



Please ask for Amanda Clayton
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The Chair and Members of Enterprise
and Wellbeing Scrutiny Committee

29 January 2020

Dear Councillor,

Please attend a meeting of the ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE to be held on THURSDAY, 6 FEBRUARY 2020 at 5.00 pm in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' And Officers' Interests Relating To Items On The Agenda
2. Apologies for Absence
3. Cabinet Member for Health & Wellbeing - Private Sector Housing (Pages 3 - 10)

5.00pm
4. Minutes (Pages 11 - 14)

5.30pm
5. Scrutiny Monitoring (Pages 15 - 22)

5.40pm

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

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6. Forward Plan

Please follow the link below to view the latest Forward Plan.

[Forward Plan](#)

5.50pm

7. Work Programme for the Enterprise and Wellbeing Scrutiny Committee
(Pages 23 - 26)

6.00pm

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Sandy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

For publication

Private Sector Housing Enforcement Policy Implementation

Meeting: Enterprise and Wellbeing Scrutiny Committee

Date: 29th January 2020

Cabinet portfolio: Councillor Chris Ludlow

Report by: Private Sector Housing Manager

For publication

Purpose of reviewing the topic	<ul style="list-style-type: none">• <i>To assess the implementation and impact of the Private Sector Housing Enforcement and Fees and Charges Policy issued March 2019</i>
What are the objectives of the review?	<ul style="list-style-type: none">• <i>To determine how issues with private sector housing are identified and addressed.</i>• <i>To evaluate the standard of private sector landlords within the Borough</i>• <i>To ascertain the impact of private sector growth on social housing</i>
Progress to date	<ul style="list-style-type: none">• <i>Members have had received the report on Private Sector Housing Enforcement and Fees and Charges Policy presented to cabinet March 2019.</i>• <i>A further meeting attended by PSH manager and Chair of scrutiny committee to discuss progress since implementation of the fees and charges policy.</i>

1.0 **Background**

1.1 The Private Sector Housing (PSH) Enforcement Policy and the Fees and Charges Policy were launched in March

2019. setting out how the Council will act in relation to enforcement action taken by the team.

- 1.2 PSH stock accounts for 78% of the housing stock in Chesterfield and given the Government's commitment to crack down on rogue landlords.
- 1.3 The implementation of the new policies now provides transparency as to how the Council will act with regards to Housing enforcement and also allows the Council to levy charges where necessary to ensure that no landlord who breaks the law is allowed to benefit financially from this. It is also worth noting that prior to the implementation of the policy Chesterfield were the only Derbyshire authority not to charge for enforcement action.

2.0 **Objectives of the review**

2.1 **To determine how issues with private sector housing are identified and addressed.**

Issues within Private Sector Housing can be brought to the Council's attention by the following:

- Tenant contacting the team to report either disrepair or landlord harassment/illegal eviction.
- Referral via other agency such as social care, fire service, police, increasingly the team are working alongside the modern slavery team to jointly carry out raids of premises suspected of housing workers at risk of modern slavery,
- Other team within the Council such as Environmental Health or Planning.
- Neighbour reporting issue affecting their house.

The team now complete a service request pro-forma to ascertain as much detail as possible in relation to the complaint. The PSH team now operate a priority waiting list system "urgent", "high" and "routine" priority. Whilst the team would always hope to deal with "urgent"

requests straight away, “routine” requests can be on the waiting list for up to 18 months, before they are allocated to an officer.

When a case is allocated to an officer, the officer will carry out an inspection in accordance with the Housing Act 2004.

Depending on the outcome of the inspection the officer will usually write to the landlord, to give a short informal opportunity to carry out the necessary works (the only exception to this is where the works are of an urgent nature).

If the landlord complies the case is closed.

If the landlord doesn't comply and a Category 1 hazard remains in the property, the Council must serve one of the following:

- *servicing an improvement notice under section 11 or 12;*
- *making a prohibition order under section 20 or 21;*
- *servicing a hazard awareness notice under section 28 or 29;*
- *taking emergency remedial action under section 40;*
- *making an emergency prohibition order under section 43; or*
- *making a demolition order under section 265 of the Housing Act 1985.*

Each of these notices now incurs a charge of £418.00 to the owner/landlord.

If the notice/order is complied with the officer will close the case.

If the notice/order is not complied with the officer will then assess whether it is in the public interest to

prosecute the landlord for non compliance with the notice/order.

The officer will also assess whether it is appropriate to carry out work in default and place a legal charge for the cost of the work against the property, the cost will only be repaid to the Council when the property is sold.

