

# Public Document Pack

Mid Devon District Council

## Homes Policy Development Group

Tuesday, 15 September 2020 at 2.15 pm  
Remote meeting

Next meeting  
Tuesday, 10 November 2020 at 2.15 pm

**Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.**

To join the Zoom Meeting please use the following link:

<https://zoom.us/j/94253268572?pwd=ZVIWUGJlcDBkaDVIcmZzcUt2Z1hkUT09>

Meeting ID: 942 5326 8572  
Passcode: 847543

One tap mobile

08002605801,,94253268572#,,,,,0#,,847543# United Kingdom Toll-free

08003582817,,94253268572#,,,,,0#,,847543# United Kingdom Toll-free

Dial by your location

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free

Meeting ID: 942 5326 8572  
Passcode: 847543

## Membership

Cllr Mrs E M Andrews  
Cllr R J Dolley  
Cllr J Cairney  
Cllr S J Clist  
Cllr D R Coren  
Cllr L J Cruwys  
Cllr C J Eginton  
Cllr S J Penny  
Cllr Mrs C P Daw

# AGENDA

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1      **Apologies and Substitute Members**  
To receive any apologies for absence and notice of appointment of substitutes.
- 2      **Protocol for Remote Meetings** *(Pages 5 - 10)*  
To note the protocol for remote meetings.
- 3      **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 4      **Declaration of Interests under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 5      **Minutes** *(Pages 11 - 16)*  
Members to consider whether to approve the minutes as a correct record of the meeting held on 21 July 2020.
- 6      **Chairman's Announcements**  
To receive any announcements that the Chairman may wish to make.
- 7      **Performance & Risk Report** *(Pages 17 - 24)*  
To receive a report from the Group Manager for Performance, Governance and Data Security providing Members with an update on performance against the Corporate Plan and local service targets for 2020/21 as well as providing an update on the key business risks.
- 8      **Financial Monitoring**  
To receive a verbal update.
- 9      **Syrian Vulnerable Persons Refugee Scheme and the new UK Resettlement Scheme** *(Pages 25 - 32)*  
To receive a report from the Group Manager for Housing Services providing a written briefing on the latest developments relating to the Syrian Refugee Settlement Scheme and the new United Kingdom Resettlement Scheme. To also seek decisions, by way of a recommendation to the Cabinet, relating to the Council's continuing involvement as well as approval for a proposal made by a community sponsorship group to support the resettlement of an additional household in Mid Devon and to seek consent to enable this to move forward.

- 10 **Grass verges located on Housing Revenue Account land** (Pages 33 - 40)  
To receive a report from the Group Manager for Housing Services setting out the background and to agree a way forward with regard to decision-making relating to maintenance responsibilities for those grass verges which are located on land owned by the Housing Revenue Account.
- 11 **Update on Houses in Multiple Occupation** (Pages 41 - 46)  
To receive, and note, a report from the Group Manager for Public Health Regulatory Services providing an update on the current activities being undertaken in relation to Houses in Multiple Occupation (HMOs) and HMO licensing.
- 12 **Housing Service delivery report** (Pages 47 - 54)  
To receive, and note, a report from the Group Manager for Housing Services providing an update to Members on enforcement and other activity undertaken by Officers in the Housing Service.
- 13 **Identification of items for the next meeting**  
Members are asked to note that the following items are already identified in the work programme for the next meeting:
- Performance and Risk
  - Financial Monitoring
  - Community led affordable housing grant policy (report from the Head of Planning, Economy and Regeneration)
  - Plan for housing policies in the future
  - Update from the Grass Verges Task and Finish Group
  - Results of the Tenants Survey

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

**Stephen Walford**  
sChief Executive  
Monday, 7 September 2020

### **Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information, please contact Sarah Lees on:  
[slees@middevon.gov.uk](mailto:slees@middevon.gov.uk)

## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

### **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 21 July 2020 at 2.15 pm

### **Present**

#### **Councillors**

R J Dolley (Chairman)  
Mrs E M Andrews, J Cairney, D R Coren,  
L J Cruwys, C J Eginton, F W Letch,  
S J Penny and Mrs C P Daw

### **Also Present**

#### **Councillor**

R M Deed

### **Also Present**

#### **Officers**

Jill May (Director of Corporate Affairs and Business Transformation), Claire Fry (Group Manager for Housing), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Ian Chilver (Group Manager for Financial Services), Mike Lowman (Interim Building Maintenance Manager) and Sarah Lees (Member Services Officer)

## **1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)**

**RESOLVED** that Cllr R Dolley be elected Chairman of the Group for 2020 / 2021.

## **2 ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr S Penny be elected Vice Chairman of the Group for 2020 / 2021.

## **3 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

## **4 REMOTE MEETINGS PROTOCOL**

The protocol for remote meetings was noted.

## **5 PUBLIC QUESTION TIME**

There were no members of the public present.

## **6 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Cllr Mrs E Andrews declared a personal interest as she was a Council tenant.

## 7 MINUTES

The minutes of the meeting held on 17 March 2020 were confirmed as a correct record by the Members who had been present at the meeting.

## 8 CHAIRMAN'S ANNOUNCEMENTS (00:11:00)

The Chairman stated that these were unprecedented times and Housing and Building Services had worked exceptionally hard during a very challenging period.

## 9 PERFORMANCE AND RISK (00:11:33)

The Group had before it, and **NOTED**, a report \* from the Group Manager for Performance, Governance and Data Security providing it with an update on performance against the Corporate Plan and local service targets for 2020/2021 as well providing an update on the key business risks.

The contents of the report were outlined with particular reference to the following:

- This was the first report of 2020/2021 containing details of performance against the new Corporate Plan.
- The number of 'Net additional homes provided' would have a target of 393 for this year from the Local Plan.
- Targets in relation to 'Affordable Homes delivered' had not yet been set.

Discussion took place regarding:

- Figures in relation to the number of empty homes being brought back into use had dropped significantly. It was explained that, as a result of the pandemic, it had not been possible to conduct the normal number of inspections, however, it was hoped that this would be brought back on track for the remainder of the year. Consideration would need to be given towards the funding of this service when the budget was reconsidered in the autumn. A long term view would need to be taken.
- It had been difficult gaining access to some properties for repairs and gas servicing as some tenants were shielding, isolating or just unhappy about people entering their home during the pandemic.
- The number of complaints responded to on time was showing as 100% against target. The Group Manager for Performance, Governance and Data Security was asked to check this.
- Risks in relation to the 'Supply of Housing' and 'Homelessness' remained high in terms of severity.

The Group wished for their sincere thanks to be passed onto the Housing and Building teams who had had an extremely difficult job in recent months.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 10 CAPITAL AND REVENUE OUTTURN FIGURES FOR 2019 / 2020 (00:22:20)

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) presenting the revenue and capital outturn figures for the financial year 2019/20.

This report and been presented to the Cabinet on 9<sup>th</sup> July and the recommendations within it had been approved.

The Group Manager for Finance explained that this was a generic report detailing how spending for the 2019/2020 financial year had compared against budget. The effect of the pandemic upon these reports had been minimal since they concerned the previous year. However, details were provided regarding the 3 tranches of compensation received from the Government since lockdown totalling £994k as well as payments in respect of the job retention scheme and an expected amount in relation to the income protection guarantee.

Returning to the previous financial year it was explained that at the year end the closing position had shown a deficit of £232k across all services. This had been predicted to be £252k, therefore the final position had shown a small improvement. The shortfall had been met by Ear Marked Reserves.

The following was also noted within the report:

- For 2019/20 the Housing Revenue Account (HRA) had achieved a surplus of £608k. The Cabinet had approved a transfer to the HRA Reserves in order to bring this to zero.
- A number of capital projects had been funded during the year including works at the Lords Meadow Leisure Centre, including a gym refurbishment. Six new tipper vehicles had also been purchased.
- Underspends within the capital programme had been transferred to Ear Marked Reserves.
- There had been a drop in the return on investment relating to units purchased by the Council in Market Walk and Fore Street, Tiverton. This had been as a consequence of the recent pandemic.

