

ASHFIELD DISTRICT COUNCIL



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

Agenda

Cabinet

Date: **Tuesday, 7th December, 2021**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

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01623 457317

Cabinet

Membership

Chairman: Councillor Jason Zadrozny

Councillors:

Kier Barsby

Tom Hollis

David Martin

Helen-Ann Smith

John Wilmott

Samantha Deakin

Rachel Madden

Matthew Relf

Daniel Williamson

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.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Cabinet held on 20 September 2021. 7 - 14
4. **COVID-19 Recovery Scrutiny Panel Update.** 15 - 22
Scrutiny Panel Chairman
Councillor Will Bostock
5. **Development of Social Housing on Warwick Close, Kirkby in Ashfield.** 23 - 30
Key Decision
Portfolio Holder
Councillor Tom Hollis – Deputy Leader and Portfolio Holder for Council and Social Housing
6. **Disposal of Unviable Garage and Plot Sites.** 31 - 42
Key Decision
Portfolio Holder
Councillor Tom Hollis – Deputy Leader and Portfolio Holder for Council and Social Housing
7. **Social Housing White Paper - Update.** 43 - 58
Non-Key Decision
Portfolio Holder
Councillor Tom Hollis – Deputy Leader and Portfolio Holder for Council and Social Housing

8. **Termination of Legal Shared Service.** 59 - 64
- Key Decision**
- Portfolio Holder
Councillor Kier Barsby – Portfolio Holder for Environmental Improvements, Corporate Communications and Cross Portfolio Support
9. **2021/22 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at September 2021.** 65 - 84
- Key Decision**
- Portfolio Holder
Councillor David Martin – Portfolio Holder for Finance, Revenues and Benefits
10. **Ashfield District Council: Infrastructure Funding Statement 2020/21.** 85 - 122
- Key Decision**
- Portfolio Holder
Councillor Matthew Relf – Portfolio Holder for Regeneration and Planning
11. **Corporate Risk Update.** 123 - 156
- Non-Key Decision**
- Portfolio Holder
Councillor Daniel Williamson - Portfolio Holder for Customer Services, Corporate Change and Digital Transformation
12. **Selective Licensing - Evaluation and Recommendations.** 157 - 198
- Key Decision**
- Portfolio Holder
Councillor John Wilmott - Portfolio Holder for Licensing and Regulatory Services

13. 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.”

14. Purchase of Northern View, Sutton in Ashfield, for the purpose of developing Social Housing on the Site. 199 - 202

Key Decision

Portfolio Holder

Councillor Tom Hollis – Deputy Leader and Portfolio Holder for Council and Social Housing

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CABINET

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Monday, 20th September, 2021 at 1.00 pm**

Present: Councillor Jason Zadrozny in the Chair;

Councillors Samantha Deakin, Tom Hollis,
Rachel Madden, David Martin, Matthew Relf,
Helen-Ann Smith, Daniel Williamson and
John Wilmott.

Apology for Absence: Councillor Kier Barsby.

Officers Present: Craig Bonar, Lynn Cain, Paul Crawford,
Ruth Dennis, Katherine Green,
Theresa Hodgkinson, Peter Hudson,
Paul Parkinson, Antonio Taylor and
Shane Wright.

In Attendance: Councillors Will Bostock and Dale Grounds.

CA.18 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

CA.19 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 19 July 2021, be received and approved as a correct record.

CA.20 Covid-19 Recovery Scrutiny Panel - Verbal Update

The Vice Chairman of the COVID-19 Recovery Scrutiny Panel gave an update to Cabinet regarding the work undertaken at the last meeting of the Panel.

Following discussions by Panel Members regarding the proposed Covid-19 commemorative benches, the Panel had unanimously agreed to a couple of recommendations for submission to Cabinet and these were read out accordingly.

Having considered the update, Cabinet Members agreed that it would be a nice gesture for the Chairman of the Council to visit the children at Holgate Primary and Nursery School in Hucknall to thank them personally for their commemorative bench design ideas.

RESOLVED that

- a) approval be given to identify funding for four commemorative benches to be located in suitable locations in Kirkby, Sutton, Hucknall, and the Rurals, as a tribute to the tireless efforts of key workers during the COVID-19 pandemic;
- b) following initial design suggestions by the COVID-19 Recovery Scrutiny Panel, further design work regarding the commemorative benches be commenced in line with identified funding.
- c) the Chairman of the Council undertake a visit to the Holgate Primary and Nursery School in Hucknall to award certificates and personally thank the children involved in the preliminary design of the proposed Covid-19 commemorative benches.

(Prior to consideration of the next report and in accordance with Council Procedure Rule 4 (Order of Business), the Chairman advised that he would be moving agenda item 7 (Revised Aids and Adaptations Policy) to the next item of business on the agenda. Committee Members concurred with this course of action.)

CA.21 Revised Aids and Adaptations Policy

Cabinet was advised as to the Council's approach to assisting residents who require an aid or adaptation to their home to help them retain independence and to seek approval for the revised Aids and Adaptations Policy.

Members considered the alternative option of declining to approve the revised policy but this was not recommended, as part of the Council's commitment to partnership working was to establish a common, countywide approach to adapting private properties.

RESOLVED that

- a) the revised Aids and Adaptations Policy, as attached at Appendix A, be approved;
- b) the new maximum grant level of £50,000 be applied to new and existing cases where work is yet to start on site.

Reason:

The Council is keen to ensure that residents are given the assistance they need to remain independent in their home for as long as practically possible. Further understanding shows that not only does this protect the wellbeing and dignity of residents, it also reduces demand on other public sector services, such as hospitals, nursing and residential care.

CA.22 Public Space Protection Order 2021 Extension and Variation

Cabinet was presented with the outcome of the Public Spaces Protection Order (PSPO) consultation and were invited to recommend to Council that the PSPO be extended for a further 3 years and be varied to include specified additional prohibitions.

Members considered the alternative option of declining to extend (and vary) the existing PSPO which would cease on 30 September 2021, but this was not recommended as officers would no longer be able to take action in addressing dog fouling, dog control, alcohol related street drinking, urinating in public places or be able to move people on whilst addressing localised problems.

RESOLVED that

- a) the consultation exercise, undertaken on the proposed 3 year extension and variation of the Public Spaces Protection Order including acknowledgement of the consultation responses as outlined in this report which largely supports the proposed Order, be received and noted;
- b) Council be recommended to approve the extension, variation and associated budget for the existing Public Spaces Protection Order as set out in the draft order to commence on 1st October 2021.

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 on 1 October 2018, relating to a number of dog-related issues, alcohol and urinating would expire on 30 September 2021 unless the PSPO was formally extended following due process.
2. Evidence had been gathered to support the continued need for the order and public consultation largely supported the Order. Extending the PSPO ensured that the Council and Police could take suitable action including issuing Fixed Penalty Notices for these types of issues.

CA.23 Ashfield District Council - CCTV Policy

Cabinet reviewed the Council's new Closed-Circuit Television (CCTV) and Surveillance Policy which supported the control and management of CCTV, Body Worn Video (BWV) and Noise Monitoring Equipment used by the Council.

Members considered the alternative option of declining to approve the policy but acknowledged that this would lead to the Council not fulfilling its legal obligations in relation to CCTV, surveillance and associated codes of practice.

RESOLVED that

- a) the work that has been undertaken and which is ongoing to ensure lawful compliance and good governance in the operation and use of the Council's surveillance systems, be received and noted;

- b) the Council's Policy and associated governance arrangements for CCTV and surveillance equipment, be approved;
- c) a one-off budget of £4,000 to replace signage for CCTV across the District, be authorised.

Reason:

To authorise the policy and associated documentation to ensure that the Council is exercising its duties and functions in accordance with the law and associated codes of practice set out by the Surveillance Camera Commissioner.

CA.24 2021/22 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at July 2021

Cabinet was presented with a summary of the Council's forecast financial outturn position to 31 March 2022 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme and asked to approve the adjustments/amendments as indicated.

Members were requested to consider a change to the original recommendations to allow the £700k budget increase for the Depot Roof to be funded by Capital Receipts rather than borrowing (resulting in the full value of the roof being funded from Capital Receipts at £950k).

Members considered the alternative option of declining to approve the budget adjustments and the amendments to the Capital Programme, as presented.

RESOLVED that

- a) the current forecast outturn for the General Fund, Housing Revenue Account (HRA) and Capital Programme for 2021/22, be received and noted;
- b) the budget adjustments outlined in Section 3.1, Table 3 of the report, be approved;
- c) Council be recommended to approve the amendments and the addition of new schemes to the Capital Programme 2021/22 to 2025/26 and the funding of the Capital Programme, as set out in Section 7 and Appendix 3 of the report, subject to an amendment to the original recommendation to allow the £700k budget increase for the Depot Roof to be funded by Capital Receipts rather than borrowing (resulting in the full value of the roof being funded from Capital Receipts at £950k).

Reason:

In accordance with the Council's Financial Regulations to report to those charged with Governance the financial position.

CA.25 Leisure Transformation Programme: Hucknall Leisure Centre Costings

Cabinet was updated on the design development of the Hucknall Swimming Pool extension which forms part of the overall £22.5m investment in leisure services across the District, whilst seeking approval to commence procurement of the Capital Works elements of the project and receive the necessary delegations.

Members considered the alternative option of declining to approve commencement of the procurement stage for the Hucknall Swimming Pool extension project, but this was not recommended.

RESOLVED that

- a) the design development completed to date regarding the second swimming pool facility at Hucknall Leisure Centre, be received and noted;
- b) approval be given to the commencement of the procurement stage of the project via an open tender procedure supported by Nottingham City Council Procurement Unit;
- c) delegation authority to award the capital works build contract, be granted to the Chief Executive Officer, in conjunction with the Corporate Finance Manager (and Section 151 Officer) and the Portfolio Holder for Leisure, Health and Wellbeing, subject to the project remaining within the Capital Programme approved budget;
- d) approval be given for Everyone Active to complete the Wet Leisure Village transformation at Hucknall Leisure Centre as part of the overall development.

Reason:

The development of a second swimming pool facility at Hucknall Leisure Centre is a key deliverable of the Leisure Transformation Programme which the Council is currently delivering. The Council is also progressing with the design development of the second swimming pool facility at Hucknall and has been working with Everyone Active as the leisure services provider throughout.

CA.26 Public Open Space and Playing Pitch Strategy Updates

Cabinet was provided with a summary of progress on the action plan of the Public Open Space Strategy 2016 – 2026 and were requested to consider and approve the revised action plan as presented. Members also received an update to the timeframe for the replacement Playing Pitch Strategy.

Members considered the alternative option of declining to approve the action plan update to the Public Open Space Strategy, but this was not recommended as the Strategy required reviewing in order to ensure that it remained fit for purpose and considered sound for negotiating purposes with developers for open space provision and financial contributions.

RESOLVED that

- a) progress on the delivery of the Public Open Space Strategy action plan from 2016 onwards, be received and noted;
- b) the replacement programme for the Playing Pitch Strategy, be also noted;
- c) Council be recommended to approval the mid-point review and update of the Public Open Space Strategy action plan.

Reason:

1. The Public Open Space Strategy was first completed 5 years previously and an update to the action plan was required to ensure that the plan remained fit for purpose and considered sound.
2. To make Cabinet aware of the timeframe for the replacement Playing Pitch Strategy.

(During consideration of this item, Councillor John Wilmott left the meeting at 2.29pm.)

CA.27 Towns Fund and Future High Streets Fund

Cabinet was requested to agree actions to support delivery of the Towns Fund project programme and were updated on progress with the Towns Fund and Future High Streets programmes.

Members considered the alternative option of declining to accept the funding or to delegate authority for approval of business cases, but it was not recommended as this would unnecessarily delay delivery of the agreed programmes.

RESOLVED that

- a) Council be recommended to accept the Early Release Towns Fund Capital Funding, includes the funding within the Capital Programme and delegate allocation of the funds to the Portfolio Holder for Regeneration and Planning and the Corporate Finance Manager (and S151 Officer), in consultation with the Discover Ashfield Board;
- b) delegated approval of the Towns Fund project business cases be also granted to the Portfolio Holder for Regeneration and Planning and the Corporate Finance Manager (and S151 Officer) in consultation with the Discover Ashfield Board;
- c) progress on the Towns Fund and Future High Streets programmes, be received and noted.

Reason:

To support project delivery the Ministry of Housing, Communities and Local Government (MHCLG) will be releasing an early payment of 5% (£3.13m) of the total Heads of Terms offer of £62.6m. The funding will need to be included within the Capital Programme so that the funding can be used to develop the projects and business cases.

CA.28 Ashfield Local Development Scheme 2021

Cabinet was requested to approve the new Ashfield Local Development Scheme (2021) which outlined the Council's programme for the production of the Ashfield Local Plan (2020 – 2038).

Due to legislation requiring the Council (as the local planning authority) to revise the Local Development Scheme at such time as they consider appropriate, there were no alternative options to consider.

RESOLVED

that the Ashfield Local Development Scheme (2021) to come into effect on the 1st October 2021, as set out at Appendix 1, be approved.

Reason:

To adhere to the legal requirement to maintain an up-to-date Local Development Scheme under the Planning and Compulsory Purchase Act 2004.

The meeting adjourned at 2.40pm and reconvened at 2.43pm.

CA.29 Draft Ashfield Local Plan (2020 - 2038) Public Consultation (Regulation 18)

Cabinet was asked to consider the Draft Ashfield Local Plan (2020 – 2038) as presented and approval was also sought to undertake public consultation under Regulation 18 of the Town and Country Planning, (Local Planning) (England) Regulations 2012, as amended.

Members considered the alternative option of declining to progress with Regulation 18 public consultation, but this exercise would be required to ensure that the District has an up-to-date Local Plan to enable delivery of sustainable development over the Plan period 2020 – 2038.

RESOLVED that

- a) the Draft Ashfield Local Plan (2020 – 2038) and accompanying evidence base and supporting documents, be received and acknowledged;
- b) public consultation on the Draft Ashfield Local Plan (2020 – 2038) and associated evidence base and supporting documentation for a minimum of 6 weeks in October / November 2021, be approved;
- c) delegated authority be granted to the Assistant Director of Planning and Regulatory Services, in consultation with the Portfolio Holder for Regeneration and Planning, to approve minor amendments to the Draft Local Plan and any accompanying documents in preparing them for the period of public consultation.

Reason:

To ensure that the Council continues to make progress towards the adoption of a replacement Local Plan for the District.

The meeting closed at 3.00 pm

Chairman.



Report To:	CABINET
Date:	7 DECEMBER 2021
Heading:	COVID-19 RECOVERY SCRUTINY PANEL UPDATE
Portfolio Holder:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to present Cabinet with recommendations formulated at the previous meeting of the COVID-19 Recovery Scrutiny Panel held on the 4 November 2021. At this meeting, the Panel focused on the vaccination programme in Ashfield and held discussions with representatives from the Nottingham and Nottinghamshire Clinical Commissioning Group (CCG).

Recommendations:

Cabinet is recommended to:

- a. Continue to prioritise partnership working with the Nottingham and Nottinghamshire Clinical Commissioning Group to develop a schedule and identify suitable locations for the vaccination bus.
- b. Undertake a co-ordinated and targeted engagement approach using all communication methods available to the Council designed to reduce vaccine hesitancy; this should include debunking misinformation, sharing updates on the vaccination programme, and continuing to advertise the vaccination bus.
- c. Undertake a wider communications exercise to share relevant case studies relating to COVID-19 vaccinations and booster jabs.
- d. Explore any extra measures that could be implemented to support people with mental health and learning difficulties that may prevent them from accessing the COVID-19 vaccination.

Recommendations Continued:

- e. Recognise the challenges in vaccination uptake present in Summit, Abbey Hill, Leamington, and New Cross wards and consider how the Council can use its position to improve take-up in these areas.
- f. Along with recommendation e, Councillors representing the above wards be consulted and engaged in any activities to target vaccination uptake.

Reasons for Recommendation(s)

The COVID-19 Recovery Scrutiny Panel was established to ensure the Council has robust recovery arrangements in place. Panel Members identified the vaccination programme in Ashfield as a key area of interest in the recovery process, with a particular focus on how the Council can work with key partners to improve vaccination uptake.

Alternative Options Considered

Members of the COVID-19 Recovery Scrutiny Panel could have chosen not to present any recommendations to Cabinet following the previous meeting focused on the vaccination programme. However, following discussions with representatives from the CCG, Members felt it would be most appropriate to formulate recommendations and present them to a meeting of Cabinet.

Detailed Information

COVID-19 RECOVERY SCRUTINY PANEL MEETING – 4 NOVEMBER 2021

At the previous meeting of the COVID-19 Recovery Scrutiny Panel, Members welcomed attendance from two representatives from the Nottingham and Nottinghamshire Clinical Commissioning Group; Rosa Waddingham, Chief Nurse and David Ainsworth, Mid Notts Locality Director.

At this meeting, Members were presented with information regarding the vaccination programme in Ashfield including latest COVID figures, efforts to promote vaccination uptake, and details of the School Age Immunisation Service.

Members were asked to:

- Discuss the progress of the vaccination programme in Ashfield.
- Discuss the challenges involved in reducing vaccine hesitancy and improving vaccination uptake in Ashfield.
- Consider ways in which the Council could assist with improving vaccination uptake in Ashfield.

Members considered some of the key challenges involved with vaccination uptake. This included factors such as the main causes of vaccine hesitancy, measures that have been proven to reduce hesitancy, and what steps can be taken to improve uptake.

To aid discussions, Members examined a report published by Public Health England in February 2021 titled *Strategy to Increase Uptake and Equity of Access to the COVID-19 Vaccine*.¹

Vaccine Hesitancy

As defined by the World Health Organisation, vaccine hesitancy is defined as ‘a behaviour, influenced by a number of factors including issues of confidence (level of trust in vaccine provider), complacency (do not perceive a need for a vaccine, do not value the vaccine) and convenience (access)’. Most common reasons for deciding not to have the vaccine includes not enough time to see what the side-effects might be or to test if the vaccine really works.

Listed in the strategy, factors that have been shown to improve vaccine uptake and reduce hesitancy include:

- Tackling negative misconceptions about vaccines including misinformation
- Utilising trusted healthcare professionals and community champions to address concerns about vaccine safety, side effects, and effectiveness.
- Improving access to vaccination clinics by utilising different settings and locations.
- Consideration of commonly cited reasons not to attend vaccination sessions such as language barriers, difficult appointment times, travel costs, and childcare needs.

What works in increasing vaccination uptake?

The strategy continues to list some approaches to increasing vaccination uptake.

Tackling barriers to access:

- Limiting barriers to accessing vaccinations including providing a range of appointment times, locations, making venues easy and affordable to access.
- Providing vaccinations in safe and familiar environments with the support of community leaders.

Invites and reminders:

- Ensuring people receive timely invites, and appropriate reminders including text messaging where appropriate.
- Ensuring IT systems flag when patients have been missed and these individuals are followed up.

Trusted advice:

¹ Public Health England South West Centre, *Strategy to Increase Uptake and Equity of Access to the COVID-19 Vaccine*, February 2021.

- Strong recommendations from healthcare professionals are effective in increasing uptake.
- Showing that healthcare professionals are being vaccinated helps to build trust.
- Signposting to reliable online resources where people can learn more.
- Utilising community champions and respected community leaders to promote the vaccine.

Communications:

- Communications need to be clear and credible, increasing knowledge and correcting misinformation.
- There should be open and transparent discussion about the safety, risks, and benefits of vaccinations.
- Dialogue about the vaccination programme needs to manage expectations.

Local leadership and engagement:

- Local engagement is key. Local systems should work with communities including faith groups, businesses, schools, and the third sector.
- Using social influencers, including trusted community figures.
- Using social networks and volunteer health roles.

Members were also delivered a presentation by the representatives in attendance from the CCG.

Presentation from CCG Representatives

As part of the presentation, reflections on phase 1 and 2 of the vaccination programme were presented to the Panel, highlighting key areas of focus moving forward. These reflections included:

- Engagement with community and religious leaders
- Support for wider partners – community champions and volunteers
- Trusted venues and pop-up clinics – particularly for deprived communities
- Mobile clinic – the vaccination bus could flex its timetable and visit areas with low take up in a short planning window
- Direct engagement and bespoke appointments for particularly vulnerable cohorts – for example protected time for learning disabilities
- Support from employers
- Making every contact count
- Targeted vaccination materials

- Partnership working – with all health, social care, local government, and wider partnerships consistent with the vaccination message
- Practise-based clinics – clinics at the patient’s surgery for those who cannot travel and need a familiar setting
- Community safety support – consistent approach to anti-vaccination activity and support from police colleagues

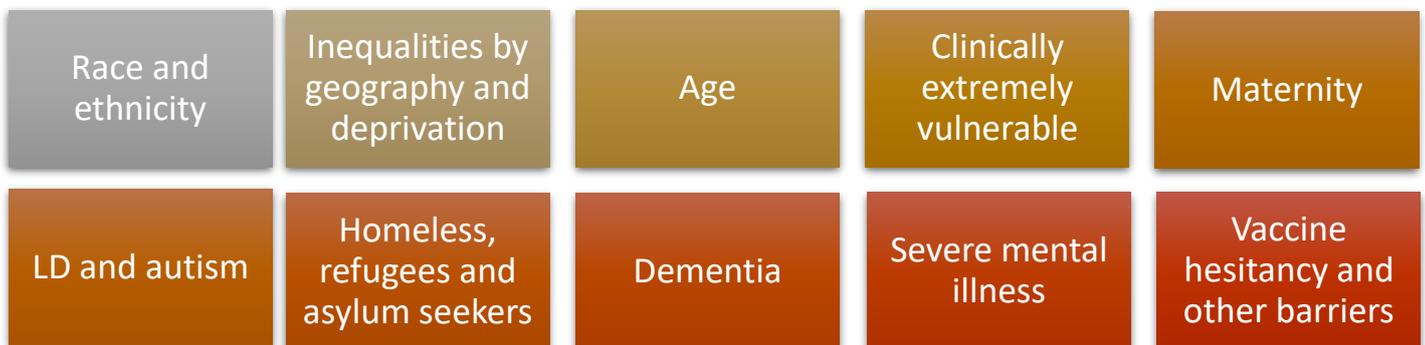
Members were also presented with statistics on phase 1 and 2 vaccination take-up rates separated into the following areas:

- Sutton, Skegby, and Huthwaite
- Kirkby and the Villages
- Hucknall

The data was broken down into 12 to 15-year-olds, 16 and 17-year-olds, 18 to 49-year-olds, and 50+ years age groups with further details on health and social care workers as well as the clinically vulnerable.

Furthermore, the Panel viewed live vaccination sites in the area as of 27 October 2021 and had the opportunity to view planned vaccination sites during phase 3 of the vaccination programme.

The presentation also set out next steps as part of phase 3, with the ten key areas identified below by the Mid Notts Health Inequalities Oversight Group:



RECOMMENDATIONS

Members formulated the following recommendations for Cabinet to consider for approval:

- Continue to prioritise partnership working with the Nottingham and Nottinghamshire Clinical Commissioning Group to develop a schedule and identify suitable locations for the vaccination bus.*

The importance of all key agencies and local leaders working together in a co-ordinated approach was highlighted by both the Clinical Commissioning Group and the Members of the Panel. Ensuring that all information is shared between partners in a timely manner and that published information such as times and locations of the vaccination bus is kept up to date is a key priority.

Members of the Panel engage with local communities daily and are often best placed to understand area specific need. Therefore, effective consultation between the key local leaders on locations and times of the vaccination bus will ensure that maximum promotion and attendance can be achieved.

- b. Release a series of posts through social media and the Council's website designed to reduce vaccine hesitancy; this could include debunking misinformation, sharing updates on the vaccination programme, and continuing to advertise the vaccination bus.*

Throughout the work of the Panel, Members have highlighted the importance of combining several engagement methods to encourage people to receive vaccinations. This should include social media, the Council's website, leaflets, posters, and face to face engagement amongst other methods. During consideration of the topic, concerns were also raised that social media, whilst being a valuable tool to keep people informed, was also being used to scaremonger and circulate mistruths. Members agreed that part of any co-ordinated approach should also be used to combat misinformation. Finally, Members stressed the importance of utilising a wide variety of engagement methods and not solely relying on social media and the Council's website.

- c. Undertake a wider communications exercise to share relevant case studies relating to COVID-19 vaccinations and booster jabs.*

Members agreed that an important exercise in combatting misinformation and encouraging take up of vaccinations could be the sharing of case studies. These could be targeted case studies focusing on key demographics such as age, gender, ethnicity, and disability.

- d. Explore any extra measures that could be implemented to support people with mental health and learning difficulties that may prevent them from accessing the COVID-19 vaccination.*

The Panel highlighted that some residents with mental health or learning difficulties may be deterred from vaccination locations or sessions that are crowded or noisy. Consideration could be given by the CCG and partners to developing some sessions to accommodate people who do not like to be in environments that are noisy or overly attended. These could be promoted as "quiet" vaccinations and could help reduce anxiety and ultimately increase take up.

- e. Recognise the challenges in vaccination uptake present in Summit, Abbey Hill, Leamington, and New Cross wards and consider how the Council can use its position to improve take-up in these areas.*

The representatives from the CCG highlighted some areas across the District that had a lower-than-average uptake of vaccinations. Members of the Panel agreed that the Council could use its community leadership role to target those areas.

- f. Along with recommendation e, Councillors representing the above wards be consulted and engaged in any activities to target vaccination uptake.*

Members of the Panel agreed that it is a key priority for Councillors to be kept informed on what is happening within their wards regarding vaccinations, uptake, and targeted approaches. Councillors have a key role within their communities and are often the first point of contact for residents on issues of concern.

Implications

Corporate Plan:

The COVID-19 Recovery Scrutiny Panel continues to review the Council's response and recovery plans in line with the objectives set out within the refreshed Corporate Plan.

Legal:

There are no legal implications identified by the recommendations. [RD 17/11/2021]

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No direct financial implications arising from this report [PH 22/11/2021]
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

Risk:

Risk	Mitigation
Failure to ensure robust and effective COVID-19 recovery plans are prepared and implemented.	The COVID-19 Recovery Scrutiny Panel will work with key officers and partners to ensure such plans are prepared and implemented.

Human Resources:

There are no direct HR implications resulting from the recommendations in this report.

Environmental/Sustainability:

There are no direct environmental or sustainability implications resulting from the recommendations in this report.

Equalities:

There are no direct equalities implications resulting from the recommendations in this report.

Other Implications:

There are no other implications resulting from the recommendations in this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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Report To:	CABINET
Date:	7TH DECEMBER 2021
Heading:	DEVELOPMENT OF SOCIAL HOUSING ON WARWICK CLOSE KIRKBY-IN-ASHFIELD
Portfolio Holder:	COUNCILLOR TOM HOLLIS PORTFOLIO HOLDER FOR COUNCIL AND SOCIAL HOUSING
Ward/s:	ABBAY HILL
Key Decision:	YES
Subject to Call-In:	YES

1.1 Purpose of Report

To advise Members of the proposal to develop affordable housing on Warwick Close, Kirkby in Ashfield and to seek approval of the said proposal.

1.2 Recommendation(s)

Subject to planning consent and Homes England funding:

- 1) To approve the use of the land to redevelop housing for Affordable rent.
- 2) To approve the use of both Housing Revenue Account reserves and, if appropriate, commuted capital sums to fund the construction of new affordable homes.
- 3) To approve the use of Right to Buy receipts (after further appraisal) if no Homes England grant is made available to make the scheme viable.
- 4) To grant delegated authority to the Director of Housing and Assets, in conjunction with the Chief Finance Officer, to negotiate and formalise final scheme costs, specification and delivery.

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- 5) To grant delegated authority to the Director of Housing and Assets, to procure and appoint a contractor to develop the site.
- 6) To grant delegated authority to the Director of Housing and Assets to contract, on behalf of the Council, with Homes England, for the purposes of receiving subsidy to ensure that developments are viable and fall within a maximum payback period of 40 years.

1.3 *Reasons for Recommendation(s)*

The development will help to achieve the Council's Corporate Plan objective of delivering additional good quality affordable housing in the District.

The development regenerates a brownfield site (HRA land) that is suitable for housing

1.4 *Alternative Options Considered*

- Do nothing with the land. This was rejected because the land is not currently being used and has development potential.
- Sell the land. This was rejected because the land is suitable for the Council to develop.

1.5 *Detailed Information*

The Corporate Plan sets out the Council's ambition to ensure there is sufficient good quality, affordable housing for the residents of Ashfield. To achieve this the Council cannot rely upon Registered Providers and private house builders alone; it is important that the Council looks at the opportunities to develop new affordable housing on sites it owns.

The plot of land on Warwick Close, Kirkby-in-Ashfield previously contained flats which were demolished in 2010. At the time there were no plans to rebuild new homes on the site. In the years since the site was earmarked as providing s106 affordable homes associated with a neighbouring site. The site is no longer required for this purpose.

The land sits within the Housing Revenue Account, our proposal is to utilise it to construct circa 34 two-bedroom and three bedroom houses. Demand for such accommodation in the Kirkby in Ashfield area is high, with around 4,000 people on the waiting list, an average of 50 new applications per week, and approximately 150 bids per available property.

The attached supporting document includes an indicative plan of what is being proposed for the site subject to Planning Permission.

The development, in addition to delivering much needed affordable housing, would bring in extra Council Tax revenue and may, subject to potential changes to Government funding arrangements, also generate New Homes Bonus funding.

The viability of the development is dependent upon the Council receiving Homes England funding or the use of Right to Buy receipts.

Cost:

The plans and procurement are at an early stage. We estimate the development of the site to cost in the region of £4.75Million.

With Homes England funding of £1.46Million, this brings the cost down to £3.29Million. This falls within the Council’s acceptable parameters for payback, this is year 26 for the two beds and year 29 for the three beds.

If the application for Homes England funding fails and the use of Right to Buy receipts is not supported in terms of this being the best use of those receipts, the scheme would not be viable and would not proceed.

The site is viable without the need to use commuted capital sums. However, there is the need to have flexibility and utilise such sums should they be required.

1.6 Implications

Corporate Plan:

The Corporate Plan identifies a need to ensure there is sufficient housing available in the District of the right size, type and quality, ensuring an adequate supply of affordable housing.

