



GREAT YARMOUTH
BOROUGH COUNCIL

Housing and Neighbourhoods Committee

Date: Thursday, 16 June 2016

Time: 18:30

Venue: Council Chamber

Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3 OVERVIEW OF HOUSING & NEIGHBOURHOODS

The Director of Housing & Neighbourhoods will give a presentation to the Committee.

4 HOUSING - CURRENT SERVICES AND ISSUES

- Council Housing Management
- Housing Strategy
- Housing Options & Homelessness
- Private Sector Housing & Disabled Facilities Grants.

5 HOUSING PERFORMANCE REPORT

4 - 12

Report attached.

6 HOUSING REVIEW APPEALS REPORT

13 - 15

Report attached.

7 COMMUNITY DEVELOPMENT

- Neighbourhoods That Work

The Group Manager Neighbourhoods & Communities will give a presentation to the Committee.

8 NEIGHBOURHOODS THAT WORK OUTCOME REPORT

16 - 22

Report attached.

9 SMOKE AND CO2 ALARMS REPORT

23 - 31

Report attached.

10 FORWARD PLAN

Report to follow.

11 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

12 EXCLUSION OF PUBLIC

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

Subject: HOUSING & NEIGHBOURHOODS PERFORMANCE REPORT
Quarter 4 2015/16

Report to: Housing & Neighbourhoods Committee 16.6.2016

Report by: Trevor Chaplin, Group Manager Housing Services

SUBJECT MATTER/RECOMMENDATIONS

This report provides performance data from the Housing & Neighbourhoods Directorate for Quarter 4 of 2015/16

1. INTRODUCTION/BACKGROUND

- 1.1 A report on key performance indicators (KPI's) will be provided to the Housing & Neighbourhoods Committee each quarter.

2. PERFORMANCE

- 2.1 Specific areas for the committee to note include
- 2.1.1 Rent Income Collection – performance has been exceptional with a high percentage of rent collected and arrears in cash terms reduced.
 - 2.1.2 Time taken for Housing Options to match a person to a property reduced.
 - 2.1.3 Overall void times slightly reduced, work progressing on further improvement.
 - 2.1.4 Statutory homelessness acceptances reduced number of households in temporary accommodation reduced.
 - 2.1.5 Number of households in the allocation pool has decreased whilst applications awaiting a decision have increased.
 - 2.1.6 The number of Disabled Facilities Grants (DFG's) awarded has reduced in line with reduced referrals from Occupations Therapists (O/T's)

3. FINANCIAL IMPLICATIONS

None

4. RISK IMPLICATIONS

None

5. CONCLUSIONS

None

6. RECOMMENDATIONS

That the Housing & Neighbourhoods Committee note this report.

7. BACKGROUND PAPERS

Performance data attached.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	N/A
Section 151 Officer Consultation:	N/A
Existing Council Policies:	N/A
Financial Implications:	N/A
Legal Implications (including human rights):	N/A
Risk Implications:	N/A
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
Rent Income	% of rent + arrears collected	99.65%	99.65%	99.55%	<p>The rent collection figures for 2015/16 are exceptional. Collection rates have increased and the amount owed has fallen by over £70,000.</p> <p>Future rent collection will be challenging with the introduction of Universal Credit (UC) in the Great Yarmouth Jobcentre district. UC claimants will receive an amount to pay their rent direct and will be responsible for making full rent payments to GYCH as landlord. Payment of housing costs direct to tenants has been piloted in other districts across the country. In these districts, landlords have experienced a sharp decline in rent collection performance, followed by a slow recovery. Further resources may be required to maximise rent income.</p>
	Arrears as a % of rent debit	1.03%	1.03%	1.37%	
	Total rent arrears at year end - £	£244,184	£244,184	£328,059	
Voids	Average re-let time – All voids	54 days	54 days	57 days	<p>The outturn of 54 days is a slight improvement on 2014/15 figure of 57 days. Progress has been made in 2015/16 with the completion of the Void Standard and a recent detailed mapping of</p>

