



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **REGULATORY SERVICES COMMITTEE**
TIME: 4.30pm
DATE: 21st January 2019
VENUE: Council Chamber, Nutholt Lane, Ely
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes
DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcamb.gov.uk

Membership:

Conservative Members

Cllr Anna Bailey (Chairman)
Cllr Julia Huffer (Vice Chairman)
Cllr Elaine Griffin-Singh
Cllr Neil Hitchin
Cllr Chris Morris

Cllr Hamish Ross
Cllr Carol Sennitt
Cllr Jo Webber

Liberal Democrat Member

Cllr Sue Austen

Substitutes:

Cllr David Ambrose Smith
Cllr Mike Bradley

Cllr Stuart Smith

Substitutes:

Cllr Lorna Dupré
Cllr Christine Whelan

Lead Officers:

Jo Brooks, Director Operations

Quorum: 5 Members

A G E N D A

- 1. Public Question Time**
The meeting will commence with up to 15 minutes public question time
- 2. Apologies and Substitutions**
- 3. Declarations of Interest**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct.
- 4. Minutes**
To confirm as a correct record the Minutes of the meetings of the Committee held on 5th November 2018

5. **Chairman's Announcements**
6. **Private Sector Housing Enforcement Policy**
7. **Future Provision for the Council's Clinical Waste Service**
8. **Quarter 3 Performance Report for the Waste and Street Cleansing Services**
9. **Budget Monitoring Report**
10. **Forward Agenda Plan**

NOTES:

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal hours you should report to main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of approx 60 people. Admittance to the Council Chamber is on a 'first come, first served' basis and public access will be from 15 minutes before the start time of the meeting.

There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question time and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.
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 - If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
The Committee Officer will sweep the area to ensure that everyone is out of this area.
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
5. If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:
"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

REGULATORY SERVICES COMMITTEE

Minutes of the meeting of the Regulatory Services Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on 5th November 2018 at 4.30 p.m.

PRESENT

Cllr Anna Bailey (Chairman)
Cllr David Ambrose Smith (as a Substitute)
Cllr Mike Bradley (as a Substitute)
Cllr Elaine Griffin-Singh
Cllr Julia Huffer
Cllr Chris Morris
Cllr Carol Sennitt
Cllr Jo Webber

ALSO PRESENT

Cllr Lis Every
Cllr Mike Rouse
Jo Brooks – Director Operations
James Khan – East Cambs Street Scene, Waste Minimisation & Fleet Manager
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer
Ian Smith – Finance Manager
Hetty Thornton – Performance Management Officer

35. **PUBLIC QUESTION TIME**

There were no public questions.

36. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Sue Austen, Neil Hitchin and Hamish Ross.

Councillors David Ambrose Smith and Mike Bradley attended as Substitute Members.

37. **DECLARATIONS OF INTEREST**

Councillors David Ambrose Smith, Anna Bailey, Elaine Griffin-Singh and Carol Sennitt all declared a prejudicial interest in agenda item 6, as they were all private landlords.

38. **MINUTES**

Councillor Julia Huffer recalled that Councillor Dupre had asked about the money for the recycling banks at the last meeting and Councillor Huffer had explained that the information was impossible to obtain due to it relating to a private company. It was agreed to amend the minutes to include those comments.

It was resolved:

That the minutes of the Regulatory Services Committee meeting held on 10th September 2018, as amended, be confirmed as a correct record and be signed by the Chairman.

39. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman highlighted the fact that the Council had been awarded White Ribbon Status in August. This movement began in Canada in 1991 to encourage men to actively show their opposition to violence against women. The accreditation entitled the Council to partake of relevant training and campaigning guidance, use of White Ribbon branding and signage plus exclusive access to other accredited organisations to promote fundraising. This award was evidence that the Council was carrying out its duty for employees, Members and service users. As part of the Action Plan, Ambassadors and Champions had been recruited from the staff and Members. The next steps were to involve and encourage the local community to raise awareness. This would involve local schools, parish councils and sports clubs. Thanks were proffered to the staff, particularly Shona McKenzie, and Members for raising awareness and securing this accreditation.

40. **PRIVATE SECTOR HOUSING ENFORCEMENT POLICY**

Due to the declarations of interest made requiring the absence of four Members from considering this item, which would result in the Committee becoming inquorate, the Committee agreed to defer this item until the next Committee meeting.

41. **PERFORMANCE MANAGEMENT – SIX MONTH REPORT UPDATES**

The Committee considered a report, reference T131, previously circulated, that updated the Committee on the progress made over the previous six months within the Service Delivery Plans of a number of Services.

Councillor Anna Bailey thanked all the Service Delivery Champions for providing their comments on the mid-term reports.

Building Control Services

The Performance Management Officer advised the Committee that all targets were being achieved and the service was doing well.

Councillor Anna Bailey thought this was an incredibly strong report, particularly the good market share being achieved.

Environmental Services

The Performance Management Officer advised the Committee that a number of targets were being met whilst some others were not. This was mostly due to reduced capacity, which was being addressed through recruitment.

Councillor Julia Huffer noted the number of fixed penalty notices that had been issued and asked what they were for and if any related to fly tipping? The Performance Management Officer would check and bring that information back. Councillor David Ambrose Smith thought that a note to all Members would be sufficient. Councillor Mike Bradley suggested that this should be communicated to the public to publicise the work being done.

Councillor Anna Bailey noticed that there were a couple of 100% inspection targets that had not be done yet. She was disappointed with the time being taken to progress disabled facilities grant (DFG) work, particularly for work costing less than £10,000. 36½ weeks on average was too long to get the work done. This should be investigated, as the delays caused by lack of funding was now not the problem. A forward look at the future budget could enable a view to be taken on what improvements could be made.

The Performance Management Officer stated that the inspections were dealt with when they were received. A review of DFG work had been undertaken last year and it had found that the use of regular contractors was taking time. Some measures had been put in place to tackle the issue and this had helped to improve the situation substantially. Logs were kept of the timescales and case studies of jobs done, but most of the issues were out of the services control.

Councillor Carol Sennitt thought the work delays were in part due to the workload of the contractors. Some delays were caused by Sanctuary Housing being reluctant to install walk-in showers in 'family' homes where elderly residents were averse to moving out. As a result Sanctuary were placing youngsters in bungalows to enable their houses to be filled.

Councillor Elaine Griffin-Singh disclosed that Sanctuary denied any delays in the work but they had to be nailed down to get this work done. As she and Councillor Morris were Council representatives with Sanctuary it would be useful to be informed of any examples so they could put this to Sanctuary for answers.

Councillor Mike Bradley accepted that older people did not wish to move out of their own homes but that meant that families did not get bigger houses. This needed to be looked at to get the balance right.

Councillor David Ambrose Smith asked whether CCTV footage could be used as evidence to allow fixed penalty notices to be given out. The Director Operations stated that this was not permitted. Councillor Lis Every explained that the information could not be released unless a crime was reported to the Police first.

Licensing

The Performance Management Officer advised the Committee that all targets were being met.

Councillor Elaine Griffin-Singh singled out Stewart Broome for achieving this, as he was a first-class officer.

Housing and Community Safety

The Performance Management Officer advised the Committee that some of the status arrows in the report were incorrect and should have been pointing up, this would be amended. Councillor Mike Rouse, Service Delivery Champion, was asked if he wished to make any comments and he replied that he was content with the report.

In response to Councillor Anna Bailey's query, it was confirmed that the figure for traveller site rents was extra money.

Councillor Jo Webber thanked the Housing team for its support during the summer at a meeting where over 200 people attended along with the Police. Their support was appreciated by Members and the Parish Council.

Planning

The Performance Management Officer advised the Committee that the department was meeting its targets, even though it had been significantly under capacity. Another four officers had been recruited to address that problem, so the department had done significantly well.

Councillor Lis Every, Service Delivery Champion, disclosed that over the last six months the department had done rounds of recruitment, and the latest had secured four posts out of five. This had been the third one this year. The department should be applauded for what it had achieved under such circumstances. This had been accomplished through mutual support and extremely good team working and they had done amazingly well.

Councillor David Ambrose Smith thanked the team for the support it had provided for Members.

Councillor Mike Bradley acknowledged the horrendous workload the department had contended with and applauded the Planning Manager for her work.

Waste

The Performance Management Officer advised the Committee that the service was doing significantly better since the changeover to an in-house solution.

AGENDA ITEM NO. 4

Councillor Julia Huffer stated that the service staff were 'working their socks off' and were doing fantastically well. The work that everybody was doing had not gone unnoticed.

Councillor Anna Bailey was pleased to note that recycling rates were at 59.68% with a peak rate of 63.65% last May. This demonstrated that reaching 60% would be possible. It was acknowledged that help would be needed to keep recycling at that level.

Councillor Mike Bradley noted that issues were being addressed, including fly tipping, but was concerned that graffiti targets were not being met yet.

The Director Operations agreed that some targets were not being achieved yet. Process maps had been completed between the Housing department, Waste Services and Customer Services and these would start being used from next Monday. With regards graffiti, the main difficulty related to instances on privately owned land. There was also a difference between offensive and non-offensive examples. The Housing department would be helping with procedures to tackle the graffiti problem.

Councillor Elaine Griffin-Singh asked how the second blue bin scheme was progressing. The Waste Minimisation & Fleet Manager revealed that between 600 and 700 extra bins had been delivered. This had aided in increasing the recycling tonnages but care was needed to ensure the right quality materials were being used.

It was resolved:

- (i) That the progress made against the priorities of the Council including areas where the service had been under achieving and where outstanding performances were delivered be noted;
- (ii) That the comments made by Service Delivery Champions be noted.

42. **QUARTER 2 PERFORMANCE REPORT FOR THE WASTE AND STREET CLEANSING SERVICES**

The Committee considered a report, reference T132, previously circulated, that provided the Quarter 2 performance report for the delivery of the waste and street cleansing services by East Cambs Street Scene (ECSS).

The Waste Minimisation & Fleet Manager advised the Committee that during the past six months services had improved. In the last three months East Cambs Street Scene had seen a vast change both structurally and behaviourally to improve services. New work programmes, better use of resources and implementation of staff ideas had all aided service improvements so that targets in many areas had been exceeded. Sickness absence had been managed, and educational and promotional work had helped residents understand the recycling processes with a view to increase recycling rates. So the service was above its target and was ahead of a

number of neighbouring authorities. Members support and patience was needed to enable targets to be reached.

Councillor Anna Bailey was really impressed with the huge turnaround over the last six months since the service came in-house, as it had been in a poor state.

Councillor Mike Bradley questioned whether the vehicles were air-conditioned, for staff welfare. It was disclosed that a couple of the newer vehicles had it but the older and smaller vehicles did not.

Councillor David Ambrose Smith asked about staff churn. The Waste Minimisation & Fleet Manager stated the staff turnover was at normal levels. Even though there was a national shortage of heavy goods vehicle drivers the Company had managed to retain most of its drivers.

It was resolved:

That the progress made to date to consolidate and begin to improve services being delivered and the impact that the enhanced management arrangements put in place by the Director Operations made to accelerate the improvement progress within ECSS be noted.

43. **BUDGET MONITORING REPORT**

The Committee considered a report, reference T133, previously circulated, that provided budget information for services under the Regulatory Services Committee.

The Finance Manager advised the Committee about the half-year report and said that the projected underspend on the revenue budget had improved since the last report. There were no variations on the capital budget. The Government had recently announced a further £100 million for DFGs, though at this stage there was no idea how much of that would filter through to this Council.

It was resolved:

- (i) That it be noted that this Committee had a projected revenue underspend of £135,000 compared to its approved budget of £3,546,687;
- (ii) That it be noted that this Committee had a projected capital programme outturn of £2,380,799, which was in line with its revised capital budget for the year.

44. **FORWARD AGENDA PLAN**

The Committee received its forward agenda plan.

The meeting concluded at 5:20 p.m.

TITLE: PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Committee: Regulatory Services Committee

Date: 21st January 2019

Author: Julia Atkins, Senior Environmental Health Officer

[T184]

1.0 ISSUE

1.1 The Private Sector Housing Enforcement Policy 2018 has been reviewed to take into account new legislation and enforcement powers.

2.0 RECOMMENDATION(S)

2.1 Members are recommended to

- (1) Approve the draft Private Sector Enforcement Policy
- (2) Agree the Penalty matrix on page 34
- (3) Agree in principle to introduce a charge to cover the cost of administration and service of notices
- (4) Agree a consultation period of 6 weeks

3.0 BACKGROUND/OPTIONS

3.1 Private sector housing plays a significant part in housing provision within East Cambridgeshire. We recognise that the majority of this housing is in good condition and well managed, however in some circumstances this is not the case and where appropriate, enforcement action needs to be taken. The Council has a Statutory duty to deal with unsatisfactory housing.

3.2 This policy has been updated to include new legislation and summarises the types of enforcement and legislation, ranging from informal action, to the service of Notices, Civil Penalties and prosecution. The policy aims to clearly set out the Council's approach to enforcement to provide consistency and transparency. It is designed to be both fair to responsible landlords but deal effectively with uninformed or rogue landlords to maintain and improve housing conditions within East Cambridgeshire.

Main Updates

3.3 In recent years changes to legislation have enabled local authorities the power to enforce penalty charges as a tool to tackle non-compliance where appropriate as an alternative to prosecution. Any income raised from the issue of civil penalties can be retained by the local authority to off-set the cost of enforcement and improve private sector housing working practices.

- 3.4 **Housing and Planning Act 2016:** Allows local authorities to impose a civil penalty of up to £30,000 for certain offences, including overcrowding, failure to licence an HMO or breach of an Improvement Notice. Before the use of penalty charges are permitted, local authorities are required to produce a penalties matrix, that clearly sets out the considerations as to the level of the penalty for particular offences. The penalty matrix within the policy demonstrates the minimum tariff for a particular offence. Charges are proportionately higher for 'professional landlords' who manage larger portfolios, than they are for less experienced landlords.
- 3.5 **Housing Act 2004 Section 49:** Allows the local authority to charge for the service of housing enforcement notices. The aim of introducing this charge for specific notices within the policy is to act as a deterrent to landlords where their properties are found to be below standard. The charge will be to cover the officer costs for administering and serving such a notice. Appropriate charges will be added to the fees and charges register for the usual Committee approval to start 1st April 2019.
- 3.6 **Smoke and CO Alarm Regulations:** These penalty charges are already used where appropriate by Environmental Services (Domestic Team) having previously been approved by Committee but have been included within the Policy to ensure transparency of all powers and penalty charges issued by the team in a single policy and reference tool.
- 4.0 ARGUMENTS/CONCLUSIONS
- 4.1 Environmental Services are committed to improve enforcement procedures whilst responding to new legislation.
- 4.2 The policy aims to clearly outline the options open to the Environmental Services (Domestic Team) for Housing Enforcement to ensure consistency and transparency for the public, landlords and officers.
- 4.3 Introducing charges for specific notices and civil penalties as an alternative to prosecution, where appropriate, will be an additional deterrent to rogue landlords where good housing standards are not maintained.
- 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT
- 5.1 Implementation of this policy will have a positive effect. Increased civil penalty fines will be able to be charged resulting in increased income to offset the cost of enforcement and enable more improvements for the Environmental Services (Domestic Team).
- 5.2 Equality Impact Assessment (INRA) attached.

6.0 APPENDICES

- 6.1 Appendix 1-Private Sector Housing Enforcement Policy (with Appendices)
Appendix 2-INRA

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Housing Act 2004	Room SF203	Julia Atkins/Karen See
Housing and Planning Act 2016	The Grange, Ely	Position: Senior Environmental Health Officer (01353) 616304
Smoke and Carbon Monoxide Alarm Regulations		E-mail: Julia.atkins@eastcambs.gov.uk or Karen.see@eastcambs.gov.uk



APPENDIX 1

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

DRAFT

Private Sector Housing Enforcement Policy

November 2018



Contents

- 1 Purpose
- 2 Introduction
- 3 What to expect from us
 - 3.1 Landlords
 - 3.2 Tenants
 - 3.3 Owners
 - 3.4 Owners of Empty Homes
- 4 Enforcement Policy and Principles
 - 4.1 Role of the Private Rented Sector
 - 4.2 Risk Assessment
 - 4.3 Housing Health & Safety Rating System (HHSRS)
 - 4.4 Advice and Guidance
 - 4.4 Inspections, Other Visits and Information Requirements
 - 4.5 Compliance and Enforcement Actions
 - 4.6 Accountability
- 5 Tenure
 - 5.1 Owner-Occupiers
 - 5.2 Social Landlords
 - 5.3 Private Landlords
 - 5.4 What is expected of Tenants
 - 5.5 Retaliatory Evictions
- 6 Situations where a service may not be provided
- 7 Specific Enforcement Policies
 - 7.1 Authority to Investigate or Enforce
 - 7.2 Authorisation of Officers
 - 7.3 Powers of Entry and Powers to Require Information
 - 7.4 Choice of Appropriate Enforcement Action
 - 7.5 Enforcement Action
 - 7.6 Power to Charge for Enforcement Action
 - 7.7 Charges for Notices & Orders
 - 7.8 Failure to Comply with Notices
 - 7.9 Revocation and Variation of Notices
 - 7.10 Review of Enforcement Action
 - 7.11 Recovery of Debts
 - 7.12 Improvement Notices
 - 7.13 Suspended Improvement Notices

7.14 Prohibition Orders
7.15 Suspended Prohibition Order
7.16 Hazard Awareness Notice
7.17 Emergency Remedial & Prohibition Action
7.18 Demolition Orders
7.19 Clearance Areas
7.20 Simple Cautions
7.21 Works in Default

- 8** **Civil Penalties**
 8.1 Determining the Sanction
 8.2 Factors to be taken into consideration when
 determining the Penalty
 8.3 Penalties Structure
 8.4 Procedure
- 9** **Rent Repayment Orders**
- 10** **Banning Order Offences**
- 11** **Houses in Multiple Occupancy**
 11.1 Licensing Offences
 11.2 Interim and Final Management Orders
 11.3 Final Management Orders
 11.4 Management Order Management Schemes
 11.5 Temporary Exemption Notices
 11.6 Raising Standards in HMOs
 11.7 Fire Safety in HMOs
 11.8 General Management of HMOs
- 12** **Empty Homes**
- 13** **Carbon Monoxide Regulations**
- 14** **Monitoring & Review**
- 15** **Other Legislation**
- 16** **Application of the Policy**
- 17** **Related Policies and Documents**
 Appendix 1 Financial Penalty Matrix
 Appendix 2 Adopted Standards for Houses in Multiple
 Occupation.

1. Purpose

This Policy details how the Council will regulate standards in Private Rented Housing and tackle empty homes in East Cambridgeshire. It also provides a background to the legislation and guidance on which it is based.

It is important for local authorities to have an enforcement policy to ensure consistency of approach among Council Officers and for members of the public to know what to expect from the service.

An enforcement policy also provides clarity if the Council takes legal proceedings or enforcement action is appealed against.

Our aim is to raise standards in Private Sector Housing throughout East Cambridgeshire, working with owners, landlords, letting agents and tenants to achieve this. However, it is recognised that if there is an offence, then enforcement action may be necessary to protect the public and the environment.

In developing this policy, the Council must remain impartial to both landlord and tenant to be fair to both sides and give help and advice to achieve our aim but we must also be firm in taking enforcement action, if appropriate.

2. Introduction

The Domestic Team which includes Private Sector Housing Enforcement is part of Environmental Services. The service aims to protect and improve lives by ensuring private rented homes are safe and warm.