Legal:

Legal advice and support will be provided throughout the process. [RLD 15/10/2021]

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Additional Council Tax and potentially New Homes Bonus funding.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	Additional rent of £5,385 per plot per annum for the 18 two beds, and £5,684 per plot per annum for the 16 three beds, thus £187,874 per annum
Housing Revenue Account – Capital Programme	£3.287m or £4.749m if Right to Buy receipts are used in the absence of Homes England funding

1.7 Risk:

Risk	Mitigation
Homes England funding not secured	None. Scheme will not go ahead
Planning Permission not granted	None. Scheme will not go ahead
Land proves unsuitable without significant remediation	Topographical and ground surveys produced before contract commitment.
Unexpected costs	Risks to be minimised through robust contractual arrangements.
Material and/or building supply delays	Risk sits with contractor, offset through a longstop clause.

Human Resources:

None

Environmental/Sustainability:

A fabric first approach is taken with development, meaning more insulation and air tightness to increase thermo efficiency thus reduce heating bills and use of fuels

Equalities:

None

Other Implications:

Not applicable

1.8 Reason(s) for Urgency

Not applicable

1.9 Reason(s) for Exemption

Not applicable

1.10 Background Papers

None

1.11 Report Author and Contact Officer

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Paul Parkinson

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TYPE	AREA	NUMBER	(%)
Shop	83,000m ²	18 properties	(47%)
2b/2c	71,000m ²	18 properties	(53%)
TOTAL			



LINDUN BMS
 SOUTH WESTERN PLANNING SYSTEMS
 10000 WINDY HILL, LINCOLN LN, B20
 01422 610000
 www.lindunbms.com

Client: Ashford District Council
 Project: Warwick Close
 Drawing: Proposed Site Plan

Date: Nov 2020
 Drawn: JF
 Checked: JF
 Date: 13/09/20
 AS
 FEASIBILITY



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Report To:	CABINET
Date:	7TH DECEMBER
Heading:	DISPOSAL OF UNVIABLE GARAGE AND PLOT SITES
Portfolio Holder:	CLLR TOM HOLLIS PORTFOLIO HOLDER FOR COUNCIL AND SOCIAL HOUSING
Ward/s:	ALL WARDS
Key Decision:	YES
Subject to Call-In:	YES

1.1 Purpose of Report

To advise Members about the process that has been followed to review the viability and future use potential of Council owned garage and plot sites and to recommend disposal for those sites considered unviable and not suitable to be used for affordable housing development.

1.2 Recommendation(s)

1. To note the process officers have followed to review the viability and future use of Council owned garage and plot sites.
2. To approve the designated sites stated in this report as surplus on the basis of their limited current use, the lack of suitable alternative uses and the investment that is required to make them viable for any other purpose.
3. To grant delegated authority to the Director of Resources and Business Transformation, in conjunction with the Director of Legal and Governance, and the Chief Finance Officer, to dispose of the designated sites. Disposal will be in accordance with the Council's Disposals Policy and will be on the basis of achieving best value, with any further negotiations with Service Manager for Commercial Development.

1.3 Reasons for Recommendation(s)

The Council own a large number of garage and plot sites, 112 in total, all of which sit within the Housing Revenue Account (HRA). Some sites are in good condition, have a high level of demand

and generate a steady income stream, others are in disrepair with little or no demand from local residents. Where demand is low, and the site requires significant investment, it is not economically viable for the Council to retain the site as is and consideration needs to be given to the site's future use.

A small number of sites have been identified as being suitable for affordable housing development but where this is not possible consideration needs to be given to disposing of the site. Doing so will ensure the costs associated with ongoing repairs and maintenance is brought to an end, it will generate a capital receipt that can be reinvested and it will give the new owner a chance to regenerate the site.

1.4 *Alternative Options Considered*

Not to dispose of the designated sites. This is not appropriate as a number of sites require significant investment with little likelihood of this expenditure being recovered through rental income.

1.5 *Detailed Information*

The Council own 112 garage and plots sites across the District. Plots sites are those whereby a resident rents a section of land, large enough to park their vehicle and they erect their own garage.

Sites vary in respect of their size, some are large enough to accommodate 20+ garages whereas others contain as few as 2 garages. Likewise, demand varies significantly, a small number of garage sites have full occupancy along with a small waiting list, whereas on some other sites there is a 100% vacancy rate. A small number of sites have been fenced off and secured due to the garages being in a dilapidated state, beyond economical repair. Vacancy rates on plot sites are particularly high, in part because of the requirement of the plot holder to erect a garage at their own expense.

As part of a wholesale review the following factors were considered for each site.

- Current and likely future levels of demand
- Rental income levels
- Current and future maintenance and repair obligations
- Investment needed in the site as a whole
- Payback period, i.e. how long will it take to recover what has been spent on investment from the rental income?
- Alternative parking in the local area
- Levels of Anti Social Behaviour and other management issues
- Restrictions or caveats in the site deeds
- Potential to utilise the site for affordable housing development

The review concluded that 80 sites should be retained in their current form and a further 9 are suitable for affordable housing development. The remaining 23 are not considered economically viable in their current form nor suitable for development. For these sites the recommendation is that they are considered for disposal.

The Council's Constitution sets out the process that needs to be followed in respect of the disposal of land and assets. The process is based on transparency and consistency, with the underlying principle that the Council shall not dispose of land for a consideration less than the best that can be

reasonably obtained, i.e. it achieves 'best value'. Under section 123 of The Local Government Act (1973) a council shall not dispose of land for a consideration less than the **best that can reasonably be obtained**".

The intention is to consider the disposal of sites in batches. Officers have prioritised the following 4 sites in the first batch.

1. Aitchison Avenue, Hucknall
2. Minster Close, Kirkby in Ashfield
3. Spinney Close, Kirkby in Ashfield
4. Stamper Crescent, Sutton in Ashfield

A summary of each site is provided below, further information is available on the enclosed supporting documents.

1. Aitchinson Avenue, Hucknall

The site is vacant and overgrown (with Mare's Tail). The site is large enough for 2 cars.

Part of this plot site has already been sold off to a resident who wished to make his garden bigger.

2. Minster Close, Kirkby in Ashfield

A large site with 19 garage spaces. The site is vacant and has been derelict for many years due to a lack of demand. It is now fenced off for health and safety reasons.

The site was considered for affordable housing development but this is not appropriate due to the problematic access.

3. Spinney Close, Kirkby in Ashfield

A small garage site consisting of 2 garages. The garages are nestled between privately owned houses, set back slightly from the road. The garages are in a good state of repair. There is no demand from local residents and the garages have been vacant long term.

4. Stamper Crescent, Sutton in Ashfield

A plot site to the rear of existing properties, accessed by a narrow roadway. The site is large enough for three cars. There is no demand from local residents and the surface is uneven and would require resurfacing if it was to be let.

All of the above sites have had legal titles examined for any discrepancies.

In accordance with the need for transparency and consistency the intention is to market all 4 sites with an external Estate Agent. The Agent will market the sites and on the basis of offers received provide guidance in respect of the monetary worth of each site and this will form the basis of what the Council considers to be 'best value'. Following this delegated authority will be granted to the Director of Resources and Business Transformation in conjunction with the Director of Legal and Governance and the Chief Finance Officer to consider accepting the proposed figure.

As part of the disposals process the Council will want to ensure that it benefits from any future development of the sites and will include an overage clause where necessary within the sales contract for this purpose.

1.6 Implications

Corporate Plan:

The Corporate Plan sets out the desire to ensure financial stability, and disposal of these sites will potentially bring capital receipts for the Housing Revenue Account.

Legal:

S123 of the Local Government Act 1972 enables the Council to dispose of its land provided the consideration received is not less than the best that can reasonably be obtained.

Legal advice will be sought throughout the process and support will be provided regarding completion of land transactions. [RD 11/11/2021]

Finance:

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	Savings on expenditure needed to maintain these sites.
Housing Revenue Account – Capital Programme	Potential Capital Receipt on sales

1.7 Risk:

Risk	Mitigation
Do not sell	None

Human Resources:

None

Environmental/Sustainability

None

Equalities:

None

Other Implications:

Not applicable

1.8 Reason(s) for Urgency

Not applicable

1.9 Reason(s) for Exemption

Not applicable

1.10 Background Papers

Not applicable

1.11 Report Author and Contact Officer

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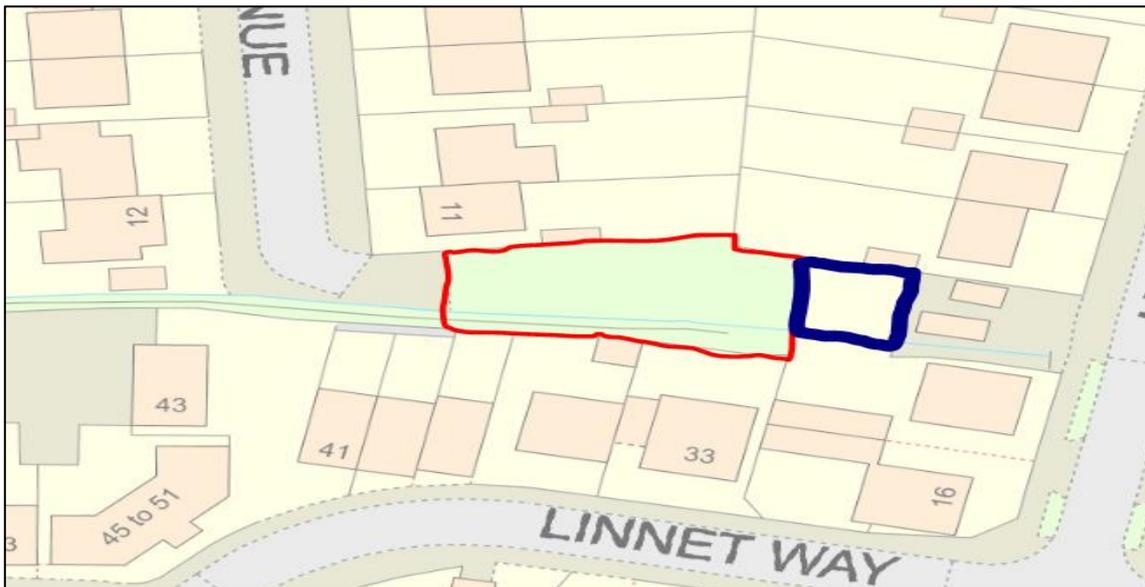
Paul Parkinson

Sponsoring Director: Director of Housing and Assets

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Site 1 - Aitchinson Avenue, Hucknall



Current occupation details	Plot site. No plots let.
Legal Interests	Area outlined above. This is a subsection of a larger title. There is a precedent for this as we have already disposed of a section of land to the right (coloured blue) which was part of the original title.
Pre-disposal works	None. No pre-existing buildings to clear.
Repairs and Maintenance obligations	If retained the area would need to be cleared of invasive species annually.
Covenants and or easements	None.
Included on the register of community assets?	No
Strategic implications	No development or other strategic use.
Financial implications	Currently zero income generated. Minimal upkeep costs, just regular site inspections. Long term investment would be required if site was retained. No estimated cost.
Legal requirements	No existing rights of way noted from visual inspection. Site title searches contain some covenants but they are not significant to prevent the sites being sold. Any potential purchaser will be made aware of the covenants which will pass to them at the point of sale.

Site 2 - Minster Close



Current occupation details	Garage site with no users.
Legal Interests	Area outlined above.
Pre disposal works	None.
Repairs and Maintenance obligations	If retaining garages would need to be demolished as beyond repair. Would need to be resurfaced. Site currently unsafe.
Covenants and or easements	None.
Included on the register of community assets?	No.
Strategic implications	No development of strategic value due to access issues (too narrow for planning)
Financial implications	Zero income generated. Retaining site requires substantial investment just to make safe.
Legal requirements	No existing rights of way noted from visual inspection. Site title searches contain some

	covenants but they are not significant to prevent the sites being sold. Any potential purchaser will be made aware of the covenants which will pass to them at the point of sale.
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Site 3 - Spinney Close



Current occupation details	Garage site with 2 garages and no users
Legal Interests	Area outlined above.
Pre disposal works	None
Repairs and Maintenance obligations	Everyday repairs such as fire damage or vandalism.
Covenants and or easements	Fencing to rear of site to be retained.
Included on the register of community assets?	No.
Strategic implications	No strategic or development value. Garages are set in an area where we no longer have any housing.

Financial implications	Zero income generated.
Legal requirements	No existing rights of way noted from visual inspection. Site title searches contain some covenants but they are not significant to prevent the sites being sold. Any potential purchaser will be made aware of the covenants which will pass to them at the point of sale.

Stamper Crescent



Current occupation details	No users, however, site being used for free by other locals.
Legal Interests	Area outlined above.
Pre disposal works	None.
Repairs and Maintenance obligations	Resurface works needed, estimated cost £20,000
Covenants and or easements	None.
Included on the register of community assets?	No.
Strategic implications	No strategic or development potential.

Financial implications	Zero income currently generated, Resurfacing costs.
Legal requirements	No existing rights of way noted from visual inspection. Site title searches contain some covenants but they are not significant to prevent the sites being sold. Any potential purchaser will be made aware of the covenants which will pass to them at the point of sale.

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Report To:	CABINET
Date:	7TH DECEMBER 2021
Heading:	SOCIAL HOUSING WHITE PAPER
Portfolio Holder:	CLLR T HOLLIS, DEPUTY LEADER AND PORTFOLIO HOLDER FOR COUNCIL AND SOCIAL HOUSING
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	YES

Purpose of Report

To provide a summary update of actions undertaken as a result of the (then) Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper in line with recommendations since the original summary presented in January 2021 Cabinet.

Recommendation(s)

To note the key implications and priorities for Ashfield District Council arising from the Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper and the resulting identified actions.

To note progress against the reported action plan

Reasons for Recommendation(s)

To update Elected Members on how Ashfield District Council meets the Regulatory regime for Council Housing and complies with the expectation of the regulator that Elected Members are kept informed in our progress to meet statutory requirements.

Alternative Options Considered

(with reasons why not adopted)

No alternative – the White Paper sets out forthcoming changes and legislation as to how Council Housing will be regulated by the Regulator of Social Housing. To not adhere to the regulations may carry both unlimited sanction and reputational damage for the Council.

Detailed Information

The Social Housing White Paper was published by the Ministry of Housing, Communities and Local Government (MHCLG) on 17th November 2020. It is the follow up to the Social Housing Green Paper that was published in August 2018, both of which are part of the government’s response to the Grenfell Tower tragedy and the Hackitt Review of building safety and fire safety.

The White Paper sets out 7 core commitments that social housing residents should be able to expect from their landlord:

1. To be safe in your home
2. To know how your landlord is performing
3. To have complaints dealt with promptly and fairly
4. To be treated with respect – backed by improved consumer standards and regulation
5. To have your voice heard by your landlord
6. To have a good quality home and neighbourhood to live in
7. To be supported to take your first step to home ownership

Since the last update report to cabinet in January 2021 The Regulator of Social Housing (“the Regulator”) has published a Consumer Regulation Review on 7th September 2021. This report describes how they approached the consumer regulation and identified the key issues and lessons arising from casework in 2020-21, including the effects of Covid-19 pandemic and the publication of the Social Housing White Paper, The Charter for Social Housing Residents. It again reiterated the clear direction that has been set out in the White Paper and that there should be no delays in the implementation of the new regime.

The full review can be found on the website, but a summary is attached at Appendix 2

<https://www.gov.uk/government/publications/consumer-regulation-review-2020-to-2021/consumer-regulation-review-2020-21>,

An action plan has been created and is owned by a new Consumer Lead Officer appointed within the Housing team. This will continue to be monitored and be developed through the Housing and Assets’ Departmental Management Team (DMT) overseen by the Corporate Leadership Team (CLT) and Portfolio Member for Housing and Assets. The action plan highlights the areas within the White Paper and specific Consumer Standards that are being met and identifies gaps where service areas will need to ensure work continues to remain compliant.

It is essential that there is a council wide understanding of the implications of non-compliance and implements early warning signs for breaches. The Regulator and the Housing Ombudsman will continue to publish the actions taken against housing providers and the advice remains constant; that the direction of travel is clear with regards to the required outcomes and that providers should not wait for legislation in order to adhere to compliance.

This is especially prudent in respect of Health and Safety which sits under the ‘Home Standard’. All of the breaches of the standards in 2021 so far have been, or have included an element, of a breach of the Home Standard. Whilst the operational work of the Providers concerned have been questionable, it is also the lack of assurance and governance that the Board or Council receives from up to date and confident data, that raises most concern from the Regulator.

Next Steps

- Concentrated work with Council wide departments to embed understanding and identify robust indicators for early warning and evidence.
- Develop a clear report that will be submitted bi-annually to *committee/cabinet* that identifies focused recommendations where required, including associated risk of achieving target and compliance.
- Continue to work alongside Learning & Development for continuous learning for staff and councillors on key areas identified by gap analysis
- Tenant satisfaction measures need to be put in place.
- Capita Housing system is being updated in order to satisfy the collection of data
- Consumer Lead to undertake horizon scanning for regulatory changes and share information in timely manner with relevant departments.
- Robust risk analysis from performance and legislation changes that impacts operations and compliance.
- Embed better partnership working with cross-cutting departments through process reviews and sharing best practice.

Implications

Corporate Plan:

- To provide good quality value for money services
- To act strategically and plan for the future
- Review and improve tenant co-regulation, engagement and scrutiny in line with the regulatory framework for social housing in England and any new regulatory standards that are introduced

Legal:

There are no significant legal issues specifically in relation to this report. Legal advice and assistance will be provided in relation to the impacts of new legislation and regulations at the appropriate time, including any consequential Constitutional issues or amendments.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No financial implications arising from this report
General Fund – Capital Programme	No financial implications arising from this report
Housing Revenue Account – Revenue Budget	No financial implications arising from this report
Housing Revenue Account – Capital Programme	No financial implications arising from this report

Risk:

Risk	Mitigation
Failure to adhere to regulatory requirements could lead to unlimited fines, compliance notices, direct intervention and/or significant reputational damage to the Council	<ul style="list-style-type: none">• Robust methods of control must be put in place.• Action plan to be overseen and signed off by CLT• Portfolio Member and Cabinet briefed accordingly and approvals sought as required.
Negative Inspection report (consequences as above)	<ul style="list-style-type: none">• Ensure adequate resources are in place to document and ensure compliance• Prepare an 'Inspection Plan' and consider 'mock' inspection.

Human Resources:

As detailed in the report the whitepaper will require an upskilling of employees where required and a review of the potential skills gap to ensure that we have the right skill level in place. At this stage there is no other direct HR implications however there is a potential to impact on workload in the future which would be addressed utilising the Council's current policies and procedures.

Environmental/Sustainability:

No environmental implications at this point

Equalities:

No equalities implications at this point

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Appendix 1 – White paper Action Plan
Appendix 2 - Consumer Standards overview

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Cabinet report December 2021

Appendix 1

Briefing note from Consumer Regulation Review

Summary

The Regular published a Consumer Regulation Review on 7th September 2021. This report describes how they approached the consumer regulation and identified the key issues and lessons arising from casework in 2020-21, including the effects of Covid-19 pandemic and the publication of the [Social Housing White Paper](#), The Charter for Social Housing Residents. The full review can be found [here](#), however below are the key highlights separated by key themes and each of the consumer standards

- [Home](#)
- [Neighbourhood and Community](#)
- [Tenancy](#)
- [Tenant Involvement and Empowerment](#)

1. KEY THEMES

1.1 Health and Safety Compliance and managing risk

The events of 2020-21 emphasised just how important it is to ensure checks and inspections are up to date and that remedial actions are completed in a timely manner. With risks around health and safety effectively managed, registered providers are in a better position to deal with unexpected or unforeseen challenges.

The ability to meet statutory health and safety requirements relies on providers having good quality data about their tenants and their stock and being able to demonstrate that the data is accurate. Providers with good records and a good understanding of their properties could better identify the risks arising from reduced or restricted services and implement mitigations where necessary to help ensure tenant safety.

1.2 Communicating with tenants and understanding their needs

Engaging with tenants and understanding their diverse needs is a clear requirement under the consumer standards, and an important part of how registered providers deliver their services. The impact of Covid-19 meant that it was crucial that registered providers had mechanisms in place to ensure that all tenants, particularly those most vulnerable, could continue to communicate with their landlords and that landlords were able to understand and respond to tenants' needs.

Overall, registered providers adapted positively to the significant challenges over the year, introducing a range of communication methods to ensure tenant engagement was effective throughout. Registered providers should consider how best they can ensure tenant voices are heard, as this speaks to their culture and the purpose of the organisation.

1.3 Continuous learning from complaints

All providers should respond to issues or complaints promptly and the importance of learning from complaints should not be overlooked. Complaints provide rich insight for Boards and Councillors about the performance of services and are often an early indicator when things are going wrong.

Identifying trends, themes or wider issues relies on Boards and Councillors to be receptive to the messages that tenants are giving them. This continues to be a fundamental element of compliance.

1.4. Complying with the standards and planning for the future

The White Paper included proposals to strengthen consumer regulation to include proactive regulatory engagement between the Regulator, registered providers and local authorities in relation to the consumer standards. In 2020, the Fire Safety Bill and the Building Safety Bill were also introduced.

Registered providers should not wait for the White Paper to be implemented, as a clear direction of travel has been set and the Regulator continue to encourage all providers to consider what steps they can take now to prepare to implement the changes set out in the White Paper.

2. REFERRALS TO THE REGULATOR

Referrals and information about potential breaches of the consumer standards can go to the Regulator from a range of different sources. These include referrals from tenants, statutory referrals (for example from Members of Parliament or the Housing Ombudsman) or directly from registered providers.

In many cases, and in line with the co-regulatory approach, registered providers and local authorities refer matters directly, and providers are expected to tell the Regulator of any breach or potential breach of the standards

2.1 Sources of referrals

The charts below show that for all referrals received, the source of these referrals was consistent with the previous year. There was a slight increase in individual referrals and referrals from elected representatives, offset by a small decline in self-referrals and referrals arising from ongoing regulatory engagement.

	2020-21 (%)	2019-20 (%)
Referrals from individuals	70	68
Referrals from elected representatives	5	2
Referrals from contractors/employees	3	3
Self-referrals from registered providers	15	18
Referrals identified through regulatory engagement	4	6
Other reports	5	2

2.2 Consumer regulation process

The process for consumer regulation consists of up to three stages. In all cases the Regulator consider all the information received

Stage 1 As part of the initial consideration, there is a determination whether the matter falls within remit, if it is covered by the consumer standards and if it could potentially represent a breach of those standards.

Stage 2 A detailed review of the information will be carried out by the Regulators Consumer Regulation Panel to determine whether there is a potential breach of the consumer standards, and whether the serious detriment test is met.

Stage 3 Further enquiries will be made with the provider, the referrer and/ or any relevant third-party organisations (such as local authorities or the Housing Ombudsman), to reach a decision about whether the consumer standards have been breached and there has been serious detriment.

You can find a full explanation of the process on the [website](#).

2.3 Response to a breach of the consumer standards

The Regulator will always seek to secure the changes and improvements required using the least amount of interference. The most appropriate way for registered providers to evidence their commitment to remedying any failings is through timely and effective action. It is expected to see providers securing sustainable and long-term improvements and to put in place arrangements so that tenants are not at risk of harm while improvements are being delivered.

2.4 Referrals by standards

There seems to be a consistent breakdown year on year, with Home Standard most often cited in referrals. The table below gives the breakdown.

Standard	2020-21 (%)	2019-20 (%)
Home	46	54
Tenant Involvement and Empowerment	30	27
Tenancy	12	10
Neighbourhood and Community	12	9

3. THE LINK BETWEEN CONSUMER REGULATION AND GOVERNANCE

The approach to regulating economic standards is different to the regulation of the consumer standards, but the two are closely linked. The Regulator proactively seeks assurance from registered providers that they are meeting the economic standards including the Governance and Financial Viability Standard.

Strong governance arrangements to ensure compliance with consumer standards are particularly important when services are provided by third parties such as managing agents or contractors. It is crucial that the governance arrangements give assurance to the registered provider that it is meeting the consumer standards and keeping its tenants safe, even when it is not delivering all of the services itself.

4. THE HOME STANDARD

4.1 Breach of Home Standard and serious detriment

The Home Standard requires registered providers to provide homes of a decent quality, and to have an effective repairs and maintenance service which responds to the needs of tenants.

Case summary is available for South Kesteven District Council in the full review however, key points are:

- Self Referral
- Over a thousand remedial actions identified in fire risk assessments carried out in 2017 had not been completed.
- Not inspected any of its communal areas and just under half of individual properties had overdue inspections.
- Asbestos surveys for communal areas were over due
- Failed to ensure solid fuel heating appliances did not pose a risk to tenants

Conclusion that this was a breach of the Home Standard and there had been a risk of serious harm to tenants as a result.

4.2 Compliance across all areas of health and safety

Health and safety requirements are not always prescriptive, but providers need to demonstrate that they understand their responsibilities and what it takes to ensure tenants are safe in their homes.

There are two case studies in the report – one for electrical safety and one for asbestos management. The key points raised in both are:

- Self referrals
- Lack of appropriate information available at reasonable times
- Significant outside advice sought to rectify issues and find long term solutions

5. NEIGHBOURHOOD AND COMMUNITY STANDARD

The Neighbourhood and Community Standard sets out a number of specific expectations of registered providers. The most common of these considered during 2020-21 related to how registered providers managed anti-social behaviour.

An effective approach to managing anti-social behaviour is important in ensuring tenants feel safe in the communities in which they live, and that is an issue which has become more important as tenants have lived with additional restrictions as a result of Covid-19.

There is a good example case study in the report, but the key findings are below

- Tenant complaint (on behalf of a number of tenants)
- Persistent and serious criminal and anti-social behaviour in their neighbourhood caused by one household
- Detailed records of actions taken by the landlord to address the issues
- Evidence of multi-agency working
- Legal advice sought
- Although the situation hadn't been resolved, clear, accurate evidence demonstrated that there was no breach as the provider was working with other agencies to tackle the ASB as required under the Neighbourhood and Community Standard.

6. TENANCY STANDARD

The Tenancy Standard places obligations on registered providers to ensure that

- their homes are let in a fair, transparent and efficient way.
- their lettings make best use of available housing and

- be clear application, decision-making and appeals processes.
- enable their tenants to gain access to opportunities to exchange their tenancy with that of another tenant.
- take into account the housing needs and aspirations of tenants and potential tenants. This is particularly important where tenants have access needs due to disability.

There were no breaches under this standard in 20/21, however there is a case study in the review regarding intervention prior to breach. The key points are

- Whistleblowing referral
- Small provider charging new tenants an upfront “refurbishment charge” for potential works at the end of tenancy
- Fair wear and tear repairs are not rechargeable according to the tenant agreement
- No monies were ever fully or partially refunded
- As no tenant had complained, there was no breach but because of the potential impact on tenants, the regulator is concerned.
- The provider voluntarily removed the charge, announced the change to the tenancy agreements and refunded the charges tenants had previously paid

It highlights the importance of registered providers engaging constructively with the Regulator and being willing to review the impact of their policies and procedures, especially if they may have unintended consequences.

7. TENANT INVOLVEMENT AND EMPOWERMENT STANDARD

The Tenant Involvement and Empowerment Standard requires registered providers to take account of the diverse needs of tenants; treat all tenants with fairness and respect; and demonstrate they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

How a registered provider interacts with its tenants, and how it put things right when they have gone wrong, provides evidence and assurance about the culture of the organisation, and how its systems and processes operate in practice.

It also placed emphasis on the importance of tenants having access to effective redress mechanisms which aim to resolve concerns promptly and effectively.

The case example in the review highlighted the following:

- Referral from tenant regarding the conditions and implications of those to an entire housing estate
- Policies and processes were robust, in place and followed to demonstrate how individual concerns were managed and independently reviewed
- Evidence of proactiveness, multi-agency working, and working closely with tenants and representative groups.