Discussion took place regarding:

- It was confirmed that the percentage of Council Tax not collected was divided between all beneficiaries.
- The large variance between 'budget' and 'actual' in the Corporate Management area. Impairment loans in respect of the 3 Rivers Development Co. had been a large factor in this.
- CCTV initiatives budget – more detail was requested since two of the towns did not have CCTV. The Leader informed the Group that he had met with the Police and Crime Commissioner earlier in the year to discuss initiatives to expand CCTV provision within the district. He would ask the Cabinet Member for Community Well Being to chase this up.
- Additional employee costs in the Legal & Democratic Services area. It was explained that this was in relation to election costs.
- Why expenditure costs were showing in relation to Tiverton Town Hall and the Crediton Offices when both had been sold off.

- It was difficult to predict the extent of non-collection of Council Tax at the current time since the effects of the pandemic and people's ability to pay would not be felt for some time yet. However, the current shortfall was not as significant as feared.
- Cost centre SH027, 'Depreciation', was showing a significant variance. It was explained that assets in relation to this cost centre were introduced at cost and then a revaluation process had had to take place in relation to the social housing element.
- Cost centre SH029 'Bad debt provision': There had been a significant increase between the budget and the actual figure. It was explained that a reasonable provision had had to be recalculated as a result of lockdown.
- Businesses within Tiverton Town Centre were returning and the current situation was not as bad as originally feared.
- It was noted that there appeared to be a minor housing boom at the moment.

Note: (i) \* Report previously circulated; copy attached to the signed minutes.

(ii) Cllr C Eginton declared a personal interest as he owned a business in Tiverton.

## 11 **BUILDING AND HOUSING SERVICE DELIVERY DURING THE PANDEMIC (00:51:08)**

The Group had before it, and **NOTED**, a report \* from the Group Manager for Housing Services providing an update on the work of the Building and Housing services during the national emergency arising from the Covid 19 pandemic.

The contents of the report were outlined area by area with additional reference being made to the following:

- It was predicted that the end of the Government's furlough scheme would have an effect upon the income received by the housing service.
- Homeless people had been housed in the Council's accommodation during the pandemic. There had been challenges in the Homelessness area of work with a lot of liaison Government which had also provided some additional funding from the MCHLG.
- Rather than face to face a lot of communication had taken place with tenants electronically.
- The Housing Service had worked closely with other Devon local authorities as well as the Local Resilience Forum in connection with homelessness.
- The number of gas safety inspections being able to be carried out had decreased significantly during lockdown. This had been as a result of people shielding, people in isolation or tenants just being nervous about strangers entering their home. Non-compliance had not been so much of an issue as long as tenants had maintained contact with the Council.
- It had also been difficult to maintain the routine servicing schedule during recent months.
- For tenants that were unable to access Devon Home Choice (DHC) on-line, adverts were usually placed in libraries. Also a dedicated DHC co-ordinator had been present in Phoenix House throughout lockdown and could be contacted by phone and in person when the offices were open. An auto-bid system could also be set up to bid on their behalf.

- The effect of the pandemic on income was a 'watch and wait' situation at the current time. However, it was noted that the HRA was mainly funded by tenant rent and therefore housing services would need to be tailored accordingly if there was a significant drop in tenant income. A significant number of tenants were receiving Housing Benefit or Universal Credit and this had had a positive impact upon our performance in recent weeks.
- A letter had been sent out to tenants by the Housing Minister approximately 6 weeks ago stating that there was £500m available nationally to help tenants if they were suffering financial hardship as a result of the pandemic. This was not paid directly to Council's but could be applied for via the Revenues team. This was known as the "Council Tax Hardship Scheme' and many applications to it had been made.
- It was confirmed that access to support didn't just have to be by digital means but also contact could be made by tenants on the phone or in person.
- Tenants had been extremely co-operative in terms of social distancing and disinfecting their properties when Council operatives have had to enter for maintenance or repair reasons.
- All emergency repairs had been able to be carried out during April and May. Adaptations had also still been completed enabling some people to be released from hospital early.
- The window replacement and modernisation contracts were both still on hold due to employees being furloughed.

The Group wished again to extend its thanks, and the thanks of the tenants who had spoken to Members, to the Housing Service staff for all they had done to support tenants through a very difficult time.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 12 **START TIME OF MEETINGS (01:30:00)**

The Group **AGREED** to continue to hold meetings at 2.15pm on Tuesday afternoons for the remainder of the municipal year.

## 13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:32:00)**

The following items were identified for the next meeting (in addition to those already listed in the work programme):

- An update regarding the painting and decorating companies the Council used who had had to furlough their staff during the pandemic.
- Enforcement update
- Houses of multiple occupation (HMO) update
- Syrian Refugee Scheme update

(The meeting ended at 4.00 pm)

**CHAIRMAN**

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**HOMES PDG**  
**15 SEPTEMBER 2020**

## **PERFORMANCE AND RISK REPORT**

**Cabinet Member** Cllr Bob Evans, Cabinet Member for Housing  
**Responsible Officer** Catherine Yandle, Group Manager for Performance, Governance and Data Security

**Reason for Report:** To provide Members with an update on performance against the corporate plan and local service targets for 2020/21 as well as providing an update on the key business risks.

**RECOMMENDATION(S):** That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to the Cabinet.

**Relationship to Corporate Plan:** Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

**Financial Implications:** None identified

**Legal Implications:** None

**Risk Assessment:** If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

**Equality Impact Assessment:** No equality issues identified for this report.

**Impact on Climate Change:** No impacts identified for this report.

### **1.0 Introduction**

- 1.1** Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2020-21 financial year. **The PDG is invited to suggest measures they would like to see included in the future for consideration.**
- 1.2** Appendix 2 shows the section of the Corporate Risk Register which relates to the Economy Portfolio. See 3.0 below.
- 1.3** Appendix 3 shows the profile of all risks for Homes at present.
- 1.4** All appendices are produced from the corporate Service Performance And Risk management system (SPAR).

## 2.0 Performance

- 2.1 Regarding the Corporate Plan Aim: **Deliver Housing:** The target for annual housing completions has been updated to reflect the Local Plan target.
- 2.2 Regarding the Corporate Plan Aim: **Private Sector Housing: Bringing Empty homes into use** is a little below target as at the end of May. Due to funding changes this is the last year that this measure will be reported.
- 2.3 Regarding the Corporate Plan Aim: **Council Housing:** all measures are either at or just below target. In terms of gas servicing compliance this has been affected by Covid 29 and we currently have 25 properties with expired LGSRs. We still have an extremely high compliance % compared to our peers.
- 2.4 Regarding the Corporate Plan Aim: **Support and grow active tenancy engagement:** The tenant census has commenced the Housing Facebook Page currently has 853 "likes".
- 2.5 Housing performance remains in the top quartile compared with HouseMark.

## 3.0 Risk

- 3.1 Risk reports to committees include strategic risks with a current score of 10 or more in accordance with the Risk and Opportunity Management Strategy. (See Appendix 2)
- 3.2 Operational risk assessments are job specific and flow through to safe systems of work. These risks go to the Health and Safety Committee biannually with escalation to committees where serious concerns are raised.
- 3.3 The Corporate risk register is regularly reviewed by Group Managers and Leadership Team (LT) and updated as required.

## 4.0 Conclusion and Recommendation

- 4.1 That the PDG reviews the performance indicators and risks for 2020-21 that are outlined in this report and feeds back any areas of concern to the Cabinet.

**Contact for more Information:** Catherine Yandle, Group Manager for Performance, Governance and Data Security ext 4975

**Circulation of the Report:** Leadership Team and Cabinet Member

### Corporate Plan PI Report Homes

Monthly report for 2020-2021  
 Arranged by Aims  
 Filtered by Aim: Priorities Homes  
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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\* Indicates that an entity is linked to the Aim by its parent Service

#### Corporate Plan PI Report Homes

##### Priorities: Homes

##### Aims: Deliver Housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Net additional homes provided</u>	n/a	n/a	393	n/a	Jenny Clifford, Tristan Peak												
<u>Number of affordable homes delivered (gross)</u>		85	124	n/a	Angela Haigh												
<u>Build Council Houses</u>	0 (3/12)	26		n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Angela Haigh	

##### Aims: Private Sector Housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Deliver homes by bringing Empty Houses into use</u>	55 (4/12)	138	72	1	9	26	31									Simon Newcombe	

