

AGENDA

OVERVIEW AND SCRUTINY PANEL

WEDNESDAY, 30 MAY 2018

2.30 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH PE15 8NQ**

Committee Officer: Izzi Hurst
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- 1 Appointment of Chairman for the Municipal Year.
- 2 To receive apologies for absence.
- 3 Appointment of Vice-Chairman for the Municipal Year.
- 4 Previous Minutes. (Pages 1 - 8)

To confirm and sign the minutes of the meeting of 2 May 2018.
- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified.
- 6 Members to declare any interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 7 Housing Enforcement Policy (Pages 9 - 48)

To consider a draft Housing Enforcement Policy to inform the final version being considered by Full Council in July.
- 8 Corporate Enforcement Policy (Pages 49 - 74)

To consider a draft Corporate Enforcement Policy to inform the final version being considered by Full Council in July.

9 2018 Planning Shared Service Annual Review (Pages 75 - 82)

To update Overview and Scrutiny on the Shared Planning Service with Peterborough City Council since it was implemented in Autumn 2015.

10 Draft Overview and Scrutiny Annual Report (Pages 83 - 96)

The Overview and Scrutiny Annual Report reflects what has been undertaken and achieved by the Overview and Scrutiny Committee during 2017/18 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2018/19.

11 Future Work Programme (Pages 97 - 102)

To consider the Draft Work Programme 2017/18 for the Overview and Scrutiny Panel.

12 Items which the Chairman has under item 5 deemed urgent.

Tuesday, 22 May 2018

Members: Councillor C Boden (Chairman), Councillor M Humphrey (Vice-Chairman), Councillor G Booth, Councillor S Clark, Councillor S Count, Councillor D Hodgson, Councillor K Mayor and Councillor K Owen

OVERVIEW AND SCRUTINY PANEL



2 MAY 2018 - 2:30PM

PRESENT: Councillor C Boden, Councillor G G R Booth, Councillor S Clark, Councillor S Count, Councillor D Hodgson, Councillor M J Humphrey, Councillor Mrs K F Mayor, Councillor C C Owen, Councillor A Pugh

MEMBERS IN ATTENDANCE: Councillor Buckton, Councillor Mrs Laws, Councillor Mason, Councillor Oliver and Councillor Seaton.

APOLOGIES: Councillor Count, Councillor Humphrey and Councillor Pugh

OFFICERS IN ATTENDANCE: Gary Garford (Corporate Director), Anna Goodall (Head of Legal and Governance), Phil Hughes (Head of Leisure Services), Izzi Hurst (Member Services and Governance), Carol Pilson (Corporate Director) and Justin Wingfield (Head of Business and Economy)

OSC34/17 APPOINTMENT OF CHAIRMAN FOR THE REMAINDER OF THE MUNICIPAL YEAR

Anna Goodall requested a nomination for Chairman of the Overview and Scrutiny Panel. It was proposed by Councillor Mrs Mayor, seconded by Councillor Owen and resolved that Councillor Boden be elected as Chairman of the Overview and Scrutiny Panel for the remainder of the Municipal Year.

OSC35/17 APPOINTMENT OF VICE-CHAIRMAN FOR THE REMAINDER OF THE MUNICIPAL YEAR

It was proposed by Councillor Mrs Mayor, seconded by Councillor Owen and resolved that Councillor Humphrey be elected as Vice-Chairman of the Overview and Scrutiny Panel for the remainder of the Municipal Year.

OSC36/17 PREVIOUS MINUTES

The minutes of the meeting 19 February 2018 were confirmed and signed, subject to the following comments;

- Councillor Boden stated that the declaration of interest made by Councillor Mason in Minute OSC30/17, should read 'Conservative Club' not 'Group'.

OSC37/17 PROGRESS IN DELIVERING THE ECONOMY BUSINESS PLAN OBJECTIVES 2017-2018

Councillor Boden thanked officers for their comprehensive report and highlighted to Members an update that had been circulated prior to the meeting.

Councillor Boden informed officers that the Committee would discuss individual sections of the report and make comments on these.

Members asked questions, made comments and received responses as follows;

- Councillor Boden highlighted two Key Performance Indicators (KPI's) on pages 14-15 of the Agenda Pack, that were underperforming. He added that whilst the Business Ambassador network is currently below target, the initiative is in its infancy and hopes this will improve next year. Gary Garford thanked Members for considering this and confirmed that even though the initiative is in its infancy, plans are in place to improve performance with this KPI next year.
- Councillor Boden highlighted that by measuring inward investment enquiries, this could be seen as a reactive approach as oppose to actively approaching local businesses. He added that the report notes that enquiries are dependent on external organisations approaching the Council and therefore it is suggested that the Council cannot influence this figure. Gary Garford explained that the purpose of the figure initially was to capture the level of interest in investments in Fenland and added that it varies annually based on external influences and the different markets at that time. He confirmed that the team hope to take a more proactive approach in the future and will be identifying business needs in the Fenland area and pursuing different avenues to solve this. He explained that this is a very difficult item to measure as it is subjective and difficult to control and suggested that next year, this measure could be recorded differently and the target reconsidered.
- Councillor Booth stated that as the KPI only deals with enquiries on investments and not investments that have proceeded, the level of success is not being measured correctly. He asked that in future, the number of businesses locating to Fenland is captured also. Gary Garford said the team are now measuring investments and business expansions in the area however explained that initial enquiries can take a period of years to develop into local business opportunities. He added that whilst these are seen as slow burners, they do have a big impact on the local economy.
- Councillor Mason explained that a survey is currently being carried out on local businesses in Fenland; seeking their views on how the Council can support them. He hopes the results will assist the Council in helping other businesses too.
- Councillor Booth said that whilst it is difficult to measure the number of businesses coming to the area, quantifiable figures will assist Members in seeing progress. Gary Garford confirmed that outcomes will be measured in the future to show the number of jobs created and apprenticeships awarded.
- Councillor Owen reiterated that Members need to know the benefit to local people from investments, in order to measure its success. Gary Garford thanked Councillor Owen for his point and highlighted that local businesses produce a supply chain that affects a wider range of people. For example, one factory may employ twenty-thirty people but its supply chain has a far wider reach locally to other businesses which are enhanced by its existence. He added that the increase of investment to businesses also benefits the Council in relation to the increase in payment of Business Rates.
- Councillor Boden stated that whilst he appreciates the difficulty in obtaining the figures, it would be useful to measure the effectiveness of the Economic Development team by calculating how many jobs have been created or saved in Fenland, as a result of their work. Gary Garford agreed and highlighted to Members the level of inward investments and grants being awarded in the District, with funds being spent on the Wisbech Access Study and Rail Study/Works in Whittlesey and March. He explained that whilst these do not create instant jobs, they will facilitate better transport links and over time could bring other businesses to the area. Gary Garford explained that economic development ratings are subjective and difficult to explain which results in difficulty measuring their effectiveness.
- Councillor Booth asked if the GRANTfinder software discussed on page 18/19 of the Agenda Pack is the same type of software the Council had used previously and eradicated. Gary Garford confirmed the Council had a grant-aid package a number of years ago and at that time, it did not provide many benefits. He added that grants are now more openly available to other teams in the Council and therefore they are trialling the new software for a

year to see its worth. He explained that the GRANTfinder system is very effective in alerting the Council of funds and grants available in the District and is currently proving invaluable to officers.

- Councillor Booth suggested the report could be clearer in showing which bids for funding have been successful and what stage they are at. Justin Wingfield confirmed that the grants listed in the report are an example to Members of the grants available but agreed to improve reporting processes to show this in a clearer manner.
- Councillor Hodgson said he was very pleased with certain figures in the report and asked if other local Sports Clubs had been approached in regards to the grants available on page 20 of the Agenda Pack. Phil Hughes clarified that it is the responsibility of the individual Sports Clubs to apply for funding and therefore if specific Sports Clubs have not been mentioned in the report, they may not have approached the Council for advice on this.
- Councillor Boden said that whilst there are two KPI's underperforming, positives can be found such as the work being carried out in relation to the GRANTfinder software, the expansion of Business networking events taking place and the start of the Business Ambassador's network; which all should improve economic development in the area over time.
- Councillor Booth asked if the Council concentrates enough on the larger picture of economic development or focuses on smaller projects within this. Gary Garford explained it was a balance to concentrate on both the larger objectives and smaller projects but confirmed that no enquiry, however small, is turned away. He said that the team are doing all they can to assist both businesses and regeneration in the area. He added that economic development has three strands; investment, supporting existing businesses and direct intervention such as the Council's own Business Centres. The Council concentrates and priorities all of these areas of economic development.
- Councillor Booth asked how much resource is taken up within the team by holding Business Networking events and Forums and asked if these could be facilitated without using the Economic Development team's resources. Councillor Mason explained that as the new Portfolio Holder for Growth, he is engaging with local businesses through visits and Business Forums and hopes by taking a more proactive approach, this will have a positive effect on development in the District. He reiterated that quantifying the success of this will be difficult but is confident a proactive approach will benefit local businesses over time. Gary Garford said the Whittlesey Business Forum is a very good example of positive engagement with local businesses. He said that less than 10% of businesses are members of the Chambers of Commerce and therefore the Council continue to act as a portal to local businesses and are now making contact with accountants and agents in an attempt to engage business owners. He added that recent Business Seminars had been well attended and had assisted attendees in building their own network of local services and businesses. As a result of this, he hopes that local businesses will now have the confidence to approach the Council when help is needed.
- Councillor Boden asked if Fenland District Council's own business premises contribute towards Economic Development and asked if the Council's management of these premises assist in economic development too. Gary Garford said that in his opinion these premises do improve economic development by providing services to smaller local businesses with attractive rental terms whilst bringing in revenue to the Council. He explained that due to attractive terms, the premises act as incubator units to small businesses which eventually allows them to expand to larger premises therefore helping economic growth. He added that the Mini-Factory Units are ideal for people who require a small workspace away from home and also attracts people relocating their business to Fenland which offers lower rents compared to other areas, such as Cambridge.
- Councillor Booth suggested future KPI's should highlight the number of businesses that have successfully moved and expanded from the Council's premises and asked what was being done to improve the occupancy rate at South Fens Business Centre in Chatteris. Gary Garford said occupancy rates across the Business Centres do fluctuate and the Council is targeting the marketing of South Fens Business Centre to improve this figure.

- Councillor Mrs Mayor asked if figures are available to show the number of businesses that have stayed in Fenland once they have left the Council's business premises and what support is offered to assist with this. Gary Garford explained that whilst Fenland does lack larger commercial units, the Council has a database of potential premises for businesses looking to expand and tries to facilitate these companies remaining in Fenland.
- Councillor Boden said that it would be helpful for officers to provide figures to show the effect and success of these incubator units on economic development.
- Councillor Boden asked what plans were in place to deal with the lack of larger commercial premises in Fenland and whether the Council could facilitate this in some way, perhaps through the Local Plan. He suggested Councillor Mrs Laws could consider as Portfolio Holder for Neighbourhood Planning. Councillor Mrs Laws thanked Councillor Boden for highlighting this and agreed that it is of importance and can be looked into further.
- Councillor Booth asked if the KPI measuring tenant's satisfaction, is necessary to report as this is more of an operational value. Gary Garford explained that this measurement is a Management Performance Indicator (MPI) and shows Members what Management collect in regards to performance data.
- Councillor Boden said the KPI relating to tenant's satisfaction highlights the flexible leases and support the Council offer local businesses. Gary Garford agreed and said the attractive terms appeal to the target market and encourage small businesses to lease these premises.
- Councillor Boden asked whether the Council's activities in respect of Marine Services, are appropriate in promoting economic development in Fenland. Gary Garford said Marine Services benefit the service area by offering employment to local people and the shipping aspect also benefits local companies as commodities coming into Wisbech Port provide a supply chain for other Fenland businesses. He explained that even though it is difficult to influence shipping, the leisure side of Marine Services is an asset to Wisbech and Fenland and provides income from tourism in the area. He said an example of this is the use of local companies to repair boats in Wisbech Yacht Harbour which further improves the supply chain.
- Councillor Booth asked if more focus could be put on agriculture in Fenland as oppose to Marine Services. Gary Garford explained that as the Council owns and operates the Port; it is an asset and therefore reported on.
- Councillor Boden asked for the relevance in reporting the tonnage to Ports and how this improves the economy. Gary Garford explained that Marine Services falls under the remit of Economic Development so is therefore reported on and the service brings income to the Council. Councillor Mason said it is difficult to measure the success of Marine Services as its revenue is intangible such as tourism, business links and supply chains however without one, Fenland would miss out.
- Councillor Booth asked if figures could be provided showing the success of other sectors in the area, such as agriculture and retail. Gary Garford said this data is not readily available as they are not service areas the Council deliver.
- Councillor Boden stated that figures relating to Planning Applications shown on page 48-49 were substantially above target which is positive.
- Councillor Owen asked if Planning Shared Services had affected the application decision making process, as planning officers are less likely to be familiar with the local area and historical applications. Councillor Mrs Laws said that whilst it is not feasible for planning officers to visit every potential site, they do try and ensure that one officer is responsible for an application throughout the entire process from application to discharge of conditions. She added that the planning team is currently stable and will be having a new senior planning officer joining the team soon. Carol Pilson clarified that only two officers from Fenland District Council are shared with Peterborough City Council and the Council see the importance in having our own planning officers on site, making decisions on applications in Fenland. She reiterated that whilst officers cannot be familiar with every site in Fenland, a lot of work is spent researching the history of sites to ensure professional recommendations and decisions are made on every application.
- Councillor Booth asked if any officers from Peterborough City Council assess applications in

Fenland and vice versa. Carol Pilson confirmed that generally applications are assessed individually however there are times where both Fenland District Council and Peterborough City Council utilise each other's skills and expertise in relation to niche applications.

- Councillor Boden said there were no negatives in relation to the KPI's relating to Planning and economic development. He explained that the appropriateness of the Local Plan and how that interacts with the needs of local businesses is very relevant and important to economic development in Fenland.
- Councillor Booth suggested that the Council needs to consider increasing the number of affordable homes in the area as without these, there will be a negative impact on economic development.
- Councillor Hodgson updated Members on his involvement with the Wisbech Access Strategy and informed Members that a Press Release should be circulated soon updating them on the progress. He raised concerns in regards to a potential road development discussed in the report. Carol Pilson reminded Councillor Hodgson to refrain from discussing potential matters that may relate to an Interest he may hold without declaring it to the meeting. Councillor Boden suggested Councillor Hodgson discuss his concerns to officers outside of the meeting.
- Councillor Boden stated that infrastructure improvements are key to economic development and even though these targets are difficult to set, it would be useful to report the stages of achieving each objective. He asked officers to consider the best way to report the progress of objectives on major infrastructure improvements.
- Councillor Booth asked if it was possible to create a KPI that measured congestion times in relation to improvements to highways. Gary Garford said this would not be possible as this information falls under the remit of Highway Services and the Transport Authority and although the Council does benefit from a Transport Manager who has great success in lobbying schemes and gaining funding across the District, the Council can only report what it is accountable.
- Councillor Boden thanked Gary Garford and said Members need to be mindful when considering secondary measures as oppose to the primary measures the Council is solely responsible for. Gary Garford confirmed that the Council have a good working relationship with Cambridgeshire County Council and Cambridgeshire & Peterborough Combined Authority and both listen to any concerns the Council have.
- Councillor Boden reiterated that to measure the success of economic development, KPI's should only relate to the work carried out by Fenland District Council.
- Councillor Booth suggested that putting in place an overriding strategy would assist the Council in achieving their objectives.
- Councillor Mason thanked the Chairman for the points raised during this item, his attention to detail and support today.

The Overview and Scrutiny Panel considered the progress made by the Council in delivering the corporate objectives in the Business Plan and Councillor Boden made the following comment;

'The Committee recognises recent, useful and innovative initiatives undertaken by Fenland District Council to promote economic development and to deliver the Council's Economy Business Plan Objectives. Examples of such beneficial initiatives include positive business engagement through the Business Ambassadors Network, subscribing to the GRANTfinder system and the business networking events now held monthly at, alternately, the South Fens Business Centre and the Boathouse Business Centre.

The Committee is concerned that we are failing adequately to measure the current effectiveness of Fenland District Council's Economy Priority. KPI's need to be reviewed regularly to ensure that they are up-to-date and that they provide a good overall measure of the value added by the work of the teams involved with the Economy Priority. While recognising the difficulty in precisely

quantifying the number of jobs generated or saved by the work of the Economic Development team, the Committee believes that current KPI's fail to give any useful quantifiable measure as to the success, or otherwise, of the work of Fenland District Council in improving employment numbers in the District, which the Committee believes should be seen as one of the Council's key Economic Development Objectives. Having in 'the Number of journeys made by bus and rail users' a performance measure which cannot be fully reported because figures have not been available for several years, suggests that it may have been some time since performance indicators for Economic Development have been systematically reviewed for their relevance and usefulness.

The Committee recommends that those performance measures which relate to the work of the teams involved in the Economy Priority, should be reviewed to ensure that they are useful and up-to-date. The Committee further recommends that one or more performance indicators which more transparently show the number of jobs created or saved in Fenland as a direct result of the work of the Economic Development team would be very helpful.

The Committee would welcome the opportunity later this calendar year, to review improvements made or proposed in the measurements of performance of the Economic Development team.'

(Councillor Owen declared that he was Chairman of Estover Playing Field CIC)

(Councillor Mrs Mayor declared that she is a Member of the Whittlesey Business Forum)

OSC38/17 UPDATE FROM CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY'S OVERVIEW AND SCRUTINY MEETING

Councillor Boden updated Members on the recent Cambridgeshire & Peterborough Combined Authority's Overview and Scrutiny Meeting which took place on 26 March 2018 and was attended by Councillor Boden and Councillor Hodgson.