The **Private Sector Housing Enforcement Policy** outlines the Council's general approach to enforcement across a wide range of activities. This policy provides details of the Council's specific approach to regulating housing standards in East Cambridgeshire.

The Private Sector Housing Enforcement Policy confirms that:

- The Council will provide awareness, advice and assistance whenever possible to the public, businesses and organisations to help them meet their legal obligations in relation to the relevant legislation before embarking on the enforcement process
- The Council is committed to carrying out its duties in a fair and consistent manner, ensuring that enforcement action is proportional to the seriousness of failure to comply with statutory requirements
- The decision to use enforcement action will depend on the severity of the non-compliance

Effective and well targeted regulation is essential in promoting fairness and protection from harm. The Regulators' Compliance Code is a statutory code of

practice for regulators hereafter referred to as 'The Code'.
www.gov.uk/government/publications/regulators-code

From 6 April 2014, the Council has been required to comply with the Code when regulating private rented housing standards and its specific obligations have been included in this policy. The overriding principle of the Code is that regulation and its enforcement should be ***proportionate and flexible enough to allow or even encourage economic progress.***

3. What to expect from us

3.1 Landlords

1. We will advise you of the legislation and help you understand how you can comply with it
2. We will advise you of any action you need to take to comply with the legislation and will ask you to respond with your proposal of how you intend to comply with any requirements of any Notice
3. If we are satisfied with your proposal, we will work with you to comply within agreed timescales
4. If we are not satisfied with your proposal or how the work is progressing, we will initiate formal action in a proportionate manner as appropriate to the circumstances
5. In making any decision to prosecute we will have regard to how serious the offence is, the benefit of enforcement action and whether some other action would be appropriate
6. A charge will be made for the service of the Notice

3.2 Tenants

1. We will expect you to advise your landlord of any issues within your property, preferably in writing, before contacting us. For further advice and guidance go to; <https://www.eastcamb.gov.uk/housing/private-housing-accreditation>
2. We will advise you as to what action we can take
3. 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

3.3 Owners

1. We will expect owners to maintain the properties they live in.

3.4 Owners of Empty Homes

1. We will work proactively with owners of empty homes to encourage the bringing of their empty homes back into use
2. Where an empty property is having a detrimental impact on the neighbouring area enforcement action will be considered if appropriate
3. If owners fail to take responsibility for their properties, are not willing to engage or negotiations have failed, and where there is little prospect of a property being brought back into use voluntarily, enforcement action (Enforced Sale Compulsory Purchase Order, Empty Dwelling Management Order, and) may be considered

4. Enforcement Policy and Principles

4.1 Role of the Private Rented Sector

The supply of good quality, affordable, privately rented accommodation is essential to meeting local housing need and this is acknowledged in the Council's Housing Strategy.

http://www.eastcambs.gov.uk/sites/default/files/housing/housing_strategy_24583.pdf

A key priority for this strategy is to provide professionally managed and well maintained homes. We will work with landlords to improve and sustain good quality accommodation and will intervene when there is a risk to the health and safety of occupants, neighbours or visitors to a property.

4.2 Risk Assessment

The Domestic Team use risk assessments to concentrate resources in the areas that need them most and on the properties in the worst condition. In doing so, we also take account of any safeguarding issues and vulnerability of the occupant referring to other appropriate agencies or services if appropriate.

Suitably trained Officers routinely use the Housing Health and Safety Rating System (HHSRS), which is a statutory, evidence-based, risk assessment method for assessing and dealing with poor housing conditions under the Housing Act 2004.

Following the receipt of a service request or complaint about poor housing conditions, an initial risk assessment will normally be carried out. Follow-up advice or action will be dependent on the outcome of the initial risk assessment and may not always involve a visit to the property.

Complaints about Social Housing properties will be referred to the Providers to investigate in the first instance. However, where it is necessary that intervention is required, we will do so.

4.3 Housing Health & Safety Rating System (HHSRS)

The Housing Act 2004 introduced the **Housing Health & Safety Rating System (HHSRS)**. It is a calculation of the effect of 29 possible hazards on the health of occupiers. The legislation provides a range of actions for addressing identified hazards. It is a two-stage calculation combining the likelihood of an occurrence taking place and then the range of probable harm outcomes that might arise from that occurrence which would result in a numerical rating. This is repeated for each of the hazards present. The assessment is not based upon the risk to the actual occupant but upon the group most vulnerable to that particular risk. Once scored, any action that is then considered will take into account the effect of that risk upon the actual occupant.

The scores for each hazard present are then banded from A to J. Bands A to C (ratings of 1,000 points and over) are the most severe, and are known as **Category 1 hazards** when considering action. Bands D to J, the less severe (rating less than 1,000 points) are known as **Category 2 hazards**.

HHSRS provides a combined score for each hazard identified and does not provide a single score for the dwelling as a whole. It is applied to all residential premises, whether owner-occupied or rented.

This Policy takes account of guidance provided by the Government and sets out how the Council will use its powers and reach its decisions in relation to the Housing Health & Safety Rating System (Part 1 of the Housing Act 2004).

The Council has a duty to take appropriate action in response to a **Category 1 hazard**. (When a Category 1 hazard is identified, the Council must decide which of the available enforcement options it is most appropriate to use. These are explained in more detail below.)

The Council will exercise its discretion and consider individual cases and circumstances when deciding whether to take action in response to **Category 2 hazards**.

4.4 Advice and Guidance

The Domestic Team will provide authoritative, accessible advice around Private Sector Housing. The Council's website is used to provide general information, advice and guidance to make it easier for landlords, agents, home owners and others to understand their obligations, is provided in clear, concise and accessible language, using a range of appropriate formats and media. General information for Landlords and Tenants is available under the following links:-

General information

<http://www.eastcambs.gov.uk/search/site/housing%20information>

Damp and Mould

http://www.eastcambs.gov.uk/sites/default/files/housing/condensation_information_1_eafet_english_version_19190.pdf

Caravan/Mobile Home Sites

<http://www.eastcambs.gov.uk/licensing/caravan-site-licence> etc.

The service will consult with landlords' associations and other appropriate stakeholders when developing the content and style of this guidance.

When offering compliance advice, the Domestic Team will distinguish between statutory requirements and advice or guidance aimed at improvements above minimum standards. Advice will be confirmed in writing, if requested.

The Domestic Team welcomes enquiries from home owners and landlords about complying with minimum standards and ensuring homes are safe and warm. However, the Service will not act as a consultant for home owners or landlords and is not able to complete non-statutory, detailed assessments for specific properties (such as fire safety risk assessments; confirming in detail the work that would be required to let a property in multiple occupation; or detail the work required to reduce the risk from significant hazards in a property to an acceptable level).

4.5 Inspections, Other Visits and Information Requirements

No inspection will take place without reason. Inspections and other visits will take place in response to a reasonable complaint or request for service or where poor conditions have been brought to our attention;

- In accordance with statutory inspection requirements (such as for mandatory licensing of houses in multiple occupation, HMOs)
- Or on receipt of relevant intelligence

Unless the visit is intended for advice purposes only, the landlord or his or her agent will be contacted and given prior warning that an inspection will be carried out.

Following an inspection, positive feedback will be given wherever possible to encourage and reinforce good practices.

The Domestic Team will focus its resources on the highest risk properties, those in worst condition and properties owned by landlords who regularly fail to comply with regulations or frequently have properties with poor conditions.

4.6 Compliance and Enforcement Actions

The Domestic Team will seek to identify landlords, agents, property owners or businesses that persistently break regulations and ensure that they face proportionate and meaningful sanctions. By facilitating compliance through a positive and proactive approach, the Service aims to achieve higher compliance rates and reduce the need for reactive enforcement actions. However, those who deliberately or persistently break the law will be targeted.

When considering formal enforcement action the Service will, where appropriate, discuss the circumstances with those suspected of a breach and take these into account when deciding on the best approach. This will not apply where immediate action is required to prevent, or respond to a serious breach or to deal with an imminent risk to health or safety, or where to do so is likely to defeat the purpose of the proposed enforcement action.

The Service will ensure that clear reasons for any enforcement action are given and complaints and appeals procedures are explained at the same time.

4.7 Accountability

The Service will be accountable for the efficiency and effectiveness of its activities, while remaining independent in the decisions that it takes. Employees will provide a courteous and efficient service.

Complaints about our service will be handled in line with the Council's corporate complaints procedure which is outlined here:

<https://www.eastcambs.gov.uk/customer-services/customer-feedback-complaints>

5. Tenure

The Housing Health and Safety Rating System (HHSRS) outlined at Section 7 of this policy applies all tenures of housing. Furthermore, it does not specify that particular approaches or solutions should be used on the basis of ownership or the occupier's status. All enforcement options are available to the Council regardless of whether the premises in question are owner-occupied, privately rented or belong to a Social Housing Provider.

Generally, however, the Council considers that owner-occupiers are usually in a position to take informed decisions concerning maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly; tenants however, are not usually able to do so.

For this reason, the Council proposes that it is appropriate for its powers to be used according to tenure, as follows:

5.1 Owner-Occupiers

The Council considers that as mentioned above, owner occupiers are usually in a position to take decisions regarding their own property and although advice may be sought from the service, Enforcement Action would not usually be appropriate.

In the rare circumstance that it is considered appropriate, Hazard Awareness Notices may be the appropriate course of action. However, the use of Improvement Notices, Prohibition Notices and their emergency equivalents will be considered in cases involving:

- Vulnerable elderly people who are judged incapable 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 reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire

Unless an identified hazard is judged to pose an imminent risk of serious harm, the Council will contact the owner to confirm its involvement, explain the nature of the hazard and confirm the action it is intending to take. The Council will take account of any proposals or representations made by, or on behalf of the owner. The Council will solicit and take account of the opinion of the relevant Welfare Authority in considering both the vulnerability and capability of such persons as well as in determining what action it will then take.

5.2 Social Landlords

Housing Providers 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 and Communities Agency (HCA). Housing Providers 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.

On this basis, the Council will not normally take formal action against Housing Provider unless:

- It is satisfied that the problem in question has been properly reported to the Housing Provider and
- The Housing Provider has then failed to take appropriate action

If the Council determines that it is appropriate to take action, it will then normally notify the Housing Provider that a complaint has been received and/or a hazard identified and seek the Housing Provider's 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, considering the facts of the case.

5.3 Private Landlords

The Council will have regard to the principles of statutory guidance and relevant guidance from the First-tier Tribunal (Property Chamber) decisions and will initially seek to proceed informally.

Formal action may be initiated immediately if a hazard in question is judged by the Council:

- To pose an imminent risk of serious harm to any person (whether or not immediate action is required, and whether the hazard(s) in question is likely to affect a tenant, an employee or a member of the public), or

- The landlord in question is known to have failed, on a previous occasion, to take appropriate action in response to an informal approach.

When arranging an inspection, the Council will write/email or telephone the landlord (or his/her relevant agent) to confirm an inspection will be carried out. Following the inspection, the Council will explain the nature of any hazard(s) identified in writing and seek the landlord/agent's proposals for remedying the problem.

Where ownership is unclear, a Requisition for Information Notice (s16) may also be served.

Following the inspection, the Council will not normally need to take any further action to discharge its duties as long as:

- Satisfactory proposals and timescales for the work to be carried out are received and agreed and
- The work is carried out to a satisfactory conclusion within the agreed timescales

Landlords are expected to either:

- Provide any agent acting for them with sufficient authority to act on their behalf, in the event that they are contacted by the Council, or
- To ensure that they maintain appropriate communication with their agent in order that appropriate decisions and responses can be provided to the Council

The failure of an agent to respond to communication from the Council or any failure to take appropriate action may be treated as a failure by the landlord.

If the Council receives:

- No response from the landlord/agent or
- A response it judges inadequate or
- Proposals that were judged acceptable but which are not then followed through (for example if works fail to start when agreed, fail to make proper progress or are completed to an inadequate standard)

it will proceed with formal action by taking the most appropriate enforcement action in accordance with this Policy.

5.4 What is expected of Tenants

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 (preferably in writing), allowing a reasonable time period for the landlord to make representation.

Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. This is because it is more difficult for landlords to carry out their obligations under the legislation, unless they have been made aware of the problem.

Where the matter appears to present an imminent risk to the health and safety of the occupants, it is expected that tenants will continue to try to contact their landlord, even if this is after they have contacted the Domestic Team. Copies of correspondence between the landlord and tenant may be required by Officers.

In certain situations, tenants, will not be required to write to their landlord first, for example:

- Where there is a history of harassment/threatened eviction/poor management practice
- Where the tenant appears to be vulnerable or where there are vulnerable members of the household
- Where the tenant could not for some other reason be expected to contact their landlord/managing agent
- Where the property is a House in Multiple Occupation which appears to fall within HMO licensing

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. Tenants should also consider seeking independent legal advice about their own individual powers to resolve any dispute with their landlord.

Housing Provider tenants have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner and also a final right of appeal to the Housing Ombudsman Service. However, if the Housing Provider has not taken appropriate action to deal with problems with the property, then the Council will investigate and take appropriate action.

5.5 Retaliatory Evictions

Retaliatory eviction is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair, their landlord serves them with an eviction notice. On 1st October 2015, a number of provisions in the Deregulation Act 2015 came into force. These provisions are designed to protect tenants against unfair eviction.

Where a tenant makes a genuine complaint about the condition of their property that has not been addressed by their landlord, their complaint has been verified by a local authority inspection, and the local authority has served either an improvement notice or a notice of emergency remedial action, a landlord cannot evict that tenant for 6 months using the 'no fault' eviction procedure (a section 21 eviction). The landlord is also required to ensure that the repairs are completed.

In order to rely on the protection against retaliatory eviction that the Deregulation Act 2015 provides, a tenant must approach the landlord in writing in the first instance. If, after 14 days from the tenant making a complaint, the landlord does not reply, that reply is inadequate, or they respond by issuing a Section 21 eviction notice, the tenant should approach the Domestic Team and ask them to carry out an inspection to verify the need for a repair. We will then undertake an HHSRS inspection. If the inspection verifies the tenant's complaint, the enforcement officer will take

appropriate action.

If the council serves an Improvement Notice or Notice of Emergency Remedial Action, the landlord cannot evict the tenant for 6 months using the no-fault eviction procedure.

We will work with landlords to understand their obligations and the implications of this legislation, and will work alongside the Housing Options team to provide support, advice and guidance to the tenant in these circumstances.

6. Situations where a Service may not be Provided

Where any of the following situations arise, consideration will be given to not provide or cease to provide a service:

- Where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- Where the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- Where there are claims by the tenant for compensation
- Where the tenant's only reason for contacting the Domestic Team, in the opinion of the Council, is in order to pursue a position on the housing register or by means of a contrived homeless application. The Council will aim to bring their present accommodation up to standard as a first priority
- Where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow-up appointment
- Where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards Officers
- Where there is found to be no justification for the complaint, on visiting the property
- Where the tenant unreasonably refuses to provide the Council with relevant documentation

7. Specific Enforcement Policies

7.1 Authority to Investigate or Enforce

The Housing Act 2004 and associated secondary legislation sets out the duties and powers that East Cambridgeshire District Council has in relation to regulating housing standards in its capacity as the Local Housing Authority. Powers are also contained in the Housing Act 1985, as amended, and other legislation, such as the Environmental Protection Act 1990, the Town and Country Planning Act 1990, the Public Health Acts 1936 and 1961, the Mobile Home Act 2013 and the Housing and Planning Act 2016. This is not a complete list of the powers available.

7.2 Authorisation of Officers

Only Officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. The Council's Scheme of Delegation

sets out the delegated powers given to Officers.

Officers who undertake criminal investigations will be conversant with the provisions of all relevant criminal investigation law.

7.3 Powers of Entry and Power to Require Information

The Council has 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
- The Officer has given 24 hours' Notice to the owner (if known) and the occupier (if any) of the premises they intend to enter

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.

The Council also has power 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

The Council also has 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 authority to carry out its functions in relation to these parts of the Act.

7.4 Choice of Appropriate Enforcement Action

Unless there is an imminent risk to the health and safety of the occupant or visitors to the property, the Council will attempt to secure the required improvements informally and within a reasonable amount of time.

Where this approach fails, the Council will determine which of the specific enforcement options it will use, taking into account the facts and circumstances in each individual case.

A statement of reasons will be provided with any Notice it serves, explaining why the Council has decided to take a particular course of action.

7.5 Enforcement Action

In accordance with the Enforcement Policy, the decision to use enforcement action will depend on the severity of the non-compliance. Factors that will be taken into consideration include:

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals
- The culpability of the responsible party
- Evidence that suggests that there was premeditation in the commission of an offence
- Whether the alleged offence involves a failure to comply in full or in part with the requirements of a statutory Notice or order
- Whether there is a history of previous warnings or the commission of similar offences
- Aggravated circumstances such as aggressive or violent behaviour

Enforcement action will be consistent with the Council’s overall Housing Strategy and the Service will adopt a coordinated approach with other Council services and other relevant agencies, in particular with preventing and dealing with homelessness.

7.6 Power to Charge for Enforcement Action

The Local Authority has the power under Section 49 of the Housing Act 2004 to make a reasonable charge as a means of recovering certain administrative and other expenses incurred in serving an Improvement Notice, Hazard Awareness Notice, making a Prohibition, Emergency Prohibition or Demolition Order or taking Emergency Remedial Action. The Council will charge under the following:

Housing Act 2004	
Section	Type of Notice
Section 11 and 12	Improvement Notices
Section 20 and 21	Prohibition Notice
Section 40	Emergency Remedial Action
Section 43	Emergency Prohibition Order
Section 64	Licence for House in Multiple Occupation
Section 265 HA 1985	Demolition Order

7.7 Charges for Notices & Orders

Where a charge is made, the Council can recover a reasonable amount for expenses incurred in connection with officer time spent gaining entry, visiting and inspecting the premises to determine appropriate action and the administration costs for the production of a Notice, Order or Remedial Action.

Costs incurred carrying out Work in Default or Remedial Action will be charged separately.

When the charge demand becomes operative, the sum recoverable will be a local land charge.

7.8 Failure to Comply with Notices

If a Notice is complied with, no further action will be taken. However, if the Notice is not complied with, the Council will consider the following options:

- Prosecution;
- Carrying out the works in default;
- Carrying out the works in default and prosecution;
- Whether a simple caution is appropriate;
- Civil Penalty

Failure to comply with an Improvement Notice or a Prohibition Order is an offence punishable by an unlimited fine. Following conviction, it is an offence to carry on using the premises in breach of the Prohibition Order, attracting a daily fine.

The Council will take action to recover its costs in connection with works in default. The Council will also take action to recover the costs incurred in carrying out works associated with Emergency Remedial Action.

As a charge on the property, the costs give the Authority the same powers and remedies as a Mortgagee under the Law of Property Act 1925 (Enforced Sale).

7.9 Revocation and Variation of Notices

The Council must revoke an Improvement Notice once the Notice has been complied with.

If part of the work required within the Notice is carried out, then the Notice can be varied.

7.10 Review of Enforcement Action

If there is a change in the occupation of a premises (leading to either an increase or decrease in the apparent risk to occupiers) the current state of any outstanding enforcement action should be reviewed by the investigating officer, in consultation with his or her line manager, to ensure that it is still appropriate and proportionate to the risk posed from the identified hazard(s).

