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CHILTERN
District Council



Services Overview Committee

Tuesday, 5th September, 2017 at 6.30 pm

**Large & Small Committee Room, King George V House, King George V Road,
Amersham**

A G E N D A

- 1 Evacuation Procedures
- 2 Minutes (*Pages 5 - 12*)
To sign the Minutes of the meeting held on 14 June 2017.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 28 Day Notice (*Pages 13 - 14*)
Appendix: CDC Cabinet 28 Day Notice (Pages 15 - 20)
- 6 Annual Report on the Performance of the Leisure Provider (*Pages 21 - 24*)
To receive a presentation from Lynn Britten of Greenwich Leisure Limited (GLL) and consider a report on GLL's 2016 leisure contract performance.
Appendix 1 - Performance Report 2016 (Pages 25 - 30)
Appendix 2 - GLL Management Accounts 2016 (Pages 31 - 32)
- 7 Performance Report Quarter 1 2017/18 (*Pages 33 - 34*)
Appendix A - Priority Pls Q1 2017-18 (Pages 35 - 38)

Appendix B - Quarterly Report CDC Q1 2017-18 (Pages 39 - 42)

- 8 New Civil Penalties in relation to Housing Enforcement (*Pages 43 - 46*)
Appendix 1 - Joint Housing Enforcement Policy August 2017 (Pages 47 - 72)

- 9 Community Grant Aid Awards 2017/18 (*Pages 73 - 76*)
Members are asked to consider and comment on the attached Cabinet report.

Appendix 1 - Recommended Community Grant Aid Awards (Pages 77 - 82)

- 10 Affordable Warmth Strategy (*Pages 83 - 86*)
Appendix 1 - Bucks Affordable Warmth Strategy (Pages 87 - 112)

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Services Overview Committee (CDC)

Councillors: J A Burton (Chairman)
N I Varley (Vice-Chairman)
D J Bray
E A Culverhouse
M Flys
M Harker
P J Hudson
C J Jackson
P M Jones
S A Patel
C J Rouse
J J Rush
L M Smith
M W Titterington
J Cook

Date of next meeting – Wednesday, 1 November 2017

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the
SERVICES OVERVIEW COMMITTEE (CDC)
held on **14 JUNE 2017**

PRESENT: Councillor J A Burton - Chairman
" N I Varley - Vice Chairman

Councillors: L M Smith
D J Bray
E A Culverhouse
M Flys
P M Jones
S A Patel
C J Rouse
J J Rush
J Cook

APOLOGIES FOR ABSENCE were received from Councillors P J Hudson, C J Jackson and M W Titterington

3 MINUTES

The minutes of the meetings held on 21 March 2017 and 16 May 2017 were agreed as a correct record and were signed by the Chairman.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 28 DAY NOTICE

The Committee considered the 28 day forward plan and decided that there were no additional items to be added at this time.

RESOLVED

To note the 28 day Notice for Cabinet and Chiltern and South Bucks Joint Committee.

6 CHILTERN POOLS

A detailed feasibility study had been completed to re-provide a combined community and leisure facility in Amersham. Agreement was sought from Members to proceed to the detailed design stage of the project. This opportunity could act as an active source of income and a £30m loan could be delivered over a 40 year period. The public consultation attracted a high level of support and further discussions would take place with stakeholders including the; current leisure provider, swimming clubs, CAB, Amersham Community Association, Gateway Disability Club, Linfield's Nursery, Amersham Youth Club and BCC Library Service to address long term leasehold arrangements and the business proposals to enable continued operation during the development phase. The below points were highlighted by the Head of Health and Housing:

- The revised design allowed the community centre and youth club to continue to operate during the build phase necessitating the relocation of the library. Officers from the County Council were initially supportive of the proposals but further dialogue was required.
- Redevelopment of the centre allows for a dedicate nursery area enabling additional child spaces and hours of operation.
- Flumes had not been included in the design due to the additional costs and the ASA recommendation of supporting play and splash pads to provide a better foundation in to swimming for children
- Members had requested the introduction of spa and treatment rooms and with limited competition within a twenty minute drive of Amersham there was the potential to create an income stream to support the development
- Similarly there is very little competition for children's soft play which could be incorporated into the new facility. The squash courts had been retained in the plans.
- Members had focused the design on meeting residents aspirations arising from the survey but also to deliver a quality facility.
- Members were taken through the design principles which included an internal street, which could be used as a multi-purpose area, available to hold stalls, markets, fayres and a range of other events. Additional space would be available for use and could bring another source of income.
- A land swap would be required between the District Council and Town Council to develop on part of the field on King George V Road. The Town Council were open to the idea of a land swap although further discussions were required to establish details such as the replacement play equipment and the skate park.
- Members were advised of the income streams and expenditure costs. The main income streams had been identified as the health and fitness centre and swimming pool.
- With the current Chiltern Pools having an operational life until 2022 any continued operation would require significant capital investment and a

management fee of approximately £540k per annum. These proposals enabled a potential net surplus of £1.188m by the end of year 5.

- Potential rental income from community organisations using the facility had not been factored in the business case.

The following items were clarified following queries raised by the Committee:

- a) Approximately 250 car parking spaces would be available on site through both surface and undercroft parking.
- b) Similar centres had been visited across the country. One site had incorporated a children's social care contact centre which the Local Authority had found to be extremely beneficial to parents and children who were able to utilise the facilities a high quality leisure centre provides.
- c) There is the potential to use the area designated as a library space in an innovative manner enabling service integration, self-service of books, meeting space, access to IT, and the provision of advice services.
- d) Members were advised that bringing community facilities into the centre in an integrated manner was key to engaging the whole community.
- e) The 20 minute drive time factored in to the business plan related to advice from Sport England as to the distance people would travel to access facilities.
- f) The business plan anticipated an increase of 85% in swimming lessons and members asked if this had been tested or was a forecast figure. Further sensitivity analysis would be undertaken in to the business plan

The Committee welcomed the potential development and recognised it as an exciting prospect for the local area.

RESOLVED:

That the findings of the feasibility study and facility mix be noted

AND RECOMMENDED:

That Cabinet approve the recommendations outlined in the report.

7 JOINT HOUSING STRATEGY

The draft Joint Housing Strategy (Affordable Housing and Homelessness) had been developed in view of the housing situation across the two districts and new statutory requirements that were coming in to force.

The Committee were informed that the Joint Member Housing Workshop and Affordable Housing Members Working Group had highlighted a range of issues to be included in the development of the joint strategy. The Joint Private Sector Housing Strategy and Joint Temporary Accommodation Framework had already been agreed and the Joint Housing Strategy (Affordable Housing and Homelessness) would sit alongside these documents and provide the overall strategic framework for the Council's housing service.

The following information was clarified to the Committee:

- a) The document brought together issues that required addressing whilst making best use of current resources. The Homelessness Reduction Act would be coming in to force in 2018 and this strategy looked at responding to challenges that this could bring.
- b) Where demand required it B&B accommodation was utilised 'out of area', typically Hemel Hempstead and Slough although there were very few people placed out of area long term. The aim was always to keep people in the locality where they had connections.
- c) The strategy looked at ways to reengage the private rental sector whether this be by financial incentives or otherwise to provide additional affordable housing in the districts.
- d) Members asked if AirBnB was reducing the availability of private rented stock. Officers advised that in relation to the local area this was not yet fully known.
- e) In relation to a question on park homes members were advised these were mainly located in the green belt which limited expansion possibilities. The Councils would look at the idea of increasing the volume of these sites where possible and they were recognised as a cheaper source of accommodation.
- f) There was an active issue of securing affordable housing on developments which were under ten properties and work was ongoing around this with reports being brought to the Affordable Housing Members Working Group.
- g) Developments were awaited on the Government's White Paper which could impact planning. A new Housing Minister had been appointed and the Councils would react to any developments appropriately.
- h) Within the emerging local plan it was being explored whether certain sites could come out of the green belt. If certain sites were removed then the Councils could look at building affordable housing on these sites. At present there were specific circumstances that needed to be met to build on small pieces on green belt land.

RECOMMENDED:

That Cabinet agree the recommendations detailed in the report which included the preparation of a Joint Housing Strategy (Affordable Housing and Homelessness).

8 ANNUAL PERFORMANCE REPORT 2016 - 2017

The report detailed factual performance against pre-agreed targets. Two detailed performance tables accompanied the report (Appendices A and B). The report detailed the areas where priority performance indicators had fallen below target.

Officers were congratulated on their achievements over 2016/17 and the Committee noted:

- a) Two applicants who had/were expecting children had been placed in B & B accommodation for longer than six weeks. This was partly due to a history of rent arrears with Paradigm which limited the applicants' temporary accommodation options. The Committee were advised that in these situations the Council would aim to negotiate with Paradigm then look at working with temporary accommodation providers who provide self-contained accommodation. One of these cases had progressed since the report had been completed and an arrangement had been made with a local private landlord.
- b) The household waste sent for reuse, recycling and composting had decreased which saw the 58% target missed. This had been adjusted to a more realistic target of 53% for 2017/18. The Committee were advised that authorities who had performed well nationally were around the 50% mark and the 58% target had been deemed too high. Waste was also measured on weight which was not necessarily an appropriate indicator with many items being packaged in lighter materials. There was a range of activities planned to support this programme.

RESOLVED:

That the performance reports and annual report, which is provided in Appendix C, be noted.

9 PUBLIC SPACES PROTECTION ORDER

Public Spaces Protection Orders (PSPOs) were one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. There were currently a number of designated dog fouling areas across the district and five Designated Public Place Orders (DPPOs) with alcohol restrictions. It was being proposed that the current designated dog fouling areas were kept as they currently were while further consultation took place towards the introduction of a new PSPO. It was also being proposed that the current DPPOs were replaced by the introduction of one new PSPO which would also include restrictions on people and highways and vehicle misuse in a number of car parks.

The Committee were taken through the reasons for recommendations as outlined in the report which followed consultation with a variety of groups and organisations. The Fixed Penalty Notice (FPN) fine for any offence committed under the PSPO was confirmed as a maximum amount of £100.

The available options and Corporate Implications were also outlined in the report and the Committee noted the following:

- a) Enforcement would be via the Police and other accredited bodies able to issue FPN's, widening the capability to deal with low level anti-social behaviour.
- b) Signage would be installed in appropriate areas which would outline the ways members of the public could report offenders. It was also identified that much of the role of the Dog Warden is to talk with dog owners and educate them rather than solely looking at enforcing fines. Free dog bags were provided at both Council offices as well as at a number of Town and Parish Council offices. There had been concern around installing dispensers due to install costs and additional littering.
- c) The Committee were in agreement that a blanket PSPO would be more appropriate for car parks rather than the PSPO just covering the car parks outlined in the report. Members spoke of potential offenders moving on from these car parks listed to others which were not covered by the PSPO. The PSPO would cover the areas which did not currently meet Police powers to enforce and would also allow for Police Community Support Officers to carry out enforcement.
- d) There would be a publicity campaign around the PSPOs and any reports from members of the public would be handled in the strictest confidence.
- e) Rules for enforcement of the PSPO would be reasonable and people would not be targeted if they were not committing anti-social behaviour. The

enforcement policy would take a proportionate approach and consistent partnership working would be key to making these a success.

The Committees feedback would be provided to the Police.

RECOMMENDED:

That Cabinet approve the Public Spaces Protection Orders, subject to the PSPO being amended to cover all car parks.

10 CORPORATE ENFORCEMENT POLICY

The Regulators' Code came into statutory effect on 6 April 2014. A key action required to comply with the Code was to have an enforcement policy explaining how the local authority responds to regulatory non-compliance. With the majority of services now shared across Chiltern and South Bucks District Councils it was appropriate to review the enforcement policies and publish a joint Corporate Enforcement Policy. The Policy had been out to consultation and amendments made based on the limited responses received. The draft Corporate Enforcement Policy could be seen under appendix 1.

RECOMMENDED:

That Cabinet approve the draft Corporate Enforcement Policy for regulatory compliance and enforcement services.

11 SHARED SERVICE FOOD & HEALTH & SAFETY SERVICE PLAN 2017-2018 AND ENFORCEMENT POLICY

The Food Standards Agency's (FSA) Code of Practice and the Health and Safety Executive (HSE) required local authorities to produce and publish an annual service plan that demonstrated how the authorities were working to deliver its food safety and health and safety services. The Better Regulation Delivery Officer also required local authorities to produce and publish their enforcement policies and ensured that they comply with The Regulator's Code.

Chiltern and South Bucks District Councils had been high performing authorities and were broadly above the national average in the national Food Hygiene Rating Scheme. Around 85% of businesses improved their rating or remained the same since their last inspection. Newly opened restaurants were required to be registered and would be visited by the FSA within 28 days. The FSA were moving to a pre-opening assessment process.

The Health and Safety approach remained supportive of businesses and officers would only inspect businesses where there was a specific need, either due to local or national intelligence and the national strategic priorities.

Three fatalities were reported to Chiltern DC in 2015 which resulted in Coroner's inquests. One company was prosecuted and a fine of £2.2 million was issued with costs awarded to the Council. As a consequence, during 2017/18, projects will be developed relating to health and safety measures to protect employees from falls from height and workplace transport accidents. The changes to each respective policy were highlighted in the appendices provided.

RECOMMENDED:

That Cabinet approve the joint Food and Health and Safety Service Plan.

That Cabinet approve the Food and Health and Safety Enforcement Policies.

The meeting ended at 8.40 pm

SUBJECT:	<i>28 Day Notice</i>
REPORT OF:	<i>Cabinet Portfolio Holder for Support Services (Deputy Leader)</i>
RESPONSIBLE OFFICER	<i>Head of Legal & Democratic Services</i>
REPORT AUTHOR	<i>Charlie Griffin, 01494 732011, cgriffin@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Report

The Access to Information Regulations 2012 place a requirement on Councils to publish a notice 28 days before every executive or joint executive meeting detailing all Key Decisions and Private Reports to be considered. The [28 Day Notice](#) is published on the Council's website.

RECOMMENDATION:

To note the 28 Day Notice for the meeting of the Cabinet 19 September 2017.

Background	None
Papers:	

**Local Authorities (Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012**

This is a Notice of an intention to make a Key Decision on behalf of the Local authority (Regulation 9) and an intention to meet in private to consider those items marked as 'Private Reports' (Regulation 5).

A further Notice (the 'Agenda') will be published no less than 5 working-days before the date of the Cabinet meeting and will be available at www.chiltern.gov.uk/democracy

Leader (Councillor Isobel Darby)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Lead Officer ⁵
No	Performance Report Quarter 1 2017-18 To receive the Performance Report for Quarter 1 2017-18	Resources 12 Sept 17 Services 5 Sept 17	Cabinet 19 Sept 17	No	Aniqah Sultan asultan@chiltern.gov.uk
Yes	Creation of a Community Interest Company for Chesham: to consider an invitation to become a Member Organisation of a new Community Interest Company		Cabinet 19 Sept 17	No	Steve Bambrick sbambrick@chiltern.gov.uk

Support Services - Deputy Leader (Councillor Mike Stannard)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Lead Officer ⁵
Yes	Budget Report 2018/19: the consider the draft revenue budgets for 2018/19	Resources 5 Dec 17	Cabinet 12 Dec 17	No	Rodney Fincham rfincham@chiltern.gov.uk

Customer Services (Councillor – Fred Wilson)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Lead Officer ⁵

Sustainable Development (Councillor Peter Martin)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Lead Officer ⁵
Yes	HS2 Finance and AONB Group Report: Report to set out the work of AONB Group and appointment of landscape consultants to HS2 works		Cabinet 19 Sept 17	Yes (Paragraph 3)	Ifath Nawaz inawaz@chiltern.gov.uk
No	Update on Heathrow Expansion and Changes to Airspace: Following recent consultations on National Policy Statement and Airspace changes this report updates Members on key issues (<i>for information</i>)		Cabinet 19 Sept 17	No	Jane Griffin Jane.griffin@chiltern.gov.uk
No	Brownfield Sites Register: to consider a report seeking agreement from the Cabinet to consult on the draft brownfield land register, and recommend to Council that the duty to enter land in Part 2 of the Register be delegated to the Planning Committee		Cabinet 19 Sept 17 Council 14 Nov 17 Planning 23 Nov 17	No	Phillip Gill Phillip.Gill@southbucks.gov.uk
No	Revised Building Control Report To review and revise the Building Control Charges by simplifying the scheme and increasing some of the charges.		Cabinet 19 Sept 17	No	Lynn Heckford lheckford@chiltern.gov.uk

Environment (Councillor Mike Smith)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Lead Officer ⁵
Yes	Chiltern Car Parking Strategy: to agree the Car Parking Strategy for consultation		Cabinet 19 Sept 17	No	Julie Rushton jrushton@chiltern.gov.uk
Yes	New Grounds Maintenance Contract: To notify Members about the procurement process for the new CDC & SBDC grounds maintenance contract and to request approval for delegated authority to procure the new contract to start in 2018		Cabinet 12 Dec 17	Yes (Paragraph 3)	Chris Marchant cmarchant@chiltern.gov.uk

Healthy Communities (Councillor Liz Walsh)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Lead Officer ⁵
Yes	New civil penalties in relation to housing enforcement: to review the implications of changes to legislative requirements to impose civil penalties for housing enforcement	Services 5 Sept 17	Cabinet 19 Sept 17	No	Louise Quinn lquinn@chiltern.gov.uk
Yes	Community Grant Aid Awards 2017/18: Agree Community grant awards for Chiltern	Services 5 Sept 17	Cabinet 19 Sept 17	No	Paul Nanji pnanji@chiltern.gov.uk
Yes	Affordable Warmth Strategy: to agree the revised strategy to tackle affordable warmth and fuel poverty	Services 5 Sept 17	Cabinet 19 Sept 17	No	Louise Quinn lquinn@chiltern.gov.uk
No	Annual Report on the performance of the Leisure Provider To report on the performance of the Leisure Provider	Services 5 Sept 17	Cabinet 19 Sept 17	No	Paul Nanji PNanji@chiltern.gov.uk
Yes	Changes to House in Multiple Occupation Licensing: to review the implications of changes to legislative requirements	Services 28 Nov 17	Cabinet 12 Dec 17	No	Louise Quinn lquinn@chiltern.gov.uk
Yes	Chiltern Pools Update To update members on the progress of Chilterns Pools	Services 28 Nov 17	Cabinet 12 Dec 17	No	Martin Holt mholt@chiltern.gov.uk
Yes	Sustainability and Carbon Reduction Strategy: The development and implementation of an updated joint strategy for South Bucks DC and Chiltern DC, building on existing activities and opportunities	Services 28 Nov 17	Cabinet 12 Dec 17 Council 28 Feb 18	No	Ben Coakley bcoakley@chiltern.gov.uk
Yes	Community Safety Accreditation Scheme: consider approval of the Community Safety accreditation Scheme	Services 28 Nov 17	Cabinet 6 Feb 18	No	Katie Galvin kgalvin@chiltern.gov.uk
No	Green House Gas Report: to update members as to the progress to determine the Green House Gas arrangements in Chiltern and South Bucks		Cabinet 6 Feb 18	No	Ben Coakley bcoakley@chiltern.gov.uk

No	Air Quality Update: to update members as to the progress to determine the air quality arrangements in Chiltern		Cabinet 6 Feb 18	No	Appendix Ben Coakley bcoakley@chiltern.gov.uk
No	Affordable Housing Contributions Update To provide an update on the level of Affordable Housing contributions received from planning agreements and allocations made to support affordable housing projects	Services 31 Jan 18	Cabinet 6 Feb 18	No	Michael Veryard mveryard@chiltern.gov.uk

- 1 The Council's Constitution defines a 'Key' Decision as any decision taken in relation to a function that is the responsibility of the Cabinet and which is likely to:-
 - result in expenditure (or the making of savings) over £50,000 and / or
 - have a significant impact on the community in two (or more) district wards.

and

 - relates to the development and approval of the Budget; or
 - relates to the development, approval and review of the Policy Framework, or
 - is otherwise outside the Budget and Policy Framework.