The agenda items considered at the meeting were;

- Cambridgeshire and Peterborough Strategic Spatial Framework
- Transport Delivery 2018/19
- Digital Connectivity Infrastructure
- University of Peterborough - Interim Accommodation options
- Cambridge City Devolution Housing Programme
- Affordable Housing Programme
- East Cambridgeshire Strategic Community Land Trust Programme- Provision of Loan Facility

*** FOR ADOPTION BY THE COUNCIL ***

OSC39/17 ITEM WHICH THE CHAIRMAN HAS UNDER ITEM 5 DEEMED URGENT.

None

OSC40/17 ECONOMIC DEVELOPMENT UPDATE

Members considered the Confidential - Economic Development Update report.

Members asked questions, made comments and received responses from officers.

The Overview and Scrutiny Panel considered the proposal and provided comments and feedback to help inform the proposed Cabinet and Council reports.

4:30 PM

Chairman

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Agenda Item No:	7	
Committee:	Overview and Scrutiny	
Date:	30th May 2018	
Report Title:	Housing Enforcement Policy	

Cover sheet:

1 Purpose / Summary

- To consider a draft Housing Enforcement Policy to inform the final version being considered by Full Council in July

2 Key issues

- A member Task & Finish group met in 2017/18 to look at issues affecting the private rented sector.
- The findings from that task group and improvement action plan were approved by Cabinet on the 22nd March 2018.
- The task group felt it was important to set out, through a clear policy, the approach the Council will take to enforcement in order to improve the management and condition of the housing stock.
- A draft Housing Enforcement Policy is attached as Appendix A. The policy sets out a balanced approach to enforcement, following the principles set out in the Councils overarching Corporate Enforcement Policy. A community impact assessment has also been drafted at Appendix B.
- The policy aims to ensure that only those landlords who fail to maintain reasonable standards or respond to the Council's regulatory approaches are penalised.
- The Housing Enforcement policy will apply district wide.
- Key features of the policy are:
 - The setting out of the Councils approach to using legislative powers relating to the management and condition of housing stock.
 - Provisions for recovering costs relating to enforcement and regulatory advice wherever possible. This includes introducing charging for non-statutory housing inspections and enforcement costs where a notice needs to be served.
 - The introduction of monetary and civil penalties in relation to carbon monoxide regulations and contravening certain offences under the Housing Act 2004.
 - The use of Rent Repayment Orders where Landlords have committed certain Housing offences.
- Cabinet approved the policy to go out to consultation at its meeting on the 19th April. Consultation commenced on the 23rd April 2018 and closes on the 17th June.

- The policy consultation is being promoted in various ways including the Councils' website, direct mailing, social media and word of mouth.

3 Recommendations

It is recommended that Overview & Scrutiny:

- Comment on the proposed policy to help inform a final version that will be taken to Full Council in July 2018

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Dee Laws
Report Originator(s)	Dan Horn - Head of Housing & Community Support
Contact Officer(s)	Dan Horn as above Sarah Gove - Housing & Communities Manager Richard Cassidy - Corporate Director
Background Paper(s)	Cabinet 22nd March 2018 - Report of the Private Sector Housing Task and Finish Group. Cabinet 19th April 2018 - Housing Enforcement Policy

4 Background

- 4.1 A member task and finish group was formed in 2017/18 to explore issues within the private rented sector. This was following a proposal to consider a selective licensing scheme for Wisbech. The member task and finish group considered the findings along with new powers from government to help tackle issues within the private rented sector.

5 Considerations

- 5.1 The Council has been successful in bidding for additional enforcement resource under the Controlling Migration Fund. This bid has enabled two Private Sector Housing Officers to begin conducting street by street property inspections in Wisbech town properties, identifying and tackling faults and failings in private rented homes.
- 5.2 In order to provide a transparent and consistent approach to enforcement, a Housing Enforcement Policy has been drafted which sets out the Councils approach to using relevant legislative powers and follows the principles of good regulation detailed in the Council's overarching Corporate Enforcement Policy. It is intended that the Housing Enforcement Policy will apply district wide, although the main regulatory focus is currently within Wisbech.
- 5.3 The draft Housing Enforcement Policy incorporates a number of new powers that allow Local Authorities to recover the costs of regulation and enforcement from those Landlords who do not maintain acceptable property or management standards. This helps ensure that those landlords who do comply with the law and the wider Council Tax payer do not have to meet all the costs of Housing regulation.
- 5.4 One particular power, introduced by the Housing & Planning Act 2016, are Civil Penalties which allow Local Authorities to issue penalties of up to £30,000 as an alternative to prosecution for certain specified offences.

- 5.5 There is no prescribed model by which the civil penalty structure can be set, therefore officers have looked at various schemes that have been approved by other Local Authorities and felt an approach developed by Amber Valley Council represented the most structured and easily understandable methodology. The Amber Valley scheme is based upon the existing criminal fine structure already used within the judicial system for related housing offences. This ensures that the Civil Penalty is based upon similar culpability and harm factors which are used to set out the relative seriousness of existing criminal sanctions.
- 5.6 Civil Penalties are subject to an internal appeal; this is a process whereby the owner / agent can make representations which will then be considered by a senior officer. The recipient of the civil penalty then also an opportunity to subsequently refer the matter to the First Tier Tribunal (Property Section) which is part of HM Courts & Tribunals Service.
- 5.7 Other key features of the draft Housing Enforcement Policy include:
- The introduction of monetary penalties for breaches of the Smoke & Carbon Monoxide Regulations 2015, which concerns the provision and maintenance of smoke and carbon dioxide alarms in rented premises.
 - Making a charge for notices and recovering expenses for re-inspection of premises along with charging for non-statutory housing inspections.
 - Applying for Rent Repayment Orders where the landlord has been convicted of a relevant housing offence and it is considered in the public interest to apply for an order.
- 5.8 Although the main provisions of the draft Housing Enforcement Policy relate to privately rented properties, the policy also sets out an enforcement approach relating to Housing Associations/Registered Providers and Owner Occupiers, generally when there are either special or exceptional circumstances requiring intervention.
- 5.9 It should be noted that the Government has proposed that it will be extending the mandatory licensing of Houses in Multiple Occupation scheme, to be less than the 3 storey threshold that currently exists. Once that new legislation comes into effect the Council will implement accordingly including setting a licensing fee based on full cost recovery in accordance with guidance that will be issued.

6 Consultation

- 6.1 Consultation on the policy with stakeholders commenced on 23 April 2018 and closes on 17 June 2018. A final version will be considered by Cabinet and Full Council on 19 July 2018.
- 6.2 The policy consultation has been promoted through the media, the Council's website and social media. Officers have been promoting the policy consultation in their day to day engagement with landlords, agents and tenants. Responses to the consultation are currently low. This could be as a result that the proposed approach to the Council's enforcement work is based on targeting rogue landlords which reflects the feedback from landlords and agents who got involved with both the Selective Licensing consultation and the consultation event that took place as part of the member task group.
- 6.3 However reminders have been sent out through the media and social media along with a direct letter to known landlords and agents. As well as this the National Landlords Association and the Association of Residential Lettings Agents (ARLA)
- 6.4 In terms of proposed amendments / additions to the policy highlighted during the consultation so far:

- A process chart for Civil Penalties to ensure openness and transparency to landlords that may become subject to a civil penalty process.
- Cambridgeshire County Council (CCC) has the delegated authority to enforce private rented properties that do not have an Energy Performance Certificate. However they recognise District Council has more contact with these properties through our core regulatory work and are therefore far better placed to use these enforcement powers. CCC now have member approval to delegate this power to a district council the district council able to retain any fines recovered under fixed penalty notices. Therefore the Council propose to train our regulatory officers to undertake this function accordingly and reflect in the policy.
- An additional enforcement power to fine landlords who do not register with one of the 3 national redress schemes (to place the deposit):
 - Local authorities can impose a fine of up to £5,000 where a lettings agent or property manager who should have joined a scheme has not done so.
 - The authority must give written notice of their intention to impose a penalty setting out the reasons and the amount of the penalty. The lettings agent or property manager will have 28 days to make written representations or objections to the authority, starting from the day after the date the notice of intent was sent.
 - At the end of the 28 day period the enforcement authority must decide, having taken into account any representations received, whether to impose the fine and, if so, must issue a final notice to the lettings agent or property manager giving at least 28 days for payment to be made.
- These changes will be reflected within the final draft for consideration along with other changes that are made to reflect the feedback from the consultation.

Appendix A: Housing Enforcement Policy



Appendix A

1 Introduction

- 1.1 The aim of this policy is to allow the consistent and fair enforcement of housing legislation to raise standards in the private housing sector.
- 1.2 The policy is based around the Regulators' Code which this Authority has adopted. The general principles of good enforcement, which are set out in the council's Corporate Enforcement Policy are to be adhered to by the council in its housing enforcement activities and when carrying out enforcement we will have regard to all legal requirements which may apply to our actions.
- 1.3 All enforcement decisions and actions will be made having due regard to the provisions of equal rights and anti-discrimination legislation. Local Authorities have extensive powers to intervene where they consider housing conditions are unacceptable. The options are mostly contained in the Housing Act 1985, the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004. These interventions include:
 - enforcement activity (e.g. serving notices on owners to defer action, repair, demolish or prohibit the use of dwellings);
 - slum clearance;
 - compulsory purchase order (e.g. for empty homes);
 - renewal areas;
 - works in default;
 - disabled facilities grants; and
 - private sector renewal grants.
- 1.4 Enforcement of housing standards is an integral part of meeting the council's statutory duties in relation to Private Sector Housing. This policy applies to Housing Associations (Registered Providers) as well as private sector landlords.
- 1.5 This policy sets out to ensure the Council undertakes its housing enforcement role in a consistent, practical, open and transparent manner. When an officer is dealing with a property which is below acceptable standards, this housing enforcement policy will be followed.
- 1.6 The policy takes into account the Code of Practice for Crown Prosecutors.
- 1.7 This policy sets out the current regulatory legislation that the Council has at its disposal to use. It may be other legislation or regulation will come into operation before this policy is updated and the Council reserves the right to do so if the legislation allows.
- 1.8 The fees and charges laid out in the policy will be reviewed on an annual basis as part of the fees and charges setting Council process.

2 What to expect from the Private Sector Housing Team

- 2.1 Landlords
- 2.2 We will advise you of the legislation and help you understand how you can comply with it.

- 2.3 We will advise you as to what action you need to take to comply with the legislation and ask you to respond with your proposal of how you intend to comply within a reasonable timescale.
- 2.4 If we are satisfied with your proposal we will work with you to comply within agreed timescales.
- 2.5 If we are not satisfied with your proposal or how the work is progressing we will initiate formal action by either the service of a notice, carrying out works in default and/or prosecution; either via the criminal or civil route.
- 2.6 In making the decision to prosecute we will have regard to how serious the offence is, the benefit of prosecution and whether some other action would be better.
- 2.7 A charge will be made for the service of a notice.
- 2.8 Tenants
- 2.9 We will expect you to advise your landlord, in writing, of the issues within your property before contacting us.
- 2.10 We will advise you as to what action we can take and advise you of the expected timescales.
- 2.11 We will expect you to cooperate with the landlord to get the works carried out and to advise us of any action taken by the landlord.
- 2.12 Engagement with the Private Sector Housing team is to ensure house condition improvement only and is not intended to increase priority on the housing register
- 2.13 Owners
- 2.14 We will expect owners to maintain the properties they live in.
- 2.15 Enforcement action will be considered if there is a serious risk to a person's health and/or the property is causing a statutory nuisance to neighbouring properties.
- 2.16 Where there are safeguarding concerns, or where it is considered enforcement is not appropriate, the council will consider alternative interventions.
- 2.17 Owners of Empty Homes
- 2.18 We will work with owners of empty homes to bring empty homes back into use. Incentives may be available to owners to make their empty homes available to the council in discharging their statutory Homelessness duties.
- 2.19 Where properties remain empty for a period of 2 years or more, Enforcement action (Compulsory Purchase Order, Empty Dwelling Management Order, and Enforced Sale) will be considered if an owner does not cooperate and the empty property has an impact on the neighbourhood.

3 Legislation

- 3.1 The Housing Act 2004, ("the Act"), together with Regulations made under it, prescribes the Housing Health and Safety Rating System as the means by which Local Authorities assess housing conditions and decide on action to deal with poor housing.
- 3.2 It is a risk assessment system of the likely effect of housing conditions on the health of occupiers. 29 potential hazards are assessed and scored for their severity.
- 3.3 The scores for each hazard are ranked in Bands. Hazards falling into Bands A to C are more serious, and are classed as Category 1. Less serious hazards fall into Bands D to

J, and are classed a Category 2. The council must take appropriate action in respect of a Category 1 hazard, and may do so in relation to Category 2 hazards.

- 3.4 A 'Category 1 hazard' arises when a hazard reaches a score of 1000 or more under the Housing Health and Safety Rating System. A 'Category 2 hazard' arises when a hazard reaches a score of 999 or less under the Housing Health and Safety Rating System.
- 3.5 The score is based on the risk to the potential occupant who is most vulnerable to that hazard. However, in determining what action to take, the council will not only take account of the score, but also whether the council has a duty or discretion to act, the views of occupiers, the risk to the current and likely future occupiers and visitors and the presence of other significant hazards in the property.
- 3.6 The Housing and Planning Act 2016 confers additional enforcement powers as described in this Policy.

4 Statutory Action

- 4.1 The Housing Act 2004 is the principal Act covering statutory action. If a Category 1 hazard is identified, the council has a duty to require the owner to remedy the defect. The council has discretionary powers to deal with Category 2 hazards and the most appropriate course of action will be decided on a case-by-case basis. Where an improvement notice is served, the council will require sufficient works to abate the hazard for five years.
- 4.2 It is for the council to determine the most appropriate course of action in relation to the hazard in all circumstances. Consideration is to be given to all relevant factors of the case, to published guidance from central government & professional organisations and to the views of owners and tenants, before formal action is taken.
- 4.3 There are a number of different notices available to the council which requires a person, business or organisation to comply with specific requirements relating to Category 1 and 2 hazards:

5 Hazard Awareness Notice

- 5.1 Hazard Awareness Notice relating to Category 1 Hazards; section 28
- 5.2 Hazard Awareness Notice relating to Category 2 Hazards; section 29
- 5.3 This is used where a hazard has been identified but it is not necessarily serious enough to take more formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if the situation is considered serious enough for follow up inspections to be made. This notice is not registered as a land charge and has no appeal procedure.

6 Improvement Notice

- 6.1 Improvement Notices relating to Category 1 Hazards; section 11
- 6.2 Improvement Notices relating to Category 2 Hazards; section 12
- 6.3 An improvement notice will provide the most appropriate action for most Category 1 hazards where reasonable remedial works can be carried out to reduce the hazard sufficiently.

7 Prohibition Order

- 7.1 Prohibition Orders relating to Category 1 Hazards; section 20
- 7.2 Prohibition Orders relating to Category 2 Hazards; section 21
- 7.3 A prohibition order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical e.g. where there is inadequate natural light to a room or no protected means of escape in case of fire. The order may prohibit the use of part or all of a premises for some or all purposes. It may also be used to limit the number of persons occupying the dwelling or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.

8 Suspended Notices & Suspended Prohibition Orders

- 8.1 Suspension of Improvement Notice; section 14
- 8.2 Suspension of Prohibition Order; section 23
- 8.3 These may be suspended where enforcement action can safely be postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes may be taken into account. These may also be used where there is programmed maintenance. The suspensions must be reviewed at least every 12 months. The advantage of suspending a notice is that there is a record of the Local Housing Authority's involvement and the situation must then be reviewed. It is also recorded as a land charge.

9 Emergency Remedial Action, Section 40

- 9.1 When the council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers or visitors and no Management Order is in force under Chapter 1 or 2 of Part 4 of the Act. Emergency Remedial Action may be taken by the Authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats. The action will be whatever remedial action the council considers necessary to remove an imminent risk of serious harm.
- 9.2 This is likely where the council considers it is immediately necessary to remove the imminent risk of serious harm, there is no confidence in the integrity of any offer made by the owner to immediately address the hazard, and the imminent risk of serious harm can be adequately addressed through remedial action to negate the need to use an Emergency Prohibition Order. If this action is taken, a notice will be served within 7 days of taking the Emergency Remedial Action, detailing the premises, the hazard, the deficiency, the nature of the remedial action, the date action taken, and the rights of appeal.

10 Emergency Prohibition Orders, s.43

- 10.1 When the council is satisfied that a Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers of those or any other residential premises and no Management Order is in force under Chapter 1 or 2 of Part 4 of the Act, action may be taken by the Authority in respect of one or more Category 1 hazards on the same premises or in the same building containing one or more flats. The order specifies prohibitions(s) on the use of part or all of the premises with immediate effect.

10.2 This is likely where the imminent risk of serious harm cannot be adequately addressed through the use of emergency remedial action for whatever reason. Where this action is taken the council will, if necessary, take all reasonable steps to help the occupants find other accommodation when the tenants are not able to make their own arrangements.

11 Demolition Order, S.46 (Housing act 2004), Part 9 (Housing Act 1985)

11.1 When the council is satisfied that a Category 1 hazard exists in a dwelling or HMO which is not a flat, and a Management Order is not in force, or in the case of a building containing one or more flats where the council is satisfied that a Category 1 hazard exists in one or more of the flats contained in the building or in any common parts of the building, and the circumstances of the case are circumstances specified or described in an Order made by the Secretary of State. At the time of writing this policy, no such order has been made.

12 Clearance Areas, s.47 (Housing Act 2004), Part 9 (Housing Act 1985)

12.1 This may be declared when the council is satisfied that each of the residential buildings in the area contains a Category 1 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area, or when the council is satisfied that the residential buildings in an area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their bad arrangement or the narrowness or bad arrangement of the street and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area.

13 Statement of Reasons

13.1 All Notices and Orders will have a Statement of Reason attached to them as appropriate. The Statement should include why one type of enforcement was taken over another. A copy of the Statement must accompany the Notice or Order. Before formal enforcement action is taken regarding a fire hazard in a House of Multiple Occupation, the council will consult with the Fire Authority regarding works required to abate the hazard.