##### Aims: Council Housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% Properties With a Valid Gas Safety Certificate</u>	99.91% (4/12)	99.82%	100.0%	99.6%	99.4%	98.9%	98.9%									Angela Haigh	
<u>% Complaints Responded to On Time</u>	100.0% (4/12)	100.0%	99.0%	100.0%	0.0%	100.0%	100.0%									Angela Haigh	
<u>% Emergency Repairs Completed on Time</u>	100.0% (4/12)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%									Angela Haigh	
<u>% Urgent Repairs Completed on Time</u>	100.0% (4/12)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%									Angela Haigh	
<u>% Routine Repairs Completed on Time</u>	100.0% (4/12)	99.3%	100.0%	100.0%	100.0%	100.0%	100.0%									Angela Haigh	
<u>% Repair</u>	100.0% (4/12)	98.9%	100.0%	100.0%	100.0%	99.8%	100.0%									Angela	

Corporate Plan PI Report Homes																	
Priorities: Homes																	
Aims: Council Housing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Jobs Where an Appointment Was Kept</u>																Haigh	

## Homes PDG Risk Management Report - Appendix 2

Report for 2020-2021  
For Homes - Cllr Simon Clist Portfolio  
Filtered by Flag: Include: \* Corporate Risk Register  
For MDDC - Services

Not Including Risk Child Projects records, Including Mitigating Action records

### Key to Performance Status:

Mitigating Action:	<b>Milestone Missed</b>	<b>Behind schedule</b>	<b>In progress</b>	<b>Completed and evaluated</b>	<b>No Data available</b>
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Risks:	<b>No Data (0+)</b>	<b>High (15+)</b>	<b>Medium (6+)</b>	<b>Low (1+)</b>
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## Homes PDG Risk Management Report - Appendix 2

**Risk: Affordable and Council Housing Demand** Housing supply does not meet local demand or reflect demographic shifts like increased demand for single occupancy

Service: Housing Services

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Detailed Analysis of Housing Need	Provision of 'heat map' to show where housing need is gathered by geographical area	Claire Fry	28/05/2013	12/05/2020	Fully effective(1)
In progress	Review of Housing Register	The register is regularly reviewed to minimise the incidence of fraud and to ensure that it represents a true picture of housing need. We also participate in the NFI waiting list matches.	Claire Fry	31/12/2019	12/05/2020	Positive(2)

Current Status: No Data

Current Risk Severity: 4 - High

Current Risk Likelihood: 4 - High

## Homes PDG Risk Management Report - Appendix 2

Service Manager: Claire Fry

**Risk: Homelessness** Insufficient resources to support an increased homeless population could result in failure to meet statutory duty to provide advice and assistance to anyone who is homeless.

Service: Housing Services

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Computer System	New ICT system for recording homelessness data procured and fully functional including reporting facility.	Claire Fry	05/09/2017	12/05/2020	Fully effective(1)
Completed and evaluated	Staff Support	Officers are trained and knowledgeable and the structure of Housing Options team to be reviewed to build resilience.  Homelessness strategy was reviewed Autumn 2019.	Claire Fry	22/06/2017	12/05/2020	Fully effective(1)

Current Status: No Data

Current Risk Severity: 4 - High

Current Risk Likelihood: 4 - High

Service Manager: Claire Fry

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# Risk Matrix Homes Appendix 3

## Report For Homes - Cllr Simon Clist Portfolio Current settings

<b>Risk Likelihood</b>	<b>5 - Very High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>4 - High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>3 - Medium</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>No Risks</b>	<b>3 Risks</b>	<b>No Risks</b>
	<b>2 - Low</b>	<b>No Risks</b>	<b>No Risks</b>	<b>2 Risks</b>	<b>No Risks</b>	<b>No Risks</b>
	<b>1 - Very Low</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>No Risks</b>
		<b>1 - Very Low</b>	<b>2 - Low</b>	<b>3 - Medium</b>	<b>4 - High</b>	<b>5 - Very High</b>
		<b>Risk Severity</b>				

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## HOMES POLICY DEVELOPMENT GROUP 15 SEPTEMBER 2020

### SYRIAN VULNERABLE PERSONS REFUGEE SCHEME & THE NEW UNITED KINGDOM RESETTLEMENT SCHEME

15 SEPTEMBER 2020

**Cabinet Member(s):** Councillor Bob Evans  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report:** To provide a written briefing on latest developments relating to the Syrian Refugee Settlement Scheme and the new United Kingdom Resettlement Scheme and to seek decisions relating to the Council's continuing involvement; and approval for a proposal made by a community sponsorship group to support the resettlement of an additional household in Mid Devon, and to agree consent to enable this to move forward

**RECOMMENDATION:** That Members note the report and agree the following recommendation to the Cabinet:

1. To approve the proposal made by a community sponsorship group with regard to the resettlement of an additional refugee household in the District under the existing Syrian Refugee Resettlement Scheme and to agree consent
2. Whether or not the Council should take part in the new United Kingdom Refugee Scheme (UKRS)
3. If this is agreed, the number of households which should be settled in the District under UKRS

**Financial Implications:** Costs associated with the resettlement of refugees through the current or proposed schemes can be reclaimed from the Refugee Resettlement team operated by Devon County Council (DCC) on behalf of Districts in the county. The team manages budgets funded by Central Government.

Currently, Mid Devon District Council (the Council) has contracted with a third party to manage one privately rented property in Crediton for use through the scheme and all the associated costs are reclaimed from DCC, meaning that there is no financial impact upon Council budgets. If the Policy Development Group (PDG) agrees to resettle more households in Mid Devon, this is the model which would be used going forward.

The other two properties currently in use for this purpose are managed by the Housing Service and relevant costs are reclaimed, as necessary. However, the Council has entered directly into leases with two landlords in the private sector and there is a potential that the Council could become liable for any costs arising from void periods.

**Legal Implications:** There is no statutory duty for the Council to participate in the resettlement programme although mandatory quotas could be introduced, for example, through the Immigration Bill 2015/2016, in the event there are not enough places available nationally. All families will have legal status. The existing resettlement scheme ends shortly. It is currently paused as a result of the pandemic but once the quota has been reached, a new scheme will be started, which has a wider scope, being a worldwide resettlement scheme.

**Risk Assessment:** None arising from this report.

**Equality Impact Assessment:** Persons settled through the existing scheme have been accommodated in private rented properties. They are treated in the same way as any other local residents with regard to places at schools, GP and dentist lists and waiting lists for secondary care. In the more rural areas of the District, rural isolation may be an issue due to the distance from Exeter where there are more services able to provide for the needs of refugees.

**Relationship to Corporate Plan:** This initiative supports work relating to local communities working in partnership with Town and Parish Councils and the voluntary sector.

**Impact on Climate Change:** Whilst Officers will endeavour to plan their work in advance in order to minimise environmental impact, there will be times when they have to visit refugee families in order to respond to a pressing matter. In such cases, this work must take priority and will involve an unplanned journey to and from a property which cannot necessarily be organised to coincide with other visits elsewhere within the District.

## 1.0 Background

- 1.1. On 2 February 2017, the Cabinet approved the recommendation that the Council support / house up to 5 refugee families in the District, with these families being supported / housed as and when properties came forward, for the duration of the scheme. This was on the basis that the costs were met by the Devon County Council (DCC) led resettlement programme and that this be reviewed four months after the arrival of the first family.
- 1.2. Income for the county-wide scheme from the Home Office (HO) is received in various instalments, including annually. DCC therefore carries forward any apparent surplus or deficit shown at the end of each financial year into the next year. There is sufficient funding available for the full duration of the programme, based on the families arrived to date. Families' needs become evident at different levels and rates.
- 1.3. It was agreed that those refugee families re-settled in Mid Devon would be accommodated in Private Sector accommodation. At the time, it was agreed that consideration should be given to the need for support which would involve a minimum of weekly visits by one or more officers to each family; and also an exit strategy involving the landlord, the Council and DCC.
- 1.4. On 13 August 2019, the Homes PDG agreed that representations be made to DCC requesting it to develop a scheme that allowed landlords to accept Syrian

refugees with a direct contract with the landlord through the Home Office Scheme. It was noted that Mid Devon District Council would not expand the scheme.

- 1.5. At the Homes PDG meeting on 3 December 2019 (item 49), it was agreed that the Council should enter into a contract with a third party to manage another property.
- 1.6. On 18 December 2019, the Home Office confirmed an accommodation offer in Crediton for a third family for Mid Devon and identified a family consisting of two adults and two children who could be accommodated in the property.
- 1.7. This property had been offered by a concerned landlord and this offer was taken up with effect from 15 January 2020. The management of the property and family was contracted to a third party, due to capacity issues, and this was a lettings agency wholly owned by two other local authorities in Devon.