8. CONCLUSION

Although work is ongoing with compliance against the Standards, it is worth noting these highlights from this review and how Ashfield District Council Housing and Asset Services can evidence we are confidently and appropriately achieving the following:

- We have good quality data about our tenants and stock and are able to demonstrate that the data is accurate and accessible to the relevant service areas,
- Consider how best we can ensure tenant voices are heard, both formally and informally, as this speaks our culture and the purpose of the organisation.
- Continue to identify trends, themes or wider issues and Boards and Councillors to be receptive to the messages that tenants are giving them. This continues to be a fundamental element of compliance.
- We should not wait for the White Paper to be implemented, as a clear direction of travel has been set and proactive work needs to commence to ensure compliance.
- Take into account the housing needs and aspirations of tenants and potential tenants. This is particularly important where tenants have access needs due to disability.
- We can demonstrate we know and understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

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Outstanding Actions

	Action	Status	Deadline	Update/Comments
Safety	Nominate a senior person responsible for complying with statutory health and safety requirements (publish their contact details and their role)	Outstanding	31/3/22	Discussions held with CLT and relevant departments and amend Council constitution thereafter. (This obligation will be set in national Legislation)
Safety	Put in place a compliance framework to provide assurance to DMT, CLT, Cabinet and tenants that health and safety risks are being managed effectively	Outstanding	31/3/22	Embed Housing safety risks within Corporate Risk Framework reporting to all relevant risk meetings.
Safety	Develop a health and safety tenant engagement strategy	Outstanding	31/3/22	Await appointment of Senior H&S lead
Performance	Report regularly to DMT, CLT, Cabinet and tenants on current performance against the draft national tenant satisfaction measures	Outstanding	1/4/22	Awaiting the draft standards to be published
Performance	Address weakness in compilation, manipulation and reporting of data and benchmarking information relating to performance, customer profiling, assists components, H&S and costs	Outstanding	1/4/22	Currently falling short of regulator expectations. Awaiting outcome of Performance Team service review
Performance	Respond to the tenant satisfaction measures consultation expected in April 2021	Outstanding	1/1/22	Government are planning to consult on a proposed set of tenant satisfaction measures in winter 2021-22,
Performance	Develop a technology solution through the DST programme to publish online performance data in real time	Outstanding	31/3/22	Raised collection and real time display with DST group 24th Feb 2021
Complaints	Update complaints policy following removal of democratic filter	Outstanding	TBC	Awaiting legislation before changes can be implemented.
Tenant voice	Conduct the first tenant scrutiny investigation	Outstanding	31/3/21	Recruiting more tenants to join the panel. The terms of reference etc are in place.
Home and neighbourhood	Review the findings of the MHCLG allocations review and make recommendations to DMT	Outstanding	31/3/23	Awaiting government consultation
Home and neighbourhood	Review and implement regime for cleaning of communal areas	Outstanding	1/6/22	Service to be reviewed. Awaiting decision on introduction of a service charge to establish budget

Actions currently in progress

	Action	Status	Deadline	Update/Comments
General	Training programme for all applicable staff, Councillors & tenants to ensure appropriate knowledge of regulation and compliance	In progress	31/3/22	Working with L&D to identify gaps and rolling training schedule delivery
Safety	Install carbon monoxide alarms in all ADC properties as required by updated regulation	In progress	31/3/22	Recruitment planned for a dedicated resource for installation and 10 yr replacement programme.
Performance	Review all current performance and tenant satisfaction data collection, including why it is collected, the methodology, how it is used and where it is reported.	In progress	1/4/23	further explore the use of Total Mobile and LimeSurvey for collecting information in absence of corporate solution.
Performance	Review data collection methods to ensure systems and procedures are robust and appropriate	In progress	31/3/22	raised collection and real time display with DST group 24th Feb 2021
Performance	Develop a prototype report on HRA expenditure which breaks down management costs and executive remuneration	In progress	30/9/21	HRA accountant requested to undertake
Complaints	Develop compensation policy	In progress	31/3/22	Policy is being drafted - DMT to review
Complaints	Develop e-learning for all tenant facing staff and their managers on housing service standards and dealing with a housing complaint	In progress	31/3/22	L and D to scope and develop an online training module for all Housing and related staff.
Consumer regulation	Regularly audit based evidence of compliance with existing regulatory standards and report findings and recommendations to DMT, CLT, Cabinet and tenants?	In progress	31/10/21	Evidence is currently being gathered.
Consumer regulation	Put in place a framework to identify any risk of a regulatory breach to enable preventative action	In progress	31/3/22	develop early warning indicators and then procedure to report potential breach
Consumer regulation	Put in place a procedure for reporting regulatory breaches internally and to the Regulator	In progress	31/3/22	use of systems preferred for early warnings
Tenant voice	Review ADC's position against the CIH Professional Standards Framework when launched and make recommendations to DMT and CLT to enhance professionalism of relevant teams, including mental health support offer	In progress	31/3/22	Awaiting finalisations of the standards
Home and neighbourhood	Develop an internal suite of measures to monitor the quality of ADC homes and neighbourhoods	In progress	31/3/22	Service Standards being reviewed
Home and neighbourhood	Monitor and engage with the Decent Homes Review and report to DMT, CLT and Cabinet on implications for ADC	In progress	31/3/23	Awaiting government consultation
Home and neighbourhood	Review progress implementing the domestic abuse strategies and DAHA action plan	In progress	1/12/22	Strategy/policy updated

Actions that are ongoing (continuous)

	Action	Status	Deadline	Update/Comments
General	Establish a cross-council task and finish group to implement the requirements of the White Paper	On going		DMT currently, subgroups formed as required
General	Agree a reporting framework for regulatory compliance, assurance and risk including frequency of reporting	On going	31/3/22	High level version complete. Development framework on going
Complaints	Identify a lead officer to review publications by the Housing Ombudsman and make recommendations to DMT on improvements required or risks that should be considered	On going	28/2/21	Complete Feb-21 -reports to DMT Members on a bimonthly basis starting in March 2021.
Complaints	Identify a lead officer to monitor complaint trends and effective implementation of service improvements	On going	28/2/21	Complete Feb-21 - a quarterly report to DMT on complaints
Complaints	Regularly monitor social media comments for dissatisfaction, complaints and compliments – report regularly to DMT and tenants	On going	28/2/21	Complete Feb-21
Complaints	Complete annual Complaint Handling Code self-assessment	On going	31/12/21	Published before the 31/12/20. Ratified by Cabinet.
Complaints	Support teams that work with tenants with ADC's role as 'landlord' to respond effectively to housing enquiries	On going	31/3/22	As part of training and development
Consumer regulation	Brief Cabinet on the key implications of the White Paper for ADC	On going		Cabinet has regular updates
Consumer regulation	Review regularly current compliance with existing consumer and economic regulations and report findings and recommendations to DMT, CLT, Cabinet and tenants	On going	31/3/22	Finalisation ongoing
Consumer regulation	Respond to any consultation opportunities on the future consumer regulation and inspection regime	On going		Ongoing work within departments
Tenant voice	Report regularly to DMT, CLT, Cabinet and tenants on the current tenant engagement position, achievements and opportunities for improvement	On going	30/10/21	Developing a Tenant Engagement Action Plan that will go as a quarterly report to DMT from October 2021.

Actions completed

	Action	Status	Deadline	Update/Comments
General	Develop a job description for a general compliance officer to bring together the dispersed regulatory activity carried out	Completed	1/9/21	In post from 01/09/2021
Performance	Nominate a senior person responsible for complying with the Consumer Standards (publish their contact details and their role)	Completed	31/3/22	Director of Housing of Assets will undertake role. Await legislation to change council constitution.
Complaints	Identify options to publish complaints policy as widely as possible	Completed	28/2/21	Complete Feb-21
Complaints	Review all written communication with tenants to ensure details of how to seek redress is included	Completed	28/2/21	Complete Feb-21
Tenant voice	Complete TPAS National Engagement Standards self-assessment	Completed	30/9/21	TPAS self-assessment which has been drafted, currently being reviewed
Tenant voice	Introduce the Customer Opinion and Insight Network (COIN)	Completed	30/9/21	COIN has been launched. developing this through customer phone surveys and adding new tenants to pool of engaged tenants.
Tenant voice	Understand scope of corporate community engagement strategy	Completed	30/9/21	
Home ownership	Confirm requirement to include shared ownership properties on HE funded developments	Completed	1/9/21	LA homes currently exempt

Report To:	CABINET
Date:	7 DECEMBER 2021
Heading:	TERMINATION OF LEGAL SHARED SERVICE
Portfolio Holder:	COUNCILLOR KIER BARSBY - PORTFOLIO HOLDER FOR ENVIRONMENTAL IMPROVEMENTS, CORPORATE COMMUNICATIONS AND CROSS PORTFOLIO SUPPORT
Ward/s:	NOT APPLICABLE
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To update Cabinet in respect of the shared legal service since the arrangements were put in place in November 2012 and the decision of Mansfield District Council to not extend the arrangements beyond the current service level agreement termination date of 31 October 2022. The report seeks approval to provide the legal service in-house on termination of the shared service and for delegations to enable an early termination of the agreement if appropriate.

Recommendation(s)

1. To note the decision of Mansfield District Council to not renew the Legal Shared Service arrangement beyond the current service level agreement termination date of 31 October 2022;
2. To approve the in-house provision of legal services on termination of the shared service;
3. To delegate authority to the Director of Legal and Governance (Monitoring Officer) in consultation with the Portfolio Holder for Environmental Improvements, Corporate Communications and Cross Portfolio Support to agree an early termination date with Mansfield District Council if appropriate.

Reasons for Recommendation(s)

Mansfield District Council (MDC) has served notice on Ashfield District Council (ADC) confirming it does not intend to renew the Legal Shared Service beyond the existing agreement term of 31 October 2022. As such, the Council must decide how it will obtain legal advice and support following the termination of the shared service.

Following consideration of alternative delivery options for the provision of legal services, it is recommended that the most efficient and cost-effective option is for the service to be provided in-house, obtaining additional external legal expertise as necessary.

The Council has significant demand for legal support and advice, such as for environmental enforcement work, contracts and land transactions and this demand is set to increase further in light of the Towns Fund projects over the next 5 years.

In early discussions with MDC, and due to a large number of vacancies within the current establishment largely caused by the uncertainty of the shared service ending, it is likely an early termination date will be desirable in order to ensure ongoing, satisfactory and sufficient legal support.

Alternative Options Considered

(with reasons why not adopted)

The service could be provided by the private sector or other providers. This option is not considered as this would be more costly than an in-house provision. The option of looking to attract another shared service partner has also been dismissed, partly due to the short time frame in which to achieve this prior to contract termination, but also due to the fact there is little immediate interest being shown for sharing services.

Detailed Information

Legal Shared Service

As a result of the predicted pressures on local government resources and the need to develop new efficient and innovative approaches to service delivery, ADC and MDC began to discuss formal partnership working proposals during 2010.

The two Authorities decided to formally create a shared legal service in the summer of 2012 and agreed that ADC would host the service. MDC's employees transferred to ADC on 1 November 2012, pursuant to TUPE legislation. The initial Service Level Agreement was for a period of 5 years with an option to renew.

In order to inform the potential service extension, a review was carried out during 2016. The review concluded that the shared legal service had delivered greater resilience and development of expertise for both Authorities with numerous examples which demonstrated learning could be applied across both Authorities. This approach allowed efficient delivery of the service in house for both Councils and also reduced the need to seek external expertise and thus control external legal expenditure.

Following the review in 2016, both Councils approved the continuation of the shared service for a further five years. The current Service Level Agreement comes to an end on 31 October 2022.

With the termination date for the current Service Level Agreement approaching next year, MDC has decided not to renew the legal shared service beyond October 2022 and has served notice on the Council.

New Legal Provision

The Council has significant demand for legal support and advice, such as for environmental enforcement work, contracts and land transactions and this demand is set to increase further in light of the Towns Fund projects which will be implemented over the next 5 years.

The service could be provided by the private sector or other providers or a new shared service created with another public sector body. External provision would be more significantly more costly than an in-house provision. The option of looking to attract another shared service partner has also been dismissed, partly due to the short time frame in which to achieve this prior to contract termination, but also due to the fact there is little immediate interest being shown for sharing services.

Following consideration of alternative delivery options for the provision of legal services, it is therefore recommended that the most efficient and cost-effective option is for the service to be provided in-house, obtaining additional external legal expertise as necessary.

In early discussions with MDC, and due to a large number of vacancies within the current establishment largely caused by the uncertainty of the shared service ending, it is likely an early termination date will be desirable in order to ensure ongoing, satisfactory and sufficient legal support.

Exit Planning

A joint project group across both Councils has been established to manage the exit from the shared service. The project group has an exit plan and is meeting monthly. An exit risk register and communication plan is being developed by the project team.

An internal operational exit and transition plan specific to ADC is being developed.

Cabinet will be aware from the Corporate Risk Management report which appears elsewhere on this agenda, that a Corporate Risk has been recognised regarding the lack of staffing resources and disruption caused by exiting the shared service. Filling the Service Manager vacancy was a key part of the Council's exit planning as the role will be crucial in supporting the team during this time and prioritising workloads. The Director of Legal and Governance and Service Manager are monitoring interim staffing arrangements (largely through engagement of locum staff) on a weekly basis and obtaining external legal support where appropriate.

A Service Review is underway to identify a new in-house structure and it is hoped the team will be consulted on this before the end of the calendar year.

Implications

Corporate Plan:

The Legal Team provides support across the Council to ensure delivery of the Corporate Plan.

Legal:

It is not mandatory for the Council to have an in-house legal service, however, the team does support a number of mandatory services and will play a key role in the corporate delivery of the Towns Fund projects over the next 5 years.

Appropriate legal advice has been provided regarding the dissolution of the service and the impact upon existing employees to ensure that the Service Level Agreement and relevant legislation are applied and policies and procedures followed. [RD 11/11/2021]

Finance: [PH 12/11/2021]

Budget Area	Implication
General Fund – Revenue Budget	None at this stage. General Fund financial implications will be known once the review is concluded and the staffing structure is approved.
General Fund – Capital Programme	Not applicable.
Housing Revenue Account – Revenue Budget	None at this stage. HRA financial implications will be known once the review is concluded and the staffing structure is approved.
Housing Revenue Account – Capital Programme	Not applicable.

Risk:

Risk	Mitigation
The risk has been identified in the Corporate Risk Register: Legal Services – Lack of Staffing Resources and Disruption Caused by Exiting Shared Service	<ul style="list-style-type: none">• Joint Exit Plan with MDC• Develop detailed Risk Register as part of Exit Plan• Regular project meetings with MDC regarding Exit• Transition Plan (ADC) to be developed• Use of Communications Plan• Agree early exit date with MDC as appropriate• Cabinet approval as per the recommendations in this report to set up and in house team and to implement new structure in accordance with Council process• Interim staffing – fixed term contracts; locums• Regular review of priority workloads• Use of external legal resources as necessary

Human Resources:

HR are involved in the working group in respect of the dissolution and all employees along with their Trade Union representatives have been informed of the dissolution. Employees will be fully consulted in relation to the dissolution and subsequent revised structure. All relevant policies will be adhered to. [KB 16/11/2021]

Environmental/Sustainability:

There are no Environmental/Sustainability issues in relation to the recommendations in the report.

Equalities:

There are no equalities issues in relation to the recommendations in the report.

Other Implications:

None

Background Papers

None

Report Author and Contact Officer

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Report To:	CABINET
Date:	7TH DECEMBER 2021
Heading:	2021/22 FORECAST OUTTURN FOR GENERAL FUND, HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME AS AT SEPTEMBER 2021
Portfolio Holder:	PORTFOLIO HOLDER FOR FINANCE, REVENUES AND BENEFITS – CLLR DAVID MARTIN
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To summarise the Council's forecast financial outturn position to 31 March 2022 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme. The forecast financial outturn is based on the actual financial activity to the 30 September 2021 and forecast costs and income from 1 October 2021 to 31 March 2022

Recommendation(s)

Cabinet is requested:

- (1) To note the current forecast outturn for the General Fund, Housing Revenue Account (HRA) and Capital Programme for 2021/22.
- (2) To approve the budget adjustments outlined in section 3.1, Table 3.
- (3) To note the write-off of the outstanding invoices for the Hotel Investment Property in relation the Shearings, the previous tenant who went into administration.

Reasons for Recommendation(s)

In accordance with the Council's Financial Regulations to report to those charged with Governance the financial position.

Alternative Options Considered

None.

Detailed Information

- 1.1 Table 1 below shows the current revised budget based on original budget approved by Council on the 4th March 2021 and Council approved budget adjustments to 30th September 2021. It sets out the 2021/22 net revenue forecast outturn position based on actual income and expenditure to 30th September 2021 and forecast income and expenditure for the remainder of the year to 31 March 2022.
- 1.2 The current General Fund forecast is a £659k underspend compared to revised budget, including the in-year Covid-19 grant received to date. A reduction of £1k underspend since the previous budget monitoring reported to Cabinet as at 31 July 2021.

Table 1 - Net Revenue Forecast to 31 March 2022 by Directorate

General Fund	Revised Budget	Forecast	Current Forecast Variance	Previous Forecast Variance	Change
	£'000	£'000	£'000	£'000	£'000
Directorate					
Chief Executive Officer	547	561	14	12	2
Legal and Governance	1,787	1,760	(27)	(19)	(8)
Resources and Business Transformation	319	(122)	(441)	489	(930)
Place and Communities	9,924	9,741	(183)	(118)	(65)
Housing and Assets	2,140	2,159	19	(13)	32
Total Net Directorate Expenditure	14,717	14,099	(618)	351	(969)
Net Recharges	(2,744)	(2,705)	39	0	39
Capital Financing	2,549	2,368	(181)	(181)	0
Net Interest Payable /(Receivable)	8	3	(5)	(5)	0
Net Revenue Expenditure	14,530	13,765	(765)	165	(930)
Funding	(13,369)	(13,369)	0	(817)	817
Net Revenue Expenditure before transfer to(from) earmarked reserve	1,161	396	(766)	(652)	(114)
Transfer to(from) earmarked reserve	(1,277)	(1,170)	107	(8)	115
Net Revenue Expenditure after transfer to(from) earmarked reserve	(116)	(774)	(659)	(660)	1

- 1.3 Appendix 1 provides details of the variances for each Directorate, Corporate Costs and Funding.

1.4 The main changes since the previously reported position are:

- Resources and Business Transformation - Budget adjustment (approved by Cabinet, in previous monitoring report) to recognise the non-specific Covid funding with corresponding expenditure budget in Resources and Business Transformation. Unbudgeted investment property income.
- Place and Communities - Increase in the forecast savings due to vacant post in Community Safety and Environmental Maintenance. Additional short-term costs for the Whitespace system to secure discount.
- Housing and Assets – Budget adjustment to recognise the transfer of a post to another directorate following a service review (approved by an ODR). Reduction in income from call monitoring due to reduced customer numbers.

1.5 Appendix 2 provides details of the approved and forecast earmarked reserves movements as at 30th September 2021.

1.6 The current forecast does not include any costs for the 2021/22 pay award. The current pay award offer of 1.75% is estimated to cost £266k, which would reduce the forecast underspend to £393k. The impact of the pay award will be fully reflected in the forecast once it has been agreed and accepted.

1.7 Gas and electricity prices are expected to increase from October with early indications that the General Fund will be £44k overspent against the budget. Once confirmed prices are available, they will be incorporated into further forecasts.

2. Covid-19 Grant

2.1 The Council has received Covid funding of £817k in 2021/22 to date. Table 2 below shows the utilisation of the funding to 30th September 2021 of £631k. This position is reflected in the forecast outturn position in Table 1, the overall forecast outturn of £774k includes £186k unutilised in year Covid funding.

Table 2 – Covid-19 costs and loss of income

Directorate	Description	Amount £'000
<u>Costs</u>		
Resources and Business Transformation	Publicity - vaccine hesitancy campaign	2
	Cost on re-assignment of Grangemouth investment property	76
Communities and Place	Environmental Maintenance - Additional Vehicles	4
	Waste Collection - Additional Vehicles	8
	Waste - Agency Costs	5
Total Additional Costs		95
<u>Income</u>		
Resources and Business Transformation	Loss on hotel investment income	208
	Loss of investment income on re-assignment of Grangemouth investment property	139
	Loss on Housing Benefit overpayments	150
Housing and Assets	Community Centre loss of income	9

	Car parking income losses	30
Total Income Losses		536
Total Costs and Losses		631

3. General Fund Budget Adjustments

- 3.1 Approval is requested for the following budget adjustments to recognise additional grant income received in year and to create the corresponding expenditure budgets.

Table 3 – Budget Adjustments 2021/22

Description	£'000
Homelessness Prevention Private Sector Funding	(56)
Homelessness Prevention Private Sector Expenditure	56
Rough Sleeper Initiative - Local Authority Contributions	(70)
Rough Sleeper Initiative - Intervention Expenditure	70
Track and Trace Support Funding	(288)
Track and Trace Support Payments	288
Rough Sleeper Initiative Grant Funding July 2021 - March 2022	(940)
Rough Sleeper Initiative Grant Expenditure July 2021 - March 2022	940
Developer contributions for works in Papplewick	(65)
Papplewick works	65

4. General Fund Savings/Efficiencies Monitoring 2021/22

- 4.1 The 2021/22 budget included the proposed savings and efficiencies as detailed in Table 4 below. The forecast achievement of these savings is identified, on the following basis:
- saving has been achieved (green),
 - saving forecast to be achieved but actions are still required to secure the saving (amber),
 - saving will not be achieved (red).

Table 4 - General Fund Savings/Efficiencies Monitoring 2021/22

Saving / Efficiency	Detail	£'000
Markets Review	Rationalisation of markets to reduce costs allow focus on successful higher take up trading days within each Town.	35
Depot Canteen	The canteen was trading at a loss and the proposed future trading model (post pandemic) is self-service. This makes this service cost neutral.	10
Courier Service	Cessation of Courier service between Ashfield and Mansfield largely due to more documents being transferred electronically.	5
Communications	Reduced cost of Ashfield Matters – graphics design work to be undertaken in-house.	8

DST	Movement to a hosted telephony solution (£37k), reduced paypoint costs as more customers transacting on-line (£5k) and mobile telephony contract savings (£5k)	47
Member Allowances	Reduced Member Allowances in line with Independent Remuneration Panel recommendations.	23
Place & Communities Management	Management Structure savings	13
Investment Property	Net annual income from Investment Property acquired in early April 2020.	117
Taxi Licensing	Apportionment of relevant share of taxi license income to support the MOT's of Taxis at the depot.	48
Office Accommodation	Additional income from the Police for their increasing share of the offices at Urban Road. (Annual rent income now £38k.)	3
TOTAL		309

4.2 The position outlined above shows £257k of the £309k savings have been achieved, and £52k are anticipated to be achieved but actions are currently being reviewed to ensure they are fully achieved.

5. General Fund write-off

The outstanding invoices raised for the hotel investment income with Shearings are to be written off. The write-off of £209k will be to the sundry debt bad provision as the provision was increased as part of the outturn position 20/21 to provide for the write-off of this income. There is no impact on the 2021/22 general fund position.

6. Summary for Housing Revenue Account (HRA)

6.1 Table 5 sets out the 2021/22 HRA forecast outturn position based on actual income and expenditure to 30 September 2021 and forecast income and expenditure from October 2021 to March 2022, compared to the original budget approved by Council on the 4th March 2021 and Council approved budget adjustments to 30th September 2021.

6.2 Details of any significant variances incorporated within the forecast outturn are detailed in the commentaries below the table.

Table 5 – Housing Revenue Account Forecast to 31 March 2022 by Directorate

Description	2021/22 Revised Budget £'000	2021/22 Forecast Outturn £'000	Variance £'000
Income			
Rents, Charges and Contributions	(24,772)	(24,751)	21
Interest and investment income	(16)	(6)	10
Total Income	(24,788)	(24,757)	31

Expenditure			
Repairs and Maintenance	7,873	7,873	0
Supervision and Management	4,446	4,285	(161)
Interest payable and similar charges	3,548	3,548	0
Rents, Rates, Taxes and other charges	196	151	(45)
Depreciation and impairments of fixed assets	3,884	3,884	0
Debt Management Costs	44	44	0
Contribution to the Bad Debt Provision	200	200	0
Transfer to Major Repairs Reserve	1,339	1,339	0
Capital expenditure funded by the HRA	7,869	7,869	0
Total Expenditure	29,399	29,193	(206)
Net Cost of HRA Services	4,611	4,436	(175)

6.3 Rents, Charges and Contributions

Community Centres closed under the Covid 19 restrictions until August. Bookings are lower after reopening with loss of income currently forecast at £21k.

6.4 Interest and Investment Income

Reduced Interest rates in the banking sector will reduce the average annual interest rate on the HRA balances. Currently forecasting a reduction of £10k but this is open to fluctuation dependant on the economy.

6.5 Supervision and Management

Forecast savings are from Housing Services vacating the Brook Street Office.

6.6 Rents Rates Taxes and Other Charges

Forecast savings of £60k are from Housing Services vacating the Brook Street Office. There are £15k additional costs forecast due to the changes in Council Tax empty property charges.

6.7 The current forecast does not include any costs for any pay award agreed. The current pay offer of 1.75% is estimated to cost £93k, which would decrease the forecast underspend to £82k.

6.8 Gas and electricity prices are expected to increase from October with early indications that the HRA will be £18k overspent against the utilities budget. Confirmed prices are expected in October and will be incorporated into further forecasts.

7. **HRA Savings/Efficiencies Monitoring 2021/22**

7.1 The 2021/22 HRA budget included the proposed savings and efficiencies as detailed in Table 6 below. The forecast achievement of these savings is identified, on the following basis:

- saving has been achieved (green),

- saving forecast to be achieved but actions are still required to secure the saving (amber),
- saving will not be achieved (red).

Table 6 - HRA Savings/Efficiencies Monitoring 2021/22

Saving/Efficiency	£'000
Housing Repairs Review - staffing efficiency	46
Dynamic Resource Scheduler efficiency - less use of subcontractors	90
TOTAL	136

7.2 The forecast achievement of these savings is included within the forecast outturn reported in section 5 of the report.

8. Capital Programme 2021/22

8.1 Table 7 below details the current approved Capital Programme for 2021/22 as at 30th September 2021. This is based on the original budget approved by Full Council on the 4th March 2021 and Full Council approved budget adjustments to 30th September 2021.

Table 7 – Capital Programme 2021/22 as 30th September 2021

	Actual + Commitment s £000s	Capital Programme £000s	Variance £000s
Housing Revenue Account			
<i>Decent Homes Schemes</i>			
Management Fee	0	579	579
Catch Up and Future Major Works	110	4,265	4,155
Service Improvements	1	275	274
Contingent Major Repairs	0	85	85
Exceptional Extensive Works	71	1,450	1,379
Kirkby & Rural	-80	0	80
Disabled adaptations - Major adaptations	1	168	167
Disabled adaptations - Minor adaptations	120	471	351
Sub Total	223	7,293	7,070
<i>Other Housing Revenue Account Schemes</i>			
Affordable Housing Developments Sutton In Ashfield	664	1,321	657
Affordable Housing Development – Wesley Street	0	198	198
Davies Avenue Housing Project	1	2,288	2,287
Investment in New or Existing Dwellings	619	1,567	948
Green Homes Grant (HRA)	13	519	506
Green Homes Grant (HRA) (2)	0	325	325
Hucknall Infill Sites	519	2,188	1,669

Housing Vehicles	682	610	-72
Maun View Sutton-in-Ashfield	9	1,076	1,067
Officers` IT for Agile Working (HRA)	4	106	102
Other Housing Revenue Account Schemes (less than £100k)	51	100	49
Sub Total	2,562	10,298	7,736
Total	2,785	17,591	14,806
General Fund			
Depot Roof Repairs	0	950	950
Fox Street pop-up food court and car park	47	102	55
Green Homes Grant (GF)	17	700	683
Green Homes Grant (GF) (2)	0	482	482
Health and Safety works for Kirkby Offices	0	216	216
Hucknall Leisure Centre - Fixtures, Fittings and Equip	1,270	1,775	505
Hucknall Leisure Centre - New Pool	306	719	413
Improvement Grants 1996 Act Disabled Facility Grant	654	1,122	468
Kings Mill Reservoir (The King and Miller to Kingfisher)	286	435	149
Kings Mill Reservoir Car Park Expansion	0	192	192
Kirkby Leisure Centre	3,430	12,000	8,570
Lammas Leisure Centre - Fixtures, Fittings and Equip	986	2,971	1,985
Low Street vacant units	470	2,176	1,706
Play Areas	93	106	13
Purchase of Vehicles	324	1,271	947
Sutton Academy Community Theatre/Cinema	48	612	564
Sutton Maker Space and Business Hub	13	2,105	2,092
Titchfield Park Brook	178	231	53
Towns Fund Projects	581	4,396	3,815
Other General Fund Schemes (less than £100k)	358	973	615
Total	9,061	33,534	24,473
Grand Total	11,846	51,125	39,279

8.2 The current forecast for the year 2021/22 is the approved budget of £51.125m.

8.3 The explanations where spend is significantly less than the approved budgets are:

- Decent Homes Schemes -Issues with material supplies and Western Power Isolators
- Davies Avenue Housing Project - Contractor issues, material and labour shortages and infrastructure amendment for drainage
- Maun View Sutton-in-Ashfield - delayed start due to planning issues and labour and material shortages.

Implications

Corporate Plan:

The revenue and capital budgets included within this report support delivery of the priorities in the Corporate Plan.

Legal:

This report ensures compliance with the Council's approved Financial Regulations. [RLD 17/11/2021]

Finance: [BB 17/11/2021]

Budget Area	Implication
General Fund – Revenue Budget	As set out in the detailed information section of the report.
General Fund – Capital Programme	As set out in the detailed information section of the report.
Housing Revenue Account – Revenue Budget	As set out in the detailed information section of the report.
Housing Revenue Account – Capital Programme	As set out in the detailed information section of the report

Risk:

Risk	Mitigation
Failure to spend within approved budgets could impact on the financial sustainability of the Council.	Financial monitoring reports to CLT and Cabinet. Financial Regulations. Financial Management training of Budget Holders and Managers.

