approving the funding carry-forwards would prevent some projects from progressing or require them to be financed from the General Fund underspend balance which was not recommended.
3. Not approving the use of £172k of the General Fund underspend to meet 2018/19 additional service review costs would probably jeopardise the delivery of a balanced revenue outturn for 2018/19.

RESOLVED that

a) Cabinet note the following:-

- the 2017/18 revenue outturn for the General Fund, the HRA Outturn and the Capital Programme, as outlined in the report;
- the carry-forward of unutilised project funding in 2017/18 from earmarked reserves for Phase 2 of the Transport Review (£15k) from the Asset Renewal Reserve and completion of the Stock Condition Survey (£13k) from the HRA Eco Funding Reserve;
- the allocation of earmarked reserves for Sutton in Ashfield Town Centre improvements to street furniture (£34k) from the Section 106 Funding specifically earmarked for this purpose;
- the transfer of £50k of the General Fund underspend to the Asset Repair and Renewal Reserve to help meet costs arising from the Stock Condition Survey and other urgent works as identified;

b) approval be given to the carry-forward of £54k earmarked funding in the District Planning Enquiry to meet costs of the Local Plan which, due to delays in 2017/18, will now be incurred in 2018/19

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

- the allocation of up to a maximum of £443k of earmarked funding, initially from the Revenue Technology Investment Reserve, to fund the Finance System upgrade and the replacement Income System (year 1 costs);
- the use of £172k of the £342k 2017/18 General Fund underspend, to meet additional Service review costs in 2018/19;
- the carry-forward of £2.001m of the 2017/18 Capital Programme underspend into 2018/19, due to slippage to the Programme.

Reasons:

To report the Council's financial outturn for 2017/18 and to comply with the Council's Financial Regulations.

CA.6 Council's Treasury Management and Borrowing Activities

Members were asked to consider the position of the Council with regard to Treasury Management and Borrowing Activities.

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

RESOLVED

that Cabinet endorses the performance in 2017/18 against the prudential indicators, as outlined in the report.

Reason:

To meet the requirements of the Council's Financial Regulations (C.29).

CA.7 Council's Insurance Requirements

Members were asked to consider the report highlighting the latest position with regards to insurance funds and premiums paid.

As the Council has to have adequate insurance cover to mitigate against potential future risk there were no alternative options to consider.

RESOLVED

that the annual report on insurance, as detailed in the report, be noted.

Reason:

To meet the requirements of the Council's Financial Regulations (C.37).

CA.8 Public Spaces Protection Order - Consultation

Members were asked to consider authorising the necessary consultation and notification processes for the extension and variation of an existing Public Spaces Protection Order (PSPO) which is due to expire on 30 September, 2018 and for the variation of an existing car cruising PSPO which came into effect on 4 May, 2018 (subject to sufficient evidence being gathered).

Members also considered the following alternative options:-

1. To not approve the necessary consultation and notification to extend and vary the existing PSPO before it ceases on 30 September, 2018.
2. That the Council does not gather any evidence to vary the existing car cruising PSPO.

RESOLVED that

- a) delegated authority be granted to the Interim Director of Place and Communities to carry out the necessary consultation and notification of the proposed extension and variation of the existing PSPO prior to its expiration on 30 September, 2018;

- b) approval be given to an evidence gathering exercise being undertaken in respect of car cruising activities in areas of the District not covered by the existing PSPO. On the basis that sufficient evidence is gathered, the Interim Director of Place and Communities be authorised to carry out the necessary consultation and notification for the variation of the existing PSPO;
- c) any responses arising from the recommendations as outlined in (a) and (b) above, shall be considered by the Interim Director of Place and Communities and reported to Council as appropriate.

Reasons:

1. In line with Section 60, Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO may not have effect for a period of more than 3 years unless extended. The existing PSPO enacted 1 October, 2015 relating to a number of dog related issues, alcohol and urinating will therefore expire on 30 September, 2018 unless the PSPO is extended. Extending the PSPO ensures that the Council and Police can take suitable action including Fixed Penalty Notices for these types of issues. In addition, evidence has been gathered to support appropriate variation of the PSPO, as detailed within the main body of the report.
2. In line with Section 59, Anti-Social Behaviour, Crime and Policing Act 2014 there must be evidence to support the need for a PSPO including variation. The report submitted to Cabinet on 30 November 2017 identified and evidenced the issue of car cruising taking place at Junction 27 of the M1 and immediate vicinity. If evidence becomes available, particularly if there is displacement of car cruising to other areas of the district, the Interim Director of Place and Communities will be in a position to expedite the process and carry out the necessary consultation and notification before reporting back to Full Council (as appropriate).

CA.9 Digital and Service Transformation Programme

Members were asked to consider the intended Corporate Digital and Service Transformation Programme together with indicative costs, benefits and timelines.

Members also considered the alternative option not to proceed with the Corporate Digital and Service Transformation Programme. However, doing nothing is not considered to be a viable option as the organisation is already incurring significant additional costs to replace out of date systems.

RESOLVED that

- a) the proposed Digital and Service Transformation Programme, intended vision and benefits, as outlined in the report, be noted. Furthermore, approval be given for the progression of the programme subject to a more detailed business case being submitted to the Cabinet meeting scheduled for September, 2018 for consideration;

- b) the indicative Digital and Service Transformation Programme schedule, in accordance with priorities for improved customer service and organisational transformation, be approved;
- c) Cabinet notes that the provision of further external support will be determined by the Digital and Service Transformation Board, to facilitate development of the final detailed business case, Customer Access Strategy and future operating model.

Reasons:

Demand for public services and expectations of levels of service are ever increasing. Residents and businesses expect the same levels of access, ease of use and customer service that they see online from large private sector organisations. They expect to be able to access their services from multiple locations and in ways that suit them.

**CA.10 Section 100A Local Government Act 1972;
Exclusion of 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 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.

**CA.11 Housing Digital and Service Transformation Programme
(Exempt by virtue of Paragraph 3)**

Members were asked to consider the Council's approach to the delivery of frontline Housing Services in terms of mobile technology.

Members also considered a number of alternative options as detailed within the report.

RESOLVED that

- a) approval be given to the purchase and implementation of 4x Housing Management modules, associated licences and mobile devices with immediate effect, to be funded from the Housing IT Reserves;
- b) subject to a more detailed cost benefit analysis being undertaken, an outline approval be granted for the purchase and implementation of a mobile Housing Repairs Solution incorporating a repairs module, associated licences, handheld devices and Dynamic Resource Scheduler;
- c) an Exception to Contract Procedure Rules, in accordance with Rule 17.1 as set out in the report, be approved to enable the Authority to enter into a 5 year contract with the preferred provider in relation to mobile working plans.

Reason:

To enable the Housing Department to work in a more flexible and efficient way, whilst being able to deliver a more effective and enhanced service to customers.

(Councillor Robert Sears-Piccavey left the meeting at 11.25 a.m. and returned at 11.28 p.m. during consideration of the above item. Councillor Tom Hollis left the meeting at 11.30 a.m. following consideration of the above item.)

**CA.12 Corporate Finance System – Upgrade
(Exempt by virtue of Paragraph 3)**

Members were asked to give consideration to the mandatory upgrade to the Corporate Finance System.

Members also considered a number of alternative options as detailed within the report.

RESOLVED that

- a) in accordance with Financial Regulations the allocation of funding to progress the upgrade of the Corporate Finance System, on the terms as detailed in the report, be agreed and recommended to Council for approval;
- b) approval be given to additional annual licensing and maintenance costs, as detailed in the report, being included in the 2019/20 budget;
- c) an exception to Contract Procedure Rules, in accordance with Rule 17.1 as set out in the report, be approved to enable the Authority to enter into a 5 year contract with the preferred provider in respect of the Corporate Finance System.

Reasons:

To transform the Corporate Finance System utilising modern technology to realise cashable efficiencies and improvements to the service within 18 months of implementation.

**CA.13 Payment and Income Management System
(Exempt by virtue of Paragraph 3)**

Members were asked to give consideration to the procurement of a new Payment and Income Management System.

Members also considered a number of alternative options as detailed within the report.

RESOLVED that

- a) funding for upfront implementation costs, annual maintenance costs and support to award a contract to the successful Tenderer for the Payment and Income Management, on the terms as detailed in the report, be agreed and recommended to Council for approval;

- b) the procurement exercise, as outlined in the report, be agreed;
- c) delegated authority be granted to the Director of Resources and Business Transformation to extend the contract, on the terms as detailed in the report.

Reasons:

To enable the Council to provide a Payment and Income Management System that is fit for purpose as well as future proofing the Council as the Digital and Service Transformation Programme develops and new ways of working are implemented.

(Councillor Tom Hollis returned to the meeting at 11.33 a.m. during consideration of the above item).

**CA.14 Permission for Commercial Land Sales
(Exempt by virtue of Paragraph 3)**

Members were asked to consider a number of commercial land sales.

Members also considered a number of alternative options as detailed within the report.

RESOLVED that

- a) approval be given to the sale of the two sites, as outlined in the report;
- b) delegated authority be granted to the Director of Resources and Business Transformation to conclude negotiations in relation to the heads of terms of the sales including the sale price, in conjunction with the Director of Legal and Governance (and Monitoring Officer) and the Portfolio Holder.

Reasons:

To provide the Council with capital receipts and to enable two business ventures to expand.

The meeting closed at 11.38 a.m.

Chairman.

Report To:	CABINET	Date:	9 JULY 2018
Heading:	COMBATTING MODERN SLAVERY - POLICY AND STATEMENT		
Portfolio Holder:	COUNCILLOR JASON ZADROZNY - LEADER OF THE COUNCIL		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	YES		

Purpose of Report

To seek Cabinet's approval of a proposed Modern Slavery and Human Trafficking Policy and Transparency Statement, including the associated commitments to practical action.

Recommendation(s)

Cabinet to approve the Modern Slavery and Human Trafficking Policy Statement and Transparency Statement 2018/19 attached to this report.

Reasons for Recommendation(s)

To meet the Council's legal, moral and safeguarding obligations and to take a proactive role in tackling this type of crime.

It is a legislative requirement for all organisations with an annual turnover of £36 million, to have a Modern Slavery Transparency Statement.

Alternative Options Considered

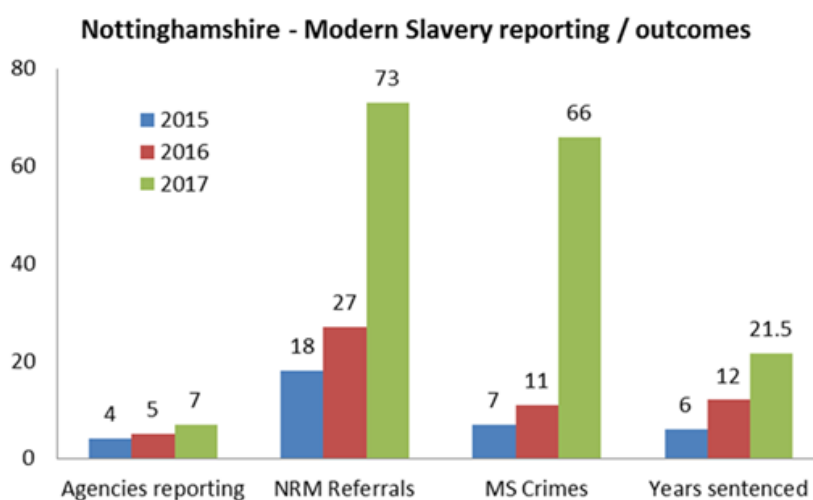
(with reasons why not adopted)

Members could choose not to approve the Modern Slavery and Human Trafficking Policy Statement and Transparency Statement or approve a different version. However, the documents have been prepared in order to set out the current and ongoing action the Council intends to take to demonstrate its commitment to tackling this issue in a clear and concise way. Whilst the Council could take a less proactive approach than set out in the documents, this would not demonstrate the Council's ambition and commitment to tackle and prevent Modern Slavery issues in the District, the County and in its own supply chains.