## 2.0 **Update**

- 2.1 The family accommodated in this property arrived in Crediton in early March 2020, bringing the total to three refugee families in Mid Devon. No further accommodation offers have come forward for the scheme since then but given the current circumstances this is not unexpected.

## 3.0 **The National Emergency**

- 3.1 Since the restrictions on personal movement commenced on 23 March 2020, the existing refugee resettlement scheme has been put “on pause”. Due to restrictions on movements related to the pandemic both overseas and in the United Kingdom (UK), there has been an inability to undertake any resettlement activity. The HO has identified a number of tests which need to be met before the pledge to resettle 20,000 families can be met. Restarting the programme will be dependent on several factors, including:

- restarting of flights from refugee hosting countries,
- lifting of restrictions imposed by the governments of those countries, and in the UK,
- the ability of international partners (the United Nations’ Refugee Agency - UNHCR and the International Organisation for Migration - IOM) to operate,
- the re-opening of the UK’s visa application centres.

- 3.2 As a result, there have been no refugees resettled in the UK since 12 March 2020, following the outbreak of COVID-19 (meaning that the family accommodated in Crediton was one of the last, if not the last, family to be accommodated ahead of the restrictions). All refugee resettlement arrivals to the UK planned prior to the current crisis have now been cancelled.
- 3.3 The Home Office (HO) is still not expecting any new offers of accommodation and will not be allocating any cases to new property offers previously received.
- 3.4 The HO are actively keeping this situation under review.

- 3.5 Support for families in Mid Devon has continued to be provided between Devon County Council, Refugee Support Devon and a range of other local services.
- 3.6 All support services have been providing resettled families with relevant advice from the GOV.UK and NHS England websites in both an English and Arabic format. Weekly engagement with families has been undertaken electronically through WhatsApp and video calling.
- 3.7 Online resources have also been made available for children to continue with their learning/education and adults with their ESOL (English Language) studies. We understand that generally, the families have reported positively about their wellbeing and the support which they have been receiving through the “lock down” period.
- 3.8 During the pandemic, the families have been provided with support to minimise the financial impact and to help them resolve issues relating to schooling. Support workers are using IT and distance learning and remain in frequent contact.
- 4.0 General update/issues for resettled families in Mid Devon**
- 4.1 Other issues which were identified prior to the current national emergency related to an ability to travel to and from Exeter (for ESOL classes) which could be problematic throughout the year, but especially in the winter.
- 4.2 During adverse weather periods, families often reported black mould in homes. In response to this, the Council has provided advice to families on suitably ventilating their homes and understanding climate differences.
- 4.3 Support services can assist with medical appointments, translation services and with accessing other services, as necessary. In addition, they can help families to establish financial independence
- 5.0 Tenant Challenges due to location**
- 5.1 The locations of two of the properties have caused problems for both families. This is mainly due to the lack of access to local places of worship, access to Halal food/shopping, friends, health services and educational services. Both families are finding it difficult with transport costs and travel time commuting to Exeter to access health services and education facilities. One family is now requesting financial help from the Council to move to Exeter. Any financial assistance given will be reclaimed from the Devon County Council budget.
- 6.0 Indefinite Leave to Remain**
- 6.1 Over the next 12 months, some of the Syrian Refugees families in Devon will be applying for indefinite leave to remain in the country. Some families may have to seek legal advice which is not a free service due to restrictions on legal aid immigration advice in the South West.
- 7.0 Government Refugee resettlement programme**

- 7.1 When resettlement resumes, at present, it is the HO's intention to complete the pledge to accommodate 20,000 families before they launch a new scheme, the United Kingdom Resettlement Scheme (UKRS). There are about 200 further families to be housed in order to reach the target.
- 7.2 There are indications that the emphasis of the new UKRS will be changing and that it will operate in a different way to the existing resettlement scheme. In particular, it will have a wider focus and be open to other nationalities on a worldwide basis, rather than restricted to Syrian refugees.
- 7.3 In February 2020, the United Nations High Commissioner for Refugees, International Organization for Migration and the HO held an event in London which focused on the future plans for resettlement in the UK. At this event, the HO confirmed the development of the new consolidated scheme. When pressed for information regarding what would be happening with regard to this beyond 2021, the Home Office reiterated their commitment to the principle of resettlement. Going forward, future resettlement numbers and allocated funding will be tied to the forthcoming spending review.
- 7.4 It is expected that the focus will remain on the resettlement of families from Syria during 2020/21 and that other nationalities will be gradually incorporated into the UKRS. High resettlement needs have been noted in Africa, particularly South Sudan. The rationale for a gradual change to the scheme is that this will provide some time in which support services can adapt and change to meet the broader resettlement needs.
- 7.5 Three nationalities were highlighted during the conference as being part of UKRS:

<b>Nationally</b>	<b>Host County</b>	<b>Languages Spoken</b>
Afghan	Iran	Dari, Pashto
Somali	Kenya	Somali, Arabic, Oromo
Sudanese	Libya	Sudanese Arabic

- 7.6 DCC has asked the second tier authorities in Devon for confirmation as to whether they will be making a further pledge in respect of the UKRS. If there is to be a commitment to the UKRS in Mid Devon, the Council will then need to agree the number of families which could be resettled in the local authority area.
- 7.7 There are several considerations which must be taken into account with regard to the widening of the scheme. In particular, the current situation worldwide may influence the willingness and ability of landlords in the private sector to make suitable accommodation available to accommodate refugees in Mid Devon. In a recession, the sale of some of those homes bought on a buy to let basis can be anticipated.
- 7.8 In addition, the Refugee Resettlement team at DCC has identified a need for existing infrastructure to be developed to enable the resettlement of those from other areas outside of Syria.

## **8 Transition to the UKRS**

- 8.1 The UKRS will start the day after 20,000<sup>th</sup> arrival under the existing Vulnerable Persons Resettlement Scheme. At that point the HO will make a public statement and formally launch UKRS. This will be underpinned by cross-departmental support within Central Government but in the context of the economic impact of the pandemic, this may be an issue especially given that any further commitment to refugee resettlement will, as stated, be linked to the next spending review.
- 8.2 There will be no further acceptances under the existing scheme. However, there are still approximately 1,000 individuals awaiting resettlement under the previous programmes and these people will be given priority. It should be noted that these households have some of the most complex needs. Most of the individuals concerned are Syrian.
- 8.3 With regard to the UKRS, 3,000 pledges have been received so far from other local authorities nationally against the 2020/2021 target of 5,000.
- 8.4 The UKRS will operate using broadly the same structure as the existing scheme, including the same tariffs which includes provision for ESOL (English Language lessons) and Education.
- 8.5 For information, it can be noted that the other local authorities in Devon have made the following commitments to resettle refugee households in their areas:

Area	LA Pledge(s)
East Devon	5 (over three years)
Exeter	3
Mid Devon	TBC
North Devon	2
South Hams & West Devon	3 (Shared)
Teignbridge	1
Torridge	1 (20/21), 1 (21/22)
<b>Total (20/21)</b>	<b>12</b>

- 8.6 Some local communities offer Community Sponsorship of individual families. One such group has recently come forward seeking consent to assist with the resettlement of a family in the District. It should be noted that the management and support functions in this case would fall to the sponsorship group itself and that the involvement of the Council following the granting of any consent is likely to be minimal.
- 8.7 DCC has advised that the Government will not count any such offers within the 5,000 target. However, local authorities will still need to offer consent to such groups which are planning to resettle a household within their area.

8.8 DCC has also advised that the total number of family arrivals across Devon is likely to meet or exceed the total pledged, due to a small number of ongoing property offers and Community Sponsorship applications.

8.9 Given the changes being effected by the transition to the UKRS, it is likely that the DCC communication strategy relating to the resettlement strategy will be changed to make it clear that the offer will be more ethnically diverse.