As a matter of good practice, this Notice also includes other items – in addition to Key Decisions – that are to be considered by the Cabinet. This additional information is provided to inform local residents of all matters being considered.
- 2 Each item considered will have a report; appendices will be included (as appropriate). Regulation 9(1g) allows that other documents relevant to the item may be submitted to the decision-maker. Subject to prohibition or restriction on their disclosure, this information will be published on the Council website – www.chiltern.gov.uk/democracy – usually 5 working-days before the date of the meeting. Paper copies may be requested (charges will apply) using the contact details below.
- 3 In order to support the work of the Cabinet and to enhance decision-making, reports are often presented to other meetings for comment before going to the Cabinet. As such, this Notice also includes information on which meeting (if any) will also consider the report, and on what date.
- 4 The public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972. The relevant paragraph numbers and descriptions are as follows:

Paragraph 1	Information relating to any individual
Paragraph 2	Information which is likely to reveal the identity of an individual
Paragraph 3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Paragraph 4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
Paragraph 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
Paragraph 6	Information which reveals that the authority proposes: <ul style="list-style-type: none"> (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment
Paragraph 7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Appendix

Part II of Schedule 12A of the Local Government Act 1972 requires that information falling into paragraphs 1-7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Nothing in the Regulations authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information.

Should you wish to make any representations in relation to any of the items being considered in private, you can do so – in writing – using the contact details below. Any representations received, together with any response from the Council, will be published on the Notice (the 'Agenda') issued no less than 5 working-days before the meeting. This will be available on the Council website – www.chiltern.gov.uk/democracy

Contact: Democratic Services, Chiltern District Council, King George V House, King George V Road, Amersham, HP6 5AW; email: democraticservices@chiltern.gov.uk; tel: 01494 732143

- 5 The lead officer is usually the report author, and their contact details are provided in this column. The officer's email address is a standard format: first initial followed by their surname e.g. Bob Smith = bsmith@chiltern.gov.uk

Chiltern District Council
Services Overview Committee 5th September 2017
Cabinet 19th September 2017

SUBJECT:	<i>Chiltern Leisure Advisory Report – Leisure Contract Performance 2016</i>
REPORT OF:	<i>Councillor Liz Walsh – Cabinet Member for Community, Health & Housing</i>
RESPONSIBLE OFFICER	<i>Martin Holt</i>
REPORT AUTHOR	<i>Paul Nanji (01494) 732110 pnanji@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

RECOMMENDATION:

That the Services Overview Committee consider GLL's 2016 leisure contract performance and feedback their views to Cabinet.

2. Reasons for Recommendations

Given the importance of the leisure contract in supporting the health and wellbeing of residents the Council places a strong emphasis on closely monitoring Chiltern's leisure centre operator Greenwich Leisure Limited (GLL) who manage the Council's three leisure centres. (Chalfont, Chesham and Chiltern Pools) Collectively the leisure centres attract over 940,000 visits annually and generate an annual turnover of in excess of £4.2M. GLL is a major local employer (particularly of young people) and provide key services to local residents that directly support several of the Council's key corporate objectives including improving residents health and well-being. As covered within the report the contract has evolved since it commenced in 2005 and now includes targeted outreach work that helps reduce health inequalities in targeted communities at no additional cost to the Council.

3. Content of Report

Chiltern and South Bucks Leisure Advisory Board (LAB) undertake an important scrutiny role as well as provide a strategic overview of leisure in the district. This report outlines the overall performance of the Chiltern's Leisure Contract with GLL - BETTER from January 1st to December 31st 2016. The key themes covered, include visitor numbers, financial performance, service quality, investment in facilities, energy usage and outreach community development work.

Chiltern District Council
Services Overview Committee 5th September 2017
Cabinet 19th September 2017

GLL performance report and annual accounts are attached as Appendices 1 and 2. In 2016 the key outcomes include:

- An overall surplus of £442,143
- Investment of £185k in 'Repairs and Renewals' which included air handling unit repairs, new pool filtration and upgraded disinfection systems
- Investment of £125k in 'Planned Preventative' works including new energy efficient lighting and improved shower systems
- £694,000 invested in centre improvements including the refurbishment of changing rooms, fitness studios and poolside areas via the contract surplus fund
- 940,391 customer visits an increase of nearly 37,000 visits from the previous year.
- Council inspections revealed an overall good quality service albeit with inconsistencies in relation to cleanliness and maintenance responsiveness
- Outreach community development work goes from strength to strength with an exciting range of projects including walking football, falls prevention, diversionary projects, disability climbing programme and activities for elderly residents. (Tai chi, gentle exercise, day trips and Nordic walking)

4. Consultation

The report was developed in close partnership with senior managers from GLL through Chiltern and South Bucks Leisure Advisory Board. (LAB)

5. Corporate Implications

5.1. Financial

The Chiltern Leisure Contract delivered a surplus of £442,143 with GLL investing £694,000 through the contract surplus fund to improve leisure centre changing room, spinning studio and reception area facilities at no costs to the Council.

5.2 Environmental

Collectively the leisure centres account for over 75% of the Council's energy usage and on-going investment to improve energy efficiency and reduce energy usage is a key performance target as detailed in Appendix 1.

5.3 Equalities

GLL delivers a range of activities that support of the Council's equality standards. These include ladies only swimming, reduced charges for older and younger people, targeted

activities to maximise uptake by members of all communities, a range of diversionary activities and the delivery of the exercise rehabilitation schemes. The centres have also improved building access, extended the range of activities for disabled users including adapted fitness studio equipment and climbing wall equipment.

6. Links to Council Objectives

Work towards safer and healthier local communities

Promote healthier communities

- Plan our leisure provision for the future

Strive to conserve the environment and promote sustainability

- Promote energy efficiency and encourage the reduction of carbon emissions

7. Next Step

Feedback and comments from the Services Overview committee will be presented to the next Chiltern Leisure Advisory Board meeting on the 28th September 2017.



APPENDIX 1

GLL-BETTER – CHILTERN PERFORMANCE REPORT 2016

Report

- 1 This report captures the key financial and operational performance of the Chiltern leisure contract against its financial year, 1 January 2016 – 31 December 2016. More detailed information regarding the contract's financial performance is detailed in **Appendix. 2.**

Finance – Revenue

2. Overall the contract has performed well with the total surplus of £442,143, a £114k increase on the previous year. This was achieved despite the challenging financial climate for the reasons detailed below.
 - An £40k increase of adult wellness & healthy living following the refurbishments of Chiltern Pools and Chesham at the end of 2015
 - A £30k reduction in utilities following investment in Chiltern Pools lighting
 - An £80k reduction in Head Office costs due to regionalisation within GLL
3. The summary of the main financial issues arising from each leisure centre is detailed in the Table 1 below.

Table 1 – Leisure Centres Financial Performance

Chiltern Pools	<p>Total income was £23,517 lower than the previous year. The key reason for this was a drop in casual swimming.</p> <p>Expenditure was £25,168 lower than the previous year and can be attributed to staff vacancies. Recruitment agencies were used to source candidates to resolve vacancies.</p> <p>Overall, the centre surplus increased by £1,651</p>
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**Chiltern District Council
Services Overview Committee 5th September 2017
Cabinet 19th September 2017**

Chesham Leisure Centre	<p>Total income was £17,007 higher than the previous year, in addition expenditure reduced by £46,318.</p> <p>The key reasons for this were increased main activities, including casual swimming, swim memberships and sports hall use together with school utilisation. Health & Fitness remained static whilst Healthwise increased by 17%.</p> <p>Savings were made in Junior instructor costs due to reduced activities for coached sessions both swim school and gymnastics.</p> <p>Overall, the centre surplus increased by £63,324.</p>
Chalfont Leisure Centre	<p>Total income was £51,306 higher than the previous year, with expenditure falling slightly by £2,838</p> <p>Overall, the centre surplus increased by £54,144.</p> <p>Income growth was achieved through £18k Junior, £16k, Health & Fitness and Healthwise by £7k. The centre also achieved its highest membership base of 1,863</p>
Contract Overheads	<p>GLL overheads were £384,100 a fall of £87,226 compared to the previous year.</p>
Summary	<p>Collectively during 2016 the centres recorded a total surplus of £442,143 and increase of £113,466 from the previous year.</p>

Finance – Capital

4. In 2016, GLL-Better invested £185k in its Repairs and Renewal Programme replacing and repairing buildings, plant and equipment including pool filtration and disinfection systems, air conditioning and air handling unit repairs. Additionally GLL-Better invested £125k from the Planned Preventative programme which included upgrading building lighting systems.
5. Since commencing in 2005 the contract has generated a financial surplus year on year. In 2016 GLL invested a further £694,000 from the surplus investment scheme which funded several projects including refurbishing of changing rooms, fitness studios, reception areas and spinning rooms. To date the total investment from the surplus fund is £1,940,105.

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Table 2 – Leisure Contract Surplus and Investment

Year	Surplus available	Re-Investment	Areas of Investment
2005/6	81,764	99,588	Amersham and Chalfont gym refurbished and new Gym equipment, Spin Bikes in Chesham, Fencing at Chiltern Pools
2007	185,059	208,981	Chiltern Pools Changing Room refurbished
2008	110,168	214,019	Chesham gym refurbished
2009/2010	201,290	11,895	Chalfont and Chiltern Pools windows
2010	72,997	666,689	Chiltern Pools & Chalfont gyms refurbished, Chiltern Pools dry changing rooms, Disabled change creation, Chiltern Pools hot and cold water system replaced
2011	236,245	44,933	Chalfont Leisure Centre Spinning Studio
2012	202,688	0.00	None during period
2013	157,799	0.00	None during period
2014	152,983	0.00	None during period
2015	137,858	0.00	None during period
2016	147,471	694,000	Chiltern Pools gym & reception refurbishment including new kit. Chesham reception and gym refurbishment
Total	1,686,322	1,940,105	Agreed forward funding

Usage

6. Attendance at the leisure centres increased by 4%, resulting in the highest number of annual centre visits (940,391) since the contract commenced. (Table 3)
7. Participation from the swimming pools attracted 266,630 visits and gym usage attracted 468,539 visits.
8. Swim school participation (visits) increased to 95,550.

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Table 3 - Total Usage at the Leisure Centres

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
713,262	733,624	759,423	779,672	810,949	829,954	842,300	841,092	927,317	903,127	940,301

Monitoring Service Quality

9. To assess cleanliness, service quality, maintenance and health & safety GLL commissions' independent external inspections through a specialist company called Leisure Client Ltd. The assessments focus on standards from the customers' perspective and are acquired from unannounced visits to the centres at different times and days of the weeks. The inspections scores result in each centre having an improvement action plan which outlines how each centre will improve standards. The centres all achieved a good rating with Chiltern Pools scoring 84%, Chesham – 83% and Chalfont 83%. Each centre also achieved the industry standard charter mark standard via the Quest assessment programme.
10. The Council also undertakes monthly monitoring inspections to ensure that each centre is providing a good quality service. Inspection data combined with customer feedback highlighted positive improvements but also revealed inconsistent standards in cleaning and in the promptness of addressing maintenance issues. These concerns have been raised through the Leisure Advisory Board and will be closely monitored moving forward.

Health & Safety

11. The Council undertakes six monthly audits to assess a range of policies and procedures including each centre's Water Management Plan, Safeguarding policy and Asbestos Management Plan. Audit findings revealed that overall the operator continues to deliver safe services through good quality health and safety practices. Issues that have been identified through the audit process including access issues with the new electronic entrance systems at Chiltern Pools were addressed.

Community Development

- 12 In addition to the operating the Council's leisure centre facilities, GLL also provide a community development function comprising of three outreach officers. These officers are based with the Council's community team and deliver an extensive range of projects that have benefited local communities. Over the last twelve months these have included:

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- Diversionary programmes including football, cooking, parkour and cinema club delivered in Chesham helping support a reduction in anti- social behaviour
- Activities for elderly residents including exercise referral, gentle exercise, tai chi and Nordic walking encouraging more older people to participate in regular physical activity
- Disability climbing programme developed at Chiltern Pools utilising specialist climbing equipment
- Successfully attracted over £10,000 funding to support community sports projects across Chiltern

Conclusion

13. The leisure contract financial performance for the period January 2016 to December 2016 delivered a surplus of £442,143.
14. The contract has successfully delivered an extensive range of outreach community activities that support the Councils key corporate aims and objectives.
15. The Contract surplus investment fund reached £1,686,322 in 2016 which includes the development of a new multi-functional fitness area at Chalfont, new reception areas at Chiltern Pools and Chesham and improved fitness suite at Chalfont and Chesham.
16. The contract achieved its highest visitor number level of 940,301 and continues its upward trend of year on year increases in leisure centre visits since the contract commenced in 2005.

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APPENDIX 2 GREENWICH LEISURE LIMITED MANAGEMENT ACCOUNTS 2016



GLL (Greenwich Leisure Ltd) - Management Accounts										
Year 2016 - Quarter 4 - Oct-Dec 2016										
<u>CHILTERN PARTNERSHIP - SUMMARY</u>										
	Jan-Mar 2016	Jan-Mar 2015	Apr-Jun 2016	Apr-Jun 2015	Jul-Sep 2016	Jul-Sep 2015	Oct-Dec 2016	Oct-Dec 2015	YTD 2016	YTD 2015
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual
NB02 - Chiltern Pools										
Total Centre Income	460,487	459,579	421,653	416,738	412,894	426,735	358,019	373,519	1,653,054	1,676,571
Total Centre Expenditure	454,982	430,784	368,338	339,785	301,356	351,824	316,221	343,672	1,440,897	1,466,065
Centre Surplus / (Deficit)	5,505	28,795	53,315	76,953	111,538	74,911	41,799	29,847	212,157	210,506
NB03 - Chesham Leisure Centre										
Total Centre Income	338,515	336,959	306,487	293,709	280,031	268,483	267,516	276,391	1,192,549	1,175,542
Total Centre Expenditure	246,415	247,128	245,387	270,699	181,212	196,558	182,071	187,019	855,085	901,403
Centre Surplus / (Deficit)	92,100	89,831	61,100	23,010	98,819	71,926	85,445	89,372	337,463	274,139
NB04 - Chalfont Leisure Centre										
Total Centre Income	373,012	354,591	330,518	320,055	324,612	309,998	313,673	305,865	1,341,815	1,290,509
Total Centre Expenditure	255,110	251,719	243,976	175,811	198,219	233,921	190,442	229,134	887,747	890,585
Centre Surplus / (Deficit)	117,902	102,872	86,542	144,244	126,393	76,077	123,231	76,732	454,068	399,924
All Centres Income										
All Centres Income	1,172,014	1,151,129	1,058,657	1,030,502	1,017,537	1,005,216	939,208	955,775	4,187,417	4,142,621
All Centres Expenditure										
All Centres Expenditure	956,507	929,631	857,702	786,294	680,787	782,302	688,734	759,825	3,183,730	3,258,052
All Centres Surplus / (Deficit)										
All Centres Surplus / (Deficit)	215,507	221,498	200,956	244,208	336,751	222,914	250,474	195,950	1,003,688	884,569
NB01 - Chiltern Partnership										
Total Central Partnership Income	0	0	0	0	0	0	0	0	0	0
Total Central Partnership Expenditure	76,231	52,692	72,580	45,640	70,226	45,100	63,040	45,532	282,077	188,963
Total Central Partnership Costs Surplus / (Deficit)	(76,231)	(52,692)	(72,580)	(45,640)	(70,226)	(45,100)	(63,040)	(45,532)	(282,077)	(188,963)
TOTAL TRADING INCOME (FOR PARTNERSHIP)										
TOTAL TRADING INCOME (FOR PARTNERSHIP)	1,172,014	1,151,129	1,058,657	1,030,502	1,017,537	1,005,216	939,208	955,775	4,187,417	4,142,621
TOTAL TRADING EXPENDITURE (FOR PARTNERSHIP)										
TOTAL TRADING EXPENDITURE (FOR PARTNERSHIP)	1,032,738	982,323	930,281	831,934	751,013	827,402	751,774	805,357	3,465,807	3,447,016
TRADING SURPLUS / (DEFICIT) for PARTNERSHIP										
TRADING SURPLUS / (DEFICIT) for PARTNERSHIP	139,276	168,806	128,376	198,568	266,525	177,814	187,434	150,418	721,611	695,606
HO OVERHEADS										
HO OVERHEADS	91,826	133,326	87,578	124,047	90,463	115,398	114,233	98,554	384,100	471,326
SURPLUS / (DEFICIT) INC HO OVERHEADS										
SURPLUS / (DEFICIT) INC HO OVERHEADS	47,450	35,479	40,799	74,521	176,062	62,416	73,201	51,864	337,511	224,280
MANAGEMENT FEE										
MANAGEMENT FEE	26,099	26,099	26,177	26,099	26,177	26,099	26,177	26,099	104,631	104,396
TOTAL SURPLUS / (DEFICIT)										
TOTAL SURPLUS / (DEFICIT)	73,549	61,579	66,976	100,620	202,239	88,515	99,378	77,963	442,143	328,677

REPORT SUBJECT:	<i>Chiltern District Council Performance Report Q1 2017-18</i>
REPORT OF:	<i>Leader of the Council – Councillor Isobel Darby</i>
RESPONSIBLE OFFICER	<i>Chief Executive – Bob Smith</i>
REPORT AUTHOR	<i>Rachel Prance (01494 732 903), Ani Sultan (01494 586 800)</i>
WARD(S) AFFECTED	<i>Report applies to whole district</i>

1. Purpose of Report

This report outlines the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 1 of 2017-18.

RECOMMENDATION

Cabinet is asked to note the performance reports.

2. Executive Summary

Overview of **Quarter 1 2017-18** performance indicators (PIs) against targets across the Council:

Portfolio	No of PIs	PI on target •	PI slightly below target •	PI off target •	Unknown / Data only ?	Not reported this quarter/not used
Leader	5	2	0	2	1	0
Community, health & housing	13	5	1	2	2	3
Sustainable development	16	16	0	0	0	0
Environment	4	1	0	1	0	2
Support services	5	2	1	0	0	2
Customer services	5	4	0	0	0	1
Total PIs	48	30	2	5	3	8

3. Reasons for Recommendations

3.1 This report details factual performance against pre-agreed targets.

3.2 Management Team, Cabinet, Resources Overview & Services Overview Committees receive regular updates detailing progress towards service plan objectives, performance targets and strategic risks, in line with our Performance and Improvement Framework.

