



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Cabinet

Date: **Thursday 8 October 2020**

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Time: **2.00 pm**

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Place: **Virtual Meeting**

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For any further information please contact:

**Caroline McCleary**

Democratic Services Officer

0115 901 3910

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# Cabinet

## Membership

**Chair** Councillor John Clarke

**Vice-Chair** Councillor Michael Payne

Councillor Peter Barnes  
Councillor David Ellis  
Councillor Gary Gregory  
Councillor Jenny Hollingsworth  
Councillor Viv McCrossen  
Councillor Henry Wheeler

Observers:

## **AGENDA**

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- 2 To approve, as a correct record, the minutes of the meeting held on 10 September 2020** 5 - 7
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- 9 Any other items the Chair considers urgent.**

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## **MINUTES CABINET**

**Thursday 10 September 2020**

Councillor John Clarke (Chair)

Councillor Michael Payne  
Councillor Peter Barnes  
Councillor David Ellis  
Councillor Gary Gregory

Councillor Jenny Hollingsworth  
Councillor Viv McCrossen  
Councillor Henry Wheeler

Officers in Attendance: M Hill, A Ball, H Barrington, A Dubberley and  
D Wakelin

**31 APOLOGIES FOR ABSENCE.**

None received.

**32 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE  
MEETING HELD ON 6 AUGUST 2020**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**33 DECLARATION OF INTERESTS.**

None

**34 S106 CONTRIBUTIONS 2019/20**

The Assistant Director Finance introduced a report, which had been circulated in advance of the meeting, providing an update on the s106 contributions that the Council has received and the contributions that have been agreed through the planning process but have yet to be received.

**RESOLVED:**

To note the contents of the annual Section 106 Contributions report.

35

**CONSULTATION ON PUBLIC SPACES PROTECTION ORDER FOR DOG FOULING**

The Director of Health and Community Wellbeing introduced a report, which had been circulated in advance of the meeting, seeking Cabinet authorisation to go out to formal consultation on the implementation of a Public Spaces Protection Order for dog fouling

**RESOLVED:**

- 1) To authorise the commencement of a 4 week consultation in accordance with Section 72 of the Antisocial Behaviour, Crime and Policing Act 2014, as set out in the report, on the implementation of the Public Spaces Protection Order (PSPO) for dog fouling at Appendix 1 to the report;
- 2) To delegate authority to the Director of Health and Community Wellbeing, in consultation with the Portfolio Holder for Public Protection, to consider the consultation responses and approve the final version of the PSPO for dog fouling having considered the consultation responses;
- 3) That subject to the PSPO for dog fouling being approved following consultation, to approve a fixed penalty level of £100, payable within 14 days for anyone found to be in contravention of the PSPO for dog fouling (Gedling Borough Council) 2020; and
- 4) That subject to the PSPO for dog fouling being approved following consultation, to delegate authority for enforcement of the PSPO to the Director of Health and Community Wellbeing.

36

**REVIEW OF COMPLAINTS RECEIVED BY THE COUNCIL AND ANNUAL REVIEW LETTER - LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN 2019/20**

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated in advance of the meeting, informing Members of the receipt of the Annual review letter from the Office of the Local Government and Social Care Ombudsman and the complaints dealt with by the Council through the internal complaints procedure during the year 2019/20.

**RESOLVED to:**

Note the details of the Annual Review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaints procedure in 2019/20.

**37 FORWARD PLAN**

Consideration was given to a report of the Service Manager, Democratic Services, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next four month period.

**RESOLVED:**

To note the report.

**38 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 2.21 pm

Signed by Chair:  
Date:

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## Report to Cabinet

**Subject:** Proposed Walking and Cycling Route on the Former Gedling Mineral Line

**Date:** 8 October 2020

**Author:** Service Manager Community Relations

### Wards Affected

Gedling, Netherfield, Colwick, Trent Valley

### Purpose

To update Cabinet on the feasibility work that has been undertaken regarding a future walking and cycling route along the former Gedling Mineral Line.

For Cabinet to approve officers to proactively work with Network Rail, City and County partners to undertake:

- detailed design work taking into account site constraints and improvements needed
- consultation with local residents on design work
- business planning for the future development of the former mineral line.

### Key Decision

This is not a key decision.

### Recommendation(s)

#### THAT:

- 1) Cabinet note the feasibility work that has been undertaken regarding a future walking and cycle route along the former Gedling Mineral Line.
- 2) Cabinet approve that officers can proactively work with Network Rail, City and County partners to undertake:

- more detailed design work taking into account site constraints and improvements needed
- consultation with local residents on design work
- business planning for the future development of the former mineral line.

## **1 Background**

- 1.1 Aspirations to develop the former mineral line between Netherfield and Gedling Country Park emerged during the compilation of and consultation on the Netherfield Locality Plan. The Plan included a proposal to explore the development of the former mineral line as a walking and cycling route connecting local communities and green space. This was managed through the Netherfield Locality Steering Group and is part of a wider physical regeneration programme adopted by that Group, some of which has already been delivered, such as the Ley Street Play Area and Trim Trial and the Cinder Path re-design. These proposals support outcomes for improved health and social wellbeing within the Netherfield and surrounding area. To date all coordination of planning work and securing of external funding relating to the former mineral line has been led by the Council, seeking support from other partners and funders as required.
- 1.2 The former mineral line is currently owned by Network Rail, but as an organisation it would not be in a position to redevelop the route for walking and cycling in isolation. The route has been designated as a proposed tram route and cycle and walking greenway within the Local Planning documents and work has previously been commissioned to explore the feasibility of such proposals being developed along the line.

### Feasibility Studies

- 1.3 There has already been comprehensive feasibility work regarding the former mineral line. The Council, working alongside the Netherfield Locality Steering Group, has previously secured external funding to commission feasibility studies that consider a transformation of the line that enables wider community use. An initial study in 2014, by Nottinghamshire County Council's Landscape Architect Team, considered its use as a walking and cycling recreational route. A subsequent study in 2016, by the Major Programmes team at Nottingham City Council, considered this concept alongside a proposed tram extension along the route.

- 1.4 This collaboration with City and County partners to date has been positive. In order to proceed with the proposals in this report further strategic collaboration and commitment between the Council and its City and County partners will be required.
- 1.5 The feasibility studies show that the combination of a tram and a recreational route is possible. An impact assessment was also undertaken and this together with the original strategic plan show the linkages between the proposed cycling and walking route and other community assets such as local parks, schools and business premises. Appendix A gives an overview of these linkages. There is also the opportunity for wider strategic transport connectivity that both the tram and recreational route can offer. In particular linking to the existing rail network at Netherfield, Nottingham and to the HS2 East Midlands Hub and would support any future aspirations for transport hub development for the Netherfield area.
- 1.6 Appendix B provides the Economic Impact Assessment of the proposals undertaken in 2016, by Mott McDonald. This Assessment was a preliminary analysis of potential outcomes that a new walking and cycling greenway along the route might offer. These included:
- once all local housing development is complete, the greenway is forecast to be catering for approximately 275,000 walk and 155,000 cycle trips per annum, equivalent to 750 and 425 unique trips per day respectively;
  - the potential for a substantial local reduction in car use;
  - over a 60 year period, the greenway is expected to provide £11.3M of decongestion benefits for other road users by removing up to 1.15 million car-kms per annum;
  - over 60 years, the reduction in car use is forecast to provide £880,000 of benefits from fewer road traffic accidents;
  - a forecast to provide £260,000 of environmental benefits over a 60 year period;
  - increased walking and cycling brings about increases in quality of life, both physically and mentally, and in the long term reduced rates of mortality - a healthier population also imposes fewer costs on the NHS;
  - the increase in walking and cycling is forecast to deliver £3.8M in benefits, providing approximately £5.8M of total health benefits from the increase in physical activity;
  - the NHS will also experience lower costs from a healthier population, with anticipated savings of £360,000 across the 60 years;
  - an attractive, safe and sustainable route for residents accessing local schools, including the new school, to be built at the Colliery

- site;
  - access to leisure and community centre facilities such as Gedling Country Park, Willow Park, Ley Street Open Space and other parks and allotments in the area;
  - a direct and safe route through which employment opportunities can be accessed, including access to both Carlton and Netherfield railway stations;
  - a significant increase in the value of housing in the area and therefore housing development viability.
- 1.7 Additional research, coordinated through a work programme that as included the Netherfield Locality Steering Group, Gedling County Park and the Gedling Borough's Heritage Brought Alive project, has also identified the rich industrial and social heritage associated with the former mineral line. This includes the "Pit of Nations" at Gedling Colliery, the line's passenger use as part of the Great Northern Railway and the prominence of Netherfield as a railway town following development of the strategically important locomotive depot and marshalling yards at Colwick, which served the nation's thriving coal industry in the early 20<sup>th</sup> Century. This rich heritage offers the opportunity for the route to be a key heritage trail within the Borough for future generations to enjoy.
- 1.8 As part of the feasibility work, on site field trips were organised for members of the Netherfield Locality Steering Group. The purpose of these was to increase understanding of the issues, work required and benefits relating to operating a cycle and walking greenway. Guided visits to sites across the County were undertaken and routes included the former Gedling Mineral Line itself and greenways in Newark, Bilsthorpe and Teversal.

#### Gedling Borough Heritage Way

- 1.9 Since this time the Council's ambition to design a Borough wide Heritage Way walking and cycling route has been included in the Gedling Plan. That programme aims to enhance well-being of residents through community engagement, volunteering, physical and social activities, educating on our rich heritage and enhancing our visitor economy by linking key heritage assets. The proposal to develop the Netherfield to Gedling Country Park route would form a key phase of the Heritage Way concept.

#### Project Application to D2N2 in 2019

- 1.10 In 2019, the Council made a project application to D2N2, following a call out for strategic projects which could be considered for the Local Enterprise Partnership's (LEP) medium term programme. This application

requested funding of £503,300, as part of a total project cost of £1.5M. The application was assessed and that point was deemed as not applicable for LEP funding at this point in time and requires further work. In particular feedback from the LEP highlighted the project offered low delivery against the LEP strategic outputs, was conceptual at this stage and that further work to clarify key deliverables is needed. This feedback should be considered when assessing future funding applications, as should the considerable health and heritage benefits that future proposals could offer.

### Interim Project – Cinder Path extension

- 1.10 The Council is currently commissioning Via East Midlands to undertake detailed design work for a section of the former mineral line from the Cinder Path to the rear of Manvers Street, Deabill Street and Pearson Street and out onto Victoria Road in Netherfield. The detailed designs will look at addressing issues of lighting, security to the rear of properties and the pathway itself. This project falls into the work programme of the Netherfield Locality Steering Group. As an extension to this commissioned work there is the opportunity for a virtual “fly-through” tour along the whole mineral line route to be produced, as well as other consultation materials showing how local residents would be able to use the route and how those nearby might be affected. As well as offering the opportunity to consult with residents and future users of the site, this design work will also provide useful evidence for future funders.

## **2 Proposal**

- 2.1 It is proposed that Cabinet note the feasibility work that has been undertaken regarding a future walking and cycle route along the former Gedling Mineral Line.
- 2.2 It is proposed that Cabinet approve officers to proactively work with Network Rail, City and County partners to undertake:
- more detailed design work taking into account site constraints and improvements needed
  - consultation with local residents on design work
  - business planning for the future development of the former mineral line.

### 2.3 Next Steps

It is recommended that ongoing collaboration should be initiated by bringing our key strategic partners, such as Nottinghamshire County Council, Nottingham City Council and Network Rail, together for a further

discussion on how best to proceed any future work related to the former mineral line.

- 2.4 Due to the considerable feasibility work already undertaken the next steps should include consideration and progression of more detailed design planning, undertaking consultation with residents and consideration with these key strategic partners of a business plan and funding strategy to develop the route. Any detailed design work needs to consider the constraints and improvements required that have been identified by feasibility studies to ensure accessibility and safety for all members of the community.
- 2.5 It is essential that any design proposals are consulted on widely with the community. This should include those residents who live in close proximity to the former line. A consultation can utilise the design work to showcase the benefits of the greenway, but also highlight mitigation measures regarding community safety, encroachment and other concerns that local residents may have. The proposed virtual “fly-through” tour being considered would support this. The format of any consultation will need due consideration of current coronavirus restrictions, but could consist of online consultation and a consultation booklets for neighbouring residents.
- 2.6 Both the design work and subsequent public consultation can be used to inform the outline business plan and funding strategy development. Although a tram extension and the walking and cycling greenway are two separate major projects, the feasibility work has identified their compatibility so the development of a joint business case for both the tram and the greenway could be considered. Alternatively a plan to develop the cycle and walking route in advance of any tram construction is also deemed achievable with a view to reinstating it later as tram construction is implemented. Both concepts appear in Local Planning documents.
- 2.7 These strong links between the cycling and walking route and a proposed tram route, linking to the City Centre and beyond, reflect the need to work alongside Nottingham City Council as a neighbouring strategic transport planning partner. Likewise, collaboration with Nottinghamshire County Council, as the lead transport planning authority for our area, is essential to enable further development of the route.
- 2.8 Network Rail as the current landowner are also key if any future ownership and management of the site is to be considered. For this project to proceed agreement would need to be reached between partners as to which organisation takes over land ownership or management of the route. Ongoing maintenance liabilities associated with the line will need to be considered carefully as part of this. Network Rail has undertaken some maintenance of the line this year, but considerable work to continue

manage and maintain it in preparation for further development is required.

- 2.9 It is envisaged that obtaining external funding will be necessary in order to further progress the project. Appropriate sources of funding would need to be considered by partners to both produce and inform a viable business case.
- 2.10 Cabinet and Senior Leadership Team members may wish to consider the opportunity to visit other converted greenways, in a similar manner to those organised previously arranged for the Netherfield Locality Steering Group. Site visits can help enhance understanding regarding the implications and benefits of such a project.

### **3 Alternative Options**

- 3.1 Not to approve further collaboration with partners to consider the options available. However, exploring a recreational walking and cycling along the route offers a long-term strategic opportunity to meet the following Gedling Plan 2020-23 actions:
- Identify and facilitate delivery of key interventions in agreed locality areas
  - Develop and implement a long term strategy for the improvement of Gedling Country Park
  - Deliver in partnership sustainable transport links to reduce congestion and improve air quality including the tram extension, bus park and ride etc.
  - Create a new network of walkways and cycleways around the borough
  - Work with the Metro Partners and D2N2 to secure funds for key infrastructure priorities
  - Explore and further develop plans for the Gedling Borough Heritage Way
  - Work with owners to identify and secure opportunities for external funding for key historic assets
  - Develop and implement a Carbon Reduction Strategy aligned with key partners across the borough
  - Agree and implement a range of actions to deliver the approved Sport and Physical Activity Strategy

## **4 Financial Implications**

- 4.1 External funding of approximately £45,000 has previously been sourced and allocated to commission the feasibility work to date.
- 4.2 The design work on the Cinder Track extension section in Netherfield and the virtual tour of the whole route will be paid for using funding already received from Jigsaw Homes, supported by established Locality budgets.
- 4.3 The economic assessment undertaken in 2016, which can be found at Appendix B, anticipated capital cost for a new greenway on the former mineral line as approximately £1.5M, with an optimism bias adjustment of 44% (which adjusts for overly optimistic analyses of projects to help to mitigate the likelihood that costs may be higher than at first expected).
- 4.4 Although an adjustment for optimism bias has been included, it should be noted the assessment was undertaken four years ago. During this time construction costs have increased significantly, therefore, the adjustment may not be sufficient. A full business case will need to be developed which will refresh and update all costs.
- 4.5 The assessment also assumed ongoing operating costs of £100,000 per annum will be required to maintain the greenway to the required quality. It is not yet known who will be expected to fund this ongoing cost and will be part of discussions over management and maintenance of the land with partners.
- 4.6 The viability of such costs would need to be carefully considered as part of business plan development. The 2016 assessment did estimate the total estimated benefits of the project as £18.9M, providing a Net Present Value (NPV) for the scheme of £15.7M. However, these benefits will not directly be received in monetary terms by the Council, instead the benefits or savings will be received by other partners, such as the NHS, Emergency Services and the upper tier Highways Authority.
- 4.7 Finances to enable such a project to proceed would need to be sourced externally. Any commitment for the Council to lead on further project development would require a business case to be submitted to the Council's internal Programme Board for consideration. Feedback from the 2019 D2N2 project application should be considered when assessing future funding options and sources.
- 4.8 Whilst Funding would be sourced externally it is likely that a match funding/pump priming contribution would be expected, which is likely to raise a future financial pressure for the Council. As the mineral line is not expected to have any facilities that would generate an income for the Council, it could not contribute to any repayments of borrowing, therefore

the sources of any match funding by the Council may be limited.

- 4.9 Developing further proposals, an appropriate model and business case for a walking and cycling greenway along the former Gedling Mineral Line will require dedicated officer time and commitment.
- 4.10 Any further works, including detailed design, are subject to the development of a Business Case and appropriate budget approval.

## **5 Legal Implications**

- 5.1 This report explores further collaboration with our partners to consider the most appropriate model for developing future proposals. The legalities of land acquisition, management and maintenance will need to be fully considered as part of any partner collaboration. Any decision on such matters would be brought back to Cabinet for consideration.
- 5.2 The commissioned work on the Cinder Track extension and consultation preparation is managed through an agreed contract between the Council and Via East Midlands.

## **6 Equalities Implications**

- 6.1 Any future project would require an Equality Impact Assessment to be undertaken. Consideration to date has identified the following positive impact on protected characteristics.
- 6.2 Age: The route will provide accessible greenspace for all ages to enjoy and in particular offer an alternative route for families to access local schools and open spaces in the area. It is located in an area of new housing development where an increase in family housing is expected and a new primary school is required.
- 6.3 Gender: Proposals will be assessed in terms of community safety, considering lighting and other safety measures to ensure the route feels safe and accessible for both males and females at different times of the day all year round.
- 6.4 Disability: A new route will need to provide accessible entry and exits points for those with physical disabilities and other impairments. With the potential of many access points along the routes, the greenway will provide easy access to nature and the sensory opportunities that offers.
- 6.5 Other Groups: The route will provide an alternative direct access cycle route to Gedling Country Park from Netherfield, one of the Council's highest areas of deprivation. It would also offer a direct and safe route through which employment opportunities can be accessed in the local area, into Nottingham and beyond through the offer of connected transport

links. It will offer free access to green space, nature, exercise and travel to work opportunities for those on low incomes. Neighbouring local residents will be consulted on any future proposals to ensure their needs and views are considered.

## **7 Carbon Reduction/Environmental Sustainability Implications**

7.1 Road traffic imposes significant adverse impacts on the local communities through which it passes, creating local air quality issues, through particulate matter (PM10) and nitrogen dioxide (NO2), and noise. At a global level, road traffic provides a significant contribution to greenhouse gas emissions. The Economic Impact Assessment at Appendix B forecasts the greenway to provide £260,000 of environmental benefits over a 60 year period.

7.2 It can be assumed that a new walking and cycle route can contribute to reductions in carbon emissions in the Borough by offering a sustainable transport route for this part of the Borough. The opportunity to link local communities to schools, green spaces and other services across the Gedling and Netherfield area via a safe cycling and walking route provides an alternative option for local residents and families to using the car. Combining the walking and cycling proposals with any future tram route will further enhance the route's status and capacity to reduce carbon emissions for this part of the Borough.

## **8 Appendices**

8.1 Appendix A: Analysis Plan of Gedling Branch Plan

8.2 Appendix B: Gedling Mineral Line Greenway Route Assessment, Mott McDonald, 15/04/16

## **9 Background Papers**

9.1 None.

## **10 Reasons for Recommendations**

10.1 To seek collaboration for a long-term project that delivers many Gedling Plan strategic actions.

10.2 To work towards identifying external funding opportunities to support the transformation of the former Gedling Mineral Line.

**Statutory Officer approval**

**Approved by: Principal Finance Business Partner**

**Date: 22/09/20**

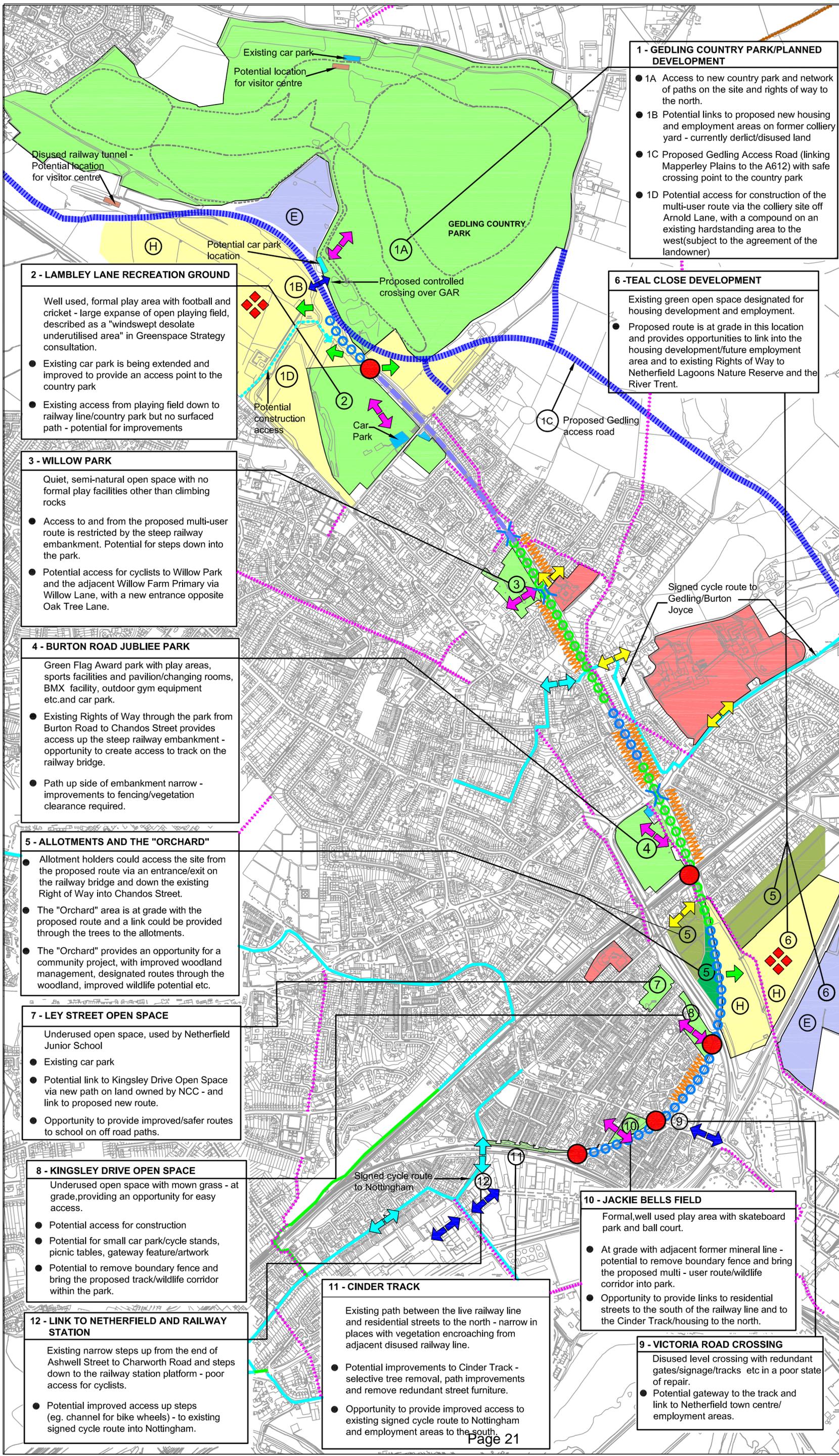
**On behalf of the Chief Financial Officer**

**Approved by: Solicitor**

**Date: 28/09/20**

**On behalf of the Monitoring Officer**

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**1 - GEDLING COUNTRY PARK/PLANNED DEVELOPMENT**

- 1A Access to new country park and network of paths on the site and rights of way to the north.
- 1B Potential links to proposed new housing and employment areas on former colliery yard - currently derelict/disused land
- 1C Proposed Gedling Access Road (linking Mapperley Plains to the A612) with safe crossing point to the country park
- 1D Potential access for construction of the multi-user route via the colliery site off Arnold Lane, with a compound on an existing hardstanding area to the west(subject to the agreement of the landowner)

**6 - TEAL CLOSE DEVELOPMENT**

Existing green open space designated for housing development and employment.

- Proposed route is at grade in this location and provides opportunities to link into the housing development/future employment area and to existing Rights of Way to Netherfield Lagoons Nature Reserve and the River Trent.