## 9 Conclusion

9.1 Members are asked to note the report and agree the following recommendation to the Council:

- 1 To approve the proposal made by a community sponsorship group with regard to the resettlement of an additional refugee household in the District under the existing Syrian Refugee Resettlement Scheme and to agree consent
- 2 Whether or not the Council should take part in the the new United Kingdom Refugee Scheme (UKRS)
- 3 If this is agreed, the number of households which should be settled in the District under UKRS

**Contact for more Information:** Claire Fry, Group Manager for Housing Services, email: [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk) tel: 01884 255255 or Simon Newcombe, Group Manager for Public Health and Regulatory Services, email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk) tel: 01884 255255

**Circulation of the Report:** Councillor Bob Deed, Leader of the Council; Councillor Bob Evans, Cabinet Member for Housing and other Members of the Cabinet; Simon Newcombe, Group Manager for Public Health and Regulatory Services; Jill May, Director of Corporate Affairs and Business Transformation

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## HOMES POLICY DEVELOPMENT GROUP 15 SEPTEMBER 2020

### GRASS VERGES LOCATED ON HOUSING REVENUE ACCOUNT LAND

**Cabinet Member(s):** Councillor Bob Evans  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report and Recommendation:** To set out the background and to agree a way forward with regard to decision-making relating to maintenance responsibilities for those grass verges which are located on land owned by the Housing Revenue Account. It is recommended that **Members agree the establishment of a task and finish group** to make recommendations regarding a new procedure for agreeing local agreements for grounds maintenance relating to those grass verges which belong to the Housing Service

**Financial Implications:** The management and maintenance of homes on our estates is funded through the Housing Revenue Account (HRA), which is ring-fenced. The main income into this account is derived from the rents paid by tenants. Grounds maintenance on our housing estate land is also paid for out of the HRA.

**Budget and Policy Framework:** There is a budget set aside within the HRA to meet the costs of grounds maintenance and this includes a sum relating to the work to maintain the grassed verges on housing estates. The Council's Street Scene department provides grounds maintenance services to the Housing Service and this work is recharged to the HRA. A new service level agreement is in development as part a regular cyclical review of this work.

Devon County Council (DCC) is responsible for the upkeep of grass verges on land classified as Highways Maintained at Public Expense (HMPE). Previously, the County Council used to maintain such grass verges but halted this in 2015. Since then, the Housing Service has continued to maintain these verges. The cost of maintaining sightlines on verges to reduce the risk to motorists and other road-users four times a year is funded by DCC. The other cuts to maintain the sightlines are funded out of the HRA, typically up to a further three cuts each year.

Paragraph 3, Part III, Schedule 4 to the Local Government and Housing Act 1989 requires that where the costs for amenities, such as grass cutting, which are provided as part of the Housing Service within the HRA but the community as a whole benefits, then such costs should be shared between the HRA and the General fund.

The Housing Service has a Neighbourhood Management policy and this contains provisions relating to grassed areas on housing estates.

**Legal Implications:** As a social landlord, the Council is subject to the regulatory framework for social housing and the Neighbourhood and Community Standard states that: "Registered Providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe". The Housing Service is also expected to have a policy setting out the position with regard to neighbourhood management. In addition, the Tenant Involvement and Empowerment Standard

contains provisions relating to the need to involve tenants in decision-making relating to service delivery.

**Risk Assessment:** Failure to consult tenants about changes in the way that services are delivered could result in complaints, and the Council being found to be in breach of regulatory provisions. Failure to apply policy relating to neighbourhood management consistently could result in further complaints arising from allegations of unfairness. The Housing Ombudsman Service will always check that policy has been followed during an investigation and any failure on behalf of the Housing Service to apply policy in a fair and transparent way could result in a finding of maladministration and associated reputational damage.

Failure to maintain these verges for which the Housing Service has no responsibility could result in the areas becoming unkempt and looking untidy.

**Equality Impact Assessment:** As required by the regulatory framework for social housing, the Housing Service has a policy relating to neighbourhood management and this ensures that there is a consistent approach to matters relating to grounds maintenance on the Council's housing estates.

**Relationship to Corporate Plan:** Homes and the environment are both priorities for the Council

**Impact on Climate Change:** There is a growing awareness of the benefits of allowing grass to grow longer and of encouraging the growth of wildflowers on verges. Without careful management, wildflowers on verges can be choked by brambles, scrub or vigorous coarse grasses, as stated in the DCC web pages. The Housing Service is aware that some residents on housing estates and nearby would welcome a new approach to the management of the grassed areas near to their homes and the proposal in this report is informed by recent comments and requests received from Members, local people and some residents who live on our estates.

Whilst Officers will endeavour to plan their work in advance in order to minimise environmental impact, there will be times when they have to make an urgent visit to a housing estate in order to respond to a pressing matter, such as a health and safety issue. In such cases, this work must take priority and will involve an unplanned journey to and from an area which cannot necessarily be organised to coincide with other visits elsewhere within the District.

## 1.0 Background

- 1.1 Many of the District Council's (the Council's) housing estates were built some years ago and were designed to be spacious and to provide an attractive area in which to live. A lot of the street properties are located on roads where there is a grass verge or other grassed area provided for the amenity of residents.
- 1.2 The situation relating to the maintenance of these grassed areas is complicated. Responsibility remains with the Housing Service in relation to some of them; however, the General Fund also owns some of these grassed areas and retains responsibility for keeping them in good order.

- 1.3 Roads and any associated verges on the housing estates that have been adopted by Devon County Council are the responsibility of the Highway Authority (DCC) even though the land on which they are located actually belongs to the Housing Revenue Account (HRA).
- 1.4 For many years, DCC funded the maintenance of these verges in their entirety but no longer does so, having implemented a policy relating to this in 2015. There is some information about their policy on their website and the narrative states that the health and safety of road traffic users is DCC's main priority; it also states that they try to explore opportunities as to whether it is possible for their road verges to be cut for the benefit of wildlife without incurring unreasonable costs to the tax payer.
- 1.5 DCC now generally pays the Council to cut a one meter strip on junctions or bends in roads where visibility may be compromised if grass is left to grow too long. DCC makes this payment in respect of four such cuts a year to four junctions to a large piece of grass in Tiverton. This is not the case in a number of Parishes/Towns where DCC pays the Parish or Town Council to undertake this work.
- 1.6 Elsewhere, verge maintenance is paid for through the HRA.

## **2.0 Regulatory Framework for Social Housing**

- 2.1 In line with the Neighbourhood and Community Standard of the Regulatory Framework for Social Housing, the Council has a policy relating to Neighbourhood Management. The Standard also contains a specific expectation regarding consultation with tenants on the development of a published policy for maintaining and improving the neighbourhoods associated with their homes.
- 2.2 The Tenant Involvement and Empowerment Standard within the Regulatory Framework contains provisions which are also relevant to decision-making relating to service delivery.
- 2.3 The Standard contains a required outcome which states that: "Registered Providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in... the formulation of their landlord's housing-related policies and strategic priorities, the making of decisions about how housing-related services are delivered" and: "agreeing local offers for service delivery". Landlords are also required to offer tenants opportunities to scrutinise performance and make recommendations about how performance might be improved.
- 2.4 In addition, there are several specific expectations set out within the Standard which are relevant to any discussions on decision-making relating to service delivery. The Standard states: "Registered Providers shall provide tenants with accessible, relevant and timely information about the service choices available to tenants, including any additional costs that are relevant to specific choices". In addition it states that: "Registered Providers shall support their tenants to

develop and implement opportunities for involvement and empowerment” and gives a specific example relating to local offers. It states: “Registered Providers shall consult with tenants on the scope of local offers for service delivery. This should include how performance will be maintained, reported to and scrutinised by tenants and arrangements for reviewing these on a periodic basis.”

### **3.0 The Neighbourhood Management Policy**

- 3.1 The existing policy was agreed by the Tenants Together group before the revised version was adopted in 2018 by Cabinet following recommendation by the Homes Policy Development Group. The Neighbourhood Management policy states that one of the Council’s overall objectives in implementing it was to identify areas in need of attention or improvement and to undertake measures to resolve them. With regard to grassed areas located on communal land on an estate, the policy states that these are provided as an amenity for the benefit of all tenants.
- 3.2 In line with the policy, our Neighbourhood Officers undertake neighbourhood walkabouts periodically and the aim of these is to identify issues including those relating to grassed areas.
- 3.3 The policy states that tenants should seek permission regarding the use of external communal areas; and notes that this is particularly important if there is a proposal to establish a gardening club, or to create a wildflower garden, or to run a communal social event, for example.