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
					<p>the voids process from end to end. We are adopting the voids module of the Northgate IT system by the end of 2016.</p> <p>The average void time is affected by the length of time required to allocate low demand properties. The number of long term voids in family accommodation in Middlesbrough has been reduced to a minimal number; however, sheltered properties (particularly above ground floor) remain an issue. A more flexible approach to how these properties are allocated has been adopted; however, restrictions remain around the age of prospective tenants.</p>
Housing Options	Time taken for housing options to match property	21 days	21 days	29 days	<p>This represents a significant improvement on the figure for 2014/15 of 29 days. Nominations are sought at the point the previous tenant provides the statutory Notice to Terminate their tenancy. Together with robust management of the allocation scheme has assisted in improving performance in this area.</p>

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
	Number of households in temporary accommodation	52	52	90	<p>The total number has fallen from 90 at the same time in 2014/15 to the current figure of 52. This is in line with expectations under the Temporary Accommodation Reduction Plan which covers the transition period while long term leases are terminated.</p> <p>Performance for 2015/16 has been exceptional as the team have managed a period where there was excess supply to the current position of minimum but adequate provision. This has also coincided with the unexpected closure of the main B&B provider in the Borough which has created additional challenges.</p>
	Homeless acceptances	101	101	155	<p>The number of homelessness acceptances has fallen from 155 in 2014/15 to 101 in 2015/16. This is despite the total number of decisions rising from 596 in 2014/15 to 777 in 2015/16. The data reflects robust management of cases whilst ensuring that a duty is taken to those in statutory need.</p> <p>The increased rise in total decisions is as a result of</p>

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
					ensuring that all applicants receive a written decision with their relevant appeal rights. Of the 777 formal decisions, 361 were that the applicant was 'not homeless'.
	Homeless preventions	129	129	261	The number of homelessness preventions has fallen from 261 in 2014/15 to 129 in 2015/16. This reflects the increased challenge in persuading landlords not to take possession action, whether the tenant is at fault or not
	Number of social housing applicants in allocation pool	220	220	325	These figures demonstrate a year on year fall in numbers in the allocation pool of around 100. The new allocations scheme has had an impact on numbers as applicants are removed from the allocation pool for 12 months if they refuse 2 suitable offers. In addition, the new qualification criteria have reduced the number eligible for an allocation.
	Number of social housing new applicants awaiting assessment	465	465	429	Casework on cases awaiting assessment is performance managed and objectives have been set to reduce overall times

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
Housing, Health & Wellbeing Services					
	DFGs a) Recommendations Received	159		171	The number has fallen due to availability of occupational therapist resource to carry out assessments and as a result of changes brought in under the Care Act 2014. We are aware that there are over 200 people currently waiting assessment and we are liaising with NCC Adult Social Care to find solutions.
	DFGs b) Approvals	120		129	The number of approvals will be impacted by the number of recommendations coming into the system. In addition there is an attrition rate of around 25% as a result of people deciding not to proceed with the works.
	DFGs c) Completed	118		118	The number of completions will depend on the number of recommendations and the complexity of the work some works such as extensions or major remodelling will take longer. However there is a need to increase the recommendations as there is capacity within the system to complete more works.

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
	Number of Handyperson jobs	556		632	The Handyperson Scheme was set up to assist our client base of elderly, disabled and vulnerable people. It is for small jobs such as installing a keysafe, putting up shelves, unblocking sinks, etc. GYBC subsidises the labour cost. In order to keep within budget a limit of £300 has been put on each job which has meant a drop in completed jobs. This is demand led and will fluctuate.
	Number of Alarm Calls Received	44,255		36,231	This is demand led and will fluctuate
	Number of Out of Hours Calls Received	4,624		4,894	This is demand led – the service is widely promoted to colleagues in health and social care and a lot of business is by word of mouth. The service mainly picks up clients who have been in crisis and need reassurance that help can be obtained for them quickly. So for example many clients sign up to the service following a recent hospital admission. The service isn't generally requested to remove alarms unless the client has passed away or they have moved into supported living.