**2 - LAMBLEY LANE RECREATION GROUND**

Well used, formal play area with football and cricket - large expanse of open playing field, described as a "windswept desolate underutilised area" in Greenspace Strategy consultation.

- Existing car park is being extended and improved to provide an access point to the country park
- Existing access from playing field down to railway line/country park but no surfaced path - potential for improvements

**3 - WILLOW PARK**

Quiet, semi-natural open space with no formal play facilities other than climbing rocks

- Access to and from the proposed multi-user route is restricted by the steep railway embankment. Potential for steps down into the park.
- Potential access for cyclists to Willow Park and the adjacent Willow Farm Primary via Willow Lane, with a new entrance opposite Oak Tree Lane.

**4 - BURTON ROAD JUBILEE PARK**

Green Flag Award park with play areas, sports facilities and pavilion/changing rooms, BMX facility, outdoor gym equipment etc.and car park.

- Existing Rights of Way through the park from Burton Road to Chandos Street provides access up the steep railway embankment - opportunity to create access to track on the railway bridge.
- Path up side of embankment narrow - improvements to fencing/vegetation clearance required.

**5 - ALLOTMENTS AND THE "ORCHARD"**

- Allotment holders could access the site from the proposed route via an entrance/exit on the railway bridge and down the existing Right of Way into Chandos Street.
- The "Orchard" area is at grade with the proposed route and a link could be provided through the trees to the allotments.
- The "Orchard" provides an opportunity for a community project, with improved woodland management, designated routes through the woodland, improved wildlife potential etc.

**7 - LEY STREET OPEN SPACE**

Underused open space, used by Netherfield Junior School

- Existing car park
- Potential link to Kingsley Drive Open Space via new path on land owned by NCC - and link to proposed new route.
- Opportunity to provide improved/safer routes to school on off road paths.

**8 - KINGSLEY DRIVE OPEN SPACE**

Underused open space with mown grass - at grade,providing an opportunity for easy access.

- Potential access for construction
- Potential for small car park/cycle stands, picnic tables, gateway feature/artwork
- Potential to remove boundary fence and bring the proposed track/wildlife corridor within the park.

**12 - LINK TO NETHERFIELD AND RAILWAY STATION**

Existing narrow steps up from the end of Ashwell Street to Charworth Road and steps down to the railway station platform - poor access for cyclists.

- Potential improved access up steps (eg. channel for bike wheels) - to existing signed cycle route into Nottingham.

**11 - CINDER TRACK**

Existing path between the live railway line and residential streets to the north - narrow in places with vegetation encroaching from adjacent disused railway line.

- Potential improvements to Cinder Track - selective tree removal, path improvements and remove redundant street furniture.
- Opportunity to provide improved access to existing signed cycle route to Nottingham and employment areas to the south.

**10 - JACKIE BELLS FIELD**

Formal,well used play area with skateboard park and ball court.

- At grade with adjacent former mineral line - potential to remove boundary fence and bring the proposed multi - user route/wildlife corridor into park.
- Opportunity to provide links to residential streets to the south of the railway line and to the Cinder Track/housing to the north.

**9 - VICTORIA ROAD CROSSING**

Disused level crossing with redundant gates/signage/tracks etc in a poor state of repair.

- Potential gateway to the track and link to Netherfield town centre/employment areas.

- Key**
- Rights of Way - Bridleway
  - Rights of Way - Footpath
  - Permissive Paths
  - Allotments
  - Orchard
  - Open space/Greenspace
  - Schools
  - Area allocated for housing
  - Area allocated for employment
  - Disused railway line in cutting
  - Disused railway line on embankment, very steep - fencing required in places. Access restricted.
  - Disused railway line at grade with surrounding areas - potential for new access points /construction access.
  - Views from/to residential properties - screening to be considered.
  - Potential links to adjacent public spaces.
  - Potential for safe off road routes to school
  - Potential links to existing signed cycle routes.
  - Potential links to future development sites
  - Potential links to existing employment areas
  - Major planned development sites
  - Proposed route of Gedling access road
  - Low parapets on bridge in poor state of repair - potential community art projects.
  - Potential gateway
  - Existing on road signed cycle
  - Existing off road cycle route

Rev	Status	Description	Drawn	Chkd	Auth	Date

**Netherfield Branch Line**

Property No.      Project No.

Title

**Analysis Plan**

Scale: N.T.S.

Drawn	N.A.	Date	Feb 15
Chkd	C.G.	Date	29/05/15
Auth		Traced	K.H.

Drawing No.      Rev

**LR/PRRH63/05**

**Nottinghamshire County Council**

Trent Bridge House, Fox Road,  
West Bridgford, Nottingham, NG2 6BJ  
Tel: 0300 500 80 80

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Jun 01,2015 12:22pm I:\Highways\Design and Construction\Roads and Highways\Projects\14-15\Rechargeable\PRRH63 Netherfield Branch Colliery Site LandRec Analysis Planning

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<b>Project:</b>	<b>Gedling 'Mineral Line' Greenway Route Assessment</b>		
<b>Subject:</b>	<b>Economic Impact Assessment</b>		
<b>Prepared by:</b>	Matthew Lambert Jon Crockett	<b>Project No:</b>	364372
<b>Checked by:</b>	Jon Barlow	<b>Date of Issue:</b>	15/04/16
<b>Approved by:</b>	Stephen Cox		

**1 Introduction**

**1.1 Appointment and purpose of study**

Mott MacDonald was appointed in late March 2016 to undertake a high level assessment of the potential economic impacts of the greenway proposals along the 'Mineral Line', a 3.5km disused rail line from Netherfield Station to Gedling Colliery. This economic impact assessment was carried out to supplement the feasibility study into the project as a whole undertaken by Nottinghamshire County Council. The assessment was required in a short timeframe of three weeks in order to deliver evidence for the feasibility study. The short time period has not allowed for a full and detailed appraisal of the economic impacts and so this analysis should be considered preliminary, based on the best available evidence at the time of the study.

**1.2 Scheme assessed**

We have assessed the potential economic impacts of proposals to convert the Mineral Line route in Gedling into a greenway, focussed on a shared pedestrian and cycle path, with links to the surrounding communities and attractions. The disused branch line, which served the former Gedling Colliery, runs from Netherfield to Gedling in broadly north-south direction for approximately 3.5km. The proposals would be to convert the route to a publicly owned and accessible linear green space or greenway. As described in the May 2015 Feasibility Study, the scheme is anticipated to:

- Create a valuable additional green space and wildlife corridor.
- Connect six existing recreation areas and parks, helping to create a green space network between Gedling Country Park and Netherfield.
- Provide sustainable transport links between housing, employment, schools and recreational sites, and beyond the immediate communities to a wider recreational network as part of Greater Nottingham's 'Big Wheel' initiative.
- Safeguard the linear route for a possible extension of the Nottingham Express Transit (NET) network.
- Provide a focus for development of community based art, interpretation and management projects.

Though we understand a schedule for opening the Mineral Line for cyclists and pedestrians has not been proposed yet, for the purposes of this assessment, we have assumed route opening of 2019. Anticipated capital cost is approximately £1.5M, with an optimism bias adjustment of 44%, and we have assumed that ongoing operating costs of £100,000 per annum will be required to maintain the greenway to the required quality.

To the immediate east of the Mineral Line, on land bounded by Colwick Loop Road and Emerys Road is the proposed Teal Close development, comprising up to 830 dwellings. At the northern end of the Line,

on the site of the former Colliery, are proposals for 1,050 dwellings. It has been assumed that these developments are brought forward.

### **1.3 Document structure**

The remainder of this document is structured as follows:

- Section 2 considers the monetised benefits of cycle route proposals.
- Section 3 assesses the contribution of the scheme to the local economic development objectives of the area.
- Section 4 summarises our findings.

## **2 Monetised benefits of greenway proposals**

### **2.1 Introduction**

In this section we consider the monetised benefits arising from the Mineral Line by:

- providing attractive alternatives to car use for selected journeys; and
- promotion of physical activity through walking and cycling, either for travel to a particular destination or simply from direct use of the Line itself as an attraction.

These benefits are quantified using standard Department for Transport (DfT) appraisal guidance, embodied in WebTAG, including the use of supplementary tools from the World Health Organisation (WHO) and Sport England for physical activity benefits. Both the benefits and costs are presented in 2010 values and prices, discounted to reflect the fact that people prefer benefits now rather than at some point in the future. The appraisal of the scheme is considered over a 60 year period.

Demand forecasts for the greenway have been developed based on pedestrian and cycle counts from comparable sites throughout Greater Nottingham, adjusted to reflect the number of households within 1km of the Mineral Line. These indicate that by 2026, once all local housing development is complete, the greenway is forecast to be catering for approximately 275,000 walk and 155,000 cycle trips per annum, equivalent to 750 and 425 unique trips per day respectively.

### **2.2 Modal shift benefits**

Economic growth brings with it an increasing demand for travel from both existing residents and new developments. Few localities are equipped with sufficient capacity to cater for it by car alone, and efforts to address it solely through major infrastructure investment are unlikely to be viable from economic, environmental and/or social perspectives. In addition there are significant externalities associated with increases in car use, not least the costs that it imposes on other road users and the communities affected by rising road traffic levels. This is especially true in major urban areas such as Greater Nottingham. A balanced package of transport improvements is therefore required to ensure that local economies and communities can continue to function in the face of growth, ensuring that there are attractive alternatives to the private car. While only a proportion of the Mineral Line's users will have transferred from the car, with many changing where they walk or cycle or shifting from public transport, there still exists the potential for a substantial local reduction in car use. This would bring significant benefits to the local economy and communities.

#### **2.2.1 Decongestion**

Road traffic congestion increases travel times and costs to jobs and opportunities, constraining the ability of residents to access employment, and conversely limiting the labour supply available to employers, potentially discouraging inward investment. The congestion Greater Nottingham currently experiences

can only be expected to be exacerbated with the strategic requirement for additional housing and employment to support D2N2 LEP growth aspirations.

Every car-km removed from the network helps to reduce times and costs for other road users. Over a 60 year period, **the greenway is expected to provide £11.3M of decongestion benefits for other road users by removing up to 1.15 million car-kms per annum.**

### 2.2.2 Reduction in road traffic accidents

Road traffic accidents cause losses to society as well as the victims themselves, their friends and their relatives. Losses to society occur due to medical and ambulance costs for the NHS, and because severe and fatal injuries result in a loss of net economic output. The greenway offers an opportunity to lower car-kms through a safe, traffic-free, alternative. Over 60 years, **the reduction in car use is forecast to provide £880,000 of benefits from fewer road traffic accidents.**

### 2.2.3 Reduction in adverse environmental externalities

Road traffic imposes significant adverse impacts on the local communities through which it passes, creating local air quality issues, through particulate matter (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>), and noise. At a global level, road traffic provides a significant contribution to greenhouse gas emissions. In totality, **the greenway is forecast to provide £260,000 of environmental benefits** over a 60 year period.

## 2.3 Health benefits

There has been a growing recognition over the past decade of the interrelations between transport choices and public health<sup>1</sup>. **Car dependent communities result in lower levels of walking and cycling, diminishing overall levels of physical activity.** Inactivity is a primary contributor to rising levels of obesity and weight gain in the UK population. These, in turn, lead to higher rates of chronic diseases such as coronary heart disease, strokes, diabetes and selected forms of cancer.

**Physical activity also has a central role to play in mental health and wellbeing**, helping to ameliorate conditions such as depression. Increased walking and cycling brings about increases in quality of life, embodied in the Quality Adjusted Life Year (QALY) measure<sup>2</sup>, and in the long term reduced rates of mortality. A healthier population also imposes fewer costs on the NHS.

### 2.3.1 Improved quality of life and reduced mortality

There is a dose-response relationship between physical activity and most health outcomes, meaning that any increase in activity has some health benefits. Health impacts are greatest among people who become active after having a previously relatively inactive lifestyle. The estimated reduced mortality from the scheme is low, as it is only part of a wider solution; however, the standard value attached to each is high, resulting in an estimated benefit of £2.0M across 60 years.

The improvements in QALYs brought about by the increase in walking and cycling is forecast to deliver £3.8M in benefits, **providing approximately £5.8M of total health benefits from the increase in physical activity.**

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<sup>1</sup> For example, see: Road Transport and Health, British Medical Association, 1997.

<sup>2</sup> See National Institute for Health and Care Excellence (NICE) guidance on QALYs at: <https://www.nice.org.uk/advice/lgb10/chapter/judging-the-cost-effectiveness-of-public-health-activities>. For this appraisal, we have assumed a QALY value £25,000.

## 2.3.2 Cost savings to the NHS

In addition to savings brought about by reductions in road traffic accidents, already quantified in preceding sections, the NHS will also experience lower costs from a healthier population, with **anticipated savings of £360,000 across the 60 years.**

## 2.4 Summary

Table 1 summarises the forecast benefits of the greenway, also including the impact to HM Treasury due to lower receipts from fuel duty and VAT. The total estimated benefits are £18.9M, providing a **Net Present Value (NPV) for the scheme of £15.7M. The Benefit:Cost Ratio (BCR) is 5.92.** DfT guidance on Value for Money (VfM)<sup>3</sup> suggests that **any scheme with a BCR of greater than 4.0 represents ‘very high’ VfM.**

These values are exclusive of further wider economic impacts, which are considered in the next section.

**Table 1: Mineral Lane Greenway – Analysis of Monetised Costs and Benefits (£ks in 2010 values and prices; discounted)**

Impact	Total in £ks
<b>Decongestion</b>	<b>11,295</b>
<b>Reduction in road traffic accidents</b>	<b>881</b>
<b>Environmental outcomes</b>	<b>260</b>
<b>Health benefits</b>	<b>5,987</b>
<b>Wider public finances (NHS and HM treasury due to changes in fuel duty and VAT)</b>	<b>-488</b>
<b>Total benefits</b>	<b>18,911</b>
<b>Total costs (capital and operating)</b>	<b>3,184</b>
<b>Benefit Cost Ratio (BCR)</b>	<b>5.94</b>
<b>Net Present Value (NPV)</b>	<b>15,727</b>

Source: Mott MacDonald

## 3 Economic development impact assessment

### 3.1 Introduction

In this section we assess the potential economic development impacts of the greenway proposals for the Mineral Line scheme. The assessment is high level and focusses on the value of housing, access to employment and the direct construction benefits from the housing programme. To inform this economic development impact assessment, telephone consultations were undertaken with representatives of Gedling Borough Council (GBC) and the Homes and Communities Agency (HCA). These consultations contributed insight that supported the identification and assessment of the potential economic development impact of the Mineral Line scheme.

<sup>3</sup> See: <https://www.gov.uk/government/publications/value-for-money-advice-for-local-transport-decision-makers>

### 3.2 Economic assessment

#### 3.2.1 Economic value of housing – the LEP view

D2N2's Strategic Economic Plan (SEP) identifies that an adequate supply of housing is crucial in realising the LEP's growth ambitions. The housing mix is a key element of the LEP's offer, helping to provide an attractive and aspirational place to live and work, which is complemented by a high quality natural environment and access to key services opportunities.

The LEP also highlights significant economic benefits from housing investment based on increased profits and wages for contractors (direct impacts), as well as supply chain (indirect impacts) and from spending in the wider economy by direct and indirect employees (induced impacts<sup>4</sup>). Levered private sector investment in infrastructure and investment in skills in the form of construction training or apprenticeships are further important benefits of housing construction.

As a result, the LEP aims to accelerate completion of new housing to support growth in D2N2, ensuring this is supported by green infrastructure and multi-modal solutions to encourage sustainable travel and mitigate the adverse effects of additional travel in the faster-growing areas.

#### 3.2.2 Community, leisure and place-making

Due to its role in supporting the development of local communities, sustainable travel options have been suggested by stakeholders to be **intrinsically linked** to delivery of the housing sites of Gedling Colliery and Teal Close sites from a planning perspective.

The Mineral Line will provide an attractive, safe and sustainable route for residents **accessing local schools, including the new school**, to be built at the Colliery site. The Mineral Line provides a **safe route** for students at local schools to walk or cycle to school. The line is to be fully lit; meaning the benefits from access to school can be experienced throughout the year.

The Mineral Line will also provide **access to leisure and community centre facilities** such as Gedling Country Park, Willow Park, Ley Street Open Space and other parks and allotments in the area. **Multiple access points** along the line aim to increase the opportunities for leisure activities for both existing and future residents of the area, ensuring the benefits of the line are shared by anyone living within walking or cycling distance of the Mineral Line. This makes the area a **more attractive place to live** and helps develop a sense of place.

As well as catering for access to employment and education, the Gedling Colliery and Teal Close developments are likely to consist of **family housing**. As such, the Mineral Line cycle/footpath proposals are anticipated to be **highly complementary to delivery of the housing**, providing safe and attractive space and opportunities for all ages.

#### 3.2.3 Sustainable communities – connecting people to jobs

Transport is a barrier to some people when seeking employment, while for those currently in employment there may be lack of alternatives or significant travel times and costs imposed by congestion. The Mineral Line can provide a **direct and safe route through which employment opportunities can be accessed**. As noted previously, providing safe and attractive alternatives to the car will help to free capacity on Greater Nottingham's highway network. This will help to ensure that the additional demand from new developments does not exacerbate existing congestion, potentially constraining the jobs and opportunities which can be accessed by both existing and new residents.

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<sup>4</sup> HCA Additionality Guidance 4<sup>th</sup> Edn, 2014 defines induced impacts as those "associated with local expenditure as a result of those who derive incomes from the direct and supply linkage impacts of the intervention", in this case induced impacts may result from the expenditure in the local economy by the residents of the new houses.

The 3 hectares of employment land identified for the Gedling Colliery site will be directly accessible via the Mineral Line route, allowing residents from across the area to access these jobs using sustainable and healthy options. There are proven links between access to work and education by active modes, such as walking and cycling, providing productivity benefits to employers and increased attentiveness from students.

While it is unlikely that the line would enable a large proportion of Gedling's residents to cycle or walk all the way to Nottingham city centre, some residents will be able to manage the 5.5km, meaning they can better access the employment opportunities in the city.

For others, the Mineral Line **supports access to both Carlton and Netherfield railway stations**. Through these stations, residents are able to access key employment locations including Nottingham, Derby, Grantham, Boston and Skegness, thereby improving their ability to access employment opportunities and do business across a wider geographic area.

### 3.2.4 Viability and value

A key constraint to unlocking new housing identified by the D2N2 LEP is **viability**, with high development costs and contractor profit requirements meaning that many potential developments cannot be progressed.

For Gedling Colliery and Teal Close, other delivery and demand factors such as provision of the Gedling Access Road and flood risk mitigation are 'higher ticket' items to the delivery of the housing and employment sites. However, major schemes such as the Gedling Access Road run the risk of being overburdened unless smaller scale complementary schemes are put in place to provide alternatives.

**Connecting people to jobs and supporting community, leisure and place-making via the Mineral Line**, as described above, **could significantly increase the value of housing in the area**. Through projects that make an area more attractive to live in, the value of housing in the area increases. This increase in value of the houses makes the development more valuable to the developers and so more likely to be delivered.

We understand that further evidence regards the **viability of social housing** on the sites based on expected developer returns will be produced by Gedling Borough Council in late April 2016.

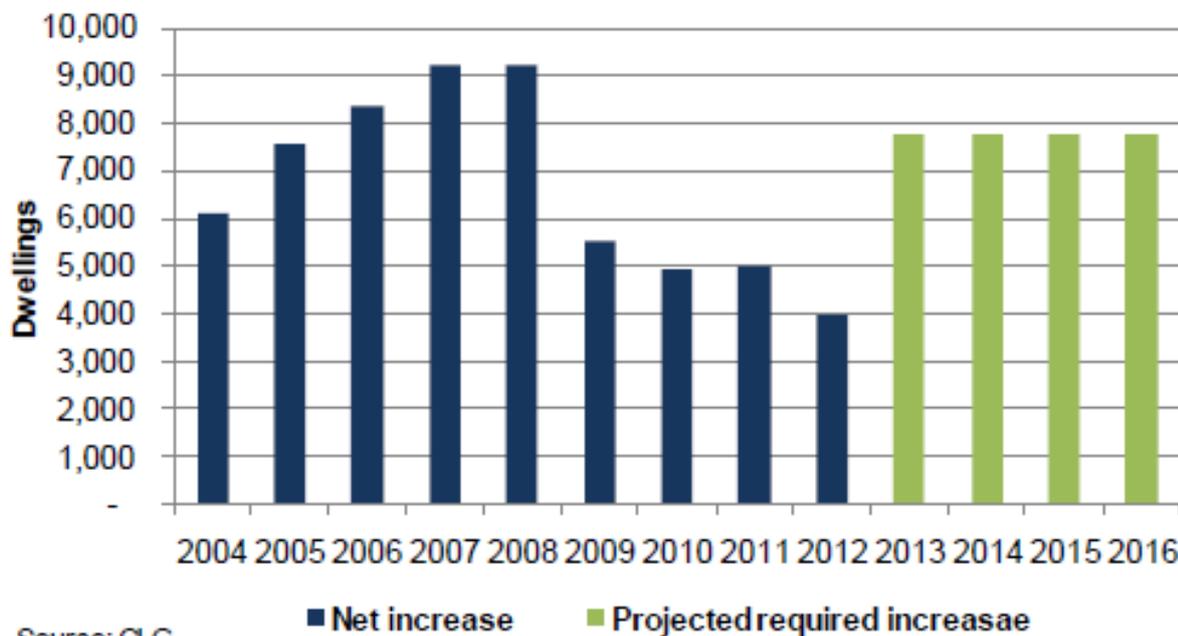
### 3.2.5 Potential economic development impacts

Based on our consultations and assessment, all dwellings are anticipated to be deliverable with or without the provision of the greenway on the Mineral Line.

D2N2's SEP states that the Department for Communities and Local Government's analysis suggest the LEP area requires 7,700 additional houses to be built per year. While the number of housing completions in the LEP area has fluctuated between 2,500 and 3,500 since 2009 and the number of housing starts has been between 2,000 and 3,000 each year<sup>5</sup> (as shown in Figure 1).

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<sup>5</sup> D2N2, Strategic Economic Plan, March 2014 p.41.



Source: CLG

**Figure 1: Recorded supply and projected future demand of housing in the D2N2 LEP area**

Source: D2N2, Strategic Economic Plan, March 2014 p.41

Dwellings delivered after the Gedling Access Road and as the Mineral Line is delivered (assumed to be both in 2019), may be made more attractive for the reasons outlined above, thereby having a higher market value and so be a higher priority for developers.

As a result, **1,265 gross dwellings are anticipated to be supported for development by the Mineral Line (post 2019 developments)**. In terms of the economic impacts for the D2N2 LEP area, we estimate that this investment could support:

- **Over £100 million of capital investment** to deliver the dwellings<sup>6</sup>.
- During the construction phase, **support 71 temporary construction full-time equivalent (FTE) jobs and £29.7m Gross Value Added (GVA)**<sup>7</sup>.
- A further **21 FTE jobs and £8.7m GVA**<sup>8</sup> would be supported through indirect and induced multiplier effects. It is understood that a proportion of the work will be delivered through use of apprentices, thereby improving the skills base in the area.

Temporary construction benefits by housing site are presented in Table 2.

<sup>6</sup> Assuming £995 required per m<sup>2</sup> and an average unit size of 80 m<sup>2</sup>. Assumptions drawn from Table 4 and 5 of "Housing development: the economics of small sites – the effect of project size on the cost of housing construction"; BCIS (2015); <http://www.fsb.org.uk/docs/default-source/Publications/reports/bcis.pdf?sfvrsn=0> [accessed 12<sup>th</sup> April 2015]

<sup>7</sup> Assuming a GVA per worker for construction jobs in the East Midlands economy of £41,591 per annum.

<sup>8</sup> Assuming a GVA per worker for jobs in the East Midlands economy £41,874 per annum.