2.2 To evaluate the standard of private sector landlords within the Borough To ascertain the impact of private sector growth on social housing

As stated in the previous report, it is difficult to gauge the standard of private sector landlords as the team only come into contact with landlords when an issue arises with their rented property. As such the majority of this sector do not come within the teams radar.

Derby City Council are however currently in the process of undertaking a County wide Housing Stock condition survey which will provide a picture of the condition of the boroughs housing stock. This is an important piece of work that will provide us with information about the demographic living in privately rented accommodation, where there are concentrations of privately rented accommodation and the condition of that accommodation. Derby City Council will then follow this work with a Health Impact Assessment of housing stock, demographics living in that stock etc. This is a ground breaking piece of research that will inform and provide a valuable evidence base for future planning. A further update can be provided after March when Chesterfield Borough Council will receive their Stock Condition Report.

To ascertain the impact of private sector growth on social housing

- Unfortunately I am not in a position to answer this question. Whilst I can answer questions in relation to PSH I cannot answer questions in relation to social housing.

3.0 **Barriers/obstacles**

3.1 *What are the key obstacles or barriers preventing you to achieving your aims?*

As described in the previous report, the Private sector Housing Team remains under resourced with just two officers in post to undertake enforcement activity.

Duties the two enforcement officers are expected to carry out are:

- Enforcement of standards within privately rented accommodation
- Licensing of Houses in multiple occupation
- Licensing of Park Home sites
- Illegal encampment enforcement (traveller sites that set up on Council land without permission)
- Empty Homes

The team at present also lacks resilience given the limited numbers of staff available. The present structure has a team leader and then the two enforcement officers which presents real challenges in relation to capacity and wider resilience in terms of sickness and annual leave absence. The waiting for non urgent / routine enquiries being up to 18 months is an example of the capacity issue.

This lack of resource also impacts on our ability to react and respond to new legislation which presents a risk in terms of ensuring we remain compliant with new legislation.

4.0 **Future plans**

4.1 *How are the issues going to be addressed?*

The service is currently reviewing its operational structure and funding options with a view to developing a fully costed business case to enable an increase in the size of the team to incorporate additional resource at a Senior Environmental Health Officer (EHO) level and additional EHO post alongside the introduction of a post focussed on working on and an empty homes.

The Senior positions will provide resilience to the team and also allow the PSH manager to concentrate on further development of the team, rather than having to concentrate on day to day management issues.

The EHO post will provide further resilience to the enforcement team, allowing the team to concentrate on cases currently on the waiting list and also to begin work on larger projects such as inspection of areas of problematic properties or tackling the properties of specific rogue landlords.

4.2 *What are the implications of not addressing the issues?*

The health and wellbeing of occupants living in poor private sector accommodation will decline.

The waiting list for service will grow and tenants will have to wait longer before their properties are inspected.

Rogue landlords may realise that the team is not able to take enforcement action or progress cases to prosecution so will have less incentive to comply, meaning that vulnerable private tenants will be at further risk of exploitation.

Vital development work of future strategies and policies to enable the Council to use recently introduced legislation will not be possible, meaning that the Council will not be able to utilise the full range of enforcement options available.

The existing team members continue to be exposed to challenging working environment due to the issues of capacity and resilience outlined above.

5.0 Are there any risks associated with proposed actions? Consider financial, legal, environmental, equalities, partnership working and community implications.

Risks to CBC are minimal as this is work to enforce a statutory function.

If further development work was carried out in terms of a full options appraisal on the authorities approach to the management of private sector housing the Council could be in a position to introduce Civil Penalties which allow the Council to issue penalties of up to £30,000 to landlords who fail to comply with enforcement action. Importantly this money is paid directly to the Council which should in part cover the costs of the enforcement service and place less of a burden on the Councils budgets.

6.0 Conclusion

6.1 In conclusion the introduction of the Private Sector Housing Enforcement and Fees and Charges policies has been positive for both the Council and private tenants and landlords, as it provides transparency in relation to enforcement decisions taken by the Council.

- 6.2 Whilst the new policies are a positive move, it does highlight the difficulties faced by the team such as lack of resource and resilience. This can be overcome by enhanced resourcing of the team.
- 6.3 A further advantage of increased resource within the team will be to allow work in further areas including the introduction of Civil Penalties policy which will allow bringing revenue into the team to support the costs of the Private Sector Housing service.

7.0 Suggested scrutiny activity

- 7.1 Empty Homes work and Financial Assistance work. Both these areas of work are carried out by the Private Sector Housing Team.