### **4.0 Grounds Maintenance**

- 4.1 Responsibility for grounds maintenance work (grass, shrubs and hedges) on housing estates is contracted to StreetScene and the Housing Service pays a recharge in respect of work undertaken. During 2019/20, the Housing Service paid approximately £236,000 for the work.
- 4.2 Any decisions relating to the recharge made from the HRA to the General Fund must take account of the effect of paragraph 3, Part III, Schedule 4 to the Local Government and Housing Act 1989. Accordingly, there will be an assessment undertaken periodically in future years as part of routine discussions relating to the service level agreement. This work will inform decision-making with regard to the sharing of costs for grounds maintenance in relation to those areas of land which are provided on housing estates but benefit the community as a whole.
- 4.3 The income stream into the Housing Revenue Account (HRA) is likely to be impacted negatively by the downturn in the economy expected as a result of the pandemic. The majority of income into the HRA is derived from the rent paid by tenants.
- 4.4 In cases where verges form part of the adopted public highway (HMPE), then the Highway Authority (in this case, DCC) is responsible for maintenance of those verges. Where there is an agreement between the County Council and the District Council, the District Council has the power to carry out maintenance to

public highways (section 42 of the Highways Act 1980) and will then be reimbursed by the County as Highway Authority.

- 4.5 DCC policies relating to the cutting of verges are informed by considerations relating firstly to highway safety and also to biodiversity, according to the webpage: "Life on the Verge in Devon". This webpage explains that the habitat provided by roadside verges is a sanctuary for wildflowers, pollinating insects, reptiles, amphibians and small mammals.
- 4.6 This policy is primarily used in connection with verges to rural roads but it also applies to verges on housing estates. On such estates, DCC will ensure that grass is cut to maintain sight lines in the interests of health and safety but will no longer recompense the Council for any other maintenance undertaken to the verges.
- 4.7 If the Council decides to cut the grass verges within the public highway at its own cost rather than on behalf of DCC then this would be a discretionary activity and not something it has an obligation to do.
- 4.8 It should be noted that the cost of cutting the verges where responsibility lies with DCC forms just a small proportion of the recharge from the HRA to StreetScene. On one large piece of grass, DCC pays to have sightlines maintained at two entrances and there are four such cuts each year. The total payment made by DCC to cut these sightlines is estimated to be £51.12 and the recharge made from the HRA has historically been reduced to take account of this. The HRA pays for the remaining three cuts which are undertaken at that site. Elsewhere, in some parishes, the HRA pays for all the cuts to those verges.
- 4.9 The calculation relating to the recharge from the HRA is based on the size of the area to be mown. The breakdown of the cost for 2020/21 shows that there are 69 grassed areas which are mown on behalf of DCC. These can be found in 23 separate locations. The total area which is mown is 21,340 metres square. Mowing these verges takes 36.75 hours each time they are mown and the total cost of the work includes provision for 7 cuts each year. The cost of the recharge is reduced to take account of the payment from DCC. This is minimal given that it only covers the cost of 4 cuts to maintain sightlines at 2 junctions. However, the cost of the recharge from the HRA is reduced by this amount.
- 4.10 The grass at the Waldrons in Tiverton is included in this calculation. As this area of communal land has high visibility on one of the main roads into the town, any decision not to mow the grass has the potential to be highly controversial.
- 4.11 Given the current circumstances, in which there is an expectation that income into the HRA will be impacted negatively by the economic impact of the pandemic, all expenditure needs to be reviewed. Decisions are required in relation to discretionary activities because the funding needed to continue service delivery in relation to these may be better used in relation to other priorities.

- 4.12 However, there is another driver for a change in approach to the management of grassed areas on our housing estates; the Council has pledged its support to tackling climate change and to cutting carbon emissions. The corporate plan contains a specific pledge which relates to the identification of opportunities to work with landowners to secure additional hedgerow planting, biodiversity and reforestation.
- 4.13 The grounds maintenance team currently endeavours to cut grass verges on housing estates 7 times a year.
- 4.14 Any decision to halt or reduce grass cutting on any housing estate verge is likely to be controversial because of the strong, but differing feelings many residents across all tenures may have about the appearance of their local environment.

## **5.0 The Way Forward**

- 5.1 This overview highlights the factors which may impact policy relating to grounds maintenance on the housing estates managed by the Council. This provides an indication of some of the challenges associated with agreeing a new approach to grounds maintenance.
- 5.2 As a way forward, it is recommended that the PDG establishes a Member working group to explore ways to amend the Neighbourhood Management policy. This would be with the intention of providing a means for establishing localised agreements relating to specific pieces of verge or other grassed land on a housing estate.
- 5.3 Any mechanism agreed will have to allow a variety of stakeholders to be involved in the decision-making and this includes local Ward Members, tenants and other residents on the housing estates; and other local residents.
- 5.4 In addition, it will have to take account of the fact that any changes to the cutting schedule or other working arrangements practiced by the grounds maintenance team on behalf of the HRA must be delivered on a cost-neutral basis.
- 5.5 Another important factor which may impact decision-making relating to the agreement of localised arrangements relates to the changing the timing of cuts across the year to accommodate wildflower management. This needs to be carefully considered in the context of the overall schedule of works and the mobilisation of crews and equipment to carry out a range of maintenance at each visit.
- 5.6 In addition, if localised agreements result in fewer cuts (sightlines excluded) to verges, there is a potential to realise some potentially small savings to the HRA given that this could impact the recharge payable to the Street Scene department.

## **6.0 Recommendation**

- 6.1 Members are asked to agree the establishment of a task and finish group. This group would discuss the many strands associated with service delivery in relation to grounds maintenance, in general, and grass cutting on housing estates, in particular. This working group would be set up to make recommendations regarding a new procedure for agreeing local agreements for grounds maintenance relating to those grass verges in the ownership of the Housing Service.
- 6.2 It is envisaged that the working group would work closely with Officers from the Housing Service and a representative from Street Scene to inform decision-making.

**Contact for more Information:** Mrs Claire Fry, Group Manager for Housing Services, email: [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk) tel: 01884 255255 or Simon Newcombe, Group Manager for Public Health and Regulatory Services, email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk) tel: 01884 255255

**Circulation of the Report:** Cabinet including Cllr Bob Evans, Cabinet Member for Housing, Leadership Team, Group Managers and Legal Services

#### **Background Papers:**

The Regulatory Framework for Social Housing  
<https://www.gov.uk/guidance/regulatory-standards>

The Housing Service Neighbourhood Management Policy  
<https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

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## HOMES POLICY DEVELOPMENT GROUP 15 SEPTEMBER 2020

### Update on Houses in Multiple Occupation

**Cabinet Member(s):** Councillor Bob Evans  
**Responsible Officer:** Simon Newcombe, Group Manager for Public Health and Regulatory Services

**Reason for Report and Recommendation:** To provide an update on the current activities being undertaken in relation to Houses in Multiple Occupation (HMOs) and HMO licensing. This report is for note as there are no decisions needed in respect of this activity.

**Financial Implications:** There are no financial implications as this activity forms part of the statutory duties undertaken by the service.

**Budget and Policy Framework:** There is a fee for a landlord to apply for a licence. This fee has been set taking account of the officer time and resources required to process the application. As the number of licensable properties is largely unknown it is not possible to set an income budget for this activity.

This activity is a statutory duty and as a regulatory licensing function with enforcement powers it is covered by the Council's adopted Enforcement Policy (Policy Number: PH/EP/01/19, February 2019).

**Legal Implications:** Mandatory private sector HMO licencing is a statutory duty for the local housing authority (Mid Devon District Council) to administer and delegated powers to do so are held by Public Health and Regulatory Services under their wider private sector housing standards function. The Housing Act 2004 also places a duty on the local housing authority to inspect dwellings where they suspect a hazard may be present and to take enforcement action where a serious hazard has been identified. It also has a duty to take action where a property that requires a licence does not have one in place.

**Risk Assessment:** If we did not undertake this activity we would not be carrying out our statutory duty and local residents may be at risk from sub-standard accommodation.

**Equality Impact Assessment:** An EIA has not been undertaken in respect of this report.

**Relationship to Corporate Plan:** This activity relates to the Homes priority in the corporate plan in respect of working with landlords and promoting the regeneration of town centres. It also relates to the Community priority by seeking to address health and housing inequalities across the district by ensuring the private rented sector is in good condition and well managed.

**Impact on Climate Change:** Where housing conditions are poor in terms of heating and insulation, we encourage energy efficient measures to be installed.