**Table 2: Temporary employment (construction) impacts of dwellings delivered post-2019**

Impact type		Gedling Colliery	Teal Close	Total
<b>Direct</b>	<b>FTE jobs</b>	<b>41</b>	<b>30</b>	<b>71</b>
	<b>GVA</b>	<b>£17.2m</b>	<b>£12.4m</b>	<b>£29.7m</b>
<b>Indirect and induced (multiplier)</b>	<b>FTE Jobs</b>	<b>12</b>	<b>9</b>	<b>21</b>
	<b>GVA</b>	<b>£5.0m</b>	<b>£3.6m</b>	<b>£8.7m</b>
<b>Total</b>	<b>FTE Jobs</b>	<b>53</b>	<b>39</b>	<b>92</b>
	<b>GVA</b>	<b>£22.3m</b>	<b>£16.1m</b>	<b>£38.3m</b>

Source: Mott MacDonald

Based on the evidence available at this stage, a full assessment of the extent to which housing development could be accelerated by the Mineral Line proposals, or the net additionality to the D2N2 economy, has not been possible to identify. As D2N2 has under-delivered its housing targets since 2009, and identified viability as a major issue, schemes that support the viability and deliverability of housing in the area should be considered a positive investment.

### 3.2.6 Summary

From the above, the following key points can be drawn:

- By supporting access to schools, community facilities and green spaces and providing leisure activities, the Mineral Line **increases the desirability of the area**, including two key housing sites of the Gedling Colliery and Teal Close.
- The Mineral Line increases access to employment locations in Nottingham and beyond by providing increased access to local railway stations, thereby helping to **connect residents to jobs**.
- This would likely increase the value of the houses at the sites making them **more attractive and viable to developers** and therefore more likely to be delivered.
- The D2N2 LEP needs to build houses to accommodate for the increasing demand to live in area with house building providing economic benefits such as construction and supply chain impacts.
- The construction of the proposed dwellings at the Gedling Colliery and Teal Close sites between 2019 and 2026 would support an estimated:
  - a. 92 FTE jobs
  - b. £38.3m of GVA
- The extent to which deliverability of the housing sites is enhanced by the Mineral Line has not been possible to identify as part of this analysis, however the proposals are considered highly complementary.

## 4 Conclusions

Based on the assessment carried out on the Mineral Line proposals, the following conclusions can be drawn:

- After completion of the Gedling Colliery and Teal Close developments, anticipated to be in 2026, the Line is assumed to cater for approximately 275,000 walk and 155,000 cycle trips per annum respectively.
- There are significant benefits to be gained, particularly from decongestion on the local highway network and increased physical activity amongst existing and new residents.

- Decongestion of the local highway network helps to increase access to employment and other opportunities, and conversely the labour market available to employers. Without alternatives to car use, it is likely that congestion will increase and accessibility diminish.
- Health benefits are drawn from the use of the Line as a means of accessing employment and opportunities, and also as a recreational facility itself.
- In addition, there are further environmental benefits from reductions in local car use, and qualitative benefits from use of the Line, including further use of local leisure and recreational facilities for pleasure and exercise, such as Gedling Country Park, and increased productivity for employees and attentiveness amongst students. These have not been quantified for this appraisal.
- In total the Mineral Line is forecast to provide £18.9M of benefits against an anticipated cost of £3.2M, providing a NPV of £15.7M and a BCR of 5.94. These values are in 2010 values and prices, and have been discounted to reflect people's preferences for benefits in the present, as opposed to the future. Costs have been adjusted to reflect standard optimism bias assumptions.
- Under DfT guidance, this represents 'very high' value for money.
- The Mineral Line helps to build communities in Gedling by supporting access to schools, community facilities and green spaces as well as enabling greater access to leisure pursuits such as cycling and walking, this increases the desirability of the area.
- The Mineral Line increases access to employment across the wider area by providing increased access to Netherfield and Carlton railway stations, this connects residents to jobs.
- These impacts of the Mineral Line both increase the desirability of the area as a place to live, this increases the value of the houses in this area and accordingly, makes the housing development more viable to the developers, as the site will be more valuable as there will be sufficient demand for houses in this area.
- The construction of the proposed dwellings at the Gedling Colliery and Teal Close sites after 2019 would support an estimated:
  - a. 92 FTE jobs
  - b. £38.3m of GVA

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## **Report to Cabinet**

**Subject:** Temporary Accommodation

**Date:** 8 October 2020

**Authors:** Service Manager Economic Growth and Regeneration  
Housing and Welfare Support Manager

**Wards Affected:** All wards

### **Purpose:**

To provide Cabinet with a progress update in respect of the work being undertaken to improve performance against the approved indicator (the average length of time spent in temporary accommodation), the submission of an application for external funding, to note the next steps for the Temporary Accommodation Officer Working group and obtain approval for the submission of an application to Homes England to obtain Investment Partner status.

### **Key Decision**

This is not a key decision.

### **Recommendation(s)**

#### **THAT Cabinet:**

- 1) Notes the work which is being undertaken by the Temporary Accommodation Officer Working Group to improve performance of the average length of time spent in temporary accommodation performance indicator as set out in this report.**
- 2) Notes the need for Gedling Borough Council to increase our access to temporary accommodation provision (as an alternative to B&B provision) within the Borough and the work being undertaken to identify the preferred option(s) to secure additional temporary accommodation.**
- 3) Notes that an application has been made to Homes England for funding from the Next Steps Accommodation Programme.**
- 4) Authorises an application to be made to Homes England for the Council**

## 1 Background

### Context

- 1.1 At its meeting on 2 July 2020, Cabinet considered the Gedling Plan Quarter 4 and Year End Performance Report which included a summary of noteworthy performance indicators that had missed their target at the end of year. At that meeting Cabinet resolved to request a further report to Cabinet setting out progress made in relation to the underachieved performance targets. One of those performance indicators, in respect of Housing Needs, is *the average length of time spent in temporary accommodation (in weeks)*, which for 2019/20 was reported as 23.7 weeks against a target of 8 weeks (at that time). This reports provides the requested progress update in respect of this indicator.
- 1.2 During the 2020/21 quarter 1 performance monitoring it was discovered that the method previously used to calculate the performance indicator was incorrect, being based only on households leaving temporary accommodation during the quarter. This has now been rectified to include all households currently being accommodated in temporary accommodation and the quarter one figure reported to Cabinet was 17.9 weeks. This presents an improved position but is still in excess of the (revised) target of 15 weeks and performance still needs to improve. The target was amended to be more realistic in the current situation.
- 1.3 The Council has statutory duties to assist and, in specified circumstances, accommodate eligible individuals/ households who are homeless or threatened with homelessness under Part VII of the Housing Act 1996. This includes a duty to provide interim accommodation whilst the Council is making enquiries as to whether a full housing duty is owed. In other words, the Council must find them temporary accommodation. Wherever the Council accommodates an applicant, it must ensure that the accommodation secured is suitable for the applicant and their household.
- 1.4 The Council currently have access to various properties, which it uses as temporary accommodation. This is a mixture of council-owned properties, and leased properties, providing 13 units of accommodation. Where these temporary accommodation options are fully occupied, the Council also utilises accommodation that is available on a nightly basis, primarily Bed and Breakfast (B&B) which are often outside of the Borough. This use of this type of accommodation has been increasing year on year since 2016/17. There are two main concerns linked this increase:
- **Health and well-being implications** – the facilities at a B&B mean that

cooking healthy meals in the accommodation is not possible and therefore adds to the costs of living as cooking facilities are not provided. Living in temporary accommodation can also affect mental health and well-being. Furthermore, the Homelessness Code of Guidance for Local Authorities states that housing authorities should use B&B accommodation for applicants with family commitments only as a last resort and then only for a maximum of 6 weeks.

- **Significant cost implications** – nightly accommodation is often more expensive than other options (more details provided in section 2.3).

1.5 During 2019/20 the number of households accepted as homeless and placed in temporary accommodation was 141 an increase of 37 households compared to 2018/19. Between the 1<sup>st</sup> April and 15<sup>th</sup> September 2020, we have already placed 88 households in temporary accommodation. It is therefore projected that the total number of households requiring temporary accommodation in 2020/21 will again increase from the previous year figure of 141.

1.6 The average length of stay of in temporary accommodation during 2019/20 was 117 days (16.7 weeks), an increase of 34 days (4.9 weeks) from the previous year. Of the 141 cases eligible for temporary accommodation, 118 of these households were placed in nightly accommodation, including B&B, whilst either alternative more suitable temporary accommodation was secured or permanent accommodation was found. In total these 118 households were placed in B&B style accommodation at a net cost of £220,000

1.7 There are a variety of reasons why the use of temporary accommodation has increased in recent years:

- **Loss of affordable accommodation** - annually the Council is able to access around 200 social tenancies (for general needs and sheltered accommodation), however the majority of those properties are specifically for older persons, whereas the majority of homeless applicants (who the Council would be required to provide temporary accommodation for) are either singles or couples with families. The number of available general needs accommodation fell from 172 in 2018 to 131 in 2019 (and the number of sheltered properties stayed similar at around 85);
- **Reduced access to private sector** - previously the Council was also able to access affordable accommodation in the private rented sector, but as competition for private rented properties increases, landlords are charging higher rents which are no longer affordable for people in receipt of benefits;
- **Multiple and Complex needs** - more cases where people are presenting with multiple and complex needs, and without comprehensive support packages in place due to diminishing resources, landlords/housing providers are reluctant to offer tenancies;
- **Debt and anti-social behaviour** - If applicants, have significant

rent/mortgage arrears, or have been prosecuted for anti-social behaviour, landlords are very reluctant to offer tenancies;

- **Homelessness Reduction Act 2018** - This piece of legislation extended the level of support which LA's had to provide to people who are at risk of homelessness, and also reduced the impact of intentionality, making more people eligible for assistance; and
- **Welfare Reforms** - the impacts of the Welfare Reform Act 2012 were wide ranging, particularly with reference to the under occupancy tax, which caused many families financial hardships, and are still in place today. This impacted on Councils, as not only did they see an increase in the number of people presenting as homeless, but also families presenting at an earlier stage with the need to move from a 3 bed to a 2 bed roomed property in response to the reform.

1.8 Due to the increasing number of households being accepted as being owed a housing duty by the Council and placed in temporary accommodation for longer periods, and the consequent increased use of B&B accommodation, a corporate officer group was established ("Temporary Accommodation Officer Working group") in April 2019. This group comprises Officers from Strategic Housing and the Housing Needs teams with support from both finance and legal services, to review the Council's provision of temporary accommodation and other matters linked to temporary accommodation. The scope of the group includes:

- the implementation of homelessness prevention measures to reduce the number of households needing temporary accommodation;
- the supply of affordable housing to reduce the length of stay in temporary accommodation; and
- the options for the future provision of temporary accommodation in terms of suitability and cost effectiveness and based on an assessment of potential future demand.

## 2 **Proposal**

### 2.1 Current work programme

The Council has adopted the South Nottinghamshire Homeless and Rough Sleeping Strategy. This set the strategic direction for homeless prevention across Gedling, Broxtowe and Rushcliffe and outlines the key homelessness issues in South Nottinghamshire and sets our priorities for action. The strategy and action plan takes into account recent changes in guidance relating to homelessness and builds upon recent evidence of issues and good practice which have become available since the publication of the joint homelessness strategy in 2017. This provides the strategic steer.

2.2 In response to the Council's usage of temporary accommodation the Temporary Accommodation Officer Working group currently has two main streams of work:

- **Reducing time spent in temporary accommodation** – these are measures to improve the supply of, and access to, permanent accommodation and the prevention of homelessness thus reducing the need for temporary accommodation; and
- **Improving the provision of suitable temporary accommodation** – these are measures to improve the quality and the cost effectiveness of temporary accommodation.

## 2.3 Reducing the Time Spent in Temporary Accommodation

### **Improve the supply of permanent accommodation**

2.3.1 As detailed in paragraph 1.7, one of the main factors that impacts on the need to use temporary accommodation, is the amount of affordable properties available for people to move into. As part of the planning process and with the delivery of key housing sites, we are expecting an increase in the amount of affordable housing being provided as part of the private developments (secured through planning obligations given by the owner to the Council). This could have a significant impact on the Council's housing waiting list and should help to reduce the need for temporary accommodation. However, many of these developments have yet to start or have planning permission issued and therefore these are not guaranteed to be delivered. The level of delivery is uncertain and will have to be monitored carefully as this may impact on the need for temporary accommodation.

2.3.2 The Council is currently developing financial appraisals for the development of two sites owned by the Council at Burton Road and Station Road which could deliver around 17 dwellings (10 on Station Road site and 7 on Burton Road site). Options are being considered for these sites to deliver affordable housing with some units retained for use as temporary accommodation. A detailed business case is being prepared. These two capital projects will be subject to subsequent Cabinet consideration and approval.

### **Improve access to permanent accommodation**

2.3.3 Following legislative changes, the Council's Housing Allocation's Policy has been reviewed and revisions to the policy have been consulted on. A second round of public consultation is currently underway. The proposed changes are designed to ensure that people at risk of homelessness are given priority on the Council's waiting list. This should help to reduce the need for temporary accommodation, as a secure tenancy in permanent accommodation will be found more quickly. Any final changes are subject to a separate Cabinet approval.

### **Homelessness Prevention**

2.3.4 One of the main streams of work Officers are undertaking is linked to trying to prevent the threat of homelessness and the number of people presenting as homeless. This includes various initiatives:

- **Call Before You Serve** – this is a specialist support service for private landlords who are considering evicting a tenant, seeking possession or needing advice on tenancy support. This initiative is designed to provide independent advice and support to the landlord with the objective of preventing evictions. This service is funded across Nottinghamshire by the Rough Sleeping Initiative (<https://www.gedling.gov.uk/call-before-you-serve/>)
- **Advertising the housing needs service** – this is focused on ensuring local residents are aware of the help that the Council can provide, if they are at risk of being evicted or made homeless. Early intervention enables the best outcomes and is viewed as good practice by MHCLG We ran a 6 week bus campaign last year and have a targeted google search advert campaign ongoing (directing people specific to the Council's call before you serve website).
- **Youth/school engagement** - Broxtowe Youth Homeless have been commissioned to undertake a series of sessions with schools to help educate children about their housing options. This ran throughout the last school year across all the schools in the Borough (Covid19 permitting).
- **CAB in GP surgeries** – trial for the CAB to be located in one doctor's surgery and provide housing and debt advice to people who are also visiting the doctor with health problems.
- **Housing prevention officers** – the Council employs two housing prevention officers. Their role is to work with people to prevent them from becoming homeless, by offering advice and guidance. This can also mean working with the landlords or family members.

2.3.5 Although these measures are highly difficult to quantify in terms of how many cases of homelessness they have prevented (i.e. it is very difficult to show something that doesn't happen), there are signs that these measures are being successful. For example, the CAB pilot in a GP surgery has helped 27 different clients with a range of issues including benefits/universal credit and housing related matters. The Call Before You Serve advertisement campaign has been running since the 13<sup>th</sup> of January and has been clicked on 512 times, the webpage has had 300 views and there have been at least 22 phone calls generated from the adverts.

## 2.4 Improving the Provision of Suitable Temporary Accommodation

### **Current Provision of Temporary Accommodation**

2.4.1 The Council currently have access to various properties, which it uses as temporary accommodation. This is a mixture of council-owned properties, and leased properties. Currently used are 7 two bedroom Council owned flats and a

further 4 three bedroom houses and 2 two bedroom flats leased from 2 separate registered social landlords making a total of 13 units. Where these temporary accommodation options are fully occupied, the Council also utilises accommodation that is available on a nightly basis, primarily Bed and Breakfast (B&B). The Council can also refer cases to a neighbouring authority who run a hostel, which is located outside of the borough.

**Table 1: Usage of temporary accommodation by type per month since April 2019**

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Average
<b>Council owned flats</b>	6	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
<b>Leased Apartment</b>	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
<b>Hound Lodge (hostel)</b>	5	4	4	6	5	4	5	5	4	6	6	0	0	0	2	4
<b>B&amp;B</b>	7	8	5	11	17	15	14	12	8	9	14	9	15	20	17	12
<b>Housing Network</b>	-	-	3	3	3	3	3	3	4	3	2	2	2	1	3	3
<b>Serviced Apartment</b>	-	-	-	-	-	-	1	1	1	1	1	11	2	0	0	3
<b>Night shelter (SWEPE)</b>	-	-	-	-	-	-	-	-	1	2	2	0	-	-	-	1
<b>Total</b>	24	25	25	33	38	35	36	34	31	34	38	35	32	34	35	35

2.4.2 As detailed in paragraph 1.5 to 1.7, the demand for temporary accommodation is increasing. There is an expectation that will be further increased demand for temporary accommodation, in light of Covid19, but to what extent is not known. This includes the potential increase in domestic violence cases where one party is fleeing and requires temporary housing (nationally there has been a 50% increase in these cases), early release of prisoners (a government initiative muted) and increase in private sector evictions (when the government's protection ends).

### **Current Usage of B&B and nightly accommodation**

2.4.3 The Council transferred its housing stock to a registered provider of social housing in 2008. Gedling is one of only two Councils in Nottinghamshire (along with Rushcliffe) that has transferred its housing stock to a Housing Association and therefore is not able utilise and access a supply of council-owned housing

stock with which to flexibly support the changing demands for temporary accommodation. As demonstrated in Table 1, the use of B&B accommodation has increased significantly since 2017/18 and it is therefore essential to secure alternative provision which is less costly and provides improved standards.

2.4.4 Data from the Housing Needs Team (August 2020) shows that the average length of stay in B&B and nightly accommodation was 55 days (7.9 weeks). The net cost of which is projected to be over £200,000 again this financial year which has been exacerbated due to the additional demands arising from Covid19 e.g. the requirement for self-contained accommodation and the requirement to house rough sleepers/people at threat of being homeless under the “Everyone In” initiative.

**Table 2: Use of B&B/Nightly accommodation since 2013/14**

Financial year	Number of TA cases	Number of days in TA	Net Expenditure		Total Amount spent on Nightly accommodation
			Bed & Breakfast £	Other Nightly Accommodation £	
2013/14	34	1560	12,400	0.00	12,400
2014/15	41	1683	25,300	0.00	25,300
2015/16	55	2142	30,900	0.00	30,900
2016/17	50	2478	24,000	0.00	24,000
2017/18	64	3668	60,500	0.00	60,500
2018/19	98	2585	74,100	0.00	74,100
2019/20	123	6770	185,000	35,100	220,100
2020/21 21 as of 18 <sup>th</sup> September	76	3758	107,400	13,300	120,700

2.4.5 B&B and nightly accommodation is used when the Council does not have an available temporary accommodation property that it leasing/owns. Officers are currently working to explore the current level of the under-provision of temporary accommodation and the size of the properties that may be required. The number of the households placed in B&B and nightly accommodation over the last 15 months has been on average around 20 each month (including approx. 5 in Hound lodge and the SWEP night shelter). This data will inform the business case and option appraisal currently being undertaken as detailed at paragraph 2.3.7 below.

### **Initiatives to Improve the Provision of Temporary Accommodation**

2.4.6 Officers have been seeking improvements to the quality and quantity of temporary accommodation available to the Council. This includes a variety of projects:

- **Securing additional properties for temporary accommodation** – an

options appraisal is being prepared to consider the provision of additional properties as an alternative to B&B – for example by purchase, leasing or the development of new units by the Council. The conclusion of the option appraisal will be presented to a future meeting of Cabinet for consideration.

- **Securing external funding to increase provision** – A funding application was submitted to the MHCLG/Homes England Next Steps Accommodation Funding Programme fund. Further details are provided below.
- **Improvements to provision through Covid19** – under the Government’s “Everyone In” initiative and the need to ensure people in temporary accommodation could isolate, Officers sourced appropriate self-contained accommodation and moved people swiftly.
- **Development of a procurement framework** for B&B accommodation and nightly accommodation – this will ensure that any accommodation we use meets a certain standard and that the value for money is secured through a tendering process. This is currently being prepared.
- **Severe Weather Emergency Protocol (SWEP)** – the provision is for rough sleepers or people at risk of being homeless to provide them with a place to stay in adverse weather conditions, and linking them with support services to address their housing situation.

## Conclusion

2.4.7 Overall, the only way to reduce the need for temporary accommodation is to be able to access permanent affordable accommodation and become more effective at preventing homelessness in the first place. However, the Council has a statutory duty to accommodate eligible individuals and their households who are homeless, and, based on the current usage, it is essential to identify options to initially reduce the use of B&B accommodation in the short term to ensure individuals/households are accommodated in accommodation suitable for them and reduce the costs incurred by the Council. There is a need to therefore identify options to reduce and improve the quality of other temporary accommodation in both the short and medium to long term.

2.4.8 Therefore, Cabinet is being asked to note the work that the Temporary Accommodation Officer Working Group is doing. As detailed above, the work programme has two main strands of work: to reduce the time spent in temporary accommodation and improving the provision of suitable temporary accommodation. This, in turn, will assist with the work which is being undertaken to improve performance of the average length of time spent in temporary accommodation performance indicator.

2.4.8 Furthermore, Officers are working up an options appraisal in order to establish the preferred method of meeting the current need for temporary

accommodation, improving the quality of the accommodation and reducing the cost to the Council. In order to do this, the Council will need to intervene and either build, purchase and/or lease some additional properties. Cabinet are therefore asked to note the need to increase our access to temporary accommodation provision (as an alternative to B&B provision) within the Borough and the work being undertaken to identify the preferred option(s) to secure additional temporary accommodation for a subsequent Cabinet approval.

## 2.5 Next Steps Accommodation Funding (NSAP)

2.5.1 The need to redress the issue of rough sleeping and the threat of homelessness has been an enduring Government commitment. The Council has been able to access additional funding, in partnership with the neighbouring 6 local authorities via both the Rough Sleeping Initiative (RSI) and the Rapid Rehousing Pathway (RRP) since 2019, to deliver a comprehensive range of services tasked at reducing rough sleeping in the county. Although rough sleeping has not been a significant issue in Gedling, with the onset of the Covid19 pandemic, the "Everyone In" initiative placed the requirement on councils to urgently house all rough sleepers. There is an ongoing expectation that those who have been housed under this initiative, do not return to the streets/become homeless.

2.5.2 The NSAP has been set up by MHCLG to engage with and provide financial resources to local authorities, registered providers and local partners in the Government's next stage of their Covid19 pandemic rough sleeping/homelessness response. The NSAP includes two funding streams which are aimed at reducing rough sleeping and preventing those brought into temporary accommodation returning to the sleeping rough/becoming homeless:

- £161m (£130m capital and £31m revenue) - Longer-term Move on Accommodation
- £105m (revenue only) - Shorter-term/interim accommodation and immediate support

2.5.3 Officers have submitted a funding application, as part of a partnership bid with both Broxtowe, Rushcliffe and Framework Housing Association (Framework), though there are links to the wider county. The bid submitted was based on a two phased approach:

- **Phase 1:** short term measures to ensure self-contained affordable housing can be accessed and to deliver the Sever Weather Emergency Protocol obligation through adverse weather conditions. This fully funded revenue bid of £79k which covers the anticipated costs of B&B accommodation, £24k to refurbish 3 units at Elizabeth House and £105k pro rata for dedicated navigators (support workers), plus an

enhanced offer to incentivise Private landlords to work with local councils.

- **Phase 2:** long term permanent measures, which includes the purchase of up to 5 properties in the Gedling area for temporary accommodation (this was felt the appropriate level of “ask” based on advice from MCHLG and would go part way to reducing the overall need for B&B accommodation). This is a partly funded capital bid of £635,000 (£444,500 as match from GBC and 30% from MHCLG at £190k).

- 2.5.4 As part of the partnership bid, there were a number of other matters included:
- **Three Dedicated Navigator support workers** - this fully funded revenue bid of £105k pro rata to cover two posts, one for the three boroughs, and one for the Framework properties
  - **Enhanced offer for the Private Rented Sector** - this fully funded revenue bid of £140k.
  - **Framework – this includes** 8 units to be delivered in 2020/21 with a further 7 units 2021/22). These 15 units would be a shared resource with the other 2LA’s, similar to the arrangement for Elizabeth House. This would require £22k match funding from Gedling, and would mean we have nomination rights.

- 2.5.5 Officers are expecting a decision in late September on this funding submission. Initial feedback suggests that the scheme was massively oversubscribed and that partnership working and the Framework proposals were given higher priority due to their perceived deliverability. Our bid has been initially awarded £42,500 for phase 1 and the details of how will be allocated is currently being explored. Further details of the phase 2 submission are to follow.

- 2.5.6 If successful, Officers will need to progress fully to procure the phase 1 accommodation and to block book some accommodation swiftly. Furthermore Officers will be preparing for the delivery of the second phase. This will include working up the detailed business case for the proposed purchased of 5 properties for use as temporary accommodation in order to secure the necessary approvals for the capital budget (this will also feed into the wider work being undertaken to review the Council’s access to temporary accommodation (through an options appraisal as detailed in para 2.3.8) This will be subject to a subsequent report to Cabinet. Members are asked at this stage to note that an application for external funding to support the initiatives outlined above has been made.