Document information

Report author	Contact number/email
Sarah Watts	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	

ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE**Thursday, 5th December, 2019**

Present:-

Councillor Catt (Chair)

Councillors D Collins
DykeCouncillors Coy
Snowdon

*Matters dealt with under the Delegation Scheme

**25 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Caulfield and Councillor Hollingworth.

27 CABINET MEMBER FOR HOUSING - ALLOCATIONS POLICY

The Housing Options Manager gave a brief overview of the circumstances that had led to the decision to review the Allocations Policy and source new allocations software. It was explained that both the new ICT system and the policy had been due to be implemented in May 2019, with the expectation that a six-month update be given to the committee at the December meeting.

The new allocations policy included the council joining the Derbyshire Home Options Partnership which consists of five local authorities with Derbyshire Dales District Council as the lead. Significant delays occurred due to the legal documentation formalising the partnership not being finalised. In order to minimise service disruptions a decision was made to 'go live' with the system on 19 November 2019.

The Housing Options Manager reported a positive experience during the transition, with 1168 applicants now on the new system. It had been anticipated that the main difficulty would be the fact that there was no longer a paper based application route and so staffing had been put in place accordingly but this issue had not been a significant one.

It was clarified that all applicants on the new system had completed a new registration, to ensure that no dormant applications were transferred over and to ensure that all applications complied with the new policy. All applicants on the existing system received a mail shot advising them of the changes and how to register on the new system.

RESOLVED –

1. That the report be noted.
2. That the Housing Options Manager give a further update to the committee in 2020 on the impacts of the policy and IT system.

28 CABINET MEMBER FOR BUSINESS TRANSFORMATION AND CUSTOMERS - COMMERCIAL SERVICES

The Responsive Repairs Manager presented an overview of the commercial services provided by the council's operational services department since the start of a trial in 2016. It was explained that all the commercial work was done by established posts but managed separately to housing repairs. The focus had been on smaller jobs, sold on reputation and there had been repeat customers.

The Responsive Repairs Manager described the work process involved; one designated officer acknowledges all the enquiries, processes quotes and is the customer liaison. This can lead to a backlog of enquiries and therefore potentially damage to the Council's reputation when demand is high.

Internal audit gave the service a reasonable assurance rating in May 2019 but the Responsive Repairs Manager welcomed the committee's interest in this area. It was acknowledged that this was a good opportunity to review the progress made over the last three years.

The Interim Assistant Director for Commercial Services highlighted that this service was set up as a trial initially. There was clearly demand for a trusted resource in the marketplace at a time when it was difficult to find quality tradespersons. Further investigation was necessary to determine which jobs were most profitable and the ongoing ICT investment would support this, in order to shape the offering moving forward.

RESOLVED –

1. That the report be noted.
2. That a task and finish group be established to consider this matter further and report back to the committee.

29 SCRUTINY MONITORING

The Committee considered the Scrutiny recommendations monitoring schedule.

RESOLVED -

That the Scrutiny monitoring schedule be noted.

30 FORWARD PLAN

The Forward Plan for the four month period 1 December, 2019 to 31 March, 2020 was presented for information.

RESOLVED –

That the Forward Plan be noted.

31 WORK PROGRAMME FOR THE ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE

The 2019/20 Work Programme for the Enterprise and Wellbeing Scrutiny Committee was reported for information.

RESOLVED –

That the work programme be noted and updated to include the decisions of the current meeting.

32 **MINUTES**

RESOLVED –

The Minutes of the meeting of the Enterprise and Wellbeing Scrutiny Committee held on 3 October, 2019 were approved as a correct record and signed by the Chair.

SCRUTINY COMMITTEE RECOMMENDATIONS - IMPLEMENTATION MONITORING SCHEDULE

Ref No	Item (Scrutiny Issue or Topic. SPG = Scrutiny Project Group work)	Decision Dates (Scrutiny Committee, Cabinet, Council & its Committees)	Scrutiny Committee Recommendations and/or <i>Decision making body resolution</i> (<i>italics = Agreed by Scrutiny Committee but not yet considered by decision making body</i>) *	Completion Date for Actions	Action / Response Completed	Further Action Required by Scrutiny (6 monthly progress reports)
CCO1 Page 15	Statutory Crime & Disorder Scrutiny Ctte	CCO 29.09.11 (Min. No. 44)	Progress report on sharing information re alcohol related health problems and hospital admissions.	6 monthly wef 29/09/11.	Statistics requested for each 6 monthly meeting	Agreed on 08.01.15 that statistics on alcohol related health problems / hospital admissions be reported to each 6 monthly meeting.