Housing & Neighbourhoods – Performance Measures & Activity Data Quarter 4 2015/16

Area of Work	Measure	Year to Date 2015/16	Performance Quarter 4 2015/16	Comparison with Quarter 4 2014/15	Comments
	Yare Care Alarms				This target is set by the Telecare Standards Association (TSA) for alarm centres that have 2 or more operators calling handling on each shift. Our centre has one operator on each shift. The service adopted this target voluntarily. The service exceeds the first standard but the second standard is a little more challenging with only one operator. Alarm calls are queued and the operator answers them according to priority. There could be a slight delay in the call being answered for a number of reasons including: <ul style="list-style-type: none"> the operator is already dealing with a complex call. Rolling calls as a result of storms or faults However the operators do keep an eye on the calls coming in and can switch calls if a more urgent one presents. The service manager reviews the performance monthly across the service and individually for each operator.
	a) Referrals	254	254	276	
	b) Installations	204	204	276	
	c) Removals	283	283	242	
	Alarm Call Answering Targets				
	80% within 30 seconds (-2% variable applied)	89.98%		91.04%	
	98.5% within 60 seconds (-2% variable applied)	96.28%		97.09%	

Subject: HOUSING REVIEWS AND APPEALS

Report to: EMT 2 June 2016,
Housing & Neighbourhoods Committee 16 June 2016

Report by: Trevor Chaplin - Group Manager Housing Services

SUBJECT MATTER/RECOMMENDATIONS

This report details the procedures for tenants and residents to review or appeal decisions. It is recommended that a consistent approach is adopted to enable timely and appropriate decisions.

1. INTRODUCTION/BACKGROUND

1.1 GYBC & GYCH, as landlord, are responsible for making decisions on housing matters. These decisions attract reviews and appeals rights, which, in some limited cases, could be heard before a Housing Appeals Committee. This Committee does not form part of the revised governance structure and therefore a decision is required on how these reviews and appeals are concluded.

2. HOUSING APPEALS

2.1 Decisions made by officers on housing matters cover a range of issues including whether a person is owed a statutory homelessness duty, whether a person is eligible for social housing, whether a tenant can carry out a mutual exchange with another tenant or whether a statutory succession has taken place when a tenant has died. These decisions will have a right of review or appeal. How those reviews and appeals are conducted is, in some circumstances, defined by legislation, e.g. homelessness, introductory tenancies, or by guidance from central government.

2.2 Decisions that previously had a right to be reviewed by a Housing Appeals Committee were predominantly around tenancy matters on mutual exchanges and succession rights. In addition there has been a right for housing benefit decisions on Discretionary Housing Payments (DHP) to be heard at this committee.

2.3 The number of decisions heard by the committee declined and between 14 May 2013 and 15 May 2016 there were two meetings, on 18 June 2014 and 15 October 2014. In both cases the Committee upheld the original decision made by the officer.

2.4 In 2014, GYBC adopted a revised Allocation Scheme. The section on reviews states;

The review process under the allocation scheme is as follows:

- a. An application must be made by the applicant within 21 days of the decision regarding their application. But we may extend the time limit in exceptional circumstances.*
- b. The review must be conducted by another council officer who was not involved in the original decision and is senior to the officer who made the original decision.*
- c. The review process will normally be based on written representations.*
- d. The review officer may make further inquiries and interview applicants and other interested parties but there will be no requirement to hold a full oral hearing.*
- e. The review should be concluded within 8 weeks of the review request or as soon as reasonably practicable afterwards. The decision on review will be and communicated in writing to the applicant and give reasons if against the applicant.*

2.5 This process has the advantage of being flexible and reasonably quick to administer. This allows applicants to be informed of revised decision as soon as reasonably possible so that they can make choices on options. During 2015/16, the scheme attracted 76 review requests.

2.6 It is proposed that this process is adopted across housing decisions. The current Tenancy Policy on reviews and appeals is currently based on this approach but includes reference to the Housing Appeal Committee. This reference will have to be deleted if the recommendation of this report is accepted.

2.7 Administrative decisions, including those made on housing matters are subject to the right of judicial review which will remain as an option should a person wish to continue the appeal process.

2.8 The Deputy Monitoring Officer has been consulted on this report and they have agreed with the recommendation at para 6 below.

3. FINANCIAL IMPLICATIONS

None

4. RISK IMPLICATIONS

None

5. CONCLUSIONS

A revised procedure for housing reviews and appeals is required due to the end of the Housing Appeals Committee. As an existing procedure is in use,

this should be adopted across housing decision making.

6. **RECOMMENDATIONS**

That the procedure for reviews and appeals detailed in para 2.4 above is adopted for housing decisions.