Failing to approve a statement / policy would also be in breach of a legal obligation.

Detailed Information

- 1.1 Modern slavery has increased significantly in recent years across the world and in the UK and is a growing safeguarding concern for all local authorities due to its serious and often brutal criminality, in which people are treated as commodities and exploited for criminal gain. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world. In 2013, the Home Office estimated that there were between 10,000 and 13,000 potential victims of modern slavery in the UK, though this number may be much higher. The true extent of modern slavery in the UK is unknown as it is often hidden, but human trafficking particularly is an international problem and victims may have entered the UK legally, on forged documentation, although they can also be British Citizens living in the UK.
- 1.2 The term 'Modern Slavery', includes a range of activities including human trafficking, slavery, servitude and forced and compulsory labour, and exploitation takes a number of forms, including sexual exploitation, forced manual labour and domestic servitude, with victims coming from all walks of life. Victims may be unwilling to come forward to law enforcement or public protection agencies, indeed, not seeing themselves as victims, or fearing further reprisals from their abusers. Victims may also not always be recognised as such, by others who come into contact with them.
- 1.3 In recent years, at a national and local level, the number of victims being identified and the number of crimes being recorded has increased significantly. As the graphs below indicate, though the numbers are relatively small, they are increasing rapidly, supporting the view of the police and other partners who are at the sharp end of this agenda – “if you look for it, you’ll find it”.



- 1.4 In March 2015, the Government enacted the Modern Slavery Act 2015 which:-
- consolidated and clarified existing modern slavery and human trafficking offences and increased the maximum sentences for committing these offences
 - introduced slavery and trafficking prevention orders and slavery and trafficking risk orders – which can be used to disrupt activities by modern slavery perpetrators
 - created the role of the Independent Anti-Slavery Commissioner
 - introduced support and protection for victims
 - introduced a requirement for certain businesses to produce and publish a modern slavery statement on what they are doing to tackle modern slavery and trafficking in their supply chains.
- 1.5 The Act includes a number of provisions for local authorities. Firstly, a duty to identify and refer modern slavery child victims and consenting adults through the National Referral Mechanism (NRM). Secondly, a duty to notify the Home Secretary of adults who do not consent to enter the NRM. Thirdly, a duty to cooperate with the Independent Anti-Slavery Commissioner.
- 1.6 As already referenced above, commercial organisations, turning over in excess of £36 million annually, are also required to report their efforts to identify, prevent and mitigate the risk of modern slavery in their commercial operations by publishing an annual Slavery and Human Trafficking Statement.
- 1.7 While there is uncertainty as to whether the legal requirement to produce ‘Transparency Statements’ applies to local authorities, in April 2017, Parliament’s Joint Committee on Human Rights recommended that “If the Government expects business to take human rights issues in their supply chains seriously, it must demonstrate at least the same level of commitment in its own procurement supply chains”. The same can be said of local authorities i.e. that they have a responsibility to ensure that the risks of modern slavery within their supply chains are understood and that they are demonstrating community leadership in promoting a human rights approach towards procurement.
- 1.8 Beyond ensuring that supply chains are free from modern slavery, local authorities have three key roles to play:-
- identification and referral of victims;
 - supporting victims, for example, through safeguarding children and adults with care and support needs and through housing/homelessness services;
 - community safety, disruption and enforcement activities.

1.9 Ashfield District Council is actively involved in tackling modern slavery in a number of ways. To ensure that the Council meets its responsibilities in relation to Modern Slavery and associated Practises and Policies, the future governance arrangement will be managed by the Councils Internal Corporate Vulnerability and Safeguarding Group. The Council's has a responsibility in relation to Vulnerability and Safeguarding for children and adults. The Terms of Reference for the group has been revised to include Modern Slavery.

- Ashfields Member of Parliament, Gloria De Piero, attends an All Party Select Committee on Modern Slavery and Forced Labour.
- Contractual clauses requiring suppliers and contractors to comply with requirements under the Modern Slavery Act 2015.
- The Council is an active partner in the County Modern Slavery Partnership.
- Key members of staff in Housing and Community Protection have been trained by the external organisation Hope for Justice.
- The Council works with 'Gang Masters' based upon specific intelligence and organised operations. In particular, the Private Sector Enforcement Team have worked on numerous cases with the GLA (Gangmasters Labour Authority), Police and forced labour teams identifying high risk properties such as houses in multiple occupation and continue to do so. All members of the Private Sector Enforcement team have attended modern slavery training.
- The Private Sector Enforcement (PSE) and Community Safety team report into the Council's Corporate Safeguarding Group on matters relating to forced labour and modern slavery. PSE are also starting a new piece of work to look at the traveller's communities and any connections to forced labour with the fire service and GLA.
- Referrals are actively made to the Modern Slavery Team at Nottinghamshire Police.

Modern Slavery Statement

1.10 The Council's Modern Slavery Governance Statement sets out its commitment to identify, address and prevent slavery and exploitation within its work; that of contractors that it commissions and services that it procures.

1.11 The Statement highlights the Council's responsibilities as an employer and acknowledges and accepts its duty as a Council under Section 52 of the Modern Slavery Act 2015, to notify the Secretary of State of suspected victims of slavery or human trafficking.

1.12 This prevention work will be addressed through the Council's policies and procedures relating to Procurement, Recruitment, the overarching Modern Slavery and Human Trafficking Policy, staff and Member safeguarding training, and through proactive work with partners.

- 1.13 The Council's Modern Slavery Statement is attached to this report as appendix 1.

Modern Slavery and Human Trafficking Policy

- 1.14 The aim of this Policy is to provide guidance on how the Council will safeguard potential victims of modern slavery and how it will work in partnership with other local statutory organisations, to help address and prevent slavery and exploitation
- 1.15 The policy applies to all services within the remit of Ashfield District Council and to all employees including permanent, temporary, casual workers, voluntary workers, Elected Members, work experience students, agency staff, consultants, outside hirers and other contracted persons within the duration of that contract, whatever their position, role, or responsibilities. It also applies to work carried out in all settings, including Council premises or external, privately hired and other venues.
- 1.16 A copy of the Council's Modern Slavery and Human Trafficking Policy is attached to this report, as Appendix 2.

Implications

Corporate Plan: This report supports the Customer Focused, Putting People First, the health and wellbeing and communities and environment priorities.

Legal:

The Modern Slavery Act 2015 introduced a number of provisions to tackle the issue and included a duty on any local authority to notify the Secretary of State if it has reasonable grounds to believe that a person may be a victim of human trafficking or modern slavery. Under Section 54 of the Modern Slavery Act 2015, certain organisations are required to prepare a slavery and human trafficking statement for each financial year of the organisation.

As part of Section 11 Children's Safeguarding Audits and inspection of safeguarding relating to the Care Act 2014, all local authorities are required to have a range of policies in place which relate directly to district level safeguarding. This includes Modern Slavery, as it affects children, young people and adults of all ages and abilities.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A

Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Failing to comply with a legal obligation	To approve a version of the Statement and Policy
Failing to take an active role in tackling this type of crime	The Council has a statutory duty to respond to the issue of modern slavery and potential victims may not receive the help and support that they need if the Council does not respond appropriately and work in partnership with other statutory agencies.

Human Resources:

Staff members will receive training on identifying potential victims of modern slavery and responding appropriately. Any employee who breaches this policy will face disciplinary action.

Equalities:

The recommended Policy and Statement complies with equalities duties.

Other Implications:

None

Background Papers

(if applicable)

Appendix 1 - Modern Slavery & Human Trafficking Statement 2018/19

Appendix 2 - Modern Slavery & Human Trafficking Policy 2018/19

Modern Slavery Act 2015 <http://www.legislation.gov.uk/ukpga/2015/30/contents>

Report Author and Contact Officer

Ruth Dennis
DIRECTOR OF LEGAL AND GOVERNANCE
r.dennis@ashfield.gov.uk
01623 457009



Modern Slavery & Human Trafficking Transparency Statement 2018/2019

This statement sets out the steps Ashfield District Council (“the Council”) has taken during 2017/18 and the steps the Council will be taking in 18/19 to ensure that slavery and human trafficking is not taking place in any of its supply chains and in any part of its own business.

The Council is committed to ensuring there is transparency in its own business and in its approach to tackling modern slavery throughout its supply chains. The Council expect the same standards from its contractors, suppliers and other partners and as part of its procurement processes. The Council will ensure that when pre-contract questionnaires are distributed to potential contractors, that they include questions in relation to the contractor/supplier’s Modern Slavery and Human Trafficking policies, processes and responsibilities, to ensure the Council only enters into contracts with those organisations who are fulfilling their statutory responsibilities.

In addition the Council has already included anti-slavery clauses in its standard contract terms and conditions and tender documents, to ensure that the Council is only entering into contracts with suppliers who are committed to complying with requirements under the anti-slavery and human trafficking laws, including but not limited to the Modern Slavery Act 2015.

Organisationally the Council takes its responsibilities for safeguarding extremely seriously. The organisation, through its HR practices and employment checks, will ensure that anyone offered work as an employee will be scrutinised to ensure that they are legally entitled to work in the U.K. The Council through its pay policies will adhere to appropriate legislation that determines and prescribes levels of minimum payment for work undertaken as an employee.

Through a series of staff briefings, staff [will be/have been] advised of the impact of modern slavery both locally and nationally. They [will be/have also been] advised of the potential signs that slavery or human trafficking may be occurring and where to report their concerns. Further in depth training will be given to staff, in particular those staff working in front facing services who may be more likely to encounter instances of modern slavery, such as Housing and Community Protection. The co-ordination of training and disseminating further information to staff in respect of Modern Slavery will be dealt with by the Council’s Corporate Safeguarding Group.

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Ashfield

DISTRICT COUNCIL

Modern Slavery & Human Trafficking Policy Statement

1. Policy statement

- 1.1. Modern slavery and human trafficking are a crime and a violation of fundamental human rights. It is widely recognised as increasing in prevalence across the UK and a safeguarding concern for all communities. Modern slavery can take various forms, such as slavery, domestic servitude, forced and compulsory labour and human trafficking, all of which have in common the deprivation of a person's liberty by another in order to exploit them for personal or commercial gain. Ashfield District Council has a zero-tolerance approach to modern slavery and are committed to acting to ensure modern slavery is not taking place anywhere in our own business or in any of our supply chains.
- 1.2. Ashfield District Council are also committed to ensuring there is transparency in our own business and in our approach to tackling modern slavery throughout our supply chains, consistent with our disclosure obligations under the Modern Slavery Act 2015.
 - 1.2.1. We expect the same high standards from all of our contractors, suppliers and other business partners, and as part of our contracting processes, we include specific prohibitions against the use of forced, compulsory or trafficked labour, or anyone held in slavery or servitude, whether adults or children, and we expect that our suppliers will hold their own suppliers to the same high standards.
- 1.3. This policy applies to all persons working for us or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners.

