



# Agenda

## Environment, Health and Housing Committee

Date:	Tuesday, 11 June 2019 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Ben Aitken (Chairman) Councillor Viv Willder (Vice-Chairman)</p> <p>Councillors Frank Andrews, Paula Brearley, Noreen Griffiths, Will Harris, Gavin Harrison, Paul Hayhurst, Karen Henshaw JP, Roger Lloyd, Michelle Morris, Bobby Rigby.</p>

### Public Platform

To hear representations from members of the public in accordance with Article 15 of the Constitution.  
To register to speak under Public Platform: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">4 March 2019</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 23(c).	1
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## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	4
<b>EXPRESSIONS OF INTEREST TO ALLOCATE FUTURE SECTION 106 FUNDING</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

On the 26<sup>th</sup> November 2014 Cabinet approved the appointment of a temporary project officer/consultant that sought to enable affordable homes to be delivered using existing commuted sum reserves which at that time stood at £2.4m. A report on the outcomes from this project was presented to Environment, Health and Housing Committee for information on the 7<sup>th</sup> June 2016. These funds have now been spent or committed, resulting in delivery of 109 affordable rented units within Fylde since 2014/15.

The project recommended that future S106 funds could be targeted in a strategic manner by delivering high quality affordable housing on more marginal brown-field sites, providing local regeneration, whilst at the same time providing much needed affordable homes on a small scale in areas of priority need.

In order to develop a strategic approach to the allocation of future S106 funds the Housing Service are requesting that Registered Providers submit expressions of interest for consideration, prior to submitting full funding applications. This will assist in developing a strategic approach to the allocation of future funds in line with the recommendations made. Current S106 funds available total £1,531,642.

### RECOMMENDATIONS

#### The Committee is recommended

1. To note the contents of the report;
2. To approve the adoption of a strategic approach to the allocation of future S106 funds by requesting Registered Providers of Affordable Housing submit Expressions of Interest prior to full funding submissions being made.

### SUMMARY OF PREVIOUS DECISIONS

#### Cabinet 26<sup>th</sup> November 2014

It was RESOLVED:

1. To approve the use of S106 monies to facilitate the appointment of the temporary project officer/consultant on the terms outlined in the report;
2. To approve the appointment of a temporary project officer/consultant for a maximum period of 6 months to produce a deliverable S106 funded Affordable Housing Programme for the Borough; and
3. To approve a fully-funded revenue budget increase for the total sum of £25,000 (£16,000 in 2014/15 and £9,000 in 2015/16) to fund the costs of the temporary project officer/consultant for a maximum period of 6 months to be met from the S106 Affordable Housing receipts in respect of the agreements as identified at Appendix 2 of the report.

Information Item - Outcome From Section 106 Affordable Housing Project

The purpose of the information report was to update members on progress regarding the use of existing and future Affordable Housing committed sum reserves. Attached as an appendix to the report was the outcomes from the Section 106 Affordable Housing Project which had been delivered by way of a 6 month temporary appointment of an external housing consultant with a particular background in the development and delivery of Affordable Housing. The objectives of the contract were set out in the report together with details of the background to the project, the changing national situation and the positive outcomes of the S106 project.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

## Expression of interest's to apply for S106 funds

### 1. Background

Section 106 funds are financial contributions from private housing developers, in lieu of affordable housing being delivered on site. Policy INF2, Developer Contributions within the Local Plan to 2032 advises, "subject to viability, development will normally be expected to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community". Contributions may be secured through a planning obligation and provide contributions to affordable housing within Fylde.

On the 26<sup>th</sup> November 2014 Cabinet approved the appointment of a temporary project officer/consultant that sought to enable affordable homes to be delivered which would be grant funded using existing S106 funds which at that time stood at £2.4m.

The objectives of the project were to identify 'Brownfield' development opportunities in order to make best use of available land resources to achieve localised regeneration. These funds have now been spent or committed on affordable housing schemes within the borough as detailed in Table 1.

The project recommended that future S106 funds could be used to target marginal brown field sites, providing local regeneration, whilst at the same time providing much needed affordable homes on a small scale in areas of priority need.

Table 1: Section 106 Schemes delivered

Year	Scheme	Registered Provider	Tenure and units delivered
2014/15	St Davids Road Depot, St Annes	New Fylde Housing/ Progress	32 Affordable Rent
2015/16	Former Kwik Save Site St Davids Road, St Annes	Great Places	15 Affordable Rent
2017/18	YPAD, St Albans Road, St Annes	YMCA	12 Affordable Rent 18-25 year olds
2018/19	Keenans Mill, St Annes	Progress Housing	26 Affordable Rent
2018/19	Sunnybank Mill, Kirkham	ForViva	12 Affordable Rent

2018/19	93 St Albans Road, St Annes	ForViva	2 Affordable Rent
2019/20	Methodist Church, St Annes	Great Places	10 Affordable Rent
<b>TOTAL</b>			<b>109</b>

## 2. Strategic Approach to future commitments of S106 funds

In order to take forward the recommendations from the S106 project there is a need to develop a strategic approach to using future S106 funds to deliver affordable housing across the borough Fylde. Current S106 funds available total £1,531,642.

Expression of interests are now being asked from Registered Providers in advance of a full submission for S106 funds to support development being made. These expressions of interest will be assessed and taken before Environment, Health and Housing Committee to determine if the scheme meets the priorities for the funding.

Registered Providers will need to evidence they already have affordable housing stock within Fylde and that local management arrangements are in place. It is preferred that Registered Providers are registered as a partner in the Choice Based Letting (CBL) Scheme MyHomeChoiceFyldeCoast. If Providers current stock levels are not sufficient to formally become a partner with the scheme, that they have an allocation arrangement in place for affordable homes developed in Fylde with a partner of the (CBL) scheme.

Each scheme will be assessed under the following five criteria:

1. Brownfield site – any previously developed land that is not currently in use, whether contaminated or not.
2. Local regeneration to an area – to support environmental, economic and social well-being of an area, and the sustainability of local communities
3. Value for money – consideration of match funding available from other sources that will enable the development, for example Homes England funding and private finance raised by the Registered Provider. S106 funds are usually provided at a rate of £50,000 per unit delivered off site, and this will be the maximum available per unit.
4. Tenure to be Social or Affordable rent – Affordable and social rented housing is let by private registered providers of social housing to households that are eligible for social rented housing. Affordable rent is not more than 80% of the local market rent (including services charges, where applicable). Guideline target rents are determined through the national rent regime for social rented housing that are agreed by the local authority and Homes England.
5. Evidence of a need for affordable housing provision – The proposed scheme should take into account levels of housing need for development as determined by the Strategic Housing Market Assessment and Local Plan to 2032. In addition details of households registered for re-housing through MyHomeChoiceFyldeCoast will be considered to establish if the proposed size of units and location will meet housing need within Fylde.

IMPLICATIONS	
Finance	There are no financial implications arising from this report at this stage.
Legal	None
Community Safety	Funding focussed on regeneration of areas
Human Rights and Equalities	None
Sustainability and Environmental Impact	Funding focussed on regeneration of areas
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Kirstine Riding	Kirstine.riding@fylde.gov.uk & Tel 01253 658569	29/05/2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
<u>Cabinet</u>	26 <sup>th</sup> November 2014	To approve the appointment of a temporary project officer/consultant for a maximum period of 6 months to produce a deliverable S106 funded Affordable Housing Programme for the Borough
<u>Environment, Health and Housing Committee</u>	7 <sup>th</sup> June 2016	Outcome From Section 106 Affordable Housing Project

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	5
<b>EXPRESSIONS OF INTEREST FOR FUTURE SECTION 106 FUNDING</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

During 2016 a Consultant was appointed to establish approaches the local authority could adopt to deliver affordable homes using existing committed sum reserves. A report on the outcomes from this project was presented to Environment, Health and Housing Committee for information on the 7<sup>th</sup> June 2016. These funds have now been spent or committed, resulting in delivery of 109 affordable rented units within Fylde since 2014/15.

The project recommended that future S106 funds could be targeted in a strategic manner by delivering high quality affordable housing on more marginal brown-field sites, providing local regeneration, whilst at the same time providing much needed affordable homes on a small scale in areas of priority need.

In order to develop this strategic approach to the allocation of future S106 funds the Housing Service are requesting Registered Providers of Social Housing submit expressions of interest for consideration, prior to submitting full funding applications. This approach is presented to this Committee as an Information Item.

Two Expressions of Interest for Section 106 funds have been received and are detailed in this report:

- Adactus (Jigsaw Homes) Lytham Road, Warton
- City West Housing Trust (For Viva Housing) Sunnybank Mill Phase 3

### RECOMMENDATION

The Committee is recommended to:

1. Decline the Expression of Interest in S106 funds from Adactus (Jigsaw Homes) for the scheme at Lytham Road, Warton; and
2. Approve the Expression of Interest in Section 106 funds from City West Housing Trust (For Viva Housing Association) and consent to a full application request for S106 funds to be made once planning permission has been applied for.

### SUMMARY OF PREVIOUS DECISIONS

Cabinet 26<sup>th</sup> November 2014

It was RESOLVED:

1. To approve the use of S106 monies to facilitate the appointment of the temporary project officer/consultant on the terms outlined in the report;
2. To approve the appointment of a temporary project officer/consultant for a maximum period of 6 months to produce a deliverable S106 funded Affordable Housing Programme for the Borough; and
3. To approve a fully- funded revenue budget increase for the total sum of £25,000 (£16,000 in 2014/15 and

£9,000 in 2015/16) to fund the costs of the temporary project officer/consultant for a maximum period of 6 months to be met from the S106 Affordable Housing receipts in respect of the agreements as identified at Appendix 2 of the report.

#### Environment, Health and Housing Committee 7<sup>th</sup> June 2016

#### Information Item - Outcome From Section 106 Affordable Housing Project

The purpose of the information report was to update members on progress regarding the use of existing and future Affordable Housing commuted sum reserves. Attached as an appendix to the report was the outcomes from the Section 106 Affordable Housing Project which had been delivered by way of a 6 month temporary appointment of an external housing consultant with a particular background in the development and delivery of Affordable Housing. The objectives of the contract were set out in the report together with details of the background to the project, the changing national situation and the positive outcomes of the S106 project.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

## REPORT

### EXPRESSION OF INTEREST S106 FUNDING

#### 1 LYTHAM ROAD, WARTON

#### Registered provider details:

Adactus Housing Association (part of Jigsaw Homes Group), Turner House, 56 King Street, Leigh, Wigan, WN7 4LJ

Ability to allocate properties through MyHomeChoice	Adactus have not developed previously in the borough and do not have a partnering arrangements with a current member of the Choice Based Lettings scheme, MyHomeChoice Fylde Coast.
Pre application planning advice or planning application submitted	Have been in pre application advice on 25 <sup>th</sup> January 2018
Current delivery in Fylde	Adactus have not previously developed in the borough
Proposed scheme	Lytham Road, Warton
Brownfield Site	Yes
Number of units and size	<p>Proposal to develop 26no. affordable properties as follows:</p> <p><b>Affordable Rent</b>            9 no. 1 bed flats            4 no. 2 bed flats            3 no. 2 bed houses            2 no. 3 bed houses  <b>Shared Ownership</b>            2 no. 2 bed houses            6 no. 3 bed houses</p>



Local regeneration outcomes	The development site is a housing allocated site in the Local Plan 2032
Tenure	18 Affordable Rent and 78 shared ownership
S106 Funds required	£570,000 £25,000 per affordable rented unit and £15,000 per shared ownership unit
Internal funding	£180,000 £10,000 per Affordable Rented unit and £32,000 per Shared Ownership unit
Homes England funding	£886,000 £35,000 per Affordable Rented unit and £32,000 Shared Ownership unit
Stage the proposal is at	Working in collaboration with Casey (principal contractor), Brewster Bye (architect) and Poole Dick (employer's agent). Adactus Housing Association have agreed heads of terms with the vendor of the site and have commissioned a phase 2 intrusive site investigation, which is currently under way with the aim of being in a position to submit a full planning application.
Evidence of need for affordable housing provision in this location	Analysis of active applicants registered with MHC as at May 2019 Number of active applicants - 1641 My Home Choice – 1482 My Home Need – 159 Band A – 4 Band B – 89 Band C – 66 Household Size 1 bed – 946 2 bed – 442 3 bed – 207 4+ bedrooms - 46
<p>Officer Comments:</p> <p>The proposed scheme would meet the needs of households registered for re-housing across Fylde with a mixture of 1 bed, 2 bed and 3 bed properties. The site is on a brownfield site and allocated as development land within the local plan. Pre-application advice has been sought and there are concerns regarding the number of proposed units on the site. The proposed Shared Ownership units are not eligible for Section 106 funding. Adactus do not currently have any stock in the area and do not have any local management arrangements or arrangements to allocate the properties via My Home Choice Fylde Coast. Internal funding per unit is £10,000 compared to external funding requests. Other schemes funded using S106 funds have provided internal funding at higher levels.</p> <p>Recommendation: The recommendation is to decline this EOI in Section 106 funding. Fylde Council welcome their interest in the area and activity in sourcing sites for affordable housing provision and the purchase of S106 units.</p>	

## 2 SUNNYBANK MILL, KIRKHAM – PHASE 3

### Registered provider details:

City West Housing Trust Limited (For Viva Housing Association), 52 Regent Street, Eccles, Manchester, M30 0BP

Ability to allocate properties through MyHomeChoice	Local management arrangements are in place and they are a registered partner with My Home Choice Fylde Coast and can advertise and allocate properties directly through the scheme.
Pre application planning advice or planning application submitted	Have been in pre application advice and planning have commented on the density of units on the site being too high.
Current delivery in Fylde	The organisation currently owns and manages 170 homes in Fylde and over the last three to five years the group has continued its push to build new homes, and acquire new stock in the borough via S106 sites. Most recently the organisation has completed phase 1 of Sunnybank Mill, a mixture of houses and apartments for affordable rent, and has started phase 2 – due for completion later this year. The majority of the stock they own and manage in Fylde is rented, and they will continue that trend within their future development programme. The group has also committed to acquiring further S106 stock from Miller Homes at Church Road in Warton.
Proposed scheme	Sunnybank Mill, Phase 3, Kirkham PR4 2JE
Brownfield Site	Yes
Number of units and size	Proposal to develop 41 no. affordable properties as follows: <b>Affordable Rent</b> 20 no. 1 bed flats 6 no. 2 bed flats 3 no. 2 bed houses 12 no. 3 bed houses
Local regeneration outcomes	The development site is a housing allocated site in the Local Plan 2032. This site is the third phase of development of 100% affordable rented accommodation. This scheme is on a derelict mill site and industrial units to the rear of the site, regenerating the whole area. Section 106 funding was approved for Phase 1 at £920,000 for 26 units at a rate of £35,000 per unit. The Association then went on to develop Phase 2 without a request for additional S106 funding, a scheme of 9 x 2 bed houses.
Tenure	41 units of Affordable rent
S106 Funds required	£1,230,000 £30,000 per affordable rented unit
Internal funding	£3,547,261 £86,500 per Affordable Rented unit
Homes England funding	£984,000 £24,000 per Affordable Rented unit
Stage the proposal is at	Pre planning application advice has been provided.