### **Investment Partner status**

- 2.5.7 In order to qualify for NSAP funding, the Council would have to hold Investment Partner (IP) status. This would also allow the Council to apply for other funding from Homes England to deliver other affordable housing

schemes. The Council does not currently have this status and would need to formally apply to Homes England to be awarded IP status. The assessment of applications for IP Status by Homes England verifies the identity of the applicant and includes financial due diligence which considers an applicant's financial and technical capacity to undertake an agreed programme of new supply of housing and the organisation's good financial standing. IP status is required before Homes England would make payment under a completed funding contract and is reviewed and renewed annually.

- 2.5.8 Officers are therefore seeking authorisation to apply to Homes England for Investment Partner status which is required to receive payment of funding should the Council's application for NSAP funding be successful and to enable it to apply for other types of Homes England funding which may support delivery of temporary accommodation and/or affordable housing in the future.

### 3 Alternative Options

- 3.1 There are a variety of options available to intervene and to ensure secure more access to temporary accommodation. These will be explored in more detailed as part of the options appraisal/business cases which will be subject to subsequent cabinet approvals.
- 3.2 Do nothing, and allow the anticipated increase in expenditure and usage of temporary accommodation to continue.

### 4 Financial Implications

- 4.1 Table 1 in Section 2.3.4 sets out the net costs of nightly accommodation over a period of time. The table demonstrates significantly rising costs which are directly associated with the increased demand for temporary accommodation within the Borough.
- 4.2 Housing Needs has a Temporary Accommodation budget allocation each year, the expenditure is partially offset with income received from Housing Benefit payments, in 2019/20 this net original budget was £22,000. Outturn reported the actual net costs of temporary accommodation in 2019/20 at £220,000 (a variance of £198,000); this represents an increase of almost 200% from the previous year. The increase in cost was funded by utilising contributions from grants and reserves as set out in Table 4 below:

<b>Additional Funding of Temporary Accommodation in 2019/20</b>	
Funding:	£
Flexible Homeless Support Grant	40,000
Homelessness Reduction Reserve (B/F Grant)	72,000
Housing & Housing Benefits Reserve	86,000

<b>Total</b>	<b>198,000</b>
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- 4.3 The Flexible Homelessness Support Grant is currently used to fund two temporary housing support officers and expenditure relating to homelessness prevention, in 2019/20 the remaining grant was used to fund the increase in expenditure on temporary accommodation. However, as there was insufficient to fund the whole amount the balance of the Homelessness Reduction Reserve was used, in addition the shortfall of £86,000 was funded by a contribution from the Housing & Housing Benefit Reserve. Whilst we were able to cover the additional costs by utilising reserves, it is not sustainable to continue to fund these escalating costs in this way.
- 4.4 As stated in this report the officer-working group are currently investigating more cost effective alternative temporary accommodation provision from a range of different options. These options include additional provision through purchase, construction and/or lease and will be presented for approval on completion of an options appraisal and full business case at a later date
- 4.5 Paragraph 2.4.6 above states that The Council will need to make a match funding provision of £22,000 as a one off payment to access nomination rights of additional accommodation (in perpetuity) as part of the funding submission to NSAP, this will be funded by a contribution from earmarked reserves.

## **5 Legal Implications**

- 5.1 The Council owes statutory duties to eligible individuals / households who are either homeless or threatened with homelessness under the Part VII of the Housing Act 1996. This can include a duty to provide interim accommodation or a full housing duty. The Council are therefore statutorily required to provide some households with temporary accommodation and must have means of accommodating these households. Furthermore the Council has duties to prevent or deal with homelessness at an early stage under the Homelessness Reduction Act 2017 and thus must engage in homelessness prevention measures and initiatives to discharge its duties under this Act.
- 5.2 There is not a decision at this stage for the Council to acquire properties or develop land for temporary accommodation. The legalities of acquisition of properties or development of council-owned land would need to be considered fully before any commitments are made. Any decision on such matters, including the expenditure of the NSAP funding if the funding bid is successful, would be brought back to Cabinet for consideration.
- 5.3 The submission of an application to become an Investment Partner does not have any legal implications for the Council. If the Council obtains Investment Partner status it will be able to bid for funding from Homes England to secure more temporary accommodation and potentially support delivery of more

affordable housing in the borough.

## **6 Equalities Implications**

- 6.1 An Equality Impact Assessment (EIA) is not required for this report. Any detailed proposals for securing the provision of additional temporary accommodation (which will be subject to subsequent Cabinet consideration) will be reviewed and an EIA prepared accordingly.
- 6.2 The Council has a duty to provide suitable accommodation which includes taking account of any equality issues. This includes assessing the household specific needs, such as access arrangements, size and nature of the temporary accommodation (wherever possible).

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 These are considered throughout the work programme, but there is no specific implications at this point. Further work will be done on this going forward.

## **8 Appendices**

None

## **9 Background Papers**

None

## **10 Reasons for Recommendations**

- 10.1 To update Members with the work undertaken so far to improve the performance of the temporary accommodation performance indicator.
- 10.2 To ensure Members are aware of the need to increase our provision of suitable temporary accommodation to ensure compliance with the Council's homelessness duties and thus reduce the need for the Council to use B&B accommodation. The report also details the work being undertaken to identify the preferred route of achieving this.
- 10.3 To inform Members that a funding submission has been made to Homes England as part of the Next Steps Accommodation Programme.
- 10.4 To enable the Council to apply to Homes England for "Investment Partner" status.



## Report to Cabinet

**Subject:** Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit and update

**Date:** 8 October 2020

**Author:** Director of Organisational Development and Democratic Services

### Wards Affected

All wards

### Purpose

To update Members as to the Council's use of powers under RIPA from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 in line with the Council's RIPA policy, and to seek approval for amendments to the Council's RIPA policy following advice from the Inspector from the Investigatory Powers Commissioner's Office.

### Key Decision

This is not a key decision.

### Recommendation(s)

#### THAT Cabinet:

- 1) **Notes the contents of this report; and**
- 2) **Approves amendments to the Council's Regulation of Investigatory Powers Act 2000 Policy document at Appendix 1.**

## 1 Background

- 1.1 As part of the Council's RIPA policy, Members are required to consider and review the Council's use of RIPA powers and its policy and guidance at least once a year. Cabinet last received a report in August 2019 in relation to RIPA usage and powers for 2018/19. At this time, no changes

were recommended to the Council's policy document.

- 1.2 Under RIPA, local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Covert Human Intelligence Sources (CHIS) (essentially undercover officers conducting surveillance), if the authorisation is necessary for the prevention and detection of crime or preventing disorder and if the surveillance is proportionate to the aims it seeks to achieve. In respect of directed surveillance, save for a small number of licensing and tobacco offences, any crime or disorder being prevented or detected using RIPA must be a criminal offence which attracts a minimum of 6 months in custody, the so-called "serious crime" threshold. The authorisations under RIPA can only be given by Directors or the Chief Executive, and the entire process is overseen by the Director of Organisational Development and Democratic Services as the Senior Responsible Officer for RIPA (SRO) with assistance from the RIPA Co-ordinating Officer, the Service Manager for Legal Services. Since 1<sup>st</sup> November 2012, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace. This is done at the Nottingham Magistrates' Court.
- 1.3 The Council's RIPA processes and procedures come under regular scrutiny. Each year, the RIPA co-ordinating officer undertakes an audit of RIPA usage. There has been no authorisations given for directed surveillance or the use of covert human intelligence sources in the year 2019/20.
- 1.4 In addition to monitoring RIPA usage, the SRO is required, in line with the Council's policy, to ensure refresher training on RIPA is available to officers on an annual basis. The last RIPA training was delivered in March 2019. Training for 2020 has been delayed due to Covid-19 restrictions, however, officers are currently investigating ways to deliver training via a digital platform for this year.
- 1.5 In addition to the internal annual audit, annual policy review and reports to Cabinet, the Council is also subject to external inspection by the Investigatory Powers Commissioner's Office (IPCO). These inspections are undertaken roughly every 3 years. The last inspection reported to Cabinet was conducted in 2016, when the Council were visited by an Inspector from the then Office of the Surveillance Commissioner. The inspection was very thorough and involved inspection of the Council's policy, training material, central record of authorisations and CCTV room. The Inspector also interviewed members of staff including the RIPA co-ordinator and authorising officers. The inspection was positive and the Council were commended for their compliance.

- 1.6 Given the drop in RIPA authorisations by local authorities generally since 2012, following the introduction of the serious crime threshold, the inspection regime now adopted by IPCO is more of a desk top exercise, with physical inspections only occurring where concerns about compliance with RIPA are found. The Council was subject to a remote inspection by IPCO during April 2020. No formal recommendations were made as a result of that inspection, and the Inspector was satisfied that all recommendations from the 2016 inspection had been discharged. The Inspector acknowledged that there had been no use of RIPA powers by the Council since 2015, but was reassured that the Council was still taking its responsibilities under RIPA seriously, and that the Council's policy document underwent thorough review in 2018 and 2019. The Inspector was complimentary about the level of knowledge in relation to RIPA around the organisation, particularly around the use of social media as an investigative tool and the RIPA risks associated with this. The Inspector was satisfied that training was being delivered to staff in respect of RIPA and appreciated the current difficulties in training delivery due to Covid-19. The Inspector's report was positive and concluded that the level of compliance demonstrated by the Council removed the requirement for a physical inspection.
- 1.7 Whilst no formal recommendations were made, the Inspector advised that the Council's policy should be updated to reflect an increase in the length of authorisations for juvenile covert human intelligence sources from one month to four. The Council does not generally authorise the use of covert human intelligence sources and has certainly never authorised the use of a juvenile as a covert human intelligence source, however, for accuracy, the change to the policy to reflect this is proposed as part of this report.
- 1.8 The Inspector also suggested that in respect of retention and destruction of data or material obtained as a result of a RIPA authorisation (the actual evidential material gathered), the Council needs to ensure that there is a clear audit trail, and advised that review and destruction dates should be added to the Council's central register of authorisations. This has now been referenced in the policy at Appendix 1 to reflect the Inspector's suggestion.
- 1.9 Finally, in terms of the inspection, the Inspector has urged the Council to register with the National Anti-Fraud network (NAFN) for the purposes of obtaining communications data. Communications data includes data from the DVLA, Equifax and a number of other financial/fraud check organisations. Historically, when the Council investigated benefit fraud, registration with NAFN was maintained, however, this ceased some time ago. Communications data has never previously been required by the Council as part of its regulatory and investigatory work, however further investigation into this suggestion by the Inspector will be undertaken by

officers.

- 1.10 The Council continues to chair meetings of the Nottinghamshire and Derbyshire District RIPA working group and this provides the opportunity to share best practice in relation to RIPA usage and share training opportunities and knowledge. The group aims to meet at least twice a year and is another mechanism by which the Council ensures that compliance with RIPA is maintained and knowledge is kept up to date.
- 1.11 It is important that information about RIPA and covert surveillance is disseminated to staff to maintain awareness between training sessions, and the RIPA co-ordinating officer will continue to update officers and members with any key developments in this area. Work will also be undertaken to ensure that RIPA is included on the Council's intranet page so officers can ensure knowledge is maintained.

## **2 Proposal**

- 2.1 It is proposed that Members note the detail in this report in relation to the Council's use of RIPA, and the positive comments from the Inspector following the recent IPCO inspection.
- 2.2 It is proposed that the amended RIPA policy at Appendix 1 be approved. This policy has been updated to reflect the suggestions of the Inspector and now includes reference to a 4 month authorisation period for juvenile covert human intelligence sources, as well as including a review and destruction date for RIPA material obtained through a RIPA authorisation on the Council's central register of authorisations.

## **3 Alternative Options**

- 3.1 Members could determine not to approve the amended policy document or propose alternative amendments, however, the policy document was deemed fit for purpose by the Inspector from IPCO, and any suggestions for amendment have come from that inspection so are considered to be necessary.

## **4 Financial Implications**

- 4.1 There are no financial implications arising from this report.

## **5 Legal Implications**

- 5.1 Where the Council wishes to carry out covert surveillance in relation to an investigation, compliance with RIPA ensures that any such surveillance is properly authorised and full consideration is given to its necessity and proportionality. Where covert surveillance is conducted under a RIPA authorisation, this provides a potential defence to any claim that the

surveillance amounted to a breach of the individual's right to privacy under the Human Rights Act 1998. Whilst RIPA authorisations are limited to specific circumstances for local authorities, local authorities must still maintain appropriate processes and procedures to demonstrate compliance with RIPA, this includes ensuring that an appropriate policy document is maintained.

## **6 Equalities Implications**

6.1 There are no equalities implications arising directly out of this report.

## **7 Carbon Reduction/Sustainability Implications**

7.1 There are no carbon reduction/sustainability implications arising out of this report.

## **8 Appendices**

8.1 Appendix 1 – Gedling Borough Council's Regulation of Investigatory Powers Act 2000 Policy

## **9 Background Papers**

9.1 None

## **10 Reasons for Recommendations**

10.1 To update Members in line with the Council's RIPA policy

10.2 To ensure that the Council's RIPA policy remains fit for purpose.

### **Statutory Officer approval**

**Approved by:**

**Date: 22/9/20**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date: 22/9/20**

**On behalf of the Monitoring Officer**

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## APPENDIX 1

### GEDLING BOROUGH COUNCIL

#### REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

#### POLICY

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3. Guidance - Part II – Directed Surveillance and CHIS

#### Appendices

Appendix A– Directed Surveillance and CHIS Forms

Appendix B- Covert Surveillance and Property Interference and Covert Human Intelligence Sources –Codes of Practice  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384975/Covert\\_Surveillance\\_Property\\_Interference\\_web\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384975/Covert_Surveillance_Property_Interference_web_2_.pdf)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384976/Covert\\_Human\\_Intelligence\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384976/Covert_Human_Intelligence_web.pdf)

Appendix C – Home Office Guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118173/local-authority-england-wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf)

Appendix D – Home Office Guidance for Magistrates’ Courts in England and Wales for a Local Authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118174/magistrates-courts-eng-wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf)

## **GEDLING BOROUGH COUNCIL**

### **POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000**

#### **Introduction**

**Gedling Borough Council (“the Council”) only carries out covert surveillance or utilises covert human intelligence sources where such action is justified and endeavours to keep such activities to a minimum. It recognises its obligation to comply with the Regulation of Investigatory Powers Act 2000 (“RIPA/the Act”) when such an investigation is for the purpose of preventing or detecting crime or preventing disorder, and has produced this guidance document to assist officers.**

#### **Applications for authority**

**An officer of at least the level of Director will act as Authorising Officer and consider all applications for authorisation in accordance with RIPA. Any incomplete or inadequate application forms will be returned to the applicant for amendment. The Authorising Officer shall in particular ensure that: -**

- **there is a satisfactory reason for carrying out the covert technique**
- **any directed surveillance passes the “serious crime” threshold**
- **the covert nature of the investigation is necessary for the prevention and detection of crime or preventing disorder**
- **proper consideration has been given to collateral intrusion**
- **the proposed length and extent of the RIPA activity is proportionate to the information being sought.**
- **Chief Executive’s authorisation is sought where confidential legal/medical/clerical/parliamentary/journalistic/ spiritual welfare issues are involved or a juvenile covert human intelligence source is proposed.**
- **The authorisations are reviewed and cancelled.**
- **Records of all authorisations are sent to Legal Services for entry on the Central Register.**

Once authorisation has been obtained from the Authorising Officer the Authorising Officer will attend the Magistrates' Court in order to obtain Judicial approval for the authorisation.

### **Training**

Each Authorising Officer shall be responsible for ensuring that relevant members of staff are aware of the Act's requirements.

The Director of Organisational Development and Democratic Services shall ensure that refresher training is offered once a year to all directorates of the Council and also give advice and training on request.

### **Central register and records.**

Legal Services shall retain the Central Register of all authorisations issued by the Council. Legal Services will also monitor the content of the application forms and authorisations to ensure that they comply with the Act.

### **Senior Responsible Officer ("SRO")**

The Senior Responsible Officer, a role required by the Investigatory Powers Commissioner (the "IPC") with oversight of the Council's use of RIPA powers is the Director of Organisational Development and Democratic Services.

### **RIPA Co-ordinating Officer**

The RIPA Co-ordinating Officer role, with the responsibility for the day to day RIPA management and administrative processes observed in obtaining an authorisation and advice thereon, is performed by the Service Manager – Legal Services.

# **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

## **GUIDANCE ON PART II**

### **DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE**

#### **1. Purpose**

The purpose of this guidance is to explain

the scope of RIPA –Part II  
the circumstances where it applies, and  
the authorisation procedures to be followed.

#### **2. Introduction**

2.1 This Act, which came into force in 2000, is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and ensure that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and approved by the judiciary before they are carried out.

2.2 The investigatory powers, which are relevant to a local authority, are directed covert surveillance in respect of specific operations, involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 month' imprisonment or are related to the underage sale of alcohol and tobacco, and the use of covert human intelligence sources ("CHIS"). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and these are attached at **Appendix B**.

2.3 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information or the covert manipulation of a relationship is necessary and proportionate, i.e. whether a potential breach of a human right is justified in the interests of the community as a whole, or whether the information could be gleaned in other ways.

#### **3. Scrutiny and Tribunal**

##### **3.1 External**

3.1.1 As of 1<sup>st</sup> November 2012 the Council has to obtain an order from a Justice of the Peace approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity carried out. The Council can only appeal a decision of the Justice of the Peace on a point of law by Judicial review.

3.1.2 The Investigatory Powers Commissioner ("IPC"), a role established by the Investigatory Powers Act 2016 has comprehensive oversight of the use of

RIPA powers by public authorities and will ensure compliance with the law by inspecting public authorities and investigating any issue which they believe warrant further scrutiny. The IPC will have unfettered access to all locations, documentation and information systems necessary to carry out their full functions and duties.

3.1.3 In order to ensure that investigating authorities are using the powers properly, the Act also establishes the Investigatory Powers Tribunal, a Tribunal to hear complaints from persons aggrieved by conduct, e.g. directed surveillance. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

3.1.4 The Tribunal can order:

- Quashing or cancellation of any warrant or authorisation
- Destruction of any records or information obtained by using a warrant or Authorisation
- Destruction of records or information held by a public authority in relation to any person.

3.1.5 The Council has a duty to disclose to the tribunal all documents they require if any Council officer has:

- Granted any authorisation under RIPA
- Engaged in any conduct as a result of such authorisation

## **3.2 Internal scrutiny**

3.2.1 The Council will ensure that the SRO is responsible for;

- The integrity of the process in place within the Council to authorise directed surveillance and CHIS
- Compliance with PART II of the 2000 Act and with the accompanying Codes of Practice
- Engagement with the Commissioner and inspectors when they conduct their inspections and
- Where necessary overseeing the implementation of any post-inspection action plans recommended or approved by the Commissioner

3.2.2 The elected members of the Council will review the Council's use of the Act and the Council's policy and guidance documents at least once a year. Members will also consider internal reports on a regular basis throughout the year indicating the nature of RIPA activity undertaken or inactivity, to ensure that any use is consistent with the Council's policy and that the policy is fit for purpose. The members will not however be involved in making decisions on specific authorisations.

### **3.3 Unauthorised Activities**

3.3.1 If any Officer is concerned that surveillance/CHIS activity is taking place and there is no authorisation under RIPA in place, he/she should be contacted Legal Services to seek advice.

3.3.2 If any activity is deemed to be unauthorised, it will be reported to the IPC.

### **4. Benefits of RIPA authorisations**

4.1 The Act states that if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it will be lawful for all purposes. Consequently, RIPA provides a statutory framework under which covert surveillance or CHIS can be authorised and conducted compatibly with Article 8 of the Human Rights Act 1998 – a person's right to respect for their private and family life, home and correspondence.

4.2 Material obtained through properly authorised covert activity is admissible evidence in criminal proceedings.

### **5. Definitions**

5.1 'Covert' is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place. (s.26 (9)(a))

5.2 'Covert human intelligence source' (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert process of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship(s.26 (8))

5.3 'Directed surveillance' is defined as covert but not intrusive surveillance and undertaken:

- for a specific investigation or operations,
- in such a way that is likely to result in the obtaining of private information about any person,
- other than by way of an immediate response.(s.26 (2))

5.4 'Private information' includes any information relating to a person's private or family life (s.26(10)). Private information should be taken generally to include information on any aspect of a person's private or personal relationship with others including family and professional or business relationships. It is likely to be the case that where a person has a reasonable expectation of privacy, even though acting in public or placing information on publicly accessible areas of the internet, and where a record of that activity is being made by a public authority of that person's activities for future consideration or analysis, that this will result in obtaining private information.

5.5 'Intrusive' surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. **Gedling Borough Council cannot authorise such surveillance**. Residential premises do not include the front driveway or garden of a premises readily visible to the public, or a communal stairway in a block of flats.

5.6 'Authorising Officer' in the case of the Council, is the Chief Executive and Directors. If the operation concerns more than one department in the Council it can only be authorised by the Chief Executive.

## 6. **When does RIPA apply?**

6.1 Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is **necessary** for the purpose of preventing or detecting crime or of preventing disorder.

6.2 The Council can only authorise **Directed Surveillance** to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or be an offence under:

- a) S.146 of the Licensing Act 2003 (sale of alcohol to children)
- b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
- c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children)
- d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen)

## 6.3 Core Functions

A public authority may only seek authorisations under the Act when in performance of its "core functions". Core functions are the specific public functions undertaken by the authority in contrast to the ordinary functions which are those undertaken by all authorities for example employment issues or contractual arrangements. The disciplining of an employee is not a core function, although related criminal investigations may be.

## 6.4 CCTV

The normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV covertly and in a pre-planned manner as part of a specific investigation or operation to target a specific individual or group of individuals. Equally a request, say by the police, to track particular individuals via CCTV recordings may require authorisation (from the police). Guidance on the operation of CCTV generally is provided in the Surveillance Camera Code of Practice issued under the

Protection of Freedoms Act 2012, the Information Commissioner has also issued a code “In the Picture – A Data Protection Code of Practice for Surveillance Cameras and Personal Information”, which authorities should have regard to.

#### 6.5 Online Covert Activity

The use of the internet and social media sites may be required to gather information prior to and during an operation/investigation. Officers should exercise caution when utilising such sites during an investigation and be alert to situations where authorisations under RIPA may be required. If officers have any concerns over the use of social media during an investigation they should contact Legal Services. As a general rule of thumb however, reviewing open source sites such as facebook pages where no privacy settings are in place does not require an authorisation under RIPA unless review is carried out with some regularity, often to build a profile, when directed surveillance authorisation may be required.

Use of the internet prior to an investigation should not normally engage privacy considerations but if the study of an individual’s online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, a RIPA authorisation may be required. If the officer then, for the purposes of gleaning intelligence breaches privacy controls and becomes for example a “friend” within a subject’s facebook account, utilising a pseudo account to conceal his/her identity as a Council official, this is a covert operation which, by its nature, is intended to obtain private information and should be authorised as a minimum as directed surveillance. Further, if the officer engages in any form of relationship with the account operator then s/he is likely to become a CHIS requiring authorisation and management by a Controller and Handler with a record being kept and a risk assessment created.

In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject knowing that surveillance is or may be taking place. This is regardless of what privacy settings the individual may have in place.

### 7. Covert Human Intelligence Source

7.1 The RIPA definition (section 26) is anyone who:

- a) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs b) or c)
- b) covertly uses such a relationship to obtain information or provide access to any information to another person; or
- c) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

Any reference to the conduct of a CHIS includes the conduct of a source which falls within a) to c) or is incidental to it.

References to the use of a CHIS are references to inducing, asking or assisting a person to engage in such conduct.

7.2 Section 26(9) of RIPA goes on to define:-

- b) a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose; and
- c) a relationship is used covertly, and information obtained as mentioned in ss (8) (c) above and is disclosed covertly, if, and only if it is used or as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

7.3 With any authorised use of a CHIS, the Council must ensure that arrangements are in place for the proper oversight and management of the CHIS, this includes appointing individual officers as handlers and controllers in relation to the CHIS (s.29(5)(a) and (b)). The handler should not be the Authorising Officer. Appropriate risk assessments should also be prepared in relation to the CHIS activity.

7.4 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised in the 2000 Act, not whether or not the CHIS is asked to do so by the Council. When an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship, it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on any information from such an informant.