2. Responsibility for the policy

- 2.1. The Council's Members and Corporate Leadership Team have overall responsibility for ensuring this policy complies with our legal and ethical obligations.
- 2.2. The Council's Service Managers have primary and day-to-day responsibility for implementing, monitoring its use and effectiveness, dealing with any queries regarding it and auditing internal control systems and procedures to ensure they are effective in countering modern slavery.
- 2.3. All levels of management are responsible for ensuring that those reporting to them understand and comply with this policy and are given appropriate training on the issue of modern slavery in supply chains.

3. Compliance with the policy

- 3.1. All employees must be aware of, read, understand and comply with this policy.

- 3.2. The prevention, detection and reporting of modern slavery in any part of the Council's business or supply chains is the responsibility of all those working for the Council or under its control. Employees are required to avoid any activity that might lead to, or suggest, a breach of this policy. If an employee is unsure about whether a particular act or treatment of workers or working conditions constitutes any of the various forms of modern slavery, the concerns should be raised with their manager.
- 3.3. Employees must notify their manager as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 3.4. Employees are encouraged to raise concerns about any issue or suspicion of modern slavery in any parts of our business or supply chains of any supplier tier at the earliest possible stage.
- 3.5. Employees should note that where appropriate, the Council will give support and guidance to our suppliers to help them address abusive and exploitative work practices in their own business and supply chains.
- 3.6. The Council aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken and no one should suffer any detrimental treatment as a result of reporting in good faith their suspicion that modern slavery is or may be taking place. This includes dismissal, disciplinary action, threats or other unfavourable treatment.

4. Communication and awareness of this policy

- 4.1. Training on this policy, and on the risk the business and the community face from modern slavery in its supply chains, is available and will form part of the induction process for all individuals who work for the Council, and regular refresher training and awareness will be provided as necessary.
- 4.2. The Council's zero-tolerance approach to modern slavery will be communicated to all suppliers, contractors and business partners at the outset of the business.

5. Breaches of this policy

- 5.1. Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 5.2. The Council may terminate its relationship with other individuals and organisations working on our behalf if they breach this policy.

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Report To:	CABINET	Date:	9 JULY 2018
Heading:	PLACE ENHANCEMENT		
Portfolio Holder:	COUNCILLOR JASON ZADROZNY - LEADER OF THE COUNCIL AND COUNCILLOR TOM HOLLIS – DEPUTY LEADER OF THE COUNCIL (INWARD FOCUS)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

The new Administration has identified and prioritised the economy and community pride and aspiration as key areas for improvement. To update Cabinet on the delivery of the key projects, programmes and initiatives within the Place Leadership agenda, as set out in the Corporate Plan (2016-2019) and approve the allocation of Section 106 monies for Sutton Town Centre improvements.

Recommendation(s)

- 1) Cabinet is recommended to endorse the contents of this report and the further development of the Ashfield Place Leadership programme.**
- 2) Cabinet notes the allocation of £34,000 to Sutton Town Centre agreed at Cabinet on 14th June 2018 for improvements to street furniture**
- 3) Cabinet notes a grant offer from WREN of £50,000 for the Lime Tree Recreation Ground scheme.**

Reasons for Recommendation(s)

The Council's Corporate Plan has made a commitment to the Place and Economic theme to:

- Enhance the identity and brand for Ashfield; so it is cherished by those who live or work here, desirable to those who visit, and attractive to those who bring jobs and investment;
- Raise the profile of Ashfield as a place where people want to visit and spend their time enjoying themselves.

In order to build on the work to date, this report is to update Cabinet on the delivery of the key projects and initiatives within the Place enhancement programme. The funding allocated will support:

Allocation of Section 106 monies will allow for upgrading/ replacement of street furniture within Sutton town centre which will improve the appearance of the town.

Successful grant allocation from WREN will allow for the Lime Tree Recreation Ground scheme to be progressed. A new play area will be installed which will complement works carried out last year to provide footpath links, a kick about area and improved maintenance.

Alternative Options Considered

Do nothing: Not recommended for a number of reasons. The insight work carried out to date in conjunction with stakeholders has allowed the Council to increase understanding of the District by creating the 'Ashfield Story' and future requirements.

The 'Ashfield Story' will be central to the successful delivery of the Place Leadership Programme objectives set out within the Corporate Plan (2016-2019).

Street furniture within Sutton town centre is in poor condition and in need of refurbishment/ upgrading. This work also provides us with an opportunity to agree and then specify a consistent Ashfield "palette" or a "look" for town centre street furniture to further enhance the sense of Place.

Detailed Information

Programme delivery

The Council expressed an aspiration towards "Place Enhancement" in the Corporate Plan (2016-2019), making Ashfield a location and destination of choice for business and visitors and a desirable place to live for all residents.

One of the key projects in the Place Enhancement programme is to capture and develop Ashfield's unique character to those that live, work and visit by developing a Place Plan.

In October 2016 Cabinet approved the appointment of expert advisors, an independent marketing company "Thinking Place", to advise the Council on how to deliver the Place objective.

A wide range of stakeholders and partners have been involved, helping to better understand the 'Ashfield Story'; identifying what makes the area distinctive, so that we can create a compelling offer, encouraging inward investment and building community pride.

The initial stage in the development of the Place agenda identified the District's strengths and assets. This was done through consultation with key stakeholders, including community and business leaders, to formulate a plan of action.

The stakeholder/partners' desire was to see efforts unified to maximise the impact in helping Ashfield prosper. It has been a very interesting and insightful journey and in particular, we have been struck by the level of passion and ambition for Ashfield.

Ashfield Aspire Launch Event

The aim of the project's launch event on 30th June 2017 was to encourage a wider target audience involving existing, potential and future stakeholders and partners. It was attended by a range of public and private sector partners.

The event raised the desired awareness and included an update to existing stakeholders and delivery partners and attracted media coverage of the project.

Ashfield Shadow Place Board

Following the launch event the Ashfield Shadow Place Board was established and constituted, with the bringing together of key stakeholder/partners with a working name of 'Ashfield Aspire'.

A Terms of Reference (TOR) along with a clear purpose, objectives and powers have been developed. The Purpose of the Board is 'To work together to create an Ashfield that people are proud to live in, want to visit, and business want to invest'.

The Objectives of Ashfield Aspire Shadow Board are;

- To promote Ashfield in a positive manner.
- To create pride and aspirations in our communities.
- To improve the vibrancy of the town centres within Ashfield
- To encourage and promote inward investment.
- To support tourism and the visitor economy in the Ashfield area

In order to turn the story into reality and build on the early positive momentum, some of the actions identified through the process have been embedded into the Shadow Board's Place Plan. The Board has a number of sub groups that implement and monitor the plan, including: Action plan development, Marketing and Visitor Economy groups.

The Shadow Board has completed the following actions to date:

- Established a constituted Shadow Place Board
- Developed the Place Action Plan
- Developed working relationships with stakeholder groups and businesses within the three main town centres
- Developed and defined the brand.

Work is ongoing and there are many positive developments underway in Ashfield to help grow the economy. We have a strong set of assets and these proposed next steps will enhance the positive impact on potential investors, visitors and local communities.

Next steps

The Shadow Board is implementing the following key actions from the Place Action plan:

- Define the Ashfield Brand - establish brand and marketing plan; a specialist company Three Rooms (based in Nottingham) has been appointed to support this work.
- A review within the council has taken place to support the Board and the implementation of the action plan with the formation of the Place and Wellbeing team.

The Place part of the team will deliver town centre projects, markets and events and establish and support multi partner Town Teams

- To refresh the town centre masterplans and establish a new vision for each of the three main town centres.
- To establish the Sutton Town Team as a priority.
- To work with the Shadow Board and with local businesses to explore the feasibility of a Business Improvement District (BID) in the future.
- To utilise the learning from the Place Leadership work to realign and reinvigorate inward investment promotion, working closely with local businesses and regional partners.

Sutton town centre

Sutton town centre has been identified as a priority due to the higher and longer term vacancy rates for retail premises, issues with increased crime and anti-social behaviour and the need for increased support. Sutton will be the first town to establish a Town Team and work is currently underway to build support for the team with local businesses and organisations.

The team has identified a number of early interventions which will support the regeneration of the town centre. Street furniture is in poor condition which gives a dilapidated feel and in need of upgrading to enhance the visual appearance of the town. There is £34,000 of Section 106 available which is specifically designated for 'Public Realm Works in Sutton Town Centre'. The funding would be used to replace/ refurbish existing litter bins and seats, paint street furniture and carry out other minor works to improve the appearance of the town centre. The Council is working with Nottinghamshire County Council to identify improvements and responsibilities. We intend to use this work to establish a "palette" for town centres to create a consistent and professional feel.

WREN Funding (£50k) for Lime Tree Recreation Ground, Hucknall

Members are asked to note that the Council has secured £50k of WREN grant funding for the Lime Tree Recreation Ground scheme which increases the funding from £54k to £104k. This project is due to be completed by October 2018 and the increased budget will be reflected in the next Capital Programme update to Cabinet in September. The grant funding will enable the scheme to be progressed, providing much needed play facilities for residents of Broomhill estate and the new Abbey Fields development off Nottingham Road.

Implications

Corporate Plan:

The Council's revised Corporate Plan has made a commitment to the Place and Economic theme to:

- Enhance the identity and brand for Ashfield; so it is cherished by those who live and work here, desirable to those who visit, and attractive to those who bring jobs and investment.
- Raise the profile of Ashfield as a place where people want to visit and spend their time enjoying themselves.

Legal:

S.106 of the Town and Country Planning Act 1990 stipulates that “any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority ... on a specified date or dates or periodically.

Any S106 money should be used in accordance with the formal agreement terms.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	This proposal will utilise the £34,000 Section 106 funding from the revenue grant reserve earmarked for this purpose.
General Fund – Capital Programme	The Capital Programme for 2018/19 will increase by £50k, wholly funded by grant funding secured from WREN.
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Lime Tree Recreation Ground Potential overspend	Project management, procurement process and contingency sums.

Human Resources:

No HR issues have been identified through this report.

Equalities:

No equality issues have been identified through this report.

Other Implications:

Communications: A communications Plan will be developed once the branding work is completed.

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Cabinet: Place Leadership 13th October 2016

Report Author and Contact Officer

Theresa Hodgkinson
Assistant Director – Place and Wellbeing
T.hodgkinson@ashfield.gov.uk
01623 457588

Carol Cooper-Smith
Interim Director Place and Communities
c.cooper-smith@ashfield.gov.uk
01623 457374

Report To:	CABINET	Date:	9 JULY 2018
Heading:	LEISURE TRANSFORMATION PROGRAMME – SELSTON HIGH SCHOOL		
Portfolio Holder:	COUNCILLOR TOM HOLLIS – DEPUTY LEADER OF THE COUNCIL (INWARD FOCUS)		
Ward/s:	RURAL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To update Cabinet on the Leisure Transformation Programme and in particular the proposal from Selston High School. The proposal which requires mutual agreement would see operation of the community leisure services transfer to the school. Therefore, the report seeks delegated authority to consider withdrawing from the operational management contract for Selston Leisure Centre and transfer all management responsibilities through mutual agreement to Selston High School who will continue to run the leisure services for the community.