14 Rights of appeal

14.1 There is a right of appeal against most notices, orders or decisions made by the council. Where there is an appeal, the appropriate authority may confirm, quash, vary or suspend any notice, order or decision.

15 Vacated Premises

15.1 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 the notices or orders may be varied, suspended or revoked. The council will seek to deter

landlords from undertaking retaliatory eviction and will not consider that removal of a tenant achieves compliance with any Notice served, except in overcrowding situations where it was a specific requirement of the notice.

16 Charging for Notices and Recovery of Costs

- 16.1 Local Authorities can make a charge as a means of recovering expenses incurred in:
- serving an Improvement Notice,
 - making a Prohibition Order,
 - serving a Hazard Awareness Notice,
 - taking Emergency Remedial Action,
 - making an Emergency Prohibition Order
 - or making a Demolition Order under the Housing Act 2004.
- 16.2 These costs are in relation to re-inspection of premises, the subsequent consideration of action to be taken and the service of Notices etc. No maximum charge has been set by a Government in England. In Fenland the standard charge for a Housing Act Notice will be £240 for each Notice or Order made. This charge has been calculated using an officer's hourly rate of £60.
- 16.3 In accordance with Sections 49 and 50 of the Housing Act 2004, the council will exercise the right to charge and recover the reasonable expenses incurred in taking enforcement action when serving the following notices:
- an improvement notice;
 - a hazard awareness notice;
 - a prohibition order;
 - a suspended improvement notice or suspended prohibition order;
 - emergency remedial action notices;
 - making an emergency prohibition order; and
 - making a demolition order
- 16.4 Costs will only be waived in exceptional circumstances such as deficiencies caused by tenant neglect and owner occupied premises and only at the discretion of the Council
- 16.5 From the time the notice charge is issued to the landlord for payment a legal charge will be registered against the property which is a local land charge. The charge will remain on the property until the sum is repaid in full.
- 16.6 When enforcement costs exceed £500 (as a result of multiple notices having been served), the council will normally exercise its rights and remedies under the Law of Property Act 1925 (c.20) which includes by deed having powers of sale and lease, or accepting surrenders of leases and of appointing a receiver to recover costs.
- 16.7 When enforcement costs do not exceed £500, the council will seek to recover enforcement costs through the small claims court and will use court remedies such as the use of the court bailiff to recover enforcement costs.
- 16.8 The council will make a charge to cover the cost of carrying out a review of Suspended Improvement Notices or Suspended Prohibition Orders, and for serving a copy of the

council's decision on a review and that charge will also be registered as a charge against the property.

- 16.9 All enforcement costs incurred and recovered will be based upon the activities listed within section 49 of the Housing Act 2004, and will be charged at an hourly rate. The hourly rate will be based on the actual cost incurred to the council of performing the chargeable activity.
- 16.10 Works in Default of a Statutory Notice
- 16.11 The council will consider undertaking Works in Default of a statutory notice, either with or without agreement, subject to the following conditions:
- 16.12 The person responsible for undertaking the works has not complied with the enforcement notice to which the works relate; and
- 16.13 Works in default powers are provided by the specific legislation being used in relation to the case; and
- 16.14 The council will register a charge against the premises for the costs incurred in undertaking the works.
- 16.15 In the majority of cases the council will seek to recover the costs incurred in undertaking works.

17 Non-Statutory Inspection Charges

- 17.1 The Private Sector Housing team will charge for inspections that are non-statutory. These include inspections relating to fitness of dwellings for the purposes of immigration requests and requests for advice from stakeholders in relation to duties under the Housing Act 2004. The cost for this service will be charged at £60 per hour in line with officers' hourly rate as detailed in the fee matrix in Appendix 2.

18 Right to Rent Legislation

- 18.1 Under the Right to Rent, introduced in the Immigration Act 2014, private landlords, including those who sub-let or take in lodgers, must check the right of prospective tenants to be in the country to avoid being issued with a penalty of up to £3000 per tenant. Enforcement rests with the Home Office.

19 Issuing Monetary and Civil Penalties

Smoke & Carbon Monoxide Regulations 2015

- 19.2 These regulations were introduced to ensure that private sector landlords install and maintain at least one smoke alarm on every story of their rented properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire or wood burning stove).
- 19.3 It also makes it the landlords' responsibility to ensure that the alarms are in working order at the start of each new tenancy. In addition, the regulations amend the conditions which must be included in a licence under Part 2 or 3 of the Housing Act 2004 ("the 2004 Act") in respect of smoke and carbon monoxide alarms.

- 19.4 The enforcement authorities (local authorities) are required to issue a remedial notice where they have reasonable grounds to believe a landlord has not complied with one or more of the requirements of the regulations.
- 19.5 The landlord must comply with the notice within 28 days. If they do not, the local authority must carry out the remedial action (where the occupier consents) to ensure the requirements in the regulations are met and can issue a civil penalty of up to £5,000. Penalty charges for non-compliance are as follows:

First Offence	£1,500	Reduced to £750 if paid within 14 days
Second Offence	£3,000	No reduction for early payment
Additional Offences	£5,000	No reduction for early payment

- 19.6 In determining the level of the fixed penalty notice the Council has considered the likely costs it will incur and the amount required sufficient to provide a deterrent to non-compliance. Increasing the fine for a second or third offence reflects the seriousness of the offence and is designed to deter repeat offending.
- 19.7 While these charges are set as standard, a landlord may seek to review a penalty charge notice within 28 days by service of notice on the Council. A senior officer not directly involved in the service of the original notice, usually the Housing & Communities Manager will carry out this review. The reviewing officer will consider the representations made by the landlord and decide whether to confirm, vary or withdraw the penalty charge notice.
- 19.8 In doing so the reviewing officer will have regard to the amount required for the Council to recover its costs and that the Council has considered and agreed a level of fine that it considers is sufficient to provide a deterrent to non-compliance. After reviewing the fixed penalty notice the reviewing officer will inform the landlord by service of notice of their decision. The 50% reduction for a first offence will apply to any revised charge set should payment be within 14 days of service of the revised notice.

Civil Penalties

- 19.9 The Housing & Planning Act 2016 introduces a range of measures to crack down on rogue landlords including the power for Councils to issue Civil Penalties of up to £30,000 as an alternative to prosecution for certain specified offences.
- 19.10 This power came in to force on 6 April 2017 and was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.
- 19.11 Income received from a Civil Penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector.
- 19.12 A civil penalty may be imposed as an alternative to prosecution for the following offences under the Housing Act 2004:
- Failure to comply with an Improvement Notice (section 30)
 - Offences in relation to licensing of Houses in Multiple Occupation (section 72)
 - Offences in relation to licensing of houses under Part 3 of the Act (section 95)

- Offences of contravention of an overcrowding notice (section 139)
 - Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)
- 19.13 The amount of penalty is to be determined by the Council in each case. In determining an appropriate level of penalty, the Private Sector Housing Enforcement Team will have regard to statutory guidance given in the DCLG publication 'Civil Penalties under the Housing and Planning Act 2016'.
- 19.14 Only one penalty can be imposed in respect of the same offence and a civil penalty can only be imposed as an alternative to prosecution. However, a civil penalty can be issued as an alternative to prosecution for each separate breach of the House in Multiple Occupation management regulations. Section 234(3) of the Housing Act 2004 provides that a person commits an offence if he fails to comply with a regulation. Therefore, each failure to comply with the regulations constitutes a separate offence for which a civil penalty can be imposed.
- 19.15 The same criminal standard of proof is required for a civil penalty as for prosecution. This means that before taking formal action, the Council must satisfy itself that if the case were to be prosecuted in a magistrates' court, there would be a realistic prospect of conviction.
- 19.16 In order to achieve a conviction in the magistrates' court, the Council must be able to demonstrate beyond reasonable doubt that the offence has been committed.
- 19.17 Determining the Sanction
- 19.18 The following principles will apply to each case to be considered in relation to a Civil Penalty;
- Each case will be considered on its own merits
 - There must be sufficient, reliable evidence to justify the action taken
 - The action taken must be in the public interest
 - Any mitigating circumstances will be considered
 - The decision to prosecute an individual is a serious step and has serious implications for all involved. Decisions to prosecute should always be fair and consistent.
- 19.19 Factors to be taken into consideration when Determining the Penalty
- 19.20 In accordance with the statutory guidance, the Council will consider the following factors to help ensure that the civil penalty is set at an appropriate level:
- Severity of the offence. The more serious the offence, the higher the penalty should be.
 - Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
 - The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
- 19.21 A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at

a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

19.22 The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

19.23 While the fact that someone has received, a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that:

- the local housing authority is proactive in levying civil penalties where the need to do so exists and
- that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

19.24 The guiding principle should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

19.25 Penalties Structure:

- For the purpose of the offence the following three steps below shall be used to determine the level of fine to issue.

Step One:

- A decision shall be made, by first considering the culpability factors below.

Serious breach of legislation	Very High
History of failing to comply with legislation	High
An act or omission that a reasonable person would not commit	Medium
Effort was made to comply but was insufficient	Medium
Minor failings due to an isolated incident	Low

- The harm factors should then be considered and given a category below. Consideration to be given to the likelihood of actual harm occurring due to the breach, and the severity of that harm.

Serious adverse effect on individual or high risk of adverse effect	Cat 1
Adverse effects, lesser than above. Medium risk of adverse effect, or low risk but of serious effect. Tenant seriously misled.	Cat 2
Low risk of an adverse effect.	Cat 3

Step Two:

- The Standard Scale (Criminal Justice Act 1982) has been used as reference and converted below to provide a point scale within the range of the civil penalty.

- 1. £1-£500
- 2. £501 - £1000
- 3. £ 1001-£2500
- 4. £2501 - £7000
- 5. £7001 – 17000
- 6. £17001-£30000

19.26 The table below indicates the level at which the fine should be imposed by considering culpability and harm

Culpability	Harm Cat 1	Harm Cat 2	Harm Cat 3
Very High	6	5	4
High	5	4	3
Medium	4	3	2
Low	3	2	1

19.27 The following factors shall be considered, along with any other relevant information, which may be used to justify an upward or downward adjustment.

- Factors increasing seriousness
- Statutory aggravating factors

19.28 Previous convictions, having regard to

- the nature of the offences to which the conviction relates and its relevance to the current offence; and
- the time that has been elapsed since the conviction
- Offence committed whilst on bail
- Other aggravating factors include (this is not an exhaustive list):
 - Motivated by financial gain
 - Deliberate concealment of illegal nature of activity
 - Established evidence of wider/community impact
 - Obstruction of justice
 - Record of providing substandard accommodation
 - Refusal of free advice
- Factors reducing seriousness or reflecting personal mitigation (this is not an exhaustive list):
 - No previous convictions or no relevant/recent convictions
 - Steps voluntarily taken to remedy problem
 - High level of co-operation with the investigation, beyond that which will always be expected
 - Good record of maintaining property/member of Accreditation scheme

- Self-reporting, co-operation and acceptance of responsibility
 - Good character
- 19.29 The Council shall submit a request to the offender, to provide any financial information that they feel shall influence their ability to pay a high fine. This will be taken into consideration if it appears reliable. If no information is provided then the Council will consider any information known to them regarding the offender, consider this when making a decision regarding the level of fine.
- 19.30 The Council will issue the person deemed to have committed a relevant offence a notice of its proposal ('notice of intent') to impose a financial penalty. This will set out;
- The amount of the proposed financial penalty;
 - The reasons for proposing to impose the penalty;
 - Information about the right of the landlord to make representations.
- 19.31 The notice of intent must be given no later than 6 months after the Council has sufficient evidence of the conduct to which the penalty relates, or at any time when the conduct is continuing.
- 19.32 A person who is given a notice of intent may make written representations to the Council about the intention to impose a financial penalty within 28 days from the when the notice was given.
- 19.33 Where written representations are made, a senior officer not previously involved with the case will consider the appeal. This will usually be the Head of Housing and Community Enforcement or another relevant officer at this level within the Council's structure. The decision of the senior officer will set out their reasons for making their decision clearly and the following options will be available to them;
- Withdraw a notice of intent or final notice; or
 - Reduce the amount specified in a notice of intent or final notice
 - Uphold the original decision to issue the notice of intent
- 19.34 At the end of the 28-day period, the Council will decide whether to impose a penalty and, if so, will set the amount of the penalty. If the decision is made to impose a financial penalty, we will give the person a final notice requiring that the penalty is paid within 28 days. The final notice will include the following information;
- The amount of the financial penalty;
 - The reasons for imposing the penalty;
 - Information about how to pay the penalty;
 - The period for payment of the penalty (28 days);
 - Information about rights of appeal; and
 - The consequences of failure to comply with the notice.
- 19.35 A person who receives a final notice may appeal to the First-tier Tribunal (Property Chamber) against:
- The decision to impose a penalty; or
 - The amount of the penalty.
- 19.36 In these circumstances, the final notice is suspended until the appeal is determined or withdrawn.

20 Rent Repayment Orders

- 20.1 A Rent Repayment Order is defined in section 40(2) of the Housing and Planning Act 2016 as an order requiring the landlord under a tenancy of housing to :
- repay an amount of rent paid by a tenant, or
 - pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.
- 20.2 The reference to universal credit or a relevant award of universal credit includes housing benefit under Part 7 of the Social Security Contributions and Benefits Act 1992 pending its abolition. The Council as the local housing authority has a duty under section 48 of the Housing and Planning Act 2016 to consider applying to the First-tier Tribunal ('the Tribunal') for a Rent Repayment Order in cases where an offence from the list below has been committed.
- 20.3 Offences for which a Rent Repayment Order can be obtained:-
- Failure to comply with an Improvement Notice, contrary to section 30(1) of the Housing Act 2004 (served under the Housing Act 2004)
 - Failure to comply with a Prohibition Order etc., contrary to section 32(1) of the Housing Act 2004 (served under the Housing Act 2004)
 - Being a person having control of or managing a house in multiple occupation (HMO) which is required to be licensed under Part 2 of the Housing Act 2004 but which is not so licensed, contrary to section 72(1) of the Housing Act 2004
 - Being a person having control of or managing a house which is required to be licensed under Part 3 of the Housing Act 2004 but is not so licensed, contrary to section 95(1) of the Housing Act 2004
 - Using violence to secure entry to a property, contrary to Section 6(1) of the Criminal Law Act 1977
 - Illegal eviction or harassment of the occupiers of a property, contrary to section 1(2), (3) or (3A) of the Protection from Eviction Act 1977
 - Breach of a banning order made under section 21 of the Housing and Planning Act 2016 (not yet in force but scheduled to be 1 October 2017)
- 20.4 The offences under the Housing Act 2004 must relate to hazards within occupied premises and not common parts only. The offence must have been committed on or after 6th April 2017. A RRO can be applied for whether or not the landlord has been convicted.
- 20.5 Where there has been a conviction, a certificate of conviction will suffice to establish commission of the specified offence. In the absence of a conviction, the Tribunal will need to be satisfied beyond reasonable doubt that the landlord committed the specified offence. Officers shall have regard to the Crown Prosecution Service Code for Crown Prosecutors (see [Code for Crown Prosecutors](#)) in order to establish whether there is likely to be sufficient evidence to secure a conviction and therefore to establish the necessary burden of proof to the Tribunal.
- 20.6 In deciding whether to apply for a RRO, the Council must under section 41(4) of that Act have regard to any guidance issued by the Secretary of State (see the DCLG document 'Rent Repayment orders under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities' - [Rent Repayment Orders Guidance](#)).
- 20.7 Council officers may offer advice to tenants who are eligible to claim a RRO in respect of rent paid themselves but in such cases, the tenant will usually be referred direct to the Citizen's Advice Bureau or other appropriate bodies for further support.
- 20.8 Council officers are granted powers and duties to deliver proportionate and targeted enforcement. It is vital that regulatory resource is used consistently and to best effect by

ensuring that resources are targeted on addressing the highest risks. The use of RRO's is only to be used where considered appropriate.

- 20.9 The objective of an application for a Rent Repayment Order is not only to issue a punishment as a consequence of non-compliance with the law, but also to deter the offender and others in a similar position from repeat offences.
- 20.10 If a conviction for the offence has been obtained then it is normally expected that a Rent Repayment Order will be pursued where the Council have paid housing benefit, or the housing element of Universal Credit. The Tribunal must, in these cases, order that the maximum amount (12 months) of rent be repaid in these circumstances
- 20.11 The matrix below should be followed to help determine whether to pursue a RRO and the amount of rent to reclaim:

1.	Has the offender been prosecuted and convicted of a relevant offence in Court?	If yes, make an RRO application. If no go to step 2.
2.	Has evidence been obtained from Academy / Benefits to confirm that Housing Benefit has been paid by AVBC over the 12 months?	If no – no case for RRO. If yes, proceed to step 3.
3.	Does the LA have sufficient evidence to prove 'beyond reasonable doubt' that a relevant offence has been committed? Is the evidence reliable? Is there no credible defence?	If no – case closed, do not pursue. If yes, proceed to step 4.
4.	Is it in the public interest to proceed to apply for an RRO? (consider the level of harm that has been caused)	If no – case closed, do not pursue. If yes, proceed to step 5.
5.	Is pursuing an RRO proportionate to the offence?	If no – case closed, do not pursue. If yes, proceed to step 6.
6.	Does the offender have any previous convictions?	If yes – proceed to RRO. If no, proceed to step 7.
7.	Where no previous offence – is the issuing of a RRO likely to deter from future offences?	If yes – proceed to RRO. If no, consider closing and not pursuing.
8.	RRO Would the issuing of a RRO cause substantial hardship to the offender, and are there mitigating circumstances to suggest the LA should not proceed?	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO application
9.	Are there any other factors that would indicate the Council	If Yes, complete notes to

should not proceed with the issuing of the RRO	justify reason not to pursue. If no, proceed to RRO application
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- 20.12 If the conclusion is yes to pursue RRO, then the amount to be reclaimed should be determined by considering the factors in the table below.
- 20.13 If the offender has already been convicted of the offence, then the amount shall automatically be determined as 12 months rental income.
- 20.14 If no conviction has been obtained, but the decision has been made to pursue RRO, the factors in the table below should be considered to determine a sum.
- 20.15 The amount of rent to be repaid cannot exceed the amount actually collected. Where the tenant is in receipt of Universal Credit, the formula provided in the DCLG guidance in relation to RRO's shall be followed.
- 20.16 Factors to influence amount of RRO

1.	Punishment of the offender – the RRO should have a real economic impact on the offender and demonstrate consequences of non-compliance with their responsibilities. Consider the conduct of landlord and tenant, financial circumstances of landlord and whether landlord has previous convictions
2.	Deter the offender from repeating the offence – level of RRO must be high enough to deter offender from repeating
3.	Dissuade others from committing similar offences – RRO will be in the public domain. Robust and proportionate use is likely to help others comply with their responsibilities.
4.	Remove any financial benefits that the offender may have obtained as a result of the offence – landlord should be losing the benefits that he has accrued whilst not complying with their responsibilities
5.	Is there any other factors the Council considers should be taken into account.