7.11 Recovery of Debts

Where charges for enforcement action are levied, they will be registered as a local land charge against the owner's property. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge. The Council will vigorously pursue all debts owed to it as a result of enforcement charges or charges for carrying out works in default (as well as any other charges). This includes smaller debts where the cost of recovery is greater than the debt owed. To recover debts the Council will use some of the following means;

- The enforced sale procedure under the Law and Property Act 1925. This allows the Council to force the owner to sell their property in order to recover its costs
- Use tracing services to track down debtors and secure judgments to recover debts
- Demand rents are paid to the Council instead of the landlord to recover outstanding debts (where the legislation allows and it is appropriate to do so).

7.12 Improvement Notices

It is anticipated that Improvement Notices are a practical remedy for Category 1 hazards.

Where the Council determines that it is appropriate for an Improvement Notice to be served in respect of a Category 1 Hazard, it will:

- Require works that will either remove the hazard entirely or
- Will reduce its effect so that it ceases to be a Category 1 hazard,

The Council will take whichever of these two options it considers appropriate, having considered the circumstances of the case.

If the Council determines that the hazard can only be reduced to a Category 2 hazard rather than removed, it will require works to be carried out as far as is reasonably practical to reduce the likelihood of harm.

7.13 Suspended Improvement Notice

The Council has the power to suspend an Improvement Notice once served and will consider this course of action where it is reasonable in the circumstances, to do so.

The following are situations in which it may be appropriate to suspend an Improvement Notice:

- The need to obtain planning permission (or other appropriate consent) that is required before repairs and/or improvements can be undertaken
- Works which cannot properly be undertaken whilst the premises are occupied

and which can be deferred until such time as the premises falls vacant or temporary alternative accommodation can be provided

- Personal circumstances of occupants; for example, temporary ill health, which suggests that works ought to be deferred

When deciding whether it is appropriate to suspend an Improvement Notice, the Council will have regard to:

- The level of risk presented by the hazard(s)
- The turnover of tenants at the property
- The response or otherwise of the landlord or owner
- Any other relevant circumstances (e.g. whether the vulnerable age group is present)

Suspended Improvement Notices will be reviewed on an ongoing basis, at least every 6 months.

7.14 Prohibition Orders

Prohibition Orders can be used in respect of both Category 1 and Category 2 hazards for all or part of a dwelling and are likely to be used if repair and/or improvement appear inappropriate on grounds of practicality or excessive cost (i.e. the cost is unrealistic in terms of the benefit to be derived). Examples include:

- A dwelling or part of a dwelling where adequate natural lighting or adequate fire escape cannot realistically be provided
- In an HMO, to prohibit the use of specified dwelling units or of common parts. This might, for example, be used if the means-of-escape is unsatisfactory
- To specify the maximum number of persons who can occupy a dwelling where it is too small for the household's needs, in particular in relation to the number of bedrooms
- In relation to premises lacking certain facilities but which are nonetheless suitable for a reduced number of occupants

In addition to prohibiting all uses in relation to the whole or part of the premises in question (other than uses specifically approved by the Council), Prohibition Orders can prohibit specific uses (Section 22 (4)(b) Housing Act 2004); this option may be employed to prevent occupation by particular descriptions of persons. Use of this power may be appropriate in situations such as the following:

- Premises with steep staircases or uneven floors which make them particularly hazardous to elderly occupants
- Premises with open staircase risers or widely spaced balustrades that make them particularly unsuitable for infants

7.15 Suspended Prohibition Order

The Council has the power to suspend a Prohibition Order once served and will consider this course of action where it is reasonable in the circumstances to do so.

Suspended Prohibition Orders will be reviewed on an ongoing basis, at least every 6 months.

The Council will consider any written requests made for alternative uses of premises or part-premises which are subject to a Prohibition Order, and will not withhold its consent unreasonably. Any such consent will be confirmed in writing.

7.16 Hazard Awareness Notice

Hazard Awareness Notices may be served to notify owner-occupiers of the existence of hazards (for example where the risk from the hazard is mitigated by the long-standing nature of the occupancy). It might also be applicable where:

- It is judged appropriate to draw a landlord's attention to the desirability of remedial action
- To notify a landlord about a hazard as part of a measured enforcement response

7.17 Emergency Remedial & Prohibition Action

The situations in which Emergency Remedial Action and Emergency Prohibition Orders may be used are specified by Sections 40 to 45 of the Housing Act 2004. Specifically, the Council must be satisfied that:

- A Category 1 hazard exists, and that
- The hazard poses an imminent risk of serious harm to health or safety, and that
- Immediate action is necessary

Situations in which emergency action may be appropriate include:

- Residential accommodation located above commercial premises which lack a safe means of escape in the event of fire because there is no independent access
- Risk of electrocution, fire, gassing, explosion or collapse

7.18 Demolition Orders

The Housing Act 2004 provides the Council with the power to make Demolition Orders. Demolition Orders are a possible response to a Category 1 hazard (where they are judged the appropriate course of action). In determining whether to issue a Demolition Order, the Council will take account of Government guidance and will consider all the circumstances of the case.

7.19 Clearance Areas

The Council can declare an area to be a Clearance Area if it is satisfied that each of the premises in the area is affected by one or more Category 1 hazards (or that they are dangerous or harmful to the health and safety of inhabitants as a result of a bad arrangement or narrowness of streets). In determining whether to declare a Clearance Area, the Council will act only in accordance with Section 289 of the

Housing Act 1985 (as amended) and having had regard to relevant Government guidance on Clearance Areas and all the circumstances of the case.

7.20 Simple Cautions

Officers may use Simple Cautions where someone has committed a less serious offence. Simple Cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences. Simple cautions can only be issued where:

- There is evidence an offender is guilty
- The offender is eighteen years of age or over
- The offender admits they have committed the crime
- The offender agrees to be given a caution – if the offender does not agree to receive a caution then they are likely to be prosecuted instead

Simple cautions are normally not appropriate where there is history of offending within the last 2 years or where the same type of offence has been committed before. In these circumstances prosecution is more appropriate.

7.21 Works in Default

Works in Default will be considered in certain cases. In determining if work in default is appropriate, Officers will consider the following information;

- The effects of not carrying out the work on the health and safety of the occupant of the property concerned
- The wishes of the tenant where the Notice has been served in respect of a rented property
- The reason for the work not being carried out in the first place
- Any other factors that are specific to individual properties
- The Council will normally seek to recover all of the costs associated with undertaking work in default (including time spent by its Officers, administrative costs, contractors costs, the cost of any specialist reports, supervisory costs etc.)

In the case of Officer time, the Council will calculate costs as follows:

- The actual time spent by Council Officers on the chargeable activities and recorded using file notes and database
- Time spent will be converted into a monetary figure using the appropriate hourly rate set for the Officer(s) concerned.

The expenses incurred are to be recovered from the person(s) on whom the Notice or Order is/are served (“the relevant person”). Where the relevant person receives the rent on behalf of another, the expenses are also to be recovered from that other person. The recoverable expenses, are a charge on the premises.

8. Civil Penalties

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. 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.

The primary aims of any financial penalty will therefore be to:

- Change the behaviour of the landlord / agent concerned.
- Deter future non-compliance by landlords / agents.
- Eliminate any financial gain or benefit from non-compliance with the regulations.
- Be proportionate to the nature of the breach of the regulations and the potential harm outcomes.
- Reimburse the cost incurred by the Council in undertaking work in default and fulfilling its enforcement duties.

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.

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)

The amount of penalty is to be determined by the Council in each case. In determining an appropriate level of penalty, the Domestic Team will have regard to statutory guidance given in the DCLG publication 'Civil Penalties under the Housing and Planning Act 2016'.

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 states 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.

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. In order to achieve a conviction in the magistrates' court, the Domestic Team must be able to demonstrate beyond reasonable doubt that the offence has been committed.

8.1 Determining the Sanction

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.

8.2 Factors to be taken into consideration when Determining the Penalty

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.
- **Punishment of the offender.** 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.
- **Deter the offender from repeating the offence.** 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.

- **Deter others from committing similar offences.** While the fact that someone has received, a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here 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.

8.3 Penalties Structure

For the purpose of the offence, a fine will usually be calculated using the financial penalty notice matrix Appendix 1. The selection of the relevant fine range, and the position of the individual offence within that range, is determined by the seriousness of the offence. The following factors will be considered;

In assessing seriousness there is a need to consider both culpability and harm

There can be an imbalance for example:

- Harm that results is greater than the harm intended by the offender
- Culpability may be at a higher level than the harm resulting from the offence

Culpability will be greater if;

- The offender deliberately causes more harm than necessary
- The offender targets a vulnerable victim (old age, youth, disability)
- The culpability of the offender should be the initial factor in determining the seriousness of the offence

8.4 Procedure

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.

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.

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.

Where written representations are made, a senior officer not previously involved with the case will consider the appeal. This will usually be the Environmental Services Manager 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

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.

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.

In these circumstances, the final notice is suspended until the appeal is determined or withdrawn.

9. Rent Repayment Orders

In addition to the powers provided by the Housing Act 2004 to apply Rent Repayment Orders (RROs) in regard to offences related to HMOs as outlined at section 73 and 74 of Housing Act 2004, the Housing and Planning Act 2016 extended the power to apply RROs in respect of the following offences committed after 6th April 2017;

- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- Failure to comply with a Prohibition Order under Section 32 of the Housing

Act 2004

- Breach of a banning order made under Section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977
- Illegal eviction or harassment of the occupiers of a property under Section 1 of the Protection from Eviction Act 1977

The maximum amount of rent that can be recovered is capped at 12 months.

A criminal standard of proof is required. The Council must apply to the First Tier Property Tribunal for an RRO.

East Cambridgeshire District Council will consider application for RROs in all cases where a successful prosecution has been achieved.

10. Banning Order Offences

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017 introduced a list of banning order offences;

- Failing to comply with an Improvement Notice
- Failing to comply with a prohibition order
- Offences in relation to licensing of Houses in Multiple Occupation
- Offences in relation to licensing under Part 3 of the Act
- Contravention of an overcrowding notice
- Failure to comply with the management regulations in respect to Houses in multiple occupation
- False or misleading information
- Fire Safety offences
- Gas safety offences-duties on landlords

Rogue landlords who flout their legal obligations and rent out accommodation which is substandard following prosecution will be referred to the First-tier Tribunal for application of a banning order.

A banning order will last a minimum of 12 months. There is no statutory maximum period for a banning order. The most serious offences will be considered for a banning order in line with our overall enforcement policy and the guidance issued by the Ministry of Housing and Communities. When considering whether to apply for a banning order the local authority should consider the sentence imposed by the Court in respect of the banning order offence itself.

11. Houses in Multiple Occupation

The Housing Act 2004 introduced a mandatory licensing system for certain types of Houses in Multiple Occupation (HMO). The aim of licensing is to ensure that every licensable HMO is safe for the occupants and visitors and is properly managed.

From April 2006 owners of certain types of HMOs must apply to the Council to have their properties licensed. The responsibility for applying for a licence rests with the person having control of or the person managing the property.

From October 1ST 2018 a new lower criteria was introduced for mandatory licensing, whereby a mandatory license is required where there are 2 or more households, with 5 or more residents, irrespective of the number of storeys. The room sizes for occupation were also changed. More information can be found at <http://www.eastcambs.gov.uk/licensing/houses-multiple-occupancy-hmo-licence>

The Housing Act 2004 also provides the Council with the power to apply Discretionary Licensing, either by way of Additional or Selective Licensing based on specific conditions being met. Should an area within East Cambridgeshire District Council ever become subject to discretionary licensing, a specific enforcement policy will be developed to accompany any designation.

When considering the Amenities required in a House in multiple occupation regard will be made to the East Cambridgeshire District Council Amenity Standards. These include minimum room sizes along with bathing facilities and cooking amenities. The Amenity Standards can be found at Appendix 2.

11.1 Licensing Offences

The Housing Act 2004 sets out a number of licensing related offences all of which carry an unlimited fine, including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- Breach of licence condition
- Supplying incorrect information in a licence application

In addition to the above, a landlord who operates an unlicensed HMO can be subject to a Rent Repayment Order (RRO) by a First-tier Tribunal (Property Chamber) under sections 96 and 97 of the Housing Act 2004. The Council may also decide to apply a Civil Penalty for certain offences using the Housing and Planning Act 2016.

A RRO requires repayment of rent received by the landlord over a period of up to 12 months. The Council will usually consider applying for such a measure if the landlord has received rent that has been paid by Housing Benefit.

Where an unlicensed HMO is identified, the Council will assess whether there are good reasons why an application has not been received. If there are no good reasons, the Council will look to take formal proceedings with a view to prosecution in the courts or by way of issuing a Civil Penalty.

If a landlord of an unlicensed HMO approaches the Council for licensing and the landlord fully cooperates with the Council, including addressing any management, safety or amenity issue within an agreed timescale, the Council would not normally take enforcement action.

Generally, initially, any breach of licence condition will be dealt with informally.

However, if the breach is serious and affects the safety of the occupants or the responsible person does not carry out necessary works within an agreed timescale, the Council will pursue legal proceedings.

11.2 Interim and Final Management Orders

An Interim Management Order (IMO) transfers the management of a residential property to the Council for a period of up to twelve months. The circumstances in which an order can be made are discussed below. In particular, the IMO allows the Council possession of the property against the immediate landlord, and subject to existing rights to occupy can;

- Do anything in relation to the property, which could have been done by the landlord, including repairs, collecting rents etc.
- Spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property
- To create new tenancies (with the consent of the landlord).

Under an IMO the Council must pay to the relevant landlord (that is the person(s) who immediately before the order was made was entitled to the rent for the property) any surplus of income over expenditure (and any interest on such sum) accrued during the period in which the IMO is in force. It must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant person.

The Council must take enforcement action in respect of a licensable property (which means an HMO subject to Part 2, or other residential property subject to Part 31) by making an IMO if:

- The property ought to be licensed, but is not, and the Council considers there is no reasonable prospect of it granting a licence in the near future. An IMO may not, however, be made on these grounds if an effective application is outstanding with the authority for the grant of a licence or a temporary exemption notice or if such a notice is in force
- The Domestic Team is satisfied that the Health and Safety Condition isn't met and, therefore, it would not have granted an application for a licence
- The Domestic Team intends to revoke the licence on one or more of the grounds specified in Parts 2 or 3 of the Act, other than the property has ceased to be licensable, and upon revocation there will be no reasonable prospect of the property being licensed in the near future (e.g. to another suitable person)
- The Domestic Team is satisfied that when the licence is revoked the Health and Safety Condition test will be met.

11.3 Final Management Orders

In exceptional circumstances the Council can also apply for a Final Management Order (FMO) which can last for up to five years. Such powers will only be used in exceptional circumstances and will be agreed by the Manager of Environmental Services.

A FMO cannot be made unless an IMO or another FMO was already in force. An FMO transfers the management of the house to the Domestic Team for the duration of the order. In particular, the FMO allows the Council;

- Possession of the property against the immediate landlord, but subject to existing rights of occupation
- To do anything in relation to the property, which could have been done by the landlord, including repairs, collecting rents etc.
- To spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property;
- To create new tenancies (without the consent of the landlord).

11.4 Management Order Management Schemes

The Council must adopt a management scheme for a property subject to an FMO. The scheme must set out how the Council intends to manage the house. In particular, the management scheme must include:

- The amount of rent it will seek to obtain whilst the order is in force
- Details of any works which the Council intends to undertake in relation to the property
- The estimate of the costs of carrying out those works
- Provision as to the payment of any surpluses of income over expenditure to the relevant landlord, from time to time
- In general terms how the authority intends to address the matters that caused the Council to make the order. The Council must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant landlord.

11.5 Temporary Exemption Notices

Where a landlord is, or shortly will be taking steps to make an HMO non-licensable, the Council may serve a Temporary Exemption Notice (TEN). A TEN can only be granted for a maximum period of three months. In exceptional circumstances a second TEN can be served for a further three-month period. A TEN will be served where the owner of the HMO states in writing that steps are being taken to make the HMO non- licensable within 3 months.

11.6 Raising Standards in HMOs

Under current legislation many HMOs still do not currently require a licence. These include houses containing some self-contained flats and smaller HMOs. Many of these still pose a significant degree of risk to occupants and/or have a history of being poorly managed. The Council will continue to regulate such HMOs through using the Housing Health and Safety Rating system and other appropriate legislation e.g. the HMO Management Regulations when complaints are received.

11.7 Fire Safety in HMOs

Statistically, HMOs have one of the highest incidents of deaths caused by fire in any type of housing. It is therefore essential that any HMO possesses an adequate means of escape in event of a fire and adequate fire precautions. The actual level of fire protection and detection required will be determined by a risk assessment.

The Domestic Team (Environmental Services) is generally the lead enforcing authority for fire safety in HMOs, however where an HMO contains communal areas, or is above a commercial property a Fire Risk Assessment is carried out in accordance with the Regulatory Reform Order which is administered by Cambridgeshire Fire Authority in line with the Memorandum of Understanding and Joint Enforcement Protocol 2015.

For clarification, and/or general fire safety guidance, contact the Domestic Team (Environmental Services) or visit <http://www.eastcambs.gov.uk/housing/hmo-licencing-information>

11.8 General Management of HMOs

The Management of Houses in Multiple Occupation (England) Regulations 2006 require the person having control of the house to ensure that: -

- All services, furnishings, fixtures and fittings are maintained in good, sound, and clean condition
- The structure is kept in good order
- All communal areas of the interior are regularly cleaned and redecorated as necessary
- All yards, boundary walls, fences, gardens and outbuildings are maintained in a safe and tidy condition
- Satisfactory arrangements for the disposal of refuse and litter have been made
- At the commencement of all tenancies the lettings are clean, in a satisfactory state of repair and decoration, and comply in all respects with these standards
- All staircases and multiple steps should be provided with suitable handrails
- All Tenants should fulfil their tenancy obligations.

12. Empty Homes

Empty homes can be a blight on our community as well as a wasted housing resource. Our approach will be to work alongside owners of empty homes with a solution based approach to support and encourage voluntary action. However, we are also committed to using appropriate enforcement action where owners fail to take responsibility for their properties, reasonable negotiations fail or there is little prospect of the property being bought back into use voluntarily.

A number of factors will be considered in deciding the best course of action for an empty home. For more information please see the East Cambridgeshire Empty
Agenda Item 6 – Enforcement Policy – page 29

Homes Strategy 2006 or contact the Domestic Team.

The Council will provide advice and assistance to the owners of empty properties to help bring the home back into use. It will however also consider using any of the following enforcement options:

- **Empty Dwelling Management Orders**
Where a property has been left empty for over two years and is attracting anti-social behaviour, the Council may seek an EDMO, the provisions for which are contained in the Housing Act 2004. An EDMO allows the Council to take over full management of the property for up to seven years, reclaiming any management and refurbishment costs from the rental income.
- **Compulsory Purchase Orders**
CPOs can be made under s17 of the Housing Act 1985 or s226 of the Town & Country Planning Act 1990. They allow local authorities to purchase properties in specific circumstances without the owner's consent. This is only carried out in extreme circumstances and if resources allow.
- **Statutory nuisance provisions**
If a property is unsafe, causing or is likely to cause a nuisance to the locality, there are several legislative tools available to the Council to ensure that the condition of the property is improved. These include provisions to ensure the property is safe, secure and not adversely affecting the amenity of the area.
- **Enforced sale procedure**
The Law of Property Act 1925 allows the recovery of debt secured by a registered charge by forcing the sale of a property. In situations where the Council has served notices requiring the owner to ensure that their property is not unsafe or having a negative impact, but they have failed to act, the Council may be forced to carry out the works in default. If the costs incurred are not paid, the Council will register any 'relevant' charges (charges that can be legally applied) against the property and should the owner still not pay this debt, the Council can commence legal proceedings to sell the property to recover the costs.

13. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

The regulations impose obligations upon landlords to ensure that tenanted properties are provided with smoke alarms and carbon monoxide alarms. This has been publicised in the Council's Statement of Principles.

Reg 4(1) says; A relevant landlord in respect of a specified tenancy must ensure that

-

- (b) *during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy-*
 - (i) *a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;*

- (ii) *a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and*
- (c) *checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.*

Where the Council has reasonable grounds to believe that the requirements of these Regulations have not been met by a landlord, there is a duty on the Council to serve a 'remedial notice'.

A remedial notice must-

- specify the premises to which the notice relates;
- specify the duty or duties that the local housing authority considers the landlord is failing or has failed to comply with;
- specify the remedial action the local housing authority considers should be taken;
- require the landlord to take that action within 28 days beginning with the day on which the notice is served;
- explain that the landlord is entitled to make written representations against the notice within 28 days beginning with the day on which the notice is served;
- specify the person to whom, and the address (including if appropriate any email address) at which, any representations may be sent; and
- explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which a local housing authority may impose.

The remedial notice will confirm the provisions for a review, and the appeal procedures.

Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to require payment of a penalty charge. Penalty charges for non-compliance are currently as follows:

First offence	£500	Reduced to £400 if paid within 14 days
Second offence	£1,000	No reduction for early payment
Any additional offences	£5,000	No reduction for early payment

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.

14. Monitoring and Review

The Service 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, where the Council has direct control of these matters.

Changes will be introduced into this document where necessary to accommodate new legislation, guidance and local needs.

Fees will be reviewed annually.

15. Other legislation.

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.

16. Application of the Policy

All Officers must have regard to this policy when making enforcement decisions.

If you have any comments or queries on this policy, please contact:

Senior Environmental Health Officers Julia Atkins or Karen See Domestic Team Leaders (job share)

By Email: julia.atkins@eastcambs.gov.uk or Karen.see@eastcambs.gov.uk

By telephone: 01353 665555

Or at this address: Domestic Team, East Cambridgeshire District Council, Nutholt Lane, Ely CB7 4EE

17. Related policies and documents

- Previous Housing Enforcement Policy
<http://www.eastcambs.gov.uk/sites/default/files/housingenfpol.pdf>
- East Cambridgeshire Private Sector Housing Policy 2017
<https://www.eastcambs.gov.uk/sites/default/files/%2821%20MAR%2017%29--The%20Housing%20Adaptations%20Policy%202017%20%282%29.pdf>
- Carbon Monoxide Statement Of Principles
<https://www.eastcambs.gov.uk/sites/default/files/Statement%20of%20Principles.pdf>
- Housing Strategy
http://www.eastcambs.gov.uk/sites/default/files/housing/housing_strategy_24583.pdf
- East Cambridgeshire Housing Adaptations Strategy 2018 (to be placed on line once agreed)
- Empty Homes Strategy 2006
<http://www.eastcambs.gov.uk/sites/default/files/ehstrat.pdf>

- Homelessness Strategy
<http://www.eastcambs.gov.uk/sites/default/files/ECDC%20Homelessness%20Strategy-%20Action%20Plan.pdf>

Printed copies or translated/braille/ copies of this policy can also be also available by emailing :-

domesticteam@eastcambs.gov.uk

DATA PROTECTION

In line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, East Cambridgeshire District Council is fully committed to protect the privacy of our constituents, staff and members. We ensure the safe processing of personal data through strict guidelines for collection, storage and retention of information. Where appropriate, data sharing protocols are entered into and robust security measures are in place. The council maintains its Public Services Network (PSN) compliance, demonstrating its on-going commitment to supporting best practice in the maintenance and handling of data.

For further information contact: The Data Protection Officer, The Grange, Nutholt Lane, Ely, Cambs., CB7 4EE (email: dataprotection@eastcambs.gov.uk)

Appendix 1					
Financial Penalty Matrix					
	Score =1	Score = 5	Score = 10	Score =15	Score = 20
FACTORS					
1. Severity of offence and culpability	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offence of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.
2. Deterrence of offender and others	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrence.	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat offending (e.g. no contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a financial penalty will deter repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very little confidence that a financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.

<p>4. Removal of financial benefit</p>	<p>No significant assets. No or very low financial profit made by offender.</p>	<p>Little asset value. Little profit made by offender.</p>	<p>Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.</p>	<p>Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.</p>	<p>Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.</p>
<p>3. Harm to the tenants (x2 weighting)</p>	<p>Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.</p>	<p>Likely some low-level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact</p>	<p>Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary evidence</p>	<p>High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants. more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.</p>	<p>Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants. exposed. Large HMO (5+occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).</p>

Score range	Penalty				
<6	£250.00				
6<11	£500.00				
11<21	£750.00				
21<31	£1,000.00				
31<41	£2,500.00				
41<51	£5,000.00				
51<61	£10,000.00				
61<71	£15,000.00				
71<81	£20,000.00				
81<91	£25,000.00				
91+	£30,000.00				

East Cambridgeshire District Council

The Grange, Nutholt Lane, Ely, Cambridgeshire. Tel: 01353 665555

**Appendix 2
(Revised Sept 2018)**

Adopted Standards for Houses in Multiple Occupation

The following standards and guidance notes have been compiled to comply with the requirements contained in the Housing Act 1985 as amended by the Local Government and Housing Act 1989, and the Housing Act 2004 and all associated Regulations. These standards may be varied at the discretion of the Environmental Services Manager and relate to Licensable and other Categories of HMO.

A House in Multiple Occupation is defined by the Housing Act 2004 and means:

- a house, hostel or flat occupied by more than one household where sharing of amenities and rent or other amounts are payable, or
- a converted building where one or more of the units of living accommodation do not consist of a self-contained flats.

A HMO may be considered a house converted into self-contained flats, which does not meet 1991 Building Regulations and less than two thirds of the flats are long leases (i.e. more than a third are tenanted).

A HMO must be in good repair, safe and meet East Cambridgeshire District Council's Minimum Standards.

Licensable HMO's must meet the following space standards as laid down by Regulations, that is:

- To ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 m²
- To ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 m²
- To ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 m²
- To ensure that any room with a floor area less than 4.64 m² is not used as sleeping accommodation.

What dwellings are not considered Houses in Multiple Occupation for the purposes of these adopted Minimum Standards?

Exclusions include:

- People living together as one household
- Purpose built self-contained accommodation that complies with Building Regulations 1991
- Homes registered under the Registered Homes Act 1984
- Properties registered under the Children's Act 1989

The Environmental Services Manager may amend this from time to time, as necessary.

1. **Standards for Houses in Multiple Occupation in Categories A, B and G**

Category A

Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of all others.

Category B

Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities.

N.B. Houses of more than 6 people are not likely to fall in this Category.

Category G

Houses with some degree of shared facilities, occupied by people whose occupation is connected to their employment or education and is made available through their employer or in connection with a recognised educational establishment.

1.1 **Personal Washing Facilities**

- a.** Every water closet compartment shall be provided with a wash hand basin together with its own supply of hot and cold water.
- b.** Where practicable each separate occupancy shall be provided with a wash hand basin together with its own supply of hot and cold water.
- c.** Each occupancy is to be provided with its own bath or shower in a proper room. Where this is impracticable a readily accessible and suitably located bathroom or shower room not more than one floor distance from any user to be provided in the following ratios:-

1 - 5 persons - 1 bathroom or shower room
6 - 10 persons - 2 bathrooms or shower rooms
11 - 15 persons - 3 bathrooms or shower rooms
- d.** Every bath, shower and wash hand basin shall be properly plumbed with adequate hot and cold water supplies and waste drainage. Immediately adjacent walls should be non-porous and easily cleanable.

1.2 **Drainage and Sanitary Conveniences**

- a.** Each separate occupancy shall be provided with its own water closet compartment, but when not practicable, satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:

1 - 5 persons - 1 water closet
6 - 10 persons - 2 water closets
11 - 15 persons - 3 water closets

- b.** The nearest water closet shall not be more than one floor distant from a unit of accommodation. Each bath/shower or W.C. room should have easily cleansable surfaces.
- c.** All above and below ground drainage shall comply with current Building Regulations

1.3 Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

If all meals are not provided then;

Each occupancy shall have its own kitchen facilities within their letting, as below, except suitably located shared kitchens may be provided where cooker and sink and associated facilities are shared by not more than five persons.

The kitchen shall be not more than one floor distance from any user unless a communal dining room is provided.

Separate kitchens whether shared or used exclusively in connection with a particular single tenancy must be of sufficient size for their purpose. The following sizes are a guide.

Kitchen used by	Area of floor
1 – 3 persons	5m ²
4 persons	6m ²
5 persons	7m ²
9 persons	9m ²

a. *Storage of Food*

Each separate occupancy shall be provided with a refrigerator for the storage of perishable food (minimum capacity 0.15m³) and dry goods storage space (minimum 0.15m³) which may be within the unit accommodation or within the kitchen where kitchens are shared.

In shared kitchens the scale of such provision must be a minimum of 0.08m³ dry goods space and 0.075m³ refrigerator space per occupant, either in the kitchen or in an adjacent readily accessible position.

b. *Preparation of Food*

A suitable fixed worktop shall be provided being of a minimum size of 500mm x 1000mm with a smooth, durable, impervious surface, capable of being easily cleaned. In the case of shared kitchens, worktops shall be provided in a ratio of one to every three persons sharing the kitchen. Immediately adjacent walls to be non-porous and easily cleanable.

c. *Kitchen Appliances*

Two power points shall be provided, positioned immediately adjacent to any

worktop. In the case of shared kitchens power points shall be provided in the ratio

of two power points for every three persons.

d. Cooking of Food

A suitable cooking appliance which includes an oven, grill and four cooking rings shall be provided in each occupancy. In the case of shared kitchens cooking appliances that include an oven, grill and four cooking rings shall be provided in a ratio of one set for every five persons. Where there are up to eight persons the second cooking appliance may be a combination microwave rather than a traditional cooker.

Where there is single person occupancy an oven grill and two cooking rings will be acceptable.

1.4 Natural Lighting

- a.** All habitable rooms shall be provided with an area of clear glazing equivalent in total area of not less than 1/10th of the floor area of the room. Please note that all glazing within the common escape route (in case of fire) must comply with fire protection standards.
- b.** Where practicable, all kitchens, bathrooms and W.C. compartments shall comply with 4(a) above, although in the case of bathrooms and W.C. compartments, glazing shall normally be obscure. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirement of part (b).

Artificial Lighting

- c.** All habitable rooms, kitchens, bathrooms, W.C. compartments, staircases, landings and passages shall be adequately lit by electricity.

All artificial lighting on landings, stairs and passageways must be operated by sufficient switches. Any time switches must stay on for an adequate time to allow persons to travel the distance and have entered the next lighting area.

1.5 Ventilation

- a.** All habitable rooms shall be ventilated directly to the external air by a window with an opening area of at least 1/20th of the floor area of the room.

A door giving access directly to the external air will not be acceptable for the purpose of this requirement.

- b.** Where practicable, kitchens, bathrooms and W.C. compartments shall comply with 1.5(a) above. Where not practicable, mechanical ventilation shall be provided which is capable of providing 3 air changes per hour. The installation must be fitted with an over-run device for a minimum of 15 minutes and connected to the lighting circuit of the room.

1.6 Space Heating

The main living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 °C when the outside temperature is -1°C. All appliances should be of a sufficient output so as to adequately heat the rooms they serve.

Bedrooms should be able to be maintained at 18 °C when the outside temperature is -1°C. This provision should be efficient, safely designed, sited and guarded as to minimise the risks to health and safety.

**1.7 Prevention of Overcrowding
Space Standards**

a. For the purpose of setting space standards:-

a child under 1 year is excluded (*this also applies to the provision of amenities and facilities*)

a child over 1 year and under 10 years is classed as ½ a person,

a child over 10 years or an adult is classed as 1 person.

b. The number of persons permitted to occupy each habitable room will be calculated according to the requirements of the Housing Act 1985 as follows:-

<u>Floor Area of Room</u>	<u>Max Number</u>
19.5 m ²	4 persons
15 m ²	3 persons
10.22 m ²	2 persons
6.51 m ²	1 person

- A single bedroom with a separate living room = 6.51 m² for 1 person
- A single bedroom with **no** separate living room = 10.22 m² for 1 person
- A double bedroom with a separate living room = 10.22 m² for 2 persons
- A double bedroom with **no** separate living room = 15 m² for 2 persons
- For each additional person there should be an additional 4.5m² floor area.

c. Where a unit of accommodation includes kitchen facilities and a separate living room, then minimum room sizes need to be increased.

<u>Floor Area of Room</u>	<u>Max Number</u>
13.5 m ²	2 persons
10.22 m ²	1 person

For each additional person there should be an additional 4.5m² floor area.

1.8 Refuse Storage and Disposal

Refuse storage containers shall be provided sufficient for the needs of the house of the type acceptable to the Local Authority. On average one bin should be provided for every three single persons.

All containers are to be located on a hard standing with suitable access for cleaning the area and the removal of containers. Bulk storage bins may be acceptable in certain circumstances.

1.9 Means of Escape in the Case of Fire

There must be an adequate means of escape in case of fire and other fire precautions within the property. The type of precautions required is dependent on the type of Category and the number of stories. Detailed requirements can be found in the Fire Standards Document.

The following are general requirements that may be required:-

- A fire warning system. Heat detectors in the kitchen areas. Hard wired smoke alarms in each dwelling.
- Fire doors with 30 minutes fire resistance with self-closing devices, smoke seals and intumescent seals.
- Walls and ceiling with 30 minutes fire resistance.
- Basement ceilings to have 60 minute fire resistance.
- Electrical meters in the escape route to be in a cupboard.

All cupboards in the escape route to have 30 minutes fire resistance.

1.10 Fire Safety of Furniture

All upholstered furniture in an HMO shall meet the current fire retardancy standard.

Upholstered furniture and furnishings includes chairs, three piece suites, beds, headboards, scatter cushions and pillows.

1.11 Gas Safety

Gas appliances, boilers and flues must be safe at all times and inspected annually by a registered installer or competent person on the Gas Safe Register.

A certificate confirming that an annual gas safety check has been carried out must be available for inspection by authorised officers of the Council and the Health and Safety Executive at their request.

A copy of the Certificate must be handed to any incoming tenant before the tenant occupies the premises.

There is a duty to retain a copy of the record of inspection for a period of two years.

1.12 Electrical Wiring and Appliances

Electrical wiring to lighting, power circuits and electrical appliances must be safe at all times. These should be checked and certified as being safe by a qualified electrician who is a member of an approved association and an Electrical Installation Condition Report, no more than 5 years old, shall be available for inspection. PAT testing of appliances must be undertaken.

1.13 Management

Every HMO must have a Manager. The Manager is the owner or the lessee of the premises who receives the rents paid by tenants. The person who collects the rents on his/her behalf may also be responsible as a Manager. A notice giving the name and address of the Manager should be on display in the premises.

The Housing (Management of Houses in Multiple Occupation) Regulations 2006 cover aspects relating to good management of the premises.

The Manager is required by the Regulations to ensure the repair, maintenance, cleansing or good order of the property including making sure the property remains safe, the water supply is sufficient, common parts and fixtures and fittings are in good order, the gas and electric supply is safe and that waste disposal options are sufficient. The Manager is also required to provide relevant information to the occupiers. The Regulations also imposes duties on persons who live in the house for the purpose of ensuring that the Manager can effectively carry out the duties imposed on him by the Regulations.

2. Standards Required for Houses in Multiple Occupation in Category C

Houses let in lodgings i.e. catering for lodgers on a small scale but not living as part of the main household normally with a resident/occupier. This is the traditional “house let in lodgings” where meals are provided in a dining room and would be typified by a family or household who might take in a small number of students or other individuals away from their primary residence.

2.1 Personal Washing Facilities

- a** Each bedroom/study room not occupied by the owner and his/her family shall be provided with a wash hand basin.
- b** Shared facilities will be accepted where there are 2 or less occupiers in addition to the owner-occupier and his/her family except where the total number of occupants exceed 6, when separate facilities as in (a) above will be required.
- c** Each occupancy to be provided with its own bath or shower in a proper room, but where this is impracticable a readily accessible and suitably located bathroom or shower room not more than one floor distance from any user to be provided in the following ratios:-
 - 1 - 5 persons - 1 bathroom or shower room
 - 6 - 10 persons - 2 bathrooms or shower rooms
 - 11 - 15 persons - 3 bathrooms or shower rooms

- d.** Every bath, shower and wash hand basin shall be properly plumbed with adequate hot and cold water supplies and waste drainage. Immediately adjacent walls to be non-porous and easily cleansable.

2.2 Drainage and Sanitary Conveniences

- a.** Each separate occupancy shall be provided with its own water closet compartment, but when not practicable, satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:
 - 1 - 5 persons - 1 water closet
 - 6 - 10 persons - 2 water closets
 - 11 - 15 persons - 3 water closets
- b.** The nearest water closet shall not be more than one floor distance from a unit of accommodation. Each bath/shower or W.C. room should have easily cleansable surfaces.
- c.** All above and belowground drainage shall comply with current Building Regulations.

2.3 Natural Lighting

- a.** All habitable rooms shall be provided with an area of clear glazing equivalent in total area of not less than 1/10th of the floor area of the room. Please note that all glazing within the common escape route (in case of fire) must comply with fire protection standards.
- b.** Where practicable, all kitchens, bathrooms and W.C. compartments shall comply with above, although in the case of bathrooms and W.C. compartments, glazing shall normally be obscure. Where this is not practicable, adequate artificial lighting shall be provided.

Artificial Lighting

- c.** All habitable rooms, kitchens, bathrooms, W.C. compartments, staircases, landings and passages shall be adequately lit by electricity.

All artificial lighting on landings, stairs and passageways must be operated by sufficient switches. Any time switches must stay on for an adequate time to allow persons to travel the distance and have entered the next lighting area.

2.4 Ventilation

- b.** All habitable rooms shall be ventilated directly to the external air by a window with an opening area of at least 1/20th of the floor area of the room.

A door giving access directly to the external air will not be acceptable for the purpose of this requirement.

- c.** Where practicable, kitchens, bathrooms and W.C. compartments shall comply with 5(a) above. Where not practicable, mechanical ventilation shall be provided which is capable of providing 3 air changes per hour. The installation must be fitted with an over-run device for a minimum of 15 minutes and connected to the lighting circuit of the room.

2.5 Space Heating

The main living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 °c when the outside temperature is -1°C. All appliances should be of a sufficient output so as to adequately heat the rooms they serve.

Bedrooms should be able to be maintained at 18 °C when the outside temperature is -1°C. This provision should be efficient, safely designed, sited and guarded as to minimise the risks to health and safety.

2.6 Prevention of Overcrowding Space Standards

a. For the purpose of setting space standards:-

a child under 1 year is excluded (*this also applies to the provision of amenities and facilities*)

a child over 1 year and under 10 years is classed as ½ a person,

a child over 10 years or an adult is classed as 1 person.

b. The number of persons permitted to occupy each habitable room will be calculated according to the requirements of the Housing Act 1985 as follows:-

<u>Floor Area of Room</u>	<u>Max Number</u>
19.5m ²	4 persons
15m ²	3 persons
10.22m ²	2 persons
6.51m ²	1 person

- A single bedroom with a separate living room = 6.51m² for 1 person
- A single bedroom with **no** separate living room = 10.22m² for 1 person
- A double bedroom with a separate living room = 10.22 m² for 2 persons
- A double bedroom with **no** separate living room = 15 m² for 2 persons
- For each additional person there should be an additional 4.5m² floor area.

c. Where a unit of accommodation includes kitchen facilities and a separate living room, then minimum room sizes need to be increased.