Recommendation(s)

- 1) **To mutually agree the transfer of the operational management of Selston Leisure Centre and associated notices to the Two Counties Trust to continue with Leisure provision at the school for the community:**
 - a) **Cabinet is requested to grant delegated authority to the Interim Service Director, Place and Communities, in consultation with the Leader of the Council to negotiate a mutually agreeable notice period and finalise the relevant notices; and**
 - b) **To serve notice on the current provider Sports and Leisure Management, (SLM Ltd).**

Reasons for Recommendation(s)

To implement the recommendations within the Leisure Transformation Programme: the importance of working in partnership with community/sporting facilities to ensure that they are affordable, accessible and fit for purpose in creating sustainable communities.

The Two Counties Trust own the leisure centre buildings and manage and operate the site for curriculum needs. They have experience in operating leisure centres within the community and are promoting this course of action.

Alternative Options Considered

Not recommended: to maintain the current arrangements for operation of the site as contracted to Sports and Leisure Management Ltd. including the associated management fees.

The Leisure Facilities Review has allowed the Council to understand the appropriateness of its current leisure stock and future requirements. The provision of an effective facility infrastructure will be central to the successful delivery of the health and wellbeing objectives within the Corporate Plan.

Maintaining the current operation does not allow the Authority to achieve the aims of the Corporate Plan through supporting the development of shared assets and asset rationalisation as recommended in the Leisure Facilities Strategy.

Detailed Information

Background

Selston Leisure Centre is housed within the buildings on the school campus of Selston High School (SHS) and has operated since 1975 under a joint use agreement between Ashfield District Council (ADC) and the then building owners, Nottinghamshire County Council (NCC). In 2016 the school converted to an academy and joined The Two Counties Trust (TTCT), transferring all legal rights of the joint use agreement from NCC to the multi academy trust.

In 2002 Ashfield District Council entered into an Agreement for the provision of Outsourced Leisure Services with Sports and Leisure Management Ltd., (SLM Ltd) which will terminate at the end of March 2021. SLM's brand operator name is Everyone Active.

Selston Leisure Centre facility mix consists of an Outdoor 5-a-side synthetic surface pitch, a 4 court Sports Hall, male and female changing rooms, Multi-use Studio, 30 station gym, a weights room and associated office and staff accommodation.

The gym, weights room and studio are operated exclusively by the leisure centre for community use. All other facilities are used by SHS throughout the school day to service the curriculum and transfer to the leisure centre during evenings, weekends and school holidays, providing a wide range of activities for the local community.

Selston Leisure Centre activities include, indoor and outdoor football, badminton, martial arts, rollerskating, children's birthday parties and holiday activities. The main club use is from local groups including Selston Football Club, Selston Badminton Club, Selston Cricket Club, All Stars Cheerleaders, Selston Gymnastics Club, Netball Club and others

There are currently 437 members with gym subscription packages and casual pay as you go members' number 3,459. Analysis of postcodes indicates that the overall user base is predominantly from the Selston Parish and areas South West of the centre with 74% of customers living in the NG16 postcode to the west of the M1 motorway, 12% are from neighbouring Derbyshire towns and villages, 5% from Kirkby and 1.5% from Hucknall and Newstead areas.

The Two Counties Trust (TTCT)

TTCT was formed in April 2016 with the founder member schools being Ashfield School, Kirkby in Ashfield, Notts., Swanwick High School, Swanwick, Derbys., and Selston High School, Selston, Notts. Since then the Trust has gone on to add other schools to the portfolio and now manages several School Academies within neighbouring authorities, two of which operate leisure centres on campus as part of the school curriculum with Community access. TTCT schools operate an Equal Opportunities policy and have an Equalities Objectives Operational Plan.

Leisure Transformation Programme (LTP)

In February 2016 ADC commissioned FMG Consulting to undertake a Leisure Facilities Strategy for the District leisure provision including the development of policy options:-

- based on the needs and evidence, the current levels of provision and access across the district need to be protected and enhanced;
- the need for any redeveloped provision across the district should be developed in partnership;
- the importance of community/sporting facilities that are affordable, accessible and fit for purpose has been highlighted as an important element in creating sustainable communities.

Subsequent works led to the formulation of a Leisure Transformation Programme (LTP) embedded within the Authority's Corporate Plan. The LTP identifies the need to work in partnership and the proposal to transfer the operation of the leisure centre to TTCT would assist in this process.

Next steps

TTCT has experience of delivering leisure cost effectively at other sites which would negate Community programming risks e.g. fitness prices at a TTCT leisure centre are considerably lower than currently offered at Selston Leisure Centre.

- Discussions with TTCT are favourable. They own this site, use it for school curriculum and have overall responsibility for maintenance.
- TTCT has experience of delivering leisure on other sites, and have intimated would be ready to take over operations at the end of 2018, subject to TUPE considerations.
- Legal and HR advice on TUPE implications will be provided as part of the process.
- SLM Ltd. requires 9 months' notice of termination and SHS require 2 years' notice (contracts are open to negotiation with mutual agreement).

Implications

Corporate Plan:

Aligned to Corporate Plan as follows:-

Secure a district-wide network of quality, affordable, accessible and sustainable Leisure Centres and services for the benefit of all residents of Ashfield.

Ensure best use of our assets, exploring and supporting the development of shared assets across partner agencies and implementation of asset rationalisation.

Increased perception that the Council provides value for money services

Legal:

TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the organisation or service they work for transfers to a new employer. TUPE has impacts for the employer who is making the transfer (also known as the **outgoing employer** or the transferor) and the employer who is taking on the transfer (also known as the **incoming employer**, the 'new employer' or the transferee).

Legal advice should be sought at the relevant stages to ensure the regulations are complied with.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The current 2018/19 annual management fee is £75,593. NCC Joint use contribution £16,872 - 50% (£8,436) ring fenced for maintenance. Transfer of the facility would result in a net annual management fee saving of £58,721.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Equality and diversity issues are not taken into consideration.	Equality Impact Assessment undertaken - Negotiations have a focus on equalities in relation to service delivery and employment practices.

Human Resources:

TUPE implications are being considered by HR and legal.

Equalities:

An Equalities Impact Assessment has been undertaken and added to the risk mitigation above.

Other implications

The Council will work with the High School on appropriate communications as the project develops for customers and residents.

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

Cabinet – 24th January 2009, Leisure Centres Review.

Cabinet - 10th April 2014, Leisure Management Contract.

Corporate Plan

Cabinet - March 24th 2016, Targeted Activities Programme.

Cabinet - 14th July 2016, Leisure Review Transformation Programme.

Cabinet – 13th October 2016, Leisure Review Transformation Programme.

Report Author and Contact Officer

Theresa Hodgkinson,

Assistant Director – Place and Wellbeing

t.hodgkinson@ashfield.gov.uk

01623 457588

Carol Cooper Smith

INTERIM DIRECTOR OF PLACE AND COMMUNITIES

c.cooper-smith@ashfield.gov.uk

01623 457009

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Report To:	CABINET	Date:	9 JULY 2018
Heading:	HOUSING IN MULTIPLE OCCUPATION (HMO) LICENSING CHANGES		
Portfolio Holder:	COUNCILLOR CHRISTIAN CHAPMAN – CABINET MEMBER (JOINT FOCUS)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

1. Purpose of Report

To advise of the changes to the mandatory licensing of Houses in Multiple Occupation (HMO's) under the provisions of the Housing Act 2004 and to obtain approval for the setting of a new licence fee and resources to deliver the Council's statutory obligations.

Recommendation(s)

- **That Cabinet notes the changes to the HMO regulations under Part 2 of the Housing Act 2004**
- **That Cabinet approve the proposed new fee structure for the mandatory licensing of HMO's, as set out in section 4 of the report.**
- **That Cabinet approve the recruitment of additional staffing resources to implement and administer the new HMO regulations. The costs associated with this will be met through the proposed revised licence fee.**

2. Reasons for Recommendation(s)

Part 2 of the Housing Act 2004 includes a statutory requirement to licence larger HMOs. The regulations have been recently revised, resulting in a greater number of properties needing to be licenced.

The government extended the scope of mandatory HMO licensing in April 2018 and it will come into force in October 2018. It will apply where HMOs are occupied by five persons or more and in two or more households. However, this will be extended to cover all buildings not just those of 3 or more storeys.

Any building or a converted flat where such householders lack or share basic amenities such as a toilet, personal washing facilities or cooking facilities will be included. The extended scheme will also apply to purpose built flats where there are up to two flats in the block and one or both are occupied as an HMO. The proposed fee increases include the proposed future changes in legislation. It is anticipated that this could increase the number of HMOs in Ashfield requiring a licence to approximately 200 additional properties.

The current fee structure for the licensing HMOs was approved by Cabinet on the 26th April 2006. The small number of HMOs meant that the work associated with licensing each property was absorbed into the Private Sector Enforcement Team without the need for additional resources. The new regulations and the increase in the number of properties needing to be licenced means that additional resources will be needed to administer and manage the licensing process and enable the Council to meet its statutory obligations, hence the need for a revised fee structure.

3. Alternative Options Considered

(with reasons why not adopted)

The Council is legally obliged to implement the new HMO regulations and so no alternative to this was considered.

In respect of the fee structure, the option of leaving the licence fee unchanged (£350 for a 5 year licence) was not considered as the income would not cover the costs associated with administering the licensing process and would result in additional costs to the Council's General Fund.

4. Detailed Information

HMOs in the private rented sector provide valuable, low cost housing to many people who may otherwise be homeless. However, the sector is perceived to be associated with anti-social behaviour, poor living conditions and it houses some of the most vulnerable members of our society. Mandatory licensing tackles those properties deemed to present the highest risks.

Mandatory Licensing of HMOs has been a legal requirement since the Housing Act 2004 came into force in 2006. Under the original regulations a HMO would need to be licensed if;

- the property contains 3 storeys or more, and
- houses 5 or more persons who form more than 1 household, and
- has shared facilities (bathrooms/kitchens)

There are currently 26 Licensable HMOs within Ashfield.

The new regulations, that are enforceable from October 2018, extend the definition of a licensable HMO to include all properties occupied by 5 persons or more within 2 or more households. The principle change is that the regulations now relate to all buildings not just those of 3 or more storeys.

The extended regulations also apply to purpose built flats where there are up to two flats in the block and one or both are occupied as an HMO.

It is difficult to say with accuracy the number of properties within the Ashfield District that will require a licence under the new regulations, we anticipate that there will be at least an additional 200 units.

The work associated with licensing each property is considerable. Typically each HMO is visited at least 5 times by officers from the Private Sector Enforcement Team as it makes its way through the licensing process. The regulations and the standards expected in respect of HMO's is high and above those expected in other private rented properties including those in selective licencing areas. Fire detection is a good example of where standards are raised. In addition to visits officers will request, collect and check a host of supporting documents for each unit within the property, this includes a Gas Safety Certificate and Electrical Inspection Report.

HMO's often have multiple owners and third party investors, each of whom has to be contacted and consulted with. Each will also need to undergo a fit and proper check.

We estimate that each HMO takes between 20 – 50 officer hours to licence depending upon the size and complexity of the case. Licensing a small number of units, as has been the case up until now, has been manageable without the need for additional resources, this will not be the case under the new regulations.

Once granted a licence lasts for 5 years. During this period an additional fee is charged to replace or vary the licence. The current HMO Licensing Fee structure is as follows;

Basic licence fee	£350
For each additional person (maximum permitted occupancy)	NIL
Basic License Renewal (up to 6 persons)	£ 350
Renewal charge for each additional person	NIL
Variation to a licence	£350
Replacement licence	£350
Issue of first Temporary Exemption Notice	NIL
Issue of second Temporary Exemption Notice	NIL

Section 63(3) of Part 2 of the Housing Act 2004 confirms the Council can charge a fee to licence a HMO. The fee is at the discretion of the Council but should be reasonable and proportionate and should reflect the costs the Council incur in carrying out their functions (sec 63:7). These costs typically include;

- Set up costs.
- Actual processing of applications.
- Overheads.
- Monitoring licence holders.
- Enforcing against unlicensed landlords. This is regarded as being of benefit for licence holders to avoid unlicensed operators undercutting those with licences.