Evidence of need for affordable housing provision in this location	<p>Analysis of active applicants registered with MHC as at May 2019</p> <p>Number of active applicants - 1641</p> <p>My Home Choice – 1482</p> <p>My Home Need – 159</p> <p>Band A – 4</p> <p>Band B – 89</p> <p>Band C – 66</p> <p>Household Size</p> <p>1 bed – 946</p> <p>2 bed – 442</p> <p>3 bed – 207</p> <p>4+ bedrooms - 46</p>
<p><b>Officer Comments:</b></p> <p>The proposed scheme would meet the needs of households registered for re-housing across Fylde with a mixture of 1 bed, 2 bed and 3 bed properties. Fylde Council have worked with City West Housing Trust to work up a scheme that will regenerate what was a redundant Mill and outbuildings in the centre of Kirkham. Section 106 funds have been used for Phase 1 at a value of £35,000 per unit. There was no request for Phase 2. This request is for Phase 3 at a rate of £30,000 per unit. The Association are providing funding at a value of £86,500 per unit and Home England funding has been sought at a value of £24,000 per unit. Therefore the scheme does represent value for money in the use of S106 funds. This request will complete the regeneration of the wider area.</p> <p>ForViva have been one of the most active registered providers in Fylde over the past 3 years, purchasing 144 S106 units of affordable housing to enable on-site delivery. Due to levels of stock in Fylde they are now a partner organisation with My Home Choice Fylde Coast and able to allocate via the choice based lettings scheme. This shows commitment to the area and a willingness to work with the local authority to provide affordable housing to meet local needs.</p> <p><b>Recommendation:</b> The recommendation is to accept this EOI and once planning permission has been submitted a full request be made.</p>	

IMPLICATIONS	
Finance	There are no financial implications arising from this report at this stage. If the Committee approve the Expression of Interest from City West Housing Trust (For Viva Housing Association) a further report requesting approval to direct s106 funding to the proposed scheme may follow if and when the scheme receives planning consent.
Legal	None
Community Safety	Funding focussed on regeneration of areas
Human Rights and Equalities	None
Sustainability and Environmental Impact	Funding focussed on regeneration of areas
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Kirstine Riding	Kirstine.riding@fylde.gov.uk & Tel 01253 658569	24/05/2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		


Attached documents

Appendix 1 – Proposed site plan Adactus (Jigsaw Homes) - Lytham Road, Warton

Appendix 2 – Proposed site plan City West Housing Trust ( For Viva Housing Association) – Phase 3 Sunnybank Mill





REV	DATE	DRAWN	DESCRIPTION	ARCH CHECK	ENG CHECK
TITLE					
PROPOSED SITE LAYOUT					
<div><div><div>M.C.I. DEVELOPMENTS</div></div><div><div>M.C.I. Developments Ltd.</div><div>15 Beecham Court, Smithy Brook Road, Wigan, WN3 6PR</div><div>tel: 08448871467 fax: 08448871468 web: www.mcidevelopments.com email: admin@mcidevelopments.com</div></div></div>					
PROJECT					
LYTHAM ROAD, WARTON					
DRN BY	SHW	SCALE	JOB REF	DRAWING NUMBER	REV
DATE	NOV.17	1:500 @ A1	-	Lytham Road / Proposed Site Layout	-





## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	6
<b>PRIVATE SECTOR HOUSING ENFORCEMENT POLICY</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

The enforcement officers within the Housing Services Team have a responsibility to enforce a range of legislation relating to private sector housing. The Private Sector Housing Enforcement Policy outlines these duties and powers and explains how enforcement will be carried out in a fair, equitable and consistent manner.

Supporting landlords, property owners and others to meet their legal obligations is the overall aim, but the policy also outlines the action that will be taken against those who flout the law or act irresponsibly.

In March 2019 this Committee approved the draft Private Sector Housing Enforcement Policy for consultation.

This report takes account of the consultation exercise along with recently issued government guidance and legislative changes and presents the amended policy document for approval.

### RECOMMENDATIONS

The Committee is recommended:

1. To note the contents of the report;
2. To note the amendments to the draft policy arising from the consultation exercise and recently issued government guidance;
3. To approve the Private Sector Housing Enforcement Policy as detailed in Appendix 1 as the adopted policy of the Council with effect from 1 August 2019; and
4. To delegate the following powers and duties referred to within the Private Sector Housing Enforcement Policy to the Director of Development Services under section 101(2) of the Local Government Act 1972:
 

All powers under Part 2 and Schedule 1 of the Housing and Planning Act 2016 (and any regulations made thereunder) relating to banning orders, database of rogue landlords and rent repayment orders.

Exercising the council's functions under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

### SUMMARY OF PREVIOUS DECISIONS

Policy and Services Review Committee, Housing Act 2004 9<sup>th</sup> June 2005

Following a full debate the Forum RESOLVED:

1. To request Mr Cottam to prepare a policy paper in respect of empty property management orders.
2. To provide the St David's Community Group with a written response to their questions.
3. To thank Mr Cottam for his presentation

Environment, Health and Housing Committee 9<sup>th</sup> June 2015

It was RESOLVED that

1. The enforcement of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (The Order) be delegated to the Director of Development Services. The enforcement to be in accordance with The Order and as detailed in the appendix to the report; and
2. The penalty fine for non-compliance with the requirements of The Order be £5,000 unless extenuating circumstances exist to justify a lower amount. Consideration of extenuating circumstances to be delegated to the Director of Development Services.

Environment, Health and Housing Committee 4<sup>th</sup> March 2019

It was resolved:

1. To note the contents of the report;
2. To approve the draft Private Sector Housing Enforcement Policy;
3. To approve the draft policy going out to consultation and
4. To note that a further report be presented to the Committee in due course prior to the policy being adopted.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

## REPORT

### THE DRAFT POLICY

1. In March this year, the committee approved the draft Private Sector Housing Enforcement Policy for consultation. The policy review had been prompted by new legislation that had broadened the scope of the housing enforcement role. This included regulations requiring the provision of smoke and carbon monoxide alarms in private rented sector accommodation and the extension of licensing for Houses in Multiple Occupation (HMOs) to cover a wider range of shared accommodation. In addition, the Housing and Planning Act 2016 introduced new powers to help councils to be more effective and efficient in taking action against those individuals or organisations regarded as “rogue landlords”.
2. The draft policy sought to cover the full range of new and existing powers and duties available to the Council for the efficient delivery of the private sector housing service. However, it did not cover the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. This was because the regulations were due to be amended during 2019. The amendments came into force on 1 April 2019 and the draft policy has been amended to take account of the amended regulations.
3. Income received from financial penalties can be retained by the Council provided that it is used to further the local housing authority’s statutory functions in relation to their enforcement activities covering the private rented sector, as specified in The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017.

### CONSULTATION OUTCOME

4. During the consultation period (11 March 2019 to 26 April 2019) The following organisations and groups were invited to comment on the proposed policy:
  - Local landlords through the Fylde Coast Landlords Forum
  - Local letting agents through direct e-mailing



- Lancashire local authority housing enforcement teams through the Private Sector Housing Group
  - Shelter (who represent tenants views) via e-mail
  - Citizens Advice
  - The general public, tenants and landlords through Facebook, Twitter and Fylde Borough Council's website
5. One response was received from the consultation exercise but this was not unexpected, as similar consultation exercises by the Council in the past have produced similar outcomes and this situation is replicated in other districts. The single response received was from a neighbouring local authority who were supportive of the policy as written.

#### SCHEME OF DELEGATION

6. Power to exercise the functions of the council under the Housing Act 2004 are already delegated to the Director of Development Services. That overarching delegation automatically includes the new powers under section 249A (Financial penalties for certain offences in England) and schedule 13A (Financial Penalties under section 249A) to that act. The following additions to the existing scheme of delegation are required to take account of the new powers and duties contained within the Private Sector Housing Enforcement Policy.
- 6.1. All powers under Part 2 and Schedule 1 of the Housing and Planning Act 2016 (and any regulations made thereunder) relating to banning orders, database of rogue landlords and rent repayment orders.
- 6.2. Exercising the council's functions under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

IMPLICATIONS	
Finance	The adoption of Civil Penalties and Rent Repayment Orders will be a source of additional income to the Council wherever such penalties are levied. It is not possible to quantify the value of this penalty income at this stage. The budget will remain under review and may be adjusted as part of a future update to the Financial Forecast as necessary.
Legal	The Council has a duty to enforce certain housing legislation.
Community Safety	Ensuring private rented properties meet minimum standards enhances community safety and HMO licensing can help in reducing anti-social behaviour.
Human Rights and Equalities	Everyone has the right to occupy a home which is free from significant hazards.
Sustainability and Environmental Impact	Effective enforcement of housing standards will secure safe accommodation for future occupation.
Health & Safety and Risk Management	Adopting a Private Sector Housing Enforcement Policy demonstrates that the Council has measures in place to meet its statutory responsibilities.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ursula Seddon	Ursula.seddon@fylde.gov.uk	23 May 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Rogue Landlord Enforcement – Guidance for Local Authorities	April 2019	<a href="https://www.gov.uk/government/publications/rogue-landlord-enforcement-guidance-for-local-authorities">https://www.gov.uk/government/publications/rogue-landlord-enforcement-guidance-for-local-authorities</a>

Rent Repayment Orders under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities	April 2017	<a href="https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016">https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016</a>
Housing health and safety rating system (HHSRS) enforcement guidance: Housing Conditions	August 2006	<a href="https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions">https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions</a>
Civil Penalties under the Housing and Planning Act 2016	April 2018	<a href="https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016">https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016</a>
Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities	June 2018	<a href="https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities">https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities</a>
Lettings agents and property managers: redress schemes	October 2014	<a href="https://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes">https://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes</a>
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	September 2015	<a href="https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities">https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities</a>
Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015	March 2019	<a href="https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents">https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents</a>

**Attached documents:**

Private Sector Housing Enforcement Policy (Appendix 1)



<b>Title:</b>	<b>Private Sector Housing Enforcement Policy June 2019</b>
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## **Introduction**

The purposes of this policy are:

- to provide a framework for private sector housing enforcement activity by the Council;
- to guide investigating officers and decision makers in carrying out their work; and
- to help residents and property owners understand the powers and duties of the Council in relation to private sector housing and how they will be implemented.

The Policy cannot be prescriptive because the circumstances of individual cases and the available evidence must be taken into account. In all situations, however, we will consider the principles of this policy and the Regulators Code.

Policy principles

These are:

**Proportionality:** We will aim to take action which is proportional to the risk identified. This means protecting the health and safety of tenants and their visitors without placing an unreasonable burden on the landlord.

**Transparency:** We will be transparent about how we make decisions. We will provide clear information on how formal enforcement can be avoided or complied with. We will give information in writing wherever we can.

**Accountability:** We will provide information on how to make a complaint or appeal against any enforcement action we take.

**Consistency:** We will aim to ensure that our actions are as consistent as possible by applying legislation in line with the Council's policy and any relevant formal guidance.

**Openness:** We will provide clear information in plain English about the rules and regulations we enforce. We will aim to explain how the legislation can be complied with.