<u>Floor Area of Room</u>	<u>Max Number</u>
13.5m ²	2 persons

10.22m²

1 person

For each additional person there should be an additional 4.5m² floor area.

2.7 Refuse Storage and Disposal

Refuse storage containers shall be provided sufficient for the needs of the house of the type acceptable to the Local Authority. On average one bin should be provided for every three single persons.

All containers are to be located on a hard standing with suitable access for cleaning the area and the removal of containers. Bulk storage bins may be acceptable in certain circumstances.

2.8 Means of Escape in the Case of Fire

There must be an adequate means of escape in case of fire and other fire precautions within the property. The type of precautions required are dependent on the type of Category and the number of stories. Detailed requirements can be found in the Fire Standards Document.

The following are general requirements that may be required:-

- A fire warning system. Heat indicators in the kitchen areas. Hard wired smoke alarms in each dwelling.
- Fire doors with 30 minutes fire resistance with self-closing devices, smoke seals and intumescent seals.
- Walls and ceiling with 30 minutes fire resistance.
- Basement ceilings to have 60 minute fire resistance.
- Electrical metres in the escape route to be in a cupboard.

All cupboards in the escape route to have 30 minutes fire resistance.

Fire Safety of Furniture

All upholstered furniture in an HMO shall meet the current fire retardancy standard.

Upholstered furniture and furnishings includes chairs, three piece suites, beds, headboards, scatter cushions and pillows.

Gas Safety

Gas appliances, boilers and flues must be safe at all times and inspected annually by a Gas Safe registered installer.

A certificate confirming that an annual gas safety check has been carried out must be available for inspection by authorised officers of the Council and the Health and Safety Executive at their request.

A copy of the Certificate must be handed to any incoming tenant before the tenant occupies the premises.

There is a duty to retain a copy of the record of inspection for a period of two years.

Electrical Wiring and Appliances

Electrical wiring to both lighting, power circuits and electrical appliances must be safe at all times. These should be checked and certified as being safe by a qualified electrician who is a member of an approved association and an Electrical Installation Condition Report, no more than 5 years old, shall be available for inspection. PAT testing of appliances must be undertaken.

2.9 Management

Every HMO must have a Manager. The Manager is the owner or the lessee of the premises who receives the rents paid by tenants. The person who collects the rents on his/her behalf may also be responsible as a manager. A notice giving the name and address of the Manager should be on display in the premises.

The Housing (Management of Houses in Multiple Occupation) Regulations 2006 cover aspects relating to good management of the premises.

The Manager is required by the Regulations to ensure the repair, maintenance, cleansing or good order of the property including making sure the property remains safe, the water supply is sufficient, common parts and fixtures and fittings are in good order, the gas and electric supply is safe and that waste disposal options are sufficient. The Manager is also required to provide relevant information to the occupiers. The Regulations also imposes duties on persons who live in the house for the purpose of ensuring that the Manager can effectively carry out the duties imposed on him by the Regulations.

3. Standards Required for Houses in Multiple Occupation in Category D

(Hostels, guest houses, bed and breakfast)

Houses generally referred to as “hostels”, “guesthouses” and “bed-and-breakfast hotels” or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by Local Authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis and hotels housing. Foods must be prepared and served to tenants. The property will otherwise be classed as Category A or B.

3.1 Personal Washing Facilities

- a.** Every water closet compartment shall be provided with a wash hand basin together with its own supply of hot and cold water.
- b.** Each separate occupancy shall be provided with a wash hand basin together with its own supply of hot and cold water.
- c.** Each occupancy to be provided with its own bath or shower in a proper room, but where this is impracticable a readily accessible and suitably located bathroom or shower room not more than one floor distance from any user to be provided in the following ratios:-
 - 1 - 5 persons - 1 bathroom or shower room
 - 6 - 10 persons - 2 bathrooms or shower rooms
 - 11 - 15 persons - 3 bathrooms or shower rooms
- d.** Every bath, shower and wash hand basin shall be properly plumbed with adequate hot and cold water supplies and waste drainage. Immediately adjacent walls to be non-porous and easily cleansable.

3.2 Drainage and Sanitary Conveniences

- a.** Each separate occupancy shall be provided with its own water closet compartment, but when not practicable, satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:
 - 1 - 5 persons - 1 water closet
 - 6 - 10 persons - 2 water closets
 - 11 - 15 persons - 3 water closets
- b.** The nearest water closet shall not be more than one floor distance from a unit of accommodation. Each bath/shower or W.C. room should have easily cleansable surfaces.
- c.** All above and belowground drainage shall comply with current Building Regulations.

4. Standards Required for Houses in Multiple Occupation in Category

E

(Registered Homes)

Registered (care) homes have increased considerably in number since the advent of Community Care policies. Many thousands of such premises now exist in both the public and increasingly the private sector. They are diverse in size and nature and cater for a wide range of clients, their common characteristic being their need for personal care.

These premises are subject to inspection by Registration Authorities (i.e. Social Services Authorities) and to regulation according to the Registered Care Homes Regulations 1984. These specify standards which not only cover the physical environmental pertinent to the care of the client (including standards for amenities) but requirements too for management systems including provisions for record keeping, complaints procedures etc.

5. Standards Required for Houses in Multiple Occupation in Category

F

Most houses or other buildings which by erection or conversion comprise of dwellings which are self-contained and which have access via a single "front door" from any common area. Such dwellings would normally contain all the standard amenities for the exclusive use of the occupants of that dwelling.

This category of HMO would under normal circumstances be created having regard to the provisions of the Building Regulations and therefore the following standards would be of use at design stage.

Each unit of accommodation should have exclusive amenities

The following space standards are recommended.

1 person, three roomed flat:

Bedroom	7m ²
Living Room	11.5 m ²
Kitchen	5.5 m ²

Total habitable area 24m²

1 person flatlet with separate kitchen:

Bed/Living room	14m ²
Kitchen	5m ²

Total habitable area 21.5m²

2 person one bedroom flat:

Bedroom	10.5m
Living room	13m ²
Kitchen	5.5m ²

Total habitable area 31.5²

- C Each occupancy shall be provided with its own bath or shower in a proper room, but where this is not practicable a readily accessible and suitably located bathroom or shower room not more than one floor distant from any user to be provided in the following ratios:-

1 - 5 persons	-	1 bathroom or shower room
6 - 10 persons	-	2 bathrooms or shower rooms

An owner-occupier and his/her family will be reckonable for this purpose.

- D Every bath, shower and wash hand basin shall be properly plumbed with hot and cold water supplies and waste drainage.

5.1 **Drainage and Sanitary Conveniences**

- a Each separate occupancy shall be provided with its own water closet compartment, but when not practicable satisfactory and readily accessible water closet accommodation shall be provided in the following ratios:-

1 - 5 persons	-	1 water closet
6 - 10 persons	-	2 water closets
11 - 15 persons	-	3 water closets

- b Such water closets shall be not more than 1 floor distant from the letting.

5.2 **Natural Lighting**

- a All habitable rooms shall be provided with an area of clear glazing equivalent in total area of not less than 1/10th of the floor area of the room.
- b Where practicable, all kitchens, bathrooms and W.C. compartments shall comply with (a) above, although in the case of bathrooms and W.C. compartments, glazing shall normally be obscure.

Artificial Lighting

- c All habitable rooms, kitchens, bathrooms, W.C. compartments, staircases, landings and passages shall be adequately lit by electricity.

5.3 **Ventilation**

- a All habitable rooms shall be ventilated directly to the external air by a window with an opening area of at least 1/20th of the floor area of the room.
- b Where practicable, kitchens, bathrooms and W.C. compartments shall comply with (a) above. Where not practicable, mechanical ventilation shall be provided which is capable of providing 3 air changes per hour. The installation must be fitted with an over-run device and connected to the lighting circuit of the room.

5.4 Space Heating

The main living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 °C when the outside temperature is -1°C. This provision should be efficient, safely designed, sited and guarded as to minimise the risks to health and safety.

5.5 Permitted Occupation

In order to prevent overcrowding and over occupation the following shall apply:-

Bedrooms

1 person	6.51 m ²
2 persons	10.22 m ²
3 persons	16.5 m ²
4 persons	21.0 m ²

Enforcement

The Environmental Services (Domestic Team) will use discretion to vary these standards in exceptional circumstances where appropriate, also taking into account Lacor's Guidance and new and emerging legislation. Enforcement will be carried out in line with the **Housing Enforcement Policy 2018 and the East Cambridgeshire District Council Enforcement Concordat.**

CATEGORIES OF HMO

- Category A Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of all others.
- Category B Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share facilities.
- Category C Houses let in lodgings, i.e. catering for lodgers on a small scale but not living as part of the main household normally with a resident owner/occupier. This is the traditional “house let in lodgings” where meals are provided in a dining room and would be typified by a family or household who might take in a small number of students or other individuals away from their primary place of residence.
- Category D Houses generally referred to as “hostels”, “guesthouses” and “bed-and-breakfast hotels” or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis and hotels housing a mixture of homeless households and visitors.
- Category E Houses which require registration under the Registered Homes Act 1984 as amended, providing board and personal care for persons in need by reason of old age, disability, past or present drug or alcohol dependence or past or present mental order.
- Category F Most houses or other buildings which by erection or conversion comprise dwellings which are self-contained, all such dwellings comprising accommodation to which access is had via a single “front door” from any common area. Such dwellings would normally contain all the standard amenities but where any might not and be in an “improved” state – there would nevertheless be no sharing amenities with the occupiers of neighbouring dwellings.
- Category G Houses with some degree of shared facilities, occupied by people whose occupation is ancillary to their employment or education and is made available through their employer or in connection with a recognised educational establishment.

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

Name of Policy:	Draft Private Sector Housing Enforcement Policy
Lead Officer (responsible for assessment):	Senior Environmental Health Officer
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Environmental Services Manager
Date Initial Screening Completed:	16 th October 2018

(a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

East Cambridgeshire District Council authorises officers to carry out statutory functions in the Private Rented Sector in the Council’s district. Officers enforce housing legislation under the Housing Act 2004 amongst other pieces of legislation.

The draft Private Sector Housing Enforcement Policy is good practice to clearly set out the Council’s approach to enforcement to provide consistency and transparency. It is designed to be both fair to responsible landlords but deals effectively with uninformed or rogue landlords to maintain and improve housing conditions within East Cambridgeshire.

Where the option of Civil Penalties are to be adopted, local authorities are also required to produce a penalties matrix, which is attached to the policy.

The draft policy also proposes charging for the service of certain housing notices when deemed appropriate.

The draft is being submitted to the Regulatory Services Committee on 5th November 2018.

(b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Existing and proposed landlords and private sector tenants.

(c) **Is this assessment informed by any information or background data?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

The Council must conform to statutory functions.

The draft has been prepared having regard to East Cambridgeshire Equality framework.

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics (please tick all that apply):

Ethnicity	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	Religion or Belief	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

This is an updated document.

The Private Rented Sector houses a higher proportion of vulnerable groups and in East Cambridgeshire District the private rental market is slightly higher than the national average. The draft policy aims to have a positive impact on vulnerable groups by providing officers with more enforcement options to encourage a good standard of housing throughout the district. There will also be a positive impact on responsible landlords within the district and act as a deterrent to rogue landlords.

Age

An authorised officer will need to evaluate cases and deal with these especially sensitively where necessary. Officers will also use the policy and feed into other appropriate groups where necessary i.e. Age UK to ensure the best outcome for the occupant.

Disability

These cases again will need to be evaluated appropriately.

Legislation dictates that some applications must be made in writing or online for example a Houses in Multiple Occupation Licence etc. An applicant may be visually impaired and therefore unable to complete the application forms his/herself. A physically or mentally disabled person may have special needs. Where a person with a disability is invited to attend a recorded interview under the rules of PACE (Police and Criminal Evidence Act 1984), they may need special support or, need to have the interview conducted at another premises and not the Council Offices.

Ethnicity

Where English is not be the first language of the landlord or tenant, translation services may be required and can be provided. Letters etc. can also be provided in the appropriate language where necessary.

- (e) Does the policy affect service users or the wider community?
- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people’s access to public transport etc?

NO
NO
NO
NO
NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council’s Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: Julia Atkins **Date:** 16/10/18

Head of Service: Liz Knox **Date:** 22.10.18

TITLE: Future provision for the Council's Clinical waste service

To: Regulatory Services Committee

Date: 21st January 2019

From: Hetty Thornton

[T185 – revised]

1.0 Issue

2.0 To present the options and recommendations for the future provision of the Council's clinical waste service.

3.0 Recommendations

3.1 It is requested that Regulatory Services Committee approve the following recommendations:

3.1.1 Agree Option 1: To continue to work in partnership with Novus and collect clinical sharps waste collections from new collection points at Community Pharmacies and GP dispensing pharmacies from 1st April 2019

3.1.2 Where a resident is housebound due to a disability or any other medical reason and a friend, family member or carer is unable to access a Community Pharmacy or GP dispensing surgery, a free household clinical waste collection will continue to be offered quarterly free of charge upon receipt of a doctor's note

4.0 Background

4.1 The Controlled Waste Regulations 2012 requires all local authorities to provide a clinical waste collection service to residents who self-medicate in their own home. This can consist of administering medication for conditions such as diabetes as well as some infectious disease treatments.

4.2 Currently, the majority of residents across the County take their clinical sharps waste to Community Pharmacy drop-off points (an NHS England registered pharmacy) and some GP dispensary pharmacies. This service has been provided free of charge by NHS England.

4.3 RECAP was contacted in March 2018 by NHS England to highlight their intention to stop collecting from pharmacies from 1st April 2019 due to their review into clinical waste collection costs and their legislative requirements of continuing to offer this service. As a result of this review NHS England will no longer be providing this service and will now be signposting residents to their respective local authorities for all clinical waste collections.

4.4 The review concluded that each local authority has a legal and statutory obligation to provide an adequate arrangement for its disposal of clinical waste collection services to the residents of its district. In addition to the NHS decision each local authority is required to adhere to: The Environmental Protection Act 1993 which states :

The collection of controlled waste:

(ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste.

4.5 East Cambridgeshire District Council currently collects sharps boxes and infectious clinical waste sacks from approx. 80 residents around the district free of charge (72 people for sharps collections and 8 for infectious clinical waste sacks). This service is outsourced to an external contractor, Novus, as part of a county wide agreement through the RECAP partnership (the Cambridgeshire and Peterborough Waste Partnership which consists of all local authorities across the County including ECDC).

4.6 The collection service for sharps boxes has recently changed from a monthly sharps collection to a quarterly collection for 72 service users at a cost to the Authority of £6.10 per collection, equating to a yearly total cost of £1757 for sharps and £2538 for infectious clinical waste sacks which is paid to Novus to carry out this service on behalf of ECDC. The previous total annual collection costs, including weekly infectious sack and clinical sharps collections when provided in-house as part of the expired Veolia contract, was approximately £13,000.

5.0 ARGUMENTS

5.1 The Pharmaceutical Needs Assessment 2017 highlights that Cambridgeshire has 1 pharmaceutical service provider per 4258 people. This is the same as the national average and slightly lower than the East of England average of 24 providers per 100,000 resident population.

5.2 Review of the locations, opening hours and access for those with medical conditions suggests that there is adequate access to NHS pharmaceutical provision in Cambridgeshire.

5.3 The Needs Assessment estimates that only 0.02% of the population in Cambridgeshire are more than 20 minutes away from a pharmacy by car.

5.4 In East Cambridgeshire there are four pharmacies contracted to open for at least 100 hours per week, these are Sainsbury's Ely, Tesco Ely, St Mary's Surgery, Ely and St George's Medical Centre Littleport (which would enable service users to access the pharmacies at more convenient times).

5.5 There are 17 GP dispensing pharmacies and Community Pharmacies across East Cambs. For the purposes of the report it is assumed that both Community Pharmacies and GP dispensing pharmacies will sign up to a contract with ECDC and act as a collection point for residents to deposit their sharps boxes for disposal from 1st April 2019

5.6 An agreement between the pharmacies and each respective local authority has been approved by RECAP partners. The proposal is that all of the partners within RECAP will use this template to ensure that there is a formal agreement between each Community Pharmacy and GP dispensing pharmacy and their respective local authority.

5.7 NHS England requested that during the changeover process RECAP communicates with the pharmacies through the Local Pharmaceutical Committee (which represents all pharmacies). The Committee will co-ordinate all engagement and consultation directly with the pharmacies to ensure that there are consistent messages. As a result it hasn't been possible to ascertain at this stage which pharmacies will sign up to the service after 1st April.

Over the past 8 months RECAP has therefore been working in partnership with the Local Pharmaceutical Committee to develop a forward plan for the future provision of clinical waste collections to residents across the County.

5.8 Although we are keen to agree a consensus response in partnership with RECAP, it is important to ensure that we focus on the needs of residents in our district and provide a cost effective solution for the Authority.

5.9 Due to the immediacy of the highlighted changes by NHS England a decision on the future provision must be made by February 2019 in readiness for the new process to commence in April 2019.

6.0 ASSUMPTIONS

6.1 For the purposes of this report we are only considering options for the clinical sharps collections and not for infectious waste sack collections which will continue to be collected by the Local Authority through an external contractor, Novus, as part of our on-going statutory requirements. The amount of infectious waste sack collections are not expected to increase as a direct result of the clinical sharps collection changes made by NHS England.

- 6.2 Due to the lack of robust reporting mechanisms within pharmacies we are unable to get accurate figures of the number of people who currently use their clinical waste collection points. We have therefore utilised the diabetes figures across East Cambs, and the amount of sharps boxes deposited, as a basis for determining the number of people we will need to collect from in future.
- 6.3 A report produced by a consultant in Public Health on behalf of Cambridgeshire County Council & Peterborough City Council (Appendix A) estimated that there were 4638 patients over the age of 17 in East Cambridgeshire with diabetes, however not all these would need to inject insulin (national statistics suggest 50% of diabetics will use insulin injections to self-medicate). The report also suggested that 4262 prescriptions for sharps bins were provided to East Cambs residents in 2017/18.
- 6.4 For the purposes of this report and to ensure that we protect the financial risk to the Local Authority we have increased the estimated number of residents who may require a sharps clinical waste collection service and the number of prescriptions for sharps bins by 10%. This takes into account increases in population figures, diabetes rates over the past 12 months and other residents who are required to self-medicate but who do not have diabetes. These figures equate to approx. 2,551 people potentially self-medicating and approx. 4,688 sharps bins (of which ECDC will now be required to collect from 1st April).
- 6.5 This number of residents self-medicating will increase yearly but it must also be noted that the figure does not include numbers of people who temporarily self-medicate (whereby a resident has recently come out of hospital and needs to inject medication for a short period of time) or figures for children who require injections at home. Unfortunately there are no records available to confirm these numbers.
- 6.6 It is proposed that to ensure there are accurate figures recorded from 1st April 2019, each Community Pharmacy and GP dispensary pharmacy who sign up to the service will be required to record specific data for each deposit (size and number of containers) to ensure the service is being used correctly and to allow for monitoring of efficiencies.

7.0 OPTIONS

- 7.1 The following information details all possible viable options for the future provision of the sharps clinical waste collections.