3.3 Two detailed performance tables accompany this report:

- **Appendix A – Priority PIs Quarter 1 2017-18**
- **Appendix B – Corporate PIs Quarter 1 2017-18**

4. Key points to note:

4.1 Of the three unknown PIs: two are provided for information only (both within the Community, Health and Housing Portfolio, are yet to be reported as data is required from third parties), and one PI is currently not in use, pending a target to be set.

4.2 Of the five off-target PIs, three were priority PIs:

4.2.1 **Leaders:** The PI relating to long term sickness absence was over the target of 5, at 5.72. All long-term absence (comprised of 9 employees) is being managed by Personnel, alongside occupational health.

- 4.2.2 **Community Health and Housing:** the Priority PI below target relates to the number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks, target of 0, with an actual of 1. This is due to previous rent arrears of the applicant restricting the options for the Council to move onto alternative housing. A nomination for a move to an alternative social housing tenancy is currently pending.
- 4.2.3 **Sustainable Development:** The priority PIs are on target for this portfolio, with performance above the target set.
- 4.2.4 **Environment:** Although provisional, following revision of target for 2017/18 due to national decrease in the percentage of household waste sent for reuse, recycling and composting (cumulative), this PI is now above target. In terms of Corporate PIs, CdWR4 - Household refuse collections, number of containers missed per month – missed the target of 1,733, at 3,224 for the month of June alone. Issues through June with Serco staffing, long-term sickness and extreme temperatures caused delays to rounds, with some remaining incomplete until the following day. The Contract manager has attended a partnership meeting with Serco, who have put forward an action plan to remedy any failings, and since this time (21/07/2017) the situation has improved. Additionally, following national decrease in Percentage of household waste sent for reuse, recycling and composting (cumulative), the reduction in target for CdWR3 to 53% means that the target has been exceeded for Quarter 1.
- 4.2.5 **Customer Services:** All PIs remain on target.
- 4.2.6 **Support Services:** all PIs in this portfolio are above target, excepting the Corporate PI JtBS2, percentage of calls to ICT helpdesk resolves within agreed timescales (by period), which is slightly under the target of 95% at 92.60%, but up from quarter 4 2016-17 (88.5%).

5. Consultation

Not applicable.

6. Options

Not applicable.

7. Corporate Implications

7.1 Financial - Performance Management assists in identifying value for money.

7.2 Legal – None specific to this report.

7.3 Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability – reports on aspects of performance in these areas.

8. Links to Council Policy Objectives

Performance management helps to ensure that performance targets set through the service planning process are met, and that any dips in performance are identified and resolved in a timely manner.

This report links to all three of the Council's objectives, listed below:

Objective 1 - Efficient and effective customer focused services

Objective 2 - Safe, healthy and cohesive communities

Objective 3 - Conserve the environment and promote sustainability




9. Next Step

Once approved, this report and appendices will be published on the website.

Background Papers:	N/A
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Appendix A - Priority PIs 2017-18 - CDC

Code	Title	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest Note	
Leader's																		
JtHR1	Working days lost due to sickness absence	12	8.1	9.66	9.8										<input checked="" type="checkbox"/>	10	<p>These figures are taken from iTrent, which holds absence data. Absence figures are now reported on as joint figures rather than split between Councils.</p> <p>268 working days lost for June + 502 working days lost for April + May = 770 days.</p> <p>$770 / 314.78$ (average FTE figure) = $2.45 / 3 \times 12 = 9.80$ average working days lost to sickness absence (cumulative).</p>	
JtHR14	Working days lost due to short term sickness absence (upto 20 working days)	New PI	5.11	4.62	4.08										<input checked="" type="checkbox"/>	5	<p>These figures are taken from iTrent, which holds absence data. Absence figures are now reported on as joint figures rather than split between Councils.</p> <p>79 working days lost for June + 241 working days lost for April + May = 320 days.</p> <p>$320 / 314.78$ (average FTE figure) = $1.02 / 3 \times 12 = 4.08$ average working days lost to short term sickness absence (cumulative).</p>	
JtHR15	Working days lost due to long term sickness absence (more than 20 working days)	New PI	3	5.04	5.72										<input type="checkbox"/>	5	<p>These figures are taken from iTrent, which holds absence data. Absence figures are now reported on as joint figures rather than split between Councils.</p> <p>These figures relate to 9 employees.</p> <p>189 working days lost for June + 261 working days lost for April + May = 450 days.</p> <p>$450 / 314.78$ (average FTE figure) = $1.43 / 3 \times 12 = 5.72$ average working days lost to long term sickness absence (cumulative).</p>	
Community, Health and Housing																		
CdCmSf1	Percentage reduction in burglaries from dwellings year on year for Chiltern (quarterly)	Data Only													n/a	Data Only	Figures currently unavailable as waiting for third party data	

Code	Title	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest Note
CdHS1	Number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks (snapshot figure at end of month)	0	2	2	1											0	One household where history of previous rent arrears has restricted the options for the Council to move on to alternative housing. Nomination for a move to an alternative social housing tenancy is currently pending.
CdHS8	Number of households living in temporary accommodation (snapshot at the end of the month)	34	27	32	35											38	On target
Sustainable Development																	
CdSD10	Processing of planning applications: minor applications processed within 8 weeks (cumulative)	75.00%	93.75%	96.83%	88.17%											75.00%	82 of 93 minor planning applications determined within target cumulatively. 21 of 29 minor planning applications determined within target for this month.
CdSD11	Other planning applications decision performance - within 8 weeks or other agreed period (cumulative monthly)	90.00%	96.08%	95.48%	95.95%											85.00%	308 of 321 other planning applications determined within target cumulatively. 118 of 122 other planning applications determined within target for this month.
CdSD37	2018 Majors speed of planning decisions – special measures 2 year assessment period ending Sep 17 (cumulative, monthly)	60.00%	91.67%	92.31%	90.00%											60.00%	27 of 30 major cases determined within target Note: The Government annually assesses Council's, for special measures designation This assessment relates to the SPEED of decision making on major applications The period assessed is a 2 year period leading up to the end of Sep. This indicator is assessed on a monthly basis moving towards this end date Oct 2015 to Sep 2017 is the current assessment period The current threshold is more than 60% to be determined within the statutory 13 week period or alternative time period agreed with the applicant.

Code	Title	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest Note
CdSD38	2018 Non-Majors speed of planning decisions – special measures 2 year assessment ending September 2017 (cumulative, monthly)	70.00%	91.98%	92.18%	92.18%										<input checked="" type="checkbox"/>	70.00%	<p>2568 of 2786 Non major cases determined within target</p> <p>Note: The Government annually assesses Council's, for special measures designation This assessment relates to the SPEED of decision making on non major applications The period assessed is a 2 year period leading up to the end of Sep. This indicator is assessed on a monthly basis moving towards this end date Oct 2015 to Sep 2017 is the current assessment period The current threshold is 70% or more to be determined within the statutory 13 week period or alternative time period agreed with the applicant.</p>
Page 37 CdSD39	2018 Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2017 (cumulative, monthly)	9.99%	3.85%	3.85%	3.85%										<input checked="" type="checkbox"/>	9.99%	<p>1 of 26 major cases determined, allowed or part allowed on appeal</p> <p>Note: The Government annually assesses Council's, for special measures designation This assessment relates to the QUALITY of decision making on major applications The period assessed is the 2 years and 9 month period leading up to the end of December This allows a 9 month period for appeals to be decided on cases decided 2 years before this This indicator is assessed on a monthly basis moving towards this end date Apr 2015 to Dec 2017 is the assessment period is for appeals determined Apr 2015 to Mar 2017 is the period for decisions on major applications determined The current threshold is less than 10% of major application appeals against refusal to be overturned at appeal</p>

Code	Title	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest Note
CdSD40	2018 Non-Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2017 (cumulative, monthly)	9.99%	1.48%	1.57%	1.64%										☑	9.99%	52 of 3175 Non Major cases determined, allowed or part allowed on appeal Note: The Government annually assesses Council's, for special measures designation This assessment relates to the QUALITY of decision making on Non Major applications The period assessed is the 2 years and 9 month period leading up to the end of December This allows a 9 month period for appeals to be decided on cases decided 2 years before this This indicator is assessed on a monthly basis moving towards this end date Apr 2015 to Dec 2017 is the assessment period is for appeals determined Apr 2015 to Mar 2017 is the period for decisions on major applications determined The current threshold is less than 10% of major application appeals against refusal to be overturned at appeal
Environment																	
CdWR3	Percentage of household waste sent for reuse, recycling and composting (cumulative)	58.00%			54.19%										☑	53.00%	Figure is provisional as awaiting data from 3rd parties.
Customer Services																	
CdRB1	Speed of processing - new HB/CTB claims (cumulative)	18	19.15	18.13	14.67										☑	18	On target
CdRB2	Speed of processing - changes of circumstances for HB/CTB claims (cumulative)	5	4.76	3.42	4.34										☑	5	On target
CdRB3	% of Council Tax collected (cumulative)	99.00%	5.44%	15.46%	25.15%										☑	99.00%	On target
CdRB4	Percentage of Non-domestic Rates Collected (cumulative)	98.00%	9.72%	19.74%	29.63%										☑	98.00%	On target

Appendix B - CDC Quarterly Corporate Performance Indicator Report - Q1 2017-18

Note: Excludes Priority Performance Indicators - see Appendix A

PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest notes
Leader's portfolio																	
CdCP1 (C)	Number of unique visitors to the main website (by period)	data only	33693	37673	49375										n/a	data only	Data only.
CdHR2 (C)	Voluntary leavers as a % of workforce (extrapolated for the year)	16%			35.20%											16%	19 leavers during quarter 1 / average headcount of 216. Extrapolated, this equals 76 for the full year, 35.19% We expect the leavers figures to reduce as we are no longer moving employees between councils.
Community, health and housing																	
CdCL1 (C)	Customer satisfaction rating at the Chiltern leisure facilities	65.00%	annual PI											●	65.00%	Annual PI	
CdCL2 (C)	Total participation in physical activities delivered through the GLL community engagement plan (by period)	6,600			6,871											15,000	On target
CdCL3 (C)	Total number of users at all leisure centres (by period)	900,000			230,658											900,000	On target
CdCmSf2 (C)	Percentage reduction in violent offences against a person, rolling year on year	data only													n/a	data only	Awaiting third party data.
CdHS2 (C)	Number of affordable homes delivered by (i) new build (ii) vacancies generated by local authority scheme (iii) acquisition of existing properties for social housing (cumulative)	33			0											33	Although there have been no affordable homes delivered in Quarter one, the team are working - as always - to identify any opportunities to deliver affordable housing.
CdHS3i (C)	Average Length of stay in B & B temporary accommodation for all households (snapshot at end of quarter)	10			7											12	On target
CdHS4 (C)	Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention	40	annual PI											●	28	Annual PI	

PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest notes
CdEH2 (C)	Percentage of food premises (risk rating A to C) that are broadly compliant (snapshot quarterly)	96%			85.64%											93%	The percentage of food businesses broadly compliant of risk rating A-C is a snapshot in time. Over time, some businesses will improve whilst others may decline; the intention is always to improve business ratings. However, sometimes there are those businesses that either can't or won't improve and there is little we can do to improve the rating other than to take enforcement action. The figure also includes new businesses which have not had a previous intervention and so would not have benefitted from officer advice or guidance. This is being addressed as part of service improvement.
JtLI3 (C)	Percentage of customers satisfied with the licensing service received (annual)	89%	annual PI												89%	Annual PI	
JtLI5 (C)	Percentages of licences received and issued/renewed within statutory or policy deadlines (cumulative)	97%			99.60%											97%	On target
Sustainable development																	
JtBC1 (C)	Applications checked within 10 working days (cumulative)	92%	100%	99.20%	94.60%											92%	On target
JtBC4 (C)	Customer satisfaction with the building control service (cumulative)	92%	87.50%	84.60%	92.90%											92%	On target
CdSD7 (C)	Percentage of planning applicants who are satisfied or very satisfied with the planning service (cumulative)	80%			86.30%											80%	On target

PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest notes
CdSD8 (C)	Planning appeals allowed (cumulative)	35%			22.73%											35%	31 of 64 appeals decided, allowed or part allowed Note: How this indicator is calculated has been revised. The new criteria includes, all appeal types. Appeals against . Refusal of planning permission, . Imposition of conditions . Non-determination . Enforcement notices All applications that have development types that are reported to the Government on the PS2 return and PS1, questions 6 and 7 and all appeals against enforcement
CdSD12 (C)	Percentage of new enforcement cases where an initial site visit for an urgent priority case is undertaken within the timescale set out in the Enforcement Policy (cumulative)	100%	100%	100%	100%											100%	On target
CdSD32 (C)	% of new enforcement cases where an initial site visit for a high priority case is undertaken within the timescale set out in the Enforcement Policy (Cumulative, monthly)	100%	100%	100%	100%											100%	On target
CdSD41 (C)	2019 Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2018 (cumulative monthly)	60%														60%	On target
CdSD42 (C)	2019 Non-Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2018 (cumulative monthly)	70%	90.91%	92.31%	88.24%											70%	On target
CdSD43 (C)	2019 Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	9.99%	0.00%	0.00%	0.00%											9.99%	On target

PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest notes
CdSD44 (C)	2019 Non-Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	9.99%	1.19%	1.27%	1.27%											9.99%	On target
Environment																	
CdSE1 (C)	Cumulative CO2 reduction from local authority operations from base year of 2008/09	11.70%	annual PI											●	12.00%	Reported annually. Cumulative Figure against baseline	
CdWR1 (C)	Waste customer satisfaction survey	86%	6 monthly					6 monthly					●	86%	Reported 6 monthly. This is for both Chiltern and Wycombe. This measures waste collection as well as street cleansing.		
CdWR4 (C)	Household refuse collections, number of containers missed per month (calculated by P&C team on wkly basis)	1733	1,274	1,486	3,224											1733	Issues throughout June with Serco staffing, long term staff sickness and extreme temperatures causing delays to collection rounds. Many round were incomplete each day and needed completing the following day.
Support services																	
JtLD1 (C)	Client satisfaction with the shared service. Percentage satisfied or very satisfied.	96%	6 monthly					6 monthly					●	98%	Reported 6 monthly.		
JtBS1 (C)	Availability of ICT systems to staff from 8am to 6pm (by period)	99.50%			99.95%											99.50%	On target
JtBS2 (C)	Percentage of calls to ICT helpdesk resolved within agreed timescales (by period)	95%			92.60%											95%	Although slightly off-target, JtBS2 has increased from quarter 4 2016-17 from 88.5% to 92.6%
CdBS3 (C)	Percentage of responses to FOI requests sent within 20 working days (by month)	90%	96.00%	100.00%	100.00%											90%	This PI is always reported approx 2 months in arrears as the figures are not available until then.
CdLD2 (C)	The percentage response to the annual canvass	94%	annual PI											●	94%	Reported annually.	
Customer services																	
CdCS1 (C)	New measure for complaints - t.b.a.	t.b.a.													n/a	t.b.a.	New PI for when the joint customer services team is implemented.

SUBJECT:	<i>Housing and Planning Act 2016: Impact on Housing Enforcement Policy</i>
REPORT OF:	<i>Portfolio for Community, Health and Housing – Cllr Liz Walsh</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Louise Quinn 01494 732209 lquinn@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The purpose of the report is to:-

- Advise Members of the implications of the Housing and Planning Act 2016 in respect of enforcement options and penalties against private sector landlords
- Seek delegated authority for the Head of Healthy Communities to enforce the provisions of the Act and ask that the Scheme of Delegation be amended accordingly
- Seek Members comments on the draft amended housing enforcement policy.
- Seek delegated authority for the Head of Healthy Communities to agree the final policy in consultation with the Portfolio Holder.

RECOMMENDATIONS

1. **That the new provisions of the Housing and Planning Act 2016 be noted.**
2. **That Cabinet agrees to give delegated authority to the Head of Healthy Communities to enforce the provisions of the Act and the Scheme of Delegations be amended accordingly.**
3. **That Cabinet authorises the Head of Healthy Communities to agree the final Housing Enforcement Policy in consultation with the Portfolio Holder, having regard to members' comments and the regulations in respect of Banning Orders, once published.**

2. Reasons for Recommendations

The Housing and Planning Act 2016 introduced a range of new powers and tools to assist local authorities in dealing with poor landlords, with the aim of squeezing the worst landlords from the sector.

Statutory guidance on the new powers requires that councils develop their own policies for applying the new powers and duties. Further regulations are awaited in respect of Banning Orders.

The draft amended joint housing enforcement policy in Appendix X will provide a robust framework for the authority to implement the new powers as required. Delegated authority to

the Head of Healthy Communities to agree the final version will enable amendments to be made in respect of the use of Banning Orders, once the regulations have been published.

3. Content of Report

The Housing and Planning Act 2016 introduced a range of new powers and tools to assist local housing authorities in dealing with landlords who fail to comply with statutory requirements.

The new provisions include:

- Power to apply to the First Tier Tribunal for a banning order where a landlord has been convicted of specified offences. A banning order will ban a landlord from letting or managing property for a period of at least 12 months.
- Power to issue a financial penalty of up to £30,000 as an alternative to prosecution in respect of certain specified offences.
- Extension of powers to apply to the First Tier Tribunal for a Rent Repayment Order where a landlord has committed specified offences and housing benefit has been paid in respect of the property
- Establishment of a 'database of rogue landlords' by the government, to which local authorities may add details of local landlords who have been convicted of specified offences or been issued with at least two civil penalties
- Requirement to consider additional factors when determining whether a landlord is a 'fit and proper person' to hold a licence.

The above powers and requirements are now in force, with the exception of banning orders, which are expected to come into force in October 2017.

The new enforcement tools are designed not only to act as a punishment to the offender and deter others, but also to remove any financial benefit the offender may have obtained as a result of committing the offence.

Statutory guidance has been issued in respect of the use of financial penalties and rent repayment orders. The guidance states that local authorities are expected to develop and document their own policies on:

- the circumstances in which it will issue a financial penalty as an alternative to prosecution,
- the circumstances in which it will apply for a rent repayment order and
- its approach in determining the appropriate level of penalty and/or the amount of rent to reclaim

and should decide which options to pursue on a case by case basis.

A financial penalty can only be considered where the authority has evidence to demonstrate "beyond reasonable doubt" that certain offences have been committed.

In setting the level of a financial penalty, the Council must have regard to a number of factors including the severity of the offence, the culpability of the offender and the level of harm caused. The maximum penalty is expected to be reserved for only the very worst offences.

The landlord has a right of appeal against a financial penalty and recovery of any charge would be via a court order. Consequently, the issue of a financial penalty as an alternative to prosecution will have cost implications to the Council and will not necessarily result in a guaranteed income.

The Council currently has a joint housing enforcement policy with South Bucks District Council which sets out the councils' policies in using formal enforcement action to address hazards in housing. A draft amended policy is contained in Appendix X. Sections 1.2, 3.5, 3.8, 3.9 and Appendix 3 (highlighted) have been inserted/amended to take into account the new powers.

It is anticipated that the majority of residential landlords will comply with the requirements of the Housing Act 2004 and that enforcement action and penalties will only be required in a minority of cases.