**Fairness:** We will aim to be fair to all parties, with no predisposition to favour either party in a dispute.

## **What to expect from the Council, and what the Council expect from you**

### **Landlords and Agents**

- We will advise you on the relevant legislation and help you understand how you can comply with it.
- We will expect you to take reasonable care to ensure you are familiar with your legal obligations and that you comply with them.
- If we identify a contravention of the legislation we will advise you of the action you need to take and ask you to take it within a reasonable timescale.
- We will consider any reasonable proposals you put forward to comply.
- We will expect you to keep us informed of the action you have taken.
- If your proposals are not acceptable, or you do not carry out your stated proposals, we will normally begin formal action.
- If you have a history of non-compliance or the contravention is serious, we will probably commence formal action immediately.
- In cases of non-compliance we will normally consider imposing a civil penalty. However, if we consider the offence to be serious enough to warrant prosecution, we will take this action if we believe this to be in the public interest.
- We will charge you the reasonable costs of our formal enforcement action.

### **Tenants**

## Private Sector Housing Enforcement Policy (Appendix 1)

- We will respond to complaints as quickly as possible and will make initial contact with you within two working days of receiving your complaint.
- If we need to carry out an inspection, we will aim to do this within one week or within a timescale agreed with you.
- We will expect you to advise your landlord of the issues affecting the property before you make contact with the Council and to have given reasonable opportunity for the landlord to respond to your complaint.
- We will advise you of the possible course of action we may take and of the likely timescales involved in taking action.
- We will expect you to co-operate with your landlord to allow any work to be done and to keep us informed of any action taken.
- If we believe that you are preventing the landlord from carrying out works, we will suspend any enforcement action.

### Owner Occupiers

- We will expect owners to adequately maintain their homes.
- Enforcement action will only be considered if there is a serious and imminent risk to health and safety or if there is a risk or nuisance to neighbours.

### Owners of Empty Homes

- Subject to available resources, we will work with owners of empty homes to bring them back into use.

### Anonymous complaints

- We will not investigate anonymous complaints unless there is additional supporting information to indicate an intervention is appropriate.

### Risk based inspections

We will target programmed inspections towards geographical areas or property types where non-compliance is suspected or considered likely.

### Notification of an inspection

If an inspection is considered necessary, a minimum of 24 hours notice will be given as required by Section 239 of the Housing Act 2004. This notice may be in writing, sent by e-mail or text message or verbally by telephone or in person.

### **Enforcement action**

#### **Housing Act 2004, Part 1**

When we inspect dwellings under Part 1 of the Housing Act 2004, we will apply the [housing health and safety rating system \(HHSRS\)](#) which is a risk-based evaluation tool. This will help us identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

The assessment method focuses on the hazards that are present in housing. HHSRS identifies 29 classes of hazard that can potentially affect the health of the occupiers. Defects in the property can contribute to one or more hazards. We will assess any hazards identified by an inspection which will be assessed according to their severity.

The assessment places the hazards in a hazard banding. Hazards in bands A to C are classed as Category 1 hazards and those in bands D to J as Category 2 hazards. Tackling these hazards will make housing healthier and safer to live in.

The Council must take one of a number of specified courses of action if it finds one or more Category 1 hazards. The Council may take action in relation to Category 2 hazards.

In deciding what action to take, we will take account of

- The HHSRS hazard rating
  - Whether the Council has a duty (Category 1 hazards) or power (Category 2 hazards) under the Act to take action depending upon how serious the hazard risk is
- and
- The best way of dealing with the hazard having regard to the enforcement guidance.

### **Action we can take following an HHSRS assessment**

#### **Hazard Awareness Notice**

- Hazard Awareness Notice – Category 1 hazards: Section 28
- Hazard Awareness Notice – Category 2 hazards: Section 29

A Hazard Awareness Notice is a formal way of drawing attention to the need for remedial action. Service of a notice is not enforcement action as such, it is advisory. The notice is not registered as a local land charge and there is no appeal process. No timescale is specified for the completion of the remedial work.

#### **Improvement Notice**

- Improvement Notice – Category 1 hazards: Section 11
- Improvement Notice – Category 2 hazards: Section 12

An Improvement Notice requires the specified remedial works to be carried out within the timescale set out in the notice. This must allow reasonable opportunity for the work to be completed. The notice cannot require the work to start earlier than 28 days after the notice is served and there is a 21 day appeal period.

#### **Prohibition Order**

- Prohibition Order – Category 1 hazards: Section 20
- Prohibition Order – Category 2 hazards: Section 21

A Prohibition Order may prohibit the occupation or use for a specified purpose of part or all of the premises. A Prohibition Order may be appropriate where serious hazards exist, but remedial action is not possible or practical. The use of part or all of the premises may be prohibited for specific groups or numbers of people. The notice

must be served within 7 days of the order being made and appeals must be made within 28 days of the date of the Order.

### Suspended Improvement Notices and Prohibition Orders

Improvement Notices and Prohibition Orders can be suspended enabling enforcement action to be postponed for a specific time period or until a specified event, such as a change in occupation of a property.

### Emergency Remedial Action: Section 40

If a Category 1 hazard presents an imminent risk of serious harm to the health and safety of the occupiers, the Council may take emergency remedial action and will do so when:

- The Council considers immediate action is needed to remove or reduce the hazard to an acceptable level and
- The property owner cannot or will not take the necessary action

If the Council takes Emergency Remedial Action a notice must be served on the relevant person within 7 days. Appeals may be brought within 28 days of the date the action is taken.

### Emergency Prohibition Order: Section 43

Where a Category 1 hazard exists and it presents an imminent risk of serious harm to the health and safety of any occupiers, the Council may make an emergency Prohibition Order. This action is likely where Emergency Remedial action is not considered appropriate. If this action is taken, a notice must be served within 7 days of the Order being made. Appeals may be brought within 28 days of the date of the Order.

### Enforcement action by the Council – tenanted properties

#### Category 1 hazards

If an inspection shows a Category 1 hazard or hazards to be present, the Council will take one of the appropriate courses of action specified in Part 1 of the Housing Act 2004 as soon as possible. If the hazard or hazards do not present an imminent risk to health and safety, a Hazard Awareness Notice will normally be served with an agreed time period to rectify the defects and remove or reduce the hazard(s) to a reasonable level.

If the owner fails to take the necessary action, the Hazard Awareness Notice will be revoked and an Improvement Notice served. An Improvement Notice may also be served immediately if:

- the hazard is considered to be of a serious nature
- there are a number of Category 1 hazards
- the owner has failed to respond to informal action in the past

#### Category 2 hazards - band D or E

Where an inspection identifies a Category 2 hazard, band D, the same procedure will be followed as for Category 1 hazards. However, where the hazard falls into Category E or below, the Council will not normally take any further action unless there are exceptional circumstances.

#### Category 2 – Multiple Hazards

Where a number of hazards at band D or below create a more serious situation or where a property appears to be in a dilapidated condition the Council will consider following the procedure for Category 1 hazards.

### Enforcement action– owner occupied properties

In accordance with HHSRS enforcement guidance, owner occupied properties are not exempt from enforcement action and instances where the Council may take enforcement action include:

- Cases of vulnerable elderly people who are judged not capable of making informed decisions about their own welfare
- Cases of vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected.
- Instances where hazards might reasonably affect persons other than the occupants.
- Where there is a serious risk of life-threatening harm such as electrocution or fire.
- Any other exceptional case determined by the Director of Development Services

### Enforcement action – vacated properties

In cases where properties are subject to a statutory notice and the property is subsequently vacated, all notices or orders will be reviewed to consider whether variation, suspension or revocation of the notice is appropriate.

### Criminal Offences and Civil Penalties

If we are satisfied that an offence has been committed we will consider criminal prosecution if this is considered to be in the public interest. However, for some offences, Section 126 of the Housing and Planning Act 2016 allows civil penalties to be imposed as an alternative to prosecution.

The same criminal standard of proof, beyond all reasonable doubt, is required for a civil penalty as it would be for a prosecution.

As an alternative to prosecution, the Housing and Planning Act 2016 amended the Housing Act 2004 to enable the Council to impose civil penalties for certain offences. These offences for which we may consider a civil penalty include:

- Section 30 – failure to comply with an Improvement Notice
- Section 72 – failure to licence an HMO
- Section 139(7) – failure to comply with an overcrowding notice
- Section 234 – failure to comply with HMO Management Regulations

The Council can impose a civil penalty of up to £30,000. The Council would expect any offence under the Housing Act 2004 to be dealt with by means of a financial penalty. The level of the penalty would be calculated by reference to the guidelines set out in Appendix 1.

Where the Council is minded to issue a civil penalty, it will first issue a notice of intent. The person on whom the notice was served then has 28 days to make representations. After the 28 day period the Council must decide whether to impose a penalty and if it still wishes to do so, a final notice will be issued.

The penalty is recoverable through the County Court as though it were an order of that court. There is a general right of appeal against the final notice to the First Tier Tribunal.

Only in the most serious cases would a prosecution be considered. For example:

- Extremely serious first offence
- Long history of non-compliance
- More than one civil penalty previously issued
- An offence which could be a Banning Order offence appears to have been committed



A breach of a Prohibition Order can only be sanctioned by criminal prosecution.

### Banning Orders

Where a landlord has been prosecuted and convicted of a banning order offence, the Council will consider applying to the First Tier Tribunal for a Banning Order. The decision to apply will be made on a case by case basis and will be pursued for the most serious offenders.

The term “landlords” also includes “property agents” (letting agents and property managers as defined under Chapter 6 of Part 2 of the Housing and Planning Act 2016) unless otherwise specified.

In deciding whether to apply for a Banning Order the Council will consider:

- The severity of the sentence imposed by the Court. A minimum sentence or conditional discharge would not be regarded as sufficiently serious for a Banning Order
- Any relevant information on the rogue landlord database to establish whether a landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences
- In respect of property agents who are required to be a member of a redress scheme, evidence of non-compliance with that requirement will also be taken into account
- The harm caused to the tenant (or perceived by the tenant) especially those offences that directly impact on the health and safety of the tenant.
- Whether there is potential for repeat offending.
- Whether a Banning Order is likely to deter others from committing similar offences.

If a decision is made to apply for a Banning Order, the Council will follow the process set out in Section 15 of the Housing and Planning Act 2016. A notice of intent will be served on the landlord within 6 months of the landlord being convicted of the offence. Landlords will be given 28 days to make representations and any representations submitted will be taken into account when deciding if to proceed with the application for a Banning Order.

Further information may be sought from the landlord if this will assist in reaching a decision. This may include requesting details of other properties owned by the landlord.

If the decision is made to pursue a banning order an application will be made to the First-tier Tribunal who have the power to make the banning order.

**The Council will publicise successful banning orders, including the names and addresses of individual landlords at a local level through the local media (including social media).**

Any business (managing or lettings agency) which has been subject to a banning order will be named publicly and will be named on the Council’s website.

If a tenant requests information on banned landlords, we will make this information available.

### Rent Repayment Orders

A rent repayment order, made under the Housing and Planning Act 2016 or the Housing Act 2004 is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent where certain offences have been committed. These offences include:

- Failure to comply with an Improvement Notice – s. 30(1) Housing Act 2004
- Failure to comply with a Prohibition Order – s. 32(1) Housing Act 2004
- Offences in relation to licensing of HMOs – s. 72(1) Housing Act 2004
- Breach of a Banning Order – s. 21 Housing and Planning Act 2016
- Illegal eviction or harassment of the occupiers of a property - s. 1 Protection from Eviction Act 1977

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If the rent was paid wholly or partly through Housing Benefit or Universal Credit, the council can apply for a rent repayment order when a landlord has committed one of the offences listed in paragraph above. An application for a rent repayment order will be made whether or not the landlord has not been convicted of the offence if there is sufficient evidence to indicate that it is likely that the First-tier Tribunal will be satisfied beyond reasonable doubt that the landlord has committed the offence. Where the First Tier Tribunal find in favour of the council the rent repayment order will require the landlord to repay the rent to the local Authority up to a maximum of 12 months. The payment of a rent repayment order may be enforced as a debt through the County or High Court.

In determining the amount the council seek to recover, consideration will be given to the following factors:

**Punishment of the offender.** Rent repayment orders should have a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. Factors that a local housing authority may wish to consider include the conduct of the landlord and tenant, the financial circumstances of the landlord and whether the landlord has previously been convicted of similar offences;

**Deter the offender from repeating the offence.** The level of the penalty should be set at a high enough level such that it is likely to deter the offender from repeating the offence;

**Dissuade others from committing similar offences.** Rent repayment orders are imposed by the First-tier Tribunal and so the fact someone has received a rent repayment order will be in the public domain. Robust and proportionate use of rent repayment orders is likely to help ensure others comply with their responsibilities.

**Remove any financial benefit the offender may have obtained as a result of committing the offence.** This is an important element of rent repayment orders: the landlord is forced to repay rent, and thereby loses much, if not all, of the benefit that accrued to them by not complying with their responsibilities.

### Charges for enforcement action

The Council will normally make a charge for its enforcement costs when taking the following action:

- Serving Improvement Notices
- Serving Prohibition Orders
- Serving Emergency Prohibition Orders
- Carrying out Emergency Remedial Action

The Council will not charge for Hazard Awareness Notices.

Charges for enforcement action will be published annually in the Fees and Charges Report published by the Council. Additional charges will be levied where work in default is carried out.

There is a right of appeal to the First Tier Tribunal (Property Chamber) in respect of statutory notices served under the Housing Act 2004 and complaints that are within the FTT jurisdiction should be dealt with through that mechanism.

If the complaint falls outside the remit of the FTT the Council's Complaints Policy will apply.

### **Works in Default**

The Council may carry out the works required by a statutory notice if the Landlord does not carry them out. The cost of the works, plus the Council's administration charges will be recovered through the civil court.