In an attempt to help Council's the Local Government Association (LGA) in collaboration with the Improvement and Development Agency (IDeA), Chartered Institute of Public Finance and Accountancy (CIPFA) and the office of the Deputy Prime Minister (ODPM) developed a licensing fees toolkit. This states that:

“It is important for authorities to remember that if they set licensing application fees at a level that do not cover the costs of delivering the licensing scheme the shortfall in funding the scheme will need to come from another source, such as other general fund service budgets or from council tax.

This is a decision that local authority members need to take, so the financial implications of what is or is not included in the proposed fees needs to be explained to them.”

Assuming an additional 200 properties will need to be licenced under the new regulations, if the existing HMO licence fee of £350 was retained this would generate additional income of £70,000 in year 1 & 2 and a smaller amount of income in years 3-5 as new HMOs are developed and existing licences are varied and replaced. The final figure for expected HMO's will be clarified after some detailed searches of the councils database information as we have learnt from selective licensing this type of search is far more accurate.

A basic licence fee of £650 is being recommended for HMOs. This will ensure that the Council can cover the costs associated with delivering the statutory service. On top of a basic fee, there is a recommendation to levy an extra charge for each additional resident when the number of occupants exceeds 6. This reflects the additional time and cost associated with licensing larger HMOs.

The proposed fee structure is as follows;

Initial Basic licence fee (covering premises of up to 6 persons maximum permitted occupancy)	£700
For each additional person (maximum permitted occupancy)	£50
Basic License Renewal (up to 6 persons)	£450
Renewal charge for each additional person	£50
Variation to a licence (simple)	£100
Replacement licence	£100
Issue of first Temporary Exemption Notice	£250
Issue of second Temporary Exemption Notice	£100

By comparison, Nottingham City currently charge a basic licence fee of £910, rising to £1310 whereas Derby City Council charge £757. Through discussions with our Nottinghamshire District colleagues we are aware that our proposed charge is in keeping with their anticipated charges.

It should be noted that Selective Licenses which are set at the same previous fee level as HMO's (£350) are unaffected by this proposed fee increase.

5. Implications

Corporate Plan

The report and the recommendations support the Council's values of being

- Enterprising, ambitious and innovative
- Community and customer focused
- Positive, proactive and successful

It also fits with the Council's priorities relating to health and well-being and ensuring we have affordable, warm and safe housing.

Legal

The Council has a statutory duty to mandatory licence certain types of HMOs as set out in the body of the report above. Any landlord failing to apply for a mandatory licence could be prosecuted. The licence fee is not fixed by legislation but must be reasonable and proportionate to the service costs incurred.

Finance

The current fee structure was approved by Cabinet in 2006. The new fee structure covers the cost of preparing and issuing a licence. This includes fit and proper searches for all relevant parties, property inspections (including pre works, part works and completion/sign off), processing of the licences and issuing of draft and full licences with all the relevant representations and periods of responses in association to all these activities.

The proposed fee increase is intended to remove financial subsidy from the licensing of HMOs such that landlords bear the full costs of the scheme. It is advised that fee levels are reviewed regularly to ensure that costs are being met and to include the new legislative changes and extension of HMOs to include all properties with 5 or more tenants which came in April 2018 and will be Enforceable in October 2018.

Budget Area	Implication
General Fund – Revenue Budget	It is expected that the net impact on the General Fund will be zero. The cost of staff engaged to undertake this work will be fully met by the income generated from this increase in licence fee. This will be clarified in detail in the subsequent Staffing Report.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk

Risk	Mitigation
The existing fee of £350 means that the Council is not covering the true costs involved in issuing and administering HMO licences. The new fee of £650 accounts for officer time and on-costs .	To increase the current HMO licence fee
The Council has an opportunity to recover costs for delivering the mandatory scheme and therefore should use the available means to recoup costs.	Any additional Income generation will be ring-fenced to fund costs associated with current or future levels of private sector enforcement activity.

<p>Potential reputational risk to the Council of a £300 increase in fee. (86% increase)</p>	<p>Mitigated by the national changes in HMO regulations and licensing which accepts that Local Councils will need to consider their current fee structures set locally to cover the costs incurred by this statutory change. The current fee structure for Ashfield is significantly lower than many authorities who in view of the revised legislation are also revisiting their fees. Some authorities already charge in the region of £800 currently (pre legislative change).</p>
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Human Resources

The intention is to provide a later report in relation to staffing recruitments once the full HMO scoping has been completed and we have a clearer picture of the number of HMO’s needed and therefore an assessment of the staffing required and the recruitment concerns and challenges with full HR and Finance input recruit temporary officers on a fixed term basis to assist with the implementation and assessment of the new HMO regulations.

Equalities

There would be inequity in the amount paid by current or imminent customers compared with those required to pay the new fee (if approved) from the date of approval. The existing HMO equality impact assessment will need updating to ensure it captures all tenure groups that may be affected by the statutory changes.

Other Implications

The recommendations in this report affect all the wards in this borough.

Reason(s) for Urgency

The legal changes to HMO licensing come into force in October 2018

Reason(s) for Exemption

None

Background Papers

None (covered in body of the report)

Report Author and Contact Officer

Paul Parkinson
DIRECTOR OF HOUSING AND ASSETS
p.parkinson@ashfield.gov.uk
01623 457009

Jacqui Harvey
Senior Environmental Health Officer/Team leader
j.harvey@ashfield.gov.uk
01623 457261

Report To:	CABINET	Date:	9 JULY 2018
Heading:	CIVIL PENALTIES		
Portfolio Holder:	COUNCILLOR CHRISTIAN CHAPMAN – CABINET MEMBER (JOINT FOCUS)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

The purpose of this report is to seek Cabinet's approval of an Ashfield Civil Penalties Policy. The Housing and Planning Act 2016, enacted on 6th April 2017, introduced Civil Penalties as an alternative to prosecution for certain offences under the Housing Act 2004.

The proposed policy reflects the new powers that have been given to local authorities (under the Housing and Planning Act 2016) to impose civil penalties on individuals and organisations as an alternative to prosecution. The introduction of civil penalties, together with the extension of rent repayment orders to include a wider range of offences, will help the Council to tackle criminal, rogue and irresponsible landlords, improve standards in the private rented sector and ensure that all private rented housing is safe, well managed and properly maintained.

Recommendation

It is recommended that Cabinet approves the Private Sector Housing Civil Penalties Policy (attached to this report as Appendix A) with effect as soon as all necessary approvals are in place.

Reasons for Recommendation(s)

A Private Sector Housing Civil Penalties Policy is required to enable the Council to make use of its new powers (under the Housing and Planning Act 2016) to impose civil penalties as an alternative to prosecution.

Approval of the Policy will enable the Council to use the income that it receives from civil penalties (and the rent repayment orders that are likely to be made following the successful imposition of a civil penalty) to fund the appointment of additional staff to tackle criminal, rogue and irresponsible landlords. For these reasons, it is recommended that the Policy is approved.

The policy will also provide an affective further tool for enforcement in areas where there is no selective and/or additional licensing (or where such licencing schemes come to their prescribed end date).

Alternative Options Considered

No other options considered as this is a request to formally make use of a new statutory addition in current/new legislation.

Detailed Information

There are 55,862 dwellings in Ashfield, 15% of which are privately rented. 8,372 dwellings in the private sector have category 1 Housing Health and Safety Rating System (HHSRS) hazards (*as stated in the BRE Stock Condition Survey Ashfield 2017*).

As well as having a growing population, Ashfield is attracting more people through the creation of new build properties and improvements to the wider area and the close links to the M1 motorway and the City. Together with the difficulty that many people are experiencing in buying a home of their own, this is leading to more people wanting to rent accommodation in the area.

Although Ashfield has some excellent landlords and letting agents, it may ultimately have a number of criminal, rogue and irresponsible landlords who knowingly rent out accommodation that is substandard and/or unsafe.

The Government has pledged to crack down on rogue landlords and has introduced a number of measures, under the Housing and Planning Act 2016, to help local authorities deal more robustly with criminal, rogue and irresponsible landlords:

- **Civil penalties of up to £30,000** as an alternative to prosecution for certain specified offences (these came into force on 6 April 2017);
- **Extension of rent repayment orders** to cover illegal eviction, breach of a banning order, failure to comply with an improvement notice and certain other specified offences (these came into force on 6 April 2017);
- **Database of rogue landlords and property agents** who have been convicted of certain offences or received multiple civil penalties (this came into force on 1 October 2017); and
- **Banning orders** for the most serious and prolific offenders (this came into force on 1 October 2017).

Under the Housing and Planning Act 2016, local housing authorities are permitted to retain the income that they receive from civil penalties and rent repayment orders, and to use that income to fund their statutory functions in relation to their enforcement activities in the private rented sector. This might include, for example, an increase in housing enforcement capacity, support for a social lettings agency or the provision of a specialist tenancy relations service. At present, landlords who are prosecuted will normally be subject to a fine by the County Court, the proceeds of which are paid to the Court and do not contribute back in to the Ashfield area.

Ashfield's approach to housing enforcement is based on the principle that it should be the offender (rather than good landlords or local council tax payers) who pays for proactive frontline enforcement and no-one who breaks the law should gain a financial advantage over someone who does not.

It is believed that civil penalties will act as a powerful deterrent for those landlords who might otherwise have considered that the financial benefits of non-compliance outweighed the risk of enforcement action against them.

This approach enjoys widespread support from local landlords who attend the Sherwood Area Landlord Forum who want the Council to create a level playing field for all landlords by dealing robustly with offenders.

Implications

Civil Penalties

The power given to local authorities to impose a civil penalty as an alternative to prosecution for certain specified housing offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.

Civil penalties are intended to be used against landlords who are in breach of one or more of the sections of the Housing Act 2004 listed below:

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

Although the maximum civil penalty that can be imposed for an offence is £30,000, it is for the Council to determine the level of civil penalty. The penalty should be reasonable and proportionate depending upon the offence.

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 was prosecuted in the magistrates' court, there would be a realistic prospect of conviction. To achieve a conviction in the magistrates' court, the Council must be able to demonstrate beyond reasonable doubt that the offence has been committed.

Ashfield's Private Sector Enforcement Team operate an intelligence-led, targeted approach to housing enforcement – together with its expectation that all members of the Team will study for the Advanced Professional Certificate in Investigative Practice – means that the Council is well placed to competently detect and investigate possible offences and, where appropriate, to impose a civil penalty as an alternative to prosecution.

Rent repayment orders

- A rent repayment order is an order made by the First-Tier Tribunal requiring a landlord to repay a specified amount of rent which can be up to 12 months' rent.
- The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed; specifically offences in relation to licensing of HMOs.
- Rent repayment orders have now been extended (under the Housing and Planning Act 2016) to cover a much wider range of offences, described below.
 - 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 (enacted in November 2017);
 - 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)

Rent repayment orders can be granted to either the tenant or the local housing authority. If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent should be repaid on an equivalent basis.

A rent repayment order can be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no longer any prospect of the landlord appealing against that penalty.