Human Resources:

No implications

Environmental/Sustainability

No implications

Equalities:

No implications

Background Papers

Annual Budget and Council Tax 2021/22 and Medium-Term Financial Strategy Update to Council
4th March 2021

Draft Outturn Report 2020/21 to Cabinet 19 July 2021

2021/22 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at July 2021

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Directorate: Chief Executive's Department

Forecast as at: 30/09/2021

Service Area	Forecast Underspend OR Income over-recovery (-) £'000	Forecast Overspend OR Income under-recovery (+) £'000	Key reasons for forecast variance (for variances of £3k or greater only)
Chief Executive		18	Recruitment Advertising for the CEO post
Chief Executive	-6		Reduction in Superannuation Back funding - based on actuals to date
Chief Executive		2	Various small amounts within CEO
Total	-6	20	
Net Forecast Under/Overspend	14		

Directorate:

Legal &
Governance

Forecast as at:

30/09/2021

Service Area	Forecast Underspend OR Income over-recovery (-) £'000	Forecast Overspend OR Income under-recovery (+) £'000	Key reasons for forecast variance (for variances of £10k or greater only)
Director	-3	4	Small underspends. Vacancy factor not met.
Risk & Emergency Planning	-35	0	Vacancy (1 post) and other small underspends
Legal Services	-2	2	Higher income. Commercial Debt training costs and reference books (new contract)
Democratic & Scrutiny Services	-1	8	Forecast for national pay award, still to be finalised - offset by small underspends
Total	-41	14	
Net Forecast Under/Overspend	-27		

Directorate:

Resources & Business
Transformation

Forecast as at:

30/09/2021

Service Area	Forecast Underspend OR Income over-recovery (-) £'000	Forecast Overspend OR Income under-recovery (+) £'000	Key reasons for forecast variance (for variances of £3k or greater only)
GIS	-25		Increased income for street naming and numbering
Publicity		2	For Covid related publicity -Vaccine Hesitancy Campaign (Covid grant funded)
Commercial Properties		21	NNDR charges for void property for Kirkby Town Centre Redevelopment Areas
HR & Payroll		5	Unbudgeted costs for Kick Start Programme - New Programme
		5	Occupational Health Costs
Investment Properties		215	Loss of rental income and costs on Grangemouth Property
	-134		Increase in Investment income for Falkirk
Revenues and Benefits		285	Loss of income due to new HB claims moving to Universal Credit - Part Covid related
Customer Services		5	Reduction in income from NCC - Customer Services contract hasn't been renewed
Director	-3		Increased Income from Crematorium
Covid Grant Expenditure Budget	-817		£631k meeting Covid related overspends across all directorates, identified elsewhere in this analysis and Table 2 in the main report. £186k currently unallocated, any unallocated at year end will transfer to reserve.
Total	-979	538	

Net Forecast Under/Overspend

-441

Directorate:

Place &
Communities

Forecast as at:

30/09/2021

Service Area	Forecast Underspend OR Income over- recovery (-) £'000	Forecast Overspend OR Income under- recovery (+) £'000	Key reasons for forecast variance (for variances of £3k or greater only)
Community Safety	-104		Employee costs, as a result of staff vacancies across the Service.
	-31	2	Higher income, as a result of share of Fixed Penalty Notice income from arrangement with third party operator.
			Other costs.
Neighbourhoods and Environment	-149	4	Employee costs in Environmental Maintenance, due to vacancies.
		7	Hire of vehicles in Environmental Maintenance in order to maintain social distancing (Covid grant funded).
	-64		Water charges at Allotments.
		64	Additional Developer Contributions.
		17	Payments to contractors for works in connection with additional Developer Contributions.
		21	One off cost to secure Whitespace system discount (EDR to support)
Waste Services	-88		Gas costs for new pavilions at Papplewick and Wigwam (includes costs from 2019 & 2020)
		18	Higher income as a result of new business in Trade Waste.
		13	Additional purchase of trade bins as a result of increased business.
		43	Additional Garden Waste bins
		8	Employee costs (Non-achievement of Vacancy factor)
			Vehicle Hire (social distancing) (Covid grant funded)

Transport & Depot	-45	10	Lower income from 'Public' MOTs. Income from vehicle sales
Place & Wellbeing	-60	34	Reduced employee costs, due to vacancies. Costs associated with consultancy fees on the Leisure Centre contract slipped into 21/22 due to delays in implementing the contract for 1 April 2021.
		15	NNDR in respect of Edgewood Leisure Centre
Markets	-16	45	Lower rents from Idlewells Indoor Market Reduced staff costs at Moor Indoor Market (not yet fully operating)
		54	Reduced rents from Moor Indoor Market (not yet fully operating)
Licensing	-12		Reduced employee costs, due to vacancies
Planning & Regulatory Services	-8	39	Reduced employee costs, due to vacancy (part post) Increased costs, largely resulting from increased Planning appeals
Total	-577	394	
Net Forecast Under/Overspend	-183		

Directorate:

Housing &
Assets

Forecast as at:

30/09/2021

Service Area	Underspend OR Income over-recovery (-) £'000	Overspend OR Income under- recovery (+) £'000	Key reasons for forecast variance (for variances of £10k or greater only)
Private Sector Housing		5	Costs incurred in moving on illegal traveller occupation.
Housing Administration	-1		Base Budget Review
Car Parks	-33	35	Reduction in establishment
Community Centres	-2		Underachieved income compared to budget from Covid restrictions
Asset Management General	-16	13	Base Budget Review
		13	Underachieved income compared to budget from Covid restrictions
		13	Reduced employee costs, due to vacancies.
		13	Cleaning Services requirement after reopening the main office to the public.
		3	Annual Assessment of the Council's carbon emissions
	-5		Business Rates reduction for renting out of Watnall Road Office
	-5		Base Budget Review
Supported Housing - Call Monitoring		13	Reduced income due to reduction in customer numbers
Strategic Housing	-1		Base Budget Review
Total	-63	82	
Net Under/Overspend	19		

Corporate Costs

Corporate
Costs

Forecast as at:

30/09/2021

Service Area	Forecast Underspend OR Income over-recovery (-) £'000	Forecast Overspend OR Income under- recovery (+) £'000	Key reasons for forecast variance (for variances of £10k or greater only)
Recharges		39	Reduction in charges to HRA as reduced overall costs in Housing and Assets
Loan Interest payable	-175		Forecast interest saving due to managing borrowing need through internal borrowing not taking on external debt. This has been achieved due to the increase in reserve levels and working capital.
Minimum Revenue Provision (MRP)	-110		Slippage on 2020/21 Capital Programme funded by borrowing reducing the MRP charges in 2021/22
Interest received from HRA		3	Reduction in HRA Capital Financing Requirement (CFR) from budget as land appropriated from General Fund to HRA in 2020/21 was funded in full in year by the HRA.
Capital Expenditure Financed from Revenue		101	Contribution to Kingsmill Reservoir Capital Scheme £90k and to the Retail Improvement Scheme £11k - funded from earmarked reserves.
Net investment income	-5		Reduction in net interest payable on balances and increase on interest earned on investments due to changes in forecast balances.
	-290	143	
Net Forecast Under/Overspend	-147		

**Movement in Reserves Summary
as at 30 September 2021**

Appendix 2

Service Earmarked Reserve	Opening Balance 1 April 2021	Approved		Balance as at 30 June 2021	Forecast as at 30 September 2021		Forecast Closing Balance as 31 March 2022	Forecast Comments
		Contributions	Withdrawals		Contributions	Withdrawals		
Elections	-64,858	-54,000		-118,858			-118,858	
Insurance Related Funds (Inc Risk Mngt)	-388,419	-75,000		-463,419			-463,419	
Revenue Grant Reserve	-3,726,729		845,676	-2,881,053		11,000	-2,870,053	S106 Revenue Grant Reserve for Retail Improvement Capital Scheme.
District Planning Enquiry Fund	-312,773		125,000	-187,773			-187,773	
Asset Renewal	-742,572			-742,572		90,000	-652,572	Asset Renewal Reserve for Kingsmill Reservoir Capital Scheme
Leisure Maintenance Reserve (joint Use Pre 2021)	-200,908			-200,908			-200,908	
Local Authority Mortgage Scheme (LAMS) Reserve	-75,899			-75,899			-75,899	
NNDR Equalisation Reserve	-2,139,850			-2,139,850			-2,139,850	
Supported Housing Trading Fund	-18,377			-18,377			-18,377	
Corporate Change Reserve	-1,345,384		250,000	-1,095,384			-1,095,384	
Commercial Property Investment Reserve	-3,150,000		208,000	-2,942,000	-208,000		-3,150,000	Contribution - use of reserve at budget setting replaced by in-year covid grant. .
Economic Development and Place Reserve	-383,759			-383,759			-383,759	
Joint Crematorium Reserve	-575,410			-575,410			-575,410	

Selective Licencing	-26,794		12,000	-14,794			-14,794
Licensing Reserve	-155,190			-155,190			-155,190
Brexit Reserve	-51,452			-51,452			-51,452
Covid-19 Grant Reserve	-886,000			-886,000			-886,000
Commercial Property Dilapidations Reserve	-10,000	-10,000		-20,000			-20,000
Other Reserves	-12,179	-25,000		-37,179			-37,179
Total Service Earmarked Reserves	14,266,554	-164,000	1,440,676	12,989,878	-208,000	101,000	- 13,096,878

Taxation Earmarked Reserve

NNDR/Ctax S31 & Compensation Reserve	-4,657,570	0	4,193,334	-464,236	0	0	-464,236
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Report To:	CABINET
Date:	7th DECEMBER 2021
Heading:	ASHFIELD DISTRICT COUNCIL: INFRASTRUCTURE FUNDING STATEMENT 2020/21
Portfolio Holder:	CLLR MATTHEW RELF, PORTFOLIO HOLDER FOR REGENERATION AND PLANNING
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

Local authorities, such as Ashfield, are required to produce and publish an Infrastructure Funding Statement on an annual basis, because of recent changes to government legislation (Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019).

Approval is sought for the Council's Infrastructure Funding Statement dated November 2021. The document sets out the 2020 /21 (1st April 2020 – 31st March 2021) income and expenditure relating to Section 106 (S106) agreements. It contains a summary of the financial contributions secured by the Council through S106 agreements from new developments for onsite provision of infrastructure, off-site infrastructure works and affordable housing. It also sets out planned expenditure for future years showing how unallocated funds will be spent. The statement is attached as part of this report.

Recommendation(s)

- 1. That Members approve the Council's Infrastructure Funding Statement 2020/21 dated November 2021 and to publish on the Council's website in accordance with Regulation 121A of the Regulations.**

Reasons for Recommendation(s)

The Council is required to prepare and publish an Infrastructure Funding Statement under Regulation 121A of the Regulations before the end of the 2021 calendar year.

Alternative Options Considered

The Council is required to prepare and publish an Infrastructure Funding Statement under Regulation 121A of the Regulations before the end of the calendar year. The content of the Statement is accurate and is as prescribed in the Regulations. If approval of the publication of the Statement is not given, it would be contrary to the Regulations.

Not recommended.

Detailed Information

The Council's Infrastructure Funding Statement dated November 2021 sets out the 2020 /21 (1st April 2020 – 31st March 2021) income and expenditure relating to Section 106 (S106) agreements. It contains a summary of the financial contributions secured by the Council through S106 agreements from new developments for onsite provision of infrastructure, off-site infrastructure works and affordable housing across the whole of the district. It also sets out planned expenditure for future years showing how unallocated funds will be spent.

Implications

Corporate Plan:

The Infrastructure Funding Statement supports the objectives of the Corporate Plan by identifying S106 funding to support infrastructure in association with development and maximise the benefits and opportunities from growth.

Legal:

To comply with the requirements of The Community Infrastructure Levy Regulations 2010 an Infrastructure Funding Statement for the annual year 2020/21 must be published before 31st December 2021. The Statement must include the information set out in Regulation 121A and the relevant schedules detailed therein. [RD 11/11/2021]

Finance:

No direct financial implications. Failure to correctly identify and deliver on the S106 schemes would mean that contributions including RPI may have to be paid back to the developer.

Budget Area	Implication
General Fund – Revenue Budget	No financial implications contained within the Report
General Fund – Capital Programme	No financial implications contained within the Report
Housing Revenue Account – Revenue Budget	No financial implications contained within the Report.
Housing Revenue Account – Capital Programme	No financial implications contained within the Report.

Risk:

Risk	Mitigation
No known risks	N/A

Human Resources:

There are no direct HR implications related to the Report. There are no direct equality issues arising from the approval of the statement. It is not envisaged that approving the recommendation within this report will adversely disadvantage any groups.

Environmental/Sustainability:

Sustainability is at the heart of the planning system and the Infrastructure Funding Statement has been prepared with the aim of assisting the delivery of sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021.

Equalities:

There are no direct equality issues arising from the approval of the Statement. It is not envisaged that approving the recommendation within this report will adversely disadvantage any groups.

Other Implications:

N/A

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

A copy of the Council's Infrastructure Funding Statement dated November 2021 (1st April 2020 – 31st March 2021) is appended to this report.

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Ashfield District Council

Infrastructure Funding Statement 2020/21

November 2021

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1. Introduction

1.1: About this statement

Welcome to Ashfield District Council's Infrastructure Funding Statement (IFS). This document sets out the 2020/21 (1st April 2020 – 31st March 2021) income and expenditure relating to Section 106 (S106) agreements.

Local authorities, such as Ashfield, are required to produce an infrastructure funding statement on an annual basis, because of recent changes to government legislation¹. This document is the Council's infrastructure funding statement. For reporting S106 developer contributions, infrastructure can be defined as the following forms:

PHYSICAL	
Transport	Strategic & local highway networks, bus rail, airports, travel management, cycle and pedestrian facilities, car parking.
Affordable Housing	Houses and flats.
Energy	Gas and electricity generation and distribution, renewable energy projects.
Water	Water supply, water treatment, drainage, flood defences, water quality.
Digital	Including broadband and wireless connections.
Waste	Collection and disposal, recycling.
Minerals	Reserves.

SOCIAL	
Education	Primary, secondary, further education, and adult education.
Health	Health centres, GP and dental surgeries, hospitals.
Emergency Services	Police, Fire, Ambulance, community support.
Community Services	Community centres and centres for children, young people, elderly, and those with additional needs. Cemeteries, post offices.
Culture and Leisure	Museums, theatres, cinemas, sport centres, swimming pools, libraries, public art and realm, heritage assets.
Community Projects	Including community groups, local community led projects, training, and volunteering.

GREEN	
Open Space	Parks and country parks, children's play areas, sport pitches and grounds, allotments.
Forestry	Urban forest, woodland.
Biodiversity	Local wildlife sites, local nature reserves, private nature reserves, Sites of Special Scientific Interest, geological sites.

BLUE	
Waterways	Main rivers, small watercourses, canals..

Table 1: Forms of infrastructure

S106 (known as ‘planning obligations’ or ‘developer contributions’) income is used to help fund the provision of supporting infrastructure in association with development and maximise the benefits and opportunities from growth, such as town centre regeneration and affordable homes. This can be onsite, off site or involve financial contributions known as commuted sums, in lieu of provision. Contributions for transport, affordable housing, education, open space, public realm, regeneration, and health are most commonly requested for new infrastructure in Ashfield. Further information on this can be found in Section 2. S106 Contributions.

Developer contributions are normally a key component of any authority’s approach to developing and delivering an infrastructure strategy for their area. Effective infrastructure planning, prioritisation, and governance of spend are critical to supporting the delivery of sustainable development and growth². The Local Plan (Ashfield Local Plan Review 2002), prepared by the Council, is a plan for the future development of the District. The Local Plan (Ashfield Local Plan Review 2002) guides decisions on whether or not planning applications can be granted and details the requirements under which development contributions can be sought. Work is also underway on a replacement plan which, once adopted, will replace the Ashfield Local Plan Review 2002.

This report contains a summary of the financial contributions secured by the Council through S106 agreements from new developments for onsite provision of infrastructure, off-site infrastructure works and affordable housing. This report does not include highway works completed as part of Section 278 agreements (as this is within the remit of Nottinghamshire County Council as the highway authority) or Community Infrastructure Levy (CIL) Tariff payments. The Community Infrastructure Levy (the ‘levy’) is a charge which can be levied by local authorities on new development in their area. Ashfield District Council does not currently operate this charge as part of its development management processes.

Where S106 financial obligations have been secured and received on behalf of Nottinghamshire County Council (NCC) for highways, education or library infrastructure or the NHS Nottingham and Nottinghamshire Clinical Commissioning Group (CCG) for healthcare provision, the obligations will be recorded as spent within this document. NCC or CCG will explain, within their own IFS / reporting, details of how the funding has been used.

The information in this report will be published on the Council’s website and updated annually. <https://www.ashfield.gov.uk/planning-building-control/planning-applications/section-106/>

The information is correct at date of publication. However, committed works for future years may be subject to change due to prevailing economic conditions, new legislation, and revised corporate priorities.

¹ Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

² Developer contributions. Start with the spend in mind. PAS February2020. <https://www.local.gov.uk/pas/delivery/developer-contributions>

1.2: Key headlines from the statement

Monetary contributions

Total Money to be provided through planning obligations agreed in 2020/21	£700,549.80
Total Money received through planning obligations (whenever agreed) in 2020/21	£4,846,500.72
Total Money received through planning obligations (whenever agreed) spent in 2020/21	£1,114,565.86
Total Money received through planning obligations (whenever agreed) retained at the end of 2020/21 (excluding “commuted sums” for longer term maintenance)	£4,432,484.66
Total Money received through planning obligations (whenever agreed) retained at the end of 2020/21 (excluding “commuted sums” for longer term maintenance)	£51,122.60

Non- Monetary Contributions

Total number of affordable housing units to be provided through planning obligations agreed in 2020/21	52
Total number of affordable housing units which were provided through planning obligations (whenever agreed) in 2020/21	49
Total number of school places for pupils to be provided through planning obligations agreed in 2020/21	3
Total number of school places for pupils which were provided through planning obligations (whenever agreed) in 2020/21	Refer to Nottinghamshire County Council’s Infrastructure Financial Statement

2. S106 Contributions

2.1 Section 106 (S106) obligations

A Local Planning Authority can seek obligations, both physically on-site for a development and contributions for off-site, under Section 106 (S106) of the Town and Country Planning Act 1990. The obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The obligations must be:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

As part of the planning process, the development of new housing requires the provision of additional social, physical, and economic infrastructure to avoid a detrimental effect on the surrounding area and the lives of residents. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.³

S106 obligations can include:

- Requirements for parts of a development to be used in certain ways (“in-kind” contributions), for example for affordable housing.
- Requirements for certain works to be undertaken or for other requirements and /or restrictions on the form of the development, for example requiring the development to be car free.
- Financial contributions to address the impacts of development (“off-site contributions”) – usually limited to those cases where it is not feasible to meet policy requirements on site and / or to mitigate specific development impacts, for example the carbon emissions from development.

Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is identified in the National Planning Policy Framework (2019) as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development, it means additional floor space of 1,000 square metres or more, or a site of 1 hectare or more.

Planning obligations should not be sought from any development consisting only of the construction of a residential annex or an extension to an existing home.

Planning Practice Guidance 2019 Paragraph 023 ‘Planning Obligations’

<https://www.gov.uk/guidance/planning-obligations>

However, there are specific circumstances where contributions through planning obligations should not be sought from developers. These are:

Monitoring fees can be secured as part of a S106, but the amount secured must fairly and reasonably relate to the development and must be applied to monitoring costs.

2.2 Ashfield Local Plan Review 2002

The previous Ashfield Local Plan was adopted by Ashfield District Council in December 1995 with a plan period to 2001. Following adoption of the Nottinghamshire Structure Plan Review in November 1996, work commenced on the Ashfield Local Plan Review with a plan period to 2011. The Council resolved on 5th September 2002, to formally adopt the Local Plan in its modified form. The Council publicly advertised its decision to adopt the Plan (Ashfield Local Plan Review 2002), on the 22nd November 2002.

³ Guidance Planning Obligations 2019 Paragraph 004 <https://www.gov.uk/guidance/planning-obligations>

Local Planning Authorities such as Ashfield District Council are required under the Planning and Compulsory Purchase Act 2004 to prepare and maintain an up-to-date Local Development Scheme which helps project manage the ongoing production of the Local Plan. As part of the production of a new local plan, the Council prepared a revised Local Development Scheme (LDS) adopted 2018¹

The LDS represents a public statement of the programme for the preparation of the Local Plan, identifying key milestones and preparation arrangements. It also ensures that infrastructure planning forms an integral part of the evidence base for a new local plan.

The Council prepared an Infrastructure Delivery Plan (IDP)² as an evidence base document for the Local Plan in 2016 and was submitted for Examination (Feb 2017). The Infrastructure Delivery Plan brings together infrastructure requirements and information relating to the policies and proposals contained in the development plan. In doing so, infrastructure planning may reveal gaps in public funding for infrastructure provision, which will be assisted by developer contributions.

In 2018, the decision was made to withdraw the Local Plan (2016) and start work on a new Local Plan which, at the time of publication of this document is ongoing.

Planning applications must take into account the saved development plan policies of the Ashfield Local Plan Review (2002) until such time as a new plan is adopted. The saved policies, as identified in the table below (Table 2), set out the Council’s priorities on planning obligations in the context of negotiations on planning applications, with the highest priority given to affordable housing and education. Other priorities include public open space and public realm improvements, healthcare provision and transport infrastructure such as cycle lanes / routes, bus service improvements and traffic flow improvements.

Local Plan Policy Reference	Policy Title
HG1	Housing Land Allocations
HG4	Affordable Housing
HG6	Public Open Space in New Residential developments
TR6	Developer contributions to Transport Improvements
RC3	Formal Open Space

Table 2: Ashfield Local Plan Review 2002 Policies

The policies are supplemented by a number of adopted strategies such as the Public Open Space Strategy (2016) which considers the open space requirements for Ashfield for the period 2016 – 2026 and the Playing Pitch Strategy (2017) The Playing Pitch Strategy provides an overview of the provision for various sports in Ashfield for the period 2017 – 2020, which set standards and guide requests for developer contributions.

Ashfield District Council continues to work proactively with infrastructure and service providers (Nottinghamshire County Council for Education and Highways, healthcare providers such as NHS Mansfield and Ashfield & Newark & Sherwood Clinical Commissioning Groups, etc.) to determine the needs arising from the anticipated growth of the District, and to coordinate the requirements with other neighbouring authorities. A significant amount of expenditure for the delivery of services,

¹ <https://www.ashfield.gov.uk/media/8d843791e0527f8/lDs-sept-2018.pdf>

² <https://www.ashfield.gov.uk/media/8d85025a8aa55c4/infrastructure-delivery-plan.pdf>

including healthcare, education, police, and waste management, is determined based on funding formulae, underpinned by population forecasts.

2.3 S106 process for offsite financial contributions

As part of the planning application process, the Council will hold discussions with the developer to ascertain whether onsite infrastructure and/or affordable housing can be provided. If it is determined that onsite provision is not feasible, then a financial contribution will be negotiated with the developer, in the form of obligations in a S106 agreement. The Assistant Director of Planning and Regulatory Services works with development management case officers, developers, and the council's legal team to instruct S106 agreements for new developments, as required.

The Council will liaise with Nottinghamshire County Council to determine the level of primary and secondary education/ library/ and / or transport infrastructure contribution required to meet the needs (or also in the case of transport, mitigation works to minimise the impact) that would be generated by the development. Similar liaison will also take place with NHS Nottingham and Nottinghamshire Clinical Commissioning Group regarding health care contributions required for additional general practitioner service needs generated by the development. The Council's internal Place Team will be consulted to determine the level of public open space or public realm contribution required to meet the needs of the new development.

Once all the contributions have been collated, the requested sums are discussed with the developer and reviewed with regard to the overall viability of the proposed development. The various contributions are set out as time limited or staged payments (known as triggers) in the S106 agreement and will be due for payment by the developer such as on commencement of the works or at occupation of a specific number of houses.

The financial contribution requirement and planning for education is set by Nottinghamshire County Council. Their "Pupil Place Planning and School Capital Strategy" Nov 2017 can be accessed on the link below.

<https://www.nottinghamshire.gov.uk/media/127734/pupil-place-planning-and-new-school-funding-route-policy.pdf>

The requirement for affordable housing is set by the Ashfield Local Plan Review 2002, Saved Policy HG4, p.76 of the Local Plan – see link below:

<https://www.ashfield.gov.uk/media/8d84ff980f87003/full-document- text .pdf>

The financial contribution requirement for public open space and public realm is agreed with the developer to be what is proportionate to mitigate the impact of the development on the local area.

The S106 agreement is usually signed by all parties on the same day as the grant of planning permission. It then becomes an obligation which is registered as a land charge which stays with the land, binding future owners until the terms are fulfilled. The agreement will only be realised however if the planning permission is implemented, and the trigger points are reached.

Many of the S106 projects will be identified as priorities through the Corporate Plan and the Infrastructure Delivery Plan (IDP). The current IDP is being reviewed and updated as part of the work on the new emerging Local Plan. Developers will be required to contribute to the wider infrastructure, which looks to achieve the planning objective of sustainable development, responding to projected population growth and the need for new homes and jobs.

2.4 Governance structure for infrastructure delivery

Ashfield District Council has a governance and decision-making structure to ensure that infrastructure is delivered and the community benefits from S106 funding are realised. The governance arrangements are shown in the table below:

Decision making mechanism	Frequency	Purpose
Cabinet Chair: Council Leader	As and when required	Under the Ashfield District Council constitution's scheme of delegation, the Cabinet provides Member oversight for capital spending. The functions reserved to the Cabinet collectively are: <ol style="list-style-type: none"> i. Proposing the Budget and Policy Framework and Capital Programme to the Council and discharging Executive Functions in accordance with the Budget and Policy Framework agreed by Council. ii. Approval to the carry forward of underspends in excess of £15,000. iii. In-year budget re-allocations up to £100k (change from £50k). iv. Reallocation of capital budgets which do not exceed the overall capital programme. The Cabinet approves the Capital Programme in February. Updates to project programme can be taken to Cabinet throughout the year. Project performance is reported back to Cabinet.
Council Chair: Vice Chairman	Monthly	Capital Programme for new financial year approved at full Council, following approval at Cabinet.
Corporate Leadership Team (CLT) Chair: Chief Executive Officer	Weekly	The Capital Strategy and programme is reviewed in October. Next year's financial budgets are reviewed in November and the draft budget is approved in December.
Regeneration Board Chair: Director of Place and Communities	Bi- Monthly	Projects are generated for development in the regeneration pipeline, in line with the corporate plan objectives and departmental service plans. Project business cases are prepared for approval by the Regeneration Board. Project delivery is monitored by the Council's Performance Team using the Pentana project management system (quarterly updates) and at the regeneration board meetings
Capital programme review Extended Leadership Team (ELT) / CLT/ Finance	Monthly	S106 and grant funding project spend are circulated by the Finance team for comment and review.

Table 3: Ashfield District Council governance and decision-making structure

The diagram (Figure 1) below sets out the decision-making process:

Stage 1: Corporate Leadership Team.

- October: The Capital Strategy and programme is reviewed.
- December: Next year's financial budgets are reviewed.
- January: Draft budget is approved in January.

Stage 2: Cabinet

February: Capital Programme considered and recommended for approval by Council for the new financial year, including the allocation of received S106 contributions to specific projects.

Stage 3: Council

February/ March: Capital Programme for new financial year approved at Full Council, following recommendation by Cabinet.

Stage 4: Regeneration Board

Throughout the year: projects are generated for development in the regeneration pipeline, in line with the corporate plan objectives and departmental service plans. Project business cases are prepared for approval by the Regeneration Board. Project delivery is monitored by the Council's Performance Team using the Pentana project management system (quarterly updates) and at the Regeneration Board meetings

Stage 5: Capital programme review

Throughout the year: S106 and grant funding project spend are circulated by the Finance team for comment and review. Service are required to provide details of forecast S106 and grant funding usage to the end of the financial year.

2.5 S106 Contributions Received in Previous Years

As set out in Section 2.2, Ashfield Local Plan Review 2002, the Council's IDP sets out the Council's approach to ensuring the delivery of infrastructure to support anticipated levels of growth. Developer contributions and planning obligations are the main means of delivering local infrastructure.

The table below shows that as of 31st March 2021, a net S106 total of £1,114,565.86 was spent. A large portion of the funding (£337,052.30) was transferred to Nottinghamshire County Council to fund education places in the district and support a new bus service in Hucknall. The full detail of the education spend will be reported in Nottinghamshire County Council's 2020/21 IFS. Public open space, new affordable homes, transport, health, libraries, and public realm projects in the district made up the balance.

S106 monies	Amount
Total S106 monies received as at 31 March 2020	£4,846,500.72
Total record of S106 contributions received from 1st April 2020 to 31st March 2021	£700,549.80
Total contributions available	£5,547,050.52
Total Spend of S106 from 1st April 2019 to 31st March 2021	£1,114,565.86
Total S106 contributions available after 2019/20 spend (as of 31st March 2021)	£4,432,484.66
Balance held for longer term maintenance obligations (included in above)	£51,122.60

Table 4: Total S106 monies

The above table shows that as of 31st March 2021, a net S106 total of **£4,432,484.66** was available to fund public open space, education, healthcare, transport, public realm, and affordable housing projects in the district. S106 contributions received from the Larwood residential development at Twickenham Road, Kirkby-in-Ashfield were used to fund affordable homes on the Davies Avenue site (renamed Froghopper Lane) in Sutton in Ashfield. In partnership with social housing and care organisation EMH group and Homes England, 22 new homes are being constructed including six three-bed houses, ten two-bed houses, four two-bed apartments and two bungalows. One of the bungalows is wheelchair adaptable.



The Larwood residential development in Kirkby-in-Ashfield. With kind permission of W Westerman Ltd.



The Council Leader and the Portfolio Holder for Planning and Regeneration at the affordable housing scheme on Froghopper Lane in Sutton -in-Ashfield

2.6 S106 Agreements signed in 2020/21

In the period 1st April 2020 to 31st March 2021, Ashfield District Council entered into planning obligations to the sum of **£ 2,058,539.25**. Developments with S106 agreements signed in the last financial year (2020/21) are listed below with their planning application reference:

V/2018/0212. The Pattern House, Crossley Avenue, Huthwaite: Demolition of existing industrial premises and construction of up to 23 dwellings with associated access and parking.

V/2020/0061. Former Wild Orchid Public House, Kirkby-in-Ashfield: Redevelopment of the site to provide 12 affordable dwellings.

V/2020/0362. Land adjacent to Twickenham Road, Kirkby in Ashfield: 6 dwellings to be provided.

V/2017/0329. Land adjacent The Blue Bell, Carsic Lane, Sutton in Ashfield: Two storey apartment block consisting of 14 apartments for supported living. Deed of variation to original deed signed 25/06/2018.

V/2017/0022. Land relating to Willow Drive, Annesley Woodhouse: Counterpart deed of discharge

V/2013/0123. Land relating to Watnall Road, Hucknall: Supplemental deed

V/2013/0123. Land relating to Watnall Road, Hucknall: Deed of variation

V/2019/0483. Land at Broomfield Farm, Nottingham: Residential development of 217 no. dwellings and associated infrastructure and works, including the removal of two groups and three individual trees with designated Tree Preservation Orders.

S106 agreements and other relevant documentation for each of the above planning applications (8 in total) can be viewed online on the Council’s planning portal at:

https://www2.ashfield.gov.uk/cfusion/Planning/plan_findfile.cfm

S106 agreements can also be viewed online at:

<https://www.ashfield.gov.uk/planning-building-control/planning-applications/section-106/view-section-106-agreements>

Please see appendix 1 for details of:

- a) The total amount of money to be provided under any planning obligation which was entered into during 2020/21
- b) Summary details of any non-monetary contributions to be provided under planning obligations entered into during 2020/21 including details of –
 - i. In relation to affordable housing, the total number of units which will be provided
 - ii. In relation to educational facilities, the number of school places for pupils which will be provided and the category of school at which they will be provided.

2.7 S106 Contributions Received in 2020/21

In 2020/21, a total of **£700,549.80** was received in S106 contributions. The table and bar chart below shows the contributions received by infrastructure type:

Infrastructure Financial Statement: 01 April 2020 to 31 March 2021

Infrastructure type	S106 Contributions received
Public Open Space	£85,035.77
Primary Education	£176,056.00
Secondary Education	£91,652.03
Transport	£247,647.10
Health	£51,703.34
Libraries	£9,513.12
Public Realm	£32,977.08
Interest	£5,965.36
TOTAL	£700,549.80

Table 5: Total S106 contributions received

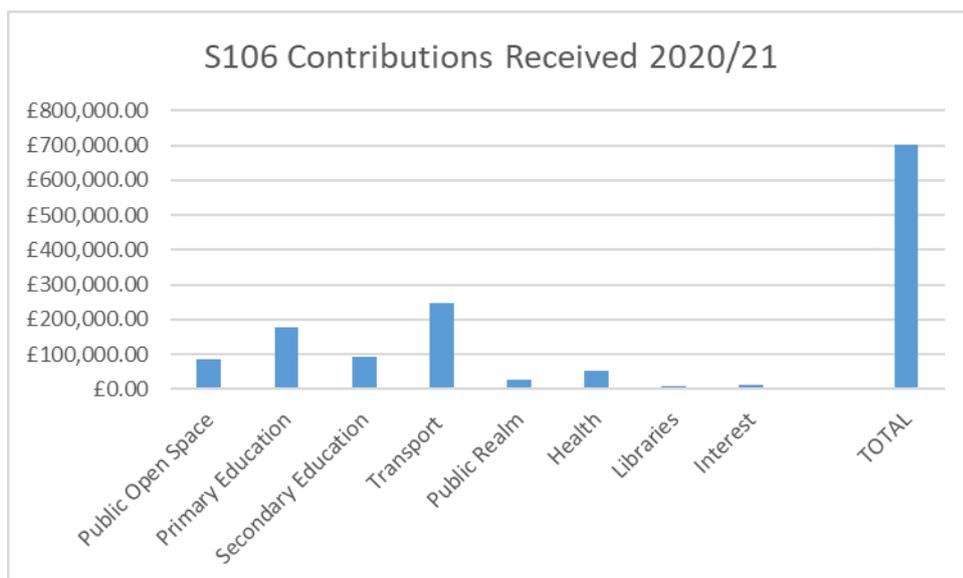


Figure 2: Total S106 contributions received

Total receipts in 2020/21 came from 7 sites, however most of the contributions came from the following sites:

- V/2016/0198 King Edward Street, Hucknall - £115,707.08
- V/2016/0208 Plot N, Brierley Park Close, Sutton In Ashfield – £283,311.73

Additional detail for the contributions received is shown in Appendix 2.