A recommendation that new disposal points will be set up in GP surgeries and pharmacies across the district for people that need to dispose of sharps for use by everyone that is able. For anyone that is housebound and unable to visit any of the locations due to disability or any other medical reason and a family member, friend or carer is not able to help, a free of charge home collection service will continue on a quarterly basis on receipt of a GP letter.

- 7.2 **Option 1:** To continue to work in partnership with Novus and collect clinical sharps waste collections from new collection points at Community Pharmacies and GP dispensing pharmacies from 1st April 2019

There are currently 72 people on our quarterly household sharps clinical waste collection list.

We are proposing that where a resident is disabled and infirm, and therefore unable to visit one of the collection points, they will provide a doctor's note to confirm this and ECDC will continue to provide a free household sharps clinical waste collection on a quarterly basis from their home. For all other residents they will be required to take their sharps clinical waste to pharmacies which will continue to be collected free of charge.

As the majority of residents across the district already use pharmacies as drop-off points the changeover will be seamless. This option would require ECDC to contact the current 72 residents receiving a collection from their property and instruct them to take their sharps to pharmacies at their convenience from 1st April 2019. A draft letter is included at Appendix D.

We will ensure that each of the existing 72 ECDC sharps clinical waste service users are engaged with at the earliest opportunity. After 1st April their next quarterly pick up won't be until June 2019, which will provide enough time to put arrangements in place to drop off their sharps boxes to a corresponding pharmacy. We will provide a list of their local drop-off points to help streamline the changeover process.

Option 1 will also enable ECDC to work in partnership with other local authorities through RECAP who are all proposing to agree this option. The service will continue to be outsourced to our current provider, Novus, to collect on a monthly basis at a cost of £6.10 per collection per pharmacy.

This option would pass any liability to Novus (including training requirements of staff) and would not impact on back office staff as much as bringing the service in-house.

Service users would have their clinical waste collections removed from a company who already have the correct equipment and are already providing the collections service across the County. In addition, the financial cost to the Authority would be less than the other options.

Breakdown of costs

RECAP has indicated that a yearly administration cost of £600 will be paid to each pharmacy involved in the programme. There are 17 pharmacies across the district (although as mentioned previously, we have not yet confirmed exactly how many of these will sign up to the service).

In addition and where required, and not covered by existing contracts or arrangements, East Cambridgeshire District Council will pay £120 towards immunisations required by staff handling the waste, records of which should be kept for the period of the agreement by the Pharmacy Contractor.

The above payment is unlikely to ever be claimed. Immunisation should be a function which every pharmacy undertakes as part of their business as usual requirements, RECAP and NHS England agreed this figure that in the event that a new member of staff has to be employed quickly to fulfil the agreement therefore it is costed out in both options.

After liaising with the Customer Services Manager it was agreed that due to the increase in calls to Customer Services the additional capacity impact would require more staffing resource. Therefore these have been costed out below.

On-going contract costs for a monthly collection outsourced to Novus

Administration costs for each pharmacy = £600 x 17 = £10,200

Immunisation costs = £120 x 17 = £2,040

Novus pick up costs @ £6.10 per pick up (12x 17 x £6.10 = £1,244.40)

Back office staffing costs to register service users and answer customer queries for approximately 2 days per month = £2572 (which uses average salary costs per day). There would still be a requirement for ECDC staff to answer customer queries and referral to Novus.

Annual cost of providing an outsourced monthly clinical waste collection = pharmacy admin costs (£10,200) + immunisation costs (£2,040) + pick up costs by Novus (£1,244.40) and back office staffing costs (£2,572) = **£16,056.40**

We are assuming each pharmacy will have one collection per month, however for smaller more rural areas this may only be a quarterly basis. Conversely some busier town pharmacies may need fortnightly collections. As we are uncertain of the storage facilities of each pharmacy we have worked out costs on a monthly and fortnightly collection basis.

On-going contract costs for a fortnightly collection outsourced to Novus

Administration costs for each pharmacy = £600 x 17 = £10,200

Immunisation costs = £120 x 17 = £2,040

Novus pick up costs @ £6.10 per pick up (26 x 17 x £6.10 = £2,696.20)

Back office staffing costs to register service users and answer customer queries for approximately 4 days per month = £5,143 (which uses average salary costs per day).

Annual cost of providing an outsourced fortnightly clinical waste collection = pharmacy costs (£10,200) + immunisation costs (£2,040) + collection costs (£2,696.20) + staffing costs (£5,143) = **£20,079.20**

7.4 **Option 2:** ECSS to collect sharps clinical waste from Community Pharmacies and GP dispensing surgeries

ECSS would need to purchase a new vehicle with a tail lift which can be washed out and in addition, ECSS staff collecting the waste would be required to undergo ADR hazardous goods training.

This option would be difficult to put in place from 1st April 2019 due to the lack of lead in time and the immediacy of the change required.

This would also have a negative impact on the remaining services ECSS provides to residents of East Cambs as resources would have to be redirected from frontline services to ensure collections take place on time.

This option would certainly require more staff due to ECDC having to register them. At this stage it is difficult to anticipate the increase in customer enquiries, however the costs below reflect the possible increase.

Breakdown of costs

Initial year 1 outlay

An initial outlay of approx. £35,000 would be required to purchase a specialised vehicle adequately equipped to safely collect and dispose of the waste and £748 for 17 x 240 litre waste collection bins at a cost of £44.00 each.

4 x Members of ECSS staff would be required to go through ADR hazardous waste transportation training at a cost of £500 each (renewed every 5 years).

New vehicle (£35,000) + 17 x waste bins (£748.00) + training (£2000) = **£37,748**

General on-going running costs for a monthly collection

As with Option 1 we are assuming each pharmacy will have one collection per month, however for smaller more rural areas this may only be a quarterly basis. Conversely some busier town pharmacies may need fortnightly collections. As we are uncertain of the storage facilities of each pharmacy, we have again worked out costs on a monthly and fortnightly collection basis.

The following costs will be required from April 2019 onwards on a yearly basis working on the assumption that ECSS will provide a monthly collection:

Administration costs for each pharmacy = £600 x 17 = £10,200

Immunisation costs = £120 x 17 = £2,040

Vehicle fuel and average maintenance costs @ £108 per day X 14 days (i.e. one collection day per month and including additional time allowed for increased travel time for disposal) = £1,512

Crew cost @ £72.80 per day X 14 days (i.e. one day per month which takes into account the time for a driver to dispose of the waste collection bins in Thetford) =£1019.20

Back office staffing costs to register service users and answer customer queries for approximately 4 days per month = £5,143.20 (which uses average salary costs per day and would require this level of support to register new users, deal with enquiries, plan the routes etc).

Annual cost of providing an in-house monthly clinical waste collection = pharmacy costs (£10,200) + immunisation costs (£2,040) + vehicle costs (£1,512) + crew costs (£1,019.20) + staffing costs (£5,143.20) = **£19,914.40 per Annum**

General on-going running costs for fortnightly collection

The following costs will be required from April 2019 onwards on a yearly basis working on the assumption that ECSS will provide a fortnightly collection:

Vehicle fuel and average maintenance costs @ £108 per day X 28 days (i.e. one collection day per fortnight and the time to dispose of the waste in Thetford) = £3,024

Administration costs for each pharmacy = £600 x 17 = £10,200

Immunisation costs = £120 x 17 = £2,040

Crew cost @ £72.80 per day X 28 days (i.e. one day per fortnight which takes into account the time for a driver to dispose of the waste collection bins in Thetford) =£2,038

Back office staffing costs to register service users and answer customer queries for approximately 4 days per month = £5,143.20 (which uses average salary costs per day).

Annual cost of providing an in-house fortnightly clinical waste collection = pharmacy costs (£10,200) + immunisation costs (£2,040) + vehicle on-going costs (£3,024), + crew costs (£2,038) + staffing costs (£5,143) = **£22,445**

7.5 Under each of these options we are aware that there will be a very small number of elderly or disabled residents who may be unable to access any pharmacy as drop off points. We are proposing to work with these residents to enable them to use the pharmacies. However, in the event that this is impossible due to a disability or other medical conditions we will collect clinical sharps waste free of charge from their home on a quarterly basis provided they have a doctor's note to certify that they are unable to reach any local pharmacy who has joined the service.

8.0 RISK

8.1 Due to the constrained timescales presented by NHS England a decision on the future provision of clinical waste must be agreed by February 2019. This will take into account full engagement with pharmacies across Cambridgeshire & Peterborough to identify which pharmacies would be prepared to act as collection points from the 1st April 2019.

8.2 A series of resident engagement exercises will be carried to help ensure that residents are aware of the changes in clinical waste collection, including all those currently known to the authority; without having a list of everyone it is impossible to guarantee that we will be able to reach every affected resident.

8.3 Information will also be sent to all GP surgeries to inform them of the new locations and ask them to publicise this to their patients.

8.4 A draft letter has been written (please see Appendix D) which will go to all existing service users who currently receive a household clinical sharps collection (currently this stands at 72).

8.5 Due to the rurality of the district and the disparity of pharmacies towards the south of the district (please see Appendix C) some residents may access a pharmacy in another district. Whilst this is not ideal, many customers in the rural areas already access pharmacies in other districts and there is no restriction on doing so.

8.6 The existing contract with the current service provider, Novus, runs for 3 years and therefore we are committed to working with them until 2021. The existing contract allows ECDC to specify the use of central collection points and a further SLA can be drawn up under any new arrangements to ensure our required performance measures are met.

- 8.7 If the Council wishes ECSS to deliver the service an initial capital outlay of £37,704 would be required for the purchase of a new vehicle and providing adequate training of staff.
- 8.8 The Local Pharmaceutical Committee will engage with all the pharmacies across Cambridgeshire and Peterborough to sign up to this proposal, however this is not a statutory requirement on their part and we may find that some pharmacies do not want to take part.
- 8.9 The research carried out provides only an estimate of figures from which we have ascertained costs. It does not take into account clinical waste collection's for out of hours, children or hospitals (which will in most cases will require a temporary administration of self-medication). However this report has aimed to forecast for these instances in the figures to account for this lack of information.

9 CONCLUSION

- 9.0 Due to the recent decision by NHS England to withdraw their free sharps waste collection service from pharmacies from 1st April 2019 and transfer the service back to local authorities, ECDC must provide a solution for local residents who self-medicate.
- 9.1 To ensure that we protect ECSS from increased financial risk due to the lack on accurate numbers of people who will be using the service from 1st April, reduce capacity strain on the workforce and to meet the needs of local residents it is recommended that the best option moving forward would be Option 1 to continue to work in partnership with Novus for collection of sharps from the new locations.

10 Financial Implications/Equality Impact Assessment

- 10.0 There is a EIA, please see Appendix C
- 10.1 The financial implications to the Authority are detailed in the report.

11 Appendices

- 11.0 Appendix A- Public Health Consultant research document
 Appendix B- Map of district showing Pharmacies
 Appendix C- Equality Impact Assessment
 Appendix D- Draft letter to the existing clinical waste household collection users

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Cambridgeshire Pharmaceutical Needs Assessment 2017	The Grange, Ely	Hetty Thornton Performance Management Officer (01353) 616233 E-mail: hetty.thornton@eastcamb.gov.uk

Appendix A- Public Health Consultant research document

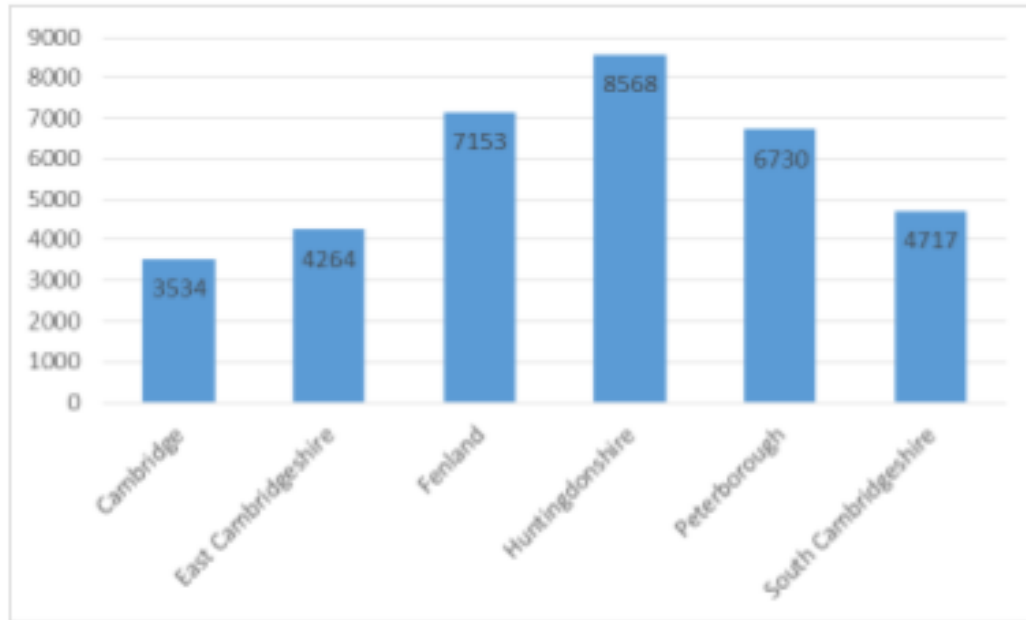
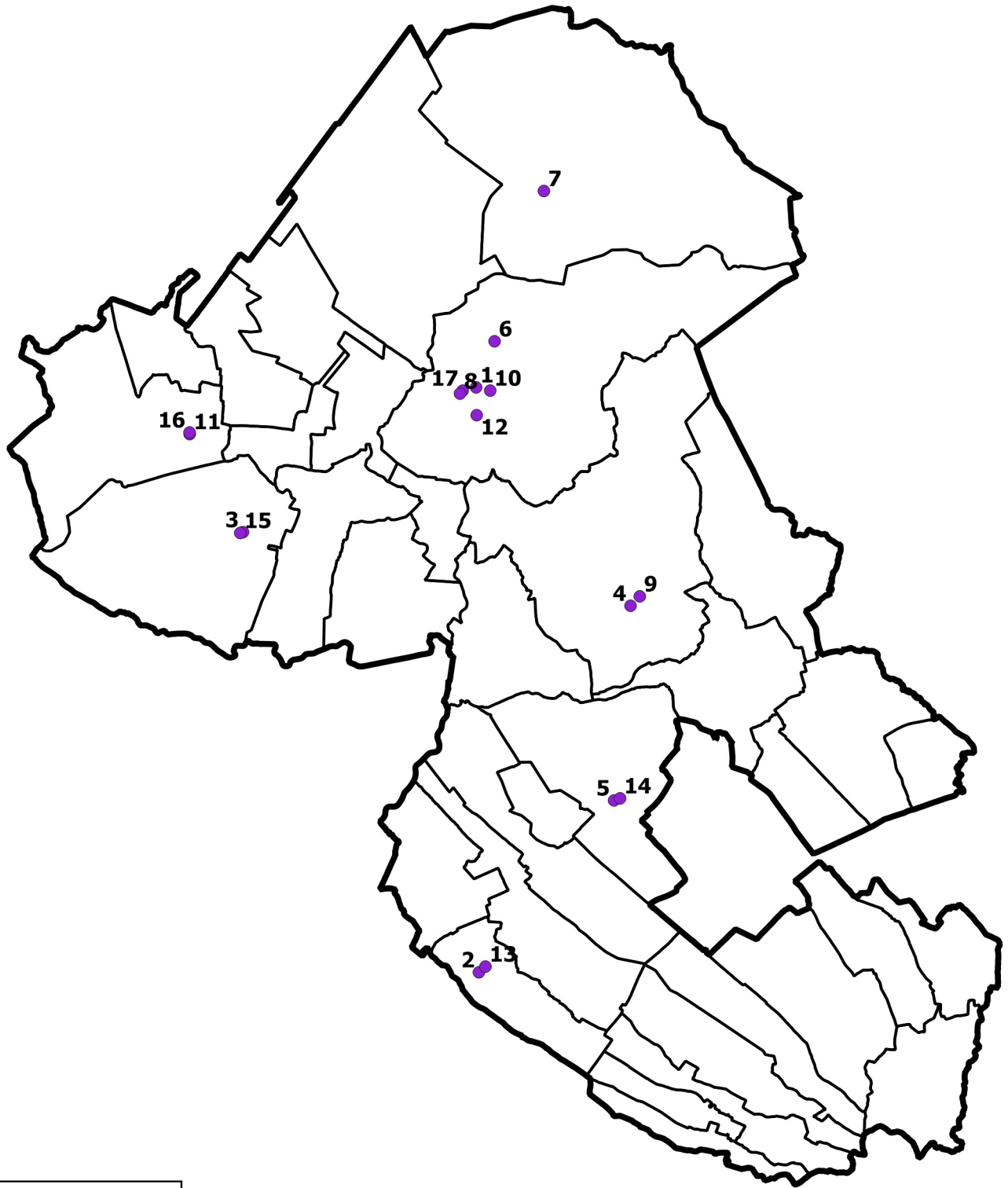


Figure 1: Total sharps bins prescribed, by local authority, 2017/18 (Source: OpenPrescribing.net, EBM DataLab, University of Oxford, 2017)

Table 1 below shows the breakdown of the number of items by size of item and local authority for the financial year 2017/18. It shows that the majority of items were sized 1 litre, which accounted for 33,981 items or 97% of the total number of items.

TABLE 1: Number of sharps items prescribed by type of item and local authority, 2017/18 (Source: OpenPrescribing.net, EBM DataLab, University of Oxford, 2017)

	Needle clipping	1L	1.8L	4L	5L	7L	9L	Total
Cambridge	34	3373	30	36	29	29	3	3534
East Cambridgeshire	19	4176	11	21	32	5	0	4264
South Cambridgeshire	25	4506	65	36	49	35	1	4717
Peterborough	14	6583	47	27	47	9	2	6729
Fenland	15	7066	28	17	23	3	1	7153
Huntingdonshire	99	8277	45	70	60	16	1	8568
Total	208	33981	228	207	240	97	8	34886



**East Cambridgeshire
District Council**



Date: 10/12/2018
Scale: 1:200,000

Legend

- 1 - Boots, 6 Market Street, Ely CB7 4PB
- 2 - Bottisham Pharmacy, 8 High Street, Bottisham CB25 9DQ
- 3 - Haddenham Pharmacy, 1 Station Road, Haddenham CB6 3XD
- 4 - Lloyds Pharmacy, 31 High Street, Soham CB7 5HA
- 5 - Lloyds Pharmacy, 57 High Street, Burwell CB25 0HD
- 6 - Lloyds Pharmacy, Princess of Wales Hospital Site, Lynn Road, Ely CB6 1DN
- 7 - Lloyds Pharmacy, St Georges Medical Centre, Parsons Lane, Littleport, CB6 1JU
- 8 - Lloyds Pharmacy, St Mary's Surgery, 37 St Marys Street, Ely CB7 4HF
- 9 - Staploe Pharmacy, Brewhouse Lane, Soham CB7 5GD
- 10 - Sainsbury's Pharmacy, Lisle Lane, Ely CB7 4AS
- 11 - Sutton Pharmacy, 29A High Street, Sutton CB6 2RB
- 12 - Tesco Pharmacy, Angel Drove, Ely CB7 4DJ
- 13 - Bottisham Medical Practice, Tunbridge Lane, Cb25 9DU
- 14 - Burwell Surgery, Newmarket Road, Burwell CB25 0AE
- 15 - Haddenham Surgery, The Green, Haddenham CB6 3TA
- 16 - Priors Field Surgery, 24-26 High Street, Sutton CB6 2RB
- 17 - St Marys' Pharmacy, 50 St Marys Street, Ely CB7 4EY

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	The future provision of clinical waste
Lead Officer (responsible for assessment):	Hetty Thornton
Department:	Waste
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date EIA Completed:	08/01/18

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

At present, ECDC provides a free sharps clinical waste service for our residents from their homes who self-medicate across the district. At present there are 72 people who utilise this service.