The Government has made it clear that local housing authorities must always consider a rent repayment order after a civil penalty has been successfully imposed.

Although it is clearly in the financial interests of local housing authorities to make an application for a rent repayment order to recover monies paid through Housing Benefit or the housing element of Universal Credit, the Government has said that it expects them to offer advice, guidance and support to help tenants to apply for a rent repayment order if the tenant has paid the rent themselves.

Civil Penalties Policy

The Private Sector Housing Civil Penalties Policy sets out the Council's approach to civil penalties and rent repayment orders. It also provides details of the proposed charging structure.

The Policy takes into account the statutory guidance that has been issued by the Government under Schedule 9 of the Housing and Planning Act 2016.

Generally, the maximum civil penalties will be reserved for the very worst offenders. The actual amount levied in any particular case will reflect the severity of the offence and take account of the landlord's previous record of offending.

In order to ensure that the civil penalty is set at an appropriate level, the Council will consider the following factors that the Government has identified, in its statutory guidance, as being pertinent:

- The severity of the offence
- The culpability and track record of the offender
- The harm caused to the tenant
- The punishment of the offender
- Whether it will deter the offender from repeating the offence
- Whether it will deter others from committing the offence
- Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence

The last factor is an overarching one and, after all the other factors have been considered and applied, the Council will need to ensure that the civil penalty that is set removes the financial benefit that has been gained from committing the offence.

In keeping with the key principle of ensuring that the costs of enforcement are borne by the offender (rather than by good, responsible landlords or the local council tax payers), the costs associated with investigating, determining and applying a civil penalty will be reflected in the level of civil penalty that is imposed. Other authorities using civil penalties which we have used as guidance for this policy are Greater Manchester, Northampton, Nottingham City and Derby

Corporate Plan

The report and the recommendations support the Council's values of being

- Enterprising, ambitious and innovative
- Community and customer focused
- Positive, proactive and successful

It also fits with the Council's priorities relating to health and well-being and ensuring we have affordable, warm and safe housing.

Legal

The Council has a statutory duty to consider prosecution of non-compliant landlords as set out in the body of the report above under the Housing Act 2004 provisions. Any landlord failing to comply could be dealt with either by prosecution or an alternative Civil Penalties route if adopted by cabinet for some but not all offences.

Section 126 of The Housing and Planning Act 2016 allows financial penalties to be imposed as an alternative to prosecution for certain offences as set out in Schedule 9 of the Act. Schedule 9 in turn amends the Housing Act 2004 including providing a new Section 249A which has the financial penalties as an alternative to prosecution. The details of the offences to which a civil penalty may be imposed are as set out in the implications section of this report and is further detailed in the policy (Appendix A).

The Housing and Planning Act 2016 also introduces a number of other steps that may be taken by the Council to improve the private rented sector and tackle landlords who do not comply with the law.

Finance

Budget Area	Implication
General Fund – Revenue Budget	Any additional Income generation will be ring-fenced to fund costs associated with current or future levels of private sector enforcement activity.
General Fund – Capital Programme	n/a
Housing Revenue Account – Revenue Budget	n/a
Housing Revenue Account – Capital Programme	n/a

Risk

Risk	Mitigation
The Housing and Planning Act 2016 specifies that all of the income that a local authority receives from the imposition of Civil Penalties and the recovery of Housing Benefit through Rent Repayment Orders can be retained by the local authority and spent on private sector housing enforcement, providing support for the private rented sector and funding the activities of a social lettings agency.	<p>To, on approval of the policy by cabinet, develop a robust business case to layout the use of civil penalties monies received by the authority as a result of their use in order that the authority can retain and use this income for the intended use.</p> <p>A comprehensive Business Case would be developed to demonstrate how the income that is received from civil penalties and rent repayment orders can be used to expand the size of the Private Sector Housing Team, increase proactive enforcement activity and speed up the improvement of standards in districts private rented sector. The Business Case would be considered by Cabinet at a future meeting.</p>

<p>However, any income that a local authority receives from Civil Penalties and Rent Repayment Orders but fails to spend in support of one of the activities listed above must be paid into a Central Government Universal Fund.</p>	<p>Finance require a review of the spend of any income as a result of a Civil Penalty issued to be focused on the activities of the PSE team and may well be used to fund posts in future in order that we negate returns to central government.</p>
<p>Another potential risk concerns the lack of certainty around the decisions that will be made by the First-Tier Tribunal when it considers an appeal against the imposition of a civil penalty or a request (from tenants or the local authority) for a rent repayment order. In both situations, an unfavourable outcome may affect the Council's income.</p>	<p>Although the First-Tier Tribunal has the power to quash, confirm, increase or reduce the civil penalty – and the civil penalties regime is currently relatively untried and untested – the Government has made it clear that offenders must not derive any financial benefit from their offences and it has briefed the Tribunals on what is expected of them.</p>
<p>Another key risk is that, if there is a substantial increase in the number of investigations, this is likely to result in a corresponding increase in the number of cases requiring legal advice and assistance and this may, in turn, put extra pressure on the existing staffing resources within the Council's Legal Services team.</p>	<p>The Civil Penalty Matrix has costs built in to pay for specialist legal advisers – to defend civil penalty appeals – and the Business Case that will be presented to Cabinet on approval of the policy, will ensure that the Council is able to 'buy in' specialist advice and support as and when it is required.</p>

Human Resources

No expected staff implication's as it is the currently established team other than the training of relevant officers in the Private Sector Enforcement team to achieve the Advanced Professional Certificate in Investigative Practice qualification as listed in the main body of the report.

Equalities

The proposal clearly has merit for the needs of vulnerable citizens likely to be beneficially impacted if improvements are made in living accommodation which would impact positively on health, educational outcomes and other important indicators about quality of life.

The Civil Penalties Policy will help improve housing conditions and the life chances of people with protected characteristics, including homeless people, people with disabilities and families with children. They will therefore have a positive impact on Equality and Diversity.

The new policy supports the Council's commitment to improving communities and our District as a place to live. In implementing the policies, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and contribute to the development of a fairer society.

An Equality Impact Assessment will be developed for this policy to ensure all aspects of impact are identified before any charges are levied.

Other Implications

The Civil Penalties Policy, and the Councils Enforcement Policy are in line with Council policy and reflect its corporate priorities.

The fees and charges for Private Sector Housing are reviewed regularly in order to ensure that they reflect the true cost of the work involved.

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

Ashfield District Council Policy on Civil Penalties as an alternative to prosecution under the Housing and Planning Act 2016 attached to report.

Report Author and Contact Officer

Paul Parkinson
DIRECTOR OF HOUSING AND ASSETS
p.parkinson@ashfield.gov.uk
01623 457009

Jacqui Harvey
Senior Environmental Health Officer/Team leader
j.harvey@ashfield.gov.uk
01623 457261



Ashfield District Council Policy On Civil Penalties As An Alternative To Prosecution Under The Housing and Planning Act 2016

Introduction

The Housing and Planning Act 2016 introduced Civil Penalties of up to £30,000 from 6th April 2017 as an alternative to prosecution for certain offences under the Housing Act 2004.

These are:

- **Section 30 (failure to comply with an Improvement Notice)**
- **Section 72 (offences in relation to licensing of HMOs)**
- **Section 95 (offences in relation to licensing of houses under Part 3 (Selective Licensing))**
- **Section 139(7) (failure to comply with an overcrowding notice)**
- **Section 234 (breach of Management Regulations in respect of an HMO)**

The power to impose a civil penalty as an alternative to prosecution for these offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.

In determining the Civil Penalty amount, the Local Housing Authority will have regard to the statutory guidance issued under schedule 9 of the Housing and Planning Act 2016 and also to the DCLG developed Civil Penalty Matrix.

Burden of Proof

The criminal burden of proof, i.e. beyond all reasonable doubt, must be satisfied before a Civil Penalty can be issued as an alternative to prosecution. The Local Housing Authority must satisfy itself that there would be a realistic prospect of conviction, applied objectively, given the evidence available.

In assessing the evidence, regard must be given to the Code for Crown Prosecutors and, when deciding whether there is sufficient evidence to prosecute, consideration must be given as to whether the evidence can be used and is reliable.

Due regard must be given to any potential defences available and, in certain circumstances, the Local Housing Authority may decide to conduct an interview under caution in accordance with PACE codes of practice to assist in determining whether the issue of a Civil Penalty is appropriate or not.

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Factors in deciding whether to Prosecute or issue a Civil Penalty

Each case will be decided upon its own merits taking into account all the evidence available.

Where the Local Housing Authority considers that a Housing Act offence has been committed, it must decide whether to prosecute or to issue a civil penalty as an alternative to prosecution. The following factors, whilst not exhaustive, are examples of where it would be appropriate to consider prosecution:-

- The seriousness of the offence; for example, breach of a Prohibition Order would be an offence only suitable for prosecution.
- The antecedents of an individual; for example, a landlord indicates that he / she has been prosecuted for Housing Act or similar offences.

The following factors, whilst not exhaustive, are examples of where it would be appropriate to consider the issuing of a Civil Penalty:-

- No evidence of previous non-compliance with appropriate legislation.
- No previous convictions recorded.
- Not in the public interest to prosecute.
- Offence was committed as a result of a genuine mistake or misunderstanding, (these factors must be balanced against the seriousness of the offence)
- Prosecution is likely to have a serious adverse effect upon an individual's well-being; e.g. a landlord's physical or mental health, but always bearing in mind the seriousness of the offence.

Factors in determining the level of Civil Penalty

In order to ensure that the civil penalty is set at an appropriate level the following factors will be considered

- The seriousness of the offence, determined by the harm caused and the culpability of the offender
- The history of compliance by the offender
- The punishment of the offender for the offence
- The deterrent value to prevent the offender from repeating the offence
- The deterrent value to prevent others from committing similar offences
- Removing any financial benefit obtained from committing the offence

Harm Caused

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

- The person: i.e. physical injury, damage to health, psychological distress
- To the community; i.e. economic loss, harm to public health

APPENDIX A

- Other types of harm; i.e. public concern/feeling over the impact of poor housing condition on the local neighbourhood

The nature of the harm will depend on the personal characteristics and circumstances of the victim, e.g. tenant.

Where no actual harm has resulted from the offence, the Local Housing Authority will consider the relative danger that persons have been exposed to as a result of the offender's conduct, the likelihood of harm occurring and the gravity of harm that could have resulted.

Factors that indicate a higher degree of harm include:

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

Examples of Harm Categories

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

Culpability

In determining culpability the Local Housing Authority **will** have regard to 4 levels of culpability.

Where the offender -

- Has the **intention** to cause harm, the highest culpability where an offence is planned.
- Is **reckless** as to whether harm is caused, i.e. the offender appreciates at least some harm would be caused but proceeds giving no thought to the consequences, even though the extent of the risk would be obvious to most people.
- Has **knowledge** of the specific risks entailed by his actions even though he does not intend to cause the harm that results.
- Is **negligent in their actions**.

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Examples of Culpability

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

Determining the Civil Penalty Amount

In assessing the seriousness there is a need to consider both culpability and harm. The table below sets out the interrelation between harm and culpability as a determinant of the Civil Penalty banding

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

Banding Levels

Band 1	£0 - 4999
Band 2	£5000 - 9999
Band 3	£10000 – 14999
Band 4	£15000 - 19999
Band 5	£20000 - 24999
Band 6	£25000 - 30000

APPENDIX A

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

Aggravating Factors

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

Mitigating Factors

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

When considering aggravating and mitigating factors the civil penalty imposed must remain proportionate to the offence.