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CCO4	Implementation of Universal Credit	<p>CCO 22.05.18 (Min. No. 6)</p> <p>Cabinet Member for Homes & Customers 16.07.18</p>	<p>Re. provision of computer terminal(s) and support for Universal Credit claimants in Staveley area.</p> <p>Cabinet Member's response noted by CCO – 17.07.18 (Min. No. 14) – computer terminals and support available at several locations within Staveley area – provision to be monitored.</p>	6 monthly progress reports	<p>Cabinet Member's response noted by CCO – 17.07.18.</p> <p>Report considered by CCO – 27.11.18.</p>	Monitor as part of ongoing review of implementation of Universal Credit.
CCO5	Community Rooms	<p>CCO 26.09.19 (Min. No. 17)</p> <p>Cabinet 22.10.19 (Min. No. 54)</p>	<p>Community Rooms SPG report approved by CCO 26.09.19.</p> <p>Cabinet Response:</p> <ol style="list-style-type: none"> 1. That the Cabinet Member for Housing initiates conversations with the Chesterfield Care Group regarding the hiring of community rooms. 2. That the Cabinet: <ol style="list-style-type: none"> a. Supports the refurbishment and retention of Bonsall Court as a community room. b. Notes and endorses the arrangements to lease Burns 	March 2020		

Page 16

Ref No	Item (Scrutiny Issue or Topic. SPG = Scrutiny Project Group work)	Decision Dates (Scrutiny Committee, Cabinet, Council & its Committees)	Scrutiny Committee Recommendations and/or <i>Decision making body resolution</i> (<i>italics = Agreed by Scrutiny Committee but not yet considered by decision making body</i>) *	Completion Date for Actions	Action / Response Completed	Further Action Required by Scrutiny (6 monthly progress reports)
Page 17			<p>Close to the Umbrellas Cosy Group on a five year lease.</p> <p>c. Agree that alternative uses be explored for Monkwood Road in line with the Council's health and wellbeing priorities.</p> <p>3. That the website be updated and amended to include a central location for finding room hire information for all venues across the Council including the community rooms.</p> <p>4. That a dedicated phone line for community room enquiries be established within the Careline and Support Service with a voicemail facility.</p> <p>5. That the call centre staff be provided with up to date information on the hire of community rooms.</p> <p>6. That the promotion of community rooms on the Council's website be</p>			

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			<p>improved, making the rooms more obvious to potential hirers.</p> <p>7. That a new leaflet be produced that includes details of all the community rooms.</p> <p>8. That a promotional drive take place to coincide with the completion of the work to the sheltered schemes.</p> <p>9. That a booklet be produced that incorporates terms and conditions for the community rooms along with how to use the facilities in the rooms.</p> <p>10. That the door entry systems that have been installed at Wimborne Crescent and Winster Court be kept under review to understand if this is the most effective way for hirers to gain access.</p>			

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EW6 Page 19	Skills	EW 05.02.19 (Min. No 48) Cabinet 26.02.19 (Min. No 110)	Skills SPG report approved by Enterprise and Wellbeing 05.02.19 Cabinet Response: <ol style="list-style-type: none"> 1. That the Cabinet thanks the Enterprise and Wellbeing Scrutiny Committee for the report which highlights an important area of work for the Council and reflects our commitment to driving skills development in the Borough through our support of the Skills Action Plan and continued engagement with key partners and stakeholders. 2. That the Cabinet notes and endorses the recommendations, and acknowledges that the recommendations can be accommodated within the normal work programme and through partners. 3. That the decision to co-fund the Enterprise Co-ordinator post be deferred for consideration as a 	Monitoring Action is being developed in consultation with senior officers to identify target dates for completion.		Monitor progress – December 2019

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			<p>growth request as part of the budget setting process for 2020/21. The Cabinet recognises the positive impact of the Enterprise Co-ordinator for Chesterfield and that this is currently co-funded for 2 years until 2019/20.</p> <p>See SPG Report for recommendations.</p>			
EW7 Page 20	Future Use of the Former QPSC Site	<p>EW 3.10.19 (Min. No. 20)</p> <p>Cabinet 22.10.19 (Min. No. 53)</p>	<p>SPG report approved by EW 3.10.19.</p> <p>Cabinet Response:</p> <ol style="list-style-type: none"> 1. That the use of the new sports pitch be monitored through the Council's normal management processes against the objective of balancing the need to achieve a commercial return and provide opportunities for community and health and wellbeing development. 2. That the marketing approach and pricing structure for the sports pitch be reviewed as necessary as part of the Council's overall marketing and 	April 2020		