7. **BACKGROUND PAPERS**

None

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Deputy Monitoring officer has agreed with recommendation at para 6.
Section 151 Officer Consultation:	N/A
Existing Council Policies:	GYBC Allocation Scheme, Tenancy policy
Financial Implications:	N/A
Legal Implications (including human rights):	Considered and judicial review available. Recommendations agreed by the Deputy Monitoring Officer.
Risk Implications:	N/A
Equality Issues/EQIA assessment:	No issues
Crime & Disorder:	N/A
Every Child Matters:	N/A

Subject: Neighbourhoods that Work

Report to: Housing and Neighbourhoods committee June 16th 2016

Report by: Holly Notcutt, Community Development Manager

SUBJECT MATTER/RECOMMENDATIONS

This is the mid-year project update for Neighbourhoods that Work.

1. INTRODUCTION/BACKGROUND

The report aims to provide the committee with an update on progress and outcomes of the first 6 months of delivery from the Big Lottery funded Neighbourhoods that Work (NTW) project.

2. NEIGHBOURHOODS THAT WORK

2.1 Background. The 'Neighbourhoods that Work' initiative has been funded through £3.1m from the Big Lottery fund for a 3-5 year period. The programme is focused on the borough's urban wards, correlating with national deprivation statistics and therefore complying with Lottery priorities to fund work in communities with the greatest need.

2.2 The project centres on Community Development approaches to working with local people, in the places they live, to identify and act upon things that matter most to communities. NTW builds upon over 10 years of community work in Great Yarmouth, following successes delivered through a range of national and local funding streams and initiatives, recognised across the region and nationally. NTW utilises existing and award winning community development and Neighbourhood Management infrastructure, incorporating active and engaged local residents, neighbourhood boards and an array of varied and diverse voluntary based organisations and community groups. These are supported by a range of resource commitments from the Borough Council and partners, coupled with the willingness and need to transform amongst those who locally provide services to the public.

2.3 The project follows 3 years of negotiation with the Big Lottery Fund.

Neighbourhoods that Work is unique to Great Yarmouth, devised and developed

by council officers and partners. Nationally it is the first (and largest) award of its kind for a council, and the first ever 'whole-place' based investment in the country, seen as innovative, dynamic, and is informing the way forward for the Big Lottery Fund.

2.4 The project's overarching aim is to improve lives of local residents through better support, better resilience and improved access to employment.

This will result in;

- improved and strengthened social connections and the capacity of individuals and communities,
- people with multiple and complex needs will get the help they need by having access to more responsive specialist services via a flexible, multiagency 'one stop' neighbourhood hubs
- people furthest away from the labour market will be able to identify their strengths to improve their skills, enabling them to access training, voluntary work placements and paid employment.

2.5 This project is framed around the following themes:

- **Community Resilience** – working directly with communities to strengthen networks and capacity at a grass roots level
- **Voluntary Sector Service Transformation** – changing the way the voluntary sector works with people with complex needs in a more effective and joined up way
- **Employment and Skills**- supporting those residents furthest from the labour market to improve skills and access jobs

2.6 Project partners NTW is led by the borough council and delivered in partnership with 7 local VCS delivery partners;

- Business in the Community
- DIAL Great Yarmouth
- Future Projects
- GYROS
- Great Yarmouth and Waveney MIND
- Great Yarmouth College
- Voluntary Norfolk

The partners undertake different roles of delivery, ranging from frontline grassroots 'Community Connectors' through to Community Development

Workers supporting the establishment of self-help groups and organisations, to staff working to support people with complex needs, through to staff working on training and employability skills. The partnership approach promotes a smooth and interconnected series of steps and support, joined together throughout the practices.

2.7 Project management arrangements

The project is overseen by small a group of GYBC staff, incorporating the following officers

Project Sponsor: Robert Read – Director of Housing and Neighbourhoods

Project Manager: Rob Gregory- Group Manager- Neighbourhoods and Communities

Project officers: Holly Notcutt- Community Development Manager, Paul Cheeseman- Employment and Skills Co-ordinator, Michelle de Oude- Neighbourhoods that Work Co-ordinator

2.8 Project delivery updates

The following provides a summary of the delivery and outcomes since the October 2015 start date.

2.8.1 Study visits

- Oct 2015- annual study visit, in conference format. Over 40 delegates attended the day-long session, receiving practice focussed presentations and project visits.
- April 2016- Two Big Lottery delegate visits hosted in Great Yarmouth, incorporating monitoring, policy and programme development officers. Visits included round table sessions, presentations on NTW theory, and site visits. The Big Lottery fund are looking to NTW to gather new learning to inform the national policy and programme development for the Big Lottery Fund, with a longer term plan to roll out similar approaches nationally.