2.8 S106 Contributions allocated but not spent in 2020/21

Within the reported year, S106 funds received by the Council and allocated to a specific project, but not spent as of 31/03/2021 totals **£4,432,484.66**. These contributions comprise the following items:

PUBLIC OPEN SPACE

Planning application / Development site location	S106 Funds secured	Project Allocation
Hucknall POS*	£15,090.22	Hucknall area – Titchfield Park
Kirkby POS*	£153,837.00	Kirkby area – Nuncargate Recreation Ground
Sutton POS*	£129,517.46	Sutton area – Projects in development
Rurals POS*	£0	
TOTAL	£290,370.60	

TRANSPORT

Planning application / Development site location	S106 Funds secured	Project Allocation
Hucknall TR6*	£81,029.48	Hucknall area – Projects in development
Rolls Royce, Hucknall V/2013/0123	£124,585.76	To be paid to Nottinghamshire County Council for bus service contribution
Kirkby TR6*	£108,615.42	Kirkby area – Projects in development
Sutton TR6*	£426,122.85	Sutton area – Projects in development

V/2016/0208 Residential development on land at Brand Lane, Stanton Hill, Sutton	£100,747.26	To be paid to Nottinghamshire County Council for highways improvements in the Brand Lane area of Stanton Hill
Rurals TR6*	£10,671.50	Rurals area – Projects in development
TOTAL	£851,772.27	

AFFORDABLE HOUSING

Planning application / Development site location	S106 Funds secured	Project Allocation
Source applications V/2004/0484 V/2011/0560 V/2013/0656		Projects include family home on Stoney Street in Sutton and two new bungalows at The Beeches in Skegby two more bungalows are proposed at The Poplars in Sutton. In Hucknall, plans to redevelop four garage sites at Chatsworth Drive, Chestnut Grove, Barbara Square and Hawthorne Avenue will see a total of 15 new homes built.
TOTAL	£997,887.99	

SPECIFIC PROJECT ALLOCATIONS

Planning application / Development site location	S106 Funds secured	Project Allocation
V/2003/1094 Land at Studfold Lane, Kirkby	£82,723.24	Kirkby - Regeneration of the town centre
V/2005/0886 Annesley Colliery, Kirkby	£276,297.17	Regeneration of the Woodhouse ward
V/2003/1094 Lindleys Lane, Kirkby	£103,758.86	Sorrel Drive Play area – New play area and play equipment
V/2005/0886 Annesley Colliery, Kirkby	£31,150.46	Art Feature Annesley -bespoke artwork features and street furniture across the Annesley area to link the new estate and site of former colliery with the existing miners' cottages.
V/2013/0493 Washdyke Lane, Hucknall	£13,878.85	Washdyke Recreation Ground – General landscape improvements.
V/2004/0356 Papplewick Lane, Hucknall	£1,012.09	Commission and install art features within the Papplewick Development
V/2019/0005 Royal Foresters, Sutton	£47,116.88	Improvements to Cowpasture Recreation Ground improvements (£15576.16) and Sutton Town Centre Public Realm (£31152.21)
V/2017/0329 Land Adj. The Bluebell, Carsic Lane, Sutton	£8,000	Improvements at Sutton Lawn

Land Adj. The Bluebell, Carsic Lane, Sutton V/2017/0329	£16,000	Improvements at Portland Square and or / Low Street or another Public Realm project
Land South of Mansfield Road, Sutton V/2017/0049	£37,541.01	Improvements to Low Street or another Public Realm project
The Twitchell V/2014/0045	£34,566.47	Improvements to Low Street or other Public Realm project (transferred from revenue to capital)
TOTAL	£652,045.03	

HEALTH

Planning application / Development site location	S106 Funds secured	Project Allocation
Fire Station Watnall Road, Hucknall V/2019/0129	£26,966.00	To be paid to the Local Clinical Commissioning Group towards the enhancement of capacity and/ or infrastructure in local practices
Annesley Miners Welfare V/ 2018/0393	£24,737.34	To be paid to the Local Clinical Commissioning Group towards the enhancement of capacity and/ or infrastructure in local practices
Interest	£46.33	
TOTAL	£51,749.87	

LIBRARIES

Planning application / Development site location	S106 Funds secured	Project Allocation
V/2016/0208 Residential development on land at Brand Lane, Stanton Hill, Sutton	£9521.68	To be paid to Nottinghamshire County Council towards the provision of new stock at Sutton library
TOTAL	£9521.68	

OBLIGATIONS TOTAL

Obligation	Total
Public Open Space	£290,370.60
Transport	£851,772.27
Affordable Housing	£997,887.99
Specific Project Allocations	£652,045.03
Health	£51,749.87
Libraries	£9521.68
Total	£2,853,347.46

EDUCATION

Planning application / Development site location	S106 Funds secured	Project Allocation
Source applications V/2017/0344, V/2013/0123, V/2004/0356, V/2017/0049 V/2016/0198 V/2018/0393 V/2015/0537 V/2016/0208	£1,337,966.47	To be paid to Nottinghamshire County Council for education provision in the District.
TOTAL	£1,337,966.47	

REVENUE

Planning application / Development site location	S106 Funds secured	Project Allocation
V/2005/0396 Land Off Lindleys Lane, Kirkby	£11,217.94	Employment Opportunities
V/2003/0845 Land off, Prospect Place, Sutton	£5,710.23	The Old Mill, Silk Street –improvements to open space around the mill
V/2010/0433 Former Annesley Colliery, Hucknall Road, Annesley	£28,139.97	Integrated transport initiatives within the district of Ashfield
V/2014/0045 The Twitchell, Sutton	£33,008.08	Public Realm works in the vicinity of the development
Grange Farm, Moor Road, Papplewick V/2011/0188	£11,430.70	Integrated transport initiatives within the district of Ashfield
S106 Interest payment	£113.42	Kirkby Regeneration
Broomhill Farm, Land to West of, Nottingham Road, Hucknall/2013/0409	£48,674.49	Hucknall – Maintenance of Unadopted land
Annesley Colliery V/2005/0886	£41,013.99	Annesley Regeneration
V/2005/0396 Land off Lindleys Lane, Kirkby	£10,739.32	Revenue contributions for feasibility studies
Public Open Space S106 agreements	£51,122.60	Maintenance commuted sums district wide
TOTAL	£241,170.74	

ALL OBLIGATIONS: S106 BALANCE

Obligation	Total
Obligations total	£2,853,347.46
Education	£1,337,966.47
Revenue	£241,170.74
ALL OBLIGATIONS: S106 BALANCE TOTAL	£4,432,484.66

Table 6: Contributions allocated but not spent in 2020/21. *= source planning application reference to be added at later date.

2.9 S106 Contributions Spent in 2020/21

In most cases, S106 agreements contain clauses detailing specific criteria as to how and where the contributions must be spent. Occasionally, clauses can be less prescriptive, and the associated funding is known as “unrestricted” funds. If there is no pressing need for the area to which the agreement refers, these funds may be held by the Council for a period of up to five years following the grant of planning permission until such time as a suitable need is identified.

Within the reported year, the total amount of S106 funds received by the Council that have been both allocated and spent, or transferred to another party amounts to **£1,114,565.86**

Of the funded schemes, many of them are at different stages of delivery. The schemes are detailed below under obligation type headings:

- Housing

The Council spent £284,000 of S106 affordable housing contributions during 2020/21 on the Davies Avenue site (now renamed Froghopper Lane) in Sutton in Ashfield. In partnership with social housing and care organisation emh group and Homes England, the site will see 22 new homes built, including six three-bed houses, ten two-bed houses, four two-bed apartments and two bungalows. One bungalow is wheelchair adaptable.

- Education

Ashfield District Council made Education payments totalling £107,052.30 to Nottinghamshire County Council in 2020/21. Of this sum, £97,052.30 came from the Rippon Homes development on Mansfield Road, Skegby (V/2012/0556) and £10,000 came from The Twitchell housing development V/2014/0045. Nottinghamshire County Council will report separately on the spend of this funding as part of their Infrastructure Financial Statement.

- Transportation

Ashfield District Council made payments of £429,602 Transport (TR6) to Nottinghamshire County Council in 2020/21. The funding came from the development on land at Broomhill Farm (V/2013/0409) and the Rolls Royce housing development (V/2013/0123), both located in Hucknall. Nottinghamshire County Council will report separately on the spending of this funding as part of their Infrastructure Financial Statement.

The Council completed delivery of the Kirkby footpaths/cycle ways project which comprised works to improve footpaths in the vicinity of Larwood Park housing development. Approximately 1.7km of existing footpath were cleared to the original width and resurfaced, with approximately 600m of new footpath constructed. Six pedestrian access points were improved and made more accessible as part of the works. The funding for the works came from planning application Larwood Park V/2013/0656. A S106 contribution of £30,469.72 was spent on the works. £766.84 TR6 funding was also spent on works at Sutton Lawn.

- Business employment and skills

The Retail Improvement Scheme through a variety of grants helped 10 businesses within Ashfield. Eight grants were given for business start-ups and assistance with business growth. One grant was given for shop front improvements, along with one vacant shop grant. The S106 funding came from V/2010/0433 Former Annesley Colliery.

- Parks and open spaces

The following projects as set out in the Table below were delivered across the district as a result of secured S106 monies:

HUCKNALL

Planning application / Development site	S106 Contribution Spent 2019/20	Project delivered
Capital receipts funding	14,200.93	Tichfield Park. New Play equipment / Youth equipment and associated works
Planning application*	£691.30	Nabbs Lane: release of retention from landscape contract works

SUTTON - IN - ASHFIELD

Planning application / Development site	S106 Contribution Spent 2019/20	Project delivered
Planning application*	£7,363.08	Brierley Forest Park Management Plan: Actions as identified in the park management plan / Green Flag award requirements
Planning application*	19,818.80	Brierley Forest Park Car Park Extension and Entrances: Disabled car park improvements at Skegby Road and main car park extension. Accessibility improvements to the Oval, Stoneyford Road and Brand Lane entrances.
V/2017/0329 Land Adj. The Bluebell, Carsic Lane, Sutton in Ashfield	49.49	Sutton Lawn Management Plan: Actions as identified in the park management plan / Green Flag award requirements
V/2017/0344 Land fronting Unwin Road, Sutton	717.35	Sutton Lawn Play area: improvement works

V/2013/0656 Larwood Park, Kirkby – in-Ashfield	1,059.45	Ashfield Estate Footpaths: Additional footpath improvements. Release of retention for contract works.
All Capital receipts	£34,971.52	Healdswood Recreation Ground: Equipment replacement and new teenage equipment
V/2015/0537 Residential development at Roundhill Farm, Kirkby-in-Ashfield	14,338.42	Roundhill Recreation Ground: Installation of new play equipment
V/2017/0344 Land fronting Unwin Road, Sutton V/2017/0049 Draycott's Motor Company, Eastfield Side, Sutton	£20,000.00	Kings Mill Reservoir: For actions as identified in the management plan, including footpaths and signage improvements. Heritage Lottery Fund bid to undertake desilting works, ecological and environmental improvements and develop potential for heritage trails with community support.

KIRKBY – IN- ASHFIELD

Planning application / Development site	S106 Contribution Spent 2019/20	Project delivered
Planning application*	£17,354.35	Kingsway Park: implementation of management plan
V/2013/0656 Larwood Park, Kirkby – in-Ashfield	£30,469.72	Kirkby footpaths/cycleways: Footpath and access improvements on open space adjacent the Larwood development.
V/2003/1094 Land at Studfold Farm, Lindley's Lane, Kirkby-in-Ashfield	£70,843.95	Lindleys Lane – Sorrel Drive Play Area: Provision of new play equipment and access paths at Hornbeam Park
Capital receipts and S106 funding planning application*	£11,164.00	Glen View/ Warwick Close: Play equipment and safety surfacing
Planning application*	£560.84	Morven Park Play Area: Supply and install new toddler and junior swings new topsoil, turf, and grass matt safety surfacing
V/2005/0396 Land off Lindleys Lane	£3000.00	Kirkby Leisure Centre: Consultancy services for the landscape design, including hard and soft landscaping of the outside space to the new leisure centre.
Capital receipts and planning applications*	£34,563.76	Green Space Improvements: play equipment, signage, gates, and plant material for open spaces across the district.

RURALS

Planning application / Development site	S106 Contribution Spent 2019/20	Project delivered
Planning application*	£1228.55	Friezeland Scooter Park & Jacksdale MUGA: Release of retention
Planning application*	£703.72	Jacksdale Car Park: Release of retention. At Jacksdale car park the car park was rationalised to increase the number of parking spaces from to 46nr regular spaces and 4nr disabled spaces. The access onto Wharf Green was also improved and made more accessible to all users

Table 7: Contributions spent on Parks and Open Spaces. *Planning application = source planning application reference for S106 agreement and details to be added.**



Brierley Forest Park: Car park improvements



Brierley Forest Park: Brand Lane Entrance Improvements



Healdswood Recreation Ground:
New play equipment

- Regeneration

The main regeneration project the Council progressed during 2020/21 is the ongoing Leisure Transformation Programme. The programme includes the development of a new Leisure Centre in Kirkby to replace the Festival Hall facility. Funding for the works came from planning application Land at Lindleys Lane in Kirkby V/2005/0396. A S106 contribution of £3,000 was spent on this programme during 2020/21.



Leisure Centre steelwork



A visualisation of new Leisure Centre. The overall project is due for completion in Autumn 2022.

2.10 Planned expenditure for future years

This section sets out how S106 income will be spent in the District of Ashfield. It is difficult to forecast future S106 income and expenditure exactly as contributions are negotiated on a site-by-site basis and depend on several considerations such as viability. S106 funding is often closely linked to the phasing of the development as set out in the terms of the legal agreement and can contain clauses relating to the timing (triggers) of the spending. The impact of the current pandemic has had an effect on delivery and the longer-term impacts on the construction industry are unclear.

Once complete, the Infrastructure Delivery Plan accompanying the Local Plan will also set out the required infrastructure to deliver the identified site allocations. Whilst this will not detail specifically the cost of various infrastructure items, it will provide an overview to developers and the community of the expected contributions.

Planned expenditure for future years sets out how unallocated funds should be spent.

The information below sets out the planned expenditure and funds remaining for the current S106 balance. With regard to the following funds :

- Transport: Spend on projects undertaken by Nottinghamshire County Council will be reported separately as part of their Infrastructure Financial Statement).
- Affordable Housing: £200,000 Planned expenditure, £ 797,887.99 remaining to be allocated to specific projects.
- Education: £1,337,966.47 remaining to be paid to Nottinghamshire County Council on confirmation of suitable projects. Spend will be reported by Nottinghamshire County Council as part of their Infrastructure Financial Statement).

The table below sets out project information in more detail:

PUBLIC OPEN SPACE: HUCKNALL

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Tichfield Park	£148,000	£70,000 Capital Receipts	New Play equipment / Youth equipment and associated works	Capital Receipts Funding. Works to be completed by October 2021
Washdyke Recreation Ground	£18,000	£18,000 S106	New Play equipment and associated works	To be implemented 2022/23

PUBLIC OPEN SPACE: SUTTON – IN- ASHFIELD

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Ashfield Estate Footpaths	£5,000	£5,000 S106	Additional footpath improvements have been identified / possible match funding contribution to NCC highways access improvements	To be implemented 2022/23
Brierley Forest Park Management Plan	£8,000	£3,000 S106, £5,000 Rural Payments Agency	Actions as identified in the park management plan / Green Flag award requirements	Ongoing implementation of works
Brierley Forest Park Car Park Extension and Entrances	£81,000	£62,000 S106	Disabled car park improvements at Skegby Road and main car park extension. Accessibility improvements to the Oval, Stoneyford Road and Brand Lane entrances	To be completed on site by March 2021
Football Changing Rooms	Details to be confirmed	£15,000	Replacement changing rooms to be provided	S106 funding to potentially be allocated for works at a destination park

Kingsmill Reservoir footpath links	£1,000	£1,000	Footpath improvements are identified in the Heritage Lottery funded works programme	To be allocated to the Kings Mill Reservoir HLF project budget.
Sutton Lawn Management Plan.	£14,000	£6,000 S106, £8,000 NCC Supporting Local Communities Fund	Actions as identified in the park management plan / Green Flag award requirements	To be implemented
Taylor Crescent Recreation Ground	To be confirmed	£10,000	Project to be reviewed	No plan to implement project
Healdswood Recreation Ground	£35,000	Capital receipts and £6000 S106	Equipment replacement and new teenage equipment	Capital receipts and S106 funding. Works to be completed by September 2021.
Riley Recreation Ground	£24,300	Capital receipts and £10,000 S106	Play equipment and surfacing replacement	Works to be completed by Sept 2021.

PUBLIC OPEN SPACE: KIRKBY – IN- ASHFIELD

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Annesley Art Project	£29,000	£29,000 S106	Construction of paths across open space	Not on current 2020/21 work programme. Future works
Forest Road Nature Area	£30,000	£30,000	General improvements to cycle network as part of Towns Fund programme	2021/22 work programme.
Kingsway Park: implementation of management plan	£32,000	£16,000	Actions as identified in the park management plan	Ongoing implementation of works
Kirkby footpaths/cycle ways	£31,000	£15,000 TR6	Phase 2 of path from Rowan Drive to Sutton Middle Lane	Completed February 2021
Lindleys Lane – Sorrel Drive Play Area	£178,000	£32,000 S106 £75,000 Towns Fund	Provision of new play equipment and access paths	S106 and Towns Fund Accelerated Programme. To be completed December 2021

Nuncargate Recreation Ground	£146,000	£45,000 S106 £8,000 Capital Receipts	New play equipment, entrance feature, surfacing, footpaths and planting	Works to be completed by April 2021.
Sports pavilion, Titchfield Park	To be confirmed	£39,000 S106	Provision of new pavillion	Funding to be transferred to Kingsway Park

GREEN SPACE IMPROVEMENTS

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Green Space Improvements	£20,000	£20,000 S106	General improvements play equipment, signage, gates, and plant material for open spaces across the district.	Works to be identified and completed by March 2022.

TRANSPORT

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Hucknall Car Park – Titchfield Street	To be confirmed	£93,000 S106, £22,000 Capital Receipts	Provision of new car park, as part of the Hucknall Inner Relief Road programme of works.	Project on hold, land not in ADC ownership

AFFORDABLE HOUSING

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Sutton Infill scheme on Stoney Street, The Poplars and The Beeches in Sutton in Ashfield	£200,000	£200,000	Projects include family home on Stoney Street in Sutton and two new bungalows at The Beeches in Skegby two more bungalows are proposed at The Poplars in Sutton. In Hucknall, plans to redevelop four garage sites at Chatsworth Drive, Chestnut Grove, Barbara Square and Hawthorne Avenue will see a total of 15 new homes built.	To be implemented 2021/22.S106 allocation to be agreed.

PUBLIC REALM

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
Sutton Town Centre Improvements	£70,000	£70,000	Fox Street area, Portland Square improvements.	Scheduled for completion in September 2022.

ART

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
	£0	£0	Art contributions have not been specifically identified. Contributions may be requested as part of the Towns Fund work development which is currently ongoing.	Completion date dependant on Towns Fund development work.

EDUCATION

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
	£1,337,966.47	£1,337,966.47	For spend by Nottinghamshire County Council. Please see Nottinghamshire County Council Infrastructure Funding Statement 2020/21.	Awaiting confirmation of schemes in accordance with S106 agreements.

HEALTH

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
	£51,749.87	£51,749.87	Health contributions have not been specifically identified at this stage.	The Clinical Commissioning Group is currently working on an Estates Strategy.

LIBRARIES

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
	£9,521.68	£9,521.68	Please see Nottinghamshire County Council Infrastructure Funding Statement 2020/21.	

MAINTENANCE

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
	£51,122.60	£51,122.60	Maintenance of adopted open spaces	Funded from S106 sites to be adopted by the Council. Figures to be reviewed nearer to dates of adoption

EMPLOYMENT

Location	Estimated Cost	S106 / Other public contribution	Required works	Status / funding source
	£11,217.94	£11,217.94	Business support grants	Grant applications being accepted and processed by ADC

Table 8: Planned S106 expenditure 1st April 2020 onwards

3. Conclusions

Ashfield District Council is working to ensure that as part of the planning process, the added value, and opportunities that new development can bring such as affordable homes, jobs and environmental improvements are maximised for the wellbeing and benefit of local communities.

If you have any further queries or comments about this statement, please contact the Forward Plans Team via email: localplan@ashfield.gov.uk or phone 01623 457379

4. Appendices

Appendix 1: The total amount of money to be provided under any planning obligation which was entered into during 2020/21

Appendix 2: S106 Contributions received 1st April 2020 – 31st March 2021

Appendix 3: Information links

Appendix 1: The total amount of money to be provided under any planning obligation which was entered into during 2021/21

Application no	Description	Detailed information and funds secured	Total amount of money to be provided under any planning obligation which was entered into during 2019/20	Summary details of any non-monetary contributions to be provided under planning obligations entered into during 2019/20 including details of –			
				Affordable housing - total number of units which will be provided	Educational facilities - Total number of school places for pupils which will be provided and the category of school at which they will be provided		
					Primary	Secondary	Contribution only: spend location
V/2018/0212	The Pattern House, Crossley Avenue, Huthwaite	Outline application for demolition of existing industrial premises and construction of up to 23 dwellings with associated access and parking. Public Open Space Improvements at Huthwaite Welfare: £5600. Primary education: £34365 3 school places in the Sutton Planning area. Transport: £8000 for a Traffic Regulation Order revocation.	£47,965.00	0	3	0	Sutton Planning area
V/2020/0061	Former Wild Orchid Public House	12 dwellings. Transport: £8000 Public open space: £14,500	£22,500.00	12	0	0	

V/2020/0362	Land adjacent to Twickenham Road, Kirkby in Ashfield	6 dwellings and access Public Open Space: £7000	£7,500.00		0	0	
V/2017/0329	Land adjacent The Blue Bell, Carsic Lane, Sutton in Ashfield	Two storey apartment block consisting of 14 apartments for supported living. Deed of variation to original deed signed 25/06/2018.	£0.00	0	0	0	
V/2017/0022	Land relating to Willow Drive, Annesley Woodhouse	Counterpart deed of discharge	£0.00	0	0	0	
V/2013/0123	Land relating to Watnall Road, Hucknall	Supplemental deed	£0.00	0	0	0	
V/2013/0123	Land relating to Watnall Road, Hucknall	Deed of variation	£0.00	0	0	0	

V/2019/0483	Land at Broomfield Farm, Nottingham	The residential development of 217 no. Dwellings and associated infrastructure and works, including the removal of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168. S106 Monitoring: £2,500 Bus service contribution: £29,000 Public Open Space: £35,000 Healthcare: £117,695.25 Maintenance: £5,700 Highways Infrastructure: £33,000 Maintenance: £11,871 Maintenance: £25,887 Public Open Space: £75,000 Primary Education: £801,596.00 Residents travel plan / travel plan coordinator /Travel information pack Secondary Education: £835,625.00 Travel Plan monitoring fee: £7,700	£1,980,574.25	40			
		TOTAL	£2,058,539.25	52	3	0	

Appendix 2: S106 Contributions received 1st April 2020 – 31st March 2021

Ashfield District Council					
Infrastructure Financial Statement 01 April 2020 to 31 March 2021			Contributions received		
Payment date	Payment type	Developer	Amount	Application no	Description
20-Apr-20	Education	Platform Housing Group	£68,730.00	V/2016/0198	F J Bamkin & Son Ltd, King Edward Street, Hucknall
20-Apr-20	Public Open Space	Platform Housing Group	£14,000.00	V/2016/0198	F J Bamkin & Son Ltd, King Edward Street, Hucknall
20-Apr-20	Public Realm	Platform Housing Group	£28,000.00	V/2016/0198	F J Bamkin & Son Ltd, King Edward Street, Hucknall
20-Apr-20	Interest	Platform Housing Group	£4,977.08	V/2016/0198	F J Bamkin & Son Ltd, King Edward Street, Hucknall
28-Jul-20	Health	Countryside Property	£26,966.00	V/2019/0129	Fire Station Watnall Road, Hucknall
18-Aug-20	Public Transport	Muse	£124,585.76	V/2013/0123	Rolls Royce, Watnall Road, Hucknall
23-Oct-20	Health	Taggart Homes	£24,737.34	V/ 2018/0393	Land at Annesley Road, Hucknall
23-Oct-20	Education	Taggart Homes	£68,961.86	V/ 2018/0393	Land at Annesley Road, Hucknall
02-Nov-20	Transport	Clowes Developments (UK) Ltd	£22,404.67	V/2018/0217	Development of Units 5 & 7 (Plots 2 &3) Castlewood Business Park, Farmwell Lane, Sutton-in-Ashfield.
17-Nov-20	Education	NMCN PLC	£22,910	V/2015/0537	Residential development at Roundhill Farm, Kirkby-in-Ashfield,
17-Nov-20	Public Open Space	NMCN PLC	£5,000	V/2015/0537	Residential development at Roundhill Farm, Kirkby-in-Ashfield,
15-Mar-21	Public Open Space	Harron Homes	£66,035.77	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield

15 -Mar-21	Transport	Harron Homes	£10,905.37	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
15 -Mar-21	Transport	Harron Homes	£83,510.50	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
15 -Mar-21	Libraries	Harron Homes	£9,513.12	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
15 -Mar-21	Transport	Harron Homes	£3,433.51	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
15 -Mar-21	Education	Harron Homes	£49,819.14	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
15 -Mar-21	Education	Harron Homes	£57,287.03	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
15 -Mar-21	Transport	Harron Homes	£2,807.29	V/2016/0208	Residential development on land at Brand Lane, Stanton Hill, Sutton-in-Ashfield
			£5,965.36		Interest on above contributions calculated at year end
		TOTAL RECEIVED	£700,549.80		

Appendix 3: Information links

Ashfield District Council Corporate Plan 2019 -2023 - PDF

<https://www.ashfield.gov.uk/media/8d84458b550cb95/corporate-plan-2019-2023-final-to-publish.pdf>

Ashfield District Council Adopted Local Plan 2002 - PDF

<https://www.ashfield.gov.uk/media/8d84ff980f87003/full-document- text .pdf>

Infrastructure Delivery Plan - PDF

<https://www.ashfield.gov.uk/media/8d85025a8aa55c4/infrastructure-delivery-plan.pdf>

Playing Pitch Strategy 2017 - (Overview of the provision for various sports in Ashfield for the period 2017 – 2020) - PDF

<https://www.ashfield.gov.uk/media/8d850ab1f08d9d2/ashfield-playing-pitch-strategy-2017-2020.pdf>

Public Open Space Strategy 2016 (Considers the open space requirements for Ashfield for the period 2016 – 2026) - PDF

<https://www.ashfield.gov.uk/media/8d850ab97b714fe/public-open-space-strategy.pdf>



Report To:	CABINET
Date:	7TH DECEMBER, 2021
Heading:	CORPORATE RISK UPDATE
Portfolio Holder:	COUNCILLOR DANIEL WILLIAMSON, PORTFOLIO HOLDER FOR CUSTOMER SERVICES, CORPORATE CHANGE AND DIGITAL TRANSFORMATION
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

For Cabinet to review the Corporate Risk Register and the analysis of movement in risk and mitigating actions in respect of those risks.

Recommendation(s)

- **To note the current significant items on the Register and to consider whether any further immediate actions are necessary to mitigate those risks.**

Reasons for Recommendation(s)

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

Alternative Options Considered

(with reasons why not adopted)

None

Detailed Information

All organisations are required to consider potential risks which may impede the delivery of corporate objectives. Effective risk management processes strengthen the ability of the Council to react to all situations and protect its own interests and those of the district, ensuring essential service delivery, through actively managing and mitigating risk effectively and innovatively. The management of risk forms an integral part of the Council's business. Effectively managing our risks means that we can maximise opportunities and minimise the costs and disruption to the Council which may possibly be caused by undesired events.

All strategic risk at corporate and service level is incorporated into the Pentana performance system to enable quarterly updates at the same time as updating performance, therefore enhancing the consideration of risk in the delivery of services.

All levels of risk are discussed bi-annually in detail with each service manager as a standing agenda item for Performance Boards, led by the Chief Executive and Assistant Director – Corporate Services and Transformation.

In summary, despite the impacts of the pandemic, overall, the current corporate risk position indicates the positive management of risk:-

- 75% of corporate risks have been effectively managed without an increase in risk assessment rating over the last 12 months
- Positively, 21% of corporate risks have been effectively managed and mitigated with a reduction in risk assessment rating over the last 12 months

This is a significant improvement on our year-end position.

Corporate Risk Register

The Corporate Risk Register (position as at mid-November 2021) is appended to this report.

Analysis of risks - Risk Rating Summary

	2014/15 Qu4	2015/16 Qu4	2016/17 Qu4	2017/18 Qu4	2018/19 Qu4	2019/20 Qu4	2020/21 Qu4	2021/22 Qu 2
Significant	10	10	9	7	4	12	9	9
Medium	9	7	6	10	10	12	13	12
Low	7	5	2	3	6	4	2	4
Total	26	22	17	20	20	28	24	25

The total number of Corporate Risks have reduced over the last 18 months, returning to similar levels pre-pandemic, since the increase in risks at year-end 2019/20, mostly associated with those related to the pandemic. There has also been a reduction in significant rated risks over the same period.

Those risks which remain significant are:-

- Sustainability of HRA business plan to invest in current and new stock.
There is ongoing work to understand the cost implications of new regulations.