The majority of residents who self-medicate at home dispose of their sharps boxes through local pharmacies. This service is currently provided free of charge by NHS England.

A recent review by NHS England has concluded that the statutory requirement to collect sharps clinical waste lies with the local authority.

The Council has been working with RECAP (the Peterborough and Cambridgeshire Waste Partnership) to provide a solution to this change.

RECAP (of which ECDC is a partner) has suggested that to ensure a service continues to be provided to residents who self-medicate all local authorities collect sharps clinical waste from Community Pharmacies and some GP dispensing pharmacies. This will be a seamless exercise for most residents who self-medicate across East Cambs, especially as the majority of sharps users currently dispose of their sharps waste at local pharmacies.

There have been many comments and a couple of complaints made from the 72 residents who use the household sharps collection service that they don't feel safe putting their clinical waste boxes outside their houses for collection as it highlights that they may have a disability which can make some residents feel at risk and vulnerable.

An agreement between ECDC and the pharmacies has been drawn up to offer each one the opportunity to join the new service. However, it is down to the individual pharmacy whether they decide they would like to enter into the agreement, which is effectively out of the control of ECDC.

It is recommended to committee that residents who self-medicate (even for a short/medium time period) will, from 1st April, be required to take their sharps boxes to a local pharmacy within the scheme unless they have a disability or other medical condition, have no other friend, carer or family member who could take their sharps waste to a local pharmacy and also provide a doctor's note to confirm this.

The change will enable all residents to dispose of their clinical waste sharps collections at times and venues which are convenient to them including the weekends and the evenings free of charge. This opens up more opportunities through which to dispose of the clinical sharps.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

- Residents who self-medicate within the ECDC area
- A carer, friend or family member, who administer medication by needle to service users
- Residents who are required self-medicate for a short/medium period of time

(c) Is the EIA informed by any information or background data (quantitative or qualitative)? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

- There has been on-going partnership working with RECAP to look at various options for the future provision of sharps clinical waste. However, ultimately it comes down to each respective local authority and the most effective solution for the users of the service.
- ECDC has received a number of phone calls from concerned users of the household clinical waste collections who feel that leaving the sharps boxes outside their homes highlights the fact that they could be vulnerable and potentially put them or their home at risk. ECDC want to ensure that residents feel safe and this proposal will negate the need to have sharps boxes left outside.
- RECAP has been engaging with NHS England throughout to ensure that there is minimal disruption for service users.
- ECDC has been undertaking partnership working with the Local Pharmaceutical Committee. The LPC will act as the conduit to cascade all relevant information to Community Pharmacies including patient communication and information on how a pharmacy can join up to the scheme.
- Recent research documents e.g. Local Needs Assessment, show that each household is within at most 20 mins in the car from a local pharmacy. In addition the majority of service users get their prescriptions from a local pharmacy which means it will be easier (in most cases) for service users to dispose of their sharps boxes and pick up new prescriptions at the same time.
- After assessing the location and opening times of all community pharmacies and GP dispensing pharmacies service users will have access to a range of pharmacy locations and longer opening hours, including weekend times.
- ECDC has phoned each pharmacy across the district to ascertain their initial thoughts on signing up to the new process. The majority indicated that they would be willing to do so (the ones who didn't weren't able to make an informed decision as the practice manager was absent).

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply)

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input checked="" type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

Service users who currently use the household sharps clinical waste collection will now be asked to take their boxes to the pharmacies who sign up to the new process. If a service user, their family, friends or carers are unable to take their clinical sharps and provide a doctor's note to confirm this then ECDC will continue to collect their sharps boxes from their homes free of charge on a quarterly basis.

Burwell (which has a high number of service users out of the 72) does not currently have any local pharmacies which accept patient sharps boxes. As a result these residents have free household collections on a quarterly basis. Early engagement with the pharmacies in the village indicates that they would be receptive to offering this service from 1st April. Therefore this would have a beneficial impact on these residents.

There have been no significant demographic changes locally which affect this proposed change.

(e) Does the policy have a differential impact on different groups?	NO
(f) Is the impact <i>adverse</i> (i.e. less favourable)?	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	NO
(h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.	

ECDC has undertaken early engagement with local GP dispensing pharmacies and community pharmacies to ascertain if they would be receptive to being a point of disposal for clinical sharps waste.

Service users, their families or carers who are unable to access any local pharmacy and provide a doctor's note will still be able to have a free household quarterly clinical waste collection.

Once Committee has made a decision on the future provision, ECDC will be contacting all of the 72 residents to advise them of the change and offer support and guidance.

ECDC will be working with GP surgeries, GP dispensing surgeries and Community Pharmacies to promote the changes. This will be co-ordinated through NHS England and the Local Pharmaceutical Committee who will be managing the communications on behalf of RECAP members.

Hambleton District Council have already gone through a similar change process and RECAP has used their experience to carry out this recommended changeover process. Any lessons learnt have been applied by RECAP.

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders.

(i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

N/A

(j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

As NHS England will no longer be providing a collection service from community pharmacies, it would impact significantly on ECSS financially if we offered a household collection to all service users who currently take their clinical sharps waste to local pharmacies. As there is no data on the amount of residents who currently do this we have estimated that this would increase to approximately 2551 residents (not taking into account the 72 ECDC already collect from). Therefore for the majority of service users the proposed change will see no change for the (approx) 2551 users which will be seamless.

We will ensure that the 72 users ECDC currently collect sharps waste from will be engaged at the earliest opportunity to offer support and guidance.

Where a resident requires an assisted sharps collection, ECSS will continue to provide this service free of charge (as detailed previously).

(k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	√
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

(l) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

ECSS must ensure that they provide “adequate arrangements for the disposal of household waste” (which clinical waste forms a part of) as per the Environmental Protection Act 1990 (see below).

Collection of controlled waste.

(1) It shall be the duty of each waste collection authority—

(a) to arrange for the collection of household waste in its area except waste—

(i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and

(ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste; **[F1and]**

By continuing to provide a free household sharps clinical waste collection from a service user who requires an assisted collection (where they provide a doctors' note) and providing collection points across the district at participation pharmacies both free of charge, committee is asked whether by agreeing to Option 1 to provide this service, if ECDC are meeting its statutory requirements.

This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

Completing Officer: _____ **Date:** _____

Head of Service: _____ **Date:** _____



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555

DX41001 ELY

www.eastcambs.gov.uk

This matter is being dealt with by:

Telephone: 01353 665555 (main ECDC
switchboard number)
E-mail: Darren.hughes@eastcambs.gov.uk
My Ref:
Your ref

Date:

Changes to your clinical sharps waste collection

Dear

The NHS nationally has announced changes to the collection of clinical waste which means we need to make some changes locally in East Cambridgeshire to the way we run the service for our residents.

New disposal points are being set up in GP surgeries and pharmacies across the District for people that need to dispose of sharps (used needles). For everyone that is able, we are asking users of the sharps disposal service to dispose of their sharps at any of the designated locations listed on the reverse of this letter. There is no charge for this service and you will continue to be able to collect your new sharps boxes in the same way as you do currently.

If you are housebound and unable to visit any of the locations due to disability or any other medical reason and a family member, friend or carer is not able to help, please be assured that we will still collect your used sharps from your home on a quarterly basis. If this is the case for you, please ask your GP to provide a letter and send it to us at the above address so we can register you for a household collection.

The sack collection service for infectious clinical waste remains unchanged, so if you are a user of this service please continue as usual.

If you have any questions or concerns in relation to this change in service please do contact me directly on 01353 616298.

Yours Sincerely,

Mr. Darren Hughes
Waste Minimisation Officer

TITLE: Quarter 3 Performance Report for the Waste and Street Cleansing Services

Committee: Regulatory Services Committee

Date: 21st January 2019

Author: Waste Minimisation and Fleet Manager

[T186]

1.0 ISSUE

1.1 To provide the Quarter 3 (October to December 2018) performance report for the delivery of the waste and street cleansing services by East Cambs Street Scene Ltd (ECSS) after the insourcing of the services on 1 April 2018.

2.0 RECOMMENDATION(S)

2.1 Members are requested to note the progress and improvements to service delivery since April the 1st 2018 and the Quarter 2 Performance Report.

3.0 BACKGROUND

3.1 The Quarter 3 report highlights the accelerated improvement following the enhanced management arrangements put in place by the Director of Operations.

This report will evidence the continuous and ongoing accelerated improvements that are being made at ECSS to provide the highest calibre of service possible to the residents of East Cambridgeshire. This report highlights to the Committee that with the enhanced management arrangements in place, positive progress is being achieved and the majority of the challenges and faults inherited with the contract in April, have been resolved.

Alongside the day to day streamlining and implementation of improvements, additional actions have been taken to develop the Waste and Street Cleansing service with supporting outcomes:

- a) With the enhanced management arrangements in place greater focus has been made on streamlining various operational processes and operational activities utilising industry knowledge.
- b) New work flows for both Fly Tip and Graffiti removal have been implemented and now allow for greater clarity of responsibilities throughout all departments involved. It has given Environmental Health enriched control for possible prosecutions for fly tipping and involving Housing and Community Safety in the process creates a defined relationship with the local police to assist in eradicating the problem of graffiti within the district.
- c) Quarter 3 saw an average of 92% of Hazardous and 73% of Non-Hazardous fly tips completed within the target.
- d) Quarter 3 saw an average of 67% of Offensive Graffiti and 90% of Non-Offensive Graffiti removed within the target. Due to the proactive nature of the street cleansing operations there were no reports of Offensive Graffiti in December.

- e) New, improved and robust schedules have been implemented for road sweeping, covering the entire district, resulting in an increase in kerb side cleansing with frequencies to match EPA standards. These schedules have allowed for in depth monitoring by ECSS to ensure consistency is applied.
- f) An increased focus on street cleansing service delivery, including dedicated recruitment to specific role profiles has resulted in a 24% increase in service request completion (September – December).
- g) A dedicated crew has been created within the street cleansing operation with the sole purpose of the collection of waste from both litter and dog bins from around the district. This has resulted in a reduction of missed bin complaints received from residents and ensures that bins receiving a higher usage from members of the public, receive the adequate level of service to compensate.
- h) Following the completion of an internal assessment, a number of dog bins have been upgraded with a larger capacity to meet the increased level of usage in prolific dog walking areas. This has resulted in a reduction of overflowing dog bins throughout the district.
- i) Round schedules for the waste collection crews are under review and with the addition of a new process for work allocation to the crews. This will guarantee an increase in the control of work issued and completed and assist in closing down customer requests within the contracted timeframes.
- j) Employee relations continue to grow, improving staff productivity and the overall commitment to service delivery. With the continued improvements throughout the company, job satisfaction is set to increase with employees taking pride in the work they carry out within the district.
- k) Customer Services continues to provide regular support to ECSS in managing the interface with residents, including updating the Council's web pages to ensure up to date information is being relayed to residents. Monthly performance reports are being produced to share with the operational employees to quantify the effort they have applied.
- l) The yearly roll out of the black sacks was completed within time and with a substantial reduction in delivery failures.
- m) An overhaul of the transport and fleet system has taken place, streamlining document retention and ensuring the protection of the Council's Operators Licence, reducing risk against the Council from governing authorities.
- n) Internal development continues with one employee successfully passing their HGV training allowing them to progress with their career and provides ECSS with skilled and knowledgeable drivers. This training programme is set to continue into 2019.
- o) ECSS has ventured into the commercial world of Waste and Street Cleansing in Quarter 3 and has successfully completed a number of small scale projects securing additional revenue. This is set to grow in 2019.

3.2 The following sections of this report confirm the positive impact on performance that the enhanced management arrangements have had, alongside the additional and ongoing remedial actions implemented.

4. PERFORMANCE UPDATE

4.1 Detailed overleaf in Table 1 is an update on ECSS performance in relation to the management and resolution of service requests.

Table 1: Update on ECSS Performance in Relation to the Management and Resolution of Service Requests within the Time Specified Resolution (as a %)

Service	April			May			June			July			Aug			Sep		
	Month	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend		
Refuse	46	63	54	▲	68	58	▲	87	66	▲	82	69	▲	85	73	▲		
Recycling	53	44	48	▼	40	45	▼	75	53	▲	82	58	▲	85	62	▲		
Garden	49	61	57	▲	50	55	▼	74	58	▲	81	62	▲	88	66	▲		
Bulk & Clinical	79	74	76	▼	74	75	▼	82	77	▲	84	79	▲	92	81	▲		
Street Cleansing	17	13	15	▼	16	15	▼	42	23	▲	33	25	-	55	30	▲		

Service	Oct			Nov			Dec		
	Month	Cum	Trend	Month	Cum	Trend	Month	Cum	Trend
Refuse	92	76	▲	98	77	▲	95	78	▲
Recycling	87	65	▲	98	69	▲	93	70	▲
Green	91	69	▲	97	72	▲	97	73	▲
Bulk & Clinical	92	82	▲	83	83	▲	89	83	▲
Street Cleansing	59	33	▲	72	37	▲	79	39	▲

Note: The RAG rating relates to the month on month cumulative performance trend.

4.2 The ongoing significant improvement in performance evidences the continued impact the Waste Minimisation & Fleet Manager has had with service delivery.

Quarter 3 saw all three collection services reach over a 90% resolution rate for both November and December.

Continued focus on all street cleansing services is evidenced with a monthly CRM completion percentage increase of 24%, from September to December.

With the implementation of the new working schedules and practices, these figures are set to rise into the 80% target at the start of the next quarter.

4.3 Appendix 1 contains a summary of ECSS's performance against the set standards and the annual stretch target for resolving service requests which is a fundamental performance measure for the efficiency and customer focus of the services provided.

4.4 **Sickness Absence:**

Sickness absence in Quarter 3 continues to have both a financial and performance related impact. With short term absenteeism increasing in this quarter, it becomes apparent that the current policy in place to manage absenteeism in line with the company's targets, is inefficient.

A review of this policy is set for 2019, with an effective approach to managing both short and long term absenteeism to ensure the company can sustain a high level of service all year round.

Outlined in Table 2 below are the targets for sickness absence set for the waste and street cleansing services. Targets that have been set for the different categories of staff and these reflect that the majority of staff work outside in all weathers carrying out physically arduous tasks.

These targets reflect similar targets set in other high performing waste and street cleansing service delivery organisations.

Table 2: Sickness Absence Targets Set for the Waste and Street Cleansing Services

Staffing Category	Number of Staff	Annual Sickness Target (Days)	Monthly Sickness Absence Target (Hours)
Driver/Team Leaders (Waste)	18	9	6
Loaders (Waste)	28	9	6
Class 2 Drivers (Street Cleansing)	4	9	6
Driver/Operatives (Street Cleansing)	6	9	6
Ops Management & Admin (Street Cleansing)	5	9	6
Waste Management Team (Street Cleansing)	4	5	3

- 4.5 The sickness report contained in Table 3 below highlights that although sickness is being managed in accordance with the company's current policy, it is not efficient to manage short and long term sickness absence the company is currently witnessing; therefore it is set to be reviewed in 2019.
- a) A high level of sickness absence within the Loaders is due to two employee's long term sickness. Subsequently, these employees no longer work for ECSS.
 - b) High levels of sickness within the Drivers is due to one long term case covering the entire Quarter 3 period as well as a number of short term cases. If this single long term case was to be removed, the target for each month would be achieved.
 - c) The sickness absence in the Waste Management Team is a result of an individual being involved in a car accident that was not their fault. This employee returned to work through a phased return programme and is now fully back to work.

Table 3: Monthly Sickness Absence Report for the Waste and Street Scene Services – 2018/19

Staff Category & Monthly Target (Hrs)	Driver/ Team Leaders (6 hrs per employee)	Loaders (6 hrs per employee)	Class 2 Drivers (SC) (6 hrs per employee)	Driver/ Operatives (SC) (6 hrs per employee)	Operatives (SC) (6 hrs per employee)	Ops Mgmt. & Admin Staff (3 hrs per employee)	Waste Mgmt. Team (3 hrs per employee)
Number of Staff	18	28	4	6	4	5	4
April	Target = 108 hours Actual =66 hours	Target = 168 hours Actual =162 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual =54 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual = 0 Hours	Target = 15 hours Actual =0 Hours
May	Target = 108 hours Actual = 138 hours	Target = 168 hours Actual =108 Hours	Target = 24 hours Actual =0 Hours	Target = 36 hours Actual =24 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual = 0 Hours	Target = 15 hours Actual =0 Hours
June	Target = 108 hours Actual = 54 hours	Target = 168 hours Actual = 204 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual = 0 Hours	Target = 24 hours Actual = 6 Hours	Target = 15 hours Actual = 0 Hours	Target = 15 hours Actual = 0 Hours
July	Target = 108 hours Actual = 24 hours	Target = 168 hours Actual = 318 Hours	Target = 24 hours Actual =30 Hours	Target = 36 hours Actual =0 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual = 54 Hours	Target = 15 hours Actual = 0 Hours
August	Target = 108 hours Actual = 24 hours	Target = 168 hours Actual = 372 Hours	Target = 24 hours Actual = 18 Hours	Target = 36 hours Actual = 0 Hours	Target = 24 hours Actual = 24 Hours	Target = 15 hours Actual = 69 Hours	Target = 15 hours Actual = 0 Hours

September	Target = 108 hours Actual =66 hours	Target = 168 hours Actual =276 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual = 6 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual =48 Hours	Target = 15 hours Actual =21 Hours
October	Target = 108 hours Actual = 216 hours	Target = 168 hours Actual = 324 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual =6 Hours	Target = 24 hours Actual =0 Hours	Target = 15 hours Actual =0 Hours	Target = 15 hours Actual =60 Hours
November	Target = 108 hours Actual = 192 hours	Target = 168 hours Actual =516 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual =12 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual = 0 Hours	Target = 15 hours Actual =0 Hours
December	Target = 108 hours Actual =156 hours	Target = 168 hours Actual = 390 Hours	Target = 24 hours Actual = 0 Hours	Target = 36 hours Actual = 24 Hours	Target = 24 hours Actual = 0 Hours	Target = 15 hours Actual =0 Hours	Target = 15 hours Actual =0 Hours
January	Target = 108 hours Actual = hours	Target = 168 hours Actual = Hours	Target = 24 hours Actual = Hours	Target = 36 hours Actual = Hours	Target = 24 hours Actual = Hours	Target = 15 hours Actual = Hours	Target = 15 hours Actual = Hours
February	Target = 108 hours Actual = hours	Target = 168 hours Actual = Hours	Target = 24 hours Actual = Hours	Target = 36 hours Actual = Hours	Target = 24 hours Actual = Hours	Target = 15 hours Actual = Hours	Target = 15 hours Actual = Hours
March	Target = 108 hours Actual = hours	Target = 168 hours Actual = Hours	Target = 24 hours Actual = Hours	Target = 36 hours Actual = Hours	Target = 24 hours Actual = Hours	Target = 15 hours Actual = Hours	Target = 15 hours Actual = Hours
Cumulative Performance – December 2018	Cumulative Target = 972 Hours	Cumulative Target = 1,512 Hours	Cumulative Target = 216 Hours	Cumulative Target = 324 Hours	Cumulative Target = 216 Hours	Cumulative Target = 135 Hours	Cumulative Target = 135 Hours

<ul style="list-style-type: none"> • Cumulative Target = number of months x the monthly target; • Cumulative Actual = the totalling of each months actual. 	Cumulative Actual = 936 Hours	Cumulative Actual = 2,670 Hours	Cumulative Actual = 48 Hours	Cumulative Actual = 126 Hours	Cumulative Actual = 30 Hours	Cumulative Actual = 171 Hours	Cumulative Actual = 81 Hours
<p>Trend (RAG Rating):</p> <ul style="list-style-type: none"> • Green rating = Actual is less the Cumulative Target; • Amber rating = Actual is up to 2 days greater than the Cumulative Target; • Red rating = Actual is 3+ days greater than the Cumulative Target. 	▲	▼	▲	▲	▲	▼	▲

4.6 Detailed below in Table 4 is a summary of the total tonnage of waste collected and the total tonnage of waste collected for April 2018 to November 2018.