#### **7.4 Juvenile Sources**

7.4.1 Special safeguards apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under the age of 16 years be authorised to give information against his parents or any person who has parental responsibility for him. The duration of a juvenile CHIS is **four** months. The Regulation of Investigatory Powers (Juveniles) Order 2000 contains special provisions which must be adhered to in respect of juvenile sources. Any authorisation of a juvenile CHIS must be by the Chief Executive.

## **7.5 Vulnerable Individuals**

7.5.1 A vulnerable individual is a person who by reason of mental disorder or vulnerability or other disability, age or illness is, or may be, unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. Any authorisation of a vulnerable individual as a CHIS must be by the Chief Executive.

## **8. Authorisations**

### **8.1 Applications for directed surveillance**

8.1.1 All application forms must be fully completed with the required details to enable the authorising officer to make an informed decision. Application forms are available on the Home Office website, officers should ensure they are using the most up to date forms for RIPA authorisations. The authorisation will only commence on the date Magistrates Court approval is obtained (see 8.3) and runs for three months from that date of that approval.

No authorisation shall be granted unless the authorising officer is satisfied that the investigation is:

-**necessary** for either the purpose of preventing or detecting crime or of preventing disorder,

-Involves a criminal offence punishable whether summarily or on indictment by a maximum sentence of at least six months imprisonment or related to the underage sale of alcohol or tobacco (see para 6.2 for offences)

-**proportionate** and this has 4 elements, namely:

- (1) that the method of surveillance proposed is not excessive to the seriousness of the matter under investigation,
- (2) the method used must be the least invasive of the target's privacy,
- (3) the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 8.1.2).
- (4) that no other form of investigation would be appropriate. This should be evidenced by explaining what other methods of investigation have been considered or tried and why they have not been implemented or why they failed.

The grant of authorisation should indicate that consideration has been given to the above points.

Advice should be sought from the Legal Services on any issues of concern.

8.1.2 The Authorising Officer must take into account the risk of obtaining private information about persons who are not subjects of the surveillance activity -'collateral intrusion' i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation. The application must include an assessment of any risk of collateral intrusion for this purpose.

Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion.

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as it becomes apparent. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same considerations in respect of proportionality outlined in para 8.1.1 apply to the assessment of collateral intrusion.

The Authorising Officer should also fully understand the capabilities and sensitivity levels of any equipment being used to carry out directed surveillance so as to properly assess the risk of collateral intrusion in surveillance techniques.

### 8.1.3 **Special consideration in respect of confidential information**

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy eg where confidential information is involved.

Confidential information consists of matters subject to legal privilege, communication between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material, or where material identifies a journalist's source. (ss 98-100 Police Act 1997).

#### Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of Legal Services should be sought in respect of any issues in this area.

### Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling of an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's spiritual welfare or matters of medical or journalistic confidentiality

### Confidential constituent information

This is information relating to communication between a Member of Parliament and a constituent in respect of constituency business. Such information is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation.

### Confidential journalistic material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence. There is a strong public interest in protecting a free press including the willingness of sources to provide information to journalists in confidence.

It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 Freedom of Information Act 2000.

**Where such information is likely to be acquired, the surveillance may only be authorised by the Chief Executive, or, in his absence, a Chief Officer and should only be authorised where there are exceptional and compelling circumstances that make the authorisation necessary.**

8.1.4 Authorisations must be in writing and have a "wet" signature .

#### 8.1.5 **Notifications to Inspector/Commissioner**

The following situations must be brought to the inspector/commissioner's attention at the next inspection:

- Where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved.

- Where a lawyer is the subject of an investigation or operation;
- Where confidential personal information or confidential journalistic information has been acquired and retained.

## **8.2 Applications for CHIS**

The process for CHIS applications is the same as for directed surveillance except that the serious crime threshold of investigating criminal offences with a sentence of at least 6 months in imprisonment does not apply. The authorisation must be in writing, must specify the activities and identity (by pseudonym only) of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

Again the Authorising Officer must be satisfied that the authorised use and conduct of the CHIS is proportionate to what is sought to be achieved by that conduct and the CHIS must be necessary for the prevention or detection of crime or the prevention of disorder. Collateral intrusion must also be considered.

All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision. A risk assessment and record must be prepared for each CHIS.

## **8.3 Judicial Approval of authorisations (see guidance at Appendix C and D)**

Once the Authorising Officer has authorised the Directed Surveillance or CHIS, the Authorising Officer who gave the authorisation should attend the Magistrates Court for the authorisation to be approved by a Justice of the Peace. The hearing should ideally be on the same day as the Authorising Officer gives authorisation, the court should be contacted prior to attendance to ensure the matter can be heard.

The Authorising Officer will provide the Justice of the Peace with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon.

In addition, the Authorising Officer will provide the Justice of the Peace with a partially completed judicial application/order form. These documents should be taken to the court by the Authorising Officer and not sent to the court by any other means prior to the hearing.

The hearing will be in private and the Authorising Officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be the case. They will also consider whether the authorisation was given by the appropriate designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

The Justice of the Peace can :

- a) **Approve the grant of the authorisation** , which means the authorisation will then take effect for a period of three months.
- b) **Refuse to approve the grant of the authorisation**, which means the authorisation will not take effect but the Council could look at the reasons for refusal, make any amendments and reapply for judicial approval.
- c) **Refuse to approve the grant of the authorisation** and quash the original authorisation. The court cannot exercise its power to quash the authorisation unless the applicant has at least 2 business days from the date of the refusal in which to make representations.

#### **8.4 Working in partnership with the Police/Collaborative Working**

Authorisation can be granted in situations where the police rather than Gedling Borough Council require the surveillance to take action, as long as the behaviour complained of, meets all criteria to grant and in addition is also of concern to the Council. Authorisation cannot be granted for surveillance requested by the police for a purely police issue.

The Police, as an emergency service may authorise RIPA without Magistrates approval, if an urgent situation arises and RIPA authorisation would be required urgently, the Council should contact the police if surveillance is deemed to be necessary and proportionate in an urgent situation.

Any person granting or applying for an authorisation will also need to be aware of particular sensitivities in the local community where the surveillance is taking place and of any other similar activities being undertaken by other public authorities which could impact on the deployment of surveillance or property interference. Where an Authorising Officers considers conflicts may arise they should consult a senior officer within the police.

Where the Police are carrying out surveillance and request the use of the Council's cameras to do so, the police should obtain the authorisation and provide sufficient information to the Council to enable the surveillance to be undertaken in line with the authorisation.

9. **Unique Operation Reference Number**

Each Application for Directed Surveillance and CHIS, must have a Unique Operation Reference Number. This URN will begin with either ENV (if it is granted in the Environment and Planning Department) or FIN (if it is granted in the Finance Department), followed by a sequential number, followed by 20?? being the year in which the Authority was applied for, e.g. ENV/27/2005

10. **Duration and Cancellation**

- An authorisation for **directed surveillance** shall cease to have effect (if not renewed or cancelled) 3 months from the date the Justice of the Peace approves the grant.
- If renewed, the authorisation shall cease to have effect 3 months from the expiry date of the original authorisation.
- An authorisation for **CHIS** shall cease to have effect (unless renewed or unless juvenile) 12 months from the date the Justice of the Peace approves the grant or renewal.

**This does not mean that the authorisation should continue for the whole period so that it lapses at the end of this time. The Authorising Officer must cancel the authorisation at anytime if they consider the surveillance or CHIS no longer meets the criteria on which it was authorised.**

On cancellation, the cancellation form should detail what product has been obtained as a result of the surveillance activity. The forms should include the dates and times of the activity, the nature of the product obtained and its format, any associated log or reference numbers, details of where the product is to be held and the name of the officer responsible for its future management.

Documentation of any instruction to cease surveillance should be retained and kept with the cancellation form.

11. **Reviews**

The Authorising Officer should review all authorisations at intervals determined by him/herself. This should be as often as necessary and practicable-usually monthly, however reviews may be more frequent where there is a high level of intrusion into a subject's private life or there is significant collateral intrusion. **The reviews should be recorded.**

If the directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at review to include the identity of these

individuals. It would be appropriate to call a review specifically for this purpose.

Any changes to the nature or extent of the surveillance activity which results in a greater intrusion into the private life of any person should be raised at review and consideration of the necessity and proportionality test should be undertaken before any changes are approved or rejected.

Particular attention should be paid to the possibility of obtaining confidential information and an assessment as to the information gleaned should take place at every review.

## **12. Renewals**

Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. The renewal must then be approved by the Justice of the Peace in the same way the original authorisation was approved. The process outlined in paragraph 8.3 should be followed for renewals.

A CHIS authorisation must be thoroughly reviewed before it is renewed.

## **13. Central Register of authorisations**

13.1 All authorities must maintain the following documents:

- Copy of the application and a copy of the authorisation form and the approval order from the Magistrates together with any supplementary documentation
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation and Order made by the Magistrates Court and supporting documentation submitted when the renewal was requested;
- The date and time when any instruction to cease surveillance as given
- The date and time when any other instruction was given by the Authorising Officer

13.2. To comply with 13.1 Legal Services hold the central register of all authorisations issued by officers of Gedling Borough Council. The original authorisation, reviews, renewal and cancellation issued should be passed immediately to Legal Services. A copy should be kept by the applicant Department and the Authorising Officer. Any original authorisations and

renewals taken to the Magistrates Court should be retained by the Council, the court must only keep copies of the authorisations or renewals.

13.3 The Council must also maintain a centrally retrievable record of the following information:

- type of authorisation
- date the authorisation was given
- details of attendance at the Magistrates' Court, the date of the attendance, the determining Justice of the Peace, the decision of the court and the time and date of the decision
- name and rank/grade of the Authorising Officer
- unique reference number of the investigation/operation
- title (including brief description and names of the subjects) of the investigation/operation;
- details and dates of reviews
- dates of any renewals including the name and rank of the Authorising Officer
- whether the investigation/operation is likely to result in obtaining confidential information
- whether the authorisation was granted by an individual directly involved in the investigation
- date of cancellation
- detail of any material obtained through surveillance with dates for review and destruction of such material

These records will be retained for at least 3 years and will be available for inspection by the IPC.

Where the Council has worked collaboratively with the Police and provided assistance on any police obtained RIPA authorisation such as utilising Council cameras for police surveillance, records of that activity should be retained including the instruction from Police and details of the authorisation.

#### **14. Retention of records**

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance or CHIS. The Authorising Officers through their relevant Data Controller must ensure compliance with the appropriate data protection requirements under the General Data Protection Regulation ("GDPR") Data Protection Act 2018 and any relevant codes of practice relating to the handling and storage of material, in addition consideration should be given to the Council's Record Retention and Disposal Policy in relation to how long material from a RIPA authorisation is retained.

The Central Register of Authorisations will be kept securely in a locked cabinet in the Legal Services department. The Register will provide dates for

review and destruction of any RIPA material obtained as part of an authorised covert surveillance operation.

## **15. Complaints procedure**

- 15.1 The Council will maintain the standards set out in this guidance and the Codes of Practice (**See Appendix B**). The Investigatory Powers Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.
- 15.2 Contravention of RIPA may be reported to the Investigatory Powers Tribunal. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To make a complaint, please follow this link <http://www.gedling.gov.uk/council/aboutus/complaintsandcompliments/complaints/> or contact us at Gedling Borough Council, Arnot Hill Park, Arnold Nottingham NG5 6LU on 0115 9013901.



## Report to Cabinet

**Subject:** Selective Licensing Phase 2 Consultation

**Date:** 8<sup>th</sup> October 2020

**Author:** Food, Health and Housing Manager

### Wards Affected

Carlton Hill, Colwick, Daybrook, Newstead Abbey

### Purpose

To advise Cabinet of the implications and procedure required for a selective licensing scheme.

To obtain Member approval for the Proposal to Declare a Selective Licensing Designation within the Private Rented Sector – Phase 2 contained at appendix 1 of the report to be issued for a 12 week public consultation.

To seek Member support of the proposed fees and resource requirements outlined in the financial implications section of this report, subject to the result of the public consultation.

### Key Decision

Not a key decision.

### Recommendation(s)

#### THAT Cabinet:

- 1) note the scheme of Selective Licensing as outlined in the Proposal to Declare a Selective Licensing Designation within the Private Rented Sector – Phase 2 (appendix 1).
- 2) approve the Proposal to Declare a Selective Licensing Designation within the Private Rented Sector contained at appendix 1 to be issued for a 12 week public consultation.
- 3) note the proposed budget and resource requirements outlined in the financial implications section of this report.

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## 1 Background

- 1.1 Section 80 of the Housing Act 2004 allows local authorities to introduce selective licensing of private rented properties in a designated area. Selective licensing requires landlords of private rented properties within a designated area, to apply to the local authority for a licence. The Secretary of State's guidance for local authorities issued by the Department of Communities and Local Government in 2015 requires that a designated area for selective licensing must have a high proportion of private rented accommodation (over 19%). Where the designated area covers over 20% of the local authority total area, or more than 20% of the total private rented housing stock within the authority's area the authority to designate must be granted from the Secretary of State, (below this threshold the local authority has the power to designate the area).
- 1.2 The Secretary of State's guidance describes that a local authority can designate an area for selective licensing where one or more of the following conditions exist in the area:
- I. low housing demand (or is likely to become such an area)
  - II. a significant and persistent problem caused by anti-social behaviour
  - III. poor property conditions
  - IV. high levels of migration
  - V. high levels of deprivation
  - VI. high levels of crime
- 1.3 The purpose of local authorities licensing all private landlords in a designated area is to ensure that a minimum standard of property management is achieved. The explanatory notes to Part 3 of the Housing Act 2004 makes it clear that selective licensing is strongly linked into the Government's anti-social behaviour agenda. Registered Social Landlords and their properties are exempt from selective licensing.
- 1.4 Prior to designating an area for selective licensing the local authority must have conducted a public consultation for a minimum period of 10 weeks.
- 1.5 On 8<sup>th</sup> March 2018 following a 12 week public consultation Cabinet Designated the Netherfield ward a Selective Licensing scheme for up to 5

years. See background paper for report to Cabinet for information.

#### 1.6 Phase 1

The implementation of the scheme in Netherfield is considered a success. 662 landlords have applied for a licence. During proactive inspections through the scheme the council has found 86% of properties inspected have contained hazards requiring remedial action to protect tenant's health and safety. The hazards identified during inspections are as a direct result of the scheme and without the need for the tenants to report concerns to the council. The council has worked with landlords and agents to bring about improvements to properties where hazards have been found to improve housing conditions for the benefit of their tenants. 32 properties were found to have 'imminent' health and safety hazards requiring immediate action to protect tenant's safety. Often the 'imminent' issues have resulted around fire safety and inadequate fire protection/detection and/or inadequate means of escape in the event of a fire. Addressing the hazards protects both tenants but also reduces avoidable demand on public sector partners such as Fire, NHS, and Police as a result of accident avoidance or early warning in the event of a fire.

- 1.7 The scheme has also led to improved partnership working with Police colleagues with meetings every 2 weeks to discuss crime and ASB issues in the ward and proactively plan interventions. A number of Police warrants have been carried out in the ward associated with criminal activity and improved sharing of information and intelligence received via the Public Protection Service. Two civil penalty notices have been served on landlords and agents who have failed to apply for licences. Investigations are continuing with other cases of landlords who have failed to apply for a licence

#### 1.8 Phase 2

Research has been carried out to establish if circumstances exist elsewhere in the borough to designate a further scheme to ensure other communities experience the same improvements delivered through the Netherfield scheme. Analysis has been conducted at ward level where communities are based and where data is available at street level. Careful analysis has been carried out to compare different datasets showing crime, antisocial behaviour, housing conditions, empty properties and deprivation statistics which are key criteria outlined by the Secretary of State when considering a selective licensing scheme. The findings of the analysis are presented in the Proposal to Declare a Selective Licensing Designation within the Private Rented Sector – Phase 2 attached at appendix 1 of this report. The Phase 2 Proposal identifies 4 areas of the borough that satisfy the Secretary of State's

guidance for introducing a selective licensing scheme these are parts of the following wards (not the whole ward) as summarised in table 1 below:

Area	Conditions	Satisfied
Carlton Hill	A significant and persistent problem caused by antisocial behaviour	✓
	Poor property conditions	✓
Colwick	A significant and persistent problem caused by antisocial behaviour	✓
	Concentrations of high levels of crime	✓
Daybrook	A significant and persistent problem caused by antisocial behaviour	✓
	Poor property conditions	✓
	Concentrations of high levels of crime	✓
Newstead Abbey (Newstead Village)	A significant and persistent problem caused by antisocial behaviour	✓
	Poor property conditions	✓
	Concentrations of high levels of crime	✓

- 1.9 The total number of private rented homes within all 4 areas proposed for phase 2 of Selective Licensing Scheme totals 664 properties. When combined with phase 1 the total number of properties proposed to be covered by Selective Licensing schemes would not exceed 20% of the total private rented sector of the Borough, nor would the designated area cover more than 20% of the council's geographic area. For schemes that cover over 20% of either category, approval would need to be sought from the Secretary of State.

## 2 Proposal

- 2.1 That members note the scheme of selective licensing as outlined in the Proposal to Declare a Selective Licensing Designation within the Private Rented Sector – Phase 2 (appendix 1). This is to ensure that vulnerable

households are able to access safe and suitable accommodation in the private rented sector within Gedling.

- 2.2 To obtain Member approval that the Proposal to Declare a Selective Licensing Designation within the Private Rented Sector (appendix 1) is circulated for a 12 week public consultation between Monday 12<sup>th</sup> October 2020 and Monday 4<sup>th</sup> January 2021 in the manner detailed in para 6.4-6.5. This is to consider views on the potential introduction of a phase 2 Selective Licensing Scheme of private landlords with properties in parts of the Carlton Hill, Colwick, Daybrook and Newstead Abbey wards.
- 2.3 That Members note the proposed budget and resource requirements outlined in financial implications section of this report, which will be subject to a separate approvals process depending on the outcome of the consultation and any final decision to designate a scheme.
- 2.4 That officers bring back the findings of the public consultation to a future Cabinet meeting to consider and determine whether the proposed scheme should be designated.

### **3 Alternative Options**

- 3.1 Officers have considered introducing a district-wide scheme but this was not taken forward because the evidence to demonstrate that the criteria for selective licensing applies across the district has not been established. Approval would need to be sought from the Secretary of State to designate more than 20% of the Councils area and it is unlikely that a borough wide designation would be supported.
- 3.2 Officers have reviewed all available evidence to consider if other areas of the borough would be appropriate for a designation. Based on the evidence outlined in the Proposal to Declare a Selective Licensing Designation within the private rented sector – Phase 2 (Appendix 1) other areas of the borough do not currently demonstrate sufficient levels of need for a Selective Licensing scheme at this stage. This will be kept under review as the Netherfield scheme continues and if the Phase 2 Proposal outlined in appendix 1 is designated.

## 4 Financial Implications

- 4.1 The costs associated with conducting a public consultation to consider whether to proceed to designating a phase 2 selective licensing scheme are minimal and will be absorbed within existing resources. Authorising a public consultation on selective licensing does not commit the Council to proceeding with a scheme but this section of the report will outline the wider financial implications that should be considered if the proposed selective licensing designation is made.
- 4.2 The licence fees included within the proposed scheme have been calculated to ensure the costs of the scheme, including setup, staffing resource and IT resources are covered by the licence fees. Individual licences issued through the scheme will last for the duration of the selective licensing designation which is a maximum period of 5 years and costs have been projected over the 5 year duration of the proposed scheme.
- 4.3 It is proposed that the licence fees for phase 2 are 19% higher than the fees currently in place for the Netherfield Scheme and are set at £585 for accredited landlords and 9% higher than the Netherfield Scheme at £700 for non-accredited Landlords. An increase to the Netherfield Scheme fees will be subject to separate approval but the higher rates proposed in this consultation are due to increased costs of providing the service. This compares to the neighbouring Nottingham City Council fees of £670 for accredited landlords and £890 for non-accredited landlords.
- 4.4 The council's experience of processing accredited landlords licence applications in Netherfield compared to non-accredited landlords has not led to the reductions in processing time or cost savings that was envisaged prior to introducing the scheme. Accredited landlords are often viewed within the sector as professional landlords who proactively seek out training and a network to assist with meeting their legal obligations, leading to improved compliance and property management. When the Netherfield scheme was launched landlord Accreditation was available for free via our accreditation partner DASH Services. There is evidence that some landlords joined DASH motivated by the licence fee discount but this did not immediately result in improvements in housing conditions and reduced processing costs for administration of licence applications. The council is still keen to encourage landlord accreditation as a way of professionalising the sector and providing access to training and a support network and it is envisaged over time the increase in uptake of accreditation from selective licensing will improve housing conditions and property management. However the local experience from Netherfield shows it is still necessary for the council to inspect accredited landlord

properties and identify areas of non-compliance and defects in order for property improvements to be achieved.

- 4.5 A resource development bid for Phase 2 of the Selective Licencing Scheme was presented and approved as part of the 2020/21 budget process. The financial modelling at that point was based on phase 1 costs, which have since been revised to reflect the new charges states above. The financial modelling demonstrates that based on achieving the forecast number of households applying for licences, phase 2 of the scheme should cover its own costs.

The table below shows that the scheme could make a small surplus of £23.5k over the five years, this projected surplus will help to mitigate the risk of a lower take up of licences than initially forecast.

<b>Selective Licencing Phase 2 Proposal</b>		
	<b>5 Year Projection £</b>	<b>Staffing Proposal</b>
<b>Income</b>	<b>(428,115)</b>	<b>1 x Senior EHO Band 10 incremental cost</b> <b>1 x Housing Improvement Officer Band 7/8</b> <b>2 x Housing Improvement Officer Band 7/8</b> <b>(temp 2 x 12 month fixed term contracts)</b> <b>1 x Admin Apprentice (temp 1 x 24 months fixed term)</b>
<b>Staffing Costs</b>	<b>350,089</b>	
<b>IT Costs</b>	<b>36,430</b>	
<b>Overheads</b>	<b>18,045</b>	
<b>Forecast Surplus</b>	<b>(23,551)</b>	

- 4.6 The above table 2 outlines the resources required to implement a phase 2 selective licensing scheme, a separate approval will be required should the phase 2 scheme be designated which will address ongoing staffing commitment and how the scheme is to be funded. Any approval of the scheme following consultation will be subject to separate budget approval.
- 4.7 Any decision to introduce a phase 2 Selective Licensing scheme as per the proposal in appendix 1 should be based on its own merits. However, it should be noted that the current Selective Licensing staff employed in phase 1 are on a temporary basis which could be extended to become the phase 2 resource. If phase 2 is not implemented there would not be sufficient finances to extend the temporary staff contracts and the remaining 3 years of phase 1 Netherfield scheme would need to be managed using existing resources from the Public Protection Service which may mean assessing competing priorities.

## **5 Legal Implications**

- 5.1 Selective licensing is a regulatory tool provided by the Housing Act 2004. Part 3 of the Housing Act 2004 (the Act) sets out the scheme for licensing private rented properties in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to all privately rented property in the area. The Proposal in Appendix 1 outlines the case for selective licensing in accordance with the secretary of state's guidance and above mentioned legal powers made available to the council by Government.
- 5.2 This report seeks approval to conduct a 12 week public consultation which is formally required by the Secretary of State's guidance when considering whether to introduce a scheme. Any consultation responses should be taken into account before any final designation is made.
- 5.3 In order to designate an area for selective licensing the council must show the area is experiencing one of the six conditions listed in paragraph 1.2 of this report. The table presented in paragraph 1.7 of this report summarises the statutory conditions that are evidenced in the proposal document and shows Colwick satisfies two conditions and Carlton Hill, Daybrook and Newstead Village each satisfy three of the six conditions. This shows the case for phase 2 of selective licensing meets the secretary of state's guidance and legal standards that must be demonstrated before a scheme can be considered and introduced.

## **6 Equalities Implications**

- 6.1 The equalities considerations of the decision to hold a public consultation and how the consultation will be completed are outlined in this section of the report.
- 6.2 It is not considered that any of the protected characteristics outlined in the Equalities Act would be adversely impacted by making a decision to hold a public consultation. The consultation will allow individuals to express their views on the proposal in order for them to be considered by the council. With respect to this section of the report it is relevant to explain how the consultation will be conducted to ensure all affected members of the community have opportunity to participate in the consultation.
- 6.3 The secretary of state's guidance (see background paper) explains that when considering designating a selective licensing area the local housing authority must:
- Take reasonable steps to consult persons who are likely to be

affected by the designation, and

- Consider any representations in accordance with the consultation

It is proposed that the consultation will be hosted on the council's website 'Have your say' webpage which is readily accessible and an accepted approach for collating consultation representations in a timely and efficient manner. Contact details will be made available should members of the public wish to speak to an officer's to find out more about the consultation and how to submit representations.