2.8.2 Database

Due to the complex and nuanced nature of much of the work, and the multi-agency approach, it has been necessary to ensure the monitoring and data collection system is able to receive a mixture of information from a range of sources.

It has been a challenge finding the right data solution for this, with 4 separate systems being investigated and deemed unsuitable. At the start of June we commissioned a bespoke system to be built. This will be available through an online platform for all partner agencies to access simultaneously. This piece of work will be

critical in its ability to capture the developmental steps necessary to achieve the set and desired outcomes.

2.8.3 Practice development

Central to the ongoing progression of the team and the programme, delivered through fortnightly *collaboration meetings* and quarterly *development days*. These sessions have been incorporated in to the programme work, due to the changing nature of external forces that the project will inevitably be impacted by and/or have to respond to. Core sessions have included Community Development, Coaching for Personal Development, and Monitoring and evaluation.

2.8.4 Evaluation

The University of East Anglia have been commissioned to undertake an impact evaluation of Neighbourhoods that Work. They have recruited four part time research assistants (paid posts) who are all local residents from the borough. They will work with the lead UEA team to undertake the research in the form of surveys, focus groups, and longitudinal case studies, providing valuable training, and paid work experience. Initial findings from year one will be presented at the annual study visit, scheduled for October 2016.

2.8.5 Communications

The project logo has been designed and is now used on all programme associated material.



A website is currently being constructed. This is primarily to provide information about the programme to partners, commissioners, and other bodies interested in the work we are doing and the impact it is having in communities. Local residents will also be able to use the site to identify Neighbourhood Management teams and general programme activities. The site will also have a secure area for practitioner exchanges, a documents repository, practice development schedules, and other resources. Social media outlets will be developed once the website is launched.

2.8.6 Accountability to communities

Practitioners report ongoing progress, achievements and outcomes to Neighbourhood Management boards, either directly or through the Neighbourhood managers who coordinate the NTW grass roots delivery.

2.9 October 2015- March 2016 highlights

Headlines from mid-year 1 return

Deliverable	Target Y1	Actual
New connections made through community connectors	250	213
New friendships	90	93
Attendances to community events	170	752
Residents joining new groups or networks	45	55
Community self-help groups set-up, or developed	25	34
Residents reporting they feel more active in their community	60	-
People supported to overcome at least one personal challenge	75	27
People maintaining first time involvement in community activity or employment	30	10
People experiencing smooth, seamless introductions to services from single contact point	100	71
People reporting improved wellbeing from having issues addressed	50	-
People completing at least one training session	150	165
People reporting improved skills following the training	120	-
People supported into work placements, reporting improved confidence in applying for jobs as a result	30	59
Whole programme targets	Target Y5	
Specialist services report 80% reduction in duplication	15	
People receiving first step support via community based groups and networks	2000	
People will have overcome issues preventing them from holding down a job, resulting in them sustaining employment	150	
Service providers will report that the project has improved their reach to people most vulnerable	10	
Local employers will report being more engaged and involved	20	

with their local community		
Commissioners and grant making bodies align resources to the project	3	

3. FINANCIAL IMPLICATIONS

The project is funded through £3.1million pound grant through the Big Lottery fund, for a 3-5 year period. This has been match funded through an in-kind commitment of Community Development Manager time and Neighbourhood Managers time.

4. RISK IMPLICATIONS

Risk management accounted for in original project application and monitored through the officer project management group.

5. CONCLUSIONS

The NTW project is making good progress, overachieving on some targets, and on track with the remainder. The BLF are continuing to work in partnership with us to learn from this unique model and to forward plan how the model will be replicable in other coastal towns across the country. The outcomes from the first complete year of delivery will be presented at the annual study visit in October 2016, in conjunction with the Cultural Heritage partnership conference.

6. RECOMMENDATIONS

The committee are asked to note the contents of this report.