4. Consultation

Statutory consultation is not required. The Government prepared two Regulatory Impact Assessments in relation to these Regulations. Informal consultation with other Bucks Authorities has taken place to ensure consistency of enforcement approach.

5. Options

The authority must have regard to the Statutory Guidance when using the new powers but has a discretion in determining the circumstances in which the various penalties can be applied, including the level of any financial penalty.

The options are:

1. To amend the housing enforcement policy to give robust guidance to be applied on a case by case basis, in accordance with the guidance
2. To amend the housing enforcement policy to include detailed and explicit circumstances when the powers will be used and a scale of financial penalty to be applied
3. To not make any amendments the existing enforcement policy and not make use of the new powers.

Option 1 is recommended as the other options are likely to restrict the Council's options in dealing with a non-compliant landlord and/or leave the authority open to challenge.

7. Corporate Implications

Financial	Revenue received from any civil penalty may be used for any purpose by the Council. However, there are likely to be staff resource/cost implications in preparing for and attending First Tier Tribunal hearings and debt recovery proceedings.
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Legal

The Council has a duty to implement the regulations, and must have regard to the Statutory Guidance in doing so.

8. Links to Council Policy Objectives

The strategy contributes to the 'Working towards safe and healthier local communities' aim of the Joint Business Plan 2014-19.

9. Next Steps

If agreed, officers will prepare and implement the final Housing Enforcement Policy and will publicise via letting agents, the Council's website and directly to landlords.

Background Papers:	None
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CHILTERN
District Council



SOUTH BUCKS
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**Chiltern District Council
South Bucks District Council**

Joint Housing Enforcement Policy

**Adopted March 2017
Revised: August 2017**

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Appendix

1. Summary of Enforcement Powers

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1.0 Introduction

1.1 Objectives

Chiltern District Council and South Bucks District Council are two sovereign authorities with separate budgets and separate decision making processes. The two authorities have operated a shared housing service since April 2014 and have implemented a joint Private Sector Housing Strategy.

This document sets out Chiltern District Council and South Bucks District Council policy in using enforcement action to address health and safety hazards in housing.

This policy is written in the context of Chiltern and South Bucks Private Sector Housing Strategy which aims to ensure that

- private sector housing meets basic standards of fitness and is maintained in good repair
- the private rented sector within the district provides good quality, well-managed, safe accommodation.

One of the tools identified to achieve these objectives is through the use of enforcement action.

Enforcement officers, by necessity, have considerable discretion in decision making and initiating enforcement action. This policy applies to all dealings, formal and informal, between officers and landlords and owners of residential property – all of which contribute to securing compliance with the law. It provides policy standards to aid professional judgements and decision making and ensure both consistent and effective enforcement.

References to 'the Council' shall mean Chiltern District Council or South Bucks District Council, depending upon the administrative area in which the property subject to enforcement action is located.

1.2 Background

The Council is granted extensive enforcement powers in several Acts of Parliament to secure improvements in houses in disrepair. The main powers are summarised in Appendix 1.

Where a breach of the legislation is identified, the following options may be available to the council to ensure that the law is complied with:

- **Informal action** – this includes verbal advice given by Officers and advisory letters.
- **Formal Action** – this includes a range of responses including the service of statutory notices, orders and carrying out of emergency works. Most notices served under Housing legislation require the recipient of the notice to carry out specified works within given time limits.

Some breaches of the legislation are criminal offences. Failure to comply with a formal notice or order is also a criminal offence. Where an offence has been committed, the following options may be available to the local authority:

- **Formal caution** - A formal caution is where an offender is given written details of the offence and s/he signs to say that s/he admits the offence. It is not a form of sentence. A record of the caution is kept at the Council for a period of three years and it may subsequently influence a decision to instigate proceedings if the offender breaks the law

in the future. It may also be cited if the Council takes legal action for a subsequent offence.

- **Prosecution** – In some cases, breaching the legislation is a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.
- **Financial Penalty** - *A financial penalty is available as an alternative to prosecution for certain offences under the Housing Act 2004. Financial penalties may also be given for breaches of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.*
- **Banning Order:** *The Council may apply for a Banning Order under the Housing and Planning Act 2016 for the most serious and prolific offenders. Banning Orders are scheduled to come into force in October 2017.*
- **Rent Repayment Order:** *The Council can apply to the First-tier Tribunal for an order requiring the landlord to repay to the Council any rent paid in housing benefits.*
- **Database of Rogue Landlords:** *In some circumstances, the Council may record details of landlords who have committed offences on a national database of 'Rogue Landlords'*

Paragraphs 3.2 to 3.10 below set down the factors to be considered by officers in deciding the most appropriate enforcement options.

1.3 Comments and Complaints

If you have any comments or questions in relation to this policy, please contact:

Senior Housing Standards Officer
Chiltern and South Bucks Housing
King George V Road
Amersham
Bucks
HP6 5AW
Telephone: 01494 732013
Email: housing@chiltern.gov.uk

The Council has a corporate complaints procedure in cases where disputes arising from this policy cannot be resolved.

2.0 Enforcement Principles

This service has adopted the central and local government Enforcement Concordat. We will also follow the Hampton principles as the basis for good enforcement.

Openness

We will provide information and advice in plain language and as far as possible, avoid jargon.

We will be open about how we do our work and in particular how we set our charges for enforcement. We will always discuss general issues, specific failures or problems with anyone who has been enforced against.

We will seek to make sure that people understand what is expected from them as well as knowing what they can expect from us.

Where notices have been served and are on a Public Register, this will be available for viewing free of charge.

Helpfulness

Our staff will provide a courteous and efficient service. All staff who visit properties will identify themselves by name and carry identification cards.

We will always provide a contact point and telephone number for further dealings with Officers.

Interpretation services will be made available for both office and on-site visits where people do not have English as their first language.

Landlords and owners of residential property will be encouraged to seek advice/information; information will be freely available in the form of leaflets and pages on the council's website. When appropriate, training courses/seminars will be provided for landlords on specific issues.

Proportionality

All enforcement actions and advice must be proportional to the risks posed to the public and the seriousness of any breach of legislation.

When considering enforcement action, consideration will be given to the cost of measures required to reduce the risk weighed against the benefit to be gained by reducing the risk.

In addition, there will be a staged approach to enforcement action with increasing degrees of enforcement if landlords and owners of residential property fail to respond to previous requirements.

Consistency and Fairness

Officers will carry out their duties in a fair and consistent way. To this end, we have developed and put in place procedures for the range of enforcement activities we carry out and make sure that Officers follow such procedures.

Although Officers have to use judgement in individual cases, we will make sure that procedures wherever possible are the same and people are treated equitably.

3.0 Enforcement Decisions

In deciding whether to take action and if so, the most appropriate course of action, each case will be considered individually having regard to the circumstances of the case and a range of relevant factors. In making enforcement decisions, officers must have regard to the following guidelines.

- Housing Health and Safety Rating System Enforcement Guidance published by the ODPM in February 2006
- The Neighbourhood Renewal Assessment process and associated guidance published by the ODPM in 2004
- Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Housing Authorities
- Rent Repayment Orders under the Housing and Planning Act 2016: Guidance for Local Housing Authorities
- Guidance outlined in section 3.2 to 3.8 below.
- Any other subsequent national legislation and guidance

All enforcement decisions will be fully documented.

Before taking any action in respect of a tenanted property the tenant will normally be expected to contact their landlord about the problems first, though this will not be required in the following circumstances:

- Where the matter appears to present an imminent risk to the health and safety of the occupants.
- Where there is a history of harassment, threatened eviction or poor management practice.
- Where it is not considered reasonable, or the tenant is otherwise unable to contact his/her landlord

Where there is a shared or complimentary enforcement role, consultation will be carried out with the appropriate agency. Specifically, before serving a notice to address a Fire Hazard, consultation will be carried out with the Bucks Fire and Rescue Service. Where there is a problem with the gas installation in a property, the Health and Safety Executive (HSE) will be notified. Where dangerous conditions exist, the Building Control section will be notified. Contraventions of the furniture regulations will be notified to Trading Standards at Bucks County Council.

3.1 Authorisation and Delegation

Housing enforcement decisions are delegated to Head of Healthy Communities and in turn to authorised Officers of the Healthy Communities division, under the Council's Scheme of Delegation to Officers.

The decision to prosecute or administer a formal caution is determined, in consultation with the Legal Services Manager.

Demolition Orders, Clearance Areas and Compulsory Purchase Orders will normally only be served/declared following a decision by the Council's Cabinet.

The Council has developed procedures for the authorisation of officers undertaking housing work. Only officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. Authorised officers will also have sufficient training and understanding of this enforcement policy in order to ensure a consistent approach to service delivery.

Officers who undertake criminal investigations will be conversant with and adhere to the provisions of the Police and Criminal Evidence Act, 1984 (PACE) and the Criminal Procedure and Investigations Act, 1996 (CPIA), Regulation of Investigatory Powers Act 2000 (RIPA).

3.2 Informal Action

Informal action, that is verbal advice, requests or warnings, or letters and inspection reports can be used when

- the breach is not of a serious nature
- past experience has shown that such action will be effective
- there is not a significant risk to the safety or health of the occupant (or the public)
- informal action will be more effective and/or quicker than formal action
- there is confidence in the Manager/owner

Informal action will in most cases be commenced first before serving statutory notices or orders

It is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away.

The service of a Hazard Awareness Notice, while strictly a form of formal action, may be considered appropriate in the above circumstances.

3.3 Formal Action

The range of formal action is that set out in section 5 of the Housing Act 2004, plus other formal notice options such as Overcrowding Notices, Remedial Notices under the Smoke Regulations or Abatement Notices under the Environmental Protection Act 1990. Paragraph 3.7 sets out additional requirements in respect of Demolition Orders and Clearance.

The most appropriate course of action will be determined having regard to the relevant legislation, enforcement guidance and a 'neighbourhood renewal assessment', if appropriate. The service of a Hazard Awareness Notice may only be considered appropriate, however, in the circumstances described under 'Informal Action'.

Notices and other formal action will normally only be taken when

- there is a duty to take formal action (eg there are Category 1 hazards), or
- there is a significant contravention of legislation, or

- there is a lack of confidence in the manager/owner to respond to an informal approach, or
- non compliance could be potentially serious to public health, safety or well being of individuals, or
- there is a history of non-compliance, or
- standards are poor (for example there are multiple Category 2 hazards) and the manager/owner has little awareness of statutory requirements,

3.4 Works In Default

Works in Default may be undertaken where an Improvement Notice, a Demolition Order or an Abatement Notice has not been complied with.

The decision whether to undertake Works in Default will include consideration of:

- The risk to public health, safety or wellbeing of individuals.
- Whether reasonable progress has been made by the owner with regard to the works.
- The ability of the owner to arrange for the works to be done.
- The time which has elapsed for compliance with the notice.
- The history of the owner with regard to compliance with notices.
- Whether default work may afford greater benefit than prosecution, ie the defects will be remedied.

In exceptional circumstances, the Council will consider carrying out works in default in addition to prosecution.

3.5 Formal Caution, Prosecution and Financial Penalties

The decision to offer a formal caution, take a prosecution or issue a financial penalty is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others.

Prosecution

The decision to prosecute will be taken only in respect of one or more of the following:

- Where the alleged offence involves a flagrant breach of the law such that public health, safety or the wellbeing of individuals is or has been put at risk.
- Where the alleged offence involves a failure to correct an identified serious potential risk and the person responsible has been given a reasonable opportunity to comply

- Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- Where alternative remedies such as civil penalties or carrying out works in default are deemed insufficient or inappropriate having regard to the circumstances of the case
- Where there is a history of similar offences relating to risk of public health, safety or the wellbeing of individuals.

Where such circumstances have been identified, all relevant evidence and information must be considered to enable a consistent, fair and objective decision to be made.

It is necessary to establish that there is relevant, admissible, credible and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of a conviction: a bare prima facie case is not enough.

There must also be a positive decision that it is in the public's interest to prosecute. The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which should be considered, including relevant public interest criteria. The factors to consider include:

- The seriousness of the alleged offence;
- The previous history of the party concerned;
- The ability of any important witnesses and their willingness to co-operate;
- The willingness of the party to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case, ie whether it might establish legal precedent;
- Whether other action might be appropriate eg financial penalty
- Any explanation offered by the individual or company.

Formal Caution

In addition to the above considerations, there are certain conditions that must exist before a formal caution can be administered, namely

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction;
- the offender must admit the offence;
- the offender must understand the significance of the caution and give his informed consent to accepting the caution.

If any of the above criteria are not met, the Council will not consider the issuing of a formal caution. Above all, a caution will not be used as a substitute for a prosecution that would otherwise be unsustainable.

Financial Penalties

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 give a power for the authority to impose a financial penalty where a landlord has failed to comply with a Remedial Notice. The Council's agreed Statement of Principles in respect of imposing financial penalties under these regulations is contained in Appendix 2.

The Housing and Planning Act 2016 enabled local authorities to impose a civil penalty as an alternative to prosecution for the following offences:

- Failure to comply with an Improvement Notice
- Offences in relation to licensing of Houses in Multiple Occupation or licensing under Part 3 of the Act
- Contravention of an overcrowding notice
- Failure to comply with management regulations in respect of Houses in Multiple Occupation

A financial penalty will only be considered in the circumstances set out above in respect of decisions to prosecute and where there is sufficient evidence to demonstrate beyond reasonable doubt that the offence has been committed.

Factors to be considered in deciding whether to issue a civil penalty **instead of** a prosecution are:

- the nature and seriousness of the offence ie the scale and scope of the offence and the potential for harm

- the culpability of the offender eg the attitude and history of the landlord

- the circumstances of the tenant and the actual harm caused

- Impact on the wider community

- whether a civil penalty is likely to act as a greater punishment or deterrent to the individual

- whether the offender has admitted the offence

- whether a Rent Repayment Order is to be sought

- whether a Banning Order is to be sought

The presumption will be in favour of prosecution for the most serious offences.

Decisions to prosecute, offer a formal caution or issue a financial penalty will be taken in consultation with the Head of Legal Services.

Level of Financial Penalty

The level of financial penalty will be determined having regard to the principles of sentencing set out in section 142 of Criminal Justice Act 2003.

The fine will be determined in relation to the seriousness of the offence, having regard to both the culpability of the offender and the potential for harm. Account will also be taken of any aggravating or mitigating factors, the offender's financial circumstances and whether any reduction is appropriate in the event of an admission of guilt.

Appendix 3 sets out the Statement of Principles in determining the level of a financial penalty.

3.6 Banning Orders

A power for a local authority to apply to the First Tier Tribunal for a Banning Order for any person who has been convicted of a Banning Order Offence is not currently in force but is expected to be introduced during 2017. Once in force, this policy will set out the circumstances in which the local authority will consider applying for a Banning Order.

3.7 Demolition, Compulsory Purchase and Clearance

A Neighbourhood Renewal Assessment is required in accordance with guidance contained in Government Circulars. Detailed consideration of a range of factors should to be undertaken in partnership with other departments and agencies to ensure that it was the most satisfactory method of dealing with a property or an area, with ultimately the decision being made by the Council's Cabinet. Any of these courses of action would be regarded as a last resort.

3.8 Rent Repayment Orders

The local authority has a duty to consider whether to apply to the First-tier Tribunal for a Rent Repayment Order where it becomes aware that a landlord has committed one of the following offences in relation to a property within its area:

- *Failure to comply with an Improvement Notice*
- *Failure to comply with a Prohibition Order*
- *Failure to licence a licensable HMO or other house*
- *Failure to comply with a banning order*
- *Violence in securing entry under the Criminal Law Act 1977*
- *Illegal eviction or harassment*

The Council will have regard to the following factors in considering whether to apply for a Rent Repayment Order:

- *The level of Housing Benefit which has been paid since the offence was committed, or the amount of housing costs included in any Universal Credit claim*
- *Whether the landlord has been convicted of the offence (or is there likely to be a prosecution taken)*
- *is there sufficient evidence to demonstrate beyond reasonable doubt that an offence has been committed*
- *whether a financial penalty has been issued for the offence*

The amount to be reclaimed may be adjusted to reflect the circumstances of the case having regard to the following factors:

- *the seriousness of the offence*
- *the conduct of the landlord*

- *other financial resources available to the landlord*

The decision to seek a Rent Repayment Order will be undertaken in consultation with the Head of Legal Services.

3.9 Rogue Landlord Database

The Council has discretion to include details of any landlord who has been convicted of a banning order offence or has received at least two financial penalties on the database of rogue landlords.

The Council will seek to include landlords on the database in all cases except where the following matters apply:

- *there were mitigating circumstances when the offence was committed eg personal circumstances, financial hardship*
- *The landlord has undertaken training or shown considerable improvement in management of the property since the offence(s)*

3.10 Enforcement against owner-occupiers

Enforcement decisions will be made in full consultation with the owner and having regard to owner's eligibility for a grant or loan.

Formal action will not be limited to the service of Hazard Awareness Notices. The service of statutory notices and orders and the carrying out of emergency works will be considered where the condition of an owner-occupied property is such that:-

- It is a danger or a serious health risk to the occupier or members of the public, **or**
- It is having a deleterious effect on adjoining properties

4.0 Enforcement Procedures

4.1 Inspections

Inspections and enforcement action will be targeted primarily on those activities giving rise to the most serious risks or where hazards are least controlled.

The prioritisation of inspections will be based on the risk assessment for Houses in Multiple Occupation, or following a complaint.

We will, wherever possible, seek to arrange routine visits and inspections at times to suit those concerned.

We will arrange routine inspections through landlords and their agents, but in the case of complaints will typically visit the complainant in the first instance to assess the facts of the case.

4.2 Actions

We will confirm our advice, findings and conclusions (as the case may be) at the earliest opportunity, will do so in a clear and simple manner and will accommodate at least one meeting to discuss these matters if requested, other than in urgent cases.

If we require remedial action this will be put in writing and we will explain why it is necessary and when it must be done.

We will make sure that legal requirements are clearly distinguished from best practice advice.

We will confirm any decision to undertake formal action, work-in-default or prosecution in writing.

Officers serving statutory notices will be prepared to discuss the specified works with individuals/company representatives and will consider the availability and suitability of any alternative solutions.

Where a formal notice is served, the method of appealing against the notice (ie if the recipient felt that the notice is excessive in its requirements) will be provided in writing at the same time.

4.3 Timescales for Completion of Works

We will take account of relevant factors when determining what deadlines to set for the commencement and completion of work. Relevant factors may include: the nature of the works; any ill effects that are likely to result if the work is delayed; the duration of the problem and the point at which it has been reported to us; any prior knowledge on the landlord or agent's part; and the nature of any attempts to remedy the problem. We will also seek to be sympathetic to financial and other practical constraints that may affect landlords' and agents' ability to act, whilst recognising that these do not limit obligations or legal duties to achieve appropriate standards.

We will consider properly made requests for the extension of deadlines where unforeseen problems have delayed works, but not simply to accommodate lack of sufficiently early action.

4.4 Charges for Enforcement Action

A charge will be made for the cost of administrative and other expenses involved in serving Improvement Notices and Prohibition Orders.

The charge is £100 for the first notice/order and £50 for additional notices where served concurrently, with a maximum charge of £300 per property. Where more than one person is served with a notice/order the charge will be recovered from the main recipient, usually the person who is primarily responsible for the management of the property.