- 6.4 In view of the coronavirus pandemic and government guidance it is unlikely the council will be able to hold public meetings to raise awareness of the proposal. Instead pre-recorded presentations will be uploaded to the council's website together with press releases and social media posts to raise awareness of the consultation. An article is also proposed for the next edition of the Contacts magazine to be delivered to every household in the borough. Officers intend to produce a leaflet about the scheme to be hand delivered to every household in the proposed selective licensing areas.
- 6.5 Council officers will engage with representatives from landlord associations to seek their views and request they also raise awareness with their members. Council officers plan to host a number of mini focus groups to seek views from landlords and tenants to inform the consultation process.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 Holding a public consultation to introduce Selective Licensing will not have an adverse impact on carbon reduction or environmental sustainability.
- 7.2 Should a phase 2 Selective Licensing scheme be implemented it has the potential to have a far reaching positive impact on carbon reduction and environmental sustainability. The council has seen through the Netherfield scheme a substantial number of properties have been improved including measures such as additional insulation and new heating systems to address excess cold hazards but can also reduce carbon emissions.
- 7.3 The requirement for landlords to apply for a licence provides the council with up to date information on private rented homes in an area which can assist with targeting local fuel poverty and carbon saving schemes interventions as they arise. Added to this the council is able to target enforcement action at private rented homes that fall below minimum energy performance standards.

## 8 Appendices

- 8.1 Appendix 1 - Proposal to Declare a Selective Licensing Designation within the private rented sector – Phase 2

## 9 Background Papers

- 9.1 Secretary of State's Guidance "*Selective Licensing in the private rented sector: A Guide for local authorities*"
- 9.2 8<sup>th</sup> March 2018 – Cabinet Report Implementation of Selective Licensing in Netherfield

## 10 Reasons for Recommendations

- 10.1 To gain Cabinet approval to conduct a public consultation to consider whether to declare parts of the Carlton Hill, Colwick, Daybrook and Newstead Abbey wards for selective licensing.
- 10.2 To gain Cabinet support for the proposed fees and to retain the established staffing structure required to implement the selective licensing scheme.
- 10.3 To gain information through the public consultation to develop a scheme to contribute to the following corporate priorities;
- To improve health and wellbeing and reduce inequalities, and
  - Reduce anti-social behaviour, crime and the fear of crime.

### Statutory Officer approval

Approved by:

Date: 22/9/20

On behalf of the Chief Financial Officer

**Approved by:**  
**Date: 22/9/20**  
**On behalf of the Monitoring Officer**

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# PROPOSAL TO DECLARE A SELECTIVE LICENSING DESIGNATION WITHIN THE PRIVATE RENTED SECTOR – PHASE 2



Serving people Improving lives

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## Executive Summary

On 1<sup>st</sup> October 2018 Gedling Borough Council launched its first Selective Licensing scheme lasting for 5 years applying to all private rented homes in the Netherfield ward.

- 662 licence applications have been received.
- 86% of properties inspected have contained hazards requiring remedial works under the Housing Health and Safety Rating System.
- 13% of properties inspected were found to have hazards presenting an 'imminent' risk to the health and safety of the occupants and required immediate action to address

The Netherfield scheme is still only 2 years into a 5 year scheme but is so far considered a success. The council is keen to explore whether the success of the Netherfield scheme can be extended to other areas of the borough to bring about further improvements to property management and housing conditions elsewhere in the borough.

This proposal is an investigation into the value of introducing Phase 2 of Selective Licensing within an area in the Borough of Gedling. It explains how Selective Licensing works, and gives the background to the areas in question.

The proposed Phase 2 areas include parts of Carlton Hill, Colwick, Daybrook and Newstead Village which are areas with a high concentration of privately rented accommodation and in accordance with the Government guidance there is evidence to suggest the following conditions are satisfied; 'a significant and persistent problem caused by anti-social behaviour', 'high levels of crime' and 'poor property conditions'. It is proposed that Selective Licensing will play a significant contribution to addressing these problems.

Chapter 4 of this proposal shows that the proposed areas in Carlton Hill, Colwick, Daybrook and Newstead Village are suffering with a significant and persistent problem with antisocial behaviour.

Chapter 5 shows that the proposed areas in Colwick, Daybrook and Newstead Village are experiencing concentrations of high levels crime.

Chapter 6 outlines that parts of Carlton Hill, Daybrook and Newstead Village show signs of poor property conditions in the private rented sector.

The proposal outlines that Selective Licensing would improve the situation on the following grounds:

- 1) Landlords will be required to ensure properties are free from significant hazards to health and safety, and that adequate checks are carried out to gas and electrical appliances; including installations of adequate fire detection and alarm systems.

- 2) Landlords are required to implement appropriate property and tenancy management; to provide advice to new tenants on dealing with rubbish; to ensure properties are inspected at least every 6 months and at least 24 hours' notice of inspection is given; and to tackle anti-social behaviour.
- 3) Positive relationships between the Council and landlords will reduce homelessness and empty properties.
- 4) Landlords would have to obtain references, thus avoiding occupation of privately rented properties by those likely to commit crime and anti-social behaviour.
- 5) A more collaborative approach should ensure improved property conditions.

The proposal considers other alternatives to Selective Licensing including; accreditation, enforcement of housing standards, management orders, private sector leasing schemes, and raising landlord awareness. These options would all require some funding from the Council, whereas Selective Licensing is self-financing. The alternatives don't compel landlords to address tenant behaviour or obtain references whereas current Selective Licensing schemes have proven effective in this respect. The alternative options can only tackle a small number of properties compared to Selective Licensing which covers all rented properties within the proposed area.

In conclusion the Council proposes that Selective Licensing within Phase 2 is necessary to address the issues of crime, anti-social behaviour, and poor housing conditions. There will be a consultation period of at least 10 weeks after which a decision will be made.

## 1.0 Introduction

The private rented sector has doubled in size since 2002 and now houses 19% of households. Selective Licensing was introduced as part of the Housing Act 2004, and allows Local Housing Authorities to make designations based on factors such as low housing demand, high levels of anti-social behaviour, and landlords failing to take action to combat problems within the houses that they let. A designation can be made for a maximum of five years, however can be lifted sooner if it is felt that the problems within the area have been significantly reduced and Selective Licensing is no longer required to maintain the changes that have been made.

On 1<sup>st</sup> October 2018 Gedling Borough Council launched it's first Selective Licensing scheme lasting for 5 years applying to all private rented homes in the Netherfield ward.

- 662 licence applications have been received
- 33 licence applications have been withdrawn or subsequently found to be exempt from the scheme
- 415 final licences issued
- 256 properties have been inspected
- 86% of properties inspected have contained hazards requiring remedial works under the Housing Health and Safety Rating System.
- 13% of properties inspected were found to have hazards presenting an 'imminent' risk to the health and safety of the occupants and required immediate action to address
- 2 civil penalties have been issued for failure to licence 12 dwellings in the area totaling £10,762. Further cases are under consideration.

The early implementation findings from the Netherfield scheme support the council's justification to introduce selective licensing and are delivering improvements for the local community that would not have been achieved without introducing the scheme.

32 properties were found to have hazards which presented an imminent risk to health. Work was undertaken by the Selective Licensing Team to protect the tenants of those properties and bring about improvements to reduce the risk to acceptable levels. On each occasion the team worked with Landlords/Agents to ensure that the tenants could continue to live in the properties whilst the improvements were made.

Only 14% of properties inspected did not require any repairs to be carried out to bring them up to the statutory minimum standards. This supports the concerns that the Council had regarding housing conditions within the area which in part led to the scheme being introduced. This also highlighted that tenants were living in substandard conditions but either didn't know they could contact Environmental Health or chose not to. The licensing scheme meant that officers were able to proactively enter these properties and address the problems without the tenant having to complain. As a result

of this tenants, agents and landlords all became more aware of what standards are expected in private rented properties.

The licensing process has also allowed for the Council to assess management arrangements in place at rented properties and work with landlords and agents to ensure they are suitable. The licence conditions make it clear exactly what is expected of landlords and agents. Additional conditions have been inserted into licenses to ensure management practices unique to those particular properties are in place to ensure the tenant is suitably protected.

The council is keen to explore whether the success of the Netherfield scheme can be extended to other areas of the borough to bring about further improvements to property management and housing conditions elsewhere in the borough.

This proposal is an investigation into the value of introducing Phase 2 of Selective Licensing within a number of small focussed areas in the Borough of Gedling

Selective Licensing requires all private sector landlords within a designated area to obtain licences in order to let their properties, which can be acquired via applications to the Council. The licence is valid for the duration of the designation and will contain a series of conditions that must be met by the landlord, in order to ensure the property is appropriately managed and prevent the licence being revoked. Breaches of licence conditions are a criminal offence which can lead to prosecution and a fine of up to £20,000. As an alternative to prosecution Civil Penalties are available for use by the council and can lead to a maximum fine of up to £30,000 in certain situations.

This document outlines Gedling Borough Council's proposal to designate the Phase 2 area for Selective Licensing, based on a significant and persistent problem caused by anti-social behaviour, high levels of deprivation, high levels of crime, and poor property conditions in line with Part 3 of the Housing Act 2004 and Selective Licensing in the private rented sector: A Guide for Local Authorities.

This document sets out detailed information for the proposed designation area and invites comments and feedback from all stakeholders in the area that are affected by the proposal. A consultation period will run for a minimum of ten weeks involving any persons likely to be affected by the designation in adherence to section 80 (9) of the Housing Act 2004.

The Council will consider all consultation responses alongside any other relevant information in order to prepare a report for the Council's Cabinet. A decision can then be made as to whether the area should be designated as a Selective Licensing area

## **2.0 What is a Selective Licensing Scheme?**

### **2.1 Legal Framework and Guidance**

This section provides a summary of the legal requirements to bring in Selective Licensing. The relevant legislation can be found in the Housing Act 2004, accompanied by the supporting document “Selective Licensing in the Private Rented Sector: A Guide for Local Authorities”; published by the Department for Communities and Local Government.

Part 3 of the Housing Act 2004 gives Local Authorities the power to designate the area, or part of the area in their district for Selective Licensing if one of two conditions is met; detailed in section (80) of the Act.

**(80)** (3) The first set of general conditions are—

- (a) That the area is, or is likely to become, an area of low housing demand; and
- (b) That making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.

**(80)** (6) The second set of general conditions are—

- (a) That the area is experiencing a significant and persistent problem caused by anti-social behaviour;
- (b) That some or all of the private sector landlords who have let premises in the area (whether under leases or licenses) are failing to take action to combat the problem that it would be appropriate for them to take; and
- (c) That making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.

“Selective Licensing in the private rented sector: A Guide for Local Authorities” also provides four further conditions which if the area is experiencing one or more of, a Selective Licensing designation may be made. These are legally introduced via the Selective Licensing of Houses (Additional Conditions) (England) Order 2015/977 and includes:

- poor property conditions
- high levels of migration
- high levels of deprivation
- high levels of crime

Other sections of the Act list requirements of local authorities to show how making a designation will improve an area and how it will work alongside pre-existing measures. A Local Authority may only make a designation after they have considered if there any other available courses of action to them and if these would

produce the intended outcomes that the designation would achieve; and if making the designation will significantly assist them to achieve the objectives.

Prior to making a designation, the legislation requires Local Authorities to take reasonable steps to consult anyone likely to be affected by the designation and consider any representations made in accordance with the consultation

Local authorities are required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes within their local authority area.

In considering whether to make a designation due to anti-social behaviour the local housing authority must be satisfied that the area sought to be designated is experiencing a significant and persistent problem caused by anti-social behaviour; that some or all of private landlords who have let premises in the area are failing to take action to combat the problem that it would be appropriate for them to take.

In considering whether to make a designation due to poor property conditions, high levels of deprivation or high levels of crime the local housing authority must be satisfied that the area sought to be designated contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area. The Secretary of State's guidance suggests areas with above the national average of 19% private rented properties can be considered as having a high proportion of privately rented properties.

To meet the poor property condition the local housing authority must then consider, that after having carried out a review of housing conditions (under section 3(1) of the Housing Act 2006), that it would be appropriate for a significant number of the properties in the private rented sector, within the area sought to be designated, to be inspected with a view to determining whether any hazards exist, that the local housing authority intends to carry out such inspections with a view to carrying out any necessary enforcement action and that making the designation will contribute to an improvement in general housing conditions.

To meet the high levels of crime condition the local housing authority must then be satisfied that the criminal activity affects those in the privately rented homes within the area to be designated or other households and businesses in the area and that making the designation will contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.

A full copy of the Act can be obtained from the legislation.gov website. <sup>1</sup>

## **2.2 Consequences of Designating a Selective Licensing Area**

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2004/34/part/3>

Once a Selective Licensing designation has been made, any private landlord wishing to rent out properties within the designated area must apply for a licence. A separate licence must be obtained for every tenanted house within the designated area. In the context of this proposal, house is defined as a building or part of a building consisting of one or more dwellings. If houses have been made exempt under the Selective Licensing of Houses (Specific Exemptions) Order 2006 the local housing authority cannot require them to obtain a licence. Examples of circumstances in which this would apply include business tenancies, tenancies which have a term over 21 years or buildings which are regulated under any other legislation. Selective Licensing also does not apply to any person registered as a social landlord under part 1 of the Housing Act 1996.

An application must be submitted for every property in accordance with specific requirements. The council is entitled to charge a fee which accompanies the application; further details of the proposed fee can be found in Appendix 1. As part of this application process, proposed licence holders and managers will be required to provide information that they are “fit and proper persons” and that they have satisfactory management arrangements in place, including dealing with anti-social behaviour. Further details of the proposed “fit and proper person” criteria can be found in Appendix 2. In circumstances where the Council are not satisfied that the licence holder or manager are a “fit and proper person”, and/or the management arrangements are unsatisfactory, then it can refuse to grant a licence. The proposed licence conditions are attached to this document as Appendix 3.

## **2.3 Implications of Renting a Property without a Licence**

A landlord’s failure to apply for a licence to rent a property in a designated selective licencing area could result in prosecution with the potential unlimited fine as it is a criminal offence to do so. As an alternative to prosecution in certain circumstances landlords could be liable for a Civil Penalty up to a maximum of £30,000.

## **2.4 Management Orders**

Part 4 of the Housing Act 2004 introduced Management Orders; meaning the council has a duty to make an interim management order in respect of a house if:

The property is required to be licenced but is not, and there is no reasonable prospect of it being licenced in the future or; (Part 4, Section (102) (3))

The interim management order is necessary for the purpose of protecting the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity. (Part 4, Section (104) (2))

An interim management order allows the council to take possession of the house and subject to existing rights to occupy,

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

A landlord/licence holder of any property will also be committing a criminal offence if they fail to comply with any conditions of a licence. This could lead to the revocation of a licence, and an unlimited fine.

## **2.5 The Use and Effectiveness of Selective Licensing**

The Ministry of Housing Communities and Local Government published in June 2019 an Independent Review of the Use and Effectiveness of Selective Licensing. The research overall indicates that selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes. The research highlighted a number of factors through which selective licensing helps to achieve effective change:

- It focusses resources on areas of concern whilst simultaneously generating revenue to contribute to the costs involved
- It provides a clearly defined offence (licenced/unlicenced) which simplifies enforcement – and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences
- There is no 24-hour notice requirement for access before an inspection for licensing purposes. This is particularly important where criminal ('rogue') landlords are present
- The proactive inspection approach frequently brings other problems to light
- Licensing provides a clear driver for effective engagement between landlords and local authorities and drives up landlord awareness of their responsibilities
- Selective licensing encourages the development of effective intelligence gathering mechanisms – extremely valuable both in identifying unlicensed properties and in targeting priority properties, especially where ideal inspection figure of 100% cannot be achieved
- Promotion of joint working within the council and other agencies

The Chartered Institute of Housing and Chartered Institute of Environmental Health published a joint research project titled Licence to Rent in January 2019 which focussed on Selective Licensing schemes. The research found that Selective licensing is not a 'quick win' and it may be several years before tangible outcomes

are achieved. Nevertheless many schemes the research focussed on are delivering significant benefits.

- Schemes are successful at improving housing conditions. They found that in licensed areas between 69-84% of properties needed works to be done to bring the properties up to a decent standard. The introduction of a scheme shows that property and management standards have been improved and the schemes were well targeted to focus on areas with very poor housing stock. The fact that such large numbers of properties needed works to be done also suggests schemes are largely fair to landlords – a majority of properties within licensable areas are benefiting from improvements and greater compliance.
- Several councils reported that landlords have become more willing to do required works on their properties once licensing schemes have been set up in their areas.
- Selective licensing schemes lead to more proactive approach to housing inspections.
- The majority of areas take a staged approach to enforcement with informal approaches to start with only escalating to formal action where this is not successful. Consequently in most areas the number of prosecutions is relatively small compared with the high levels of non-compliance.

### **3.0 Phase 2 – Introduction and Background**

Given the success of the Council's first phase of selective licensing the Netherfield ward the council is keen to ensure other areas of the borough benefit from the improvements that a selective licensing scheme can deliver.

Extensive research has been carried out considering all data available to the council to consider which parts of the borough would also meet the criteria set out by Government for introducing a selective licensing scheme. The council does not consider it is appropriate to implement a borough wide scheme but recognizes that targeting resources to key areas in the borough is an effective strategy to improve housing conditions, property management and the wider community.

Four areas have been identified that may benefit from a selective licensing scheme. These areas within the following locations:

- 1) Carlton Hill ward
- 2) Colwick ward
- 3) Daybrook ward, and
- 4) Newstead Village

\*Please note for points 1-3 above it is not proposed the areas will cover the whole wards and for point 4 will not cover the whole village.

This Proposal presents the research and evidence that has been gathered and reviewed when determining the proposed selective licensing areas to be designated. The borough wide review of each ward considered data and information describing antisocial behaviour, crime, deprivation, and housing conditions. This information was overlaid with census output areas which show housing tenure of each area and the proportion of private rented homes. There is a strong correlation between the areas with a high proportion of private rented homes and high levels of crime and significant and persistent problem with ASB and poor housing conditions.

The review consider deprivation data particularly in the Daybrook ward, but most of this data was only to ward level rather than focused areas within the ward – it was not considered there was sufficient evidence for a ward wide scheme. The review also did not identify high levels of migration or low housing demand affecting the private rented sector. The council will keep under review the impact of selective licensing to consider if schemes need to be renewed or are required in alternative areas.

Local knowledge of council officers and councilors has been taken into account when drawing up the proposed areas to be designated and the boundary lines. The boundaries relate to census output area boundaries where the tenure of the housing stock is known to be a high proportion of private rented homes. Wherever boundary lines are drawn there will be those that fall either side of a boundary that have access to different services and requirements. Whilst in some cases there could be an argument to include ward wide schemes the decision has been taken to refine the area to only include areas that suffering the specific conditions described in the secretary of state's guidance.

It is the council's view supported by the nationally published research in section 2.5 of this Proposal that designating an area for selective licensing is not seen as a penalty but as a mechanism to bring about area improvements and create a level playing field and consistent standard of housing conditions and property management.

Much of the crime, antisocial behaviour, and housing conditions information presented in this Proposal is reactive data based on community reports. The experience of the Netherfield scheme where 86% of properties inspected have contained hazards requiring remedial works under the Housing Health and Safety Rating System supports that often housing conditions can go unreported for a variety of reasons. The introduction of selective licensing removes the requirement for community reports and introduces licensing and regulation together with joint working with landlord, agents, tenants and partners to bring about improvements to an area.

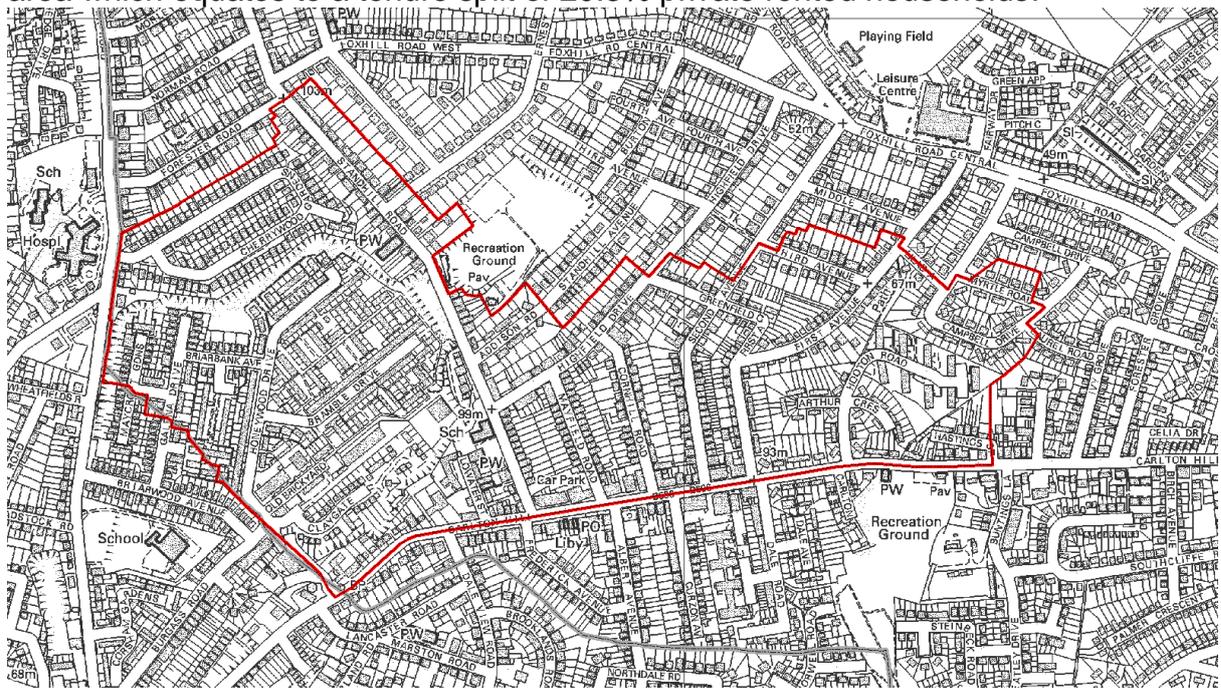
The following sections of this proposal document sequentially introduce the four areas and the evidence that exists supporting the introduction of a selective licensing scheme.

### 3.1 Carlton Hill

Carlton Hill is one of the wards covered by Gedling Borough Council. Carlton Hill is a high street within the Carlton area. The south of Carlton Hill shares a boundary with Nottingham City. North of the high street is mainly residential area consisting of a variety of housing types. To the north-west of the high street there is an estate consisting of mainly 60s and 70s era houses built on the former Thorneywood Works brickyard which closed in 1967. This area has a number of communal garages and has issues with fly-tipping. Carlton Hill shares its west boundary with Nottingham City who already has a selective licensing scheme in place which covers part of the Honeywood Gardens estate.

Key Features of Carlton Hill include the former brickyard and the King George V Recreational Ground which has a football pitch, a play area and a skate park.

Map 1 below shows the area within the ward where the scheme will be in effect. The reasons why this certain area was chosen are presented throughout this proposal. According to the 2011 census there are 257 private rented homes in this area which equates to a tenure split of 20.3% private rented households.