- Having an adopted LDF/Local Plan
Local Plan consultation was published on 4th October 2021. The Local Development Scheme was also published. Consultation closes on 16th November 2021. All responses submitted as part of the consultation will be considered and analysed to inform the next stage.
- Ability to meet statutory obligation process timescales (eg gas servicing)
Due to the Coronavirus Pandemic a number of changes have been made to the Property Health and Safety Check / Service processes to adapt to the current situation. As a consequence of the Government's guidelines on social distancing / shielding and self-isolation periods etc. there will be a number of gas services which have not been completed prior to the anniversary date. This is following the decision not to follow our usual processes to gain entry into a property whereby a Tenant does not wish to allow access to their home due to their interpretation of the Government's guidelines in relation to social distancing and shielding etc. We will also not enter a property where a Tenant has tested positive or is self-isolating due to symptoms etc.
- Planning appeals
Planning appeals are continuously monitored. We are currently awaiting the outcome of the Ashlands Rd appeal which will influence risk moving forward. Officers work with members to inform them of the impacts of decision in terms of both costs and also potential interventions if performance targets are not met. We are still contesting the costs for the Millers way appeal as this has a significant economic impact
- Ability to comply with the regulatory regime set out by the Regulator of Social Housing
The controls have been reviewed and remain the same. A white paper action plan is in place to manage this risk
- Workforce planning – inability to recruit and/or retain filled position to critical posts.
Vacancies, recruitment and retention to critical posts including use of Market Supplements Policy continues to be monitored. At October 21, 2% of full establishment identified as embedded hard to recruit critical posts.

Work continues with LGA to support managers in exploring and implementing workforce planning strategies involving succession planning, apprentices, graduates, 'grow your own' temporary and long-term use of external capacity and expertise.

Project initiated to review current approaches to recruitment and selection to enhance Council as an Employer of Choice.

Due to national labour shortages and pressures affecting all markets at all levels, East Midlands Councils have reintroduced the Pay and Rewards working group to support Council's in underpinning their workforce plans. Additionally, the Council has commissioned an external sense check of its pay and rewards structure against current/projected market changes and also equality proofing.

- Potential impact on resource levels and capacity due to covid
Current level to be maintained with restrictions lifted on the 19th July and revised isolation rules in August. Currently the Delta variant is a more contagious strain of COVID-19 which is impacting on Covid cases and currently Ashfield does have above average number of cases whilst this is currently manageable it is kept under review.

- Temporary Accommodation – sufficient units to meet demand
Added capacity being worked on for peak winter months

A **new risk** which has been added to the Corporate Risk Register and assessed as significant: -
Legal Services – Lack of Staffing Resources and Disruption Caused by Exiting Shared Service

Other risks

Project related risks- continued to be managed by both internal and external project managers and where the risk is close to or exceeding the tolerances acceptable then these are referred to the project sponsors for input. A risk register is required for each project and the project management framework is to be used as guidance for the management of all projects.

Fraud Risks – An Anti-Fraud and Corruption Project Group has been set up and is chaired by the Director, Legal and Governance and has a selection of stakeholders from across the Council including a representative from The Central Midlands Audit Partnership. The group has been set up to monitor and report on fraud related risks. The group meets every 3 months and the Risk Register was reviewed most recently on 16 November 2021.

Programme Risks - The risks related to programs are managed by each program board that has been established. A separate Towns Fund risk register has been established and the Programme Risk Register will be reviewed by the Discover Ashfield Board.

Service Level Risks – These are managed by each individual Service Manager and where there are tolerances expected to be exceeded beyond the levels set out in the Risk Appetite Framework then these are to be referred for discussion with the relevant Service Director who will then decide if these need to be included in the Corporate Risk Register. It may be that additional measures can be implemented in order to manage the risk and reduce the likelihood and impact.

Implications

Corporate Plan:

Effective risk management will enable the delivery of corporate and service level priorities, particularly ensuring our people, structures, systems, processes and practices are ‘fit for purpose’ and remove barriers to improvement and growth.

Legal:

No direct legal implications in respect of the recommendations in the report. Legal and Governance risks are outlined in the report and in the Corporate Risk Register. [RLD 17/11/2021]

Finance: [PH 26/11/2021]

Budget Area	Implication
General Fund – Revenue Budget	

	There may be resource implications to the improvement or mitigation of risk. Financial risks are incorporated into the Corporate Risk Register.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Lack of an effective risk management framework could result in the organisation having a poor understanding of the major obstacles or blockages that could potentially impact upon its ability to maximise the delivery of its objectives and provision of services to customers	<ul style="list-style-type: none"> • Make risk management part of normal business and therefore incorporate within all decision making processes, including key project delivery. • Integrate risk management into the culture of the Council and cascade awareness through all levels of leadership and beyond. • Ensure the organisation has a clear understanding of its risk maturity level and is taking steps towards improving this to a desired level.

Human Resources:

There is a need to ensure that service managers are clear with regards to the Corporate Risk Strategy and the requirement to follow the consistent processes contained therein. Risk Management training is a priority and refresher training is currently being scheduled for Members and Officers.

Environmental/Sustainability

(to be completed by the author)
No direct implications

Equalities:

(to be completed by the author)
No direct implications

Other Implications:

(if applicable)

Reason(s) for Urgency

(if applicable)

None

Reason(s) for Exemption

(if applicable)

None

Background Papers

(if applicable)

Detailed Corporate Risk Register – Quarter 2 Position 2021/22

Report Author and Contact Officer

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Sponsoring Service Director (if report from others)

Craig Bonar – Director, Resources and Business Transformation

Corporate Risk Register

Reviewed 16th November, 2021

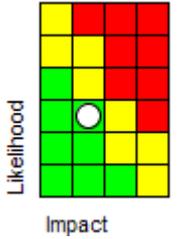
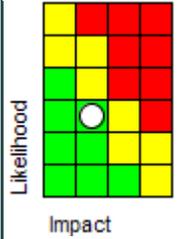
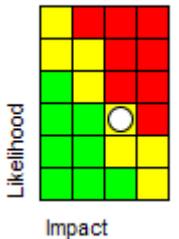
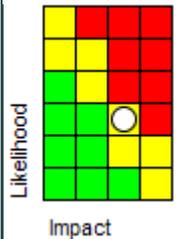


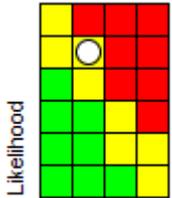
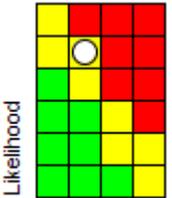
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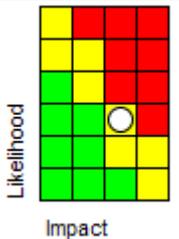
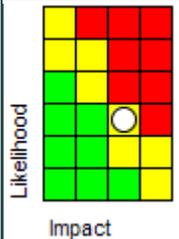
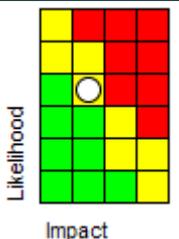
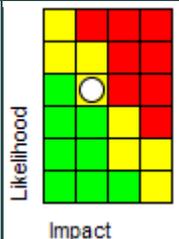
Financial

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Ability to identify savings required by MTFS			Constant	<ul style="list-style-type: none"> • Council cannot fund full range of services in future • Pressure on General Fund reserves 	CLT and Cabinet work together to identify savings and income generation opportunities and to consider use of reserves in setting the budget for each year	Pete Hudson	CLT/Cabinet Budget Workshop meetings continue to take place to identify potential savings and income generation opportunities. The Base Budget Review undertaken in September identified £550k savings towards the funding gap. A number of Service Reviews are ongoing which are expected to deliver further savings, including some aligned to the DST programme. Portfolio Holders have been tasked with identifying potential	04-Oct-2021

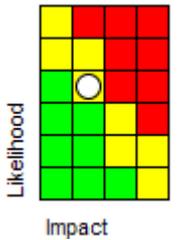
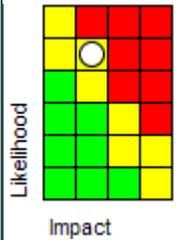
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Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							Options for Change for their own portfolio services. Towards the end of the calendar year consideration will be given to the extent that reserves may be used to smooth the delivery of future savings.	
Business Rates appeals within forecast			Constant	Negative impact a MTFS ; further savings required	A prudent approach is taken to estimating likely successful appeals.	Diane Mitchell; Craig Scott	The Business Rates Appeals provision for 2021-22 was set based upon a careful assessment of outstanding appeals, taking into account as far as possible, new Appeals received during 2021-22. The Appeals provision is more than sufficient to cover the expected successful appeals during 2021-22.	01-Oct-2021
Level of central government funding 2020 onwards			Constant	Negative impact a MTFS ; further savings required	The Council will contribute to any consultation when proposals are announced, emphasising the need for resources to be allocated to deprived areas.	Pete Hudson	The 2021 Spending Round (SR) is imminently expected. It is currently unclear whether this will be a multi-year SR. Even if it is a multi-year SR there is a high probability that it will again be a one year settlement. Once clarity is	04-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							received this will be factored into the MTFS. The Settlement for 2022/23 is unlikely to include the impact of the Fair Funding Review and changes to Business Rates and as such the reduced level of funding originally included in the MTFS for 2022/23 is likely to be pushed back until 2023/24.	
Introduction of Universal Credit	 <p>Likelihood</p> <p>Impact</p>	 <p>Likelihood</p> <p>Impact</p>	Constant	<ul style="list-style-type: none"> Potential loss of HRA rental income if tenants receiving UC choose not to pay their rent e.g. they spend this on elsewhere. 	<ul style="list-style-type: none"> The CAB operates an agency agreement with the DWP to assist residents who wish to claim UC. The Council has referral arrangements in place with the CAB. Income Officers within the Income Team have all been trained to deal with UC cases. There is a formalised internal process for 	Martin Guest; Nicky Moss; Paul Parkinson; Jade Simmonds	The controls have been reviewed and updated. They are monitored closely to ensure effectiveness	04-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					managing UC cases			
Commercial property investment			Constant	<ul style="list-style-type: none"> In alignment with Savings Strategy – expected reduced trading service costs/ increase income not realised Reputational impact of trading services performing inconsistently with Council values Alienation of customer base 	<ul style="list-style-type: none"> Robust monitoring arrangements for portfolio – stability of tenant, stability of market and macro economics Ensure adequate lease length (greater than 7 years) Ensure tenant has good financial standing and passes regular credit analysis (D+B) Property reserve to offset short term voids 	Pete Hudson	All tenants, with the exception of the Hotel, are currently paying their rents and it is not envisaged this will change into the future. The agreement with the Hotel is that they would pay 10% of turnover which to date has been minimal. This loss of income is being mitigated through Covid funding. In accordance with the Council's revised Capital and Investment Strategies no further Investment Property acquisitions have taken place since April 2021.	04-Oct-2021
Idlewells Shopping Centre – Potential for Business Owners (Elandi) in Administration			Constant	<p>Centre closure / reduced offer:</p> <ul style="list-style-type: none"> Economic – loss of income from business rates Economic – reduced rental income from Indoor market Economic – Employment offer 	Working relationship with Centre's management team ensuring fully aware of financial position as far as reasonably practical	Trevor Middleton	<p>Met with Markets manager 24th September. shopping centre still operating as business as usual and actively seeking traders.</p> <p>Centre celebrates 50 years trading Mid November</p>	01-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
				reduced Economic – Centre in decline / wider investment through Towns fund Physical – maintenance and repairs issues indoor market				
Sustainability of HRA business plan and ability to invest in current and new stock			Constant	Inability to provide services and meet regulatory requirements Inability to build new housing stock Inability to cross fund general fund services	<ul style="list-style-type: none"> Regular review of HRA 30 Year Business Plan White Paper Action Plan 	Phil Warrington	Risk remains high. Ongoing work to understand cost implications of new regulations.	01-Oct-2021
Ability to deliver Towns Fund and Future High Streets Programme			Slightly increasing, remains medium	Opportunity lost to regenerate and re-purpose town centres and local centres Reputational damage	<ul style="list-style-type: none"> Specialists will be appointed to support business case development for Towns Fund projects Future High Streets Fund and Towns Fund delivery monitored through Pentana, Regen. 	Sarah Daniel	All the detailed programme risks are set out in a specific programme risk register, including mitigating actions, which is regularly monitored. Project risk registers are being developed Specialists have been appointed for 12 business cases with the remaining	08-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					Board and Discover Ashfield Board. Monthly reports to CLT and Leadership <ul style="list-style-type: none"> Team structure reviewed to ensure sufficient resource 		five to be appointed in November. A new Regeneration Officer post is out to advert and a new Client Support Officer role is to be taken through the job evaluation process.	
Loss / delays in receipt of key income sources (Business Rates, Council Tax, Housing and Investment Property Rents)			Slightly reducing, remains medium	Loss of income – increased write offs. Delays in receiving income leading to potential cashflow issues. Increased debt management and recovery costs. Potential impact on payment of preceptors and having sufficient income to meet cost obligations as they fall due.	<ul style="list-style-type: none"> Government deferral of paying Central Business Rates contribution until end of June 2020. Reserve to cushion delays in payment of Investment Property income. Arrangements in place with some Investment Property tenants re agreed delays in rent income. (Exceptions basis only). Currently expected that all accounts will be up to date by 31/03/21. Healthy HRA balances to manage 	Pete Hudson	The impact of the pandemic will continue to see permanent reductions in some income sources and delays in income receipts. This is monitored on an ongoing basis and key impacts reported through to CLT and Cabinet via Financial Monitoring reports. CIWG also receives regular update reports regarding Investment and Commercial Property income performance with twice yearly reports to Audit Committee. Any significant permanent loss of income will be reflected in updates to the MTFS.	04-Oct-2021

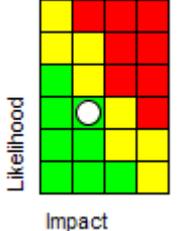
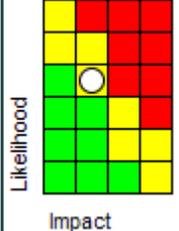
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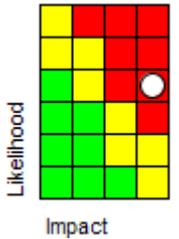
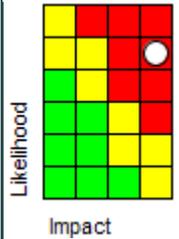
Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					short term cashflow issues from reductions/delays in housing rent <ul style="list-style-type: none"> • Option to scale back costs associated with non-critical functions. 			

Legal & Regulatory Risk

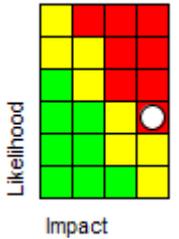
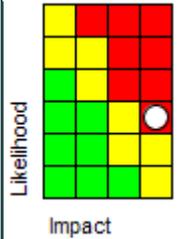
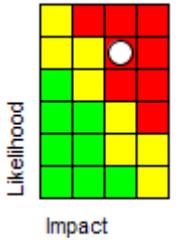
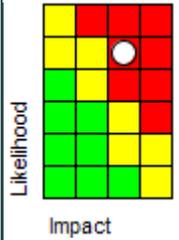
Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Ethical Governance - ability to implement changes to the Members' Code of Conduct and recommendations of the Committee on Standards in Public Life (CSPL) and Peer Challenge			Constant	<ul style="list-style-type: none"> • Significant resource to deal with implications of proposed Code of Conduct changes. • Significant resource to deal with implications of implementing the recommendation of the CSPL • Potential for negative perception of the Council which impacts upon the Council's reputation • Potential for adverse impact upon the workings of the Council • Without new 	<ul style="list-style-type: none"> • Ongoing work by the Standards and Personnel Appeals Committee in relation to the the Committee on Standards in Public Life - report on Local Government Ethical Standards • Members received training regarding the Code of Conduct, their behaviours and roles and responsibilities as part of the induction in May 2019. In line with the Corporate Peer Challenge recommendation further training will be organised. • Present Quarterly Complaint 	Ruth Dennis; Michael Joy	<p>Present Quarterly Complaint Monitoring reports to Standards and Personnel (Appeals) Committee</p> <p>Reports relating to the Committee on Standards in Public Life - report on Local Government Ethical Standards were presented to Committee in March 2019, July 2019 and October 2019, July 2020, December 2020, March 2021.</p> <p>The Standards and Personnel Appeals Committee approved its 2021/22 work programme at its meeting in June 2021. The Work Plan includes an ongoing action to implement the CSPL Best Practice Recommendations.</p>	05-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
				legislation does not provide holistic response to the recommendation of the CSPL	<p>Monitoring reports to Standards and Personnel (Appeals) Committee</p> <ul style="list-style-type: none"> Responding to the LGA's consultation on its draft Model Code of Conduct. 		<p>A working group of the Members of Committee has met on two occasions in order to carry out further development work regarding the Best Practice Recommendations. Further working group sessions will take place before presenting items for approval at the next Committee meeting in December 2021.</p> <p>The Committee in March 2021 recommended a revised Code of Conduct to the Council AGM. The Council at its AGM on 20 May 2021 approved the revised Code which incorporates elements of the LGA Model Code. The roll out of the new Code will now take place including revised training for Members and relevant Officers along with information on the Website</p>	

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							<p>and Intranet. Discussions are underway with the LGA for it to potentially facilitating the training.</p> <p>The Corporate Peer Challenge team has recommended training for Members and Officers in relation to the roles and responsibilities of Members and officers. A report was presented to the Committee on 30 June to begin refreshing the existing Members' Development Strategy. SOLACE is currently facilitating training with Cabinet Members in the first instance regarding their roles and responsibilities.</p>	
Ability to achieve efficiencies and compliance from procurement reviews /			Decreasing	<ul style="list-style-type: none"> • Penalties for non-compliance with legislation • Inability to meet MTFS savings targets if 	<ul style="list-style-type: none"> • Agreement of a new Procurement Strategy setting out clear guidance for spending managers • Particular emphasis 	Chris Clarke	The risk has decreased as the implementation of the review recommendations is underway.	01-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
improvement				procurement savings not achieved	<p>on small value procurement (under £25k) to ensure that the Council has legally compliant processes in place</p> <ul style="list-style-type: none"> Review of Procurement Arrangements (Shared Procurement Unit) to ensure objectives are being met 			
Having an Adopted LDF / Local Plan	 <p>Likelihood</p> <p>Impact</p>	 <p>Likelihood</p> <p>Impact</p>	Decreasing	<ul style="list-style-type: none"> Diminish ability to stimulate economic growth Increase likelihood of a developer lead approach to devt. Maximises potential for a significant award of costs against the authority Local Plan now at preferred approach. Need to publish next stage. Failure 	<ul style="list-style-type: none"> Regular engagement with Members to bring them on board Keeping abreast of latest challenges; work with Planning Advisory Service and Planning Inspectorate Keeping a clear audit trail of engagements with developers and consultees work with Elected Members to address 	Christine Sarris	Local Plan consultation published, Local Development Scheme published – now awaiting responses and then will collate and move forward as per the timetable.	05-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
				to achieve will set back timetable. • If plan requires subsequent revision, will add delays.	<ul style="list-style-type: none"> concerns Provide professional guidance 			
<p>Risk of Government's Waste strategy setting unattainable targets around recycling and service provision. Including the requirement to provide free garden waste service and separate food waste collections</p>			Constant	<ul style="list-style-type: none"> potential fines from EU reputational damage 	<ul style="list-style-type: none"> Discussions with County regarding innovative options is ongoing Development of Scrutiny review in September 2016 	Alastair Blunkett	The Environment Bill has yet to reach its final stages within Parliament having recently gone through the House of Lords with a number of amendments which are like to delay its Royal Assent. Uncertainty remains around mandatory free garden waste collections, discussions continue with other District Councils and the County on how mandatory food waste collection will take place within Nottinghamshire. As yet there are no clear timescales around when any changes will be required to be implemented or how the Council will be financially compensated.	07-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Planning appeals			Constant	surpass the 10% limit and end up in special measures	Councillor training, Officer training & monitoring	Christine Sarris	The planning appeals are continuously monitored. We are currently awaiting the outcome of the Ashlands Rd appeal which will influence risk moving forward. Officers work with members to inform them of the impacts of decision in terms of both costs and also potential interventions if performance targets are not met. Still contesting the costs for the Millers way appeal as this has a significant economic impact	29-Nov-2021
Ability to meet statutory obligation process timescales (eg gas servicing)			Constant	Loss of life through explosion or carbon monoxide Reportable breach to Housing Regulator Govt intervention and/or corporate manslaughter	Following current Govt guidelines in terms of evidencing all 'refusals' Tenants provided with safety leaflet relating to CO Weekly report to Housing Regulator	Chris Clipstone; Richard Davis	Due to the Coronavirus Pandemic a number of changes have been made to the Property Health and Safety Check / Service processes to adapt to the current situation. As a consequence of the Government's guidelines on social distancing / shielding and self isolation periods etc. there will be a number of gas services	01-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							<p>which have not been completed prior to the anniversary date.</p> <p>This is following the decision not to follow our usual processes to gain entry into a property whereby a Tenant does not wish to allow access to their home due to their interpretation of the Government's guidelines in relation to social distancing and shielding etc. We will also not enter a property where a Tenant has tested positive or is self-isolating due to symptoms etc.</p> <p>The decision associated with this revised gas servicing process is detailed in the following ODR:</p> <p>HAA-TEC/RD-ODR183</p> <p>Whereby we are refused</p>	

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							access we will work with the Tenant and advise them of the importance of the gas service and the precautions that we can undertake to minimise any potential risk.	
Ability to comply with the regulatory regime set out by the Regulator of Social Housing			Constant	<ul style="list-style-type: none"> • Health and Safety prosecutions. • Appearing on the Regulator of Social housing's 'Watch List'. • Regulator Inspections. • Inspection downgrade following inspections. • Regulatory downgrade from current status. • Unlimited fines. • Removal of the Housing Stock. • Reputational damage to the Council. 	<ul style="list-style-type: none"> . Monthly updates at DMT against the Housing and Asset Corporate Risks to identify early warning indicators and tolerances . Monthly review/updates against Social Housing White Paper Action Plan . Quarterly reports on performance on Complaints . Monthly updates to DMT on determinations from the Housing Ombudsman and failings from the Regulator of Social Housing for the sector . Quarterly updates on 	Nicky Moss	<p>The controls have been reviewed and remain the same.</p> <p>A white paper action plan is in place to manage this risk</p>	04-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					our position against Regulatory Consumer Standards . Quarterly key performance indicator report . Quarterly review of Tenant Satisfaction Measures . Quarterly FLEGAL update report			

Legal & Regulatory Risk; Service Delivery

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Legal Services – Lack of Staffing Resources and Disruption Caused by Exiting Shared Service	<p>Likelihood</p> <p>Impact</p>	New Risk		<p>1.Lack of staffing resources and disruption caused by the transition period involved in exiting the Legal Shared Service in early 2022</p> <p>2. Could critically jeopardise the effective delivery of key projects by the Council</p> <p>3.Impact on day to day activities of the Council which require legal support.</p>	<ul style="list-style-type: none"> to implement new structure in accordance with Council process Joint Exit Plan with MDC Develop detailed Risk Register as part of Exit Plan Regular project meetings with MDC regarding Exit Transition Plan (ADC) to be developed Use of Communications Plan 	Ruth Dennis	<p>1. Agreed early exit date with MDC</p> <p>2. Cabinet Report regarding exiting shared service (7 December) and setting up in house team</p> <p>3. Interim staffing – fixed term contracts; locums</p> <p>4. Regular review of priority workloads Use of external legal resources as necessary</p>	07-Oct-2021

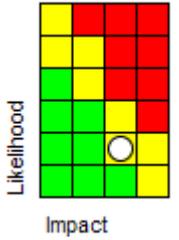
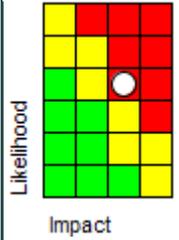
Reputational

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Leisure Centre - Ability to complete the project on time, within budget and within scope			Constant	Reputational damage Delay on delivery benefits	Project programme established, with realistic timescales set, allowing for delays. Regular meetings held with project group where programme is monitored. When construction starts progress will be reviewed at fortnightly site meetings and monthly Steering Group meetings. Liquidated damages included in contract documents. Contractor required to produce detailed programme of works and to produce action plan to rectify delay if work falls behind programme. Reputational Damage due to cost/ time overrun and all Publicity	Theresa Hodgkinson; Darowen Jones	The project remains on programme with good progress including superstructure and concrete pours.	04-Oct-2021

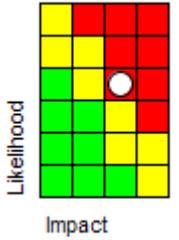
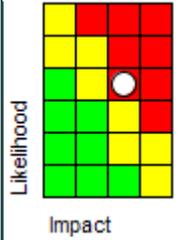
Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					and contact with media to be managed by Corporate Communications section. Project manager being appointed to ensure that the project is kept to programme and costs.			

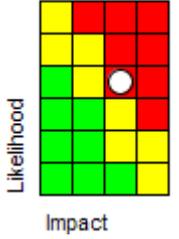
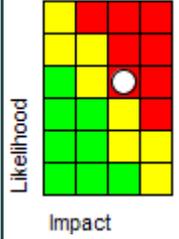
Service Delivery

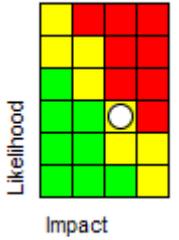
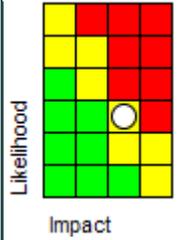
Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Levels of sickness absence			Constant	<ul style="list-style-type: none"> • Productivity • Financial • Employee morale • Service delivery • Remaining staff placed under increased pressure • Reputational damage 	<ul style="list-style-type: none"> • Robust management of sickness absence procedures by managers and robust procedures – Revised Absence Mgt Policy implemented • Effective monitoring – monthly monitoring reports highlighting service area absence to assist CMG and managers in absence management • Employee support mechanisms – Employee assistance programme implemented • Appropriate occupational health support – Occupational Health 	Kate Hill; Nikki Morris	<p>Management reports are provided by HR on a monthly basis to CLT/managers/unions supplemented by an additional Director/HR monitoring meeting on reviewing directorate compliance with attendance management policy.</p> <p>HR produce an annual report which is presented to CLT, detailing absence levels, absence reasons, split between short and long term absence, costs of absence, Occupational Health and mitigating actions taken to address absence. Presented in June 2021.</p> <p>HR also attend CLT on a quarterly basis of which Attendance Management is</p>	07-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					provision reviewed		included in the HR Managers briefing Currently the Authority is under target	
Ability to Support and Safeguard Vulnerable people			reduced	<ul style="list-style-type: none"> Life may be in danger, risk of major injury, further abuse or severe physical and mental health impacts Reputational damage to the Council 	<ul style="list-style-type: none"> Corporate Vulnerability and Safeguarding Working Groups meets quarterly to discuss legislative changes to Safeguarding practice Mandatory training provided to all employees on Safeguarding Tri-X Safeguarding Policy available to employees Safeguarding information available on the intranet for all employees. Named safeguarding lead contacts available within the 	Nicky Moss	<p>The controls remain the same.</p> <p>There is an action plan in place for Corporate Safeguarding which will mitigate the risks.</p>	04-Nov-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					<p>Council</p> <ul style="list-style-type: none"> • Formal mechanisms in place to record and monitor referrals to manage reported cases and support and safeguard vulnerable people. • Terms of reference in place for the Working Group – wide membership across the Council • Corporate Leadership Team (CLT) is kept informed through a twice yearly annual tracker • Corporate Safeguarding Lead for the Council is a member of the Nottinghamshire Safeguarding Partnership • Action Plan in place which covers all 			

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
					<ul style="list-style-type: none"> aspects of safeguarding Safeguarding Audits undertaken – last Audit 2019 			
Workforce planning - ability to recruit and/or retain filled position to critical posts			Constant	Inability to provide critical service functions including statutory services whilst vacant Negative impact on delivery of critical functions that directly affect Corporate Plan priorities,, productivity, MTFS	<ul style="list-style-type: none"> Implementation of Workforce Plan Identify Critical Posts and implement strategic plan to mitigate against risks of failure to recruit/retain quality staff to these positions 	Craig Bonar	<p>Vacancies, recruitment and retention to critical posts including use of Market Supplements Policy continues to be monitored. October 21-2% of full Establishment identified as embedded hard to recruit critical posts.</p> <p>Work continues with LGA to support managers in exploring and implementing workforce planning strategies involving succession planning, apprentices, graduates, 'grow your own' temporary and long-term use of external capacity and expertise.</p> <p>Project initiated to review current approaches to</p>	15-Nov-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							<p>recruitment and selection to enhance Council as an Employer of Choice.</p> <p>Due to national labour shortages and pressures affecting all markets at all levels, East Midlands Councils have reintroduced the Pay and Rewards working group to support Council's in underpinning their workforce plans. Additionally, the Council has commissioned an external sense check of its pay and rewards structure against current/projected market changes and also equality proofing.</p>	
Potential impact upon resource levels and capacity due to COVID 19			Constant	<p>Ability to maintain service delivery both Essential Services and others</p> <p>Reduction in sufficient skills</p> <p>Reduced ability to</p> <p>Reduced ability to recruit</p>	Maintain/update priority list of essential services	Karen Barke	<p>Current level to be maintained with restrictions lifted on the 19th July and revised isolation rules in August. Currently the Delta variant is a more contagious strain of COVID-19 which is impacting on Covid cases</p>	06-Sep-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
							and currently Ashfield does have above average number of cases whilst this is currently manageable it is kept under review	
Ability to maintain service delivery due to absence levels related to COVID 19			Constant	<ul style="list-style-type: none"> Inability to provide all Essential Services Impact on the employees especially those on designated long term self-isolation 	<ul style="list-style-type: none"> Maintain Sit Rep reports to assess levels of Covid related absence and identify 'red flags Robust management of swab testing arrangements for key workers when required 	Karen Barke	Whilst the risk has remained the same the R rate is reducing in the area which could continue to impact in service areas especially in relation to employees self-isolating if they have not been double vaccinated. With continued testing in order to ascertain those who are A-symptomatic there is a likelihood that this could increase numbers in addition the current strain of COVID-19 is more contagious. However, with increased number of employees vaccinated this would hopefully start to impact on case numbers	05-Oct-2021

Strategic

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
Temporary Accommodation - sufficient units to meet demand			Constant	<ul style="list-style-type: none"> Finance - higher bed and breakfast costs Statute - failure to meet statutory duty 	<ul style="list-style-type: none"> Filter in more properties as become available through tenancy voids. Find additional resource to manage properties 	Phil Warrington	Added capacity being worked on for peak winter months. no change to risk level	01-Oct-2021
Effective Strategic Leadership of a Robust Coronavirus recovery plan			Reducing	<p>Failure to have effective recovery plans in place</p> <p>Failure to maximise partnerships and work with third sector to mitigate against Covid impact</p> <p>Failure to review and prioritise key actions and activities to support recovery</p> <p>Ineffective allocation of capacity and resources</p> <p>Failure to</p>	<ul style="list-style-type: none"> CLT to act as ADC Recovery Plan drivers Weekly recovery update to CLT and Leadership meeting Ensuring suitable representation and input in LRF- Recovery Planning and Groups 	Craig Bonar	<p>CLT continues to weekly monitor/discuss Covid Response & Recovery.</p> <p>Covid-Scrutiny & Overview panel continues to oversee impacts and recovery actions.</p> <p>Director-Legal and Governance continue to attend Nott's and Nottingham LRF Recovery Coordination group</p> <p>Covid Recovery continues to be on the Corporate Risk Plan</p>	07-Oct-2021

Title	Current Risk Matrix	Year End 2020/21 Matrix	Trend	Consequences	Mitigating Actions	Officer Responsible	Comments	Latest Assessment
				embed new ways of working and delivery models				

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Report To:	CABINET
Date:	7TH DECEMBER 2021
Heading:	SELECTIVE LICENSING – EVALUATION REPORT AND RECOMMENDATIONS
Portfolio Holder:	CLLR JOHN WILMOTT, PORTFOLIO HOLDER FOR LICENSING AND REGULATORY SERVICES
Ward/s:	STANTON HILL, SUTTON CENTRAL AND NEW CROSS
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To advise Members of the key findings from the Evaluation Report relating to Selective Licensing for private rented properties.