The charge will be waived where the notice is complied with within the timescales set out on the notice or where the notice is served and works arranged by the Council with the agreement of the property owner (eg as an alternative to a grant or loan).

Where there is an appeal against the Notice, or the notice is suspended, the charge is also suspended, until the appeal is resolved or the suspension is ended. There is no separate right of appeal against the demand. In cases of hardship the Head of Healthy Communities has discretion to reduce charges for enforcement action.

Where works are Emergency Remedial Works or works arranged by the local authority in default of a statutory notice served under the Housing Acts or other public health legislation, the expenses to be recovered are as follows:

- The actual cost to the local authority of undertaking the works in default
- The costs of serving the relevant notices at the rate set out above
- All other administrative costs reasonably incurred in relation to arranging the works. These costs will be calculated having regard to actual time spent and the hourly rate (including overheads) of the Healthy Communities department.
- Interest at base rate plus 2%.

5.0 Monitoring and Review

Actions taken under this policy will be monitored annually as part of the overall monitoring of the Private Sector Housing Strategy outcomes.

This policy, including the charges, will be reviewed on an annual basis.

Appendix 1: Summary of Housing Legislation

Legislation	Summary of Powers
Protection from Eviction Act 1977	
Section 1	This section creates the offences of unlawful eviction and harassment of a residential occupier. Chiltern District Council is a prosecuting authority for the purposes of this section and it is Housing Officers who investigate claims of unlawful eviction and harassment. The Council can prosecute landlords, agents or others who contravene this section.
Environmental Protection Act 1990	
Section 80	<p>Section 79 of this Act lists what are statutory nuisances. As far as the legislation enforced by the Housing Section is concerned, a statutory nuisance is any house in such a state as to be prejudicial to health or a nuisance.</p> <p>Prejudicial to health is defined as injurious or likely to cause injury to health. This typically includes properties that are damp or have mould growth, as dampness and mould growth can have an affect on people's health.</p> <p>A nuisance is taken to be anything that interferes with the use and enjoyment of a neighbouring property or which materially affects the comfort and quality of life of the public at large. Examples of nuisances include a hole in the roof of one property allowing rain to penetrate through and affect the neighbouring property or slates falling off a roof onto the footpath and thus endangering passers by.</p> <p>Once the Council is satisfied that a statutory nuisance exists or is likely to occur, it is under a duty to take action to deal with it. This means that Officers have to serve a notice requiring the abatement of the statutory nuisance within certain time limits or preventing the occurrence of a statutory nuisance. In the case where a house is let, this is generally served on the landlord of the property.</p> <p>If such a notice is served and not complied with, the Council is able to carry out the necessary work in default and recharge the person upon whom the notice was served. Not keeping to a notice is a criminal offence and the Council is able to prosecute the person who received the notice if he does not have a reasonable excuse for not keeping to it.</p>
Housing Act 1985	
Section 17	<p>Power to make a Compulsory Purchase Order</p> <p>The legal powers are contained in s17 Housing Act 1985 and s93 Local Government and Housing Act 1989.</p> <p>A compulsory purchase order may be served upon the owner of land or property by the Council to acquire the land for the public good, usually at a valuation set by the district valuer.</p>
Section 265	<p>Power to make a Demolition Order</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Demolition Order is one of the actions that can be taken.</p> <p>A demolition order requires the property to be vacated within a specific time and</p>

Housing Enforcement Policy: Appendices

		subsequently demolished. It is a criminal offence to allow the property to be occupied after the demolition order has come into effect. If the person upon whom the order has been served does not demolish the building, the Council can demolish it instead and recharge the person accordingly.
Section 289		<p>Declaration of clearance area</p> <p>A clearance area is an area that is to be cleared of all buildings. The Council shall declare an area to be a clearance area if each of the residential building contains a Category 1 hazard and the other buildings in the area are dangerous or harmful to health and safety. The Council is required to consult on the declaration of a clearance area and publish its intentions. Owners and in certain cases occupiers of properties are compensated accordingly.</p>
Housing Act 2004		
Sections 11 and 12		<p>Power to serve an Improvement Notice</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of an Improvement Notice is one of the actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>An Improvement Notice under this section requires the recipient of the notice (usually the owner but not in all cases) to carry out certain works within a specified time scale. If the notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the notice was served. Not keeping to a notice is a criminal offence and the Council is able to prosecute the person who received the notice, or issue a financial penalty.</p> <p>An Improvement Notice can be suspended, varied or revoked.</p>
Sections 20 and 21		<p>Power to Serve a Prohibition Order</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Prohibition Order is one of the actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>A Prohibition Order under this section requires the recipient of the notice (usually the owner but not in all cases) to cease or limit the use of a property or part of the property for residential purposes. Prohibition Orders may also relate to the use of the premises by a specified number of people. Not keeping to an Order is a criminal offence and the Council is able to prosecute the person who received the notice, if he has intentionally failed to keep to it.</p> <p>An Prohibition Order can be suspended, varied or revoked</p>
Sections 28 and 29		<p>Power to Serve a Hazard Awareness Notice</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Hazard Awareness Notice is one of the</p>

	<p>actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>A Hazard Awareness Notice advises the person on whom it is served (usually the owner, but not in all cases) of the existence and the nature of the hazards identified, and the works considered to be required to address the hazard. The notice is advisory only - it does not require the recipient to take any action.</p>
Section 40	<p>Power to take Emergency Remedial Action</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. Where they are satisfied that the hazard presents an imminent risk of serious harm to the occupiers of the property or other residential premises, it can take Emergency Remedial Action.</p> <p>This means that the Council can arrange for works to be undertaken to remove the risk of harm. Within 7 days of starting the work, they must serve a notice under section 41 of the Act on the person having control of the house explaining the action taken. The Council have powers to recover expenses incurred in taking emergency remedial action.</p>
Section 43	<p>Powers to make an Emergency Prohibition Order</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. Where they are satisfied that the hazard presents an imminent risk of serious harm to the occupiers of the property or other residential premises, it can take Emergency Prohibition Order.</p> <p>This prohibits the use of the premises of part of the premises for residential use, with immediate effect. The Council must serve a notice on the person having control of the property on the day (or as soon as possible) that the Emergency Prohibition Order is made.</p>
Section 64	<p>Licensing of HMOs and other houses</p> <p>The local authority must licence Houses in Multiple Occupation which meet a specified description (currently those of three or more storeys with five or more occupiers forming two or more households). They also have a discretion to introduce licensing schemes for other HMOs or other houses to address specific local issues.</p> <p>It is an offence to fail to licence a licensable HMO or house, for which the local authority may prosecute or issue a financial penalty.</p>
Section 73	<p>Power to apply to the FtT for a Rent Repayment Order</p> <p>Where a licensable HMO is not licensed, the Council can apply to the First-tier Tribunal for an order requiring the landlord of the HMO to repay any housing benefit paid in respect of the HMO.</p> <p>The Housing and Planning Act 2016 extended the power to apply for a Rent Repayment Order where a landlord has committed one of the following offences (it is not necessary that they have been convicted):</p>

Housing Enforcement Policy: Appendices

	<ul style="list-style-type: none"> - Illegal eviction or harassment - failure to comply with an Improvement Notice - Failure to comply with a Prohibition Order - Control or management of an unlicensed HMO or house - Failure to comply with a Banning Order - Violence for securing entry under the Criminal Law Act 1977 <p>The local authority has a duty to consider applying where it becomes aware that a landlord has been convicted of a relevant offence.</p>
Section 102	<p>Interim Management Orders</p> <p>Where an HMO which is required to be licensed is not licensed and there is no reasonable prospect of it becoming licensed or action is considered necessary to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity, the local authority may make an Interim Management Order (IMO).</p> <p>An IMO can last for up to 12 months and enables the local authority to take steps to secure the proper management of an HMO, or to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity.</p> <p>An IMO gives the council rights to collect rents and carry out works to the property.</p> <p>An IMO may also be made in respect of any other dwelling, but only with the authority of the Residential Property Tribunal.</p>
Section 113	<p>Final Management Orders</p> <p>A local authority can serve a Final Management Order following an Interim Management Order, where, on expiry of the IMO, the HMO is required to be licensed and there is still no reasonable prospect of it becoming licensed or the Order is considered necessary to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity, on a long term basis.</p> <p>A Final Management order can last for up to five years.</p>
Section 139	<p>Overcrowding Notices</p> <p>Where the Council considers that excessive numbers of people are (or are likely to be) accommodated in a non-licensable HMO, they may serve an Overcrowding Notice on the owner or a person having control of the house.</p> <p>It is a criminal offence to breach an overcrowding notice, for which the Council may prosecute or issue a financial penalty.</p>
Section 234	<p>HMO Management Regulations</p> <p>Managers of HMOs are required to comply with the HMO Management Regulations which specify duties to keep the property and facilities within it safe, clean and in good repair.</p> <p>It is a criminal offence to breach the management regulations for which the local authority may prosecute or issue a financial penalty.</p>

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The Smoke and Carbon Monoxide Alarm Regulations 2015	
Regulation 5	<p>Remedial Notice</p> <p>Where the Council has reasonable grounds to believe that a landlord is in breach of his/her duties under these regulations, they must serve a Remedial Notice on the landlord giving him/her 28 days in which to carry out the actions specified in the notice.</p>
Regulation. 7	<p>Duty to arrange remedial action</p> <p>Where a local authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, it must arrange to undertake the actions in the Notice.</p>
Regulation 8	<p>Power to issue Penalty Charge Notice</p> <p>Where a local authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, they may require the landlord to pay a penalty charge.</p>
Housing and Planning Act 2016	
Sections 14-27	<p>Power to apply for a Banning Order (Not yet in force)</p> <p>The local authority may apply to the First tier Tribunal for a banning order in respect of any person or corporate body who has been convicted of a banning order offence.</p> <p>The effect of a Banning Order is to ban that person/company from being involved in letting and/or management of property or being involved in any company which carries out those activities.</p>
Sections 28-29	<p>Database of Rogue Landlords and Agents</p> <p>The government must establish a database of rogue landlords and give access to local authorities.</p> <p>A local authority will be given powers to maintain the database and must include details of any landlord who has received a banning order.</p> <p>They may include landlords who have been convicted of banning order offences, or who has received at least two financial penalties in 12 months for banning order offences, but authorities must first give notice to the landlord which may be appealed.</p>

Appendix 2: Statement of Principles: Smoke and Carbon Monoxide Regs 2015

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Regulation 13: Statement of Principles in relation to Requirement to Pay a Penalty Charge

Background

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 confer a statutory duty on landlords of residential premises 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 detector is equipped in any room of the premises on which there is a room used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance:

(iii) Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Where a local authority has reasonable grounds to believe that a landlord is in breach of one or more of these duties, they must serve a remedial notice on the landlord giving him/her 28 days in which to carry out remedial actions specified in the notice.

Where a local housing authority is satisfied, on the balance of probabilities, that landlord has failed to comply with a Remedial Notice, the local authority must arrange to undertake the remedial actions in the Notice, and they may also require a landlord to pay a Penalty Charge.

The local authority may determine the amount of the penalty charge, but it must not exceed £5000.

The purpose of this Statement of Principles is to set out the principles the authority will follow in determining a penalty charge.

Principles in Relation to Decision to Impose a Penalty Charge

A penalty charge will be imposed in the following cases

- The landlord is unable to demonstrate that he/she has attempted to make contact with the tenant by text, email or letter to arrange to carry out the remedial actions
- The landlord is unable to demonstrate that the tenant has refused access to allow alarms to be installed or to be checked
- The landlord has not made any representations in relation to service of the Remedial Notice, or representations were made but dismissed

Principles in Relation to Amount of Penalty Charge

Where a penalty charge is considered appropriate, the amount of charge will be the maximum £5000.

The principles followed in determining this amount are:

- The actions required to comply with the regulations are not expensive or onerous for a landlord
- The landlord was made aware of the need to comply by the service of the Remedial Notice and had an opportunity to make representations if he/she did not agree with it, therefore any breach is considered to be deliberate or reckless.
- Failure to comply potentially could lead to death or serious injury of an occupant
- The penalty charge should act as a sufficient deterrent to non-compliance

Dated: 3 September 2016

Appendix 3: Statement of Principles: Determining the amount of a Financial Penalty

The level of financial penalty will be determined having regard to the principles of sentencing set out in section 142 of Criminal Justice Act 2003.

The fine will be determined in relation to the seriousness of the offence, having regard to both the culpability of the offender and the potential for harm. Account will also be taken of any aggravating or mitigating factors, the offender's financial circumstances and whether any reduction is appropriate in the event of an admission of guilt.

Determining the Offence Category

Culpability

Low or No Culpability: Offence has been committed with limited or no fault on behalf of the landlord or agent eg. Obstruction by tenant to allow contractor access for repairs, damage caused by tenant negligence.

Negligent: Failure of the landlord or agent to take reasonable care to put in place or enforce proper systems to avoid committing an offence Eg. Failure to instruct or follow up contractors, failure to liaise adequately with tenant, failure to make adequate financial arrangements to cover the costs of repairs

Reckless: Actual foresight of or wilful blindness to risk of offending, but risks taken nevertheless by the landlord or agent Eg Failure to comply with strict liability offence HMO Management Regulations,

Deliberate: Intentional breach by landlord or flagrant disregard for the law Eg Failure to comply with an Improvement Notice without 'reasonable excuse'

Level of Harm

Extreme and Severe Harm Outcomes: The housing defect giving rise to the offence poses an imminent danger with a potential risk of death or severe injury or illness eg electrocution, carbon monoxide poisoning, serious fire safety risk.

Serious Harm Outcomes: The housing defect giving rise to the offence poses a significant risk of harm to the occupants where the potential outcomes are serious illness or injury eg mild heart attack, fractures, diarrhoea, vomiting, chronic stress.

Moderate Harm: The housing defect giving rise to the offence poses a risk of harm to the occupiers which are significant enough to warrant medical attention eg moderate cuts, severe bruising, persistent coughs and colds.

A higher degree of harm may be assessed where there are multiple victims (for example in a house in multiple occupation) or the victim is particularly vulnerable.

Adjustments for Aggravating or Mitigating Factors

Aggravating Factors

- History of similar offences
- High level of financial gain
- Attempt to conceal or dispose of evidence
- Hostility or contempt for the victim

Mitigating Factors

- First offence
- Genuine remorse
- Relevant personal circumstances at time of the offence eg illness, bereavement
- Ready co-operation with authority

Financial Circumstances of the Offender

In view of the high property and rental values in the Chiltern and South Bucks Districts, claims of hardship will only be considered where the landlord provides compelling evidence. Landlords who are unable to afford to operate a safe rental property and comply with the law will usually have the option to sell.

Admission of Guilt

A reduction of up to a third may be applied to the fine where the offender admits guilt during an interview.

SUBJECT:	<i>Chiltern Community Grant Awards 2017-2018</i>
REPORT OF:	<i>Councillor Elizabeth Walsh – Cabinet Member for Community, Health & Housing</i>
RESPONSIBLE OFFICER	<i>Martin Holt</i>
REPORT AUTHOR	<i>Joanne Fowler (01494) 732103 jfowler@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To agree funding grant awards for the Council's 2017/18 Community Grant Aid Scheme.

RECOMMENDATION

Cabinet agree the allocation of awards from the 2017/18 Community Grant Aid Scheme as detailed in Appendix 1.

2. Executive Summary

2.1 Chiltern District Council's Community Grant Aid Scheme plays an important role in supporting a diverse range of local voluntary organisations to improve services and facilities for local residents. The grant scheme has helped build and enhance Chiltern's already strong community infrastructure as well as raise the Council's standing as a supporter of the local voluntary sector.

2.2 The scheme also attracts additional external funding and supports local voluntary and community organisations to deliver a diverse range of services enabling local residents to;

- **Connect** with others in the community
- **Be Active** by participating in sports or community activities
- **Take Notice** of what is going on in the community
- **Learn** new skills or pass on their skills to others
- **Give** through volunteering

3. Reasons for Recommendations

3.1 Chiltern District's active voluntary sector ensures that the Community Grant Aid scheme always attracts a high volume of applications. Therefore, to fairly prioritise applications only projects that directly support the Council's key corporate objectives, namely, improving community safety, promoting healthy communities, promoting

cohesive communities, conserving the environment and promoting sustainability are considered for funding.

4. Content of Report

- .1 This year's scheme attracted thirty three applications (Appendix 1) that collectively requested funding totalling £49,391. The cumulative value if all the applicants' schemes were delivered totalled £235,197 which would be achieved by applicants accessing funding from other grant awarding bodies, running internal fundraising events and utilising their own internal reserves.
- .2 To provide a fair and consistent approach, all applications were assessed and evaluated with their overall quality categorised as being Green, Amber or Red. Using this assessment approach results in the Council awarding £32,584 to thirty two different community organisations.
- .3 All application forms have been placed in the Members' Room (04.08.17) along with a summary report highlighting each applicant's key strengths and weaknesses along with associated Councillor comments.
- .4 The total grant fund available for Chiltern's Community Grant Aid scheme is £32,584 which includes a £2,000 contribution from the Community Safety and £584 from the Communities budgets. The high volume and improved quality of applications has resulted in the decision making process being even more challenging.
- .5 All applications were arranged into three distinct categories. Those attaining the;
 - **Green** standard (Appendix 1, Table 1), strongly support four of the Council's key objectives, have support from their local ward councillor(s) and have successfully secured additional external funding. It is proposed that applicants achieving Green status receive 90% of their requested grant apart from those requesting £500 or less who will receive 100% funding.
 - **Amber** status (Appendix 1, Table 2), support three of the Council's objectives and have support from their local ward councillor(s) receive up to 60% of their grant request.
 - **Red** status (Appendix 1, Table 3) do not strongly support the Council's objectives, have limited or no match funding, have limited/no councillor support and/or can secure funding from an alternative source, receive no funding.

5. Consultation

- 5.1 The community grant process involves ongoing consultation with the local voluntary sector to ensure that it is fit for purpose and meets community needs. Also the Council's Services Committee feedback is involved in the evaluation process with the group's views passed onto Cabinet to consider.

6. Options

- 6.1 Not to accept the report's recommendations and propose alternative options of grant awards to community groups.
- 6.2 Endorse the report's recommendations in accordance to the evaluation process agreed by Cabinet.

7. Corporate Implications

- 7.1 **Financial** – There is sufficient funding available within the community grant, community safety and general community budgets to meet the recommendations detailed in this report.
- 7.2 **Environmental** – Several projects have a positive impact in helping protect the local environment.
- 7.3 **Equalities** - Support to the voluntary sector and helps assists the Council in targeting disadvantaged communities.

8. Links to Council Objectives

Work towards safer, healthier and cohesive local communities

Improve Community Safety

- Work with partners to reduce crime, fear of crime and anti-social behaviour

Promote healthier communities

- Address the needs of the elderly and those who are vulnerable

Promote cohesive communities

- Support the voluntary sector and promote volunteering

9 Next Step

Subject to Cabinet approval allocate community grant awards as detailed in Appendix 1.