**Map 1 – proposed area of Carlton Hill** *The Ordnance Survey mapping included within this publication is provided by Gedling Borough Council under licence (Licence No. LA 100021246)*

A more detailed map with ability to zoom in is available on the following link:

<https://gedlingbc.maps.arcgis.com/apps/webappviewer/index.html?id=81e16ca398ef47ffb38db513f66eb511>

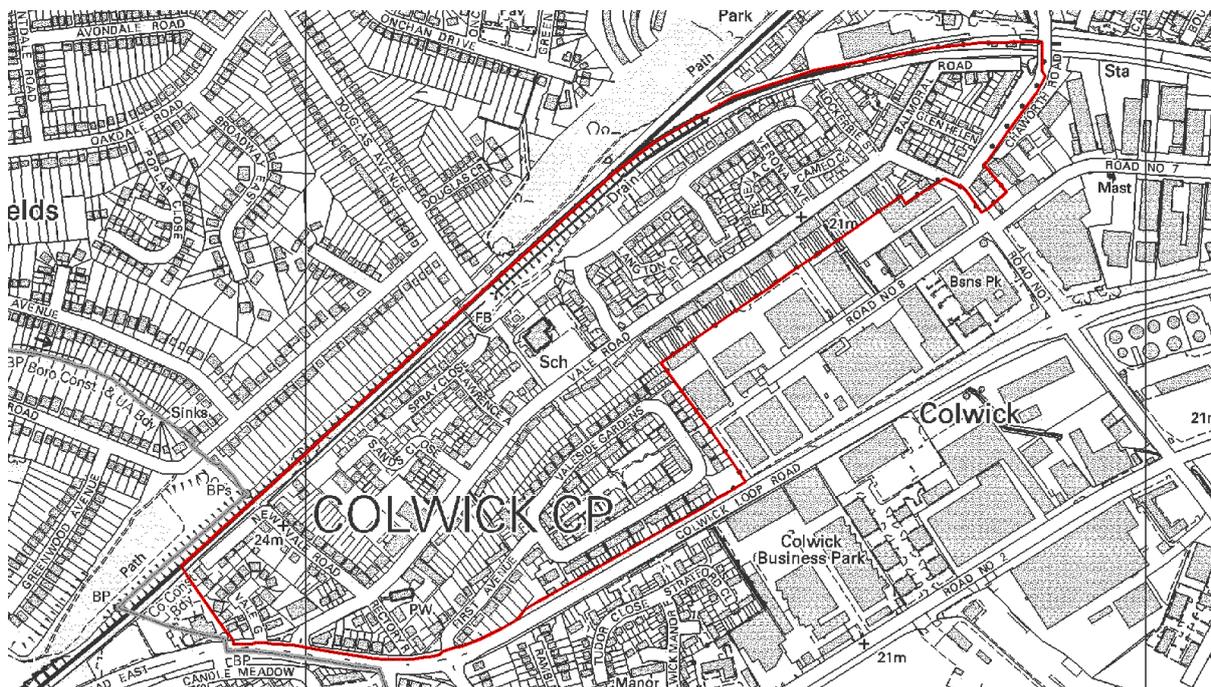
## 3.2 Colwick

Colwick is a village located about 5km east of Nottingham. It is another of the 19 wards covered by Gedling Borough Council and lies to the east of Netherfield. Colwick is connected to surrounding areas via the Colwick Loop Road (A612) which connects Colwick, Netherfield and Carlton to Nottingham. The Train line which runs from Nottingham to Netherfield also runs through Colwick.

Key Features of Colwick are; the primary school, Colwick Hall which is an old country house that has been converted into hotel and the Nottingham Racecourse/Greyhound racecourse. In the north of Colwick, there is a mixture of housing from terraced housing to newer semi-detached properties. In the south of Colwick, there is some newer housing and a large business park.

To the north-west boundary of the Colwick ward is covered by the existing Gedling Borough Council Netherfield selective licensing scheme. To the south of the colwick ward is covered by Nottingham City Council's selective licensing scheme.

Map 2 below shows the area within the ward where the scheme will be in effect. The reasons why this certain area was chosen are presented throughout this proposal. According to the 2011 census there are 218 private rented homes in this area which equates to a tenure spilt of 23.9% of private rented households.



Map 2 – proposed area of Colwick *The Ordnance Survey mapping included within this publication is provided by Gedling Borough Council under licence (Licence No. LA 10021246)*

A more detailed map with ability to zoom in is available on the following link:

<https://gedlingbc.maps.arcgis.com/apps/webappviewer/index.html?id=81e16ca398ef47ffb38db513f66eb511>

### 3.3 Daybrook

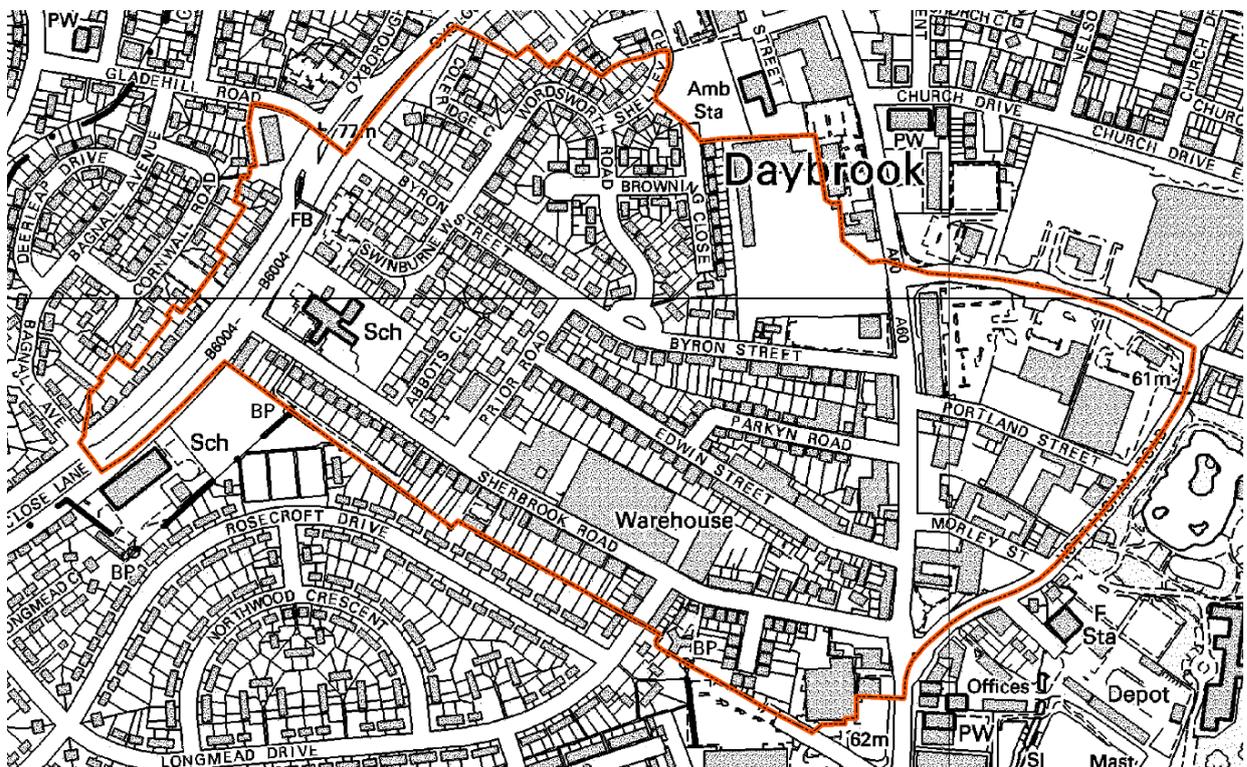
Daybrook is a suburb located in Arnold, Nottinghamshire. It is one of 19 wards covered by Gedling Borough Council. It is located close to Arnold Town centre, Bestwood and is linked to Redhill via Mansfield Road.

Key features of Daybrook include terraced and semi-detached housing ranging in age from the early 1900s to more recent builds and conversions. There is a hotel and a converted mill which now houses a number of apartments

Daybrook is also home to the Home Brewery which was founded in 1875 by John Robinson. Since its closure as a brewery, the building has been used by Nottingham County Council as office space. Daybrook also has two schools within its boundary.

The south of Daybrook is already covered by Selective Licensing as part of Nottingham City Council's scheme.

Map 3 below shows the area within the ward where the scheme will be in effect. The reasons why this certain area was chosen are presented throughout this proposal. According to the 2011 census there are 162 private rented homes in this area which equates to a tenure split of 20.5% of private rented households.



Map 3 – proposed area of Daybrook. The Ordnance Survey mapping included within this publication is provided by Gedling Borough Council under licence (Licence No. LA 10021246)

A more detailed map with ability to zoom in is available on the following link:  
<https://gedlingbc.maps.arcgis.com/apps/webappviewer/index.html?id=81e16ca398ef47ffb38db513f66eb511>

### 3.4 Newstead Village

Newstead Village is a former mining community located within the borough of Gedling. It is located in close proximity to the former Annesley Colliery and is served by the Robin Hood railway line which provides valuable transport links to Nottingham and beyond.

The housing offer in the village is split in to two very distinct areas with rows of terraced properties to the north with large semi-detached properties to the south.

Map 4 below shows the area within the ward where the scheme will be in effect. The reasons why this certain area was chosen are presented throughout this proposal. According to the 2011 census there are 27 private rented homes in this area which equates to a tenure split of 20.6% of private rented households.



Map 4 – proposed area of Newstead Village *The Ordnance Survey mapping included within this publication is provided by Gedling Borough Council under licence (Licence No. LA 10021246)*

A more detailed map with ability to zoom in is available on the following link:  
<https://gedlingbc.maps.arcgis.com/apps/webappviewer/index.html?id=81e16ca398ef47ffb38db513f66eb511>

## **4.0 What are the local indicators which show that the proposed area is suffering from high levels of crime and significant and persistent anti-social behaviour?**

This section of the document will present the information that demonstrates that some areas proposed for the phase 2 selective licensing are experiencing a significant and persistent problem caused by antisocial behaviour and high levels of crime. The evidence detailed below presents a number of separate indicators that when taken together build a strong argument to demonstrate area's experiencing a significant and persistent problem caused by ASB and high levels of crime directly linked to private rented housing.

### **4.1 Anti-Social Behaviour and Crime – Priority Areas**

A total of twenty **priority and high impact localities** have been identified across Nottingham and Nottinghamshire on account of the levels of complex need and cross-agency demand that they present. These areas have been the focus for the Community Safety Partnership for the last 5 years.

The areas were identified by the scanning of trends used to establish seven core crime groups to provide the basis for identifying the most problematic geographic areas in the district. Each crime group is made up of a series of data sets and sub-categories to provide an overall picture. The seven crime groups are as follows (component sub-categories are shown in brackets)

- Serious Acquisitive Crime (Dwelling Burglary, Vehicle Crime, Robbery);
- Violence excluding Domestic Abuse (Violence with Injury excluding Domestic Abuse, EMAS/sexual assault);
- Domestic Abuse (Domestic Abuse tagged crimes and Domestic Incidents);
- Hate Crime (all crimes and incidents with a Hate tag);
- Anti-Social Behaviour (core Police recorded ASB, All Secondary Fires, Criminal Damage);
- Youth Issues (Youth related crime, Supervised young Offenders and youth related ASB); and
- Drugs and Alcohol (Drug Offences, Positive Tests on Arrest and Alcohol related ASB).

This has involved analysis of the following data sets:

- Police recorded crime and incidents;
- Police recorded ASB;
- EMAS recorded Assaults and sexual assaults
- Notts Fire recorded Deliberate Secondary Fires;
- Positive testers on arrest (Bridget Police System); and
- Youth crime (Nottinghamshire Support and Youth Justice Service).

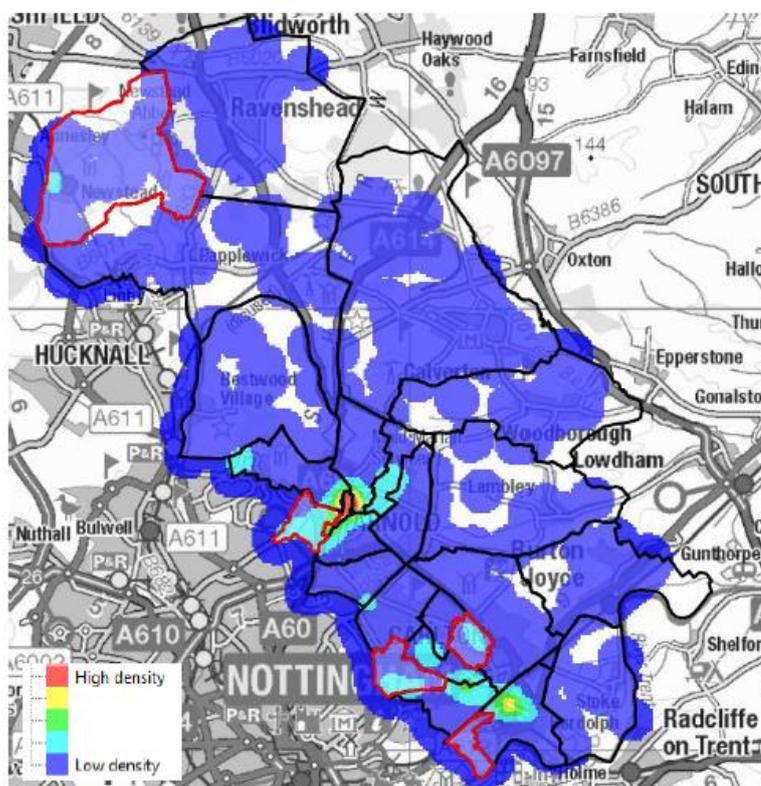
Each ward in County has then been ranked for volume and rate and an average score calculated for each of the seven categories (and component sub-categories). These have been used to produce an overall score for the key community safety issues as a whole.

In the most recent Nottinghamshire Police and Crime Needs Assessment 2016 a number of priority and high impact localities have been identified across Nottinghamshire using similar methodology on account of complex needs and cross-agency demand that they present to replace the yearly Strategic Assessment that was carried out above.

The **priority high impact localities** that exist in Gedling Borough are Colwick and Netherfield. Netherfield is currently covered by the council's existing selective licensing scheme and the case for Colwick is being outlined in this proposal.

## 4.2 Anti-Social Behaviour Analysis

Data is taken from the Police Vision database between 01 January 2014 to 31 December 2018 and shows police reported ASB incidents which are recorded into three main categories: ASB nuisance, ASB Environmental and ASB Personal. This covers a wide range of ASB types.

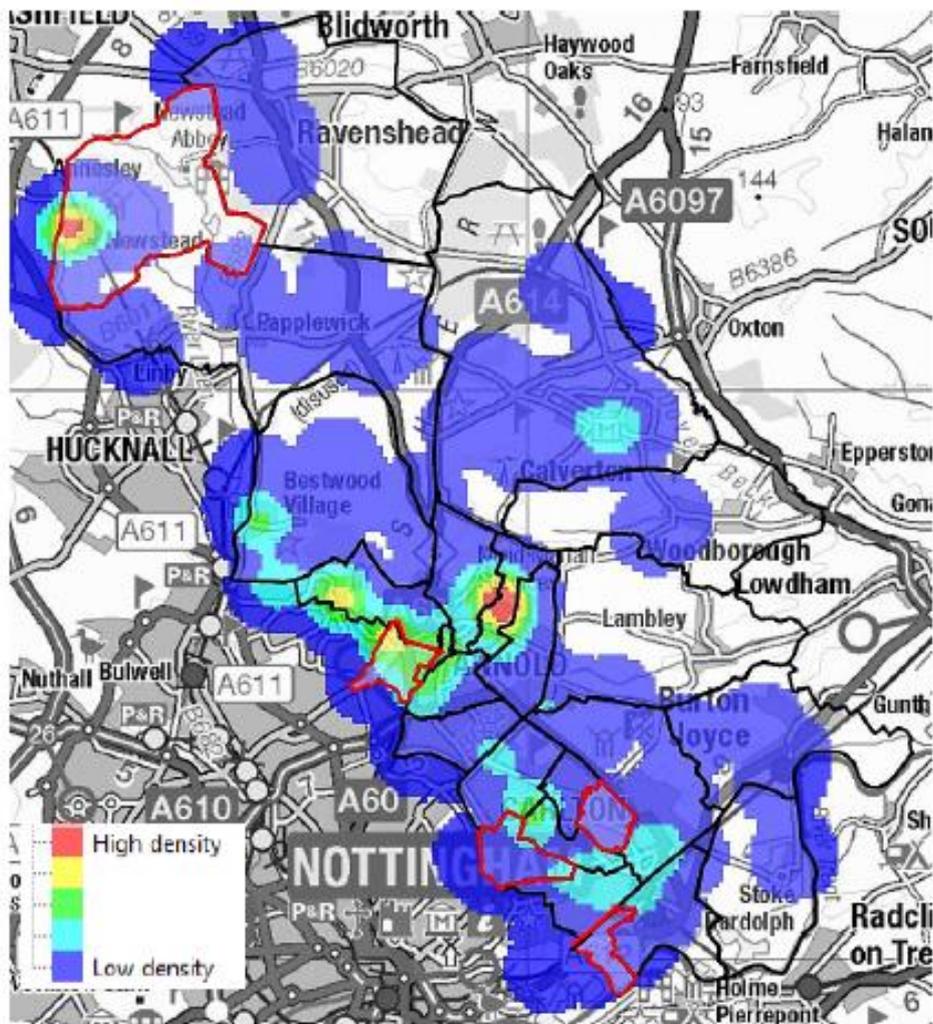


All 5 years' data were mapped using kernel density hotspot on the entire District. Map 5 shows 5 years' worth of data mapped together and the hotspots generated from this.

Map 5: 5 years ASB mapped in the Gedling Borough

The main hotspot areas for ASB incidents across the five years was in Arnold and Netherfield.

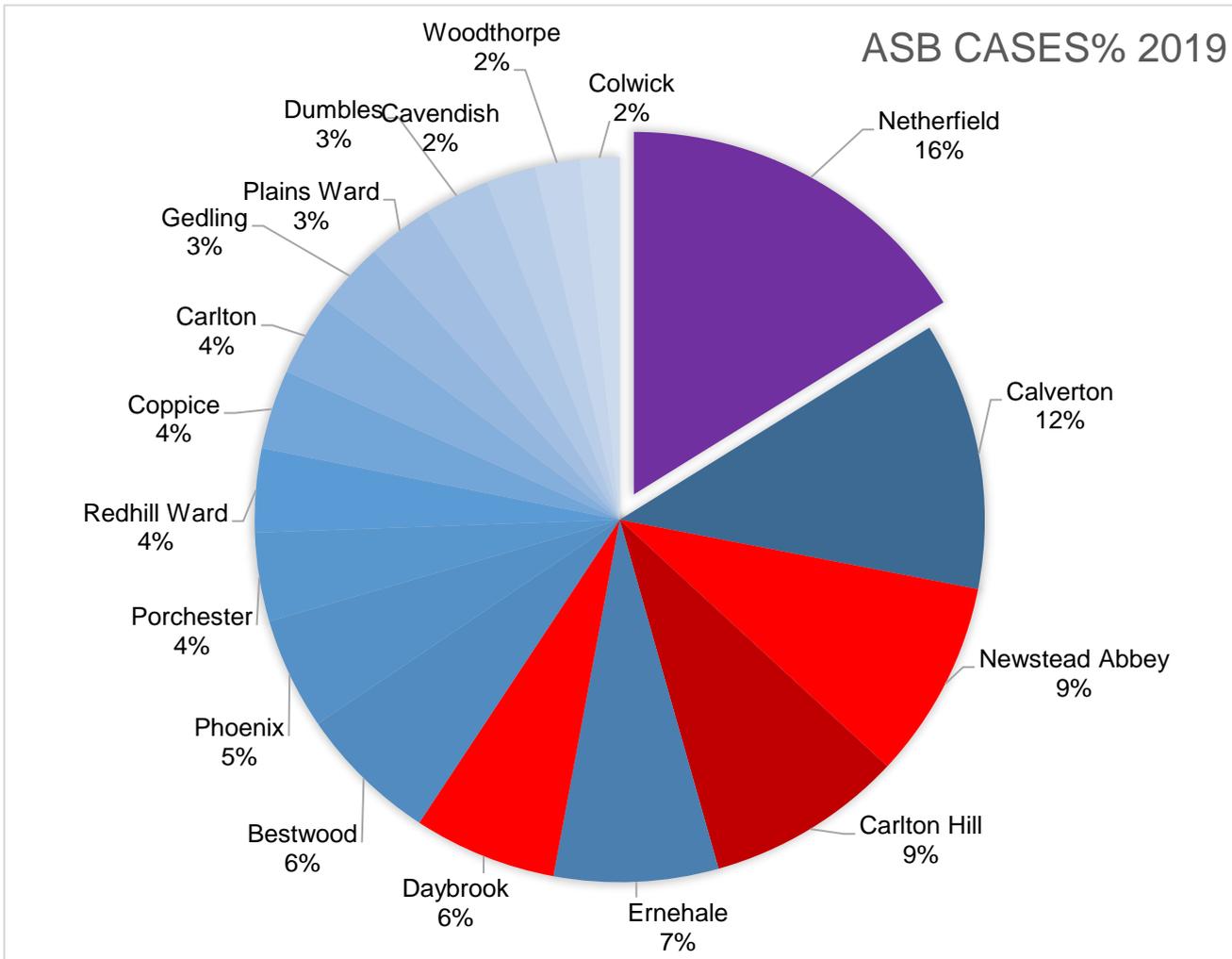
Map 6 below shows the hotspots for secondary fires across the whole of Gedling between 2014 and 2019. Areas that highlight as hot spot areas are Newstead Village and Arnold particularly around Kilbourne Road.



Map 6: 5 years Secondary Fires mapped in the Gedling Borough

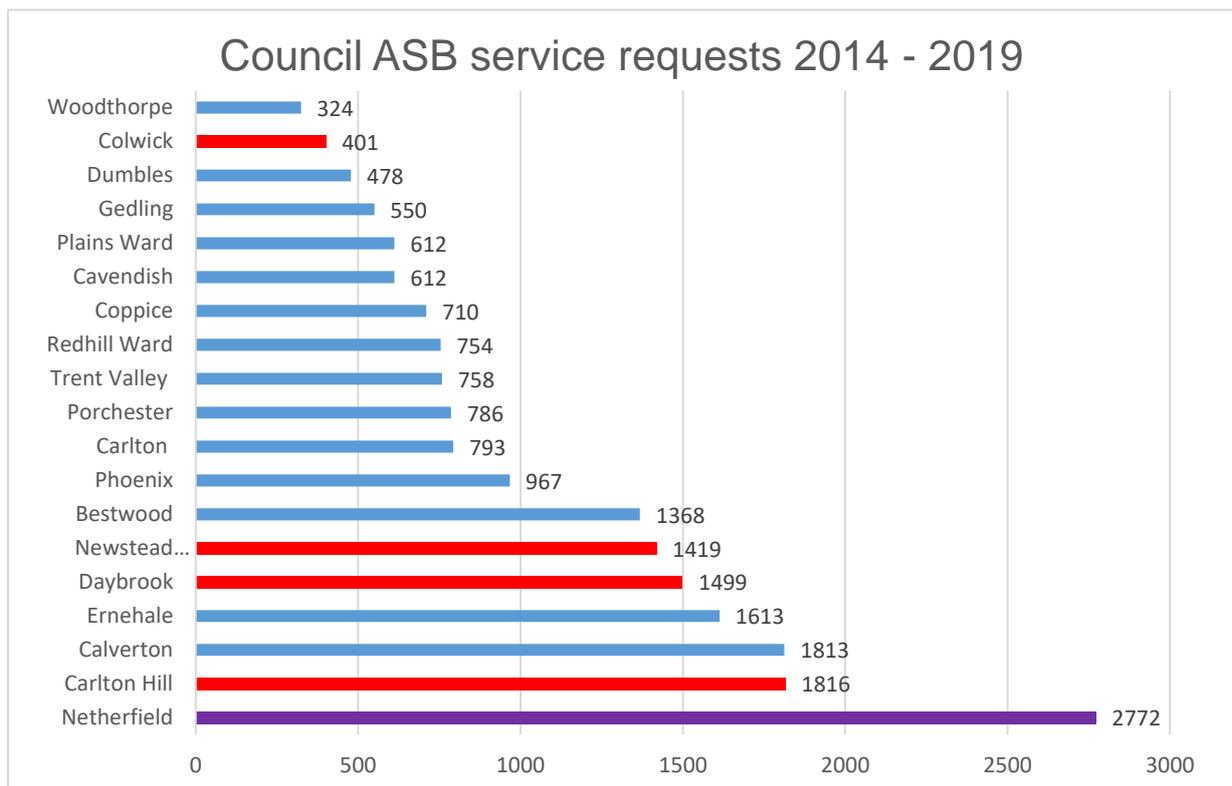
### 4.3 Council Antisocial Behaviour service request data

Antisocial behaviour service request data was extracted from the council's database between 2014-2019. The data showed that that Newstead followed by Carlton Hill then Daybook had the highest number of ASB complaints. For the year 2019, there were 246 reports of ASB in Newstead. The comparison the pie chart at graph 7 shows the percentage of ASB cases reported to the council in the year 2019.



Graph 1: Number of ASB Complaints by percentage 2019 – All wards

Data was also mapped and analyse between 2014-2019. Graph 2 over the page shows that there are a significantly higher number of complaints of anti-social behaviour within Carlton Hill followed by Daybrook then Newstead. The total number of complaints within the five year period for Carlton Hill was 1816. An annual average of 363 complaints in Carlton Hill. Colwick had a total of 50 complaints in 2019 and within the 5 year period it had 401; 80 per year on average.