To advise Members on the options regarding the future of the schemes and to make recommendations in respect of the preferred way forward.

Recommendation(s)

- 1 To note the findings of the evaluation of Selective Licensing Schemes, as attached at appendix A.
- 2 To consider the options in respect of the future of the existing Selective Licensing Schemes.
- 3 To approve in principle, renewing the existing Selective Licensing Schemes for a further 5 year period, subject to a 10 week period of public consultation. The consultation period will begin immediately after the provisional decision is made and will relate to both the terms and conditions of the scheme and the geographical boundaries of the designated areas.

Reasons for Recommendation(s)

Selective Licensing was introduced in designated parts of Stanton Hill and Central Sutton (New Cross), Sutton in Ashfield in February 2017. The schemes were established for a time limited, 5 year period. At the end of the 5 years the Council was obliged to review the impact of the schemes and consider the options moving forward, including the discretion of renewing them if appropriate.

The Evaluation Report highlights the benefits of the present schemes but also makes clear that issues in the designated areas persist in some form or other and that the best way of dealing with the issues is to extend the existing selective licensing schemes.

Alternative Options Considered

Not to evaluate the selective licensing schemes – this was not considered because the schemes were implemented to tackle localised problems and it is important to understand their impact and how far they have progressed in dealing with them.

Not to renew the selective licensing schemes – this is not recommended because whilst selective licensing has had a beneficial impact, the localised problems remain in one form or other and to end the schemes would be a retrospective step.

Detailed Information

Section 80 of the Housing Act 2004 gives Councils the power to introduce (with permission) selective licensing of privately rented properties. Licensing is normally considered appropriate to tackle issues such as low housing demand, localised anti-social behaviour, poor property conditions and poor management practices.

The frequency of such problems in parts of Central Sutton (New Cross) and Stanton Hill was disproportionate and so became the driver for the selective licensing schemes that were introduced in those areas in February 2017.

Under the terms of the schemes the owners (or agents) of all privately rented properties in the designated areas had to apply for a licence and were required to demonstrate that both they and their properties met the licensing conditions. Owners paid a one-off licence fee of £350, the income being wholly used to administer the service.

In respect of scheme objectives, these can be summarised as follows;

1. Improve housing standards property conditions within the private rented stock
2. Improve management practices
3. Improve levels of demand for housing and reduce the number of empty homes
4. Contribute towards partnership working to improve wider community issues including crime, Anti-Social Behaviour (ASB) and domestic nuisance

In total 650 properties required a licence; 620 licences were issued, and a further 3 licence applications were rejected because the owners failed the 'fit and proper' checks. Enforcement action has/is being taken against those 27 who failed to licence.

As part of the licence application process a property inspection was undertaken. Where this identified concerns about the condition of the property a full property inspection under the Housing Health and Safety Rating System (HHSRS) was conducted. A total of 561 properties were identified as needing a full HHSRS inspection, of these 404 had hazards that required further work by the landlord, this included 97 properties that required immediate intervention due to the presence of high-risk, category 1 hazards.

The Evaluation Report highlights the fact that in respect of scheme objective 1, improving property standards, and objective 2, improving management practices, there has been considerable success. With regards to improving property standards the following has been undertaken;

- Works to 338 properties to improve and make safe electrical installations
- Improvements to 195 properties to reduce damp and cold by installing 83 new boilers, 4 new sets of windows, 123 have had new roofs / roof repairs and/or insulation.
- All properties have improved fire safety measures including:
 - Early alerts (Hard wired interlinked detection as a minimum)
 - Clear guidance with support from the fire service on means of escape and fire prevention from tenants.
- Around 40 properties have installed emergency escape windows or ensured that alternative escape routes were unobstructed.
- 12 properties external lighting was improved for security.
- 10 Properties external staircases were repaired or replaced to reduce risks associated with falls on stairs.
- 8 properties with Solid fuel heating have installed Carbon monoxide detectors as well as a majority of all other licenced properties.

The table below lists the total number of disrepair complaints made to the Environmental Health (Residential) Team and clearly indicates the percentage of those originating from properties in the selective licensing areas has reduced over the course of the licensing period.

Period.	Number of Complaints relating to disrepair.	Percentage in Selective Licence area.
2016-2017	907	73%
2017-2018	931	65%
2018-2019	793	52%
2019-2020	1040	31%
2020-2021	1139	26%

With regards to improving management practices, the licensing conditions each landlord signed up to set a benchmark in respect of the Council’s management expectations. In practice what we have witnessed is a reduction in the number of attempted illegal evictions in the licensing areas, down from 12 in 2017/18 to 2 in 2020/21 and an increase in the number of enquiries from landlords regarding the management of their homes, up from 4 in 2017/18 to 146 in 2020/21. Early contact has been promoted as a way of ensuring any issues are dealt with at the earliest opportunity.

In respect of objective 3, increasing demand and reducing the number of empty homes, it is worth considering these separately. With regards to empty homes, officers actively identified vacant properties, they worked to trace the owner and assist them to bring the property back into use. A total of 50 owners were engaged and supported in this way.

With regards housing demand, for the past few years the housing market has been exceptionally buoyant and there has been a consistently high level of demand across all sectors and all tenures. Demand for homes in the selective licensing areas is high but this is likely to be driven by market conditions and returns on investment rather than improvements in the areas related to selective licensing.

Finally, with regards to objective 4, relations with the Police, Community Safety Team and other support agencies has significantly improved. Intelligence is shared and joint operations have been

conducted, resulting in some properties being closed and action taken to deal with ASB. However, the positive partnership working has not led to a recognisable reduction in crime and ASB in those areas and they continue to remain a priority for all concerned. The recent award of **£550,000 Safer Street** funding highlights the fact that problems do remain and that ongoing action is needed, a focus for this is the Sutton Central (New Cross) area.

The Evaluation Report concludes by stating that Selective Licensing has brought about improvements in the designated areas, in particular relating to property conditions and management practices, but that it remains work in progress. The report goes on to recommend that subject to consultation and approval, consideration is given to renewing the existing selective licensing schemes for a further 5 year period. The argument being that there is an opportunity to build on the good work that has taken place to date, continue to develop partnership working with the Police and other agencies and ensure we do not take a backward step. The recommendation is supported by the Police and the Community Safety Team.

The alternative to renewing the schemes is to bring them to an end when the licensing period ends in February 2022. This would mean a return to standard interventions for dealing with issues of disrepair, poor management practices, etc, focused mainly on a reactive approach. There are arguments for this, the strongest one being from landlords who feel the Council's focus should be on tackling bad landlords rather than expecting all landlords to licence their homes. The counter argument to this is that the licensing process is fairly simple and straightforward for good landlords and that through selective licensing we can easily identify those landlords who do not wish to engage and play by the rules, something that is very difficult when operating on a reactive basis.

If approval in principle is given to renewing the existing selective licensing schemes, a full 10 week consultation will commence when the views of stakeholders will be obtained, including those of Scrutiny Panel A, through their wider review of Tenancy Support. Members of the Panel have held a number of meetings focussing on Selective Licensing, considering the work that has been undertaken and the improvements delivered.

The panel have discussed in detail the benefits that a Selective Licensing Scheme can deliver for tenants, landlords and the District as a whole. Whilst recognising the benefits that the scheme can deliver, Members have also explored a number of concerns for officers to consider, which will be explored further during the 10 week consultation period.

The intention would not be for new schemes to be an exact replica of the existing schemes, it is important we take on board the lessons learnt, consider new and emerging issues and determine if a change in the boundaries of the designated areas is needed. Any final decision on renewing selective licensing would be brought back to Cabinet at the end of the 10 week consultation period.

Implications

Corporate Plan:

Selective licensing has gone some way towards helping the Council meet its Corporate Plan objective of ensuring there is sufficient good quality accommodation in the District. Extending the licensing schemes for a further 5 year period will enable the Council to build upon the good work and make a meaningful long term difference.

Legal:

Section 80 of the Housing Act 2004 gives Councils the power to introduce (with permission) selective licensing of privately rented properties. [RD 11/11/2021]

Finance:

Budget Area	Implication
General Fund – Revenue Budget	If provisionally approved, the cost of consultation will be met from existing resources.
General Fund – Capital Programme	n/a
Housing Revenue Account – Revenue Budget	n/a
Housing Revenue Account – Capital Programme	n/a

Risk:

Risk	Mitigation
Ending the service will put added pressure on existing Environmental Health Services and there is a risk of the service being overwhelmed by service requests and having to cut back, for example in time consuming prosecution and civil penalty enforcement action.	Consideration will need to be given to reorganising the workload of officers, ensuring there is a focus on high priority issues and potentially cutting back on lower levels matters.

Human Resources:

None

Environmental/Sustainability

No issues identified.

Energy efficiency improvements have been achieved under the Selective Licensing Schemes through installing new boilers, loft insulation and replacement roofs.

Equalities:

Within the selective licensing areas there are a disproportionate number of families whose ethnic origin and first language is not English. Consideration will be given to this as part of the consultation process.

Other Implications:

None

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Background Papers

None

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Evaluation Report

Selective licensing of private rented properties in Sutton Central (New Cross) and Stanton Hill

Nov 2021

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1. Introduction

Every person has the right to live in a home that is warm, safe and secure. Substandard housing affects lives and can have a long-term damaging effect on the physical and mental health of its occupants. Those on a low income, the elderly and those with underlying medical conditions are disproportionately affected due to their lack of housing choices.

The English Stock Condition Survey 2019/20 identified 23% of homes nationally as failing to meet decent homes standard, with the cost of correcting this put at £18.6bn. Within Ashfield, an estimated 31% of homes are said to fall below the decent homes standard.

Through its Corporate Plan the Council is committed to ensuring Ashfield residents live in homes that are warm, safe and affordable. The Council acknowledges that good housing underpins so much within society, from ensuring children can reach their potential in school to having an active workforce and to improving the health of the elderly.

There is a stated desire to work pro-actively with private landlords, providing advice and support to improve housing standards, this activity goes on . The Council also acknowledges that additional steps may need to be taken to address localised problems or long-standing issues that advice and support alone will not solve.

Selective licensing of private rented properties is one such additional step. Included within the Housing Act 2004, selective licensing can be considered in areas where issues such as poor housing standards, low demand and anti-social behaviour persist. Under the terms of a selective licensing scheme landlords of all properties in the designated area have to apply for a licence and they are expected to comply with conditions relating to the maintenance and management of their property.

In February 2017 the Council introduced its first selective licensing schemes in parts of Sutton Central (New Cross) and Stanton Hill. In both areas the number of disrepair issues reported to the Council and the number of management practice problems reported to the Council was high. Both areas also suffered in respect of crime rates, levels of anti-social behaviour, nuisance and fly tipping.

The schemes ran for an initial 5 year period, with the expectation being that a review would be conducted before a decision made on their cessation or continuation. The review findings and recommendations are included within this Evaluation Report.

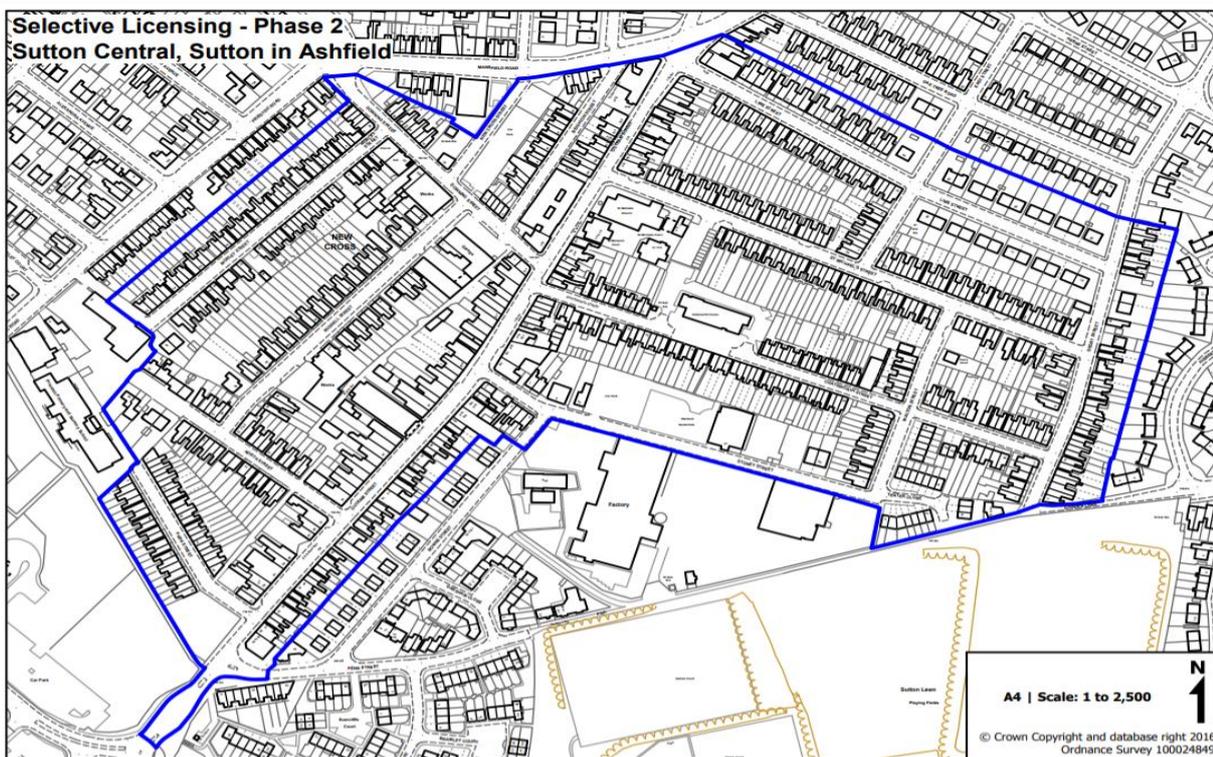
The report considers the aims and objectives of the original schemes, it looks at whether these have been met and also considers new, emerging issues. In addition, the report includes feedback from residents, landlords and 3rd party agencies directly affected by the schemes. Finally, the report concludes with recommendations for the future.

It is important to highlight the impact of the Coronavirus pandemic on the selective licensing schemes. The schemes focus on pro-active engagement; in particular visits and inspections to improve housing conditions and management practices. For the last 18 months these have been either stopped or severely restricted in response to the pandemic.

2. Designated Areas

Sutton Central (New Cross), Sutton in Ashfield

The Sutton Central (New Cross) scheme, as outlined in blue overleaf, is focused on the terrace streets either side of Outram Street. There are circa 650 properties within the designated area of which the majority, circa 500 are privately rented and needed to be licenced.

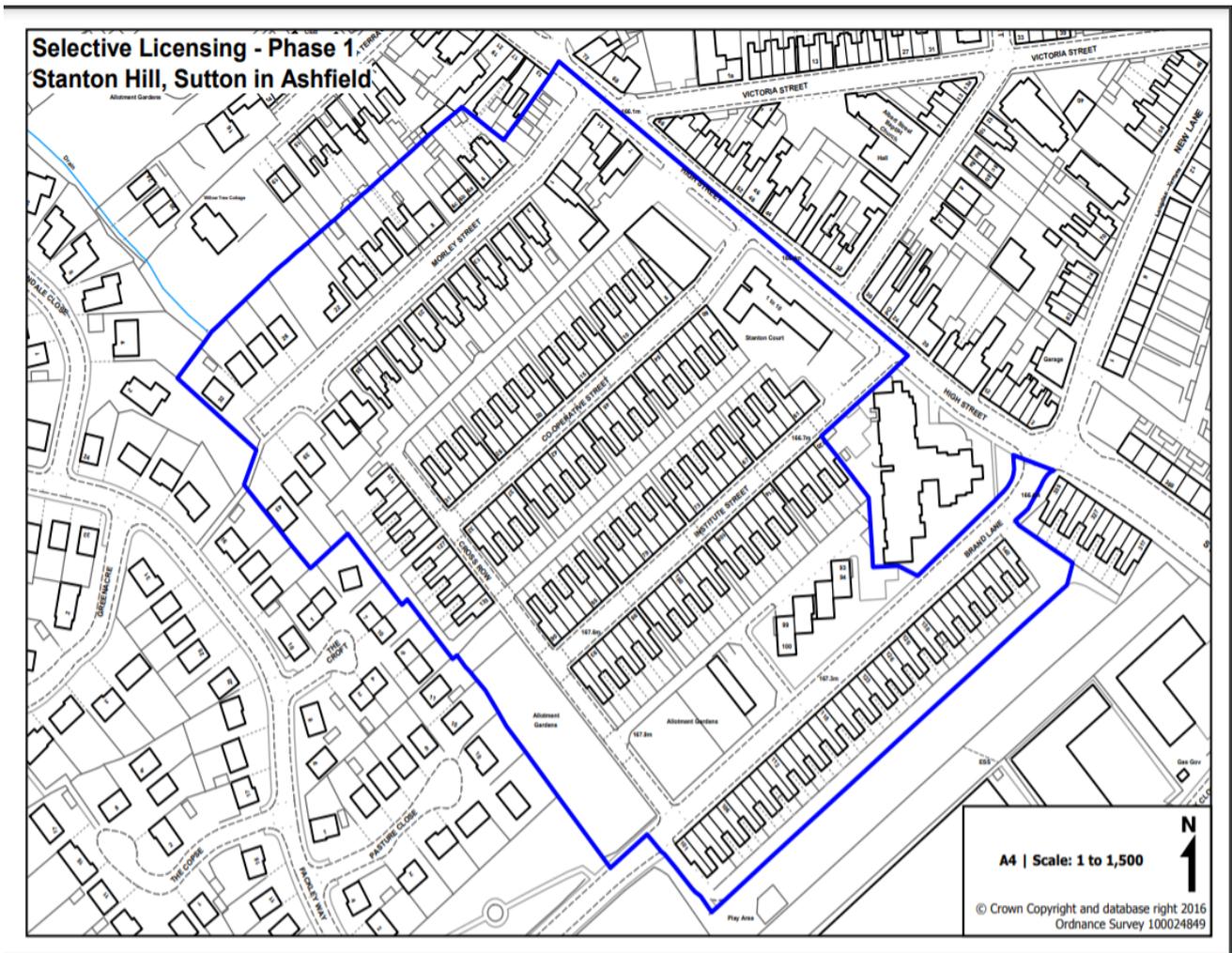


Street names

Park Street Sutton in Ashfield	Short Street (partial) Sutton in Ashfield
North Street Sutton in Ashfield	Walton Street Sutton in Ashfield
Russell Street Sutton in Ashfield	Stoney Street Sutton in Ashfield
Morley Street Sutton in Ashfield	St Michaels Street Sutton in Ashfield
Downing Street Sutton in Ashfield	East Street (partial) Sutton in Ashfield
Beighton Street Sutton in Ashfield	Tenter Close Sutton in Ashfield
Chatsworth Street Sutton in Ashfield	Outram Street (partial) Sutton in Ashfield
Lime Street Sutton in Ashfield	

Stanton Hill, Sutton in Ashfield

By contrast, the Stanton Hill scheme is smaller, with circa 230 properties of which 125 are privately rented and needing to be licenced. The scheme itself is focused on the streets of terrace homes located off High Street.



Street names

High Street (partial) Stanton Hill	Cooperative Street Stanton Hill
Brand Lane (partial) Stanton Hill	Institute Street Stanton Hill
Morley Street Stanton Hill	Cross Row Stanton Hill

3. Licensing process

In the designated areas all private landlords (owners or agents) must apply for a licence if they want to rent out their property.

The licence holder is assessed to ensure that they are a “fit or proper person” and can comply with the licence conditions concerning the management and upkeep of the property including essential safety measures such as adequate smoke detection.

Following receipt of the application an initial property inspection was conducted to see if there were any obvious hazards or other worries regarding property condition. Where issues were identified a full property inspection was conducted in accordance with the Housing, Health and Safety Rating System (HHSRS). The HHSRS inspection focuses on hazards within the home, the aim being to identify and deal with any category one, high risk hazards and to provide advice and assistance to ensure lower risk, category two hazards are addressed.

A licence is not issued until all category one hazards are dealt with. Advice and guidance is given in respect of lower priority, category 2 hazards, to ensure they are actioned as soon as possible.

Through selective licensing, Local Authorities have the power to enter a property (and then proceed to take enforcement action) without providing 24 hours' notice under section 239 of the Housing Act 2004. This power of entry is different to the notice requirements associated with Part 1 of the Housing Act (the enforcement of housing standards, i.e. the provision of 24 hours' notice to landlords and tenants which can result in a lack of cooperation from the tenant and landlord and can also contribute to retaliatory eviction).

4. Objectives of the Selective Licensing schemes

Selective Licensing was introduced to try and tackle a number of long standing and increasingly problematic issues in the private rented sector in the designated areas. Traditional methods of engaging with landlords and responding to residents' enquiries and complaints on a reactive basis was ineffective, hence the need for a different, more proactive approach to tackling the problems.

The reasons for selective licensing and the corresponding objectives of the schemes can be summarised as follows;

Issue	Objective
1. High level of reported disrepair	1. Improve property standards
2. High level of reported poor management practices, related to a failure to comply with tenancy agreement responsibilities	2. Improve management practices
3. Hot spot for empty properties within the District.	3. Improve levels of demand for housing and reduce the number of empty homes
4. Levels of crime and anti-social behaviour including fly tipping, domestic nuisance and waste on land.	4. Contribute towards effective partnership working to improve wider community issues including crime, ASB and domestic nuisance

Objective 1 : Improve housing standards

Prior to the introduction of selective licensing, in 2016/17 the Environmental Health (Residential) team received a record 907 complaints from private sector residents regarding disrepair. Of these, 73% of complaints were from properties in the designated areas. There are over 55,000 properties in the Ashfield District, less than 2% of these are in the selective licensing areas, thus highlighting the high concentration of disrepair issues in those areas.

Excess cold, damp and mould were the stand-out issues, these are inextricably linked to fuel poverty and wider socio-economic issues that we know prevail in the designated areas.

The aim of Selective Licensing was to reduce the incidence of disrepair, in particular those category one hazards that are detrimental to the resident's safety, their health and well-being. The intention was to do this in a positive, pro-active way, raising awareness amongst residents and working to advise and support landlords to resolve any issues that were identified.

Objective 2 : Improve management practices

An aim of Selective Licensing was to ensure landlords operated in a professional way and met their obligations under the tenancy agreement. Hand in hand with this was a need to raise awareness amongst residents of their tenancy rights and their obligations and responsibilities towards the landlord and the property. It is very much a 2-way relationship

and both parties needed to be on-board and playing by the rules if it was going to be a success.

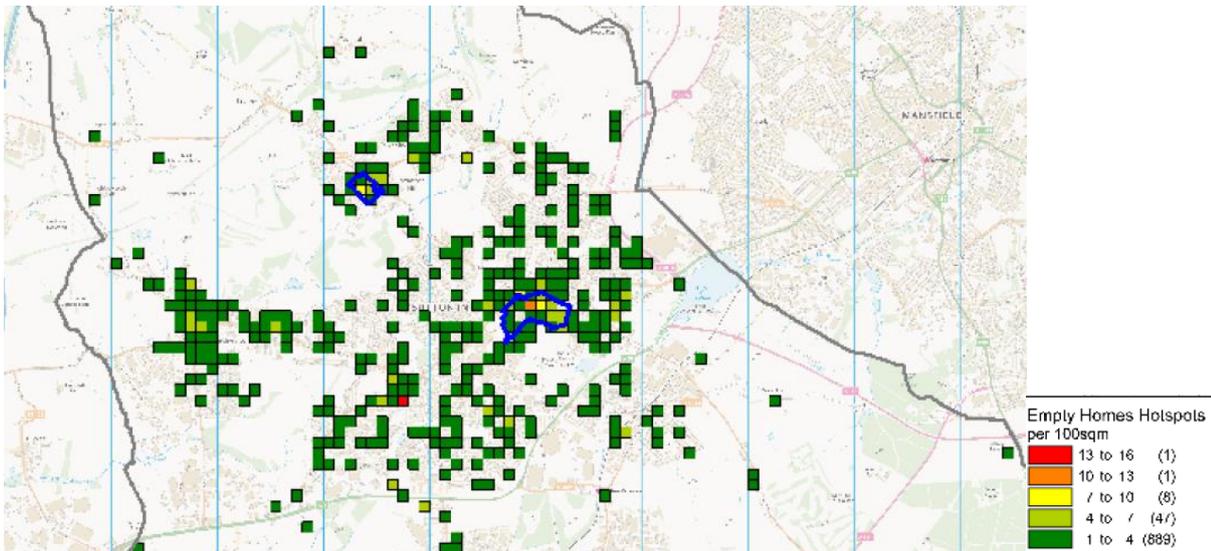
The hope was that improvements in practices would lead to fewer reported issues and where there were issues landlords would be willing to seek advice and assistance at an earlier stage, thereby reducing the need for any form of enforcement action and safeguarding the tenancy. A reduction in the number of attempted illegal evictions and an increase in the number of landlords making enquiries with the Team would be good indicators of success.

A good relationship between landlord and tenant should lead to tenants being happier in their home, wanting to stay for longer and landlords wanting them to remain. Reduced turnover and a greater degree of continuity will be of benefit to the local area as residents become invested and have more than a passing interest in the health of the community.

There was a concern that a focus on how tenancies were being managed could result in some landlords in the area leaving the sector or moving their investment to areas where there is less of a focus, this in turn would reduce the availability of much needed private rented accommodation in the area.

Objective 3 : Improve levels of demand for housing and reduce the number of empty homes

The map below, from the original (2016) Selective Licensing report, shows the two designated areas (blue boundary) and clearly identifies them as 'hotspots' when compared to the rest of the District.



Reducing the number of empty homes has been an intrinsic part of the Council's wider Housing Strategy for a number of years. The Council is aware of the high level of demand for housing and the negative impact vacant properties can have on a local area when they become a focus for vandalism, damage and neglect.

An objective of Selective Licensing was to target empty homes and to work with the owner to ensure everything possible was being done to bring them back into use. Other improvements being brought about by Selective Licensing should give owners confidence in the local area and to invest in their homes.

Objective 4 : Contribute towards effective partnership working to improve wider community issues including crime, ASB and domestic nuisance

The table below, from immediately prior to the implementation of Selective Licensing (2016) shows that of the 74 so-called Lower Super Output Areas (LSOA) that make up the Ashfield District the New Cross area is ranked in position 1 for crimes relating to domestic violence, position 2 for Anti-Social Behaviour (ASB) and Hate Crime and position 6 for crimes relating to drugs and alcohol.

By comparison Stanton Hill fared better but remained a standout area in comparison to the other LSOAs.

Lower Super Output area	ASB	Domestic Violence	Hate Crime	Drugs and Alcohol
New Cross	2 nd	1 st	2 nd	6 th
Stanton Hill	4 th	20 th	6 th	21 st

The Crime and Disorder Act (1998) defines ASB as activities or behaviours which “cause or is likely to cause harassment, alarm or distress to one or more persons not of the same household”. Not all ASB directly constitutes criminal offences but may still be unpleasant and affect quality of life within an area.

The following activities and offences are typically described as ASB:

Arson	Alcohol and drugs related offences
Criminal damage	Graffiti and fly posting
Noise nuisance	Fly tipping and litter
Harassment and intimidation	Verbal abuse

The table below summarises where reports of crime and ASB originated from and demonstrates that those in private rented accommodation were having to deal with issues far beyond the condition of their home.

Tenure	Stanton Hill	New Cross	Total	%
Business	9	54	63	12.2%
Council Owned	18	1	19	3.6%
Not Listed	4	8	12	2.3%
Owner Occupier	6	20	26	5%
Private Rented	61	190	251	48.6%
Road Only	1	64	65	12.5%
RSL	11	42	53	10.2%
Void	4	23	27	5.2%
Total	114	402	516	

Similarly, in respect of incidents reported to the Council, both areas saw a higher than average incidence of fly tipping, domestic nuisance and waste on land.

It was hoped that through Selective Licensing we will have a greater level of intelligence, knowledge and leverage with landlords regarding tenants who may be involved with localised ASB. Working in partnership with the Police and Council colleagues on a 'problem solving' approach, there was an opportunity engage with residents and have in place an expectation that landlords would take action against those tenants guilty of ASB.

Improvements to the local area, brought about through objectives 1, 2, 3 and 4, should also help ensure there is sufficient demand in place for properties that do become available and that the landlord can choose suitable new tenants following a robust vetting process.

5. Licence applications & Enforcement Action

Circa 650 Properties within the two selective licence areas required a licence. A total of 623 licence applications were received and processed. Of these 620 full licences were issued, with 3 being rejected because the licence holder failed the 'fit and proper' test and new licence holders had to be appointed.