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

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

Civil Penalties – Multiple Offences

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

However, where satisfied on the merits of the case and/or where the authority consider that issuing multiple penalties at the same time would result in an excessive cumulative penalty, nothing in this policy shall require the authority to do that. The authority may take action in respect of one or some of the offences and warn the offender that future action in respect of the remaining offences will be taken if they continue.

Process for imposing penalty charges

Where it has been determined that a financial penalty may be appropriate to impose as an alternative to prosecution, the Council will follow the following process.

- A “**Notice of Intent**” shall be served on the person suspected of committing the offence. The Notice shall specify:

APPENDIX A

- a. The amount of any proposed financial penalty
 - b. The reasons for proposing the financial penalty
 - c. Information about the right to make representation to the Council.
- The person to which the notice relates will be given **28 days** to make written representation to the Council about the proposal to impose a financial penalty. The representation may be via any legible written format, but to aid respondents, a form will be included with the Notice of Intent.
 - Following the 28 day period the Council will decide:
 - a. Whether to impose a financial penalty on the person, and
 - b. The value of any such penalty imposed.
 - If the Council decides to impose a financial penalty, “**a Final Notice**” shall be issued imposing that penalty. The final notice will specify:
 - a. the amount of the financial penalty,
 - b. the reasons for imposing the penalty,
 - c. information about how to pay the penalty,
 - d. the period for payment of the penalty,
 - e. information about rights of appeal to the First tier Tribunal
 - f. the consequences of failure to comply with the notice.

Consequences of non-compliance and miscellaneous provisions

If, after any appeal has been finally determined or withdrawn, a person receiving a financial penalty does not pay all or part of the penalty charge, the Council will recover the penalty by order from a **County Court**. Where appropriate, the Council will also seek to recover the costs incurred in taking this action from the person to which the financial penalty relates.

Financial Penalties are an alternative to criminal proceedings and as such if a penalty is imposed, no criminal proceedings will be initiated for the same offence.

The Council may, at any time:

- a. Withdraw a notice of intent or final notice
- b. reduce the amount specified in a notice of intent or final notice

Where the Council decides to take either action, it will write to the person to whom the notice was given.

APPENDIX A

Database of Rogue Landlords and Letting Agents

Upon commencement of the statutory provisions relating to the national Rogue Landlord and Letting Agents Database, where a person has received **two financial penalties under this legislation in any 12 month period** for offences occurring within their Local Housing Authority area. The Council will make an entry on the national database. When considering making an entry, the Council will have regard to any guidance issued by the Secretary of State.

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Report To:	CABINET	Date:	9 JULY 2018
Heading:	HOUSING STRATEGY ACTION PLAN UPDATE		
Portfolio Holder:	COUNCILLOR JOHN WILMOTT – CABINET MEMBER (OUTWARD)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To provide an update on the progress made against the Housing Strategy 2016-20 Action Plan for 2016-18 and to seek approval of the Action Plan for 2018-20

Recommendation(s)

- **Note the progress made against the Housing Strategy 2016-20 Action Plan for 2016-18**
- **Approve the Action Plan for 2018-20**

Reasons for Recommendation(s)

The Housing Strategy 2016-20 covers a 4 year period and is delivered through two action plans covering the period 2016-18 and 2018-20. As such, the first action plan has now come to an end and a second action plan is required for the remaining life of the strategy.

The Action Plan 2018-20 continues to build on the achievements of the first action plan and continues to focus on the 6 priority areas identified in the strategy.

Alternative Options Considered

(with reasons why not adopted)

Not to approve the Action Plan for 2018-20 – not considered as an action plan is required to deliver the housing vision set out in the Housing Strategy 2016-20.

Detailed Information

The Council's housing vision is:

“to ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents”

The 6 priority areas identified in the Housing Strategy 2016-20 are:

1. Ensuring supply of suitable and available accommodation
2. Energy and sustainability
3. Regeneration
4. Tackling disrepair
5. Reducing and preventing homelessness due to violence
6. Environment and planning

These priorities were discussed and agreed with Member and key stakeholders in November 2015 and an 8 week consultation took place in 2016.

The strategy was supported by the Action Plan 2016-18 which included 49 actions across the 6 priority areas. Almost all of these actions have been completed, with 3 still in progress and 4 that have not yet started but will be rolled forward into the Action Plan 2018-20. The achievements of the first action plan include:

- 70 underoccupying households (target: 40 households) helped to move under the Relocation Plus service
- 170 empty properties (target: 100) brought back into use in 2016/17
- 39 new build apartments provided for over 60s at Darlison Court (shortlisted for 3 awards)
- 31 council owned sites evaluated for housing development potential
- 150 new affordable homes (target: 50) delivered in 2016/17
- 8 social rented homes at Warwick Close brought back into use
- 200 households supported to remain independent in their own home and tackle fuel poverty through DFG and Affordable Warmth grants
- £136 saved on average by Ashfield residents that switched in the October Fuel Switch Campaign in Nottinghamshire
- Solar PV panels installed in 7 sheltered courts to generate electricity for communal areas
- 118 non-traditional wimpy concrete homes on Carsic estate externally rendered
- 6 properties provided to Women's Aid Integrated Services to use as refuges for survivors fleeing domestic violence
- 3 Freedom Programmes delivered for survivors of domestic abuse

The Housing Strategy Action Plan 2018-20 continues to focus on the above described 6 priority areas and the actions proposed reflect the emerging policy context and local priorities for each issue.

Key policy issues and local priorities considered include:

- The significant focus on prevention of homelessness under the Homeless Reduction Act 2017
- Measures to reform the private rented sector introduced by the Housing and Planning Act 2016, the Autumn Statement 2016 and Budget 2017, including civil penalties, extending HMO licensing, energy efficiency
- Nottinghamshire County Council Housing with Care strategy
- The expected changes in funding supported housing, including domestic violence refuges
- Prevalence of fuel poverty and excess cold in certain wards

- The housing and health agenda
- Ongoing shortfall of new affordable housing being built in the district
- Further changes to the National Planning Policy Framework and the progression of the Ashfield Local Plan
- The anticipated social housing green paper

The key outcomes of the Action Plan 2018-20 will be:

- Development of new affordable housing to meet a range of needs
- Improving property standards in the private rented sector
- Reducing fuel poverty
- Improving health by improving property standards
- Continuing support of domestic violence survivors
- Full use of planning powers to address housing shortage in the district

Implications

Corporate Plan:

The actions contained in the Housing Strategy Action Plan 2018-20 are being fed into the refreshed Corporate Plan 2018

Legal:

Legal advice will be sought as required for each action in the Action Plan 2018-20 by the officer responsible for delivering the action. The planned actions for 2018-2020 reflect recent changes in legislation.

Finance:

The Action Plan 2018-20 identifies whether an action will be delivered within existing resources or if additional resources will be required. In some cases, external funding will be sought to deliver the action.

Approval for additional resources will be sought separately as required, if approval has not already been obtained. The officer responsible for delivering the action will be responsible for seeking this approval.

There are no costs association with the approval of the Action Plan 2018-20

Budget Area	Implication
General Fund – Revenue Budget	No implications
General Fund – Capital Programme	No implications
Housing Revenue Account – Revenue Budget	No implications
Housing Revenue Account – Capital Programme	No implications

Risk:

Risk	Mitigation
There are no risks associated with approving the Action Plan 2018-20. The lead officer for delivering each action is responsible for considering and mitigating any risks in delivering that action	

Human Resources:

There are no HR implications associated with approving the Action Plan 2018-20

Equalities:

(to be completed by the author)

An Equality Impact Assessment was completed alongside the development of the strategy which identified many of the actions and priorities contained in the strategy actively promote equality and access to housing in the district.

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

(for example)

Emma Lindley
Housing Strategy Lead Officer
e.lindley@ashfield.gov.uk
01623 457211

Appendix 1 – Housing Strategy Action Plan 2018-20

Priority 1 – ensuring supply of suitable & available accommodation

1. Work with Nottinghamshire County Council to identify a financially viable Extra Care opportunity in the north of the district
Measure: No. of Extra Care opportunities identified
Lead: SM
Resources: capital funding required
2. Within 3 months of the new supported housing funding arrangements being announced, produce a report detailing the implications for the council
Measure: Report produced
Lead: EL
Resources: within existing resources
3. Publish an updated Strategic Tenancy Strategy by October 2018 and regularly monitor compliance by housing providers
Measure: Strategy published, monitor compliance
Lead: EL
Resources: within existing resources
4. Introduce the use of mandatory fixed term tenancies required under the Housing and Planning Act 2016 when enacted
Measure: date fixed term tenancies introduced
Lead: NM
Resources: additional resources required (legal work, review staff)
5. Publish a 5 year Homelessness Strategy by December 2018 and regularly monitor the outcomes achieved
Measure: strategy published, outcomes achieved
Lead: EL
Resources: within existing resources
6. By December 2019, publish a Housing Revenue Account Asset Management Strategy and regularly monitor the outcomes achieved
Measure: strategy published, outcomes achieved
Lead: EL
Resources: within existing resources
7. Utilising Nottinghamshire Pre-Development Funding, complete a research project into the housing needs and aspirations of 18 – 35 years old and potential housing models to meet these needs, by December 2018
Measure: Research complete
Lead: EL
Resources: within existing resources (Nottinghamshire Pre-Development Funding)

8. By October 2018, publish an Aids and Adaptations Policy to support tenants and residents to adapt their homes to suit their needs
Lead: PW
Resources: within existing resources

Priority 2 – Energy and sustainability

1. Achieve an average SAP rating of 71 or more by April 2020 across the Council's housing stock, utilising external grant funding wherever available.
Measure: average SAP rating of Council's housing stock
Lead: ICB
Resources: within existing resources
2. Ensure all non-traditional Council housing stock achieves a U value of circa 0.3 by October 2018 (external render programme).
Measure: % of Council's non-traditional housing stock with U value of circa 0.3
Lead: ICB
Resources: within existing resources
3. By April 2020, where economically viable, improve the energy efficiency of all Council housing stock with solid wall construction (approx. 100) by installing external wall insulation
Measure: Average change in EPC rating for these properties following installation of insulation, %. of solid wall homes insulated
Lead: ICB
Resources: within existing resources
4. By April 2020, where economically viable, ensure every Council home has an EPC rating of D or greater
Measure: % of homes rated D or greater
Lead: ICB
Resources: within existing resources
5. By April 2020, replace electric storage heating systems in the communal areas of the Council's sheltered housing courts to provide cost effective communal heating systems
Measure: Change in heating system running costs incurred by tenants
Lead: ICB
Resources: within existing resources
6. By April 2020, where economically viable, replace all remaining electric storage and solid fuel heating systems in the Council's housing stock with a cost effective central heating system, unless refused by tenant.
Measure: No. of Council homes with electric storage and solid fuel heating systems
Lead: ICB
Resources: within existing resources

7. By October 2018, complete a campaign promoting the affordable warmth service, targeting the selective licensing areas and top 5 areas identified in the BRE report for excess cold, low SAP rating and high fuel poverty
Measure: campaign activity, no. of referrals, no. of residents assisted
Lead: AT
Resources: within existing resources
8. Participate in future Nottinghamshire collective fuel switching campaigns
Measure: no. of Ashfield residents switching, average amount saved
Lead: EL
Resources: within existing resources
9. By December 2018, complete a review of the council's work to tackle fuel poverty to date and make recommendations for a future programme of work
Measure: review complete
Lead: EL
Resources: within existing resources (graduate intern)