7. BACKGROUND PAPERS

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Considered
Financial Implications:	Considered- previously addressed
Legal Implications (including human rights):	Considered
Risk Implications:	Considered
Equality Issues/EQIA	Considered

assessment:	
Crime & Disorder:	n/a
Every Child Matters:	n/a

Subject: **PROPOSAL TO IMPLEMENT A FIXED CHARGE PENALTY STRUCTURE IN RESPECT OF THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015**

Report to: Housing and Neighbourhoods Committee

Report by: Jason Williams, Community Protection Manager

SUBJECT MATTER/RECOMMENDATIONS

This report outlines the impact on the Council of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. This legislation places a requirement on local authorities to implement an enforcement structure in respect of its duty to require private sector housing landlords to address inadequate fire detection within their properties. Where enforcement action is taken, the Regulations also allow the local authority to impose a penalty charge of up to £5000.

Recommendations:

That the attached Statement of Principles and associated penalty charge of £5000 be agreed by Council.

1. INTRODUCTION/BACKGROUND

1.1 On 1st October 2015, the Secretary of State introduced the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

1.2 These Regulations impose a duty on certain landlords in the private rented sector to ensure that when a premises is under a tenancy:

- (a) a smoke alarm is equipped on each storey of the premises where there is a room used wholly or partially as living accommodation
- (b) a carbon monoxide alarm is equipped in any room which is used wholly or partly as living accommodation and contains a solid fuel burning appliance
- (c) checks are made by or on behalf of the landlord to ensure each alarm is in proper working order on the day the tenancy begins

The Regulations do not apply to landlords of Houses in Multiple Occupation or Registered Social Landlords.

1.3 An impact assessment by the Department for Communities and Local Government suggests that the requirement for alarms to be installed on each storey of a property

will prevent up to 213 deaths and 5860 injuries over 10 years providing benefits of £606.7 million. The requirement to install carbon monoxide alarms will result in 6-9 fewer fatalities and 306-640 fewer injuries in 10 years, providing benefits of £16.8 million pounds. The purchase cost of a smoke alarm is around £5. Carbon Monoxide alarms cost around £20.

2. Local Authority statutory duties under the Regulations

- 2.1 Where Environmental Services has reasonable grounds to believe that a landlord is in breach of the duties set out in 1.2 above, the authority must serve a remedial action notice on the landlord, specifying works that the authority considers are required to achieve compliance. Notices must be served within 21 days from the date the local authority makes the decision at 1.3 and will specify a compliance period of 28 days.
- 2.2 The landlord would be entitled to make written representations against the notice within 28 days from the date of service.
- 2.3 Where a landlord does not comply with the requirements of the notice, the Council may themselves carry out works specified in the notice to achieve compliance.
- 2.4 The Council may also require the landlord to pay a penalty charge of up to £5000 for non-compliance. The requirement to pay a penalty charge may be appealed by the landlord to the First-tier Tribunal where the tribunal may quash, confirm or vary the penalty charge.
- 2.5 Non-payment of a penalty charge may be pursued by the local authority through the courts.
- 2.6 The Council must prepare and publish a 'Statement of Principles' (Appendix 1) which it proposes to follow in determining the amount of a penalty charge.
- 2.7 While the primary purpose of the Council's exercise of its regulatory powers is to protect the interests of the public, they may also have a punitive effect with a focus on prevention.
- 2.8 The Regulations prescribe a maximum charge of £5000 for non-compliance with a Remedial Notice requiring works. The Council may use its discretion while implementing a charging scheme.

3. RISK IMPLICATIONS

None

4. CONCLUSIONS

- 4.1 The Council has a responsibility to implement the Smoke and Carbon Monoxide Alarm (England) Regulations containing a charging strategy in relation to non-compliance by Landlords throughout the Borough. This will serve to safeguard tenants within the private rented sector by driving up standards and assist the work of the Private Sector Housing Team within Environmental Services.
- 4.2 The Regulations prescribe a maximum charge of £5000 for non-compliance with a Remedial Notice requiring works. The Council may use its discretion while implementing a charging scheme. The options available are:

Option 1 - Set the penalty at £5,000 in all cases (this is the recommended option)

Option 2 - Set the penalty at a lesser amount, or have a scale of charges for repeated or breaches at multiple properties

Option 3 – To make no penalty charge for non-compliance

For further reference, a discussion on the implementation of charges is contained within Appendix 2

The charge structure would be reviewed annually by Environmental Services.