- 20.17 Consideration of the above points will determine whether the full amount of rent should be reclaimed or whether there are mitigating circumstances, this will depend on the severity of the offence and whether this justifies 12 months of non-payment of rent.
- 20.18 If there are mitigating circumstances, then a deduction should be applied from the full 12 months. The amount payable under a RRO is recoverable as a debt.

21 Owner Occupiers

- 21.1 Other than in exceptional circumstances, the council expects owner-occupiers, including long leaseholders, to take their own action to remedy hazards at their own properties the Council will decide whether there are exceptional circumstances in a particular case to justify intervention.

- 21.2 Occasions will arise whereby Category 1 hazards are identified in owner occupied properties where the owner is not eligible for financial assistance, is unwilling to use financial assistance, or where no financial assistance is available from the council. The duty to take action, as required under Section 5 of the Housing Act 2004 still applies.
- 21.3 However it would not generally be in the public interest to enforce compliance unless the hazard in question was adversely affecting an adjoining property or was endangering the health And safety of the public or visitors to the property (such as Postal Service workers).
- 21.4 Where it appears that there would otherwise be little prospect of such a hazard being remedied within the forthcoming 12 months (for example through a grant to install central heating / insulation to remedy the hazard of excess cold) then the hazard will be brought to the attention of the owner by the service of a Hazard Awareness Notice. No charge would generally be made for the service of such a notice. This fulfils the council's duty under section 5 of the Housing Act 2004 but has no subsequent enforcement consequences.
- 21.5 In some exceptional cases, in line with the guidance given by the HHSRS Enforcement Guidance, it will be necessary to serve an Improvement Notice or Suspended Improvement Notice in respect of hazards in owner occupied properties. No charge would generally be made for the service of such a notice and the Service will work with the owner to offer advice and assistance in complying with the requirements of the notice. Other examples of exceptional cases where the council may take enforcement action include:
- Vulnerable elderly people who are judged not-capable of making informed decisions about their own welfare.
 - Vulnerable individuals who require the intervention of the council to ensure their welfare is best protected.
 - Hazards that might cause harm to persons other than the occupants.
 - Serious risk of life-threatening harm such as electrocution or fire.
 - Any other exceptional case determined by the Housing & Communities Manager.#

22 Housing Associations/Registered Providers (RP)

- 22.1 RP exist to provide suitable and properly maintained accommodation for their tenants. They are managed by Boards (which typically include tenant-representatives) and their performance is scrutinised by the Homes England. RPs normally employ staff to both manage and maintain their properties and will usually have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service-failure.
- 22.2 On this basis the council will not normally take formal action against an RP unless:
- They are satisfied that the problem in question has been properly reported to the RP; and
 - The RP has then failed to take appropriate action within a reasonable timescale, taking into account its published or other realistic response targets.
- 22.3 If the council determines that it is appropriate to take action it will then normally notify the RP that a complaint has been received and/or a hazard identified and seek the RPs comments and proposals. Only in cases where it judges that an unsatisfactory response has been received will the council take further action, and will then determine which of

the available enforcement options is the most appropriate, taking into account the facts of the case.

- 22.4 Where we have identified hazards and the Registered Provider has a programme of works to improve or make their stock decent, the officer will take into account the programme when determining the most appropriate course of action, and will liaise with the RP over any works necessary to deal with category 1 and 2 hazards in advance of the planned improvements. In particular, with the Space and Crowding hazard, account will be taken of the availability of suitable alternative accommodation and the priority given to the allocation of alternative accommodation for tenants living in overcrowded conditions which are the subject of a Category 1 or high Category 2 hazard.

23 Management Orders

- 23.1 If a property should be licensed, but for whatever reason(s) there is no reasonable prospect of granting a licence, the council must introduce a Management Order. The council also has a duty to make an Order where the health and safety condition as described in the Section 104 of the Act is met. Similarly, the council can also decide to take over the management of some empty properties in order to bring them back into use and those properties where it is decided the council should intervene for anti-social behaviour reasons.
- 23.2 Management Orders effectively mean that the council (or its Agent) takes over the running of the property as if it were the landlord, including collecting rents, forming tenancies, carrying out repairs and other management matters; the duties vary between the different orders that can be made. This does not affect the ownership of the property; the owner retains certain rights depending on the type of order including receipt of surplus rental income. Relevant costs are recoverable.
- 23.3 Schedule 3 of the Housing and Planning Act 2016 amends the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made.
- 23.4 An Interim Management Order (IMO) lasts for no longer than 12 months and will be made on a property if it is a licensable HMO but does not have a licence. The council must make an IMO if they do not anticipate that the HMO will be licensed in the near future or because the council has revoked the license. The expiry date of the IMO will be determined when it is made.
- 23.5 Final Management Order (FMO) lasts for no longer than 5 years and must be made on expiry of the IMO where a licence cannot be granted. When a FMO expires a new one may be made if necessary.
- 23.6 A Special Interim Management Order (SIMO) is an Order authorised after a successful application to a Residential Property Tribunal (RPT) where circumstances fall within a category of circumstances prescribed by the national authority and it is necessary to protect the health, safety and welfare of occupants, visitors or neighbours. A FMO can follow a SIMO to protect persons on a long term basis as described in the Order.
- 23.7 An Interim Empty Dwelling Management Order (interim EDMO) is an Order authorised after a successful application to a RPT. The dwelling must have been wholly unoccupied for at least two years and there is no reasonable prospect that the dwelling will become occupied in the near future. An interim EDMO enables the council to take steps to ensure, with the consent of the proprietor, an empty dwelling becomes occupied. An interim EDMO lasts no longer than 12 months.

- 23.8 A Final Empty Dwelling Management Order (Final EDMO) may replace an Interim EDMO if the council feels that unless a Final EDMO is in place the dwelling will become or remain empty. Where the dwelling is already unoccupied the council must have taken all appropriate steps under the interim EDMO with a view to ensuring the dwelling becomes occupied. A final EDMO lasts for 7 years; once a Final EDMO expires a new one may be made if necessary. Orders can be varied or revoked in accordance with the provisions of Part 4 of the Act.
- 23.9 The council is under a duty to issue Interim and Final Management Orders where necessary. Officers will instigate this action where necessary but as a last resort.

24 Additional Enforcement Powers

- 24.1 The following tools are also available where the Housing Act 2004 measures are not appropriate, or do not sufficiently deal with the problem.
- 24.2 Environmental Protection Act 1990 Section 80 – Notices can be served if the officer is of the opinion that there is a statutory nuisance at the premises. The premises must be deemed prejudicial to health or a nuisance.
- 24.3 Building Act 1984 Section 59/60- Used to deal with defective drainage issues in existing buildings.
- 24.4 Building Act 1984 Section 64/65- Used where sanitary conveniences are insufficient or in need of replacement and are considered prejudicial to health or a nuisance.
- 24.5 Building Act 1984 Section 76- Used where the property is so defective so as to be prejudicial to health. This notice notifies the person responsible of the local authority's intention to remedy the problem (similar to work in default)
- 24.6 Public Health Act 1936 Section 45- Used where there are defective sanitary conveniences due to their repair and/or cleansing ability. They must be in such a state as to be prejudicial to health or a nuisance
- 24.7 Public Health Act 1936 Section 83- Used where a property is in such a state as to be in a filthy or unwholesome condition or verminous.
- 24.8 Public Health Act 1961 Section 17- Where any drain, private sewer, water closet, waste pipe or soil pipe has not been maintained and can be repaired for less than £250.
- 24.9 Local Government (Miscellaneous Provisions) Act 1976 Section 33- Used where services such as the water supply are due to be, or have been, cut off to a domestic property.
- 24.10 Local Government (Miscellaneous Provisions) Act 1982 Section 29 (Notice of Intended Entry)- Used to prevent unauthorised access (for example broken windows, doors etc.) to get the owner to secure the premises.
- 24.11 Prevention of Damage by Pests Act 1949 Section 4- Used where there is evidence of or harbourage of rats or mice at a property.
- 24.12 Housing Act 1985 (As Amended)- Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding provisions are still available and can be used where the 2004 Act is not sufficient. The other provisions relate to houses in multiple occupation (HMO) and the Housing (Management of Houses in Multiple Occupation) Regulations 1990. These have been revoked with regards to all types of HMO, except certain converted blocks of flats. These regulations can be used to deal with disrepair and management issues of this type of HMO only.

- 24.13 The Management Of Houses In Multiple Occupation (England) Regulations 2006. These regulations have been introduced to deal with all other types of HMO other than those mentioned in above. Therefore, all licensable HMOs, smaller HMOs and flats in multiple occupation are covered by these regulations. Only self-contained flats are exempt as they fall under the regulations mentioned above. The regulations cover the management and repair of the HMO. There are no notice provisions with these regulations therefore if a decision is made to take action under these regulations; the Officer must go straight to prosecution.
- 24.14 The following legislation is also used as part of the day-to-day collection of information, preparing cases for prosecution and gathering evidence.
- Local Government (Miscellaneous Provisions) Act 1976 Section 16- Used to formally request information about a premises or a person.
 - Police and Criminal Evidence Act 1984, Criminal Procedures and Investigation Act 1996, Regulation Of Investigatory Powers Act 2000, Investigatory Powers Act 2016 – used in relation to interviews under caution, prosecution and gathering evidence.
- 24.15 Where housing or other related legislation is introduced which is enforced by the Council and permits the imposition of any monetary penalty or penalty charge the Council will seek to fully implement any duty or power conferred upon it.

25 Powers of entry and power to require Information

- 25.1 Councils have the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004 provided that the officer has:
- Written authority from an appropriate officer stating the particular purpose for which entry is authorised.
 - Given 24 hours' notice to the owner (if known) and the occupier (if any) of the premises they intend to enter.
- 25.2 No notice is required where entry is to ascertain whether an offence has been committed under:
- sections 72 (offences in relation to licensing of HMOs),
 - 95 (offences in relation to licensing of houses) or
 - 234(3) (offences in relation to HMO management regulations).
 - If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.
- 25.3 Councils also have powers under Section 235 of the Housing Act 2004 to require documentation to be produced in connection with:
- Any purpose connected with the exercise of its functions under Parts 1-4 of the Housing Act 2004.
 - Investigating whether any offence has been committed under Parts 1-4 of the Housing Act 2004.
- 25.4 Councils also have powers under Section 237 of the Housing Act 2004 to use the information obtained above and Housing Benefit and Council Tax information obtained by the council to carry out its functions in relation to these parts of the Act.

26 What is expected of tenants

- 26.1 Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problems first. This applies to all tenants. Legislation covering landlord and tenant issues require that tenants notify their landlords of any problems with the property. This is because landlords can only carry out their obligations under the legislation once they have been made aware of the problem. Wherever possible this communication should be done in writing as the documentary evidence will be required by the housing enforcement officers at a later date.
- 26.2 In certain situations tenants will not be required to write to their landlord first, e.g.:
- where the matter appears to present an imminent risk to the health and safety of the occupants;
 - where there is a history of harassment/threatened eviction/poor management practice;
 - where the tenant is old and frail or otherwise vulnerable, e.g. where there are pre-school children in the household;
 - where the tenant's first language is not English and this is likely to cause them difficulty;
 - where the tenant could not for some other reason be expected to contact their landlord/managing agent;
- 26.3 Tenants are responsible for keeping Officers informed of any contact they have had with their landlord (or the landlord's agent or builder, etc.) which may affect the action the council is taking or considering taking.

27 Licensing of houses in multiple occupation

- 27.1 Under the Housing Act 2004 certain types of House in Multiple Occupation (HMO) will require a license to operate. An HMO is a building occupied by more than two households as defined in Part 2 of the Housing Act 2004.
- 27.2 Certain HMO's, as determined by legislation, must be licensed. Regulations and guidance published by the Department of Communities and Local Government will be followed in the administration of the council's HMO Licensing duties and enforcement of satisfactory conditions and standards.
- 27.3 Local Authorities have discretionary powers to licence other HMO's which fall outside the mandatory requirement and other types of residential properties in certain circumstances.
- 27.4 However Fenland District Council has not adopted any licensing scheme other than the national Mandatory scheme for HMO's of 3 or more storey.
- 27.5 The Council currently charges £300 for a 3 storey 5 year HMO licence and £100 for a renewal after 5 years.
- 27.6 There are only 13 currently in the district and the fee charge is based on historical advice that is now outdated and not based on full cost recovery.
- 27.7 The government has announced they will be extending the mandatory scheme to less than 3 storeys. The Council will be setting a new license fee to coincide with this legislative change based on full cost recovery and guidance.

- 27.8 Following licensing, HMOs will be prioritised for assessment under the HHSRS. The owner must deal with all Category 1 hazards within a suitable timescale. If they do not, then the council is expected to use their enforcement powers to improve the property. Applicants will be informed of this requirement when the licence is issued and information made available to help them identify and deal with Category One Hazards.
- 27.9 The council will consider service of a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non- licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances. Where a licensable HMO is not licensed, the landlord cannot serve notice to quit until the HMO is licensed.
- 27.10 Where a landlord fails to licence an HMO, the council can consider taking a prosecution case to the Residential Property Tribunal (RPT). The RPT will replace the courts in judging cases relating to some offences and appeals under the Act.
- 27.11 On conviction for failure to licence, the RPT has the power to make a Rent Repayment Order requiring that up to 12 months' rent is repaid to the tenant or to the council where a tenant is on housing benefits.
- 27.12 The licensee has a right of appeal to the RPT against refusal to licence, licensing conditions and the maximum number of occupiers or households specified on the licence.
- 27.13 Where there is no prospect of an HMO being licensed, the act requires that the council use its interim management powers. This enables the council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the council also having the power to grant tenancies.
- 27.14 If the council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the license conditions or the licensee or manager are no longer fit and proper persons, the licence can be revoked.
- 27.15 The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at the later time.

28 Monitoring and review

- 28.1 In accordance with the Regulators' Compliance Code, the council will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose.

29 Contacts

- 29.1 If you have any comments or queries in relation to this policy, please contact:
- The Housing & Communities Manager at the following address: Fenland Hall, March, Cambs, PE15 8NQ or by telephone: 01354 654321 or by email at privatesectorhousing@fenland.gov.uk

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

INTRODUCTION

From 1st April 2011, the Equality Act 2010 introduced a new legal duty on all public authorities.

The three arms of the act focus on the need for public authorities to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act:
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

The duty means that – as previously – we should analyse the effect of existing and new policies and practices on equality. However it does not specify how we should do this.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation. However, legal cases on the meaning of the previous general equality duty make it clear that we must carry out the analysis **before making the relevant policy decision**. This has not changed.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

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A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Equality Impact Assessment (EqIA)?

- EqIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the protected characteristics as defined in the Equality Act 2010:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships

- This means looking at the three arms of the Equality Act, as set out in the table below, in relation to a policy or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
Disability			
Age			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Gender reassignment			
Sexual orientation			
Marriage and civil partnerships			

- It includes looking for opportunities to promote equality, as well as removing or reducing negative or adverse impacts.

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Why is it important?