Appendix 1 Recommended Community Grant Aid Awards for Chiltern District Council 2017/2018

Table 1 – Community Grant Aid Applications Achieving Green Status

Organisation	Project	Requested Funding	Funding Recommended	No of Beneficiaries
Amersham Museum	A programme of varied activities to engage with older people, regular sessions at Amersham Museum in local care homes	£2,000	£1,800	400
Carers Bucks	To support unpaid family carers to meet at monthly support groups providing refreshments, guest speakers and trainers and a special Christmas dinner for carers.	£1,600	£1,440	60
1st Chalfont St Giles Scout group- new floor	Scout Hall Floor Renovation	£2,000	£1,800	500
Chalfont St Peter Youth Centre	Tuesday Night Youth Club evening with a focus on developing young people on the autistic spectrum (ASD).	£2,000	£1,800	300
Chesham in Bloom	Community Polytunnel	£400	£400	20000
Chesham Over 50's' Positive Action Group	Support a range of social activities for elderly residents living in Chesham includes day trips, IT training, Christmas lunch and coffee mornings.	£400	£400	50
Chesham Walkers are Welcome	To install two RADAR operated gates at the entrances to Hockeridge Wood near Ashley Green.	£800	£720	N/A

Organisation	Project	Requested Funding	Funding Recommended	No of Beneficiaries
Little Chalfont Good Companions Club	The club exists to provide companionship and social contact for older people in Little Chalfont including entertainment, regular speakers, outings and Christmas party.	£500	£500	30
Pond Park Rangers	Expand outreach community diversionary football programme	£1,700	£1,530	1000
Relate Mid Thames and Buckinghamshire	Bursary Funding Scheme	£2,000	£1,800	250
Total		£13,400	£12,190	

Table 2 - Community Grant Aid Applications Achieving Amber Status

Organisation	Project	Requested Funding	Funding Recommended	No of Beneficiaries
Asheridge Vale and Lowndes Community Association	To attract new members to the association and trial a new fitness programme to engage with residents.	£750	£450	14
Bucks Youth Anti hate	Design and deliver an education package across schools and youth providers.	£1,848	£1,109	320
Chesham Cricket Club	To purchase new equipment to assist with community outreach work	£1,050	£630	100
Chesham Youth Centre Making Gardens Grow	An intergenerational project with Chesham in Bloom	£900	£540	500

Chiltern Child Contact Centre	Provides a safe neutral space for separated parents to interact, play and have access to their children. Grant to recruit and train volunteers and promote the service locally.	£1,900	£1,140	60
Chiltern Youth Centre	Run a series of sessions to teach a range of skills to young people. Training will include cooking, health & fitness, decorating, hair styling/nail/teeth care, interviewing and form filling.	£2,000	£1,200	
CSG and J Revitalisation Steering Group- CSG and J Literary Festival 2018	Brochures to advertise the thirteen day Literary Festival.	£1,800	£1,080	6000
DrugFAM	DrugFAM will provide a weekly support group and 7 day a week helpline to families, friends and carers affected by someone else's drug or alcohol misuse.	£2,000	£1,200	50
Enrych Bucks	Chiltern Disability Partnership Service - partner each new member with a like-minded volunteer who will support them and share their interest and complement this by supporting access to local interest groups	£2,000	£1,200	50

Holmer Green Squash and Racketball Club	Train coaches to deliver junior session	£376	£226	40
Holmer Green Youth Club	Funding is being sought for 3 existing adult leaders to attend a 2-day training course provided by MIND, with a view to developing a course for the club's 8 young volunteer leaders.	£1,572	£943	120
Chesham Waterside over 50s Stretch & Flex Group	Funding to enable the group to meet once a week for gentle exercise	£1,645	£987	24
Hawridge and Cholesbury Cricket Club Practise net replacement project	Funding towards a new two-lane practice net to replace the existing single-lane net	£2,000	£1,200	100
Little Chalfont Community Library-	Teenage and children's books and DVD's	£1,500	£900	1000
Little Missenden Festival	The Festival runs for 10 days each October and includes music, literature and the visual	£1,000	£600	1500
Movers and Shakers for Older Men Chesham	Group sessions for adults to meet others and take part in a number of enjoyable activities including: art and craft work, gentle exercise and guest speakers.	£1,000	£600	20
Pond Park Community Association	To fund and support 8 community	£2,000	£1,200	3000

	groups /projects			
Prestwood Colts and Girls Football Club	Investment in pitches and equipment	£2,000	£1,200	400
Prestwood FC Ltd	Investment in pitches and equipment	£1,000	£600	500
Rennie Grove Hospice Care	Health care assistants provide support and personal care to patients and their families	£2,000	£1,200	125
Voices and Choices	Promote the service that supports people to help them remain in their own homes, recruit and train volunteers, room hire and training materials.	£1,650	£990	100
Wycombe Child Contact Centre	Support children whose parents are separated to spend time with the parent that they do not live with. Grant to cover hall hire, administration and part time employment of one staff member.	£2,000	£1,200	40
Total		£33,991	£20,395	

Table 3 - Community Grant Aid Applications Achieving Red Status

Organisation	Project	Requested Funding	Funding Recommended	No of Beneficiaries
Chesham United AFC	New kits	£2,000	£0.00	
Total		£2,000	£0.00	

SUBJECT:	<i>Buckinghamshire Affordable Warmth Strategy 2017-2022</i>
REPORT OF:	<i>Portfolio for Community, Health and Housing – Cllr Liz Walsh</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Louise Quinn 01494 732209 lquinn@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The purpose of the report is to:-

- Advise Members of the draft updated Buckinghamshire Affordable Warmth Strategy
- Seek Members comments on the draft updated Strategy
- Seek Members agreement to the updated Buckinghamshire Affordable Warmth Strategy.

RECOMMENDATIONS

1. **That Members note the draft strategy and comment, as appropriate.**
2. **That Members recommend to Cabinet that delegated authority is given to the Head of Healthy Communities to adopt the final updated Buckinghamshire Affordable Warmth Strategy, in consultation with the Portfolio Holder.**

2. Reasons for Recommendations

The current Affordable Warmth Strategy is now out of date. The revised updated version will provide a clear direction and focus to the Council and its partners in targeting actions towards those residents who are most at risk of fuel poverty.

3. Content of Report

Chiltern District Council leads the Bucks-wide Affordable Warmth Network, a partnership of the four district councils, the county council and the National Energy Foundation, which aims to ensure that all residents of Buckinghamshire can heat their homes adequately and affordably.

In 2009 the partnership produced a county-wide Affordable Warmth Strategy, which identified the geographical areas and communities most at risk of fuel poverty, the range of help or assistance available to residents and set out an action plan to target the key causes of fuel poverty.

The Strategy has been implemented chiefly via the Affordable Warmth Network's delivery partner, the National Energy Foundation, which

- operates a free helpline providing advice to residents on grants and financial assistance for insulation and heating measures, dealing with fuel debt, supplier switching, energy efficiency advice etc
- provides free local training in affordable warmth and energy awareness to health, care and other professionals and community groups in Buckinghamshire who support people who are vulnerable to fuel poverty
- attends local events to give face-to-face information and advice
- seeks funding to operate schemes to install measures in homes, such as the recent British Gas Energy Trust funded 'Better Housing Better Health' project which installed heating and insulation improvements in the homes of residents with respiratory and cardiovascular disease.

Since the strategy was first prepared, the definition of fuel poverty has been revised by government and many of the schemes and organisations providing financial support for residents have changed.

The strategy has therefore been revised and updated by the National Energy Foundation to reflect the current position both locally and nationally. The draft Buckinghamshire Affordable Warmth Strategy is contained in Appendix X.

The updated strategy seeks to identify those residents who are most vulnerable to fuel poverty, and to target actions at these groups to address the key causes of fuel poverty.

Once approved, the strategy will be implemented and monitored by the Affordable Warmth Network, which meets quarterly to review progress made by the National Energy Foundation in undertaking the above-mentioned activities.

The Council's role in implementing the strategy will be principally to promote the Affordable Warmth Helpline, and any schemes, events or services which support the aims of reducing fuel poverty.

4. Consultation

The National Energy Foundation has undertaken a six week consultation with key stakeholders, seeking comments on the strategy and the action plan. Stakeholders include the Citizens Advice Bureau, AgeUK, Children's Centres, Community Practice Workers, Clinical Commissioning Groups, voluntary and community groups such as Carers Bucks and Older People's Action Groups, and social landlords including Paradigm Housing and London and Quadrant.

5. Options

The options are:

1. Members agree to give delegated authority to the Head of Healthy Communities to adopt the final strategy following the consultation period.
2. The final strategy is reported back to Members for agreement following the consultation with third parties and the other Bucks Councils.

Option 1 is recommended as this will allow for amendments to be made to the strategy following consideration by Members and by the other Buckinghamshire authorities.

7. Corporate Implications

Financial	There are no financial implications. The actions under the Strategy can be met within existing budgets and resources.
Legal	The current Joint Private Sector Housing Strategy and the Home Energy Conservation Act progress report commits the Council to updating the Buckinghamshire Affordable Warmth Strategy.
Sustainability	The proposed actions set out in the report will help to reduce carbon emissions by improving home energy efficiency.

8. Links to Council Policy Objectives

The strategy contributes to the 'Working towards safe and healthier local communities' and 'Striving to conserve the environment and promote sustainability' aims of the Joint Business Plan 2014-19.

9. Next Step

Once the strategy is approved, the Council will seek to promote the services available to residents to address fuel poverty and will support and monitor the work of the National Energy Foundation in implementing the action plan.

Background Papers:	None
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Buckinghamshire Affordable Warmth Strategy 2017 – 2022



Affordable Warmth Network

Bucks Affordable Warmth Network



Stronger in partnership



Chiltern

Clinical Commissioning Group



Aylesbury Vale

Clinical Commissioning Group



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1.1. INTRODUCTION

Fuel poverty continues to be a major concern for local authorities, registered housing providers, and other support organisations. National Energy Action (NEA) estimates that just over 4 million households in the UK are living in fuel poverty and the latest figures from Government show that the number of fuel poor households in England in 2014 was 2.38 million, an increase of around 1.4% from 2013. This rise in fuel poverty has been summarised as being due to increasing fuel prices (outweighing the energy efficiency gains) and a generally lower rate of disposable income.

The Government defines a household as living in fuel poverty if *“required fuel costs are above average and if they were to spend that amount, they would be left with a residual income below the official poverty line”*. This updated definition was created as a result of the Hills Fuel Poverty review published in 2012 and shows a shift away from the previously implemented 10% definition in the hope of addressing fuel poverty as a distinct issue away from more generalised poverty. The Government now measures fuel poverty by using the ‘Low Income High Costs (LIHC)’ indicator, with a household being considered as fuel poor if:

- Their income is below the poverty line (taking into account energy costs); *and*
- Their energy costs are higher than is typical for their household type.

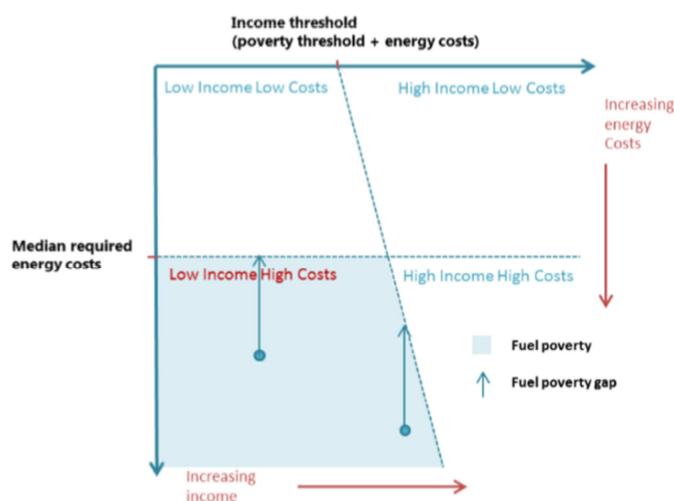


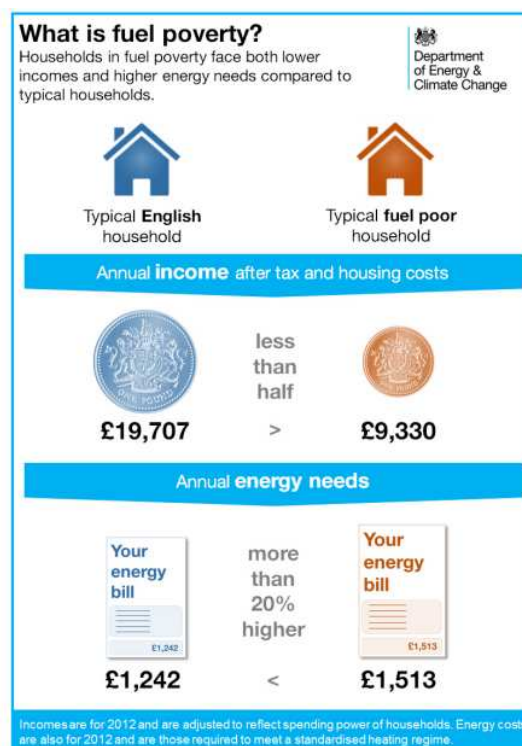
Figure 1: Low Income High Cost (LIHC) Indicator. DECC, 2016

Prior to this, the Government previously defined a household as fuel poor if they were spending *'more than 10% of income on energy bills'*. This definition is still used in parts of the UK such as Scotland, Wales and Northern Ireland. However, as a result of the updated definition in England, the number of fuel poor households nationally have been significantly reduced (as shown in the table below).

Table 1: Buckinghamshire fuel poverty levels in 2012 with the change of definition

Definition	Year	Region	No. of Fuel Poor Households	Proportion of fuel poor households
10%	2012	Buckinghamshire	38,802	10%
LIHC	2012	Buckinghamshire	15,207	7.6%

The LIHC definition also describes a fuel poverty gap. This is the difference between a household's modelled bill and what their bill would need to be for them to no longer be fuel poor. This approach therefore provides twin indicators of the 'extent' and 'depth' of fuel poverty. Example values for typical income and typical energy bills are given by the Department of Energy and Climate Change (now BEIS) in the diagram below:-



In this example, figures on the left hand side represent a typical English household with an annual income (after tax and housing costs) of around £19,700 and annual energy needs equating to around £1,242. The right hand side shows a fuel poor household, with a much lower annual income of around £9,300 (after tax and housing costs). Usually these households have above average energy needs (often due to a resident over the age of 60 or long-term health conditions) resulting in higher energy bills.

Alongside the financial and comfort implications of fuel poverty, there are many health risks associated with living in a cold and damp home which include heart attacks, strokes, respiratory illness, hypothermia and falls. Fuel poverty can also be associated with mental health issues, increasing the likelihood of depression, anxiety and social exclusion.

According to Age UK, the estimated cost of cold homes to the NHS is around £1.36 billion (Age UK, 2012), with around 24,300 excess winter deaths occurring in 2015/16. Health risks associated with fuel poverty can apply to all parts of society, however, there are certain demographics that are more susceptible to these risks due to spending longer periods of time at home and these are listed below:

- Older people
- Disabled residents
- Residents with long term conditions
- Unemployed residents
- Children under 5

These residents are often the hardest to reach with information. We should also appreciate that for many in this demographic, it can sometimes be a choice between adequately heating their home or buying other essential items such as food.

1.2. POSSIBLE CAUSES OF FUEL POVERTY

There are six main reasons people find themselves in fuel poverty:

1. **Low household income** – This could be caused by unemployment, inability to work due to ill health or caring responsibilities. Pensioners may also find themselves in this situation.
2. **Inefficient homes** – This could be because there is little or no insulation, leading to higher fuel bills.
3. **Inefficient heating systems** – Old boilers with limited controls and storage heaters can be expensive to run.
4. **Under-occupancy** – With only a small number of people living in a large house, it costs more, per person, to keep warm.
5. **Fear of high bills** – Householders can fear receiving high energy bills so they do not switch their heating on, resulting in them living in cold homes. This is particularly an issue among older people.
6. **High fuel costs** – Increasing fuel bills are still being experienced. Low income households often use prepayment meters to pay for their heating, which is still more expensive than paying by direct debit. Many residents are sometimes confused by the different tariffs on offer from energy companies. There is also a lack of confidence when it comes to switching supplier, which results in many not actively checking whether they are on the cheapest tariff. Also, properties that are located off the mains gas network are subject to more expensive fuels such as oil and LPG.

The majority of these scenarios can be resolved and potential solutions to each are highlighted below:

Potential Solutions:

- 1.1. **Low household income** – This could be improved by carrying out a benefits assessment to check whether the householder is receiving all support they are entitled to.
- 1.2. **Inefficient homes** – Raise awareness of energy efficiency and enhance through physical improvements such as increased insulation (encourage resident to explore potential ECO funding to assist with this/and or any potential Local Authority support).
- 1.3. **Inefficient heating systems** – explore grant options available nationally or locally to upgrade to a more efficient system.
- 1.4. **Limited awareness of alternative tariffs and fear of high bills** – Ensure the general public are educated in the importance of switching energy tariff or supplier.
- 1.5. **High fuel costs** – whilst we cannot control external pressure on fuel costs, it is hoped that the Smart Meter roll out will increase awareness of associated increases in fuel bills. It is possible for residents to improve the fabric and heating in a property to such an extent that increases

in fuel bills will have less impact. It is also important to ensure the general public are educated in the importance of switching energy tariff or supplier

1.3. EXCESS SUMMER DEATHS

Whilst in a temperate nation such as the UK, it is winter cold that tends to headline as the major cause of death and hospital admissions, excess summer heat can also be damaging to health leading to heat stroke, additional hospital admissions and occasionally death.

Affordable cooling is a term that will become more prevalent as extreme weather events/conditions normalise with the effects of climate change. For example in 2003, over 70,000 excess deaths occurred in the summer as a direct result of the heat and the actions taken or not taken across Europe. During this year, the hottest temperature ever recorded in the UK was experienced in Kent where temperatures reached 38.5°C. There are many health risks associated with extreme heat and these include:

- Dehydration
- Heat rash
- Heat cramp
- Exhaustion
- Heatstroke
- Increased incidents of skin cancer
- Hay fever irritation
- Overheating (can pose serious risk to those with underlying health conditions)

Residents should not only ensure that themselves and their properties will be warm enough during the winter period, but also that they are cool enough during particularly hot spells during the summer.

Well insulated and energy efficient homes will help to protect residents from excess heat and reduce the need for use of electrical cooling systems such as fans and air conditioning units.

1.4. AIM OF THE STRATEGY

The aim of this strategy is to enable residents within Buckinghamshire to achieve affordable warmth. Affordable Warmth can be accomplished through well insulated homes with, efficient use of all fuel types. This is, in part, facilitated by access to grant assistance and income maximisation services. As a result, residents will benefit from warmer homes, lower fuel bills, improved health, greater comfort and better housing conditions. This strategy is not only aimed at those classed as living in fuel poverty, but aims to help anyone struggling to adequately heat their home. It requires a strategic approach, reflecting the complexity of the issue.

2. PROFILE OF BUCKINGHAMSHIRE

POPULATION

Buckinghamshire County is in the South East region of England. It is 600 square miles in size with a population of 505,300 (Census, 2011). Figures show a largely ageing population, with a 24% increase of people over the age of 60 accounting for just under a quarter of Buckinghamshire's total population. However, 25% of the population is still made up of people aged 19 and under. 13.6% of the population are of a non-white ethnic background, made up mainly of Asian and Asian British populations (Bucks County Council, 2017).