## 1.0 Background

- 1.1 The Housing Act 2004 introduced a requirement for certain types of house in multiple occupation (HMO) to be licenced by the local housing authority. HMOs with shared facilities that are occupied by five or more people, forming two or more households require a licence from Mid Devon District Council.
- 1.2 Mandatory HMO licencing was introduced to meet the following main objectives:
  - To regulate the **management** of these properties.
  - To ensure the **safety** of the occupiers.
  - To reduce the **impact** of these properties on local neighbourhoods by regulating anti-social behaviour.
  - To ensure this type of accommodation remains a **viable** housing option for single people and/or those people on low incomes.
- 1.3 Well managed and maintained properties of this type are actively encouraged to help provide safe, low cost accommodation for different members of the community. There is a lack of this type of accommodation in the area and as a result there is significant demand. Wherever possible we will support landlords to develop their properties into HMOs that meet the required standards to meet this need.
- 1.4 We currently have 17 licensed HMOs across the district. Based on the stock condition survey that was undertaken in 2010 we believe that approx. 50 properties may require a licence.
- 1.5 We have undertaken a number of projects to try and identify properties that require a licence. This includes the Rogue Landlord's project that was undertaken in Cullompton in 2019. This project highlighted that a number of the residents in this area are migrant workers and were generally unaware of the requirements relating to housing conditions and licencing. The area surveyed concentrated on Fore Street and did not find any HMOs that we were not already aware of, but did find that a number of residents were living in very poor housing conditions.
- 1.6 The work on this project began to highlight other areas of concern relating to the potential exploitation of this group and in the last 12 months a number of residential properties have been brought to our attention where there have been reports of multiple people living in overcrowded conditions.

## 2.0 Regulatory Challenges with HMOs

- 2.1 There are a number of challenges in respect of getting a property licensed and/or ensuring the property is maintained and properly managed.
- 2.2 Our aim is to bring as many HMOs within the licencing regime as possible to enable us to manage and regulate them effectively. The challenges associated with this are as follows:

- **Proving the property is occupied by 5 people** – finding and proving that 5 people are in occupation can be difficult when there is no tenancy agreement or receipts for rent payments. A large proportion of the population living in this accommodation are transient so each visit to the property may identify a different set of tenants in different circumstances.
- **Proving the property is occupied by 2 or more households** – where communication is an issue, it can be difficult to establish whether or not the tenants are part of the same family. In particular, with migrant workers their definition of family is different and often coming from the same village is considered to them to be the same family. This makes it difficult for us to prove there is more than one household.
- **Finding the person responsible** – there is a significant amount of subletting in this sector. This makes it difficult to identify who should be held accountable for management and licensing.

2.3 If we are unable to prove that the property is an HMO we are unable to use the legislation that regulates the management of the property or require it to be licensed.

2.4 In addition to the regulatory challenges, Covid 19 has delayed progress in dealing with these properties. Overcrowded properties and HMOs are higher risk environments due to the nature of the occupancy. People are living in close proximity and do not necessarily understand or know about the risks and measures required to reduce spread. This has meant that they are extremely high risk for officers to attend and it is only in the last month that we have been satisfied that we can put appropriate procedures in place to be able to carry out visits to these properties.

### **3.0 The Current approach to dealing with HMOs**

3.1 Based on the reports we have received in the last 12 months and information we have gathered from a number of sources including residents, the police, and from the local employers, we have 30 properties that we are actively investigating.

3.2 Some of these properties are being dealt with in respect of overcrowding as they are clearly not suitable to be used as an HMO or have the ability to be licensed as one. This will relate to one and two bedroom properties that simply cannot be used as a licensable HMO due to size.

3.3 For many of these properties we have uncovered a significant amount of subletting. This means that the landlord of the property believes they have let it to a single household. Our investigation has then identified that the tenant with the tenancy agreement does not in fact live there and has sublet the property to a number of individuals. In these cases the owner of the property is usually receiving the rent they agreed with the tenant but the tenant is making significantly more money out of the property by subletting the rooms.

3.4 This situation poses a significant challenge in respect of who is the responsible person and who should apply for the licence.

- 3.5 Our approach so far has been to write to all the properties we are actively investigating giving the option to apply for Temporary Exemption from licensing or to apply for a licence.
- 3.6 The temporary exemption gives the owner three months to ensure the property is put into a position where it no longer needs a licence and is likely to lead to the eviction of the tenants.
- 3.7 This is not ideal, particularly in the current situation as to have the tenants remain in one place, as long as it is safe for them to do so, is better in respect of reducing the spread of Covid 19.
- 3.8 We have done everything we can to ensure that the landlord chooses to licence rather than evict but unfortunately it is rare for this to happen.
- 3.9 Where evidence has been gathered that a property is an HMO, needs a licence or is subject to the HMO management regulations then we will follow through the enforcement process as detailed in the current Enforcement Policy.
- 3.10 Depending on the severity of the issues, initially the landlord will be given the opportunity to comply with the regulations or to submit an application for a licence. Failing to comply with these sanctions is an immediate offence with the only recourse being prosecution or civil penalty. Therefore, if progress is not made following an informal approach we will pursue more formal action.
- 3.11 If the contraventions are serious and pose a significant risk to health and safety then we will pursue prosecution without informal action. In 2019 we successfully prosecuted the owner of the Manor House Hotel in relation to serious breaches of HMO management regulations and we are in the process of pursuing another case at the moment.

#### **4.0 The Way Forward**

- 4.1 Where a temporary exemption has been applied for and we believe it is reasonable for us to issue one we have done so with the intention to review each of these in three months' time. If these properties still require a licence at that time they will be required to apply for one.
- 4.2 For those properties where there has been no landlord engagement; or we are continuing to get reports about them; or that we have suspicions over how the property is being used; we are undertaking a series of unannounced visits. These visits are for us to identify the nature of the occupation with a view to taking enforcement action as necessary.
- 4.3 Each property is being risk assessed before visiting in respect of Covid 19 and an interpreter is being used on the visits to help us gather as much information as we can where the tenants are migrant workers.
- 4.4 So far only one of the 30 properties has decided to apply for a licence.

## **5.0 Next steps**

- 5.1 We will continue to respond to reports of potential HMOs and overcrowded properties with a view to encouraging more licensed HMOs.
- 5.2 We will revisit and review those properties that have been granted a Temporary Exemption Notice.
- 5.3 We have introduced a new landlord registration scheme and we are encouraging all landlords to sign up to this so that we are better able to offer advice and training across the whole private rented sector.
- 5.4 We have produced advice leaflets for landlords to encourage them to provide more HMO accommodation.
- 5.5 We have also re-introduced 'Pin Point' which is an online notice board for landlords that provides details on changes to legislation and other information that may be of use including links to webinars. Landlords are able to sign up to this to receive regular updates.
- 5.6 Sadly, we are unable to hold our popular Landlord Networking Event this year but we will be holding the event next year. Instead, we have offered landlords a series of webinars and will continue to look for opportunities to provide more of these in the future.
- 5.7 We will continue to use our expertise to work towards improving the private rented sector through support and education; whilst using enforcement powers where necessary.

## **6.0 Recommendation**

- 6.1 The PDG is asked to note the contents of this report.

**Contact for more Information:** Simon Newcombe, Group Manager for Public Health and Regulatory Services, email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk) tel: 01884 255255

**Circulation of the Report:** Cabinet including Cllr Simon Clist, Cabinet Member for Housing, Leadership Team, Group Managers and Legal Services

### **Background Papers:**

Enforcement Policy 2019

<https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/>

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## HOMES POLICY DEVELOPMENT GROUP 15 SEPTEMBER 2020

### HOUSING SERVICE DELIVERY REPORT

**Cabinet Member(s):** Councillor Bob Evans  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report and Recommendation:** To provide an update to Members on enforcement and other activity undertaken by Officers in the Housing Service

**Members are asked to note the report**

**Financial Implications:** The activity of the Housing Service spans both General Fund and the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

**Budget and Policy Framework:** Policies agreed by the Homes Policy Development Group govern the work of the Housing Service. There are budgets set aside within the General Fund to finance work relating to homelessness and strategic rehousing. Additional funding to support work with rough sleepers has also been obtained in partnership with East Devon District Council for use this year. The HRA is funded in large part by rental income and therefore maintaining the revenue stream must be a key priority for the Housing Service.

**Legal Implications:** Tenancy management is funded through the Housing Revenue Account. The tenancy agreement defines the Council's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Housing Act 1985, the Localism Act 2011 and the Anti-social Behaviour, Crime and Policing Act 2014 contain many provisions which must be taken into account by the Housing Service.