- Assessing equality helps us understand the needs of our customers, makes sure our decisions meet those needs, and are also cost effective
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able to show “*due regard*”, we need to show that consideration of equality took place **prior** to a decision being taken; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced.
- Documenting our equality analysis helps the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service ‘hard to reach groups’, customer satisfaction surveys, MOASIC data, consider relevance to equality

2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table. NOTE: The quality of the assessment will depend on the quality of the information gathered

3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination **MUST** be actioned immediately

4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality. the greater the level of detail required. Publish your findings

5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

Equality Analysis Record

Equality Impact Assessment

Title of service or policy	Housing Enforcement
Name of team	Housing and Community Support – Private Sector Housing
Date of assessment	May 2018

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An Equality Impact Assessment is a process of systematically reviewing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

1.	Identify the aims of the policy or service and how it is implemented.
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	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy including:	<p>The aim of the Housing Standards Team is to improve property conditions by removing significant housing related hazards.</p> <p>The Enforcement Policy states how Housing Services will enforce legislation under the Housing Act 2004 and is used in all aspects of the teams enforcement work.</p> <p>The outcome of the policy is for Housing Services to have a consistent, open and justifiable policy for enforcing its duties and powers, many of which come under the Housing Act 2004 and other relevant legislation.</p> <p>The policy also shows how we will have a reasonable approach to enforcement and use our powers in a proportionate manner.</p> <p>The Housing Standards Team has four main areas of work all designed to fulfil our statutory obligations and improve property conditions:</p> <ul style="list-style-type: none"> • Reactive work – responding to service requests and property condition complaints; • Licensing of Houses in Multiple Occupation (HMOs); • Programmed inspections of non-licensable HMOs and other high risk properties. <p>The outcome of the work carried out by the Housing Standards Team is to improve property conditions, reduce significant hazards, improve well being through housing and fulfil the council's statutory functions.</p>
1.2	Provide brief details of the scope of the policy or service being reviewed.	<p>The Housing Enforcement policy is required in order for Housing Services to adequately fulfil its statutory duties.</p> <p>It is essential that Housing Services has an enforcement policy to enable the service</p>

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		<p>to adequately fulfil its requirements under the legislation and to provide openness and transparency to the public on how we work and how we will go about our duties.</p> <p>Our enforcement policy covers what enforcement action will be taken, how we will work with people, how we assess properties and how we will be open, clear, accessible and approachable.</p> <p>The enforcement policy covers our main areas of work which can be divided into two areas, reactive and proactive as described in the table below.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>Reactive work</p> <p><u>Service requests</u></p> <p>↓ ↓</p> <p>Investigation Action</p> </div> <div style="text-align: center;"> <p>Proactive work</p> <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="text-align: center;"> <p><u>HMO Licensing</u></p> <p>↓</p> <p>Investigating potentially licensable properties</p> </div> <div style="text-align: center;"> <p>↓</p> <p>Processing licence; applying conditions fit & proper person check; Inspection</p> </div> <div style="text-align: center;"> <p><u>Programmed Inspections</u></p> <p>↓ ↓</p> <p>Investigation Action Formal informal</p> </div> </div> </div> </div>	
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	The policy links in with the council’s Business Plan, Statutory Housing work, Community Safety and The Council’s Health & Wellbeing Strategy	
3. Assessment	Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the service or policy:		

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of impact	<ul style="list-style-type: none"> Meets any particular needs of each of the eleven equalities groups or helps promote equality in some way. Could have a negative or adverse impact for each of the eleven equalities groups 		
3		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.1	Gender – identify the impact/potential impact of the policy on women, men and transgender people	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards gender.</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of gender.</p>	<p>There are not considered to be any adverse impact regarding gender.</p> <p>When officers carry out overcrowding visits there is a need to identify people's gender.</p> <p>.</p>
3.2	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards disability</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a person disabilities.</p>	<p>When communicating on Enforcement issues there is the potential that a person has not understood what is expected of them or the consequences of not complying with what has been required, as a result of their disability.</p> <p>It is important to make sure that people have understood what is required of them and the consequences for not taking action and that assistance can be provided where appropriate.</p>
3.3	Age – identify the impact/potential impact of the	Action taken to remove risk to health, safety and welfare.	A lot of housing services information is available via the internet and although

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	<p>policy on different age groups</p>	<p>The policy has no impact with regards to age</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons age.</p> <p>We always offer home visits and make hard copies of information available on request.</p> <p>However, within the legislation vulnerability is considered based on the age of the most vulnerable group. This is a statutory requirement and is not influences by our polices or procedures.</p>	<p>most age groups have access to the internet and email some of the older generation may not have the confidence or ability to access the internet.</p> <p>Where possible we always provide hard copies of documents on request and give verbal advice in person or over the phone.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 3.4 43</p>	<p>Race – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to race</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons race.</p> <p>We offer translation services in a variety of languages.</p> <p>All officers are aware and can access a phone service to provide verbal</p>	<p>Information gathered during routine inspections indicates that migrant workers are potentially vulnerable to poor housing conditions and this policy supports redress of those issues.</p>	

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		translation. We also provide a translation booklet which offers translations in the 5 key languages identified in the area and we enclose this with all letters/schedules of work where appropriate.	
3.5	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to sexual orientation</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons sexual orientation.</p>	<p>LGBT community may experience harassment and 'hate crime' and be reluctant to come forward with complaints about their property conditions.</p> <p>When officer's carryout overcrowding assessments there is a need to find out the occupants of the property and the occupancy of individual rooms.</p> <p>Lack of knowledge or understanding or assumptions about sexual orientation may cause embarrassment leading to people being reluctant to access the service.</p> <p>Training and development of the team to be aware of sensitivities in this area can help ensure all residents who have concerns with housing standards can come forward to the council.</p>
3.6	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to religion and belief</p> <p>Our services are based on guidance,</p>	No specific issues identified

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		<p>legislation and written policy and are provided to all regardless of a persons religion or belief.</p> <p>We show respect and flexibility for religious beliefs and festivals and try and be aware of cultural differences.</p>	
3.7	<p>Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to socio-economic</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons socio-economically circumstances</p> <p>We assist people where possible with completing any forms they need and explain things avoiding technical jargon.</p> <p>We are also in the process of having our letter templates plain English checked and we have built up a variety of contacts in various organisations to enable us to signpost users to other service providers.</p>	<p>These residents may be less of aware of the services we offer and how to approach us for information and guidance.</p> <p>Mandatory HMO licensing includes a cost to landlords. Feedback from Landlords engagement meetings indicated that fees may be passed on to tenants. This could have an affect on rental increases to people on low income.</p> <p>In liaising with other Councils who have licensing schemes , we have not had evidence that rental process increase due to this.</p> <p>Under the legislation LAs are permitted to cover their costs through a licensing fee. Fenland are unable to subsidise this mandatory service and must carry out detailed cost analysis to ensure minimum charges are applied in order to cover costs.</p>
3.8	<p>Gender reassignment</p>	<p>Action taken to remove risk to health, safety and welfare.</p>	<p>No issues identified</p>


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		<p>The policy has no impact with regards to gender re-assignment</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons gender reassignment</p>	
3.9	Pregnancy & Maternity	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to pregnancy and maternity</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons pregnancy and maternity circumstances</p>	No issues identified
3.10	Marriage & Civil partnerships	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to marriage and civil partnership</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons marriage and civil partnership circumstances</p>	No issues identified
3.11	Human Rights	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to human rights</p>	No issues identified , although the work of Operation pheasant has supported many residents into the national referral mechanism who may have had their rights compromised though modern day

Appendix B - Assessing Equality – The Equality Act 2010 – Housing Standards

		Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons human rights	slavery and exploitation.
No major change needed <input type="checkbox"/> Y Adjust the policy <input type="checkbox"/> N Adverse impact but continue <input type="checkbox"/> N/A Stop and remove / reconsider policy <input type="checkbox"/> N			

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Agenda Item No:	8	
Committee:	Overview & Scrutiny	
Date:	30th May 2018	
Report Title:	Corporate Enforcement Policy	

Cover sheet:

1 Purpose / Summary

- To consider a draft Corporate Enforcement Policy to inform the final version being considered by Full Council in July

2 Key issues

- Enforcement work is undertaken in many service areas within the Council which has to be carried out in a consistent manner and in the context of a defined policy. This is important because enforcement by the Council is often co-ordinated across more than one service area and increasingly involves partner agencies, such as the police.
- The impact of enforcement can be very significant on the individual or business concerned and so has to be carefully considered. It is also necessary to manage the expectations of customers who may feel the Council should take enforcement action at once, when other more effective solutions may be more appropriate.
- The policy needs to be clear about the approach the Council will take and that the “enforcement mix” follows a positive Prevention, Intervention and Enforcement pattern to ensure compliance by helping and encouraging business and the wider community to understand and meet their regulatory duties.
- Full Council approved the current CEP in February 2014 (minute number 59/13 refers). The reason for updating the policy was to reflect the new “Regulators’ Code”. The Regulators’ Code provides a principle based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.
- Since that time further changes in the approach Councils can take to enforcement have developed. The key changes in the policy are:
 - Minor wording changes to better explain the policy and how it will be used
 - Updating the policy to reflect that the Council may charge for some notices to be issued for example the emerging Housing Enforcement Policy is one area where charging for notices is proposed.
 - The Council may undertake a civil penalty prosecution route rather than through the Courts where legislation allows.
- The policy is attached as Appendix A, showing the changes from the previous version. A community impact assessment is also attached at Appendix B

- The Council commenced consultation on the policy from the 23rd April 2018 ending 17th June 2018. A final version will be presented to Cabinet and Full Council on the 19th July 2018.
- The policy consultation is being promoted in various ways including the Councils' website, direct mailing, social media and word of mouth.
- At this stage there are no proposed amendments to the policy.
- There are no additional financial costs to the Council from implementing these changes to the existing policy.

3 Recommendations

It is recommended that Overview & Scrutiny:

- Comment on the proposed policy to help inform a final version that will be taken to Full Council in July 2018

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Anne Hay - Portfolio holder for finance (policy and resources)
Report Originator(s)	Dan Horn - Head of Housing & Community Support
Contact Officer(s)	Dan Horn - as above Annabel Tighe - Environmental Health Manager Richard Cassidy - Corporate Director
Background Paper(s)	Full Council - February 2014 Cabinet - November 2013

Appendix A

Corporate Enforcement Policy Draft 2018



Appendix A

1. INTRODUCTION

1.1 The purpose of this policy is to set out Fenland District Council's intended approach to bring about compliance with the regulatory requirements it enforces. It is not intended to be, and should not be considered to be, legal advice to third parties or a definitive guide to the law.

1.2 Effective and well-targeted enforcement is essential in promoting fairness and protection from harm and Fenland District Council will adopt a positive Prevention, Intervention and Enforcement approach to ensure compliance by helping and encouraging Business and the wider community to understand and meet their regulatory duties and by responding proportionately to regulatory issues that we identify.

1.3 As an integral part of this policy we will work with individuals, businesses and our communities throughout Fenland for the benefit of residents and the Fenland economy. The Council recognises that enforcement can be successful only if the policy has the support of both our local communities and local businesses. This policy is an update from when the Council first adopted it in 2014

1.4 The Council also recognises that we need to work in partnership with other agencies in providing enforcement services. For example, Fenland District Council works closely with the Police and others in the development of neighbourhood policing to build safer, stronger communities.

1.5 The Corporate Enforcement Policy is at the core of our approach to enforcement. It incorporates best practice and sets common principles that we will follow. This Enforcement Policy describes the range of enforcement activities we use and how we intend to comply with the Regulators' Code. The Regulators' Code ('the Code') provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

1.6 The Council must have regard to the Code when developing policies and operational procedures that guide our regulatory activities. The Council must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If the Council concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the Council is not bound to follow that provision, but should record that decision and the reasons for it.

1.7 To ensure consistent performance across a broad range of activities and duties, we will produce from time to time, supplementary operational policy documents that give details of our range of services, the standards of service our customers can expect and the criteria we will use when deciding on how we will deal with infringements.

2. A BALANCED APPROACH TO ENFORCEMENT

2.1 The main purpose of local government enforcement work is to protect the public, the environment, consumers and legitimate businesses by making sure that legal requirements are met complied with and that everyone acts/operates within the law. It does not just mean simply taking formal action, such as prosecution, but includes a wide range of actions and measures to make sure that things are as they should be. This includes and amongst other things, giving help or advice. We will generally endeavour to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action; but all relevant factors will be taken into account before determining whether the Council can

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~~give an opportunity for the business / individual to address the concern before formal enforcement action is taken.both mitigating and aggravating before coming to a reasoned decision upon the most appropriate course of action in any given case.~~

2.2 We recognise that most business owners, their employees and the public want to comply with the law and thereby operate legitimately and responsibly. We will help and advise wherever possible but will take firm action against those who ignore legal requirements or act irresponsibly.

To achieve this we will:

Make available information and advice on the law in electronic ~~and printed formats~~[formats](#)

Publicise enforcement campaigns, especially for new initiatives and new or changed laws

Make promotional visits to increase awareness to groups within our communities and to business forums.

Work with our partner agencies where appropriate to co-ordinate enforcement activities for the benefit of our communities and where a more effective resolution can be achieved.

Carry out inspections.

Investigate complaints.

Examine goods, documents or notices.

Take samples or make test purchases.

Talk to witnesses and obtain witness statements, where appropriate.

Conduct interviews to investigate offences and obtain, [as best we can](#), the [relevant](#) facts.

2.3 So we can see things from the point of view of a customer or ordinary member of the public, we may carry out informal visits ~~but~~ [and](#) not introduce ourselves as Council officers.

There is a range of actions [available to us and that](#) we ~~can~~ [may](#) take where we find ~~problems,problems,~~ [_regulatory](#) breaches or contraventions:

Give verbal or written guidance.

Give written instruction.

Send a cautionary letter or notice.

Issue Fixed Penalty Notices.

Serve formal Statutory Notices [including making a charge to do so.](#)

Take samples and seize goods or documents.

Carry out a formal interview under caution.

Issue a formal caution.

Suspend or revoke a license or permit

Take out an injunction.

Appendix A

Prosecute offenders through the judicial system or other methods such as Civil Penalties if legislation allows e.g- 'A local authority may impose a Civil Penalty (up to a maximum of £30,000.00) upon a landlord or his/her agent as an alternative to prosecution for specified offences under the housing Act 2004 for each individual breach, provided the criminal standard of proof is satisfied

Issue legal proceedings (civil or criminal)

The Council may make a charge for some of these services should it be lawful to do so, for example, charging to serve a notice.

2.4 The Council will take an evidence based approach to determining the priority risks in our areas of responsibility and will allocate resources where they would be most effective in addressing those priority risks. The Council will consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action. In carrying out our responsibilities we will follow all relevant and up to date guidance and legislation.

2.5 Guiding Principles:

Regulators' Code <https://www.gov.uk/government/publications/regulators-code> -Fenland District Council has adopted the Code which has been laid before Parliament in accordance with the Legislative and Regulatory Reform Act 2006. The Council is committed to its aims and will abide by the following principles when considering and undertaking enforcement.

Openness -We will provide accessible information and advice on the legislation we enforce, wherever possible in plain language and in languages understood by those affected. We will be open about how we work and why it may be necessary to take enforcement action.

Helpfulness -We believe that prevention is better than cure and we will actively work to advise and assist to achieve compliance with the law. Our staff will be courteous and efficient, identify themselves by name where appropriate, and carry an identity card with a photograph. We will offer a contact point, telephone number and email address for further help.

Clarity -We will work with our customers to help them meet their legal obligations without incurring unnecessary expense. Advice will be put clearly and simply, confirmed in writing on request, explaining what is necessary, why and when, together with the implications of non-compliance. Legal requirements will be clearly distinguished from best practice advice.

Consistency -We will carry out our duties in fair and consistent ways. We have arrangements in place to promote consistency, including liaison with other Local Authorities and agencies e.g. The Police, Health & Safety Executive, parish councils, etc., particularly where we may share an enforcement role.

Suitable Action -Every case is unique and must be considered on its own facts and merits. When making decisions on the actions we will take, we will always take account of our service standards (see section 4).

Human Rights -We will have regard to fairness and individuals' human rights in all of our enforcement work through conforming to the European Convention on Human Rights (as implemented by the Human Rights Act 1998).

Equal Opportunities and Diversity -We believe in openness and equality in the way we provide services and that every individual is entitled to dignity and respect. When making enforcement decisions we aim to ensure that there will be no discrimination against any individual on the basis of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

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3.1 The policy is relevant to services in the following service areas [\(this should not be considered to an exhaustive list\)](#):

Hackney Carriage and Private Hire Vehicle Driver and Operator Licensing, Licensing Act 2003, Public Entertainment, Sex Establishments, House to House and Street Collecting Licensing, Gaming Act and Scrap Metal Dealing.

Revenue recovery and the investigation of Housing Benefit, Council Tax and Business Rates fraud.

Planning Development Control and Building Control

Environmental Services, Environmental Protection, Anti-social Behaviour, Food and Safety and Port Health. ~~Including the Clean Neighbourhoods and Environment Act and the use of Dog Control Orders.~~

Private Sector Housing Conditions.

Off street parking at specified locations

Any other service, which carries out enforcement duties.

3.2 Certain services require detailed specific enforcement policies and when this is the case these policies will follow and complement the principles and practice of ~~the~~[this](#) Corporate Enforcement Policy. Therefore, detailed policies must be read in conjunction with this policy.

4. SERVICE STANDARDS

4.1 If officers find breaches of the law they have to choose the most appropriate method of achieving compliance from the range of possible actions available to them.

4.2 Action taken will be proportionate to the risk to people and property caused by the breach and as far as the law allows will take account of the circumstances of the case and the attitude of the alleged offender.

4.3 Emphasis will be given to informal enforcement actions that support the achievement of the Council's long term objectives.

4.4 Before we take formal enforcement action, there will be an opportunity to discuss the circumstances of a case, unless immediate or emergency action is required (e.g. to prevent destruction of evidence, or where there is an imminent risk to health and safety, damage to property or the environment or in some situations when an officer has reason to issue a fixed penalty notice.)~~.~~

4.5 Where immediate action is considered necessary, an explanation of why such action is required will, where possible, be given at that time. However, in certain cases, where emergency action is deemed necessary, no notice is required to be given in law. Nevertheless, we will endeavour to give notice, if possible, in such cases.

4.6 Where there are rights of appeal against formal action, advice on how to appeal will be clearly set out in writing at the time the action is taken.

4.7 All communications will be clear and in plain English and will distinguish between practical advice, best practice and legal requirements. Appropriate translated material will be provided

where necessary and practical help provided for people with impaired hearing, vision or other impairment.

4.8 Enforcement action may be taken by the Council alone or in conjunction with other agencies such as the Police, Department of Works and Pension, Inland Revenue, and County Council.

5. FORMAL ENFORCEMENT ACTION

This part of our Enforcement Policy sets out how we will deal with any alleged breach of law, which the Council is empowered, or duty bound to enforce:

5.1 Verbal Warnings and Advice

The Council may seek to resolve matters informally whenever possible. Accordingly, advice and/or verbal warnings may ~~usually~~ be sufficient in the majority of cases as a means of resolving minor offences and technical infringements that are capable of being sorted out immediately and are unlikely to be repeated. Failure by alleged offenders to act on verbal warnings or advice may result in more serious enforcement action being taken against them.

5.2 Written Warnings and Advice

Where the issue demands a more formal approach than verbal advice, written guidance clearly identifying the infringement involved and ~~giving advice~~ ~~advising~~ on how to put it right ~~and along with~~ a deadline by which to do it, will be provided. Failure to comply with written warnings or advice ~~could may~~ result in more serious enforcement action being taken. The circumstances of each case and the implications of infringements will be taken into account.

5.3 Fixed Penalty Notices (FPNs)

5.3.1 FPNs are a means to impose an immediate financial penalty on an offender for certain criminal offences. The Council will use FPNs wherever a local or district-wide need is identified to deal with ~~minor enviro-crime~~ offences such as ~~a breach of a declared public space protection order, (for example for~~ dog fouling), littering, fly tipping, ~~street drinking~~ workplace smoking and off street parking at specified locations.