HOUSING

The population are living in 200,727 houses (Bucks County Council, 2017) showing a 6.7% increase in housing from the 2009-2014 strategy. Almost a third of the population live in two main towns; High Wycombe and Aylesbury. The housing type in Buckinghamshire County is vast, with properties ranging from pre-1919 to new builds (Table 1)¹. The age of a property is a major determinant in how energy efficient it is, with properties from the mid-1930s often having cavity walls which can be filled with insulation to reduce heat loss. Older properties tend to have solid walls, so insulation is more difficult. Generally, newer properties are more energy efficient.

Table 2: Age of Properties in Buckinghamshire

	Pre 1919	1919 - 1944	1945 - 1964	1965 - 1980	Post 1980
Aylesbury	10.3%	9.0%	18.0%	33.7%	29.0%
Chiltern	12.6%	21.4%	24.6%	25.5%	16%
South Bucks	DATA NOT COLLECTED				
Wycombe	10.1%	13.7%	23.1%	35.4%	17.8%

Tenure can also affect the energy efficiency of a property (Table 2)² and majority of housing in Buckinghamshire falls within the Private Sector. Most social housing is likely to have already had cost-effective insulation installed whereas within the private sector, it is the responsibility of the homeowner or landlord to improve the energy efficiency of the property. Often, there is high upfront cost associated with this which is one of the reasons why private sector housing is usually not as energy efficient at that of social tenure.

Table 3: Tenure of properties in Buckinghamshire, 2015

	Local Authority	Social Housing	Other public sector	Private sector	Total
Buckinghamshire	10	28,260	970	186,000	215,240
Aylesbury Vale	0	10,770	410	65,150	76,330
Chiltern	0	4,840	50	34,150	39,050
South Bucks	0	3,550	20	24,780	28,350
Wycombe	10	9,100	490	61,920	71,520

HEALTH

The residents of Buckinghamshire are generally healthier than the national average, experiencing better self-reported health; a good proxy for mental and physical health. Life expectancy at birth for females in the area is 85 compared to 83 nationally and for males is 81 compared to 79 nationally (Public Health England, 2014).

¹ Data from the district councils

² Data from Department of Communities and Local Government (DCLG), 2015

However, 13.4% of the population are reported to have a limiting long-term illness (Census, 2011) and as highlighted previously, these residents may be particularly susceptible to issues around living in a cold and damp home.

Excess Winter Deaths

Excess winter deaths are additional deaths that occur during the winter period due to cold weather. These are monitored using the excess winter mortality index, which calculates how many more deaths occur during the winter months compared to the summer months. This is calculated as winter deaths (deaths occurring between December and March) minus the average of non-winter deaths (April to July of the current year and August to November of the previous year) and is expressed as a percentage.

Figure 3 shows the excess winter mortality index between 2012 and 2015 for each local authority district in Buckinghamshire (Office for National Statistics, 2015). The graph shows that the index has ranged between 4% and 33% more winter deaths than non-winter deaths during this three year period, with the highest winter mortality seen in the winter of 2014/15. During this winter, the excess winter mortality index reported 33% more deaths in winter in Wycombe, 30% in Aylesbury Vale, 26% in South Buckinghamshire and 22% in Chiltern. Nationally, the year 2014/15 saw abnormally high winter deaths, with an estimated 43,900 excess winter deaths occurring in England (the highest number since 1999/00). This shows the importance of ensuring homes are well insulated and adequately heated, especially where there is a resident suffering with a long-term health condition residing within the property.

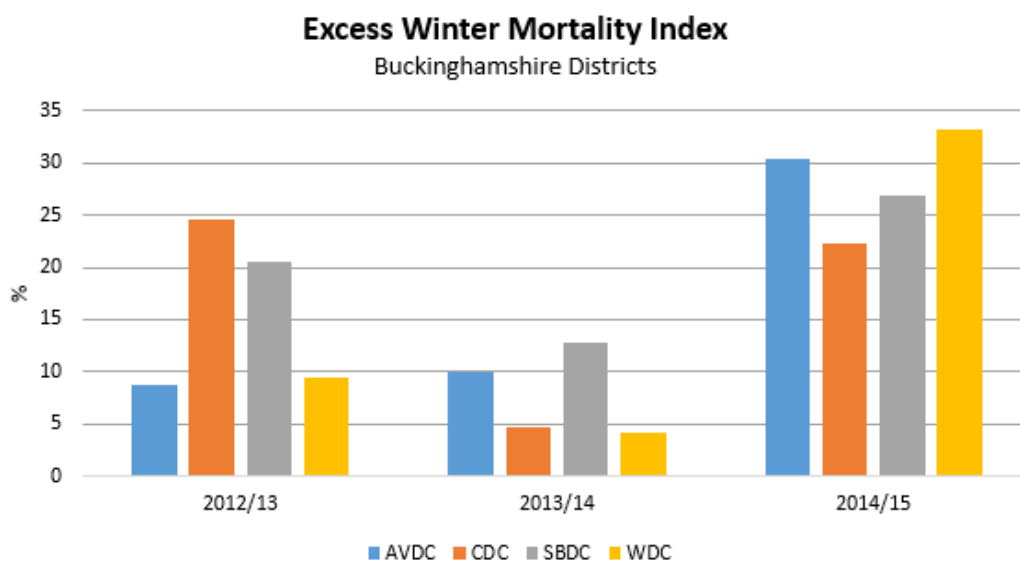
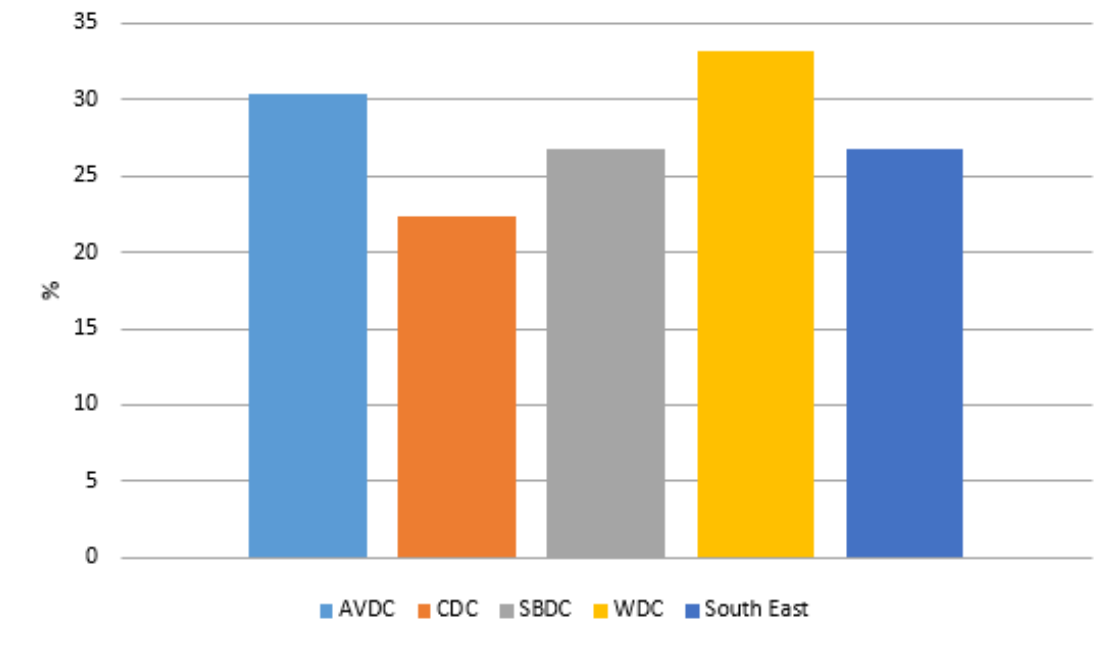


Figure 2: Excess Winter Mortality Index for Buckinghamshire Districts between 2012 and 2015. ONS, 2015

When comparing 2014/15 figures for Buckinghamshire districts against the South East average, South Bucks (SBDC) is on par with the regional average and Chiltern (CDC) slightly below this. Both districts, however, still experienced over 20% excess winter mortalities during 2014/15. Aylesbury Vale (AVDC) and Wycombe (WDC) districts have both experienced more excess winter mortalities than the regional average, with Aylesbury Vale observing 30.4% excess winter mortalities and Wycombe experiencing the highest in the County of 33.2%. These points highlight the need for support around keeping warm and well during the winter in Buckinghamshire to ensure that excess winter mortalities do not increase further over the next reporting period.

2014/15 Excess Winter Mortality Index
Buckinghamshire Districts vs South East average



MULTIPLE DEPRIVATION

The Index of Multiple Deprivation is the official measure of deprivation for small areas in England. The measure combines information from seven domains³ in order to produce an overall score for Lower Super Output Areas (LSOA)⁴ and then ranks these in terms of their multiple deprivation, with 1 being the most deprived and 32,844 being the least. In 2015, 12 LSOA’s in Buckinghamshire featured within the 30% most deprived areas in England (Department for Communities and Local Government, 2015). These are highlighted in red in Figure 2 below and are clustered in Aylesbury and High Wycombe, with one in Chesham.

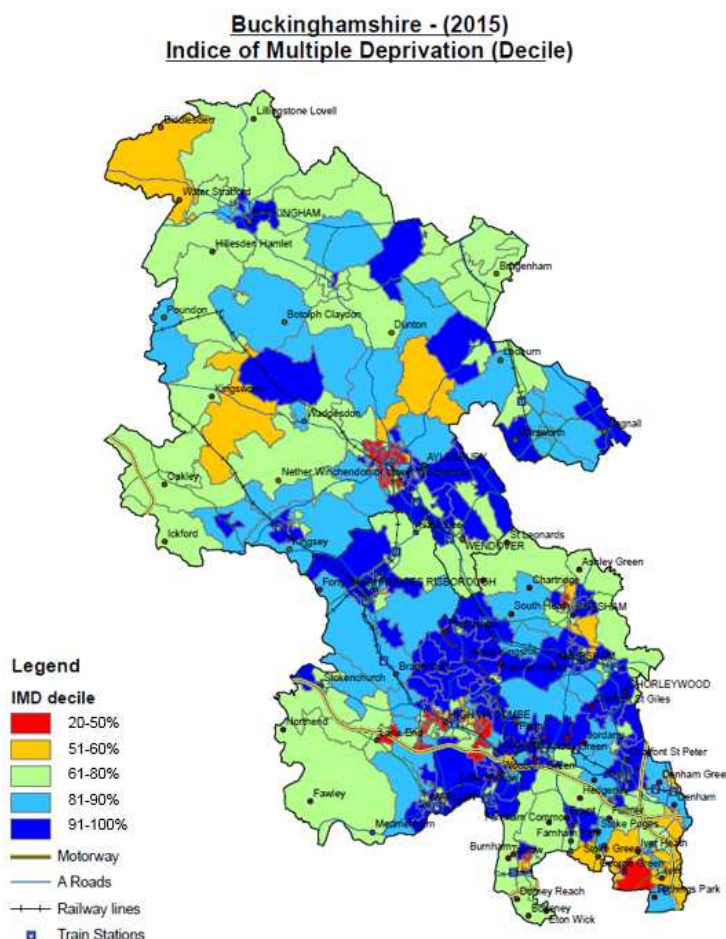


Figure 3: Index of Multiple Deprivation deciles for Buckinghamshire. (DCLG, 2015)

EMPLOYMENT

Buckinghamshire is a very affluent county compared to the national average, with unemployment only at 2.6% among those who are able to work (Office for National Statistics, 2016). The workforce is highly skilled, with 35% of Buckinghamshire population being educated to degree level or above. It also has above average representation of managers, senior officials and other professional occupations (Census, 2011).

³ Income deprivation, Employment deprivation, Education, skills and training deprivation, Health deprivation and disability, Crime, Barriers to housing and services and Living environment deprivation

⁴ A LSOA is a geographic area used to improve reporting of small area statistics. It typically includes (on average) a population of around 1,500 but will also involve a minimum of 1,000.

3. FUEL POVERTY IN BUCKINGHAMSHIRE

Fuel Poverty data in this strategy has been obtained from recent annual statistics published by the Department of Business, Energy and Industrial Strategy (BEIS), using the Low Income, High Cost definition. Figure 4 shows the most recent mapped fuel poverty data for Buckinghamshire, with red areas highlighting locations that are experiencing highest levels of fuel poverty. A map featuring individual legends for each district can be found in Appendix A, which illustrates higher levels of fuel poverty for each local authority area.

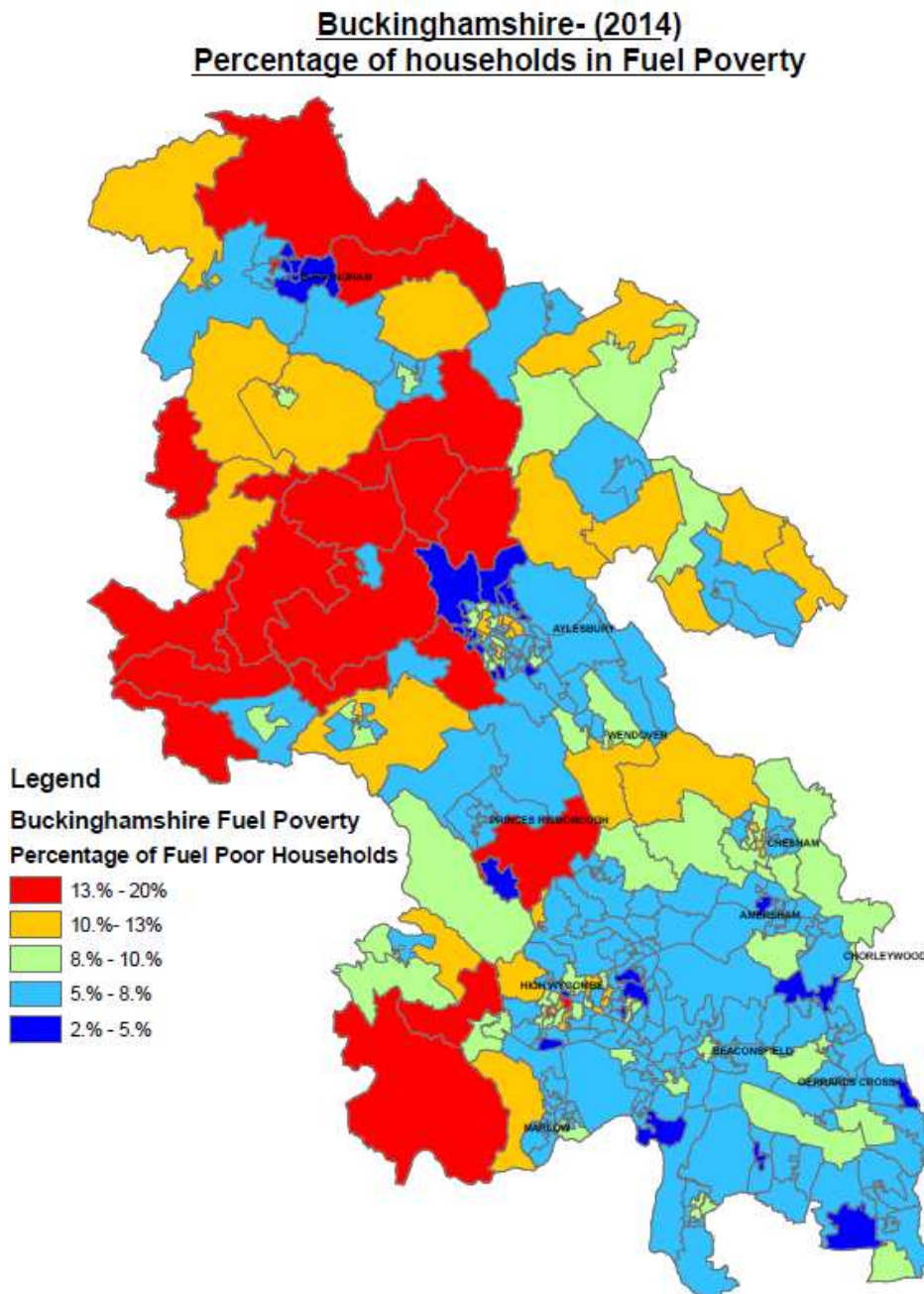


Figure 4: Percentage of Fuel Poor residents in Buckinghamshire 2015.

Between 2012 and 2014, there was a 0.3% increase of fuel poor households within the County, but this still remains below South East and national averages. It is likely that this slight increase is associated with

increasing energy prices and the ageing population within the county, resulting in the need to heat properties for longer. This highlights how there is still scope to increase the energy efficiency of properties within the County and raise awareness around the importance of keeping warm and well, especially to those residents who fall into vulnerable categories identified previously.

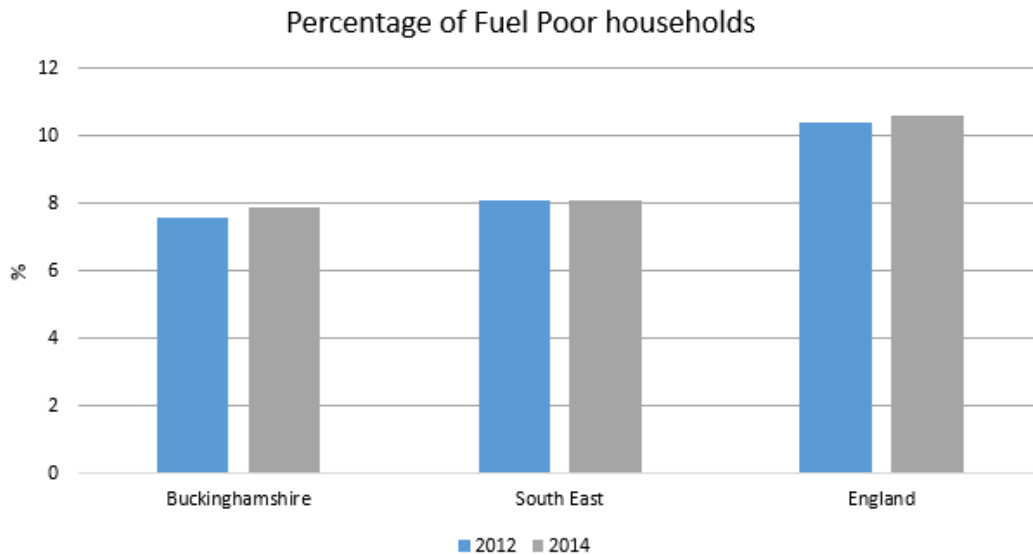


Figure 5: Percentage of Fuel Poor households in Buckinghamshire, South East and England. (BEIS, 2016)

4. HARD TO TREAT PROPERTIES

The age and build of a property that a resident lives in can greatly influence the level (and cost) of energy efficiency measures. A ‘hard to treat’ property is defined as a dwelling that is unable to accommodate cost effective energy efficiency improvements and includes homes with solid walls, limited or no loft space, homes without a mains gas connection and homes where for technical reasons, an energy efficiency measure cannot be fitted (BRE, 2008). It can be very expensive to install energy efficiency measures on these types of properties and this is often the reason that they remain inefficient therefore resulting in the resident living in a cold home.