Where there is no prospect of the money being recovered, the debt may be placed on the property as a land charge.

### Houses in Multiple Occupation

Houses in multiple occupation (HMOs) are defined in Section 254 of the Housing Act 2004. HMOs are accommodation which is occupied by persons who do not form a single household and where 2 or more households share one or more basic amenity such as a kitchen, toilet and/or bathroom.

All HMOs must comply with the Management Regulations made under section 234 of the Housing Act 2004. A contravention of the Management Regulations is not something that can be addressed by the service of a notice and enforcement of the regulations is by way of prosecution.

There is no provision for the service of a notice or for work to be carried out in default under the management regulations, and prosecution or civil penalty is the method of enforcement.

If the council find evidence of a breach of the regulations a formal letter will be sent to the HMO manager detailing the regulations that have been breached as well as the works required to remedy the breach. The timescale given to carry out the works will be limited in duration with a reminder to the manager that an offence has already been committed. Once the timescale has expired a re-visit will be carried out to assess if the breach has been remedied. If the breach has not been remedied, we will decide whether to prosecute or impose a civil penalty. The decision will take account of the available evidence and the enforcement principles set out in this policy. We will normally impose a financial penalty in these circumstances, unless the breach is extremely serious.

### HMO licensing

HMOs occupied by 5 or more people in 2 or more households are licensable under Part 2 of the Housing Act 2004.

Failure to obtain a licence for a licensable HMO is an offence. Enforcement action will normally be the application of a Civil Penalty. However, prosecution will be considered if the breach is considered to be sufficiently serious.

HMO licenses will be granted for a period of up to 5 years and will specify the maximum number of persons permitted to occupy the property. In cases where it is appropriate to do so a licence may be granted for a period of less than 5 years. Such circumstances could include where there may be deficiencies in the condition of the property or inadequacies in the management. In such cases clear reasons for the issue of a shorter term licence will be given.

The following mandatory conditions apply to all HMO licences:

Mandatory conditions:

- Produce gas safety certificates annually for the Councils inspection
- Keep electrical appliances provided by the landlord safe and produce on demand a declaration to that effect.
- Keep furniture provided by the landlord safe and produce on demand a declaration to that effect
- Ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation are keep them in proper working order. Produce on demand a declaration as to the condition and positioning of these alarms. 'Room' includes a hall or landing.
- Ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, to keep any such alarm in proper working order and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
- Supply to the occupiers of the house a written statement of the terms on which they occupy it.

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- Ensure that rooms used as sleeping accommodation comply with the minimum room sizes specified in Schedule 4 of the Housing Act 2004, as amended by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. For example, sleeping room for 1 person (over 10 years) is 6.51m<sup>2</sup> (minimum). For 2 persons, 10.22m<sup>2</sup> (minimum).
- Comply with any scheme which is provided by the local housing authority which relates to the storage and disposal of household waste at the HMO pending collection.

Where the condition regarding minimum sleeping room sizes is not met at the time the licence is granted, a period of 18 months will be permitted for compliance to be achieved.

In addition to the mandatory licence conditions, discretionary conditions may be applied, as appropriate.

Discretionary conditions:

- Conditions imposing restrictions on the use or occupation of particular parts of the house by persons occupying it.
- Conditions requiring the taking of reasonable and practical steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house
- Conditions requiring facilities or equipment to be made available in the house for the purpose of meeting standards prescribed under section 55 of the Housing Act 2004 (generally kitchen and bathroom facilities).
- Conditions requiring such facilities and equipment to be kept in repair and proper working order.
- Conditions for works needed for such facilities to be provided or maintained to be carried out within a specified time period.

### Timescale for processing HMO licence applications

We are committed to processing applications in a timely manner. We will process all applications that are complete, contain all the required information and are accompanied by the relevant fee, within 56 days. The fee will be banked promptly and the 56 day period will not commence, assuming all other information has been provided, until the funds have cleared into the council's bank account. The 56 day time period does not include the statutory consultation period that is required between the issue of the proposed licence to the applicant and the agreement on the content of the full licence.

### Charging for HMO licences

Charges for HMO licences and HMO licence renewals will be published annually in the Fees and Charges Report published by the Council.

### Non-statutory inspections

On request, inspections will be carried out in support of applications made to British embassies or high commissions for Entry Clearance into the United Kingdom to confirm the whether the dwelling is free from Category 1 hazards and will not be overcrowded.

Charges for these inspections will be published annually in the Fees and Charges Report published by the Council.

### Letting Agents – Requirement to belong to a redress scheme

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc.) (England) Order 2014 requires all letting agents and property managers to join an approved redress scheme.

## Private Sector Housing Enforcement Policy (Appendix 1)

If the Council becomes aware that a letting agent or property manager has not done so, a notice of intent to impose a penalty will be issued. The notice will give details of the Council's reasons for taking this action. The recipient of the notice has 28 days to make a representation to the Council. If a representation is made, this will be considered by the Director of Development Services who will decide whether to confirm, modify or withdraw the penalty. This is without prejudice to the right of appeal to the First Tier Tribunal.

The maximum penalty for non-compliance will be applied unless extenuating circumstances exist to justify a lower amount. Extenuating circumstances may include:

- Whether a £5,000 would be disproportionate to the turnover or scale of the business
- The timeliness of corrective action by offender
- The level of co-operation of the offender with the Council during the investigation of the alleged breach

If the person on who the fine is levied does not pay within the period specified, the council will recover the fine with the permission of the court as if payable under a court order. Where proceedings are necessary for the recovery of the fine, a certificate signed by the chief financial officer stating that the amount due has not been received by a date specified on the certificate will be taken as conclusive evidence that the fine has not been paid.

### Smoke and Carbon Monoxide Alarm (England) Regulations 2015

These regulations require a landlord of a residential property to install smoke alarms on each floor of a property that contains living accommodation, and carbon monoxide alarms in each room that is used as living accommodation and contains a solid fuel combustion appliance. These alarms must be checked by the landlord to ensure they are in working order at the start of any new tenancy.

In circumstances where the Council reasonably believes that a landlord is in breach of the duties set out above, a remedial notice will be served on the landlord within 21 days. The notice will require the landlord to take appropriate remedial action within 28 days. The Council will receive any representations made by the landlord during the 28 day period.

If the landlord fails to carry out the remedial action, the Council will arrange the remedial action within a further 28 days. The action must be taken by a person authorised in writing by the Director of Development Services for the purpose of taking remedial action.

A landlord who has breached the regulations will be issued with a penalty charge notice. Within 28 days of receipt of the penalty charge notice the landlord can request a review of the charge. If not satisfied with the review decision, an appeal to the First Tier Tribunal can be made.

The Council will recover the penalty charge through a court order once the charge is payable and no longer subject to review or appeal.

The statement of principles which will be considered in determining the level of the penalty charge is shown in Appendix 2.

### The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015 (as amended)

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended) ("the Regulations") set out the minimum level of energy efficiency for homes in the domestic private rented sector for new tenancies from 1 April 2018 and for all tenancies from 1 April 2020. The minimum level is an Energy Performance Certificate (EPC) rating of Band E.

From 1 April 2018 landlords of domestic private rented properties which are rented out through an assured, regulated or agricultural tenancy may not grant a new tenancy to a new or existing tenant if their property has an EPC rating of F or G as shown on the EPC certificate unless an exemption has been registered. A property falling

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within these categories is referred to in the Regulations as a 'sub-standard property'. To continue letting out the property, the landlord will be required to carry out energy efficiency improvements to raise the EPC rating to a minimum of E. The requirement to meet the minimum level of energy efficiency is triggered when a new tenancy is created or when an existing tenancy with an existing tenant is extended. This includes situations where a fixed term tenancy such as a six month assured shorthold tenancy expires and becomes a periodic tenancy.

From 1 April 2020 landlords must not continue to let sub-standard domestic property, being those with an EPC rating of F or G, even to existing tenants.

If the council receives a complaint alleging that a landlord is in breach of the prohibition on letting a substandard property, or believes a landlord may have been in breach of the regulations at any time within the past 12 months, a compliance notice requesting information from the landlord as this will help in deciding whether the landlord has breached the prohibition. If the landlord fails to provide the information required by the compliance notice or fails to register an exemption on the PRS Exemption Register, a penalty notice may be served.

The level of the penalty charges are set out below:

- Renting out a non-compliant property (less than 3 months breach) £1000 plus publication penalty.
- Renting out a non-complaint property (three months or more in breach) £20000 plus publication penalty.
- Providing false or misleading information on the PRS (Private Rented Sector) Exemptions Register £1000 plus publication penalty.
- Failing to comply with a compliance notice £20000 plus publication penalty.
- For second or subsequent offences for the same property the "renting out" penalties are doubled.
- Maximum financial penalty £5000 per property and per breach of the regulations.
- A publication penalty means that the Council will publish some details of the landlords breach on a publically accessible part of the PRS Exemptions Register for a period of 12 months.

## **Appendix 1**

### **Application of Civil Penalties under section 126 Housing and Planning Act 2016**

#### **Statement of Principles**

The level of civil penalty to be applied will be determined with reference to the culpability of the offender and the harm, or potential harm, caused to occupiers as a result of the breach. The principles that the Council will take into account when applying a civil penalty are:

1. The more serious the offence, the higher the penalty should be.
2. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
3. The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
4. Punishment of the offender. A civil penalty should not be regarded as an easy or lesser option compared to prosecution. The penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. However, it is important that this is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
5. To reduce the likelihood of any further offending and help ensure that the landlord fully complies with all legal responsibilities in future. The level of penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
6. To deter others from committing similar offences. While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels. An important part of deterrence is the realisation that the Council are proactive in levying civil penalties where needed and that the level of civil penalty is high enough to both punish the offender and deter repeat offending. Where a landlord or property agent receives two civil penalties over a 12 month period, we will include that persons details in the central government database of rogue landlords and property agents in order to help ensure that other local authorities are made aware that formal action has been taken against that person.
7. To remove any financial benefit the offender may have obtained as a result of committing the offence. It should not be cheaper to offend than to ensure that a property is well maintained and properly managed.

These principles will be applied using the Culpability/Harm matrix set out below to arrive at an appropriate penalty.

#### **Culpability**

**Very High:** The offender intentionally breached or flagrantly disregarded the law. This may be evidenced by numerous previous failures to comply with enforcement action.

**High:** Actual foresight of, or wilful blindness to risk of offending, but risk nevertheless taken. This may be evidenced by some previous enforcement activity.

**Medium:** Offence committed through act or omission which a person exercising reasonable care would not commit.

**Low:** Little fault, because, for example, efforts were made to address the risk, albeit they were inadequate on this occasion, or failings were minor and occurred as an isolated incident.

**Harm:**

**Level 1:** Multiple serious failings giving rise, for example to a number of Category 1 Hazards that posed a substantial risk to occupiers, or very serious breach of HMO management regulations.

**Level 2:** Significant risk arising from, for example, a single Category 1 Hazard, a number of Category 2 Hazards, or significant breach of HMO management regulations.

**Level 3:** Lower risk arising, for example, from one or two Category 2 Hazards only, or from a minor breach of the HMO management Regulations.

**Calculating the Civil Penalty Level**

The level of civil penalty will be calculated with reference to the table on the following page. A history of previous non-compliance and/or evidence of financial gain from the failure to comply will result in a higher penalty being imposed within the range shown. Previous good character, less financial gain and evidence of efforts to remedy the situation will result in a lower penalty within the range.

	Starting Point	Range
<b>Very High Culpability</b>		
Harm Level 1	£20,000	£10,000 - £30,000
Harm Level 2	£10,000	£5,000 - £15,000
Harm Level 3	£5,000	£2,500 - £7,500
<b>High Culpability</b>		
Harm Level 1	£10,000	£5,000 - £15,000
Harm Level 2	£7,500	£3,750 - £11,250
Harm Level 3	£3,000	£1,500 – £4,500
<b>Medium Culpability</b>		
Harm Level 1	£5,000	£2,500 - £7,500
Harm Level 2	£3,500	£1,750 - £5,250
Harm Level 3	£2,000	£1,000 - £3,000
<b>Low Culpability</b>		
Harm Level 1	£3000	£1,500 - £4,500
Harm Level 2	£2,000	£1,000 - £3,000
Harm Level 3	£1,000	£500 - £1,500



**Appendix 2****Smoke and Carbon Monoxide Alarm (England) Regulations 2015****Statement of Principles**

The Regulations require a statement of principles to be followed in order to determine the amount of a penalty charge. This statement is published as required by the Regulations and will be used by the Council to determine the amount of any penalty charge it makes under regulation 8:

1. Regulation 8 specifies that the amount of the penalty charge will not exceed £5,000.
2. Regulation 9 allows for the penalty charge to be reduced if it is paid within 14 days of the date the penalty charge notice is served.
3. The requirement on residential landlords to install smoke alarms and (where relevant) carbon monoxide alarms can be done at relatively low cost by the landlord and are designed to protect the safety of tenants.
4. Only when a landlord fails to comply with a remedial notice can a penalty charge notice be served. A landlord cannot be regarded as being in breach of a remedial notice if he/she has taken all reasonable steps to comply.
5. If the landlord fails to comply with the remedial notice, the Council will directly incur costs because regulation 7 requires the Council to carry out the remedial work itself.
6. As well as allowing for the recovery of the Council's costs for work carried out in default, the penalty charge will be a deterrent if set at a high level.
7. The Regulations would not have allowed a maximum fine of £5000 had it not been envisaged that this is the amount considered fair for Councils to levy.
8. The number of alarms the landlord is expected to install is unlikely to vary significantly from property to property, so the expectations on most landlords are similar. On this basis, it is considered reasonable to set most penalty notices at the same level.
9. The starting point for the fixed penalty notice will be £5,000, with a 50% reduction for a first offence. For second and subsequent offences the maximum charge will be imposed. The charge will be reduced where payment is made within 14 days of the penalty charge being levied.