5.3.2 We will carry out campaigns and produce information about the use of FPNs.

5.4 Formal Statutory Notices

Notices may be served to require offenders to stop illegal activities immediately ~~and~~ to give them ~~a~~ reasonable time to remedy a breach. Any time allowed to put things right will be reasonable ~~within the eircumstances~~ ~~circumstances~~, ~~but will-~~ ~~take~~ ~~taking~~ into account the implications of the contravention. ~~The Council may charge for notices which will be set out in the policy concerned and updated through annual fees and charges process.~~

Statutory Notices may be issued where:

- There is a statutory duty to do so;
- There are significant contraventions of legislation;
- There is a lack of confidence in the individual or management of a business to respond to an informal approach or this approach has previously failed;
- There is a history of non-compliance;

Appendix A

- Standards are generally poor with little management awareness of statutory requirements;
- The consequences of non-compliance could be potentially serious to public health, or cause public nuisance, or be irreversible;
- Where, in addition to prosecution, measures need to be taken to remedy conditions that are serious, deteriorating;

~~. (add):~~ Any other justifiable reason

~~or~~

~~•~~ Failure to comply with a statutory notice will usually result in prosecution and/or we may carry out any works in default and recovery our cost of doing so.

5.5 Formal Caution

A formal caution will only be considered ~~when once all~~ the evidential requirements necessary to bring a prosecution ~~are have~~ been met, but the circumstances surrounding the infringement are such that a more lenient approach to prosecution is appropriate. Any formal caution will follow the criteria laid down in relevant Home Office Guidelines. If a decision to offer a formal caution is rejected by the alleged offender, then a prosecution will normally follow.

5.6 Prosecution

5.6.1 Before a prosecution is considered the Council will have regard to The Code for Crown Prosecutors (a document issued by the Director of Public Prosecutions giving guidance to prosecutors)

~~.~~ <https://www.cps.gov.uk/publication/code-crown-prosecutors>

The decision to prosecute or to recommend an out-of court disposal is a serious step that affects suspects, victims, witnesses and the public at large and must be undertaken with the utmost care. It is the duty of prosecutors to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible.

Prosecutors should not start or continue a prosecution which would be regarded by the courts as oppressive or unfair and an abuse of the court's process.

Prosecutors must only start or continue a prosecution when the case has passed two stages: (i) the evidential stage; ~~followed by~~ and (ii) the public interest stage.

• The Evidential Stage

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

• The Public Interest Stage

In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest.

A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour.

When deciding the public interest, prosecutors should consider each of the following questions so as to identify and determine the relevant public interest factors tending for and against prosecution (these questions are not exhaustive).

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a) How serious is the offence committed? b) What is the level of culpability of the suspect? c) What are the circumstances of and the harm caused to the victim? d) Was the suspect under the age of 18 at the time of the offence? e) What is the impact on the community? f) Is prosecution a proportionate response?

g) Do sources of information require protecting?

5.6.2 Before making a decision whether or not to prosecute, consideration will also be given to:

How well prosecution supports the achievement of corporate aims or the delivery of corporate priorities

Action taken by other enforcement agencies in relation to the same facts to avoid duplication

The likelihood of the alleged offender being able to establish a statutory defence

The ~~probable~~ potential public benefit of a prosecution and the importance of the case -e.g. the possibility of establishing legal precedent

Cost effectiveness of prosecution -a need to balance likely overall cost against the “value” of the likely outcome

[NEW 5.7 Through the Courts or Civil Penalty Prosecution](#)

Depending on the offence and the policy and legislation with which the Council is legislating prosecution will either be through the Courts or through a Civil Penalty action. A civil penalty or civil fine is a financial penalty imposed by a government agency for wrongdoing against a policy or regulation within legislation. The civil fine or penalty is not considered to be a criminal punishment, because it is primarily sought in order to compensate the state for harm done to it, rather than to punish the wrongful conduct. As such, a civil penalty, in itself, will not carry jail time or other legal penalties. The use of Civil Penalties and fines will be set out in the relevant policy.

5.87 Injunctive Action

Injunctive action may be considered where an alleged offender persistently acts in a way that ~~acts against the collective~~ contravenes the interests of the public or where formal undertakings are ignored.

In cases involving the use or threat of violence, we will consider in appropriate circumstances applying for an urgent injunction without giving the relevant individual prior notice.

5.98 Works in Default

Some legislation gives power to the Council to carry out works itself to achieve compliance, e.g. with a Statutory Notice. These powers will be used in situations where it is clear that the works required will not be carried out within a reasonable or statutory time frame, even if reasonable additional time has been allowed, taking account of all the circumstances of each individual case. Any time frame will always be in terms of at least the minimum required by law. The Council will always seek to recover all costs reasonably incurred in carrying out works in default.

~~5.105.9~~ Anti-social Behaviour

In relation to anti social behaviour the Council acts through the Fenland Community Safety Partnership and its partnership members. Our work here embodies the Prevention Intervention Enforcement approach and uses a range of measures in the context of the Government’s policy.

5.110 No Action

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In exceptional circumstances, contraventions may not warrant any action. This can be where, for example, the cost of action taken by the offender to comply outweighs the detrimental impact of the contravention upon the community; ~~or~~ or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention upon the community. A decision of 'no action' may also be taken where formal enforcement is inappropriate in the circumstances, such as where a business has ceased to trade or the offender is elderly and frail and formal action could seriously damage their well being. A decision to take no action will take into account the implications of the contravention. Usually a decision to take no action will only be made where the breach is not a serious one.

5.1~~21~~ Referral to another Agency

Subject to the provisions of Data Protection and Human Rights laws and legislation information ~~on~~ in respect of infringements will be passed to other interested enforcement agencies in appropriate circumstances.

5.1~~32~~ Naming Offenders

The names and trading addresses of businesses or individuals who act in ways that represent significant risk ~~of~~ or detriment to communities, particularly the young and vulnerable, may be published. Offenders may also be named if it is felt that by doing so could act as a deterrent within the community to offences of a similar nature. This action will ordinarily be taken in circumstances where:

It is in the public interest to do so

There is no risk of prejudicing legal proceedings or other formal enforcement action

To do so does not breach Human Rights or Data Protection law or the Children and Young Persons Act 1933.

Following a successful prosecution.

Where legislation prescribes that we do

6. MANAGEMENT SYSTEMS

6.1 Staff competency and the consistency of enforcement will be reviewed by each service where appropriate.

6.2 The Council will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, as far as is reasonably practicable, a uniform and consistent approach.

6.3 Where local or national co-ordinating bodies exist, the Council will ensure that wherever possible its enforcement practices are consistent with best practice identified.

6.4 A review of enforcement activities may involve any of the following (this list is not exhaustive):

- A high level review of enforcement standards by members of the Council;
- Quality Assurance systems;
- Monitoring visits by line managers;
- Shadowing visits by colleagues;
- Monitoring of correspondence and statutory notices;
- Peer review exercises;
- Internal training sessions and workshops on enforcement issues;
- Customer satisfaction surveys;
- Business focus groups.

7. TRAINING AND APPOINTMENT OF OFFICERS

7.1 The Council will ensure that their-our officers have the necessary knowledge and skills to support those they-we regulate, to ensure a proportionate and effective approach including having an understanding of those they-we regulate that enables them-us to choose proportionate and effective approaches. The Council will also ensure that their-our officers understand the statutory principles of good regulation and of the Regulators Code, and how they deliver its activities in accordance with them.

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7.2 All officers will be formally authorised ~~by the relevant Council~~ to exercise specified powers ~~under relevant statutes~~ in accordance with the constitution.

7.3 The level of authorisation for each officer will be determined by their qualifications, experience and competence having regard to any relevant national guidelines.

7.4 Authorisation will be in writing and in a warrant card form, which will be shown on request. A copy of an officer's authorisation will be held in their personal file.

7.5 The Council supports the principle of continuing professional development through the annual appraisal and one to one meetings and will ensure that all officers are given additional in-post training to maintain up to date knowledge and skills.

8. APPEALS & COMPLAINTS

8.4 The Council will have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those ~~they~~ we regulate.

8.1 The Council will provide an impartial and clearly explained route to appeal against a decision or a failure to act in accordance with this Code. Individual officers of the Council who took the decision or action against which the appeal is being made ~~should~~ will not be involved in considering the appeal. ~~This route to appeal should be publicised to those who are regulated.~~

8.2 The Council will provide a timely explanation in writing of any right to representation or right to appeal. This explanation ~~should~~ will be in plain language and include practical information on the process involved.

8.3 The Council will make available to those ~~they~~ we regulate, a clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the Council.

8.5 The Council also has its own complaints procedure and further information about this can be obtained from the leaflet entitled:

“What to do if you feel that the Council has provided an unsatisfactory service”

This leaflet is available at all Fenland @ Your Service Shops, and on the Council’s website and business reception.

INTRODUCTION

From 1st April 2011, the Equality Act 2010 introduced a new legal duty on all public authorities.

The three arms of the act focus on the need for public authorities to have ‘due regard’ to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act:
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

The duty means that – as previously – we should analyse the effect of existing and new policies and practices on equality. However it does not specify how we should do this.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation. However, legal cases on the meaning of the previous general equality duty make it clear that we must carry out the analysis **before making the relevant policy decision**. This has not changed.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Equality Impact Assessment (EqIA)?

- EqIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the protected characteristics as defined in the Equality Act 2010:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships

- This means looking at the three arms of the Equality Act, as set out in the table below, in relation to a policy or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
Disability			
Age			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Gender reassignment			
Sexual orientation			
Marriage and civil partnerships			

- It includes looking for opportunities to promote equality, as well as removing or reducing negative or adverse impacts.

Why is it important?

- Assessing equality helps us understand the needs of our customers, makes sure our decisions meet those needs, and are also cost effective
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able to show “*due regard*”, we need to show that consideration of equality took place **prior** to a decision being taken; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced.
- Documenting our equality analysis helps the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service ‘hard to reach groups’, customer satisfaction surveys, MOASIC data, consider relevance to equality

2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table.
NOTE: The quality of the assessment will depend on the quality of the information gathered

3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination **MUST** be actioned immediately

4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality, the greater the level of detail required. Publish your findings

5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

Equality Analysis Record

Equality Impact Assessment

Title of service or policy	Corporate Enforcement Policy
Name of directorate and service	Council - wide
Name and role of officers completing the EIA	Dan Horn
Date of assessment	May 2018

An Equality Impact Assessment is a process of systematically reviewing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy including:	<p>Enforcement work is undertaken in many service areas within the Council which has to be carried out in a consistent manner and in the context of a defined policy. This is important because enforcement by the Council is often co-ordinated across more than one service area and increasingly involves partner agencies, such as the police.</p> <p>The impact of enforcement can be very significant on the individual or business concerned and so has to be carefully considered. It is also necessary to manage the expectations of customers who may feel the Council should take enforcement action at once, when other more effective solutions may be more appropriate.</p> <p>The policy needs to be clear about the approach the Council will take and that the “enforcement mix” follows a positive Prevention, Intervention and Enforcement pattern to ensure compliance by helping and encouraging business and the wider community to understand and meet their regulatory duties.</p> <p style="text-align: center;">o</p>
1.2	Provide brief details of the scope of the policy or service being reviewed.	<p>Full Council approved the current CEP in February 2014 (minute number 59/13 refers). The reason for updating the policy was to reflect the new “Regulators’ Code”. The Regulators’ Code provides a principle based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. Since that time further changes in the approach Councils can take to enforcement have developed. The key changes in the policy are:</p>

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

		<ul style="list-style-type: none"> ○ Minor wording changes to better explain the policy and how it will be used ○ Updating the policy to reflect that the Council may charge for some notices to be issued for example the emerging Housing Enforcement Policy is one area where charging for notices is proposed. ○ The Council may undertake a civil penalty prosecution route rather than through the Courts where legislation allows. 	
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	The policy links in with the Council’s Business Plan, Regulatory work, Community Safety and The Council’s Health & Wellbeing Strategy. It is an overarching policy to show transparency to businesses and residents our approach to enforcement. individual service areas through service plans, policy work and customer service excellence accreditation work.	
3. Assessment of impact	Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the service or policy: <ul style="list-style-type: none"> ● Meets any particular needs of each of the eleven equalities groups or helps promote equality in some way. ● Could have a negative or adverse impact for each of the eleven equalities groups 		
3		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.1	Gender – identify the	Action taken to remove risk to health, safety and welfare.	There are not considered to be any adverse impact regarding gender.

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

	<p>impact/potential impact of the policy on women, men and transgender people</p>	<p>The policy has no impact with regards gender.</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of gender.</p>	
Page 68	<p>3.2</p> <p>Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards disability</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a person disabilities.</p>	<p>When communicating on Enforcement issues there is the potential that a person has not understood what is expected of them or the consequences of not complying with what has been required, as a result of their disability.</p> <p>It is important to make sure that people have understood what is required of them and the consequences for not taking action and that assistance can be provided where appropriate.</p>
	<p>3.3</p> <p>Age – identify the impact/potential impact of the policy on different age groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to age</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons age.</p>	<p>Through channel shift a lot of information is available via the internet and although most age groups have access to the internet and email some of the older generation may not have the confidence or ability to access the internet.</p> <p>Where possible we always provide hard copies of documents on request and give verbal advice in person or over the</p>

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

		<p>Hard copies of information can be made available on request.</p> <p>Individual teams work around customer service excellence will look at accessibility of information to various groups linked to the protected characteristics</p>	<p>phone.</p> <p>Residents who struggle to access services on the internet can receive support at the Council's 4 fenland at your service shops.</p>	
<p>3.4</p> <p>Page 69</p>	<p>Race – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to race</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons race.</p> <p>We offer translation services in a variety of languages.</p> <p>All officers are aware and can access a phone service to provide verbal translation. We also provide a translation booklet which offers translations in the 5 key languages identified in the area and we enclose this with all letters/schedules of work where appropriate.</p>	<p>Individual team impact assessments look at this issue as part of Customer Service Excellence</p>	

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

3.5	<p>Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to sexual orientation</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons sexual orientation.</p>	<p>LGBT community may experience harassment and 'hate crime' and be reluctant to come forward with complaints about their property conditions.</p> <p>Lack of knowledge or understanding or assumptions about sexual orientation may cause embarrassment leading to people being reluctant to access Council regulatory services</p> <p>Training and development of the team to be aware of sensitivities in this area are looked at in relation to appraisals and corporate equality training as well as any special team requirements</p>
3.6	<p>Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to religion and belief</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons religion or belief.</p> <p>We show respect and flexibility for religious beliefs and festivals and try and</p>	<p>No specific issues identified</p>

Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 71</p> <p>3.7</p>	<p>Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>be aware of cultural differences.</p> <p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to socio-economic</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons socio-economically circumstances</p> <p>We assist people where possible with completing any forms they need and explain things avoiding technical jargon.</p>	<p>These residents may be less of aware of the services we offer and how to approach us for information and guidance.</p> <p>Through the corporate customer service excellence accreditation each regulatory team looks at ensuring services are responsive to customer needs</p>	
<p>3.8</p>	<p>Gender reassignment</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to gender re-assignment</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons gender reassignment</p>	<p>No issues identified</p>	
<p>3.9</p>	<p>Pregnancy & Maternity</p>	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to pregnancy and maternity</p>	<p>No issues identified</p>	


Appendix B - Assessing Equality – The Equality Act [Year] 2010 – Corporate Enforcement Policy

		<p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons pregnancy and maternity circumstances</p>	
3.10	Marriage & Civil partnerships	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to marriage and civil partnership</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons marriage and civil partnership circumstances</p>	No issues identified
3.11	Human Rights	<p>Action taken to remove risk to health, safety and welfare.</p> <p>The policy has no impact with regards to human rights</p> <p>Our services are based on guidance, legislation and written policy and are provided to all regardless of a persons human rights</p>	No issues identified

Y No major change needed
 N Adjust the policy
 N/A Adverse impact but continue
 N reconsider policy
 Stop and remove /

Appendix B - Assessing Equality – The Equality Act [Year]
2010 – Corporate Enforcement Policy

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Agenda Item No:	9	
Committee:	Overview & Scrutiny	
Date:	30 May 2018	
Report Title:	2018 Planning Shared Service Annual Review	

1. Purpose/Summary

To update Overview and Scrutiny on the Shared Planning Service with Peterborough City Council since it was implemented in Autumn 2015.

2. Key Issues

- The Shared Service arrangement went live in January 2016 following Council approval of the proposal and governance arrangements and Staff Committee agreeing the shared structure.
- Performance indicators across both Councils are largely being met and resources are being shared across both teams and inter-authority trading takes place.
- The partnership has been a success and there are future opportunities for more synergies between the teams and opportunities for income generation.
- Over the next 12 months further development of the shared service will take place to ensure performance levels are maintained and income is generated in accordance with budget expectations.

3. Recommendations

That Overview and Scrutiny are requested to:

- Note the attached report.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Dee Laws Portfolio Holder for Neighbourhood Planning Cllr Peter Hiller, Peterborough City Council , Cabinet Member for Growth, Planning, Housing & economic Development
Report Originator(s)	Nick Harding – Head of Planning Carol Pilson – Corporate Director
Contact Officer(s)	Nick Harding – Head of Planning Carol Pilson – Corporate Director
Background Paper(s)	None

4 Background

4.1 On the 23rd July 2015, Fenland District Council agreed to join a Shared Planning Service arrangement with Peterborough City Council after the Overview and Scrutiny Panel reviewed the proposal and business case at their meeting on the 13th July 2015. This proposal was built on the following key aims:

- To deliver efficiencies for both authorities.
- To maintain service delivery standards, and to improve them where possible and appropriate.
- To maintain individual 'sovereignty' for both Councils over planning delivery
- To ensure visibility to Members and customers of key staff.
- To maintain individual Council Planning Committees.