5. RECOMMENDATIONS

- 5.1 That the Council adopts the attached Statement of Principles in respect of enforcement under the Smoke and Carbon Alarm (England) Regulations 2015
- 5.2 That a charge of £5000 be introduced for non-compliance in all instances.

6. BACKGROUND PAPERS

Smoke and Carbon Monoxide (England) Regulations 2015

<http://www.legislation.gov.uk/ukdsi/2015/9780111133439/contents>

Explanatory memorandum to the Smoke and Carbon Monoxide (England) Regs 2015

http://www.legislation.gov.uk/ukdsi/2015/9780111133439/pdfs/ukdsiem_9780111133439_en.pdf

APPENDIX 1 – Statement of Principles

APPENDIX 2 – Scale of Charges

Area for consideration	Comment
Monitoring Officer Consultation:	None
Section 151 Officer Consultation:	None
Existing Council Policies:	None
Financial Implications:	<p>The Regulations will be enforced using the existing resources of the Environmental Services Housing Enforcement Team. The Regulations allow the Council to use income from fixed penalty charges for any purpose but may need to recover the charge under a court Order.</p> <p>The costs of any enforcement and associated works in default carried out by the Council would be met by the fixed penalty fee</p>
Legal Implications (including human rights):	<p>The Regulations confer a mandatory duty on the Council to take action where they have reasonable grounds to believe there has been a breach.</p> <p>As the fixed penalty fee has a punitive element and is not based specifically on the recovery of officer costs, there will be a potential that notice recipients may make a legal challenge based on unfair treatment by the Council. However, the decision to serve and enforce a notice will be according to criteria contained in the Statement of Principles. This will provide officers with strict guidance on issuing notices and therefore increase transparency.</p>
Risk Implications:	None
Equality Issues/EQIA assessment:	None
Crime & Disorder:	While a failure on the part of a landlord to comply with the Regulations would not constitute a criminal offence per se, compliance will reduce the potential for the outbreak of fire in rented domestic premises which may be viewed as a criminal offence.
Every Child Matters:	None

APPENDIX 1

Great Yarmouth Borough Council

Environmental Services

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

1. Introduction

- 1.1 This statement, published in accordance with Regulation 13 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations), sets out the principles that Great Yarmouth Borough Council proposes to follow in determining the amount of penalty charge it will apply in exercising its duties under the Regulations. It will serve to complement existing housing legislation

1.2 Legal Framework

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1st October 2015.

Regulation 4 places a duty on landlords to ensure that:

- (i) A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation
- (ii) A carbon monoxide alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation and contains a solid fuel combustion appliance
- (iii) Checks are made by or on behalf of the landlord to ensure that each alarm is in proper working order on the day the tenancy begins if it is a new tenancy

Regulation 5 places a duty on Local Authorities to serve a remedial notice on the landlord where they have reasonable grounds to believe that the landlord is not complying with his duties under Regulation 4

Regulation 8 gives the Local Authority the power to require a landlord to pay a penalty charge where it is satisfied, on the balance of probabilities, that the landlord is in breach of their duty under Regulation 6 to comply with a remedial notice.

2. Applicable Principles

- 2.1 The objective of the Regulations is to increase the number of homes in the private rented sector with working smoke and, if appropriate, carbon monoxide alarms. While the primary purpose of the Council's exercise of its these powers is to protect the interests of the public, they may also have a punitive effect.

- 2.2 The provision of smoke detectors and carbon monoxide alarms does not place an excessive burden on a landlord, and the lack of compliance directly impacts the safety and security of tenants, especially those that are vulnerable and those with families.
- 2.3 By imposing a fixed penalty charge of £5000, the Council will seek to:
- Lower the risks to tenants health, safety and wellbeing by ensuring properties in the Borough benefit from a safe means of escape.
 - Promote compliance of landlords in the private rented sector through education and the removal of financial gain or benefit from non-compliance
 - Recover costs incurred:
 - In determining whether any remedial action is required
 - During the preparation and service of a Remedial Notice
 - While undertaking remedial work in default
 - During the preparation and service of a Penalty Charge Notice
- 2.4 A fixed penalty charge will only be issued where consideration has been given to:
- The extent to which the circumstances from which the contravention or failure arose were within the control of the landlord.
 - The presence or absence of internal controls or procedures which were intended to prevent the breach
 - The steps that the landlord has taken since being served with remedial notice under Regulation 5.
 - Evidence provided by the landlord that affirms a statement provided by him that he was in compliance when the Regulations at the outset of the tenancy, for example, a signed inventory at the start of the tenancy, photographic evidence showing measures installed with the date and time attached.
 - Whether the landlord has been obstructed of his duty, or if tenant removal has occurred.
- 2.5 In the event of non-payment of a penalty charge, the Council may recover the penalty charge on the order of a court, as if payable under a court order.
- 2.6 Reference will be made to the current copy of the Environmental Services Enforcement Plan, when deciding on the most appropriate course of action to take in respect of a suspected breach of Regulations.