**Summary of charges**

	<b>Penalty Charge</b>	<b>Reduced penalty charge (payment within 14 days)</b>
<b>First offence</b>	£2,500	£1,250
<b>Second and subsequent offences</b>	£5,000	£3,500

## Private Sector Housing Enforcement Policy (Appendix 1)

<b>Directorate</b>	Development Services	<b>Section</b>	Housing Services	<b>Ref. Number</b>	
<b>Authorised By</b>	Paul Walker	<b>Job title</b>	Director of Development Services	<b>Issue Date</b>	
<b>Author</b>	Ursula Seddon	<b>Job title</b>	Principal Housing Services Officer	<b>Revision No</b>	
<b>Page 1 of 1</b>					

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	7
<b>APPOINTMENT TO OUTSIDE BODIES/WORKING GROUPS</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Each year full Council appoints members to outside bodies for the forthcoming municipal year.

In May 2015 Council asked that the programme committees make recommendations from within their respective memberships for those outside bodies relating to the brief for the committee.

This report covers those nominations that relate to the Environment, Health and Housing Committee.

### RECOMMENDATIONS

The committee is invited to

1. recommend nominations to the outside bodies listed for consideration by council
2. discontinue the working group listed below

### SUMMARY OF PREVIOUS DECISIONS

20th May 2015 - Council sought recommendations from individual programme committees as to nominations for representation.

6 July 2015 – Council confirmed the nominations from the programme committees.

11 April 2016 – Council confirmed the nominations from the programme committees.

3 April 2017 - Council confirmed the nominations from the programme committees.

16 April 2018 – Council confirmed the nominations from the programme committees

22 May 2019 – Council sought the recommendations from individual programme committees for nominations

### CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year. In an election year these appointments are made at the AGM. In non-election years, these appointments are made at the last Council meeting of the municipal year. In May 2015, the Council deferred the decision to appoint to '*... allow the various programme committees the opportunity to recommend appointments from within their respective memberships for those outside bodies relating to the brief of their committee*'. In May 2019, Council reiterated this decision.
2. The Council needs to make appointments to outside bodies at its meeting on 15 July 2019 for the forthcoming municipal year 2019/20. Nominations are sought from the programme committees for representatives to the outside bodies.
3. This report deals with the outside bodies that relate to the terms of reference for the Environment, Health and Housing Committee. The first table below includes the name of the body/group, the role/purpose and which elected member is continuing in that role following the local election. The committee is invited to recommend nominations for consideration by Full Council.
4. Under the previous governance arrangements there existed the facility through scrutiny for members to establish specific task and finish groups to look in some depth at particular issues and make recommendations to Cabinet. With the adoption of the new governance arrangements that is no longer possible. However programme committees may wish to establish their own subject specific working groups to be set up when required in order to advise the parent programme committee on a particular topic/issue.
5. The second table below lists those working groups that relate to the terms of reference of the Environment, Health and Housing Committee that are currently established. The establishment of working groups is within the responsibility of the individual programme committees and does not need the approval of Council.
6. It is important that the members nominated to represent the Council on outside bodies/working groups have an appropriate interest in the body/partnership/subject, can commit to positively represent the Council and be available to commit the time to attend the majority of the meetings involved.
7. The members nominated should ideally be a member of the programme committee to which the matter relates to.
8. The current protocol is that members are required to produce regular reports about the outside bodies on which they serve, currently every six months. It is the intention that this information will be made available to the programme committee members to which the external partnership relates.
9. The conclusion of any working group would be brought to committee in a formal report.

Environment, Health and Housing Committee- Outside bodies/partnerships			
Outside body / partnerships	Role/Purpose	Frequency of meetings	Current representation
Children's Partnership Board (formally the Children's Trust)	Sub regional partnership that ensures all child related initiatives are delivered efficiently and properly in particular services for vulnerable children	Quarterly	Currently vacant
Community Safety Partnership	Working with partners and statutory agencies to reduce crime and disorder across the borough	3 times a year	Councillor Ben Aitken
Council for Voluntary Services, BWF	Observation role to a registered charity that works with groups and organisations in the Voluntary, Community and Faith sectors in the Blackpool, Wyre and Fylde.	Periodically	Currently vacant
East Lytham Working Group	Set up by the Environment Agency, to address flood risk and land drainage concerns relating to land east of Lytham.	Periodically	Councillor Roger Lloyd
YMCA Housing (Face to Face)	YMCA Housing works in collaboration with young people and families that are in crisis by enabling them to secure and maintain a safe place to stay. Positive emotional and mental health and wellbeing is fundamental to the growth and development of an individual, as such YMCA Housing offers an holistic approach, supporting young people and families with dependent children to better manage and improve their situation and develop the confidence and skills to maintain independent living.	Quarterly	Councillor Viv Willder
Fylde & Wyre Health & Wellbeing Partnership	Partnership that links the activities of the CCG, local authorities and health providers to ensure they are all working to address the priority health needs of the community preventing waste and duplication e.g. Better Care Fund delivery	Monthly (12x p/a)	Councillor Viv Willder
Fylde Citizens Advice Bureau	Fylde CAB offer free independent impartial advice to residents on their rights, responsibilities and services available to them.	Quarterly	Councillors Linda Nulty, John Singleton and one vacancy
Fylde Coast LGBT Strategic Partnership	Raising awareness of LGBT issues at a strategic level and working to ensure the local LGBT community has a voice in local decisions. (formerly Blackpool, Fylde and Wyre LGBT Forum)	Periodic	Councillor Shirley Green
Fylde Coast Women's Aid	FCWA are one of three Domestic Abuse service providers. Domestic Abuse is a priority for both the CSP and PCC	Periodically	Councillor Viv Willder
Fylde Peninsular Water Management Group	Partnership between the Environment Agency, United Utilities, Blackpool, Fylde and Wyre Councils, LCC and Keep Britain Tidy and looks all aspects of water management including bathing water quality. Cabinet resolution 18/09/2013	Monthly (12x p/a)	Councillor Ben Aitken

Just Good Friends	Just Good Friends have the strapline 'Combating Loneliness and Isolation' The group are based in St Anne's but work across the borough and the Fylde coast providing support most days of the week to vulnerable people who are isolated or lonely.		Councillor Viv Willder and one vacancy
Lancashire Health and Wellbeing Board	Oversee delivery and performance of the public health responsibility passed to County and Districts	Bi-monthly (6x p/a)	Councillor Viv Willder
LCC Health Scrutiny Committee	Non-voting Co-opted district member. To review and scrutinise issues around public health and health inequalities. The Committee will review and scrutinise the work and performance of any relevant part of the County Council and its partners and the functions of the relevant Cabinet Members. To discharge the statutory health overview and scrutiny functions under the provisions of the Health and Social Care Act 2012.	6 weekly	Councillor Viv Willder
Local Liaison Committee Springfield Works	To act as a channel of communication between local community, Westinghouse, Springfield Fuels Ltd, the Nuclear Decommissioning Authority (NDA) and Regulatory Authorities. To scrutinize Springfields emergency and environmental plans.	Minimum 2 meetings per year	Councillor Ben Aitken and Roger Lloyd
MATAC ( Multi Agency Tasking and Coordinating)	Councillor representation on the monthly CSP 'delivery' meeting, chaired by Police & addressing local priorities	Monthly	Councillor Roger Lloyd
Ormerod Trust	Trustee of the organization. The trust works with and supports people with learning disabilities.	At least Bi-monthly (6x p/a)	Councillor Angela Jacques
Police Crime Commissioner Panel	The Panel is a joint committee made up of representatives from the 15 local authorities in the Lancashire Police Force area, together with two independent co-opted members.	When required	Councillors Ben Aitken and Liz Oades
Registered Providers Partnership	Forum to ensure engagement with the borough's RSL's over development strategies	Bi-monthly (6x p/a)	Councillor Ben Aitken

Environment, Health and Housing Committee– Working groups			
Working group	Role/purpose	Notes	Current representation
Crematorium	Look at long term issues regarding the crematorium including, but not limited to, capacity in light of housing developments in the borough.	Current	Councillors Ben Aitken, Viv Willder and two vacancies
Plastic Conscious Fylde	To investigate and consider the options to minimize the reliance on single use plastic items across the borough to become a 'plastics conscious' borough"	Current	Councillors Ben Aitken, Viv Willder & Roger Lloyd plus 2 representatives from Operational Management

IMPLICATIONS	
Finance	No implications arising from this report
Legal	No implications arising from this report
Community Safety	No implications arising from this report
Human Rights and Equalities	No implications arising from this report
Sustainability and Environmental Impact	No implications arising from this report
Health & Safety and Risk Management	No implications arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Democratic Services	democracy@fylde.gov.uk	20/5/2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	8
<b>LYTHAM PARK CEMETERY INFRASTRUCTURE IMPROVEMENTS</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

Please note that the Lytham Park Cemetery Infrastructure Improvements report is TO FOLLOW



## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	9

### ANNUAL OVERVIEW – FYLDE COMMUNITY SAFETY PARTNERSHIP 2018/19

#### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

#### SUMMARY OF INFORMATION

The report provides information on the performance of the Fylde Community Safety Partnership. This is a statutory requirement under the Crime and Disorder (Overview & Scrutiny) Regulations, 2009 and Sections 19 and 20 of the Police and Justice Act 2006 as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, the Police & Crime Act 2009 and the Police Reform & Social Responsibility Act 2011.

#### SOURCE OF INFORMATION

Bryan Ward, Community Safety Officer; Lancashire County Council Multi Agency Data Exchange; Lancashire Insight; Responsible Authorities of the Community Safety Partnership.

#### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This is a statutory requirement under the requirements of the Crime and Disorder (Overview & Scrutiny) Regulations, 2009 and Sections 19 and 20 of the Police and Justice Act 2006 as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, the Police & Crime Act 2009 and the Police Reform & Social Responsibility Act 2011.

#### FURTHER INFORMATION

Contact Bryan Ward, 01253 658467 or [bryan.ward@fylde.gov.uk](mailto:bryan.ward@fylde.gov.uk)



# INFORMATION NOTE

## FYLDE COMMUNITY SAFETY PARTNERSHIP

### 1. The Partnership, its priorities and funding position

#### 1.1 Statutory Partners in Fylde CSP comprise:

Fylde Council

Lancashire County Council

Lancashire Constabulary

Lancashire Fire and Rescue Service

Public Health including Fylde and Wyre Clinical Commissioning Groups

Cumbria and Lancashire Community Rehabilitation Company and the National Probation Service

The above named partners are also referred to as 'responsible authorities'

There are additional partners who participate but are not statutorily obligated to do so, such as representatives from the Police and Crime Commissioner's Office and the voluntary sector.

The Fylde Community Safety Partnership's overarching aim is: "To promote community safety, reduce levels of crime, disorder and road casualties, as well as improving the quality of life for all those who live, work and visit the Borough of Fylde." The Partnership is statutory in nature and its partners are obligated to participate.

Fylde Council is the lead partner as it co-ordinates activity and administration within the Fylde Community Safety Partnership.

#### 1.2. Strategic Assessment

It is a statutory requirement to conduct a 'Strategic Assessment' within all Community Safety Partnership Districts with all partners contributing to identify priorities. For 2018/19 the priorities of the CSP have been identified, developed and analysed with any potential threats at both County and a local level. The assessment determines the priorities for a three year period with annual reviews. In no particular order, current priorities have identified domestic abuse; improving road safety; reducing reoffending; countering substance misuse and countering anti-social behaviour. Additionally there are Lancashire wide priorities which include child sexual exploitation and victim vulnerability and these are highlighted through the inappropriate use of social media where contact is made via Facebook, Snapchat and Instagram in particular. A local priority reassessment exercise took place in 2017 which determined local priorities until 2019. The local Action Plan is on the Fylde Council Website. In late 2018 a County wide strategic re-assessment took place which identified Fylde's priority areas and the Lancashire Community Safety Agreement was developed to be in place from 2019 to 2022. The aim of which is "Working together to make Lancashire a better place for this and future generations; by targeting vulnerability, increasing resilience and reducing crime

#### 1.3 Partnership Financial Position

Income

The Partnership is funded by a variety of funding streams including residual monies passed to it by the former Local Strategic Partnership. In 2018/19 the Police and Crime Commissioner's Community Safety Grant provided a standard £10,000 grant but the partnership were again successful in being awarded additional funds. At the opening of the 2018/19 financial year its balances stood at £20,830. With the additional grants provided by the

Police and Crime Commissioner, the total income reached £33,308. Additionally, Fylde Council provide a budget for both Capital and Revenue for the provision of all CCTV coverage throughout Fylde which includes the annual commitment to Wyre for the monitoring service provided for our town centre cameras and a maintenance agreement with Blackpool Council.

#### Expenditure

In 2018/19 a total spend of £20,400 was allocated to community safety initiatives. At the end of the financial year the balance of £12,908 remained in the Community Safety budget which was requested as slippage into 2019/20.