Despite repeated requests, landlords of 27 properties failed to apply for a licence. Of these, 20 cases were submitted to our Legal Team to review failure to licence offences. Civil Penalty fines totally £35,000 have already been paid from landlords failing to licence with a potential further £60,000 due if the remaining offences are upheld.

In addition, 3 landlords have been prosecuted for breaching licensing conditions, this has included poor management and failure to carry out essential repairs to a property.

As will be discussed later in this report, the requirement to apply for a licence, to manage and maintain the property in accordance with licence conditions, has forced out those landlords who were not minded to operate in this way. Crucially, these landlords have been replaced by those who are willing to commit, the properties have not been lost from the private rented stock.

6. Impact of selective licensing

Objective 1 : Improve housing standards

As part of the licensing application process an initial inspection was conducted. The purpose of the inspection was to check on the general condition and to determine if there were any obvious hazards that would warrant a full property inspection in accordance with the Housing Health and Safety Rating System (HHSRS).

The principle behind the HHSRS is that: A dwelling, including the structure, the means of access, any associated outbuildings and garden, yard and/or other amenity space, should provide a safe and healthy environment for the occupants and any visitors. To satisfy this principle a dwelling should be free from unnecessary and avoidable hazards; and where hazards are necessary or unavoidable, they should be made as safe as reasonably possible.

The majority of properties, 561 in total were identified as needing a full HHSRS inspection. As part of the inspection officers considered the following hazards and work to reduce their associated risks.

Hazard	Works required to reduce risks
Damp and Mould	<ul style="list-style-type: none">• Repairs to roofs,• Improved ventilation• Improvement of insulation• Improvements and repairs to guttering and drainage.• Repairs to leaking pipes
Excess cold	<ul style="list-style-type: none">• Renewal/replacement of heating systems• Improvement to windows and doors.• Installation of insulation/draft proofing.
Excess heat	<ul style="list-style-type: none">• Improved ventilation• Improved heating
Carbon monoxide/ uncombusted fuel gases	<ul style="list-style-type: none">• Requirement for Gas Safety checks and removal of obsolete or dangerous items.• Checks of solid fuel units• Ensuring carbon monoxide detectors are in place.
Entry by Intruders	<ul style="list-style-type: none">• Replacement of doors and window.

	<ul style="list-style-type: none"> • Improved lighting • Replacements of fences and gates.
Domestic hygiene including pests and refuse	<ul style="list-style-type: none"> • Service of PDPA notices • replacement of floor and wall coverings • requirements for adequate waste provisions.
Food safety	<ul style="list-style-type: none"> • Improvement of amenities. • Improvement to design and layout of kitchens and storage.
Personal Hygiene, sanitation and drainage	<ul style="list-style-type: none"> • Improvement to bathrooms • Consistence of hot water supply • Flushing toilets
Falling on level surfaces	<ul style="list-style-type: none"> • Relaying paving • Fixing damaged flooring
Falling on the stairs	<ul style="list-style-type: none"> • Improvement of lighting • Replacing floor coverings • Improving treads on stairs • Provision of handrails • Provision of balustrades
Falling between levels	<ul style="list-style-type: none"> • Installation of safety latches on doors • Balustrades to staircases and windows
Electrical Hazards	<ul style="list-style-type: none"> • EICR required for all properties and all code 1 and 2 to be addressed.
Fire	<ul style="list-style-type: none"> • Requirement for hardwired interlinked fire detection. • Provision of protected and adequate means of escape. • Reduction of obstructions.
Structural collapse and falling elements	<ul style="list-style-type: none"> • Replacement of joists • Replacement of supporting walls • Fixing of long-term leaks • Repairs to chimneys and roofs.

Of the 561 properties inspected 157 met the HHSRS standard and needed no further works. A total of 97 of the 404 remaining properties had at least one high risk, category one hazard, that needed urgent repair and 307 properties had Category two hazards that required attention.

Of the 97 properties with high risk hazards none of these had been reported to the Council by the tenant prior to the inspection. When asked tenants offered up the following explanations for this;

- Rent is cheap so I thought this was acceptable.
- I wasn't aware that the issues were dangerous.
- I don't know who to contact (not reported to agent or landlord)
- I didn't know there was anything the council could do.
- I am worried my landlord will evict me.
- It doesn't affect me.

There was a combination of tenants not knowing how to raise concerns or who to raise them with and a fear that raising complaints about the property condition could lead to the landlord taking action to recover possession of their home. Selective licensing has gone some towards helping to address this and giving tenants the confidence to raise issues.

Officers supported landlords to ensure all Category one hazards were dealt with without delay and that there was a monitored plan in place for dealing with Category two hazards.

As a result of the inspections and interventions the following actions were taken;

- Works to 338 properties to improve and make safe electrical installations
- Improvements to 195 properties to reduce damp and cold by
 - 83 installing new boilers,
 - 4 installing new windows,
 - 123 have had new roofs roof repairs and/or insulation.
- All properties have improved fire safety measures including
 - Early alerts (hard wired interlinked detection as a minimum)
 - Clear guidance with support from the fire service on means of escape and fire prevention from tenants.
- Around 40 properties have installed emergency escape windows or ensured that alternative escape routes were unobstructed.
- 12 properties external lighting was improved for security.

- 10 Properties external staircases were repaired or replaced to reduce risks associated with falls on stairs.
- 8 properties with Solid fuel heating have installed Carbon monoxide detectors as well as a majority of all other licenced properties.

Section 6 looks in more detail at case studies highlighting typical findings from an inspection.

The table overleaf captures the total number of disrepair enquiries and complaints made to the Council during the selective licensing period. Whilst the total number of complaints has increased the percentage of those from residents in the selective licensing areas has fallen significantly, indicating an improvement in property conditions. There is an argument for thinking the number of complaints from residents in the Selective Licensing areas could have increased as those residents who pre-licensing were unaware of how to report a repair or were frightened to do so had new found knowledge and confidence.

Period.	Number of Complaints relating to disrepair.	Percentage in Selective Licence area.
2016-2017	907	73%
2017-2018	931	65%
2018-2019	793	52%
2019-2020	1040	31%
2020-2021	1139	26%

The Environmental Health (Residential) Team have encouraged landlords to attend Landlord Forum Meetings where all aspect of property management including property condition are discussed.

Objective 2 : Improve management practices

As part of the licensing process landlords were required to sign up to a number of licence conditions, including the following;

- Ensure a suitable person is in place to manage the property;

- Make sure landlords have written tenancy agreements with their tenants;
- Ensure references are requested and vetting checks conducted;
- Ensure there are working smoke alarms;
- Provide contact details for the licence holder to the tenants;
- Ensure landlord takes reasonable and practicable steps to tackle anti-social behaviour caused by their tenants.

During the property inspection and subsequently tenants were advised of the licence conditions and how to report possible breaches.

As part of the licensing checks tenants were also asked questions relating to the management of their home, specifically;

- Have they received a gas test certificate?
- Have they received a tenancy agreement?
- Is there an ASB condition in the tenancy agreement?
- Are they aware of the arrangement for the collection of refuse and bulky goods?
- Are alleyway gates fitted? Does the tenant have a key / know how to obtain a key?
- Have they been provided with a detailed inventory?
- Was a deposit taken for the property?
- Do they know if the deposit was protected (with a relevant Tenancy Deposit Scheme)?
- Does the landlord or managing agent undertake property inspections?
- Have they been provided with;
 - Name and address of the Licence Holder or managing agent if different
 - A copy of the licence
 - A contact daytime telephone number and
 - An emergency contact telephone number .

Documentation was checked during the property inspection visit. Where there was evidence to suggest information was lacking, incomplete or that appropriate action, such as to protect the deposit, had not been taken the landlord was asked to provide the relevant

documentation. In total 486 requests for additional documentation (over and above that obtained during visits) were made, typically these were gas safety certificates and tenancy agreements.

Additionally, where issues of ASB were identified relating to a private rented property the landlord was asked to provide extra information, such as proof of referencing and vetting checks conducted.

Selective Licensing raised the bar in respect of the documentation a landlord was expected to provide and the steps they were expected to take in managing their tenancy. The requirements were backed up by checks conducted with both the tenant and the landlord.

The table below illustrate what a difference the schemes have made. The first shows that the number of attempted illegal evictions in the selective licensing areas has fallen over the lifetime of the scheme. The second shows the number of advice enquiries the Environmental Health (Residential) team received from landlords. These were enquiries that were not related to selective licensing. The figures in the second table show a continued increase, suggesting that landlords increasingly know where to come for advice and are willing to seek it.

Selective licensing areas – Record of alleged attempts to illegal evict

2017/2018	12
2018/2019	6
2019/2020	3
2020/2021	2

Selective licensing areas – landlord request for advice (none SL related)

2017/2018	4
2018/2019	28
2019/2020	91
2020/2021	146

Objective 3 : Improve the levels of demand for housing and reduce the number of empty homes

The selective licensing areas were a hotspot for empty homes. Following implementation of the schemes officers actively sought to identify vacant properties, this was through door knocking, liaising with Estate Agents and speaking to other departments such as Council Tax.

Owners were traced, contacted and supported to bring their homes back to use as quickly as possible. In some cases officers provided advice on the works that were needed and recommended possible contractors, other cases were more complex, often being linked to issues of probate.

With very few exceptions the home-owners were keen to bring their homes back into use and were working towards this. Officer involvement provided a bit of a push and impetus to ensure it happened as quickly as possible. It was evident that the buoyant housing market and the potential financial returns were encouragement enough for property owners.

In total officers have been involved in 50 empty properties in the selective licensing area over the duration of the scheme. At the time of writing this report 6 properties remain vacant but only 2 are active cases as the others are being renovated or sold.

In respect of levels of demand, officers haven't focused ostensibly on this because action to improve property conditions and management practices along with the buoyant housing market was sufficient stimulus to ensure there was a good level of demand for properties in the area. The feedback from landlords in section 12 of this report indicates demand levels of healthy and that landlords can choose from a pool of potentially good quality tenants.

Objective 4 : Contribute towards effective partnership working to improve wider community issues including crime, ASB and domestic nuisance

The selective licensing areas were a hotspot for crime, ASB and nuisance and remain so. New Cross for example currently makes up over 11% of all reported crime despite it being home to less than 2% of properties.

Similarly, as the table below shows, in respect of the number of incidents reported to the Council’s Community Safety Team (CST) relating to waste on land, domestic nuisance and ASB there has been no reduction and in the case of Stanton Hill, the figures have increased significantly. This may be down to improved awareness and easier reporting processes but nevertheless the figures are not what we had hoped for. Whilst the schemes have brought about improvements in the condition of homes and how those homes are managed the areas still struggle in respect of these wider social issues.

Number of reported incidents to Ashfield DC for waste on land, domestic nuisance and ASB.

	2017-2018	2018-2019	2019-2020	2020-2021
New Cross	292	286	214	291
Stanton Hill	72	67	92	103

During the selective licensing period officers have regularly shared intelligence and undertaken joint operations with the Police, the Council’s CST and other agencies. As a result closure orders have been obtained, large homes in multiple occupation closed and there has been a general disruptive influence to what was the unacceptable norm. Attitudes have changed and what selective licensing has helped bring about is a sense of unity between partner agencies and a perception that action can and will happen to address the issues.

Whilst the impact on levels of crime and anti-social behaviour has been limited the Schemes were only ever going to support the role and action taken by other agencies. The award of £550,000 Safer Streets Funding in August 2021 to help tackle crime and anti-social behaviour in the New Cross area demonstrates the complexity of the problem and maybe it was too much to expect Selective Licensing to make a significant dent in issues.

Despite the limited success the Police and the Council's Community Safety Team have been very clear in their support for Selective Licensing and the difference it has made;

Inspector Mark Dickson, Nottinghamshire Police

I have reviewed the scheme's impact in relation to crime and ASB and how we have been able to work together to make Ashfield safer. The New Cross and Sutton Central area account for 11.4% of all crime in Ashfield. Given the relatively small area this is concerning. To try to reduce crime in the area Nottinghamshire police are carrying out a range of actions in the area including additional targeted high visibility patrols, joint ASB reduction patrols, the area is targeted for pro-activities operations such as stop searches of persons and vehicles for drugs and weapons. These actions have been successful in managing crime, but have not yielded a reduction.

To support each other, Nottinghamshire Police and Ashfield District Council have worked together in a range of capacities, with the Selective Licensing being one of them. Through the use of Selective Licensing we have been able to obtain closure orders, close HMO's causing issues, support people living in unsafe premises, and disrupt crime and anti-social behaviour. Nottinghamshire Police are committed to working closely with ADC and have worked on various projects together, and this relationship is continuing to grow further.

It is my observation that the Selective Licensing scheme is extremely successful and a great asset to keeping Ashfield safe. Whilst the success is hard to quantify through figures, local residents are happy, vulnerability has been reduced and the areas becoming more positive. Further plans are in place to work closely on the Police run Vulnerable Adult Safeguarding and Support scheme, which supports Ashfield's most vulnerable adults, which will have a positive effect both on those affected but also local residents. Plans are also in place for more community based events to raise the profile of both the scheme and the joint agency approach to encourage the public to report their local issues. Whilst this will create demand for services for all partners, it will no doubt vastly improve the area.

Antonio Taylor – Ashfield DC Community Safety Manager

Tackling anti-social behaviour and environmental crime are key priorities for the Council, extending the Council's Selective Licensing scheme for a further 5 years will contribute to these priorities enabling additional powers for the Council to tackle localised problems in areas of New Cross and Stanton Hill, Sutton-In-Ashfield. Following consultation at a number of community events, the scheme is largely seen by members of the public as an effective approach to improving housing standards and supporting place enhancement through regulation, education and prevention, and will continue to contribute to the Council's safer and stronger priorities.

7. Case Studies

The following 3 case studies provide an insight into how the schemes operated and the difference they made to tenants, landlords and partnership working.

Property A – Disrepair and support for the tenant

A selective licence application was submitted and arrangements made to inspect.

No complaints had been received by the Council relating to the property, either in respect of disrepair or antisocial behaviour.

Upon inspection it was identified that the tenant was previously homeless and based upon her previous experience she was fearful to complain about disrepair issues in case she was evicted.

The tenant advised that she felt that the property was her only option due to her low income and the fact she could not afford a deposit. The rent for the property was £450 pcm.

A full HHSRS inspection was conducted that identified 4 Category 1 hazards, including those related to damp and mould and fire safety. Additional category 2 hazards were found.

Due to the serious nature of the hazards and lack of response from the owner an Improvement Notice under the Housing Act 2004 was served.

A revisit to the property identified that no works had been carried out to the property and that the property had further deteriorated.

Despite continued attempts to engage with the landlord they failed to comply with the terms of the Improvement Notice leaving the Council with no option but to take further enforcement action and prosecute the landlord. In the Magistrates court the landlord was found guilty of the offences and fined £10,000 plus costs.

Officers made every attempt to work with the landlord to resolve the issues identified. Officers were also able to advise and educate the tenant in respect of their rights and responsibilities, explaining what was acceptable in relation to a good landlord and a safe property.

The Tenant made application for rent repayment, to allow her and her family to find alternative housing.

A Rent Repayment Order requires repayment, of rent or housing benefit or housing costs element of universal credit paid in respect of a tenancy or licence, by a landlord/agent who has committed a particular offence, which includes a breach of an Improvement Notice. A Rent Repayment Order can require the repayment of a sum of up to a maximum of 12 months' rent.

The tenant was also able to make a claim from the landlord as their deposit was not secured

A Landlord or agent must protect a tenant's deposit with an authorised scheme if they have an assured shorthold tenancy. Most private renters have this type of agreement. Where a landlord has failed to do this within 30 days a tenant has a right to make a claim against the landlord for up to 3 times the amount of their deposit.

Officers made referrals to partner agencies to provide ongoing help and support to the tenant, these extended beyond the resident's housing need and included help with her health and well-being.

The property was subsequently sold by the landlord. It has been purchased by a new landlord and has now been relet.

When summing up the case the District Judge made the following comment

Tenants are stuck between a rock and a hard place and unscrupulous landlords know this. In this day and age people should not be living in the conditions presented today. Had Selective Licensing not been in place it is clear that this tenant would not have complained about the conditions her and her family were living in for fear of repercussions and becoming homeless.

Some landlords target the most vulnerable people in our society for their own gains. It appears particularly of benefit to this tenant that Selective Licensing was introduced and will help to differentiate between good and poor landlords in the long term.

Property B - Supporting Landlords

A Landlord applied for a Selective licence, however, was worried about not being able to access his property even though he was aware he was legally required to carry out repairs/safety checks.

The property had been occupied by the same tenant for over 15 years. The tenant was known to struggle with their mental and physical health and additionally was a hoarder.

The landlord knew he was not meeting his obligations in respect of the following;

- No Gas certificate
- No EPC
- No Electrical certification
- No Fire detection

- No heating or hot water

The team were able to identify the needs of the tenant and were able to involve support agencies so the tenant felt in a position to engage and could also face up to their problematic living arrangements.

The landlord was given advice on how to access his home and the Council helped facilitate access through the support agencies. Officers provided the landlord with details of registered and competent contractors and the landlord arranged for essential health and safety works to be undertaken.

It was important that the hard work and effort was not shortlived. Crucially officers were able to help establish positive dialogue between the 2 parties that continues today.

Property C - Partnership Working

The Council's Community Safety Team (CPT) raised concerns with officers regarding drug use, accumulations of waste and noise being emitted from a property within the selective licensing area.

Officers were able to identify the landlord and tenants and working with the CPT contact was made. Tenants were warned about their behaviour and the landlord advised about the ongoing problems and their duty to act should problems persist.

Complaints relating relating to the property continued and officers conducted a joint unannounced visit.

With the property being in a licensing area officers had powers of immediate entry and also accelerated enforcement powers. Officers were not required to give the usual 24 hours notice of an inspection and follow the standard enforcement pathway.

Officers found the property to be over occupied and in a poor condition, The electric meter had been bypassed and the smoke detection had been removed by the tenants. The

landlord had not visited the property in over 12 months and claimed to not be aware the condition of the property.

A Prohibition Order was served on the property to ensure the safety of the occupants and those in neighbouring properties and the landlord's licence was revoked as he was in breach of licensing conditions. The landlord subsequently sought to sell the property and it has now been full renovated and reoccupied.

8. Scheme costs and administration

Landlords were charged a flat licence fee of £350 per property. With 620 licences issues the scheme income was circa £210,000. The income was used to cover costs associated with administering schemes over the 5 year period fee and for providing support to tenants and landlords, it was not used for any other purpose.

The Council recruited dedicated Selective Licensing Officers to operate all aspects of the scheme. These officers were supported by Environmental Health colleagues when inspecting sub-standard homes or when liaising with landlords.

A significant amount of time and resource was dedicated to the application process itself. All applications made during the first 4 years were made on a paper application form. The form itself was relatively long and despite guidance being provided, not easy to complete. Officer focus on the application process was to the detriment of pro-active engagement with tenants and landlords. As part of the scheme the intention was to be a visible presence in the community, being available to advise and educate, however, the complexity of the process inhibited this.

In 2020, year 4 of the scheme, a fully online application form was launched. In addition to landlords being able to apply online they could also submit all of the necessary documentation in this way and cases could be managed electronically.

Looking ahead, if a decision is made to renew Selective Licensing the online changes will ensure the a application process as a whole is more streamlined and less resource intense.

It will enable Officers to focus more on engaging with tenants and landlords and with working in partnership with support agencies to make a real difference within the community.

9. Benefits of Selective Licensing

Selective licensing has achieved some of its objectives but not all. The following summarises some of the benefits the scheme has delivered.

- **It was a new, pro-active way of working and delivered results**

Whilst officers have always strived to be as proactive as possible, service delivery has long been based on reacting to issues as and when they occur. Selective licensing has given officers the opportunity to change focus, to actively engage and seek out problems and issues. Doing so has ensured early intervention and reduced the need for crisis management and enforcement action.

- **Housing standards have improved**

The focus on property condition has undoubtedly improved the standard of housing in the selective licensing areas, in particular in respect of fire and electrical safety. Some of these issues would have been picked up through the reactive service but not all and not in such a short period of time.

- **Hidden issues relating to property condition have come to the fore.**

There was very clearly a proportion of tenants who knew their home was in disrepair but who were too scared to raise matters because of the fear of them losing their home. Most of these concerns would have been unfounded as landlords routinely undertake repairs when needed and would not consider ending a tenancy on this basis. On these occasions it was officers who identified and reported issues, meaning the tenant was not put in this uncomfortable position and giving them confidence to report future problems.

- **Vulnerable tenants have been assisted**

This is not simply with their housing needs but in dealing with underlying issues that affect their ability to cope within their home and remain within their tenancy. The number of tenants lacking essential help and support was surprising and referrals were made to the Safeguarding Hub and to health, social care and complex case for assistance. It highlighted the fact that property condition cannot be dealt with in isolation of broader underlying issues and problems.

- **There is an awareness amongst tenants and landlords of the standards expected.**

The information from pre selective licensing indicated that a small number of tenants and landlords didn't feel the rules applied to them. Through the inspection and spot check regime, plus enforcement action when licence conditions are wilfully breached there is an understanding of what is expected by all parties and that rules must be adhered to.

- **Better relationship with support agencies.**

The relationship with the Police, with the Community Safety Team and other agencies working in the selective licensing areas is much stronger. There is a growing understanding that to make a difference we need to work together and the relationship will only grow and prosper in future.

- **Incoming landlords**

A number of landlords who did not want to work with the Council or apply by the licensing conditions sold their homes. By and large these homes were purchased by a landlord with a different take on what was expected of them, the properties were not lost from the private rented stock.

10. Drawbacks and criticisms of Selective Licensing

Selective licensing is not without its critics, some of the issues raised at fair and reasonable. Criticisms of the scheme have included the following;

- **It penalises all landlords for the failings of the few.**

The expectation is that all landlords, however compliant their activities, will licence their homes thus incurring a degree of inconvenience and expense. There is an argument to say that activity should be focused on those landlords who persistently fail in their duties, leaving alone those who are fully compliant.

In response, there is an acceptance that for all landlords there is inconvenience and expense. However, for those landlords who are complaint there should be no further work or action needed and the focus of enforcement activity is very much on those who wilfully fail in their duties and obligations. The schemes highlighted the fact that there are often things even the most complaint landlord miss, as evidence through the high number of category one and two identified during the property inspections.

- **It will increase rents making properties unaffordable for those in most need.**

The expectation was that landlords would need to recoup the licence fee and the cost of any subsequent works from the tenant through higher rents. There is no conclusive evidence to substantiate this. Yes, average rents in the selective licensing areas are higher now compared to 5 years ago but the % increase is in line with other parts of the District. The buoyancy of the market and the demand for private rented accommodation will be a much bigger driver in raising rents than recovering costs associated with selective licensing.

New Cross and Stanton Hill remain entry level areas, their average rents remain at the lower end of the market and selective licensing hasn't changed this.

- **Selective licensing would lead to landlords leaving the sector and reduce the number of private rented properties available:**

Very few landlords have sold their properties in the selective licensing areas as a direct result of the scheme and the expectations placed upon them. It is important to stress that the vast majority of landlords deliver an excellent service and so there was no reason for them to leave. We have seen a small number of landlords either sell and leave the sector or sell and move elsewhere. However this has been the exception and in most cases those landlords who have left because they do not want to work with the council on licensing have been replaced by ones that do. The housing stock in the selective licensing areas remains a good, affordable investment and the private rented sector remains buoyant.

- **Landlords should not be held responsible for ASB from bad tenants:**

Landlords have criticised the anti-social behaviour conditions attached to licensing, arguing that they have no way of dealing with their tenants' anti-social behaviour and often suffer economic loss themselves due to their tenant's behaviour. In many respects this is true but some ASB is caused by poor property management, in particular overcrowding of properties which can lead to a knock on effect relating to increase in rubbish, domestic incidents due to lack of amenities, privacy and recreational space

11. Learning outcomes

When it was introduced in 2017 Selective Licensing was a relatively new phenomenon. Officers developed and introduced what they thought was the most appropriate schemes for the areas. Upon reflection there are things we could have done differently and that we need to learn from moving forward, these include the following;

- **The lack of an online application and case management process was a real hindrance to positive engagement.**

The scheme relied on processing paper based forms and in view of the information requested and the complexity of some of the issues this took up a disproportionate amount of officer time, thus impacting on positive engagement with tenants and landlords.

- **Better ongoing publicity of the schemes is needed to retain impetus**

Raising awareness at the implementation stage was effective but tenants and landlords would have benefitted from ongoing publicity regarding the scheme and the help and assistance that was available to them during the latter years of the scheme. This is especially true for tenants given the fact they often do move on over time.

- **Help and assistance from other advice agencies is essential in meeting needs**

Housing needs are often symptomatic of other underlying issues, such as mental health, substance misuse, domestic abuse or financial worries. Addressing these is essential in helping the tenant remain safe and secure in their home. Selective Licensing Officers must have access to support agencies at the earliest opportunity in order to ensure the tenant receives the help they need.

- **Speedier enforcement is needed to ensure issues are dealt with when they occur.**

During the first 12-18 months of the schemes the sole focus was on processing licence applications, including conducting property inspections and gathering all of the supporting documents. There wasn't the opportunity to focus on those landlords who at that very early stage were unwilling to apply for a licence. In hindsight it would have been beneficial to consider enforcement against these landlords alongside the

ongoing application and assessment process. There may have been an argument for staggering the implementation of teams to ensure that resources were available for this purpose.

12. Stakeholder Feedback

As part of the evaluation process, landlords (licence holders) and tenants have been asked to complete an online questionnaire regarding their experience of selective licensing and their support for any future scheme

Tenants

On the whole tenants were complimentary about the scheme and the improvements it had delivered.

- Over 90% of respondents were aware that their home was licensed
- 43% of respondents felt that private landlords in the area were quick to deal with issues of ASB. The same % figure felt they weren't.
- Zero respondents saw neglected, run down properties as a significant problem, 40% considered it a minor problem and 60% said it was not an issue.
- Asked about how problems and issues had changed since the tenant moved into their home, 30% said there had been significant or slight improvements.
- 75% of respondents stated they felt safe in the area they live.
- 56% of respondents felt landlords in the area acted responsibly in letting, managing and maintaining properties. 35% felt they were not acting responsibly.
- 42% of respondents said they had seen a significant improvement in their local area in the last 5 years whereas 28% had stated a slight improvement.
- 85% of respondents supported the renewal of selective licensing in their area.

Landlords/Licence Holders

Key findings and comments from landlords include the following;

- When asked specifically about properties they owned in the selective licensing areas

- 25% of landlords stated they have difficulty of sorts obtaining references for prospective tenants
 - 25% of landlords said that ASB by tenants was a significant problem.
 - 30% of landlords stated that poor property condition was not an issue albeit not a significant one
 - 50% of landlords stated they had problems of some sort with neighbouring properties,
- When asked to think about issues and problems and how the current situation compares to 5 years ago
 - Over 50% of landlords stated there had been an improvement in levels of noise nuisance
 - 75% of landlords stated there had been improvements in the number of neglected and run down properties.
 - 50% of landlords stated there had been a reduction in nuisance neighbour issues in the area, a further 20% said there was no change and the remainder said problems had worsened.
 - Close to 65% of landlords stated some improvement or significant improvement in residents treating each other with consideration.
 - Almost 40% of landlords stated that littering and fly-tipping in the area had worsened.
 - When asked for their views on the option of renewing the selective licensing schemes a range of comments were received, those of note included;

I feel it is a money-making scheme and I don't feel anything has improved. I don't feel it gives any benefit whatsoever to be honest.

Reject as we do not feel this adds benefit to either the tenant or the landlord. If the landlord cares about the property they will act responsibly anyway, with the same applying to the tenant.

It affected the sale of my property, but I did get a better price for it.

I haven't observed the scheme making any significant improvement, however, if it has stopped decline in the area I feel it is worth continuing...

Can't see why not, all properties should be licenced, £350 is a good price

Happy for the scheme to be renewed, it helps ensure landlords keep their properties in a good state of repair...

Councillors

Discussions have been held with the Council's Scrutiny Committee as part of their ongoing review of tenancy sustainment services.

Councillors were very keen to understand the help that was offered to tenants and landlords and consider what a difference the scheme has made to residents' homes and the wider community.

Councillors were also conscious of the burden the scheme placed on landlords and the need to ensure it delivered value for money for them. Concern was raised about the licence fee and this being passed on to tenants through higher rents, thereby squeezing lower income tenants out of this part of the market and severely limiting their housing choices. The evidence suggests that rents in the selective licensing areas have increased but only in line with increases elsewhere in the district. Rent rises have been driven more by the buoyant market than landlords passing on licensing costs. Rents in the selective licensing areas remain lower in comparison to other parts of the District.

Councillors on the Scrutiny Committee are keen to be involved in further discussions regarding the future of the selective licensing schemes.

13. Impact of Covid-19

It would be amiss of us to conclude the evaluation report without mentioning the pandemic and the impact that has had on the schemes.

Following the implementation of lockdown rules in March 2020 all but emergency visits stopped, ending property inspections and investigations into reported issues. Officers liaised with tenants and landlords by telephone and email but a crucial part of the service, being out on site, was curtailed. Inevitably this has impacted on our ability to meet the scheme objectives.

The Environmental Health Team were tasked with advised tenants and landlords throughout the District on their obligations under covid and the intelligence gained through selective licensing made identifying landlords and tenants and getting key messages to them easier.

13. Conclusions and recommendations

Selective licensing was introduced to help tackle long standing problems that standard interventions and ways of working were failing to address. The schemes have met some of their objectives, in particular relating to property conditions and management practices, but not all.

A significant number of tenants in need have been assisted and are now living in safe, warm homes. Thanks for this must be given to local landlords, the majority of whom have worked with the Council in a very positive way.

The selective licensing areas remain a priority for the Council and are an increasing priority for partners such as the Police and Community Safety Team, as evidenced through the recent Safer Streets funding.

Housing standards in the area have improved but they are far from perfect and there is concern that ending selective licensing will be a backward step, causing standards to fall and losing the progress that has been made in recent years. As a Council, community and district we don't wish to lose what we have gained nor return back to high levels of disrepair, inconsistent management practices and escalating social issues.

It is on this basis that a recommendation is being made, subject to consultation and approval, to renew the existing selective licensing schemes for a further 5 year period, with a review

of the scheme terms and conditions and geographical boundaries. The recommendation is being supported by the Police and the Community Safety Team.

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