- 2.7 In line with the Council's general fire safety policy in respect of dwellings, remedial notices will generally require the installation of a mains-wired fire detection system in all properties, interlinked where there are habitable rooms on 2 or more storeys.

3 Representations and Appeals

- 3.1 Where a landlord exercises his right to request the Council to review a penalty charge notice served on him, collection of the charge will be suspended while the Council:
- Considers any representations made by the landlord
 - Decides whether to confirm, vary or withdraw the penalty charge notice
 - Serves notice of its decision on the landlord
- 3.2 Further to the review process, a landlord may appeal to the First-tier Tribunal against the Council's decision where, upon consideration, the Tribunal may quash, conform or vary the penalty charge notice. The Council will be bound by the outcome of the tribunal.

4. Review of Statement of Principles

This Statement of Principles shall be reviewed and amended to reflect any change in legislation, Corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation. A review shall take place annually should no other change have occurred.

APPENDIX 2

SCALE OF CHARGES

1. The Government has considered that a maximum penalty charge of £5000 is appropriate in respect of non-compliance with a Remedial Notice. This reflects the Government's view on the serious nature and catastrophic effect that a failure to provide smoke alarms may have on the occupants, their families and others. It should be noted that the penalty charge is set at the historic maximum in a magistrates court but that it not secured upon conviction in the court – the Local Authority are free to set the charge as they see fit and collect this outside the court system.
2. As part of the drafting process, the author has carried out a review of the charges imposed (or intended) by other Local Authorities, both nationally and locally. It is apparent that there is a wide divergence across the country in how local authorities view the use of their discretionary power to set charges. Findings are below.
 - A significant number of local authorities have opted to set the charge at the maximum £5000 for all offences
 - Suffolk Councils:
 - First Offence - £550 (reducing to £400 if paid within a set time)
 - Second Offence - £2500
 - Third Offence £5000
 - Norfolk Councils: Undecided but potentially along the lines of Suffolk
 - Others:
 - Cannock D.C - £2500 first offence - £5000 subsequent offences
 - Stafford B.C - £1000 first offence - £5000 subsequent offences
 - Tendring B.C. - £600 (first year) - £1250 second year onwards

3. Comment

The purpose of giving powers to Local Authorities to impose penalty charges is to allow the recovery of costs incurred during the enforcement process and those associated with carrying out works in compliance with a Remedial Notice. It is also suggested that a penalty charge is imposed to act as a deterrent for non-compliance.

The maximum penalty of £5000 is considered the most appropriate option for failing to comply with a remedial notice as the duty placed on the landlord is not onerous or expensive. Landlords will be given 28 days' notice in which to comply and the consequences of not complying are potentially serious injury or death.

Furthermore, Norfolk Fire Service has promoted the draft Regulations prior to their implementation and have also made available free smoke and carbon monoxide alarms to landlords throughout the Borough. Environmental Services has also promoted this campaign and has, to date, given out over 100 smoke alarms to eligible landlords.

A sliding scale of charges may cause inconsistencies and leave the Council open to individual challenges.

The message sent to rogue landlords in adopting a maximum charge cannot be underestimated. By adopting a penalty charge in excess of neighbouring authorities, Great Yarmouth Borough Council will effectively be informing irresponsible landlords that they are not welcome within the Borough and will reinforce the corporate housing objective. The ultimate aim is not to impose any charges but to achieve 100% compliance in landlords. By setting a maximum charge, landlords will have more of an incentive to comply.

Setting a lower penalty charge in line with neighbouring authorities may also result in the Council effectively being out of pocket in the event that remedial works are required due to the costs involved in installing a suitable alarm and the time associated with the enforcement process. In some cases, this would financially reward the landlord for not complying with the notice.