#### Major expenditure:-

- Twelve month provision of Diversionary Activities for Young People.
- Positive Pathways activities for ex-offenders
- Replacement CCTV Cameras in Lytham Town Centre
- Contribution to 'Chelsea's Story' Domestic Abuse Educational Drama production

#### Successful and Ongoing Initiatives and Activities:

- Multi-agency and partner Market Place Event with Warton Parish Council to educate on service provision to address anti-social behaviour, violent crime, domestic violence, criminal damage and acquisitive crime and substance misuse issues.
- LANPAC Membership Fee
- Crime Prevention Signage
- CCTV signage
- Crime prevention materials
- Locally distributed crime prevention literature
- Contribution to Christmas Domestic Abuse Campaign.
- Attendance at a Community Safety Seminar ( Community Safety Officer)
- Self-Care Week materials
- White Ribbon – Domestic Abuse materials
- Anti-Social Behaviour Legislative Training

All initiatives undertaken by the community safety partnership have been successfully evaluated and have contributed significantly to the overall low levels of crime and disorder in the Borough. Partnership success is also due to the continuing commitment of partners despite the effects of ongoing austerity and the most significant challenge to the partnership is how to address the public concerns and perceptions regarding crime and anti-social behaviour with ever reducing resources. Essentially not all initiatives require money, hence the importance of strong partnership working.

During 2018/19, Fylde Community Safety Partnership continued to maintain the Fylde District as the second 'safest' place in the County, with lower crime and anti-social behaviour levels than other Districts in Lancashire. There were further excellent results and some excellent examples of outstanding partnership working, once again delivering good value for money.

Several multi-agency initiatives have been delivered throughout the year with Fylde Council Departments taking an active part. There have been some inexpensive and cost neutral initiatives which have been delivered, supported by physical resources from the CSP and other agencies. Some notable examples of relatively low cost initiatives include Diversionary Activities which have run throughout the year to focus on dealing with youth related anti-social behaviour and a repeat initiative aimed at Male Domestic Abuse which ran during the Christmas and New Year period. There have also been multi-agency initiatives to target burglary, shop lifting, thefts, and fly tipping and following the consultation exercise with young people the previous year, activities were aligned to the results of the consultation, where possible.

Initiatives and work undertaken by the CSP and its partners are all aimed at reducing crime and disorder within Fylde in increasingly difficult times, where police officer numbers have fallen and resources have diminished. Fylde has, however, seen an increase of eight Police Community Support Officers who are spread throughout the Borough. Determined efforts by all agencies concentrate their efforts into priority areas, for example, the Reducing Reoffending Board concentrates on prolific and priority offenders and future prison date releases; another looks at instances of domestic abuse and work done to counter this; there is a restorative justice panel which has regular panel meetings to try and reach amicable solutions between victims and offenders and continuing work has been done in the last year on an approach to Early Action and Intervention which is a multi-agency approach to support troubled and vulnerable families and individuals across the Fylde to 'transform people's lives'.

Following the closure of St Annes Police Station in 2018, PCSO's have been relocated to St Annes Fire Station although this is not open to the public. Kirkham Police Station is not an operational Police Station open to the public but it does house several police officers who work from that building.

### **3. Crime Statistics**

#### **3.1 All Crime**

\*\* Due to problems with a new Police recording system, the data available since the end of October 2018 has not been possible to access or analyse and although it is anticipated this will become available during 2019 it is not available in time for this report. An explanation and interim report from the Lancashire Constabulary analytical department is attached as an appendix.

#### **3.2 Violent Crime**

Violent crime continues to show further increases up to November, 2018, although much of this is due to the counting rules from the Home Office on what is deemed to be a violent crime. Third party reporting, where a witness sees an assault and reports it to the Police is recorded as a crime irrespective of whether the victim reports it himself.

#### **3.3 Victim Based Crime**

Victim based crime is where a 'victim' is identified as opposed to property. Theft crimes occur across the whole district in Fylde and is not disproportionate in any area. It has been recognised that Fylde suffers from travelling criminals with a large proportion of offences occurring as a result of property being inadvertently left insecure, particularly garages, garden sheds and motor vehicles. Ongoing initiatives and awareness campaigns to address this type of crime have had a degree of success with some notable crime reductions.

### **4. Domestic Abuse**

The definition of domestic abuse is 'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults 16 years or over who are or have been intimate partners or family members, regardless of gender or sexuality'.

Domestic Abuse Crime decreased by 8% in the period up to November 2018 compared to the previous year. This is the second lowest total in Lancashire.

Overall, high risk victims of domestic abuse have remained reasonably stable in Fylde in terms of the numbers of offences recorded and as a proportion of the total crime in Fylde, however these numbers are relatively low in comparison. It is believed that this is as a result of a continued drive to encourage victims to report abuse recognising that there has previously been an under-reporting of domestic related crime.

In common with other Council's, a 'MARAC' exists to consider domestic abuse. This as a monthly 'multi-agency risk assessment conference' and it meets to discuss the victims of domestic abuse deemed to be at a high risk of harm with an aim to reduce the risk to the victims or their immediate families. Part of the work involves

specialist workers having close links with victims of domestic violence and protective interventions as necessary. The number of cases referred in averages less than ten per month. Specialist domestic violence courts located within Blackpool deal with the more extreme cases.

Following the service re-commissioning undertaken in early 2017, the service provision across Lancashire and in

Fylde falls under Lancashire Victims Services and Fylde Council make an annual contribution towards the Domestic Abuse service.

The voluntary sector - Fylde Coast Women's Aid also continues to provide an excellent service and delivers a range of services to advise, educate and support families. The Group does much work within schools. A funding contribution made by the CSP to enable FCWA to work with the Police on a project over the Christmas period provided reassurance to all victims of sexual abuse.

A financial contribution from the Community Safety Partnership to enable a domestic abuse educational drama production in schools (Chelsea's Story) was very successful.

It is a mandatory responsibility placed on the Community Safety Partnership to conduct a 'Domestic Homicide Review'(DHR) where a fatality occurs when there are two or more people aged 16 years or older and living together in a close relationship. The process and procedure have recently been reviewed at a County level and a DHR group meets regularly to share learning experiences from such reviews.

It is pleasing to report that one of our partners - AFC Fylde, became the first accredited Club in Lancashire for the White Ribbon Campaign which is a national campaign for men and young boys to condemn violence against women and girls.

## **5. Road Casualties**

In the year April 2018 to October 2018, Road casualties showed that there were 33 killed or serious injured casualties one of which was a fatality. The number of slight casualties remained the similar to last year showing an increase of 2 or 6.1%.

A multi-agency partnership chaired by Lancashire Fire and Rescue exists between Fylde, Wyre and Lancaster whereby all road safety issues are analysed and actioned. The Community Roadwatch scheme continues with volunteers assisting in informing speeding motorists to reduce their vehicle speed, particularly in rural areas. A dedicated Road Safety analyst provides data for each locality which is useful in determining where additional preventative resources can be directed.

Lancashire Fire and Rescue Service continue to deliver educational initiatives to both senior drivers and young and inexperienced drivers who are notoriously involved in road traffic collisions.

## **6. Areas of focus and the work of the Community Safety Partnership**

### **6.1 Anti-Social Behaviour**

The reduction of Anti-social behaviour (ASB) in our communities continues to be a priority for the Partnership. Each month a number of partners come together to consider the reported ASB issues arising across a range of areas, including personal, nuisance and environmental issues. Discussions within this group also focus on individuals who are high risk victims of anti-social behaviour and actions can be taken by agencies to reduce or eliminate this risk. The process known as ASBRAC (Anti-Social Behaviour Risk Assessment Conference) is chaired by the Community Safety Officer prior to the Police led Early Action Cases which looks at vulnerable families and individuals.

The Anti-Social Behaviour Crime and Policing Act in 2014 has provided the victims of Anti-social behaviour with a number of measures which can be implemented by the Council, Police and Housing Providers to address the behaviour of perpetrators. It also provides the victims with the opportunity to invoke the 'Community Trigger' where they feel that agencies are not dealing with their complaints of ASB.

Certain concerns have been raised during the past twelve months despite a general decrease in ASB across the Borough. The main concerns concentrated in and around Warton and Westby where anti-social behaviour connected to the Fracking Site and youth related ASB in the village has been linked to specific individuals and premises.

In 2018-19 All Police recorded ASB in Fylde decreased by 23.3%, a decrease of 567 on the previous year. Nuisance was the most commonly reported ASB class (1038) followed by Personal (575) and Environmental (94). The Wards with the highest ASB were Central Ward (232), Warton and Westby (189) Ashton Ward (182) and Medlar with Wesham (128)

Fylde Council reported ASB, which also includes Personal, Nuisance and Environmental ASB, showed an end of

year reduction of 43 complaints. From 1,359 to 1,316. This is a year on year reduction since 2016. Noise nuisance, neighbour disputes and Flytipping are the most reported types of ASB.

## **6.2 Substance Misuse**

### **Drugs**

The misuse of drugs remains a relatively low threat in Fylde compared to most other parts of Lancashire. There continues to be a change in the substance of choice – from Class A drugs to cannabis and psychoactive substances (legal highs). The use of ‘Spice’ has been highlighted as a potential risk due to its availability and low cost.

Crime Reduction Initiatives (CRI) also known as Inspire are the commissioned service provider in Fylde. They provide a range of services to Fylde’s drug clients with both alcohol and drug problems. Re-commissioning of service provision will take place later in the year. Young Addaction are the County young people’s service provider where some of the work undertaken in Fylde has been carried out in partnership initiatives. A training and awareness session was delivered in St Annes as part of a safeguarding initiative early in 2018. Overall responsibility for Substance Misuse and commissioning in Lancashire is the responsibility of Lancashire Public Health.

### **Alcohol**

Fylde CSP has Alcohol misuse as a local priority area. However, Public Health have a strategy which will subsequently address most of the concerns especially amongst young people who tend to ‘experiment’ with alcohol.

Alcohol related crime has increased by 21% or 83 crimes on the previous year. Alcohol related violent crime increased by 16 crimes on the previous year.

The Action Plan for Fylde is constantly reviewed and updated to address the issues which directly concern the people of Fylde. Resources will be aimed at the Health, Wellbeing and Safety of all age groups within Fylde.

Licensing conditions stipulate that Pub Landlords attend a regular ‘Pubwatch’ meeting which provides a wealth of information to them. A monthly report highlights which licensed premises have recorded crimes on or adjacent to their premises.

Local group meetings are attended by Fylde Council Community Safety, FBC Licensing, Lancashire Constabulary, Lancashire Fire and Rescue, NHS North Lancs. Public Health, CRS, Young Addaction, Help Direct, Lancashire Young Peoples Services and other service providers.

## **6.3 Fire Safety**

Lancashire Fire and Rescue Service (LFRS) report that Fylde remains an area which is not a cause for concern.

Community Fire Safety Practitioners provide a programme of education and awareness to the community and there continue to be fire awareness sessions such as the ESCAYPS course which accepts young person referrals who receive a 5 week structured programme of fire awareness education.

The Fire service continue to provide Home Fire Safety Checks for the vulnerable and community work has become a vital part of the service provided by LFRS.

BBQ’s in public open spaces have raised a number of concerns from members of the public but none of these ‘potential’ fires have caused any fire related incidents. Advisory signs have been strategically placed in the most prevalent areas of Fylde.

## **6.4 Cumbria & Lancashire Community Rehabilitation Company and National Probation Service**

The National Probation Service was set up on 1 June 2014, and is a statutory criminal justice service that supervises high-risk offenders released into the community. Nationally, NPS work in partnership with 21 community rehabilitation companies (CRCs) that manage low and medium risk offenders. They also work in partnership with the courts, police, and community safety partnerships and with private and voluntary sector partners in order to manage offenders safely and effectively.

Together, the NPS and the CRCs have replaced the former 35 probation trusts and they are responsible for:

- Preparing pre-sentence reports for courts, to help them select the most appropriate sentence
- Managing approved premises for offenders with a residence requirement on their sentence
- Assessing offenders in prison to prepare them for release on license to the community, when they will come under our supervision
- Helping all offenders serving sentences in the community to meet the requirements ordered by the courts
- Communicating with and prioritising the wellbeing of victims of serious sexual and violent offences,
- When the offender has received a prison sentence of 12 months or more, or is detained as a mental health patient.
- The new Rehabilitation Activity Requirement (RAP) Orders are popular with the courts as they can give the service user a prescribed number of activity days and guidance by the National Probation Service.

Additionally, and working within the CRC's, are 'Community Payback' who provide supervised unpaid work across the Fylde. There is currently a local agreement to provide two full days work per month on a programme of nominated projects and include such projects as litter picking and graffiti removal.

### **6.5 Police and Crime Commissioner**

The office of the PCC is a non-statutory partner in the CSP but the PCC has been keen to continue involvement with the CSP's and sends a representative to CSP meetings.

The PCC holds regular meetings with Council representatives on the Police and Crime Panel. The Police Reform and Social Responsibility Act put in place a flexible framework for partnership working between the PCC and community safety partners. Whilst having regard to cross border and national issues, PCC's work effectively with other local leaders to prioritise resources to suit local needs and priorities.

The PCC has responsibility for:

- Appointing the Chief Constable and holding them to account for the running of their force
- Setting out a 5 year Police and Crime Plan( in consultation with the Chief Constable)

Determining local policing priorities. Setting the annual local precept and annual force precept and annual force budget

- Making community safety grants to other organisations aside from the Chief Constable (including, but not limited to Community Safety Partnerships)
- The PCC'S Community Action Fund. Fylde has directly benefited from this fund.