4.2 When the review was looked at by Overview & Scrutiny last year a number of actions were identified and these have been fulfilled as follows:

- Utilising opportunities further in the district to promote the area for more engaging recruitment campaigns – More comprehensive application packs have been developed and used to attract job applicants. This has resulted in 3 permanent Senior Planners (1 internal and 2 external) being successfully recruited and 1 Development Planner. We also now have a permanent Enforcement Team.
- To further explore opportunities to grow our own staff, around specific schemes, in relation to training and development and career opportunities and ensuring they are transparent so that people know what their progress might be once they are employed with us – Team members have been able to include in their caseload applications which challenge and stretch them in order to develop their skills and experience. Two officers have achieved promotion from the support team to become development management / compliance officers.
- To understand the reasons for staff leaving us and to build that into schemes so that we are learning potential lessons – Exit interviews are held as a matter of course.
- To work with the combined authority proactively to address the skills gap in North Cambridgeshire – Rather than work with the CA on this issue, the LGA Eastern England Group has established a protocol and the professional body for planning is establishing an apprenticeship model.

- To continue to utilise extensions of time appropriately – Their use has continued in an appropriate manner to facilitate enough time to ensure applications are of sufficient quality to attract an approval from officers or Members.
- To proactively communicate and manage expectations regarding the validation timescales, particularly if they are variable – Validation speeds have been consistent over the year and so such action has not been found to be necessary.
- To continue to work collectively and collaboratively with developers in order that sites and development continues – Good progress has been made with regard to the Broad Concept Plans for East Wisbech, East Chatteris as well as the approval of outline planning permission by Committee of the site for 1000 dwellings at South East Chatteris. Officers have worked with developers and agents as well as others on some informal flood risk guidance (approved at Council on 17 May) which will make dealing with flood risk more straightforward and recognise that a significant portion of the built up area in Wisbech is at risk of flooding but capable of being redeveloped.
- To update the Development Team Contact Details to include Planning Officers at both sites – list is regularly updated as and when staffing changes take place.

5 Scope of the Shared Service

5.1 The shared service arrangement comprises of the following:

- Sharing a single Head of Planning between both Councils
- Sharing a Technical Support Manager between both Councils
- The ability to buy and sell services between the Councils

5.2 In respect of the latter, the following has taken place to date:

- Fenland has sold to PCC planning policy officer time
- Peterborough has sold to Fenland: planning policy / neighbourhood planning officer time, development management officer time, technical support officer time, ecology officer time, Section 106 Management & development viability officer time.

5.3 It should be noted that each Council has their own:

- Development management teams
- Enforcement / compliance teams
- Technical support teams
- Conservation teams

5.4 Staff are based in their respective Council offices i.e. there is no co-location and officers do not have both Fenland Cases and Peterborough cases to deal with at the same time.

6 Development Management Performance

6.1 Speed of Validation

Table 1 - Percentage of applications validated in 5 days

FDC				PCC			
2014/5	2015/6	2016/7	2017/18	2014/5	2015/6	2016/7	2017/18
73%	73%	65%	83%	94%	83%	59%	45%

2016/17 saw a significant increase in performance at FDC which was mainly as a result of fewer days being lost to IT outages. At PCC, performance has continued to be weaker than desirable and this has been a result of difficulties in recruiting to the vacant posts. The job role was subject to re-evaluation and the vacancies were re-advertised. There is now a full complement of staff and performance is much improved over the average for the year.

6.2 Pre-applications

Table 2 - Response rate (within target) to pre-application enquiries

	FDC – 15 day min/oth target, 30 day target for majors		PCC – 30 day target	
	2016/17	2017/18	2016/17	2017/18
No of pre-application enquires	171	189	144	182
% responded to within target	75%	57%	90%	81%

The pre application service at FDC is more popular than that at PCC and the reason for this unable to be identified. The response times at FDC have been weaker than desirable and work needs to be undertaken to performance manage these more effectively. Notwithstanding this, priority has to be given the processing of planning applications.

6.3 Number of Planning Applications Submitted

Both Authorities have seen as a general trend a gradual increase in the number of applications being submitted which must be seen against an increase in the types of development that can take place without the need for planning permission. This demonstrates continued economic confidence in the area. Slightly fewer applications were received in Fenland in 2017/18 compared to 2016/17 but the fall is modest. It should be noted that although FDC received slightly fewer applications the value was greater, partly as a result in the 20% increase in planning fees being introduced by Government in January 2018.

In 2017, a Planning Inspector ruled at Appeal that the Council no longer had a 5 year land supply. The implications of this meant that when considering planning applications not all of the planning policies within the Local Plan could be given the weight they were given previously. It is pleasing to report, as Members are aware through the circulation of an all Member Briefing note, that the Council has regained its 5 year land supply and all Local Plan policies are now active.

Table 3 - Planning applications received from 2014 to January 2017

No of Applications Received	FDC	PCC
2014-15	1256	2145
2015-16	1338	2300
2016/17	1400	2427
2017/18	1372	2470

6.4 Planning Fee Income

In real terms the planning application fee income at PCC has fallen slightly if the 20 % increase in fee charges introduced at the beginning of the year is discounted. Even taking into account the fee increase, the fee income at FDC has increased. It continues to be challenging to produce accurate forecasts regarding fee income and new development proposals coming forward as the market is generally reserved about sharing its activity plans and when they do they cannot always be relied upon. However it can be reported that Planning fee income at FDC for April 2018 was £137,000 - £100k higher than April 2017 with 8 Major Applications received.

Table 4 - Planning Fee Income

	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014	2015	2016/17	2017/18
Planning Application Income	£0.755	£0.743	£0.702	£0.806	£0.944m	£1.154m	£1.348m	£1.348m tbc
Pre-app Fee Income	n/a	n/a	£44k	£57k	£57k	£93.2k	£66k	£53k tbc

The pre-application service at FDC has proved to be exceptionally popular, more so than at PCC and the income at the former has outstripped the latter. The fee rates for the pre-application service are the same for both Councils and these are going to increase as a consequence of the national increase in planning fee rates.

6.5 Speed of Decision Making on Applications

Both Councils have maintained consistently good performance over the last 4 years. The Government targets for performance are being comfortably exceeded and neither authority is close to designation for weak performance.

Table 5 - Performance Measurements

Performance Measure	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2016/17	2017/18
Major Applications decided in 13 weeks (or within extension of time agreement)	89%	91%	90%	97%	86%	96%	98%	95%
Minor applications decided in 8 weeks (or within extension of time agreement)	85%	85%	86%	93%	84%	90%	93%	97%
Other applications decided in 8 weeks (or within extension of time agreement)	93%	96%	97%	98%	92%)	93%)	96%	96%

6.6 Planning Appeals

Appeals performance has fluctuated over the last 3 years at both authorities. However, the number of appeals is modest and so consequently each appeal decision accounts for a significant percentage. Both Councils easily exceed new national performance standards so it can be said with confidence that the quality of decision making at each authority is good.

Table 6 - Appeals Performance

	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2017/18	2017/18
% Appeals Dismissed	88%	74%	70%	64%	70%	48%	82%	73%
No of allowed appeals that were committee over turns (total number of allowed appeals in brackets)	1 (2)	0 (5)	1 (6)	1(5)	2 (12)	4 (11)	0 (3)	0 (0)
Award of costs against LPA	0	2	2	1	0	0	1	0

6.7 Planning Compliance

Table 7 - Planning Compliance Performance

	FDC					PCC				
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2016/17	2017/18		
No of Service Requests	336	289	363	330	530	505	619	511		
No of cases closed	291	369	357	359	590	552	575	501		

The number of service requests at FDC fell slightly compared to the previous year and case closer rates remained at a consistent level. Similarly the number of requests at PCC fell (but by a much larger amount) but there was a significant dip in case closure rates. This has been as a consequence of long term sickness in the team.

7 Budget Savings

- 7.1 As part of the shared service proposals it was a key objective for the Councils to make financial savings. The targeted savings have been successfully achieved as planned through:
- The sharing of the cost of the Head of Planning and the Technical Team Manager
 - A restructure of the service at Fenland District Council which was implemented prior to the start of the shared service.
- 7.2 Due to a number of staffing changes during the year and the difficulty in recruiting to posts, Fenland have continued to employ agency staff to assist in providing the service. Peterborough have also had to employ agency staff to cover for the increase in applications over the last two years and also long term sickness in the planning compliance team. At FDC this reliance is diminishing as we have successfully recruited permanent staff across Planning and Enforcement.

8 The Future of the Shared Planning Service


- 8.1 Over the next 12 months the Head of Planning will continue to ensure that the planning teams in both councils continue to improve and meet the performance indicators set out within in each organisation.
- 8.2 The teams will also continue to support the growth plans of both councils and specifically for Fenland support the delivery of Broad Concept Plans as set out in the Council's Local Plan and also Neighbourhood Plans.
- 8.3 The project to develop a co-location arrangement for the two technical teams has drawn to a close as a result of corporate ICT decisions at Peterborough which mean that a technical solution was not possible. In addition Peterborough has its agile working

agenda and Fenland has had its accommodation review. Notwithstanding, it would be worth revisiting the project in the future

- 8.4 The Shared Planning Board will also continue to look for further trading and income generation opportunities to support each Councils financial challenges particularly in the area of planning performance agreements.
- 8.5 FDC has committed to undertaking a Planning Advisory Service (PAS) Review as per the briefing note circulated to all Members. We are currently awaiting the confirmation of prospective dates from PAS in terms of the timetabling of the review and will keep Members updated throughout the process. Members will also have ample opportunity to input in to the review.

9 Conclusion

- 9.1 The shared service has operated successfully in terms of:
 - Performance against key indicators
 - The delivery of targeted savings
 - The trading of services between the two authorities
 - Improving the resilience of each authority's planning teams

Agenda Item No:	10	
Committee:	Overview and Scrutiny	
Date:	05 June 2017	
Report Title:	Draft Overview and Scrutiny Annual Report	

1 Purpose / Summary

The Overview and Scrutiny Annual Report reflects what has been undertaken and achieved by the Overview and Scrutiny Committee during 2017/18 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2018/2019.

2 Key issues

The Local Government Act 2000 sets out the requirements of a modernised democratic structure for local authorities. The Act includes the establishment of an Overview and Scrutiny Panel or Committee.

Article 6 (3.4) of the Council's Constitution sets out the Overview and Scrutiny Panel's terms of reference. There is a stated requirement for the work and working methods of the Overview and Scrutiny Committee to be reported annually to the Council.

3 Recommendations

- 3.1 For the Overview and Scrutiny Panel to approve the annual report for forwarding to Council.

Wards Affected	All
Forward Plan Reference	-
Portfolio Holder(s)	Councillor Chris Boden Chairman - Overview and Scrutiny Councillor Michael Humphrey Vice Chairman - Overview and Scrutiny
Report Originator(s)	Councillor Chris Boden Chairman - Overview and Scrutiny Councillor Michael Humphrey Vice Chairman - Overview and Scrutiny

Contact Officer(s)	Carol Pilson – Corporate Director 01354 622360 cpilson@fenland.gov.uk Anna Goodall – Head of Legal and Governance 01354 622357 agoodall@fenland.gov.uk
Background Paper(s)	Overview and Scrutiny reports, Agendas and Minutes 2017/18

OVERVIEW AND SCRUTINY

ANNUAL REPORT 2017-2018

1 CHAIRMAN'S FOREWORD

It gives me great pleasure to present to you the annual report in relation to the Overview and Scrutiny Committee. The report focuses on the work undertaken by the committee during the past twelve months as well as providing a forward look to 2018/19.

These continue to be exciting times for Fenland as well as Cambridgeshire and Peterborough as a whole following the implementation of the Combined Authority and elected Mayor. Public services need to be flexible in order to adapt to change which continues to affect the sector at a significant pace. Efficiency also continues to be the focus at the forefront of everyone's minds to ensure the Council can deliver quality services to our residents in conjunction with our partners, which are both cost effective and sustainable. The need for strong purposeful and effective Overview and Scrutiny has never been more important. Fenland District Council Overview and Scrutiny Committee is committed to adding value to the decision making process whilst holding our decision makers to account. We remain resolute in our objective to achieve tangible benefits as a direct result of Overview and Scrutiny. As such the Committee, which itself has been subject to a number of membership changes remains motivated and ambitious in supporting the District Council to deliver the very best outcomes for local residents.

2017/18 has seen the delivery of a comprehensive work programme for the Overview and Scrutiny Committee with all members of the panel, both past and present, taking an active and enthusiastic role in the Overview and scrutiny process. All committee members have contributed to the work plan of the panel ensuring a diverse range of subjects have been considered and explored. The Committee are keen to consider important matters which are relevant to the whole district and as such the Committee are considering options to maximise public engagement in the overview and scrutiny process.

I would like to take this opportunity to thank all Members and officers for their ongoing support and co-operation with the Overview and Scrutiny function this year. I would like to express particular thanks to Councillor Fred Yeulett the previous Chairman for his significant contribution to the past success of the committee. I would also like to thank the many representatives of partner organisations that have taken the time to contribute so positively to our work.

Councillor Chris Boden
Chairman of Overview and Scrutiny

2 THE OVERVIEW AND SCRUTINY COMMITTEE 2017-2018

Councillor Chris Boden - Chairman

Councillor Michael Humphrey - Vice Chairman

Councillor Gavin Booth

Councillor Sam Clark

Councillor Steve Count

Councillor David Hodgson

Councillor Mrs Kay Mayor

Councillor Kit Owen

3 INTRODUCTION

What is Overview and Scrutiny?

3.2 The Local Government Act 2000 requires Councils to have a committee with the power to review or scrutinise decisions or actions affecting the authority's area or residents. Scrutiny is an essential part of ensuring that local government remains effective and accountable. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve Council policies.

3.3 The power to scrutinise was further expanded by the Police and Justice Act 2006, which provided powers to scrutinise the work of Crime and Disorder Reduction Partnerships, known locally as the Safer Fenland Partnership.

The Local Government and Public Involvement in Health Act 2007 provides more powers to local government to scrutinise other partner organisations. It also brings in other provisions that affect how scrutiny committees work, including powers over the creation of joint committees.

3.4 More recently, The Localism Act 2011 consolidated the wide range of scrutiny legislation into a single place, largely unamended from previous legislation. This aims to increase local accountability and transparency of public services as well as enhancing the involvement of local service users

Main responsibilities of Overview and Scrutiny

3.5 The role of Overview and Scrutiny has five broad functions:

- Holding the Council's Executive and its statutory partners to account in the public interest. This enables more transparent and effective decision making.
- Supporting the development of effective policies and initiatives which have a beneficial impact on the community through policy overview and development.
- Contributing to continuous improvement in the delivery of the Council's corporate priorities.

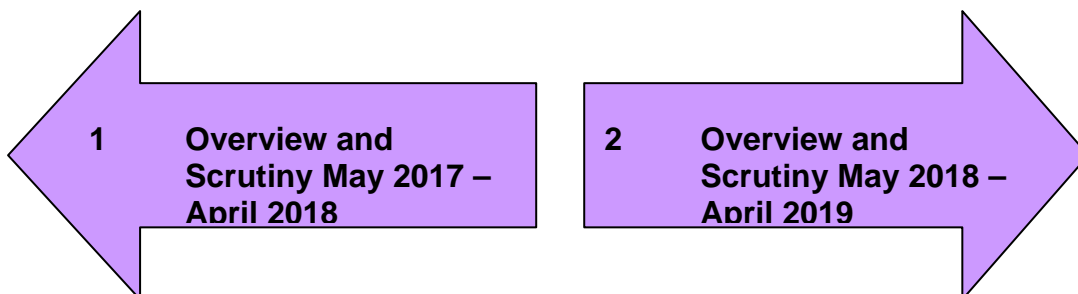
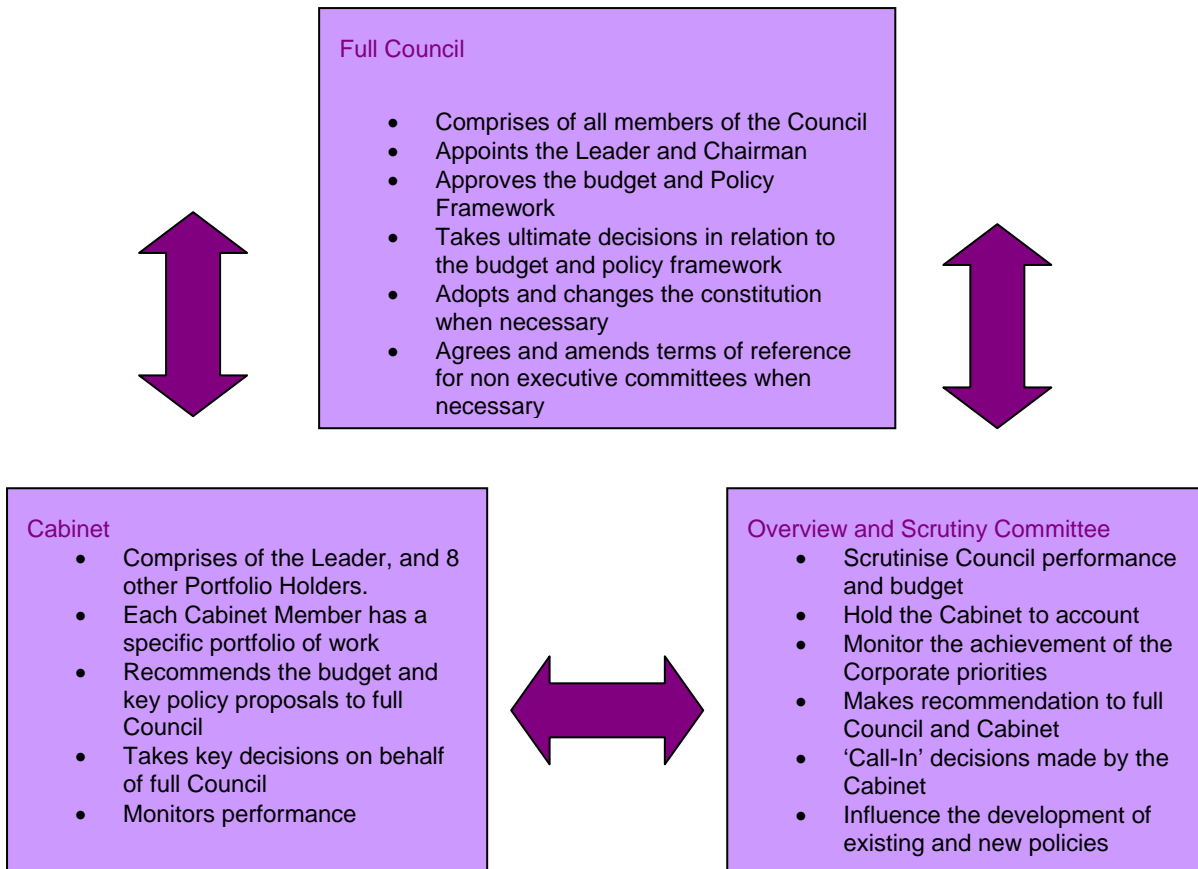
- Having a positive impact on the work and outcomes of external agencies and providers of public services.
- Aiding Councillors in engaging with their communities and undertaking the role of community representatives and leaders.