Ref No	Item (Scrutiny Issue or Topic. SPG = Scrutiny Project Group work)	Decision Dates (Scrutiny Committee, Cabinet, Council & its Committees)	Scrutiny Committee Recommendations and/or <i>Decision making body resolution</i> (<i>italics = Agreed by Scrutiny Committee but not yet considered by decision making body</i>) *	Completion Date for Actions	Action / Response Completed	Further Action Required by Scrutiny (6 monthly progress reports)
			pricing of its sports and leisure services.			
OP8 Page 21	HS2	OPSF 11.09.18 Cabinet 23.10.18 (Min. No. 48)	Cabinet Response: 1. That the Cabinet thanks the Overview and Performance Scrutiny Forum for the first class work that has been taken forward in looking at how the Council is preparing for HS2 and, in particular, for the Forum's efforts in broadening and deepening the understanding of Council Members of the subject matter. 2. That Cabinet notes and endorses the recommendations of the Overview and Performance Scrutiny Forum. 3. That Cabinet endorses, in particular, the Forum's recommendation to establish a new Skills Scrutiny Project group and resolves to defer to the Overview and Performance Scrutiny Forum further consideration of the merit of	Following Parliament's consideration of the Hybrid Bill	Recommendations approved by Cabinet 23.10.18 Monitoring update considered by OPSF - 19.03.19	Monitor after Hybrid Bill has been taken to Parliament.

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			<p>establishing new Scrutiny Project Groups to look at particular aspects of HS2 as part of the future work programming discussions.</p> <p>See SPG Report for recommendations.</p>			
<p><i>Abbreviations Key : OP = Overview and Performance Scrutiny Forum. CCO = Community, Customer and Organisational Development Scrutiny Committee. EW = Enterprise and Wellbeing Scrutiny Committee). TBA (to be agreed).</i></p> <p><i>* Note recommendation wording may be abridged.</i></p>						

WORK PROGRAMME: ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE ON 6 FEBRUARY 2020

	Scrutiny Committee Date:	Business Item :	Status :	Raised by :	Cabinet Member Responsibility
1	06.02.20	Private Sector Housing	The Private Sector Housing Enforcement Policy and the Fees and Charges Policy were launched in March 2019. The Private Sector Housing Manager attended committee 18 July 2019 and gave an overview of the current situation. A further update was requested for February 2020.	Annual Scrutiny Work Programme 2019	Health and Wellbeing
2	02.04.20	Allocations Policy	The Council's current Allocations and Transfer Policy was last reviewed in 2015, with changes being implemented in 2016. New software for allocation was implemented in May 2019. Review expected December 2019. System did not go live until November 2019. Update requested 2020.	<i>Scrutiny Work Programme Action Planning – March 2018</i>	<i>Housing</i>
Scrutiny Project Groups (SPG) :					
3	03.10.19	Development of the site of the old Queen's Park Sports Centre	The report was presented to Cabinet on 5 December, 2017. Planning application has been approved, work due to commence November/December 2018.	<i>Scrutiny Work Programme Action Planning – March 2017</i>	<i>Health and Wellbeing/ Town Centres and Visitor Economy</i>

	Scrutiny Committee Date:	Business Item :	Status :	Raised by :	Cabinet Member Responsibility
<i>Corporate Working Groups:</i>					
4	Every meeting	Housing Revenue Account Business Plan Steering Group	Progress update provided by Director of Finance and Resources 05.02.19. New working group expected to form following arrival of new Assistant Director – Housing and new Director of Finance and Resources.	<i>Scrutiny Work Programme April 2016</i>	<i>Homes and Customers</i>
<i>Items Pending Reschedule or Removal:</i>					
5	18.07.19	Industrial Units	The Economic Development Manager presented an overview of the Council's Industrial Unit Portfolio to the committee 18 July 2019. A proposal for further development was to be presented to Cabinet September 2019.	Annual Scrutiny Work Programme 2019	Economic Growth
6	05.12.19	Repairs/Commercial Services	The Responsive Repairs Manager provided the committee with a summary of the Commercial Services provided by the council over the last three years. Further data was requested and it was agreed to hold a task and finish group to analyse the information. Expected April 2020.	<i>Annual Scrutiny Work Programme 2019</i>	<i>Housing/Business Transformation</i>
<i>New Business Items Proposed:</i>					

Note: Items for monitoring (from scrutiny reviews and/or recommendations) are not included above but are listed in the Scrutiny Monitoring Form a separate item on the agenda. Items from the Forward Plan and Scrutiny Monitoring Form can be included in the work programme.*[KEY to abbreviations : O&P = Overview and Performance Scrutiny Forum. CCO = Community, Customer and Organisational Development Scrutiny Committee. E&W = Enterprise and Wellbeing Scrutiny Committee. TBC = to be confirmed. KD = Forward Plan Key Decision].*

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