The PCC has a budget which currently includes the policing grant from the Home Office, various other grants include the Drugs Interventions Programme funding and funds raised through the local authority precepts in the Lancashire force area.

PCCs are not a 'responsible authority' on Community Safety Partnerships, however, they are an influential and valued partner. There is a reciprocal duty for the Office of the Police and Crime Commissioner (OPCC) and responsible authorities to cooperate with each other and have regard to each other's priorities for the purposes of reducing crime and disorder, including ASB, reducing reoffending and reducing substance misuse along with helping the most vulnerable members of our communities. PCCs are also able to request a report from a CSP where they are satisfied that a CSP is failing to carry out their duties effectively and efficiently.

A grant of £10,000 to the CSP for 2018/19 was made by the PCC which assisted both the CSP and the OPCC in addressing their priorities

### **7. Emerging Issues**

During 2018/19 ongoing statutory responsibilities are placed on local authorities and the responsible authorities in regard to Modern Day Slavery and Human Trafficking and the Prevent Strategy of the Counter Terrorism Act. Fylde Council staff and members, have received Counter Terrorism awareness training along with several community groups who have been made aware of these issues and threats to our overall safety and

vulnerabilities.

Consideration is always given to potential threats when planning major events. There is a County wide Strategic Hate Crime Group a Lancashire wide ASB delivery group and a Prevent Delivery Partnership Group which are all attended by Fylde Officers.

## **8. Risk Assessment**

Strategic decision making in regard to Community Safety is the responsibility of the Lancashire and Unitary Chief Executives through the Public Service Board, overseeing how all partners and agencies work together. Blackpool Wyre and Fylde constantly work together as a strategic group within West Division. This doesn't have an impact on the local Community Safety Partnerships who have neither merged nor disbanded as they deliver locally led initiatives to address local problems.

Local CSPs are regarded as 'delivery' groups and concentrate on local issues for local people. Much of this work is actioned in Fylde through the monthly held 'Tactical, Tasking and Co-ordinating' group.

Despite several changes in personnel and officer attendance during the year by partner agencies, it is evident that they are still committed to the Community Safety Partnership. All our agencies and partners make a significant contribution towards overall community safety within the District. Success with our partners has included the volunteers who are based within the Wyre CCTV Studio where they control and manage 15 of our CCTV cameras. Continued partnership work has been undertaken with the Fylde Foodbank; the Wyre and Fylde Disability Partnership; Neighbourhood Watch and Just Good Friends.

## **9. Conclusion**

Despite increases in crime and a reduction in anti-social behaviour, Fylde Community Safety Partnership can still claim to be a successful and strong partnership which supports partnership working in minimising how crime and disorder impacts on our communities. With one of the lowest crime rates in Lancashire, Fylde remains a safe place in which to live, work and visit.

## **FURTHER INFORMATION AVAILABLE FROM**

Bryan Ward, [bryan.ward@fylde.gov.uk](mailto:bryan.ward@fylde.gov.uk) 01253 658467



## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH & HOUSING COMMITTEE	11 JUNE 2019	10
<b>CAPITAL PROGRAMME MONITORING REPORT 2018/19 – OUTTURN            POSITION 31<sup>st</sup> MARCH 2019</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY OF INFORMATION

This report sets out details of expenditure on schemes within the Council's approved capital programme for the financial year 2018/19.

### SOURCE OF INFORMATION

The report is based upon information on capital programme expenditure on a scheme by scheme basis extracted from the Council's financial ledger system for the period to 31st March 2019.

### LINK TO INFORMATION

<https://new.fylde.gov.uk/council/finance/budget-monitoring/>

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The purpose of this report is to provide an update of the Council's approved Capital Programme as at the financial year-end, 31st March 2019. The Committee is directed to take particular note of those schemes which are under the Committee's remit.




Further information on the financial outturn position for 2018/19 will be contained within the MTFS Outturn Report to the Finance and Democracy Committee in June 2019.









### FURTHER INFORMATION




Contact Paul O'Donoghue (Chief Financial Officer)






e-mail: paul.o'donoghue@fylde.gov.uk Tel: 01253 658566




### CAPITAL OUTTURN 2018/19






<b>KEY:</b>  SCHEME DELIVERED TO BUDGET DURING THE YEAR  SCHEME UNDERSPENT AGAINST BUDGET  SCHEME OVERSPENT AGAINST BUDGET
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APPROVED SCHEMES	Financing Source	Latest Budget 2018/19 £000	Actual Outturn 2018/19 £000	Variance £000	Variance	See key	Slippage Requested £000	Comments
<b><u>FINANCE &amp; DEMOCRACY COMMITTEE</u></b>								
Accommodation Project - Phase 8 - Town Hall Car Park	Capital Investment Reserve / borrowing / general asset disposal receipts	238	205	33	Underspent		33	This scheme relates to the final element of the Accommodation Project comprising car parking, civic garden and associated landscaping works. The project has been a key scheme for the Council and sees the accomplishment of a long-held ambition to refurbish the town hall premises. The contractor for the works was unable to complete all aspects within the initial timescale and the project is now expected to be completed by early 2019/20. Slippage is now requested to provide the necessary funding for this final element in 2019/20.
<b>Sub total</b>		<b>238</b>	<b>205</b>	<b>33</b>			<b>33</b>	
<b><u>TOURISM &amp; LEISURE COMMITTEE</u></b>								
Ashton Gardens Depot	Proceeds from the sale of surplus Council Assets	120	120	0	On target		0	The scheme has been completed within the approved budget during the year.
Fairhaven Lake & Promenade Gardens - First round	Capital Investment Reserve	112	108	4	Underspent		0	The scheme has been completed within the approved budget during the year.
Promenade Gardens Water Play Facility	Capital Investment Reserve	259	259	0	On target		0	The scheme has been completed within the approved budget during the year.
Promenade Footways	No external finance - funded by borrowing/general asset disposal receipts	40	45	-5	Overspent		-5	There has been an accelerated spend on promenade footway improvements in 2018/19 to achieve future years savings. The budget will be reduced by £5k in 2019/20 to offset the additional spend for 2018/19.
Staining Playing Fields Development Scheme	Capital Investment Reserve	152	1	151	Underspent		151	The commencement of this project has been delayed due to the time required to obtain planning approval (which was longer than originally anticipated) and a change to the scope of works through the design and build process agreed in consultation with the Parish Council and the Friends Group. The amended scheme involves the inclusion of sand slitting and levelling works. The scheme was originally planned to commence in late 2018/19 but this has slipped into the start of 2019/20. Slippage is requested to provide the necessary funding for the scheme to be delivered in 2019/20 and into 2020/21.
Town Hall Arts Store Improved Storage Facilities	Capital Investment Reserve	50	47	3	Underspent		0	The scheme has been completed within the approved budget during the year.
Lytham Hall Restoration - Coastal Revival Fund	Specific Grant	43	43	0	On target		0	The scheme has been completed within the approved budget during the year.
<b>Sub total</b>		<b>776</b>	<b>623</b>	<b>153</b>			<b>146</b>	

KEY:		SCHEME DELIVERED TO BUDGET DURING THE YEAR
		SCHEME UNDERSPENT AGAINST BUDGET
		SCHEME OVERSPENT AGAINST BUDGET

APPROVED SCHEMES	Financing Source	Latest Budget 2018/19 £000	Actual Outturn 2018/19 £000	Variance £000	Variance	See key	Slippage Requested £000	Comments
<b>OPERATIONAL MANAGEMENT COMMITTEE</b>								
Replacement Vehicles	Capital Investment Reserve / Borrowing / S106 Developer Contributions / Direct Revenue Finance	1,462	1,314	148	Underspent		148	A number of operational vehicles of a bespoke specification and with long build times have been commissioned but were not delivered to the Council by the year-end. Slippage is requested in this regard and the vehicles are now expected to be received in the early part of the financial year 2019/20.
Coastal Cleansing and the Provision of Beach Bins	Capital Investment Reserve	25	25	0	On target		0	The scheme has been completed within the approved budget during the year.
Public Transport Improvements	S106 Developer Contributions	48	18	30	Underspent		30	This scheme relates to developer contributions (s106) funding that is paid to Lancashire County Council (LCC). The funding will contribute to the delivery of improved public transport services where an enhanced public transport requirement is identified as a result of increased housing development. These payments may be made over a period of several years and in this instance the s106 agreement allows for payments to be made up until 2028. Slippage of the unspent amount of £30k is requested in order that the full amount may be paid to LCC in later years at the appropriate point in time.
Fairhaven and Church Scar Coast Protection Scheme	Specific Government Grant (Environment Agency) / Capital Investment Reserve	11,500	9,224	2,276	Underspent		2,276	Delivery of this major scheme remains broadly on schedule. However not all of the forecast expenditure for 2018/19 has been achieved. Assuming that the slippage is approved as requested the expenditure forecast will be re-phased to reflect the current expectations regarding the timing of the delivery of the scheme. Further re-phasing of the expenditure profile between the years is likely to be required as the scheme progresses and the capital programme will be updated accordingly and reported regularly to members.
Fairhaven and Church Scar Coast Public Realm Works	Capital Investment Reserve	100	0	100	Underspent		100	As a consequence of the re-phasing to the delivery of the main project as outlined above, the timing of the delivery of the public realm element has been re-phased into 2019/20. Slippage is now requested in order to provide sufficient resource for the entirety of the planned public realm scheme.
<b>Sub total</b>		<b>13,135</b>	<b>10,581</b>	<b>2,554</b>			<b>2,554</b>	

KEY:		SCHEME DELIVERED TO BUDGET DURING THE YEAR
		SCHEME UNDERSPENT AGAINST BUDGET
		SCHEME OVERSPENT AGAINST BUDGET

APPROVED SCHEMES	Financing Source	Latest Budget 2018/19 £000	Actual Outturn 2018/19 £000	Variance £000	Variance	See key	Slippage Requested £000	Comments
<b>ENVIRONMENT, HEALTH &amp; HOUSING COMMITTEE</b>								
Disabled Facilities Grants Programme	Specific Grant (Better Care Fund) / External Contributions / Grant repayments	1,473	1,460	13	Underspent		13	This budget has seen a significant increase in central government funding since 2016/17 which has facilitated the clearance of the backlog / waiting list for disabled facility works. The slippage of £13k reflects the residual balance from 2018/19. An annual monitoring report on DFG's is due to be considered by the Environment, Health and Housing Committee later in the year. The £13k is fully allocated and represents the on-going work within the section. The slippage has allowed the service to continue into the current financial year as the Council has only recently received confirmation of the 2019/20 DFG allocation.
Housing Needs Grants	DFG Grant Repayments	19	3	16	Underspent		16	It has previously been agreed that this funding is to be used to provide additional funding - to that provided by Lancashire Country Council (LCC) - to provide affordable warmth measures to qualifying persons. During 2018/19 the funding available from LCC was committed to schemes in the first instance resulting in this underspend in the Fylde Council element. It is requested that this balance of funding is made available for further affordable warmth measures in 2019/20 when a reduced level of funding from LCC will be available for this initiative.
Affordable Warmth Scheme	Specific Grant (Lancashire County Council)	31	23	8	Underspent		8	In 2018/19 funding was provided by Lancashire County Council (LCC) for the Affordable Warmth Scheme in Fylde. Most of the funding from LCC has been spent or committed at 31st March 2019. The slippage requested is expected to be fully-utilised in 2019/20, if approved.
Affordable Housing Scheme - 93 St Albans Road Refurbishment	S106 Developer Contributions	56	56	0	On target		0	The scheme has been completed within the approved budget during the year.
Affordable Housing Scheme - Sunnybank Mill, Kirkham	S106 Developer Contributions	0	460	-460	Overspent		-460	Although the scheme was initially scheduled to be delivered during 2018/19 a number of delays in the construction phase led to the payment being re-profiled during 2018/19 into the following year within the capital programme. However, towards the latter part of the year the scheme experienced a degree of acceleration and the payment was actually then processed during 2018/19 in accordance with the funding agreement. The scheme is now complete.