Overview	Scrutiny
Advising on the development of policies.	Ensuring that the Council's policies have been effectively implemented by the Cabinet.
Recommending how the Council's corporate priorities can be delivered.	Helping to monitor and drive improvements within the Council's corporate priorities.
Bringing a wider perspective to problem solving.	Holding decision makers to account
Examining broader issues affecting local communities.	Ensuring all service providers within a local community are providing 'value for money'

Appointing Members onto Overview and Scrutiny

3.6 During 2017-2018, following a recommendation by the Leader of the Council, it was the responsibility of the full Council to appoint an Overview and Scrutiny Panel at their annual meeting in May. The Overview and Scrutiny Committee consisted of eleven members drawn from the political groups in the same proportion as they are represented on the Council as a whole.

Relationship between Overview and Scrutiny, Cabinet and Full Council



4 A BACKWARD LOOK TO 2017 - 2018

What the Overview and Scrutiny Panel achieved in 2017/2018

External advisors/partners

- 4.2 The panel looked at an array of different topic areas; most could be dealt with by drawing on the knowledge and expertise of Fenland District Council Councillors and Officers. However, sometimes there is a need to call in external advisors to help the panel with their knowledge and to provide a different vantage point.
- 4.3 As will be explained later, a greater emphasis has been placed on Local Authority scrutiny, of and with partner agencies. Fenland's Overview and Scrutiny Committee is already undertaking this partnership working in a positive spirit, demonstrating its forward thinking. The table below highlights the external partners the Overview and Scrutiny Committee have already engaged with, when undertaking the scrutiny function during 2017/ 18:

Agenda item	External Advisor/Partner	Organisation
The Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership	Mark Reeve Karl Gardiner	The Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership
Concerns with New Heating Contract for Clarion Housing	Marek Witco Richard Ward David Chisnall Shane Greaves Richard Brown	Clarion Housing Association Morgan Sindall Morgan Sindall
Safer Fenland partnership (SFP): Annual Scrutiny	Ian Lombardo Police Inspector	Cambridgeshire Constabulary
Wisbech 2020 Vision Update	Ross Ingham	Ingham Pinnock Associates
Fenlands Health and Wellbeing Strategy	Val Thomas	Consultant in Public Health

- 4.4 As well as working with individual partners, the panel have also scrutinised other elements of partnership working through each of the respective corporate priority areas. The panel will build on this further in 2018/2019.

Recommendations resulting from the Overview and Scrutiny in 2017/2018

- 4.5 In order that the work of Overview and Scrutiny is increasingly transparent and that any resulting recommendations are monitored, the panel are articulating recommendations and monitoring their success in relation to their endorsement and adoption by the final decision makers.
- 4.6 The table below highlights the key recommendations resulting from Overview and Scrutiny during 2017/2018.

Meeting Date	Key Recommendation	Progress
17/05/2017	Members of the Overview and Scrutiny Panel recommend that Officers from FDC and the LEP should work more closely to identify sources of funding to enable FDC to match bids to the available funding pots to increase funding opportunities in the area.	As of 01/04/18 The Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership ceased to operate and a new Local Enterprise Partnership (LEP) known as the Business Board has been created. A shadow Board led by the Deputy Mayor of the Combined Authority is now in place and will manage the transition towards a fully formed board later this year.
17/05/2017	Members are keen for the LEO to share the outcome of unsuccessful bids to help FDC develop a more robust approach to bids moving forward	See progress note as above
17/05/2017	Members are keen for the LEP to share successful bids to enable FDC to learn lessons and share best practice in order to maximise funding opportunities in our area.	As above
17/05/2017	Members have requested that the LEP liaises with Cambs Acre and Agri Tech Businesses to enable greater transparency and accessibility to FDC's intelligence about businesses in our area.	As above

05/06/2017	The Paperless Review confirmed that £11,816 savings had been achieved as a result of no longer printing committee reports. Members recommended that the successes of the review be publicised..	A press article in relation to the Paperless Review was published in the local press in July 2017.
04/09/2017	Members recommended that Town and Parish Councils are specifically captured within the Consultation strategy as they are an intrinsic aspect of successful consultation	Town and Parish Council's are proactively notified in relation to any consultation activities undertaken by the District Council in order that they can proactively participate.
04/09/2017	Members recommended that the District Council share press releases with Town and Parish Councils to enable them to be shared on the parish website thus reaching more residents	As of September 2017 all press releases are now shared proactively with all the Parish and Town Councils
15/01/2018	Members recommended that the Business Plan contains more contextual information to facilitate more transparency regarding outcomes/ achievements	The Chief Executive has met with Officers regarding the formulation of next years' business plan to ensure Members have greater visibility regarding achievements and outcomes. Processes have been amended accordingly
02/05/2018	Members recommended that the Key Performance Indicators (KPI's) relating to the work of teams involved in the Economy Priority should be reviewed	The Portfolio Holder for Economy agreed to review the economy KPI's and to keep the Overview and Scrutiny Committee updated accordingly.

How the work of Overview and Scrutiny is linked to the Council's corporate priorities

- 4.7 Fenland District Council's Business Plan is the vision for the future of Fenland clearly setting out a series of priorities that will be the focus of the organisation for the next twelve month period. To ensure these priorities are correct, deliver on targets and achieve outcomes, the Overview and Scrutiny work programme reflects the Council's priorities to ensure robust scrutiny can be delivered.

4.8 The table below illustrates how agenda items link in with Fenland's priorities:

C – Communities

Env – Environment

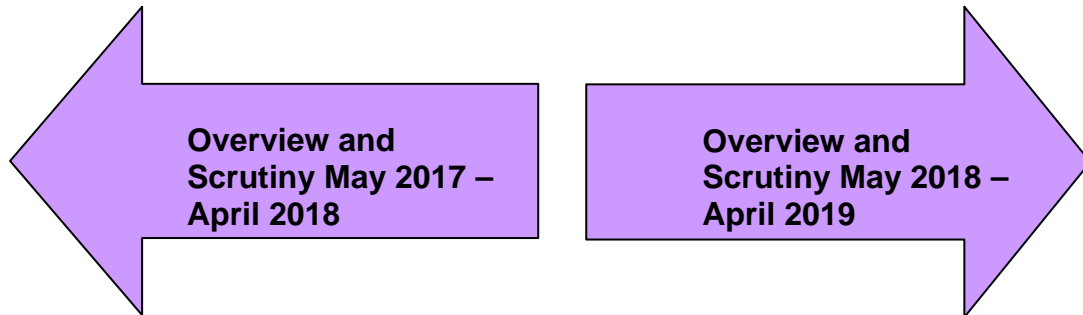
E – Economy

QO – Quality Organisation

Topic/Issue	C	Env	E	QO
Progress against corporate priority: Environment				
Progress against corporate priority: Economy				
Progress against corporate priority: Communities				
Fenland Community Safety Partnership (FSP) /Crime Disorder and Reduction partnership				
Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership				
Paperless Review				
Wisbech 2020 Vision Update				
Fenland Health and Wellbeing Strategy				
Health and Wellbeing Update				
Draft Consultation Strategy				
Annual meeting with the Leader, Deputy Leader and Chief Executive				
Review of Garden Waste Scheme				
Draft Business Plan and Budget				
Council Tax Support Scheme				
Fees and Charges				
Review of Anglia Revenues Partnership				
Draft Medium Term Financial Strategy				
Environmental Enforcement – Pilot with Kingdom				
Concerns with New Heating Contract With Clarion Housing				

5 Overview and Scrutiny Call – In

- 5.1 The Overview and Scrutiny Committees have the opportunity to scrutinise Executive decisions that have been made, but not implemented through the ‘call-in’ mechanism.
- 5.2 In accordance with the Council’s constitution, decisions of the Executive or a Portfolio Holder decision are published within 3 working days. There is then a further 5 working day period prior to the implementation of the decision in which Members are able to call in the decision. If the necessary number of Members, either the Chairman or Vice Chairman of any panel, or any 3 members of the Overview and Scrutiny Committee or any 10 Members of the Council, ask for a decision to be called in for scrutiny, the Overview and Scrutiny Committee has to meet within 15 working days to consider the issue. Whilst this process takes its course, the decision taking process is suspended. If no call-in occurs, the decision is adopted.
- 5.3 If, having considered the decision, the Committee remains concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, in exceptional circumstances, refer the matter to full Council. If referred back, the decision maker shall then reconsider the matter within a further 10 working days and amend the decision or not, before adopting a final decision. If however the Committee decides not to refer the matter back, no further action is taken and the decision can take effect.
- 5.4 The call-in procedure does not apply where the decision being made by the Executive is deemed to be urgent i.e. where any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public’s interests. This should be clearly stated in the record of the decision.
- 5.5 Because of the nature of the call-in procedure, it is generally recognised as a mechanism of last resort. Indeed Government guidance states that it would clearly be detrimental to efficient decision making if every individual decision of the Executive were called in for overview and scrutiny as a matter of course.
- 5.6 The call-in procedure is therefore utilised when other means of influencing decision making have failed. Fenland District Council did not utilise the call in procedure during 2017/18. The fact that that Call In procedure was not utilised during the 1st municipal year is reflective of a reduction in Call-In's nationally.



6 A FORWARD LOOK TO 2018/2019

Policies and measures affecting scope of Overview and Scrutiny

- 6.2 The profile of scrutiny is changing nationally and as a result much is expected of us in response to the Localism agenda. This could include community involvement, scrutiny of and with partners, scrutiny of crime and disorder issues, supporting the scrutiny of health services as well as supporting the scrutiny of the newly formed Combined Authority.

Overview and Scrutiny amending its role

- 6.3 The Overview and Scrutiny Committee remains committed to achieving value for money and ensuring the Council is efficient and cost effective in the delivery of its corporate priorities. The Overview and Scrutiny Committee are also keen to focus on areas where they are able to add the greatest value being forward focused therefore making recommendations to Cabinet whilst also having a positive impact on the future direction and future focus of the Council and its policies.

Fenland's Priorities

- 6.4 In Fenland's Business Plan 2018-2019 the Council's corporate priorities are:

- Communities
- Economy
- Environment
- Quality Organisation

- 6.5 It is important that the work of Overview and Scrutiny complements these priorities to ensure services are being delivered to highest quality and any scrutiny work adds value.

What the Overview and Scrutiny Panel will achieve in 2018-2019

Strategic Priorities

- 6.6 We will aim to raise the profile of the Council's Overview and Scrutiny work by better communicating our successes. The Overview and Scrutiny Panel will continue to articulate recommendations associated with the work plan and monitor how effectively the recommendations have been received and endorsed by the associated decision making bodies.

Work Programme

- 6.7 The Overview and Scrutiny work programme is a detailed programme that indicates the topics that the Overview and Scrutiny Committee will scrutinise. The work programme will be developed early in the new Council year setting out what the key areas of focus will be. Topics already identified for inclusion include:

- Crime Disorder and Reduction Partnership
- Local Health Partnership update
- Review of Anglia Revenues Partnership
- Planning shared service review
- Council Tax Scheme
- Draft Business Plan and Budget
- Progress of Corporate Priorities: Economy, Environment, Communities and Quality Organisation
- Comprehensive Spending Review

7 CONTACTS

- 7.1 Work of the Overview and Scrutiny Committee is enhanced by the involvement of Fenland residents, service users, our partners and local businesses as they bring an alternative perspective whilst also providing external challenge. If, therefore, you would like further details about any of the work mentioned in this report, or on how residents and partner organisations can contribute to the work of Overview and Scrutiny within Fenland we would very much welcome your input, please contact:

Councillor Chris Boden - Chairman Overview and Scrutiny

cboden@fenland.gov.uk

Councillor Michael Humphrey - Vice Chairman Overview and Scrutiny

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Izzi Hurst - Member Services Officer

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Anna Goodall - Head of Governance and Legal Services

agoodall@fenland.gov.uk

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Overview and Scrutiny – Draft Work Programme 2018 – 2019

All Formal meetings are held in the Council Chamber at Fenland Hall

Meeting Dates

<u>Agenda Despatch Date</u>	<u>Informal pre-meeting</u>			<u>Formal Overview & Scrutiny Meeting</u>		
	<u>Date</u>	<u>Time</u>	<u>Location</u>	<u>Date</u>	<u>Pre-Brief</u>	<u>Meeting</u>
Friday 18 May 2018	Thursday 24 May 2018** Please note the amendment to this meeting date.	2:00pm	Room 38	Wednesday 30 May 2018 ** Please note the amendment to this meeting date	2.00pm	2.30pm
Thursday 19 July 2018	Monday 23 July 2018	2:00pm	Room 38	Mon 30 July 2018	2.00pm	2.30pm
Thursday 23 August 2018	Tuesday 28 August 2018	2.00pm	Room 38	Mon 3 September 2018	2.00pm	2.30pm
Thursday 4 October 2018	Monday 8 October 2018	2.00pm	Room 38	Mon 15 October 2018	2.00pm	2.30pm
Thursday 22 November 2018	Monday 26 November 2018	2.00pm	Room 38	Mon 3 December 2018	2.00pm	2.30pm
Thursday 3 January 2019	Monday 7 January 2019	2.00pm	Room 38	Mon 14 January 2019	2.00pm	2.30pm

Thursday 7 February 2019	Monday 11 February 2019	2.00pm	Room 38	Mon 18 February 2019	2.00pm	2.30pm
Thursday 28 March 2019	Monday 1 April 2019	2.00pm	Council Chamber, Fenland Hall	Mon 8 April 2019 ** Please note the amendment to this meeting location (South Fens Business Centre, Chatteris)	2.00pm	2.30pm

Monday 30 July 2018

Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing			
	Local Health Partnership Update Health and Wellbeing Strategy	Communities	Councillor Cornwell Richard Cassidy
14.30 to 16.30 Meeting	Progress of Corporate Priority – Communities	Communities	Councillor Cornwell Richard Cassidy, Dan Horn, Phil Hughes Councillor Buckton
	Wisbech 2020 Vision Update	Communities	Carol Pilson / Gary Garford Richard Cassidy Councillor Seaton
	CSR items as required		
	Future Work Programme 2018/2019	Quality Organisation	Councillor Boden Anna Goodall

Monday 3 September 2018

Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing			
14.30 to 16.30 Meeting	Kingdom Enforcement Pilot Review	Environment	Councillor Murphy Annabel Tighe Richard Cassidy
	CSR items as required		
	Future Work Programme 2018/2019	Quality Organisation	Councillor Boden Anna Goodall

Monday 15 October 2018

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Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing			
14.30 to 16.30 Meeting	Annual Meeting with the Leader and Chief Executive	Quality Organisation	Councillor Seaton Paul Medd Cabinet and CMT
	CSR items as required		
	Future Work Programme 2018/2019	Quality Organisation	Councillor Boden Anna Goodall

Monday 3 December 2018

Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing			
14.30 to 16.30 Meeting	Council Tax Support scheme	Economy	Councillor Mrs Hay Brendan Arnold
	Progress of Corporate Priority – Economy	Economy	Councillor Mason, Gary Garford, Justin Wingfield
	Annual review of Annual Revenues Partnership	Economy	Brendan Arnold Councillor Mrs Hay
	CSR items as required		
	Future Work Programme 2018/2019	Quality Organisation	Councillor Boden Anna Goodall

Monday 14 January 2019

Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing	Draft Overview and Scrutiny Future Work Programme 2017/2018	Quality Organisation	Councillor Boden, Anna Goodall
14.30 to 16.30 Meeting	Draft Budget	Economy	Cabinet CMT
	Draft Business Plan	Economy	Cabinet CMT
	Fees and Charges including Leisure	Economy	Councillor Mrs Hay Cabinet Brendan Arnold, Mark Saunders
	CSR items as required		
	Future Work Programme 2018/2019	Quality Organisation	Councillor Boden Anna Goodall

Monday 18 February 2019

Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing			
14.30 to 16.30 Meeting			
	Progress of Corporate Priority – Environment	Environment	Councillors Murphy, Oliver Richard Cassidy, Dan Horn, Phil Hughes, Mark Mathews, Annabel Tighe
	Crime Disorder and Reduction Partnership	Communities	Councillor Oliver Richard Cassidy, Dan Horn and Aarron Locks
	Draft Overview and Scrutiny Future Work Programme 2019/2020	Quality Organisation	Councillor Boden Anna Goodall
	CSR items as required		
	Future Work Programme 2018/2019	Quality Organisation	Councillor Boden Anna Goodall

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Monday 8 April 2019

Time	Agenda Item	Fenland Corporate Priority	Portfolio Holder/ Officer/ External Witness
14.00 to 14.30 Pre Briefing			
14.30 to 16.30 Meeting	Clarion	Communities	Richard Cassidy / Dan Horn Sue Stavers - Clarion Councillor Mrs Laws
	CSR items as required		
	Future Work Programme 2019/2020	Quality Organisation	Councillor Boden Anna Goodall