Month	Tonnage All Waste Collected	Tonnage All Waste Recycled (Recyclates + Garden Waste)	% of Waste Recycled	Trend (Target = 57% of Waste being Recycled) - RAG
April	2,789	1,638	58.73%	
May	3,224	2,052	63.65%	
June	2,949	1,845	62.56%	
July	2,370	1,306	55.11%	
August	2,658	1,550	58.31%	
September	2,698	1,613	59.79%	
October	2,796	1,594	57.01%	
November	2,583	1,409	54.55%	
December				
January				
February				
March				
Total	22,067	13,007	58.71%	

5.0 CONCLUSIONS

5.1 The Quarter 3 Performance Report continues to evidence the impact of the improvements made throughout the company with the majority of services excelling against the Performance target set of 80%.

Sickness rates within the Street Cleansing operation has seen a reduction, ensuring the company has adequate resource to deliver the standards it desires and improve the cleanliness of the district.

With the assistance of County and District wide campaigns like Metal Matters, which launched in Quarter 3, these will continue to assist in the reduction of waste sent to landfill and an overall increase in the Council's recycling rate working towards the Council's Corporate Plan.

The focus is now on improving the following areas based on performance to date:

- a) Continue working with the street cleansing crews using their in depth knowledge and experience to implement further efficiencies in the service schedules, guaranteeing the 80% target is reached within Quarter 4.
- b) Finalise minor amendments to CRM processes to ensure data gathered through the reports adequately quantify the company's efforts.
- c) Review the company Sickness/Absence Policy to allow efficient management of absenteeism against targets set.

6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 6.1 The waste and street cleansing services are being delivered within the Council's revenue budget for the services.
- 6.2 In Quarter 4 (January to March 2019) it is planned that an equalities impact assessment for the waste and street cleansing services will be undertaken to reflect the improvements that have been made in the delivery of the services over the previous three quarters.

6.0 APPENDICES

Appendix 1: Summary of ECSS's Performance against the Annual Stretch Target for Resolving Service Requests: April to December 2018 (Service Requests through the Call Centre and Website Closed off (80%) within the Specified Response Time).

Background Documents

Location

The Grange,
Ely

Contact Officer

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Appendix 1: Summary of ECSS’s Performance against the Annual Stretch Target for Resolving Service Requests: October - December 2018 (Service Requests through the Call Centre and Website Closed off (80%) within the Specified Response Time).

Performance Summary – April to December 2018	Monthly				Cumulative			Trend
	Service Requests Received	Service Requests Closed	Service Requests Closed off within the Specified Response Time	Performance against Annual Stretch Target (80%)	Service Requests Received	Service Requests Closed off within the Specified Response Time	Performance against Stretch Target (80%)	
April Total Service Requests for the Domestic Collection Service.	187	159	49	30.82%				
May Total Service Requests for the Domestic Collection Service.	180	178	48	26.97%	367	97	26.43%	▼
June Total Service Requests for the Domestic Collection Service.	145	159	68	42.77%	512	165	32.23%	▲
July Total Service Requests for the Domestic Collection Service.	185	179	159	86.59%	692	453	65.46%	▲
August Total Service Requests for the Domestic Collection Service.	213	158	130	82.27%	850	583	68.58%	▲
September Total Service Requests for the Domestic Collection Service.	331	288	244	84.72%	1,138	827	72.67%	▲
October Total Service Requests for the Domestic Collection Service.	222	308	282	91.55%	1432	1083	75.62%	▲
November Total Service Requests	102	110	108	98.18%	1542	1191	77.23%	▲

for the Domestic Collection Service.								
December Total Service Requests for the Domestic Collection Service.	93	96	91	94.79%	1638	1282	78.26%	▲
April Total Service Requests for Recycling Collection Services.	212	141	18	12.76%				
May Total Service Requests for Recycling Collection Services.	191	208	32	15.38%	403	50	12.41%	▲
June Total Service Requests for Recycling Collection Services.	153	166	36	21.69%	578	86	14.88%	▲
July Total Service Requests for Recycling Collection Services.	167	173	129	74.56%	693	364	52.52%	▲
August Total Service Requests for Recycling Collection Services.	173	159	131	82.38%	852	495	58.09%	▲
September Total Service Requests for Recycling Collection Services.	145	140	119	85.00%	992	614	61.89%	▲
October Total Service Requests for Recycling Collection Services.	107	145	126	86.89%	1283	953	74.27%	▲
November Total Service Requests for Recycling Collection Services.	153	140	137	97.85%	1277	877	68.67%	▼
December Total Service Requests for Recycling Collection Services.	102	94	87	92.55%	1371	963	70.24%	▲
April Total Service Requests for Garden Waste Collections.	124	90	28	31.11%				
May Total Service Requests for	226	218	54	24.77%	350	82	23.43%	

Garden Waste Collections.								
June Total Service Requests for Garden Waste Collections.	140	156	44	28.20%	490	126	25.71%	▲
July Total Service Requests for Garden Waste Collections.	116	112	83	74.10%	402	297	73.88%	▲
August Total Service Requests for Garden Waste Collections.	111	121	98	80.99%	713	444	62.27%	▼
September Total Service Requests for Garden Waste Collections.	122	118	104	88.13%	831	548	65.94%	▲
October Total Service Requests for Garden Waste Collections.	113	117	106	90.59%	1109	720	64.93%	▼
November Total Service Requests for Garden Waste Collections.	91	100	97	97%	1048	751	71.66%	▲
December Total Service Requests for Garden Waste Collections.	56	60	58	96.66%	1108	809	73.01%	▲
April Total Service Requests for Bulky and Clinical Collections.	141	89	56	62.92%				
May Total Service Requests for Bulky and Clinical Collections.	129	147	72	48.98%	270	128	47.41%	▼
June Total Service Requests for Bulky and Clinical Collections.	125	113	42	37.17%	395	170	43.04%	▼
July Total Service Requests for Bulky and Clinical Collections.	151	124	101	81.45%	494	380	76.92%	▲
August Total Service Requests	135	142	119	83.80%	639	499	78.45%	▲

for Bulky and Clinical Collections.								
September Total Service Requests for Bulky and Clinical Collections.	133	146	134	91.78%	782	633	80.94%	▲
October Total Service Requests for Bulky and Clinical Collections.	127	126	116	92.06%	908	749	82.48%	▲
November Total Service Requests for Bulky and Clinical Collections.	134	131	109	83.20%	1039	858	82.57%	▲
December Total Service Requests for Bulky and Clinical Collections.	66	73	65	89.04%	1112	923	83%	▲
April Total Service Requests for Street Cleansing.	6	6	2	33.33%				
May Total Service Requests for Street Cleansing.	188	163	20	12.27%	373	34	9.12%	▼
June Total Service Requests for Street Cleansing.	159	152	25	16.45%	532	59	11.09%	▲
July Total Service Requests for Street Cleansing.	206	192	64	33.33%	919	230	25.02%	▲
August Total Service Requests for Street Cleansing.	206	202	85	42.07%	727	166	22.83%	▼
September Total Service Requests for Street Cleansing.	171	175	96	54.85%	1,094	326	29.79%	▲
October Total Service Requests for Street Cleansing.	139	151	89	58.94%	1245	415	33.33%	▲
November Total Service Requests for Street Cleansing.	121	113	81	71.68%	1348	496	36.79%	▲
December Total Service Requests for Street Cleansing.	96	101	80	79.20%	1459	576	39.47%	▲

Note: Set Response Times for Services Request:

Waste Collection Services
<ul style="list-style-type: none">• Missed waste, recycling and garden waste collections: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Missed waste, recycling and garden waste collections assisted collections: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Black Bags Not Left – Annual Delivery: Response time to close of the request is 10 working days.
<ul style="list-style-type: none">• Spillages all collection services: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Operative behaviour - collection services: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Refuse collection vehicle incidents: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Bins not returned to property – recycling and garden waste collections: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Replacement bin requests for recycling and garden waste services: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Additional blue bin requests: Response time to close of the request is ten working days from receipt of the request.
<ul style="list-style-type: none">• Additional clear sacks request for recycling collections: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Brown bags not left garden waste collections: Response time to close of the request is 5 working days
<ul style="list-style-type: none">• Second brown bin requests: Response time to close of the request is ten working days from receipt of the request.
<ul style="list-style-type: none">• Service requests for bulky items: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Service requests for clinical collections: Response time to close of the request is ten working days from the receipt of the request.
<ul style="list-style-type: none">• Missed collection for bulky items: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none">• Missed collection for clinical waste: Response time to close of the request is 24 hours with requests received on a Friday having to be closed the following Monday.

Street Cleansing
<ul style="list-style-type: none"> • Litter picking and manual sweeping: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Mechanical Sweeping: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Emptying Litterbins: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Emptying Dog waste bins: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Removal of Dead Animals and Birds: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Removal of Dog waste: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Hazardous Flytip Removal: (including Hazardous Spillages): Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Non-hazardous Flytip Removal: Response time to close of the request is 48 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Offensive Graffiti Removal: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Non-offensive Graffiti Removal: Response time to close of the request is 48 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Autumn Leafing Clearance: Response time to close of the request is 48 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • Drug Paraphernalia clearance: Response time to close of the request is 24 hours, with requests received on a Friday having to be closed the following Monday.
<ul style="list-style-type: none"> • New and replacement litterbins: Response time to close of the request is 10 working days from the receipt of the request.
<ul style="list-style-type: none"> • New and replacement dog waste bins: Response time to close of the request is 10 working days from the receipt of the request.
<ul style="list-style-type: none"> • Other: Response time to close of the request is 5 working days from the receipt of the request.

TITLE: BUDGET MONITORING REPORT

Committee: Regulatory Services Committee

Date: 21st January 2019

Author: Finance Manager

[T187]

1. ISSUE

1.1 This report provides Members with budget monitoring information for services under the Regulatory Services Committee.

2. RECOMMENDATION (S)

2.1 Members are requested to note that this Committee has a projected revenue underspend of £140,000 compared to its approved budget of £3,546,687.

2.2 Members are also requested to note that this Committee has a projected capital programme outturn of £1,584,849, which is an underspend, compared to the revised budget, of £795,950.

3. BACKGROUND/OPTIONS

3.1 Under Financial Regulations each policy committee is required to consider projections of financial performance against both its revenue and capital budget on a quarterly basis.

3.2 This is the third report for the 2018-19 financial year and details actual expenditure incurred as at 31st December 2018 and projections of the yearend position at that time. It should be noted that “underspend” is used as a general term for both spending lower than budget, but also income in excess of budget.

3.3 The revenue budget for each service that falls under the stewardship of this Committee has been reviewed with appendix 1 detailing the variance to-date and forecast outturn figure for each service line.

3.4 The significant variances of actual spend compared to profiled budgeted spend at the end of December are detailed below:

Service	Variance £	Explanation
Dog Warden Scheme	(13,442)	Expenditure is currently behind profile, but invoices remain outstanding for the kennelling of stray dogs, once these are received a better understanding of the yearend position will be known.
Planning	21,952	Additional fee income has been earned during the first nine months of the year partly as a consequence of new Government legislation increasing Planning fees by 20% from the 17 th January 2018 and partly because the Council lost its 5-year land supply following a Gladman's appeal. We are assuming that the additional rate of income collection will continue over the remainder of the year; not least because, with the Council losing its 5-year land supply, it is probable that the number of planning applications will remain high. However there have been a number of Public Inquiries and Appeal Hearings held in the past quarter which have required barristers, specialist planners to defend ECDC decisions. A number of consultants have also been required to assess technical information following a Judicial review at the FP McCann site in Littleport. This has wiped out the excess income as reported at the end of September when we were projecting the £50,000 underspend. Further, there have also been vacancies within the Planning Team that have been and are being filled by agency workers at a higher cost than would have been the case if employing our own staff.
Homelessness	(£416,416)	This services receives a number of Government grants, all of which have been received during the first nine months of the year. Expenditure however will be incurred throughout the year, so this distorts the position at this point. Further, where the grant conditions have not been met, some grants may be carried forward for use in future years.

National Practitioners Support Programme	162,545	Any over or underspend on this account will be transferred to a reserve account at year end.
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3.5 Explanations for the forecast outturn variances reported are detailed in the below table.

Service	Variance £	Explanation
Building Regulations	(£15,000)	Fee levels in the first nine months of the year have been in excess of that budgeted. It is unclear whether this trend will continue for the remainder of the year, so the forecast provides a prudent estimate.
Environment	(20,000)	There has been a saving on staff costs as a result of difficulties in recruiting after employees have left ECDC, this resulting in a forecast £10,000 underspend. Further, the Health & Wellbeing grant for 2018/19 will not be spent, due to the lack of demand for individual projects. This will result in a further £10,000 underspend.
Land Charges	(40,000)	Income for Land Charges were in excess of the budget for the first nine months of the year. No allowance has been made for this continuing for the remainder of the year.
Health & Safety (Work)	(15,000)	The Health & Safety function is being undertaken by an officer from another district council on a secondment basis, saving this Authority £15,000 when compared to the original budget.
Homelessness	(£50,000)	This reported underspend is a combination of a saving on staffing; the Housing Team had two vacancies in the first half of the year (these are now filled) and a saving on hotels and hostels during the first nine months of the year, as it has not been necessary to provide this kind of emergency accommodation.
Total	(140,000)	

4. ARGUMENTS/CONCLUSIONS

4.1 The projected net revenue expenditure for this Committee, as detailed in appendix 1, is £3,406,687, this being £140,000 less than the net budget for the Committee.

4.2 The revised capital budget for this Committee, with slippage from 2017-18 now added, is £2,380,799. At this point in the year, we are forecasting an underspend of £795,950. This underspend relates to the planned refurbish of the depot which has now been deferred into 2019/20, while further feasibility work takes place and costings of the project reviewed.

5. FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There is a saving of £140,000 compared to this Committee's approved revenue budget.

5.2 Equality Impact Assessment (INRA) not required.

6. APPENDICES

6.1 Appendix 1 – Regulatory Services Committee Budget Monitoring Report – 31st December 2018.

Background Documents

Council Budget as approved by Council 22nd February 2018

Location

Room 104
The Grange
Ely

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REGULATORY SERVICES COMMITTEE BUDGET MONITORING REPORT - DECEMBER 2018

	Total Budget 2018-19	Profiled Budget to 31st December 2018	Actual to 31st December 2018	Variance to date	Projected Outturn	Variance between Total Budget & Projected Outturn	Outturn Variance previous Quarter
Revenue	£	£	£	£	£	£	£
Building Regulations Non Fee Earning	100,809	75,607	66,219	(9,388)	100,809	--	--
Building Regulations	(83,241)	(62,430)	(68,474)	(6,044)	(98,241)	(15,000)	(15,000)
Civic Amenities Act	10,481	7,861	5,380	(2,481)	10,481	--	--
Con. Areas & Listed Buildings	58,754	44,066	52,345	8,279	58,754	--	--
Dog Warden Scheme	39,408	29,794	16,352	(13,442)	39,408	--	--
Environmental Health - Admin. & Misc.	339,346	256,271	223,576	(32,695)	319,346	(20,000)	--
Environmental Issues	74,368	44,933	109,773	64,840	74,368	--	--
Land Charges Admin.	(44,212)	(31,764)	(73,723)	(41,959)	(84,212)	(40,000)	(20,000)
Licensing	(10,902)	(17,086)	(23,848)	(6,762)	(10,902)	--	--
Nuisance Investigation	58,001	43,513	48,204	4,691	58,001	--	--
Pest Control	9,098	6,823	9,597	2,774	9,098	--	--
Planning	(114,002)	(84,974)	(63,022)	21,952	(114,002)	--	(50,000)
Refuse Recycling	774,335	548,066	544,866	(3,200)	774,335	--	--
Refuse Collection	1,184,270	837,596	833,598	(3,998)	1,184,270	--	--
Street Cleansing	586,158	420,131	412,680	(7,451)	586,158	--	--
Street Naming & Numbering	3,371	2,528	(6,036)	(8,564)	3,371	--	--
Tree Preservation	99,131	73,464	64,133	(9,331)	99,131	--	--
Travellers Sites	(20,000)	11,641	21,124	9,483	(20,000)	--	--
Health & Safety (Work)	28,713	21,535	22	(21,513)	13,713	(15,000)	(15,000)
Homelessness	401,574	255,205	(161,211)	(416,416)	351,574	(50,000)	(35,000)
National Practitioners Support Programme	--	90,523	253,068	162,545	--	--	--
Community Land Trusts	20,000	15,000	--	(15,000)	20,000	--	--
Renovation Grants	31,227	23,420	22,463	(957)	31,227	--	--
Revenue Total	3,546,687	2,611,723	2,287,086	(324,637)	3,406,687	(140,000)	(135,000)

Capital	Published Budget 2018-19	Slippage from 2017-18	Approved Additions	Revised Budget 2018-19	Actual to 31st December 2018	Forecast Outturn	Variance between Revised Budget & Forecast Outturn
	£	£	£	£	£	£	£
Recycling and Organics Collection	10,000	--		10,000		10,000	--
Conservation Area Schemes - 2nd round	--	27,506		27,506		27,506	--
Refuse Vehicles	340,000	153,981		493,981	174,853	493,981	--
Depot	845,950			845,950		50,000	(795,950)
Mandatory Disabled Facilities Grants	847,299	44,283		891,582	462,686	891,582	--
Empty Properties, Discretionary DFGs, Minor Works, Home Repair Asst.	75,000	36,780		111,780	21,804	111,780	--
Capital Total	2,118,249	262,550	--	2,380,799	659,343	1,584,849	(795,950)

REGULATORY SERVICES COMMITTEE

Lead Officer: Jo Brooks, Director, Operations

FORWARD AGENDA PLAN

Democratic Services Officer: Adrian Scaites-Stokes

15th April 2019 * 4:30pm		TBC 4:30pm		TBC 4:30pm	
Agenda Planning Meeting #	To be agreed	Agenda Planning Meeting #	To be agreed	Agenda Planning Meeting #	TBC
Report Deadline:	3rd April 2019	Report Deadline:	TBC	Report Deadline:	TBC
Budget Monitoring	Ian Smith Finance Manager				
Countywide Enforcement Policy	Liz Knox Environmental Services Manager				
End of Year Services Reports & New Service Plans	Hetty Thornton Performance Management Officer				
Forward Agenda Plan	A Scaites-Stokes Democratic Services Officer	Forward Agenda Plan	A Scaites-Stokes Democratic Services Officer	Forward Agenda Plan	A Scaites-Stokes Democratic Services Officer

*Meeting at:
Vernon Cross Room
Ely Museum
Market Street, Ely

These meetings are not open to the public.