Priority 3 – Regeneration (Housing)

1. By December 2018, establish a wholly-owned council housing company to develop, acquire and manage homes to meet a range of housing needs in the district
Measure: company established
Lead: PP
Resources: capital funding required
2. By September 2019, purchase 15 properties in need of regeneration to be managed by the housing company
Measure: 15 properties identified
3. By April 2020, construction of approximately 40 new social rented homes to have started on Council owned sites
Measure: no. of new social rent homes under construction
Lead: SM
Resources: capital funding required
4. By July 2018, use HRA funds and RTB receipts acquire 9 new social rent homes at the former Rolls Royce factory site in Hucknall
Measure: no. of homes acquired
Lead: SM
Resources: within existing resources

5. By April 2019, complete an options appraisal and produce a plan to develop housing on each council owned site detailed in the Cornerstone Housing Delivery report
Measure: plan produced
Lead: SM
Resources: within existing additional resources

6. By December 2018, publish a Housing Growth/Supply Strategy and supporting policy that detail how the council will develop, acquire and enable the supply of affordable housing (including use of commuted sums, RTB receipts, council owned land, partnerships, JVs, loans, unviable sites, buying at auction)
Measure: Strategy and policy published
Lead: SM/EL
Resources: within existing resources

7. Acquire 12 homes on the open market using HRA funds for social rent, by September 2019
Measure: no. of homes acquired
Lead: SM
Resources: additional resources required

8. By June 2019, complete an options appraisal and produce a plan to retain or develop housing on each council owned garage site
Measure: plan produced
Lead: SM
Resources: within existing resources

Priority 4 – Tackling disrepair

1. By October 2018, ensure all private rented properties in the Selective Licensing areas are either licensed or enforcement action is being taken against the landlord
Measure: no. of licenses granted, no. of enforcement cases, no. of properties requiring a license
Lead: JH
Resources: within existing resources

2. By October 2019, ensure all private rented properties requiring a license under the new HMO regulations are either licensed or enforcement action is being taken against the landlord
Measure: no. of licenses granted, no. of enforcement cases, no. of properties requiring a license
Lead: JH
Resources: within existing resources

3. By July 2018, develop a policy and fee structure regarding the use of civil penalties in private sector enforcement
Measure: policy and fee structure developed
Lead: JH
Resources: within existing resources

4. By December 2018, publish a Private Sector Renewal Strategy, including proactive targeting of rogue landlords. Regularly monitor the outcomes achieved
Measure: strategy published, outcomes achieved
Lead: EL
Resources: within existing resources

Priority 5 – Reducing / preventing homelessness due to domestic violence

1. Apply for MHCLG funding when announced to continue the Serenity Scheme between April 2018 and March 2020
Measure: No. of Serenity units available between April 2018 and March 2020
Lead: RW
Resources: within existing resources, using external grant funding where available
2. Seek to develop a sustainable operating model for the Serenity Scheme to commence in April 2020 under the revised supported housing funding model
Measure: No. of Serenity units available in April 2020
Lead: RW
Resources: within existing resources, using external funding where available
3. By September 2018, introduce a revised approach to increase the use of the Sanctuary Scheme to prevent homelessness
Measure: No. of Sanctuary Scheme installations
Lead: EL
Resources: within existing resources
4. Complete the Domestic Abuse Housing Alliance online self-assessment and develop an action plan to address any gaps by April 2019
Measure: Self-assessment completed date and action plan developed
Resources: additional resource required
Lead: RW
5. By November 2019, deliver the 4 pledges in the CIH Make a Stand campaign
Measure: no. of pledges delivered
Lead: RW/EL
Resources: within existing resources

Priority 6 – Environment and planning

1. From November 2018, strategic housing and planning development will work jointly to monitor delivery of affordable housing under the Housing Delivery Test and take action as required
Measure: No. of affordable housing properties developed (expected and actual), no. of action taken to increase delivery, no. of properties developed as a result of action taken
Lead: SM/MM
Resources: within existing resources

2. By December 2018, develop design principles to be adopted on all housing developments or acquisitions by the Council for affordable rent, market rent and/or market sale
Measure: design principles developed
Lead: SM
Resources: within existing resources

3. Within 2 months of the new NPPF being announced, produce a report detailing the implications for the delivery of affordable housing in the district
Measure: Report produced
Lead: Planning
Resources: within existing resources

Report To:	CABINET	Date:	9 JULY 2018
Heading:	MAKE A STAND CAMPAIGN		
Portfolio Holder:	COUNCILLOR JOHN WILMOTT – CABINET MEMBER (OUTWARD FOCUS) COUNCILLOR CHRISTIAN CHAPMAN – CABINET MEMBER (JOINT FOCUS)		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	YES		

Purpose of Report

To provide details of the Make a Stand campaign that has been recently launched by the Chartered Institute of Housing in partnership with Women’s Aid and the Domestic Abuse Housing Alliance.

Recommendation(s)

- **To approve ADC making a commitment to the Make a Stand campaign to take action to support the victims of domestic abuse in the district and developing an action plan to deliver the campaign commitments.**
- **To approve Councillor Helen-Ann Smith and Carol Cooper-Smith as the Prevention of Domestic Violence Champions.**

Reasons for Recommendation(s)

ADC has already made a commitment to tackling domestic abuse in the district through the Corporate Plan and the priorities of the Housing Strategy 2016-20, by providing refuge accommodation and support to residents experiencing domestic abuse. Committing to the Make a Stand campaign will demonstrate ongoing support and enhances the work being done to tackle domestic abuse. As a landlord of over 6,500 homes and service provider to around 55,000 households, ADC has a key role to play in ensuring tenants and residents are able to live safely and securely in their homes.

Alternative Options Considered

(with reasons why not adopted)

Not making a commitment to the campaign – not considered as ADC is already committed to tackling domestic abuse and committing to this campaign will enhance the work being done.

Detailed Information

The Make a Stand campaign has been developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance. It was created to encourage social housing providers to make a commitment to support people experiencing domestic abuse. In the first two weeks of the campaign, 100 housing providers have signed up to the commitments, representing around 25% of the total housing stock in the country.

Domestic abuse is one of the biggest issues in society today, studies suggest many millions of people are affected every year and that two women are killed every week by their partner or ex-partner.

A pledge to support the campaign is a public commitment to take action to support people experiencing domestic abuse and deliver four commitments by September 2019:

1. Put in place and embed a policy to support residents who are affected by domestic abuse
2. Make information about national and local domestic abuse support services available on your website and in other appropriate places so that they are easily accessible for residents and staff
3. Put in place a HR policy, or amend an existing policy, to support members of staff who may be experiencing domestic abuse
4. Appoint a champion at a senior level in your organisation to own the activity you are doing to support people experiencing domestic abuse

Domestic abuse in Ashfield

Homelessness

Violent breakdown of a relationship is a leading cause of homelessness in Ashfield and preventing homelessness caused by domestic violence is a key priority within the Housing Strategy 2016-20

In 2017/18, 4 households were in priority need under the homelessness legislation due to domestic violence and 15 households cited violent breakdown of a relationship with a partner as their reason for homelessness. In 2016/17 the figures were 10 and 22 respectively.

Women's Aid Services

Between October 2016 - September 2017, Women's Aid Integrated Services received 490 referrals from women, children and teens in Ashfield across all 8 of the services they provide, of these, support was provided to 386 women, children and teens. 29 men were also supported. The services available from WAIS include refuge accommodation, Freedom Programme and outreach support.

Of the above, 37 women completed the Freedom Programme, which is an 8-10 week programme that aims to help women make sense of and understand what has happened to them and understand that the perpetrator is to blame. It identifies the roles played by attitudes and beliefs on the actions of abusers and the responses of those suffering abuse. Feedback from the women that attended included:

The group has taught me so much. I now know lots of behaviours I've encountered aren't ok. I've also learnt that I can apply this course to all areas of my life not just partners.

Still with my abuser but feel stronger and more able to deal with it till I'm ready to get out. This group has changed my way of thinking and how my life should be.

Encouragement from the group was so supportive and uplifting. I no longer feel as though I was to blame for my partner's behaviour. Listening to other people's reasons and situations for being in the Freedom programme has encouraged me to address my own problems with my partner's behaviour of bullying and abuse. Very informative and knowledgeable course - thinking more positive.

Made me a totally changed person in the way I think about relationships and the people and friends who share my time. Given me the confidence to follow through with my divorce.

Complex Case Team

In 2016-18, the Complex Case Team dealt with a total of 502 cases, of which 56 were experiencing domestic abuse

Recruitment of a Prevention of Domestic Violence Officer has recently been completed and the new post-holder will be joining the organisation soon. This will enable a renewed focus on the work to tackle domestic violence in the district and dedicated resource to put the measures in place to do so.

Since 2015, five people are believed to have died as a result of violence, abuse or neglect by a relative or household member in the district and these cases have been the subject of Domestic Homicide Reviews.

Policies and procedures

A Prevention of Domestic Violence and Abuse Policy was developed in 2015 for internal use by employees and elected members. This sets out the support that is available to employees and elected members as part of ADC's responsibility to promote the welfare and safety of all employees. It also explains how ADC will deal with employees who are perpetrators of domestic violence.

A Prevention of Domestic Abuse Procedure was developed by Housing Services in 2017 which sets out how council tenants experience domestic violence will be supported by housing management advisors and the action that will be taken against tenant perpetrators.

Ashfield Homes developed a Prevention of Domestic Violence Policy in 2014 which identified how domestic violence would be tackled.

ADC has been awarded White Ribbon accreditation, which is the world's largest movement of men and boys working together, raising awareness and speaking out to end violence against women and girls.

Information

The website provides information on the different types of domestic abuse, safety planning and where to get help in the district and county.

Action plan

An action plan will be developed to deliver the 4 pledges of the campaign, this will be led jointly by Strategic Housing and Community protection. An indicative action plan with timescales is given below:

	Action required	Resources	Deadline
Commitment 1	Update existing policy	Within existing resources	December 2018
Commitment 2	Update website information Identify other communication channels	Within existing resources	August 2018
Commitment 3	Update existing policy	Within existing resources	December 2018
Commitment 4	Appoint champions	Within existing resources	June 2018

Implications

Corporate Plan:

Tackling domestic abuse is highlighted as a priority in the Corporate Plan 2016-19 under both the Housing and Communities & Environment sections

Legal:

There are no legal implications associated with committing to the Make a Stand campaign

Finance:

There are no financial implications associated with committing to the Make a Stand campaign

Budget Area	Implication
General Fund – Revenue Budget	No financial implications
General Fund – Capital Programme	No financial implications
Housing Revenue Account – Revenue Budget	No financial implications
Housing Revenue Account – Capital Programme	No financial implications

Risk:

Risk	Mitigation
Failure to deliver the 4 commitments of the campaign by September 2019	An action plan with realistic timescales is outlined above, this will be regularly monitored. Strategic Housing and Community Safety will work jointly to oversee implementation of the action plan by the deadline.

Human Resources:

There are no HR implications associated with committing to the Make a Stand campaign

Equalities:

(to be completed by the author)

Delivery of the 4 commitments set out in the campaign will have a positive impact for a number of groups with protected characteristics, for example, domestic abuse disproportionately affects women, those with disabilities, those who are younger, those who are bisexual and those who are from a mixed/multiple ethnic background.

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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