Tackling ‘hard to treat’ properties will form a huge part of making homes warmer and more energy efficient in the UK. Displayed in Figure 6, is the percentage of solid walled properties in Buckinghamshire, with darker areas of the map showing areas with higher proportions of solid walled properties. Overall, solid walled properties feature across the County but are especially concentrated in Aylesbury Vale. However, it must be noted that some may be listed buildings or in conservation areas that are potentially difficult to insulate due to building regulations.

Over this period, the Affordable Warmth Network will continue to seek funding that will help assist residents in installing expensive measures such as solid wall insulation which will substantially improve the efficiency of their property. The Network will also work alongside energy companies to seek funding under Energy Company Obligation (ECO) phase ECO2 Transition which may also assist eligible residents in installing insulation measures on their homes.

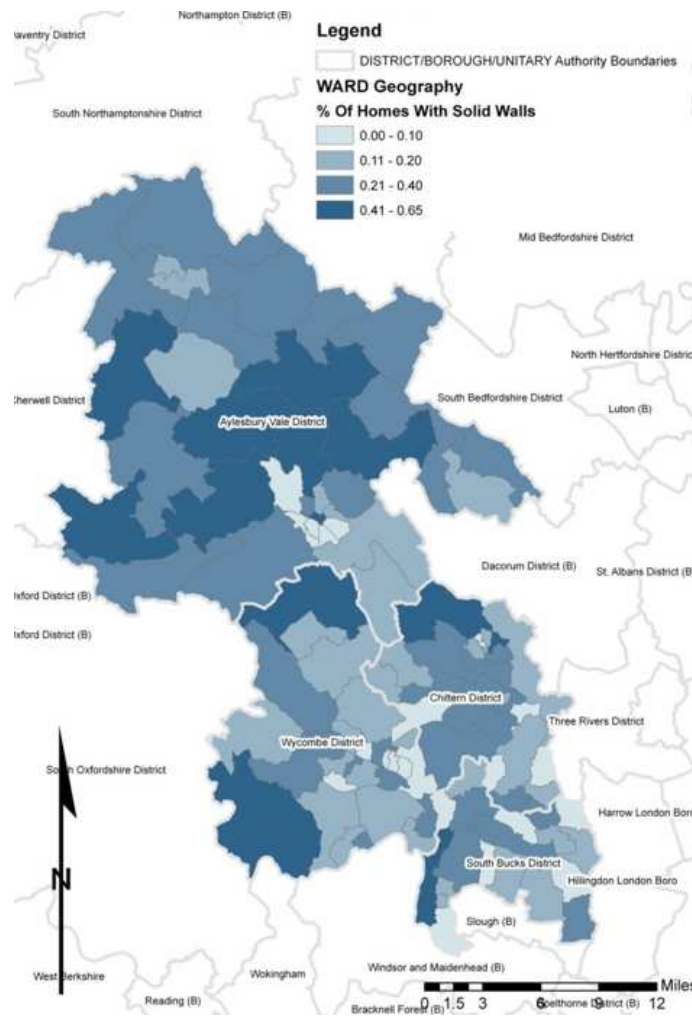


Figure 6 - Solid Walled Properties in Buckinghamshire. CSE, 2009

5. INCOME MAXIMISATION AND FUEL POVERTY

Latest statistics from the Department for Work and Pensions show that in 2014/15, around £16.6 billion of benefits went unclaimed. It is becoming increasingly apparent that income maximisation should be playing a larger role in combatting fuel poverty and can include support around assessing whether residents are receiving all the benefits they are entitled to, supporting those who are currently in debt to their supplier and even checking if someone is on the best energy tariff. Alongside improving the efficiency of a property, residents should also be looking at ways they can save money and these simple steps could potentially increase a household’s income which could go towards heating the property efficiently and eventually being lifted out of fuel poverty. The main organisations that provide this service are listed in Table 4, and residents (especially those who are struggling to pay fuel bills) should be encouraged to contact these providers to find out if they are claiming all that they are entitled to.

Table 4: Contact details of income maximisation support in Buckinghamshire

Organisation	Contact details
Citizens Advice	https://www.citizensadvice.org.uk/ Telephone - 034444 111 444
Age UK	www.ageuk.org.uk Age UK Advice – 0800 169 2081
Disability Alliance Network	www.disabilityrightsuk.org Personal budgets helpline – 0300 555 1525 E-mail – personalbudgets@disabilityrightsuk.org
Turn2Us	https://benefits-calculator.turn2us.org.uk/AboutYou

Within this reporting period, the Affordable Warmth Network will continue to build upon relationships established with the Citizens Advice (CAB) through the now completed Better Housing, Better Health project. The network will continue to provide onward referrals to services such as CAB and Prevention Matters to ensure that residents are receiving the maximum amount of support available when contacting the helpline.

6. COMMUNITY ENGAGEMENT

The Government has highlighted that community-led action often leads to greater change and tackling local issues more effectively than a top down approach (DECC,2014). Engaging the local community is a huge part of the Affordable Warmth Network in Buckinghamshire, this manifests through regular outreach events in local communities and training sessions available for local groups. Ensuring that as many local residents are aware of and understand the signs and implications of Fuel Poverty will play a pivotal role in achieving Affordable Warmth across the County. Over the coming period, the Affordable Warmth Network will continue to work and engage closely with local communities to promote the service and support on offer, along with raising awareness of the implications of living in a cold or damp home. Assistance will also include providing information and advice where relevant around Smart Meters and how they can be used within the home to monitor energy along with the advantages of this.

Engagement with these groups will be made either through existing relationships already created through the Network (such as connections with Prevention Matters and Age UK events) or through the creation of new relationships by further promoting the Network and its benefits.



Figure 7 - Promotional material used for Affordable Warmth Outreach

7. PARTNERS INVOLVED WITH AFFORDABLE WARMTH IN BUCKINGHAMSHIRE

Fuel Poverty and Affordable Warmth are terms that are commonly used interchangeably but are issues that can impact any parts of society, therefore we are calling for a multifaceted approach, which includes many different stakeholders and organisations.

The Buckinghamshire Affordable Warmth Network allows the collaboration of organisations that work with vulnerable people across Buckinghamshire. The network specifically aims to assist residents at risk of fuel poverty, or impaired health as a result of living in a cold or damp home. It includes representatives from Buckinghamshire local authorities, health authority partners, local support services and the National Energy Foundation, who work together using a cross-referral mechanism in order to maximise the benefit to residents. Although the service targets vulnerable residents, there is no eligibility criteria for accessing it and it is hoped that this encourages residents to not only assess their own situations, but to look out for others who may benefit from support in making their homes warmer and healthier places to live.

Of course, resident behaviour also plays a huge part in ensuring homes are adequately heated, especially where there are vulnerable residents within the property. This is why advice, outreach and training feature heavily across the network, allowing experts to discuss ways in which residents can not only keep their homes warmer (and potentially healthier and safer) in winter but also how they can potentially save money on their fuel bills.

8. PREVENTION MATTERS

The Buckinghamshire Affordable Warmth Network is partly funded by Prevention Matters which is delivered by Buckinghamshire County Council. The service provides advice that can support residents in regaining confidence, independence and ways to prevent loneliness. A referral mechanism has been set up so any residents who contact the Affordable Warmth helpline and may benefit from the support available will be referred across to Prevention Matters. Alternatively, residents can also obtain a referral from their local GP or health professional. It is hoped that this service will improve their quality of life of residents who contact the Network alongside

9. SUPPORT AVAILABLE

The table below shows the various local and national schemes available to residents in Buckinghamshire that may assist financially in improving the warmth of their home. To find out further information, residents should contact the **Buckinghamshire Affordable Warmth Helpline** on **0800 107 0044**.

Scheme	National/ Local	Purpose of the scheme	Qualifying criteria	Automatic/Apply for
Affordable Warmth Helpline	Local	Advice for those struggling with heating their home	Available to all – contact 0800 107 0044	N/A
Prevention Matters	Local	Free advice service that links adults to social activities, volunteers and community services	Available to eligible adults (over the age of 18)	Referral
Citizens Advice	National	Financial advice for those struggling with fuel bills and benefits assessments	Available to all – visit your local centre or call 03444 111 444	N/A
Winter Fuel Payment	National	Money for the cost of keeping warm through the winter	Over 60's	Automatic
ECO – HHCR0 (Affordable Warmth) grant	National	Able to fund energy efficiency measures that will help reduce a residents heating bills. The stream accounts for 70% of all activity funded through ECO.	Eligibility based on fuel poverty (some benefits used as proxies), EPC ratings in Social Housing and households identified by local authorities under 'flexible eligibility'	Apply via AWN Helpline
ECO – CERO grant	National	Currently able to fully-fund cavity-wall insulation, and loft insulation where current level does not exceed 100mm	The amount of carbon that can be saved through insulating the property	Apply via AWN Helpline
Flexible Home Improvement Loan	Countywide	Low interest loan for home improvements. Minimum loan £1,000	Homeowners in Buckinghamshire aged over 60	Apply via Local Authority
Aylesbury Essential Repairs Grant	Local	Grant of £2,500 for minor repairs of an emergency nature	Owner occupier in receipt of means tested state benefit, Aged 60+ or Under 60 with 1+ child under 10 years	Apply via Local Authority
Chiltern & South Bucks Home Renovation Loan	Local	Means tested loan of up to £20,000 for repairs and hazards addressed under HHSRS	Owner-occupier, on low income and not eligible for a Flexible Home Loan. Repayable on sale of property with 10% fee	Apply via Local Authority
Chiltern & South Bucks Safer Homes Grant	Local	Small means tested grant of up to £5,000 to address significant hazards (including lack of heating)	Homeowners on low incomes. Repayable if property sold within 3 years of work completion	Apply via Local Authority
Chiltern & South Bucks Mobile Home Grant	Local	Means tested grant of up to £10,000 to carry out essential repairs and energy efficiency measures	Owner-occupiers on low incomes and live in a mobile home	Apply via Local Authority

Disabled Facilities Grant	Local	Up to £30,000 available for specific adaptations to the property to accommodate individual needs. Grant amount is allocated based upon household income	Residents with a permanent and substantial disability	Referral from Occupational Therapist
Wymcbe Healthy Homes on Prescription Grant	Local	Grant up to £5,000 available to residents with disability or long-term conditions to provide small scale adaptations, repairs or improvements to properties	Residents with long-term condition or disability and at high risk of hospital admission or awaiting discharge	Referral from Health professional

10. DEVELOPMENT OF THE STRATEGY

This strategy has been updated from the previous county-wide fuel poverty strategy (2009 – 2014) by the National Energy Foundation with partners from the Bucks Affordable Warmth Steering Group. Partners included in the development of the strategy are listed below:

- National Energy Foundation (NEF)
- Aylesbury Vale District Council
- Chiltern District Council
- South Bucks District Council
- Wycombe District Council
- Prevention Matters (Buckinghamshire County Council)

11. ACTION PLAN

The Affordable Warmth Network works together to help alleviate fuel poverty and improve energy efficiency across the county. They do this in a number of ways and will use the following action plan to track progress. The status of the action plan will be reviewed on an annual basis with suggestions accepted at any point during the year. There is some flexibility, as grants and government focus change and the Affordable Warmth Network will always try to make best use of funds available. The following action plan has been agreed for the next five year period.

Factor	Objectives	Key Actions	Timescale	Organisations involved
Low Income	1. Use benefit assessments to increase income	<ul style="list-style-type: none"> • Link up with benefit agencies • Promote benefit assessments at events 	<ul style="list-style-type: none"> • Short term • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC Welfare Benefits Team • Age Concern • CAB
	2. Increase awareness of available schemes	<ul style="list-style-type: none"> • Promote Affordable Warmth Helpline • Promote flexible home improvement loans • Promote district council grants 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils • BCC • CCG / Public Health
	3. Supplier switching/social tariff promotion	<ul style="list-style-type: none"> • Promote U Switch as an independent switching service • Organise switching events • Promote social tariffs • Promote Ebico – the non-profit energy company who charge the same to all their customers regardless of payment method • Advise on spreading the cost through direct debits 	<ul style="list-style-type: none"> • Ongoing • Short term • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • Housing Associations • District councils • BCC • CAB
Energy Efficiency	1. Improve the energy efficiency of properties in owner occupied tenure	<ul style="list-style-type: none"> • Promote availability of Energy Company Obligation (ECO) grants for heating and insulation improvements • Investigate an ECO referral mechanism through Affordable Warmth Helpline • Target eligible households in each district under the new ECO 2T 'flexible eligibility' • Launch community focused projects • Promote flexible home improvement loans • Undertake mail out(s) to promote funding • Look into developing a carbon offset fund in Bucks to provide insulation measures at low cost • Work with NHS-CCG and NEF to link up GP referrals 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Short Term • Medium term • Ongoing • Medium term 	<ul style="list-style-type: none"> • NEF • District councils • BCC • Community groups • CCG

		for boilers and energy efficient technologies and thereby free up hospital beds.	<ul style="list-style-type: none"> • Ongoing 	
	2. Improve energy efficiency of properties in private rented tenure	<ul style="list-style-type: none"> • Continue to use landlord’s forums to disseminate information • Promote availability of ECO grants for insulation and heating improvements • Ensure properties are meeting minimum energy efficiency standards 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils
	3. Improve energy efficiency of properties in social tenure	<ul style="list-style-type: none"> • Establish relationship with Housing Associations • Train Housing Association staff • Host Switching Days for social housing tenants to help them find the best deal for their gas and electricity 	<ul style="list-style-type: none"> • Ongoing • Short term • Short term 	<ul style="list-style-type: none"> • NEF • Housing Associations •

	4. Promote Energy Saving Advice	<ul style="list-style-type: none"> Raise awareness of the benefits of energy efficiency Increase awareness of energy use through current cost monitors libraries 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> NEF District councils BCC BCC Libraries
Expensive Fuels	1. Encourage bulk buying oil	<ul style="list-style-type: none"> Use Community Impact Bucks to promote bulk buying oil in off gas network communities 	<ul style="list-style-type: none"> Medium term 	<ul style="list-style-type: none"> NEF Community Impact Bucks Community groups
	2. Large scale renewable energy schemes	<ul style="list-style-type: none"> Look into possible funding streams for renewable energy schemes including BSP innovation funding Look into LEADER funding (to rejuvenate rural business) for potential wood pellet scheme in off gas network communities 	<ul style="list-style-type: none"> Long term Long term 	<ul style="list-style-type: none"> BCC NEF Community Energy Groups
Hard to Treat properties	1. Investigate possible solutions to solid walled properties	<ul style="list-style-type: none"> Look at funding opportunities to deal with solid walled properties 	<ul style="list-style-type: none"> Long term 	<ul style="list-style-type: none"> NEF District councils
	2. Explore ways to help mobile homes	<ul style="list-style-type: none"> Look into possible funding for improving the energy efficiency of mobile homes 	<ul style="list-style-type: none"> Medium term 	<ul style="list-style-type: none"> NEF District councils
Accessing hard to reach groups	1. Work with the disabled and long-term sick	<ul style="list-style-type: none"> Work with Clinical Commissioning Group / Public Health through GP surgeries, flu campaigns and events Launch health focused projects Try to seek additional funding for continuation of Better Housing, Better Health project (which ended in December 2016) 	<ul style="list-style-type: none"> Ongoing Medium term Ongoing 	<ul style="list-style-type: none"> NEF CCG / Public Health NHS District councils
	2. Work with the unemployed	<ul style="list-style-type: none"> Establish relationships with job centres Launch community focused projects 	<ul style="list-style-type: none"> Short term Medium term 	<ul style="list-style-type: none"> NEF Job centres Community groups

	3. Work with older people	<ul style="list-style-type: none"> Attend senior wellbeing days Work with Women’s Institutes Work with Bucks Age-Well group to link into older people activities 	<ul style="list-style-type: none"> Ongoing Medium term Short term 	<ul style="list-style-type: none"> NEF Bucks AgeWell group Women’s Institute AgeUK
	4. Target single parent families or families with very young children	<ul style="list-style-type: none"> Continue to work with children centres Link with Bucks Family Information Services Launch community focused projects 	<ul style="list-style-type: none"> Ongoing Ongoing Medium term 	<ul style="list-style-type: none"> NEF Children centres BFIS team (BCC) Community groups
	5. Work with BME groups	<ul style="list-style-type: none"> Use minority community leaders to promote available schemes 	<ul style="list-style-type: none"> Medium term 	<ul style="list-style-type: none"> NEF Community leaders
	6. Develop partnerships with other agencies who work with hard to reach groups	<ul style="list-style-type: none"> Identify key partners including voluntary and community groups Share information and data to target the right groups Identify any training needs 	<ul style="list-style-type: none"> Short term Ongoing Short term 	<ul style="list-style-type: none"> NEF Voluntary groups Community groups
Confusion among residents	1. Promote the Affordable Warmth Helpline as referral service	<ul style="list-style-type: none"> Train trusted professionals such as health, social and advisory staff around fuel poverty and how to use referral network Promote helpline through partner’s websites Promote helpline through council newsletters 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing 	<ul style="list-style-type: none"> NEF CCG / Public Health BCC District councils Advice agencies CAB Job centres
	2. Continue to attend events to educate residents	<ul style="list-style-type: none"> Affordable warmth advice stands at organised events Affordable warmth talks to community groups 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> NEF Community groups

	3. Work closely as partners	<ul style="list-style-type: none"> • Confirm projects and schemes work together • Verify there is consistency of message • Identify and work collectively on bids for potential extensions to the network that mirror previous projects such as Better Housing, Better Health 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils • BCC • CCG / Public Health
Targeting appropriate areas/groups	1. Target through GIS mapping	<ul style="list-style-type: none"> • Continue to map areas with high levels of fuel poverty • Improve existing mapping of off gas households, solid walled properties and low income and use as indicators of fuel poor households • Use mapped data as a way of targeting households for support and assistance 	<ul style="list-style-type: none"> • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils
	2. Use partner databases	<ul style="list-style-type: none"> • Continue to work with BCC InTouch team and Prevention Matters 	<ul style="list-style-type: none"> • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC • Prevention Matters
Smart meter roll out	1. Raise awareness of smart meters	<ul style="list-style-type: none"> • Promote the installation and benefits of Smart meters • Use project run by Community Impact Bucks to help promote smart meters to off-gas residents • Encourage householder behaviour change • Make use of smart meter data to target energy efficiency campaigns 	<ul style="list-style-type: none"> • Medium term • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC • District councils • Community Impact Bucks • CAB
Affordable Cooling	1. Raise awareness of benefits of insulation in keeping homes cool during hot weather	<ul style="list-style-type: none"> • Promote benefits of insulated homes during periods of hot weather 	<ul style="list-style-type: none"> • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC • District councils

12. REVIEWING AND MONITORING

This strategy needs to be reviewed and monitored to ensure aims and objectives are being met. Monitoring should be carried out by the Affordable Warmth Steering group, and should be reviewed at the quarterly meeting with a progress report produced annually.

All members of the Affordable Warmth Network have made a commitment to working to support this strategy and comments and suggestions will be continually reviewed by the Steering Group.

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APPENDIX A – FUEL POVERTY IN BUCKINGHAMSHIRE – MAP 2

Buckinghamshire - Fuel Poverty 2015
Low Income High Cost