Service delivery funded by the General Fund encompasses the prevention and management of homelessness; and the administration of the housing register. There are many statutory obligations associated with these activities arising from provisions of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.

**Risk Assessment:** The landlord service has approximately 3000 homes in management which represents a huge investment. Failure to provide an effective tenancy management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, tenancy fraud, and potential negative publicity in the event of, for example, a serious fire or anti-social behaviour leading to residents on an estate feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Failure to meet statutory obligations relating to homelessness could result in judicial review which could prove costly. Such an outcome also has the potential to impact the reputation of the Council in a negative way.

**Equality Impact Assessment:** There is a suite of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. There is a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and the Housing Service requests diversity data from tenants to enable compliance to be monitored.

The Council has a number of statutory obligations arising from the Homelessness Reduction Act 2017 and therefore all those presenting as homeless to the Council must be assessed regardless of the section of society from which they come to see whether or not the duties apply. Failure to treat homelessness clients who are eligible fairly could result in judicial review.

**Relationship to Corporate Plan:** Homes and the environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement.

**Impact on Climate Change:** We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. We use social media to promote sustainability and publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

With regard to the homes in our management, our repairs and improvements strategies are informed by the need to reduce carbon emissions; and the need to reduce fuel poverty is also a key consideration.

Officers sometimes have to respond to emergencies such as those associated with the prevention and management of homelessness and also those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

## 1.0 Introduction/Background

- 1.1 The rationale for this report is to show the range of work being undertaken across the Housing Service with regard to enforcement and safeguarding activity.
- 1.2 Going forward, this report will be refined and provided to the Homes Policy Development Group (PDG) on a regular basis to show activity undertaken during each previous quarter of the year.
- 1.3 Members of the PDG are asked to advise Officers if there are any additions or amendments required to inform work on the further development of the report.
- 1.4 Appendix 1 shows a summary of enforcement and other related activity and appendix 2 shows a summary of safeguarding activity undertaken in connection with the wellbeing of tenants, members of their households or

anyone else, regardless of whether they live on our estates, where a concern has been identified.

## 2.0 **Enforcement Activity**

- 2.1 The Regulator for Social Housing operates the regulatory framework which contains a number of standards which set out the required outcomes and specific expectations associated with the performance of registered social landlords (RPs).
- 2.2 The Neighbourhood and Community Standard contains provisions relating to the management of anti-social Behaviour and in line with these, RPs are expected to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.
- 2.3 Neighbourhood Officers in the Housing Revenue Account (HRA) Estates team are responsible for managing nuisance and anti-social behaviour. This work can be resource-intensive involving as it does the need to investigate complaints, provide support to complainants, and to take appropriate action. Officers often experience conflicting demands when trying to resolve such cases and can find some of the delicate and sensitive issues with they may be called upon to manage, particularly challenging.
- 2.4 The report in appendix 1 shows the range of work associated with the management of anti-social behaviour under the heading: "Neighbourhood and Community Standard".
- 2.5 Neighbourhood Offices in the HRA Income Team are responsible for maintaining the revenue stream. From the beginning of April 2020 until 23 August 2020, there has been a "pause" with regard to the commencement of possession proceedings and evictions. This was due to the Government trying to mitigate the impact of lockdown and to aid sustainable tenancies. Procedures relating to possession actions are about to change in order to provide more protection for those tenants who may be experiencing financial difficulties as a result of the economic impact of the pandemic.
- 2.6 For this reason, there was very little enforcement activity undertaken during the pandemic by the HRA Income Team. Instead, Officers modified their style in order to provide a more supportive response to those experiencing financial issues and a more collaborative approach was implemented. The aim was to ensure that those who were unable to pay their rent approached the Housing Service at an early stage in order to obtain advice and support as appropriate. Our Officers were able to signpost and refer those in need to other agencies which could help. In addition, they endeavour to create a payment culture by ensuring that any arrangements for repayment were realistic and achievable.
- 2.7 Members are likely to see an increase in enforcement activity relating to the need to protect the interests of the Council with regard to rent debt as the year goes on.
- 2.8 The Housing Options team is responsible for managing temporary accommodation which is used by those who have presented as homeless.

The Council has a number of statutory obligations to such people and this includes accommodating them whilst their circumstances are being investigated and assessed; and then, if a duty is owed, until such time as they can be rehoused.

- 2.9 During the pandemic, other individuals were accommodated as part of the initiative to minimise rough sleeping.
- 2.10 As shown in appendix 1, there were some evictions from temporary accommodation during the first quarter of 2020/21.
- 2.11 All Officers in the Housing and Building Services are required to escalate safeguarding issues, as appropriate, if there are any concerns about an individual, a member of their household or anyone else. This is in accordance with the corporate policy on safeguarding. Safeguarding issues can arise for many reasons and these may be associated with relationship breakdown, mental or other health issues, neglect and so on.
- 2.12 The HRA Estates team is the main point of contact for other agencies in relation to any safeguarding issues relating to tenants or anyone else, which have been escalated due to concern relating to risk of harm. The Neighbourhood Officers in that team will attend Team Around the Family (TAF) and other relevant meetings, as appropriate, on behalf of the Housing Service. As with enforcement activity, work relating to safeguarding can be very difficult and upsetting, and may involve inter-agency dialogue, joint working and involvement in many meetings. Officers are sometimes required to prioritise their work in order to ensure that they have the time available to manage cases where safeguarding is an issue. For this reason, activity relating to this work-stream has been included within this report; with an additional table demonstrating the extent of the current caseload.
- 2.13 Anecdotally, an increase in safeguarding issues has been noted during the pandemic. The inclusion of relevant data in this report will enable Members to monitor the situation as the year progresses.

### 3.0 Recommendation

- 3.1 Members are asked to note the report.

**Contact for more Information:** Mrs Claire Fry, Group Manager for Housing Services, telephone: 01884 255255, email: cfry@middevon.gov.uk

**Circulation of the Report:** Councillor Bob Deed, Leader of the Council; Councillor Bob Evans, Cabinet Member for Housing; other Members of the Cabinet & Leadership Team; Corporate Management Team & other Group Managers

### List of Background Papers:

The Regulatory framework for social housing:

<https://www.gov.uk/government/collections/regulatory-framework-requirements>

Appendix 1

Service Delivery – Enforcement Activity

<b>Neighbourhood &amp; Community Standard – Housing Revenue Account Estates team</b>						
	Quarter1	Quarter2	Quarter3	Quarter4	Year to Date	Commentary
Fraud cases opened	3					3 x cases being investigated for fraud
Fraud cases referred to an external investigator	1					1 x case referred to an external investigator
Acceptable Behaviour Agreements signed	0					
Good Neighbourhood Agreements signed	0					
Community Protection Notice warnings issued	2					
Community Protection Notices issued	0					
Possession Actions commenced on grounds of ASB	4					4 x cases in connection to extension of closure orders
Closure Orders – obtained	4					4 x cases - Extension of Closure orders
Injunctions sought	1					Legal advice obtained.  1x case - collating evidence for civil injunction
Evictions on grounds of anti-social behaviour/ other tenancy breach	0					
<b>Income Recovery – Housing Revenue Account Income Team</b>						

	Q1	Q2	Q3	Q4	YTD	Commentary
Notice of Seeking possession served	0					
Judgement obtained	0					
Warrants issued	2					Warrants issued are pending an eviction date due to the pause on evictions during the pandemic
Evictions on grounds of rent arrears	0					
<b>Management of Temporary Accommodation - Housing Options team</b>						
	Quarter1	Quarter2	Quarter3	Quarter4	Year to Date	Commentary
Evictions from temporary accommodation	6					These cases arose from the need to evict individuals who had threatened staff, caused nuisance to other residents or where the duty to accommodate had ended.

Appendix 2

Service Delivery – Safeguarding Activities

<b>Neighbourhood &amp; Community Standard – Housing Revenue Account Estates team</b>						
	Quarter1	Quarter2	Quarter3	Quarter4	Year to Date	Commentary
Domestic abuse cases opened	10					10 x Domestic Violence (DV) cases reported to the Neighbourhood Officers.
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	5					5 x MDDC Cases referred by other agencies. None referred by MDDC Reports provided to MARAC for all cases
Safeguarding referrals made (to all agencies)	6					2 x cases referred to Adult Safeguarding  4 x cases referred to General Practitioner (GP)

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