<b>KEY:</b>	 SCHEME DELIVERED TO BUDGET DURING THE YEAR  SCHEME UNDERSPENT AGAINST BUDGET  SCHEME OVERSPENT AGAINST BUDGET
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APPROVED SCHEMES	Financing Source	Latest Budget 2018/19 £000	Actual Outturn 2018/19 £000	Variance £000	Variance	See key	Slippage Requested £000	Comments
<b>ENVIRONMENT, HEALTH &amp; HOUSING COMMITTEE - Cont'd</b>								
Affordable Housing Scheme - Keenan Mill	S106 Developer Contributions	840	840	0	On target	☺	0	The scheme has been completed within the approved budget during the year.
Affordable Housing Scheme - Church Road Methodist Church, St Annes	S106 Developer Contributions	275	275	0	On target	☺	0	The element of the scheme scheduled to be delivered in 2018/19 has been completed within the approved budget during the year. The remaining element in the sum of a further £275k will be completed during 2019/20.
CCTV Replacement Schemes	Specific Grant (LSP Performance Reward Grant)	38	11	27	Underspent	▲	27	This funding provides the necessary resource to replace CCTV cameras in the future in line with the agreed policy that cameras are only replaced as and when necessary. Consequently slippage of the balance of funding is requested. If the slippage is not approved there is no other approved resource to provide for future camera replacement.
Lytham Park Cemetery - Windbreak Canopy	Capital Investment Reserve	110	106	4	Underspent	▲	0	The scheme has been completed within the approved budget during the year.
<b>Sub total</b>		<b>2,842</b>	<b>3,234</b>	<b>-392</b>			<b>-396</b>	

KEY:	😊	SCHEME DELIVERED TO BUDGET DURING THE YEAR
	▲	SCHEME UNDERSPENT AGAINST BUDGET
	⊘	SCHEME OVERSPENT AGAINST BUDGET

APPROVED SCHEMES	Financing Source	Latest Budget 2018/19 £000	Actual Outturn 2018/19 £000	Variance £000	Variance	See key	Slippage Requested £000	Comments
<b>PLANNING COMMITTEE</b>								
Kirkham Public Realm Improvements	S106 Developer Contributions / Capital Investment Reserve	50	45	5	Underspent	▲	5	The scheme was substantially completed during 2018/19 and this final unspent amount will be paid when the work has been completed to the required standard and any snagging works carried out. Slippage of £5k is requested to provide for this final aspect of this phase of the scheme.
M55 Link Road - Design Fees	S106 Developer Contributions	358	255	103	Underspent	▲	103	This scheme relates to the detailed technical design of the proposed link road. This work is progressing and payment is being made in stages as work is completed rather than as an upfront payment. Accordingly payments will be spread across a number of financial years and slippage into 2019/20 in the sum of £103k is now requested. The design works are expected to be completed by June 2019.
Coastal Footpath Enhancements	S106 Developer Contributions	20	20	0	On target	😊	0	The scheme has been completed within the approved budget during the year.
Ansdell / Fairhaven - Public Realm Scheme	Capital Investment Reserve	110	100	10	Underspent	▲	10	The scheme was substantially completed during 2018/19 and this final unspent amount will be paid when the work has been completed to the required standard and any snagging works carried out. Slippage of £10k is requested to provide for this final aspect of this phase of the scheme.
St Annes Pier - Coastal Revival Fund	Specific Grant	48	24	24	Underspent	▲	24	The scheme commenced during 2018/19 and the works are progressing well. The grant funding for the full scheme is in place with completion expected during the first quarter of 2019/20. Slippage of £24k is requested to provide for this remainder of the works.
<b>Sub total</b>		<b>586</b>	<b>444</b>	<b>142</b>			<b>142</b>	

<b>Total Expenditure</b>		<b>17,577</b>	<b>15,087</b>	<b>2,490</b>			<b>2,479</b>	
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## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	11 JUNE 2019	11
<b>YEAR-END PERFORMANCE 2018/19</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY OF INFORMATION

The report provides details of the key performance outcomes for the financial yearend 2018/19. Performance is reported against the targets set for the year and commentary is provided by performance exception.

### SOURCE OF INFORMATION

Environment, Health & Housing team input data into the InPhase corporate online system from service based performance data

### LINK TO INFORMATION

<http://fyldeperformance.inphase.com> - Full Corporate Performance suite for Fylde Council

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The performance information is relevant to the committee terms of reference and the responsibility of the committee to monitor performance of the services within its remit.

### FURTHER INFORMATION

Contact: Alex Scrivens, Performance & Improvement Manager (01253 658543 or [alexs@fylde.gov.uk](mailto:alexs@fylde.gov.uk)).

**Year-end Commentary by Performance Exception for the  
Environment, Health & Housing Committee**

**\*\*\*\*\* PERFORMANCE ABOVE TARGET \*\*\*\*\***

*Commentary is provided to explain why progress has exceeded target, with details of how this will be maintained.*

PM105 Total cases homelessness prevented, assisted to obtain alternative accommodation was 73 and last year's comparison figure was 26, the target is 28.

*The Homeless Reduction Act introduced in April 2018 placed new statutory prevention and relief duties on local authorities to assist "all households" facing homelessness. Previously we had a statutory homeless duty for households in priority need and a duty to provide advice and assistance only to households with no priority. As a result the service now has to accept a prevention duty for everyone within 56 days of becoming homeless, to work with them proactively to source accommodation. The target was 30, but we have accepted a prevention duty to 73 households and worked with them to source alternative accommodation. This level of support will continue into 2019/20. It is proposed this indicator be removed and replaced with number of households to whom a prevention duty is owed to better reflect the reporting requirements of The Homeless Reduction Act.*

PM106 Homelessness relieved (decision made assisted to find accommodation) was 83 and last year's comparison figure was 15, the target is 10.

*The Homeless Reduction Act introduced in April 2018 placed new statutory prevention and relief duties on local authorities to assist "all households" facing homelessness. Previously we had a statutory homeless duty for households in priority need and a duty to provide advice and assistance only. As a result the service now has to accept a relief duty for everyone who is homeless to work with them for 56 days proactively to source accommodation. The target was 10, but we have accepted a relief duty for 83 households and worked with them to source alternative accommodation. This level of support will continue into 2019/20. It is proposed this indicator be removed and replaced with number of households to whom a relief duty is owed to better reflect the reporting requirements of The Homeless Reduction Act.*

PM109 Percentage of food hygiene interventions completed (Category A to D) was 100 and last year's comparison figure was 100, the target is 90.

*The Food Standards Agency Food Law Code of Practice has a large influence over interventions that are completed. To this end, the team realise the importance of completing all interventions as this is an important factor in revealing non-compliance and therefore directing enforcement and resource.*

PM25: % of premises scoring 3 or higher on the food hygiene rating scheme was 96 and last year's comparison figure was 93, the target is 85.

*The Council operate a graduated approach to enforcement where businesses do not meet the minimum requirements of food law. A "3" rating gauges this factor and is an important parameter in terms of public health. The Council will not hesitate to take risk based and appropriate action where standards are not satisfactory. It is noted that the team work quickly and effectively to also help and assist business as and when necessary.*

PM29a: Total number of housing advice cases was 802 and last year's comparison figure was 517, the target is 500.

*The introduction of the Homeless Reduction Act in April 2018 has seen a marked increase in the number of households contacting the Housing Team for advice and assistance. In addition under the Homeless Trailblazer project a post has been funded in the customer services team as a housing specialist to pick up referrals as soon as an initial contact has been made in the hope that we do not miss anyone who needs advice and assistance in relation to their housing situation. This level of service will continue into 2019/20.*

PM99: Number households received financial assistance from the council to prevent repossession was 44 and last year's comparison figure was 30, the target is 30.

*The introduction of the Homeless Reduction Act in April 2018 has seen a marked increase in the number of households contacting the Housing Team for advice and assistance. Additional funding has been received to*



*increase the amount of funding available for this purpose. This figure relates to all households who have received financial assistance from the Council to prevent repossession or to access accommodation, not solely prevent repossession. It is proposed this indicator is replaced to reflect the number of households who have received financial assistance from the Council to prevent repossession and to access accommodation.*

**\*\*\*\*\*PERFORMANCE BELOW TARGET\*\*\*\*\***

*Commentary is provided to explain why performance is currently not on target, with details of any corrective action.*

PM97a: The length of time for applicants on the waiting list for a Disabled facility grant (weeks) was 6 and last year's comparison figure was 0, the target is 0.

Monitoring of the waiting list was introduced when high numbers of clients were waiting a long time for an adaptation. As waiting times are now short, this is no longer considered to be a suitable performance measure as it is outside the control of housing services. It is proposed that *this indicator is replaced with indicators that are within the control of the service. The new indicators will measure satisfaction with the work done and the impact the adaption has had on a households independence.*

**\*\*\*\*\*PERFORMANCE MEASURE CHANGES\*\*\*\*\***

*Details provided to explain reasons for the performance capturing alterations*

**Housing Department following indicators for 2019/20:**

KEEP – PM 40 – Number of affordable homes delivered  
KEEP – PM 108 % of the total BCF committed

REMOVE - PM 97a, length of time applicants on the waiting list and replace with two new indicators, where the target for each quarter is to receive 90% satisfaction as either good or excellent. The current indicator is no longer relevant to service delivery, as waiting times have reduced to minimum number of weeks. This is monitored at a Lancashire Wide level. The new proposed indicators measure level of satisfaction of the work done and the impact the adaption has had on a households independence.

NEW - % of customers who agree or strongly agree that the adaptation has increased their independence – quarterly target of 90%

NEW - % of customer rating the DFG service as either good or excellent – quarterly target of 90%

REMOVE – PM 29c Total number of homeless presentations

REMOVE - PM 104 Total cases homelessness prevented, able to remain in own home

REMOVE - PM 105 Total cases homelessness prevented, assisted to obtain alternative accommodation

REMOVE – PM 106 Homelessness relieved

REMOVE – PM 99 Number of households received financial assistance from the council to prevent repossession

KEEP – PM 28 – Number of households living in temporary accommodation at the end of the quarter with the same targets

KEEP – PM 29a – Total number of housing advice cases with the same quarterly targets

NEW – Number of households to whom a relief duty is owed – quarterly target of 25, cumulative annual target of 100

NEW – Number of households to whom a relief duty is owed who have been assisted to source accommodation - quarterly target of 10, cumulative annual target of 40






NEW – Number of households to whom a prevention duty is owed - quarterly target of 25, cumulative annual target of 100

NEW – Number of households to whom a prevention duty is owed who have been assisted to remain in their own home – annual target of 40.















NEW - Number of households to whom a prevention duty is owed who have been assisted to source alternative accommodation - annual target of 40. This will enable us to compare households who we are assisting to remain in their own home and households who access alternative accommodation.

The Homeless Reduction Act 2017 became statute from the 1<sup>st</sup> April 2018. The Act places new legal duties on Councils so that everyone who is homeless or at risk of homelessness will have access to meaningful assistance to resolve their housing situation, regardless of their priority need status. This will increase the protection for single people who previously would have been offered advice and assistance only. The Act places a new prevention and relief duties on local authorities to assist all households to prevent or relieve their homelessness within a period of 56 days under either duty. MHCLG has introduced new reporting tool HClick, which is designed to refocus local authorities housing role as one of prevention and improve the quality of advice and support available. The current indicators are related to the previous reporting system required by MHCLG known as the P1E returns.

#### PERFORMANCE KEY ICON STATUS

	<b>Over Performance</b> – the indicator is over performing against target
	<b>On Track</b> – the indicator is performing within tolerance of target.
	<b>Cautionary Under Performance</b> – the indicator is moderately under performing. Whilst the indicator has slipped from target it maybe a minor blip overall or minor action will remedy it.
	<b>Under Performance</b> – the indicator is under performing against target.
	<b>Missing Data</b> – the indicator is missing data, this could be due to lag in data in the way the information is collated, or because its currently unavailable.
<b>N/A</b>	<b>Not Applicable</b> – no comparable data available. This could be due to the methodology being change or being a new measure created.

**APPENDIX 1: Performance Measures mid-year performance (1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019)**

Environment, Health and Housing						
Local Key Performance Indicators	Frequency	Good Performance Is	APR 2017 MAR 2018	APR 2018 MAR 2019	Year-end Target	Performance Status
<a href="#">PM104 Total cases homelessness prevented, able to remain in own home</a>	Quarterly	Bigger is Better	28	<b>31</b>	30	
<a href="#">PM105 Total cases homelessness prevented, assisted to obtain alternative accommodation</a>	Quarterly	Bigger is Better	26	<b>73</b>	28	
<a href="#">PM106 Homelessness relieved (decision made assisted to find accommodation)</a>	Quarterly	Bigger is Better	15	<b>83</b>	10	
<a href="#">PM108 % of the total DFG Budget committed</a>	Quarterly	Bigger is Better	100	<b>100</b>	100	
<a href="#">PM109 Percentage of food hygiene interventions completed (Category A to D)</a>	Quarterly	Bigger is Better	100	<b>100</b>	90	
<a href="#">PM25: % of premises scoring 3 or higher on the food hygiene rating scheme</a>	Quarterly	Bigger is Better	93	<b>96</b>	85	
<a href="#">PM28: Number of households living in temporary accommodation at the end of the quarter</a>	Quarterly	Smaller is Better	8	<b>14</b>	15	
<a href="#">PM29a: Total number of housing advice cases</a>	Quarterly	Bigger is Better	517	<b>802</b>	500	
<a href="#">PM29c Total number of homeless presentations</a>	Quarterly	Bigger is Better	89	<b>227</b>	225	
<a href="#">PM70: % of Licensing Act 2003 certificates issued within 3 working days of statutory time scale (Q)</a>	Annual	Bigger is Better	100	<b>100</b>	100	
<a href="#">PM71c: Total % of hackney carriage/private hire vehicle &amp; driver licenses issued within 3 days</a>	Annual	Bigger is Better	100	<b>100</b>	100	
<a href="#">PM72: Percentage of statutory EPA Permitted process inspections completed (quarterly)</a>	Annual	Bigger is Better	100	<b>100</b>	100	
<a href="#">PM73: Percentage of high risk "A" rated health and safety premise inspections completed (quarterly)</a>	Annual	Bigger is Better	100	<b>100</b>	100	
<a href="#">PM97a: The length of time for applicants on the waiting list for a Disabled facility grant (weeks)</a>	Quarterly	Smaller is Better	0	<b>6</b>	0	
<a href="#">PM99: Number households received financial assistance from the council to prevent repossession</a>	Quarterly	Bigger is Better	30	<b>44</b>	30	