Graph 2: Total Number of ASB cases 2014-2019

#### 4.4 Antisocial Behaviour Incidents compared to Dwelling Crimes

Table 1 over the page compares dwelling crimes and antisocial behaviour per Gedling police beat between 2014-2019. Dwelling crimes are different types of crime, examples of these crimes include:

- Violence without injury
- Criminal damage
- Violence with injury
- Burglary
- All other theft offences
- Miscellaneous crimes against society
- Sexual offences
- Arson
- Drug possession
- Vehicle crime
- Bicycle theft
- Public disorder
- Rape
- Theft from a person
- Drug trafficking
- Robbery of personal property

### Dwelling Crimes

### ASB Incidents

Rank	Beat Name	Rate of Dwelling Crimes per 1,000 residents	Rank	Beat Name	Rate of ASB Incidents per 1,000 residents
1st	ARNOLD TOWN CENTRE	281	1st	ARNOLD TOWN CENTRE	3272
2nd	KILLISICK	195	2nd	NEWSTEAD	233
3rd	NETHERFIELD	184	3rd	NETHERFIELD	186
4th	DAYBROOK	166	4th	ST MARYS	175
5th	NEWSTEAD	155	5th	DAYBROOK	147
6th	LINBY AND PAPPLEWICK	150	6th	STOKE BARDOLPH	126
7th	COLWICK	138	7th	KILLISICK	116
8th	VALLEY	120	8th	BONINGTON	114
9th	BONINGTON	117	9th	CARLTON	110
10th	CARLTON	111	10th	BESTWOOD VILLAGE	109
11th	ST MARYS	106	=11th	COLWICK	100
12th	CARLTON HILL	101	=11th	KINGSWELL	100
13th	PHOENIX	97	13th	CALVERTON	87
14th	STOKE BARDOLPH	90	14th	CARLTON HILL	76
15th	BESTWOOD VILLAGE	89	15th	PHOENIX	69
=16th	PORCHESTER	82	=16th	GEDLING	59
=16th	CALVERTON	82	=16th	ST JAMES	59
18th	GEDLING	79	18th	PORCHESTER	55
19th	LAMBLEY	75	19th	LINBY & PAPPLEWICK	53
20th	KINGSWELL	74	20th	LAMBLEY	47
21st	ST JAMES	70	21st	MAPPERLEY PLAINS	46
22nd	MAPPERLEY PLAINS	64	22nd	WOODTHORPE	42
23rd	RAVENSHEAD	62	=23rd	BURTON JOYCE	33
24th	BURTON JOYCE	61	=23rd	VALLEY	33
25th	WOODTHORPE	54	=23rd	WOODBOROUGH	33
26th	WOODBOROUGH	46	26th	RAVENSHEAD	31

Table 1: Police crime and ASB analysis 2014 – 2019 – Beat comparison

The table shows Carlton Hill, Colwick, Daybrook and Newstead are in the top half of beats in Gedling Borough with the most dwelling crimes and ASB incidents per 1,000 residents.

#### 4.5 Nottinghamshire Police Antisocial Behaviour data by proposed area

The data and tables shown below show antisocial behaviour report data received by Nottinghamshire Police between 2014 to 2019. The data has been collated and presented for the 4 potential Phase 2 Selective Licensing areas as outlined in this report. The hotspot maps show areas within the ward where ASB activity was more apparent during this time.

#### 4.6 Anti-social behaviour – Carlton hill

Over the five year time period there were 561 ASB incidents recorded in Carlton Hill. The following table shows a breakdown of ASB incidents by year and ASB type.

ASB Type	2014	2015	2016	2017	2018	Total
ASB Nuisance	104	81	77	78	58	398
ASB Personal	27	26	22	31	15	121
ASB Environmental	5	9	14	9	5	42
Grand Total	136	116	113	118	78	561

Table 2: Antisocial Behaviour incidents in Carlton Hill

Incident numbers decreased each year apart from in 2017 where a slight rise was seen. ASB nuisance was the highest ASB type accounting for 71% of all ASB incidents.

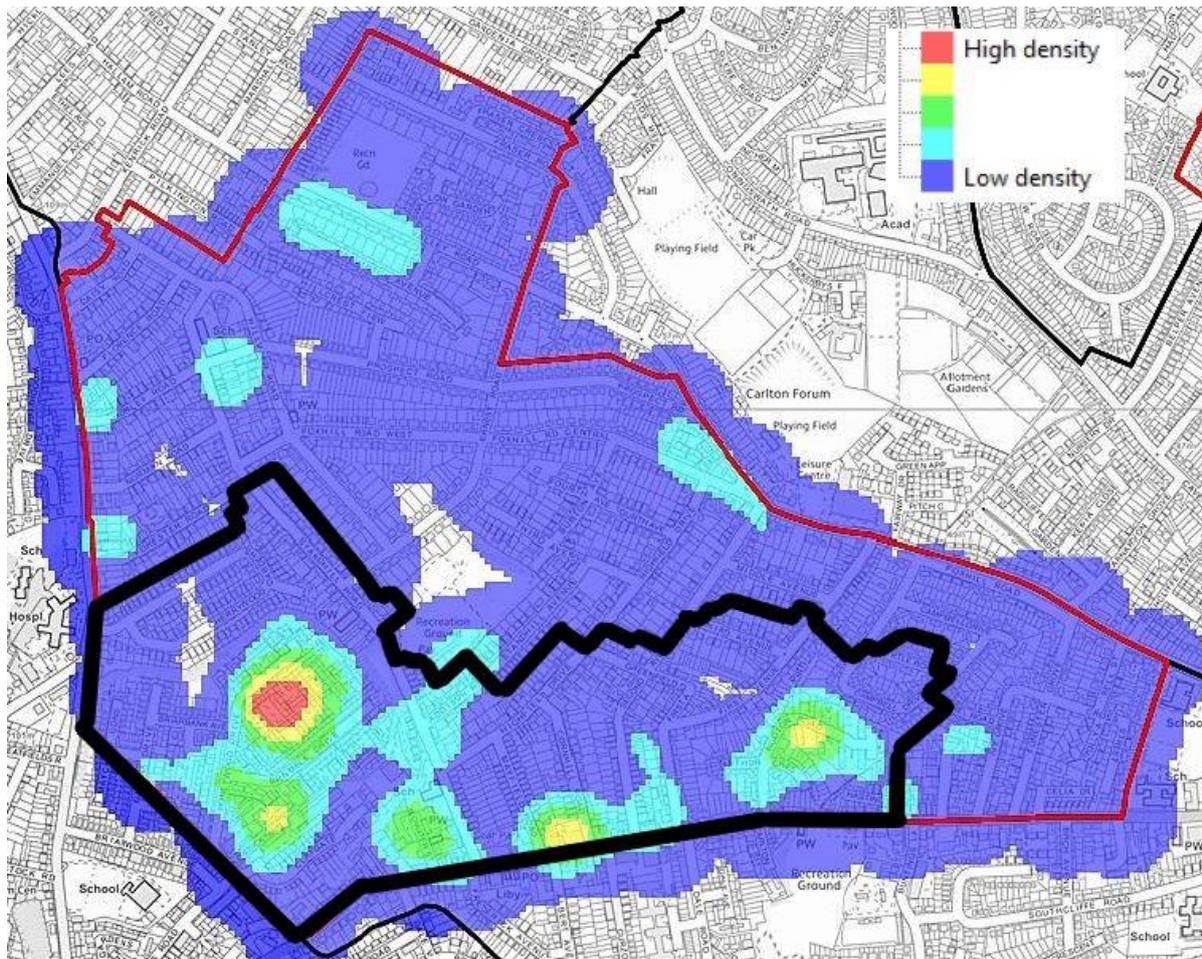
The table below shows a breakdown of the ASB incidents relating to noise, youth and alcohol. Noise related incidents were the highest out of the three qualifiers and accounted for 34% of all ASB incidents.

Qualifier	2014	2015	2016	2017	2018	Total
Noise	46	46	38	36	22	188
Youth	31	12	24	24	18	109
Alcohol	17	19	12	18	13	79

Table 3: Antisocial Behaviour Carlton Hill– noise, youth, alcohol

#### Five year hotspot map:

The following map shows all ASB incidents mapped using the kernel density method across the entire Carlton Hill ward during the five year time period.



Map 7: 5 years ASB incidents in Carlton Hill  
 (red outline Police Beat boundary, black outline proposed designated area)

The main hotspot for ASB incidents in Carlton Hill was around Honeywood Drive and Bramble Drive as seen above. The data and heat map shows there have been incidents throughout the proposed area.

The proposed Carlton Hill area features in one of two areas in the borough identified through the local Police and Safer Nottinghamshire local severity profile process. Carlton Hill is specifically prioritised to address a significant and persistent problem with ASB. Given the high proportion of private rented homes and local conditions there is a strong connection between the ASB and private rented housing in the area.

#### 4.7 Anti-social behaviour – Colwick

Over the five year time period there were 258 ASB incidents recorded in Colwick. The following table shows a breakdown of ASB incidents by year and ASB type.

ASB incidents rose slightly over the five years and then slowly decreased after 2015. ASB nuisance was the highest ASB type accounting for 70% of all ASB incidents.

ASB Type	2014	2015	2016	2017	2018	Total
ASB Nuisance	35	43	37	32	34	181
ASB Personal	7	10	8	12	10	47
ASB Environmental	4	7	7	8	4	30
<b>Grand Total</b>	<b>46</b>	<b>60</b>	<b>52</b>	<b>52</b>	<b>48</b>	<b>258</b>

Table 4: Antisocial Behaviour incidents in Colwick

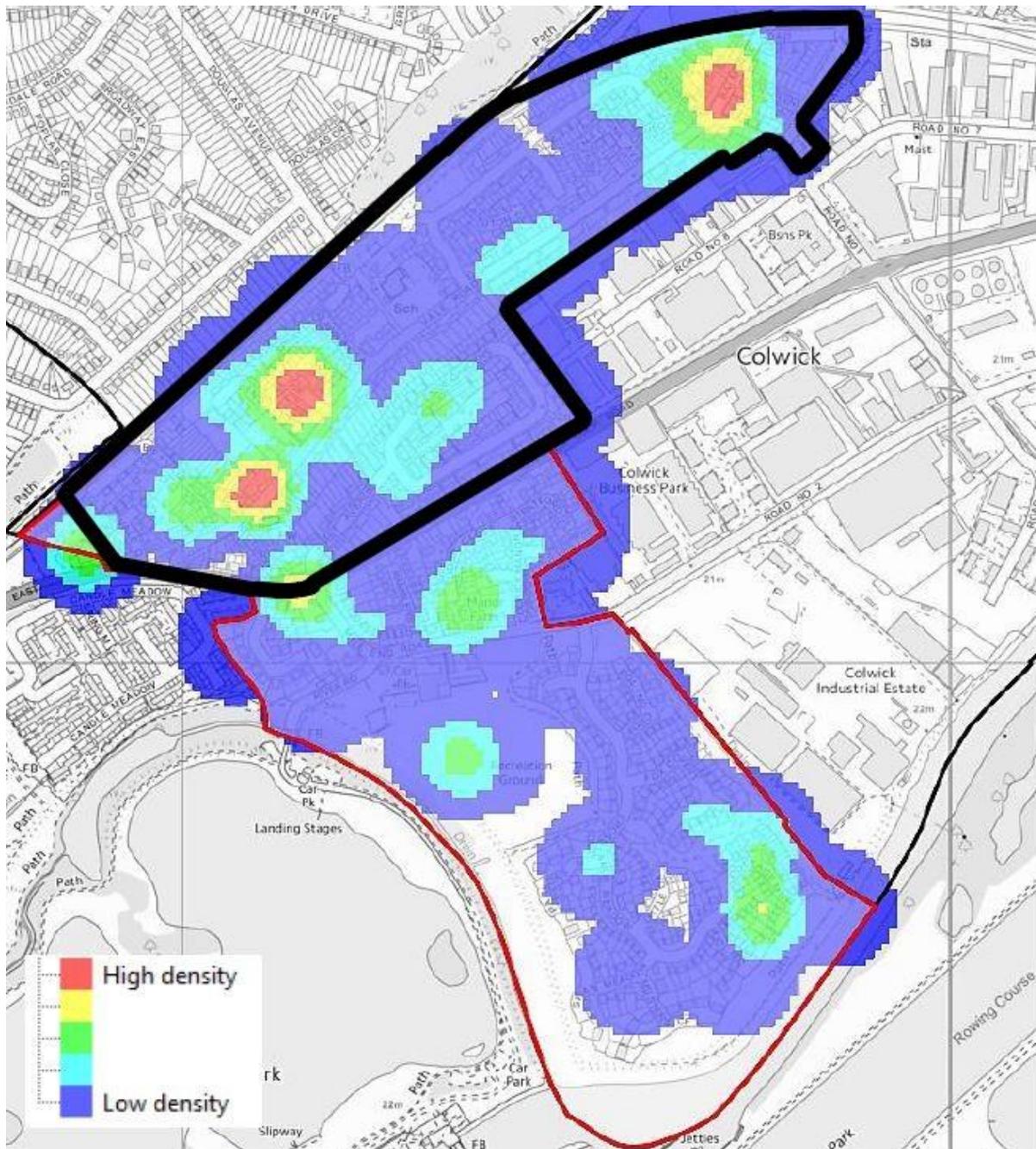
The table below shows a breakdown of the ASB incidents relating to noise, youth and alcohol. Noise related incidents were the highest out of the three qualifiers and accounted for 24% of all ASB incidents

Qualifier	2014	2015	2016	2017	2018	Total
Noise	14	18	14	7	8	61
Youth	9	10	14	17	11	61
Alcohol	10	6	6	6	3	31

Table 5: Antisocial Behaviour Colwick – noise, youth, alcohol

Five year hotspot map:

The following map shows all ASB incidents mapped using the kernel density method across the entire Colwick ward during the five year time period.



Map 8: 5 years ASB incidents in Colwick  
(red outline Police Beat boundary, black outline proposed designated area)

The three main hotspots for ASB incidents in Colwick were around Sands Close, Vale Road and Balmoral Road as seen above. The data and heat map shows there have been incidents throughout the proposed area.

The proposed Colwick area features in one of two areas in the borough identified through the the local Police and Safer Nottinghamshire local severity profile process. Colwick is specifically prioritised to address a significant and persistent problem with ASB. Given the high proportion of private rented homes and local conditions there is a strong connection between the ASB and private rented housing in the area.

## 4.8 Anti-social behaviour – Daybrook

Over the five year time period there were 723 ASB incidents recorded in Daybrook. The following table shows a breakdown of ASB incidents by year and ASB type.

ASB Type	2014	2015	2016	2017	2018	Total
ASB Nuisance	126	115	117	88	94	540
ASB Personal	38	25	32	28	20	143
ASB Environmental	9	7	6	13	5	40
<b>Grand Total</b>	<b>173</b>	<b>147</b>	<b>155</b>	<b>129</b>	<b>119</b>	<b>723</b>

Table 6: Antisocial Behaviour incidents in Daybrook

ASB incidents decreased over the five year time period. ASB nuisance was the highest ASB type accounting for 75% of all ASB incidents

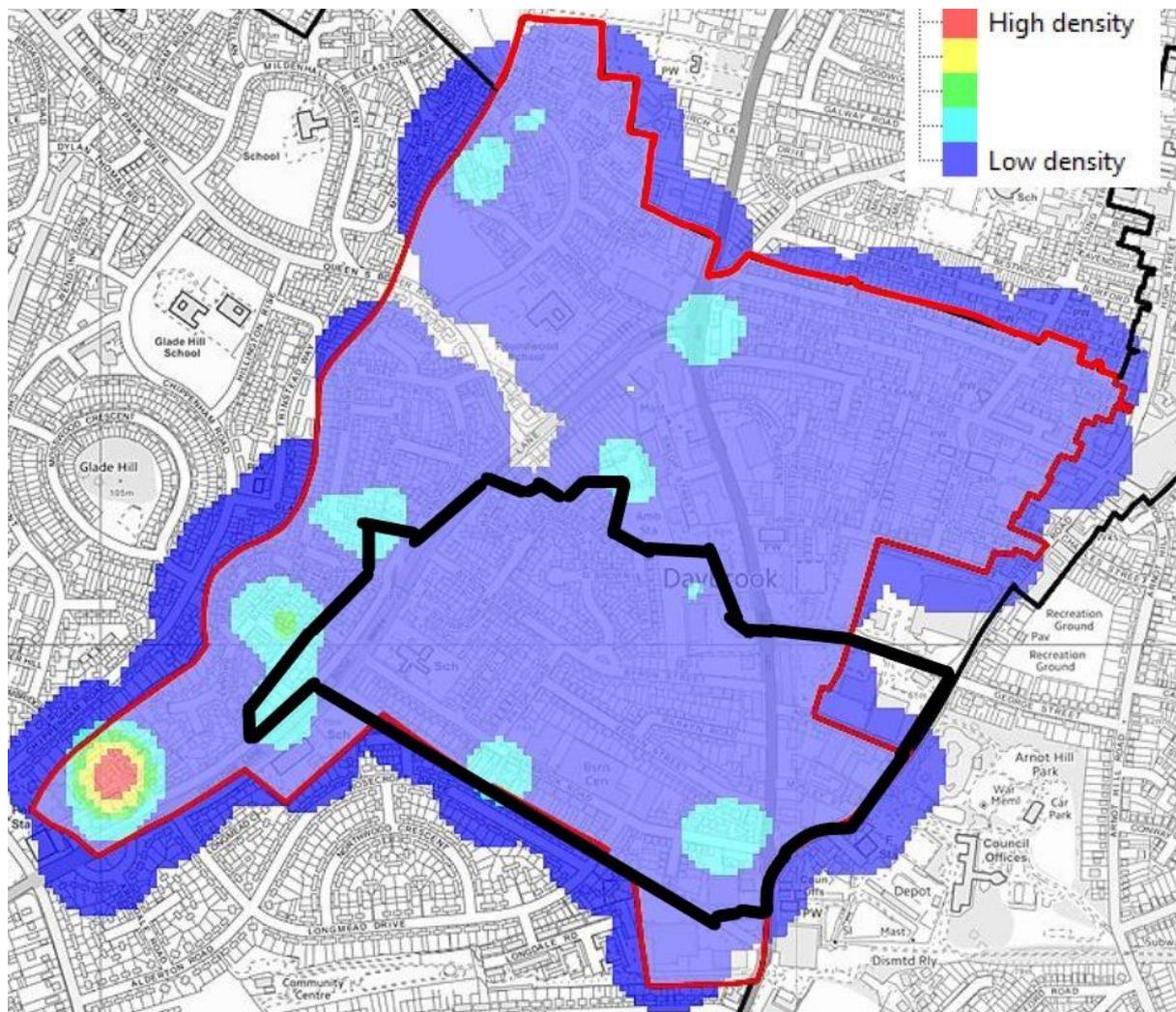
The table below shows a breakdown of the ASB incidents relating to noise, youth and alcohol. Noise related incidents were the highest out of the three qualifiers and accounted for 36% of all ASB incidents

Qualifier	2014	2015	2016	2017	2018	Total
Noise	63	69	59	36	36	263
Youth	32	30	39	23	31	155
Alcohol	24	29	30	23	14	120

Table 7: Antisocial Behaviour Daybrook – noise, youth, alcohol

Five year hotspot map:

The following map shows all ASB incidents mapped using the kernel density method across the entire Daybrook ward during the five year time period.



Map 9: 5 years ASB incidents in Daybrook  
(red outline Police Beat boundary, black outline proposed designated area)

The hotspots for ASB incidents are shown above in Daybrook. The light shading throughout the area shows ASB have been recorded throughout the area in each of the 5 years considered. A total of 723 incidents were recorded over the 5 year period which is the highest of volume of all 4 proposed areas. Hotspot maps for each individual year within the 5 year period show a consistent spread of ASB incidents throughout the proposed area.

## 4.9 Anti-social behaviour – Newstead Village

Over the five year time period there were 321 ASB incidents recorded in Newstead. The following table shows a breakdown of ASB incidents by year and ASB type.

ASB incident levels have fluctuated during the five year time period. ASB nuisance was the highest ASB type accounting for 78% of all ASB incidents

ASB Type	2014	2015	2016	2017	2018	Total
ASB Nuisance	40	58	56	41	56	251
ASB Personal	7	2	10	3	8	30
ASB Environmental	3	11	11	5	10	40
<b>Grand Total</b>	<b>50</b>	<b>71</b>	<b>77</b>	<b>49</b>	<b>74</b>	<b>321</b>

Table 8: Antisocial Behaviour incidents in Newstead Village

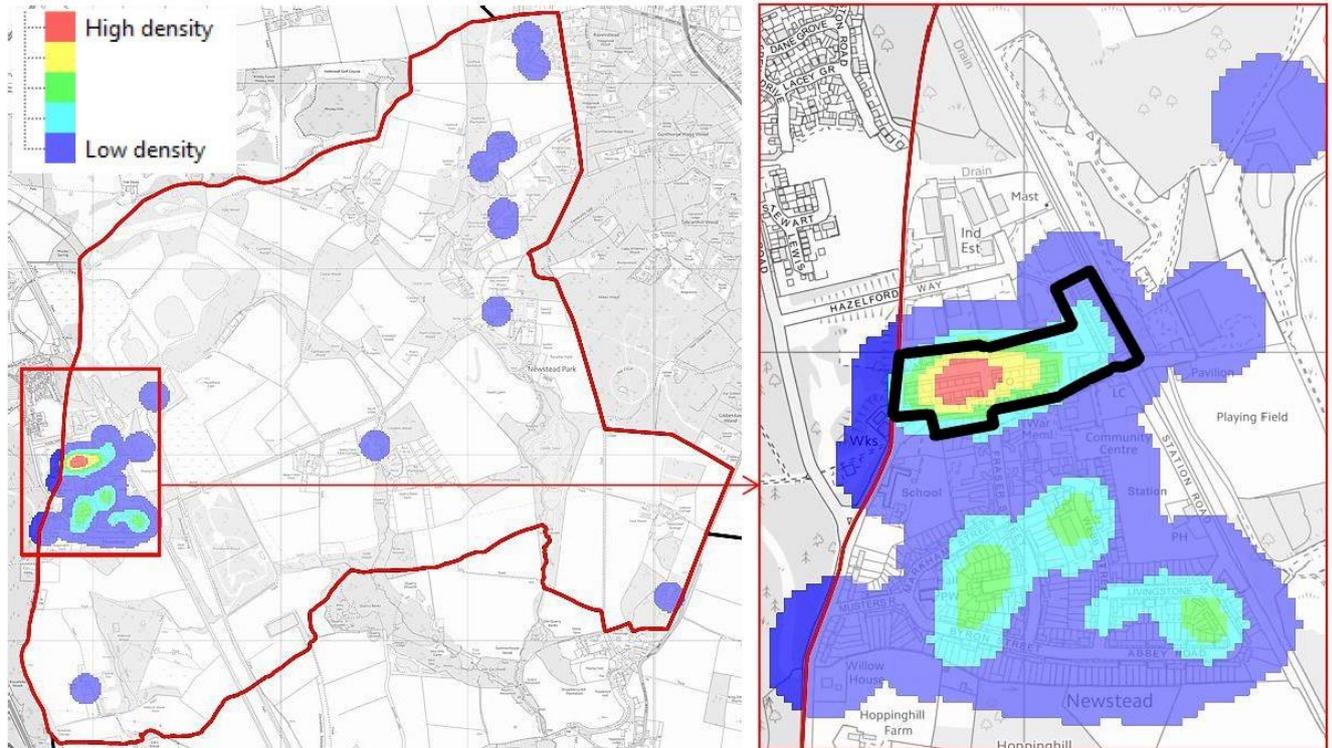
The table below shows a breakdown of the ASB incidents relating to noise, youth and alcohol. Youth related incidents were the highest out of the three qualifiers and accounted for 36% of all ASB incidents

Qualifier	2014	2015	2016	2017	2018	Total
Noise	9	16	11	11	12	59
Youth	19	11	22	29	35	116
Alcohol	2	3	8	0	6	19

Table 9: Antisocial Behaviour Newstead Village – noise, youth, alcohol

### Five year hotspot map:

The following map shows all ASB incidents mapped using the kernel density method across the entire Newstead ward during the five year time period. As Newstead is a large ward a close up has also been shown of the main hotspot.



Map 10: 5 years ASB incidents in Newstead Village  
(red outline Police Beat boundary, black outline proposed designated area)

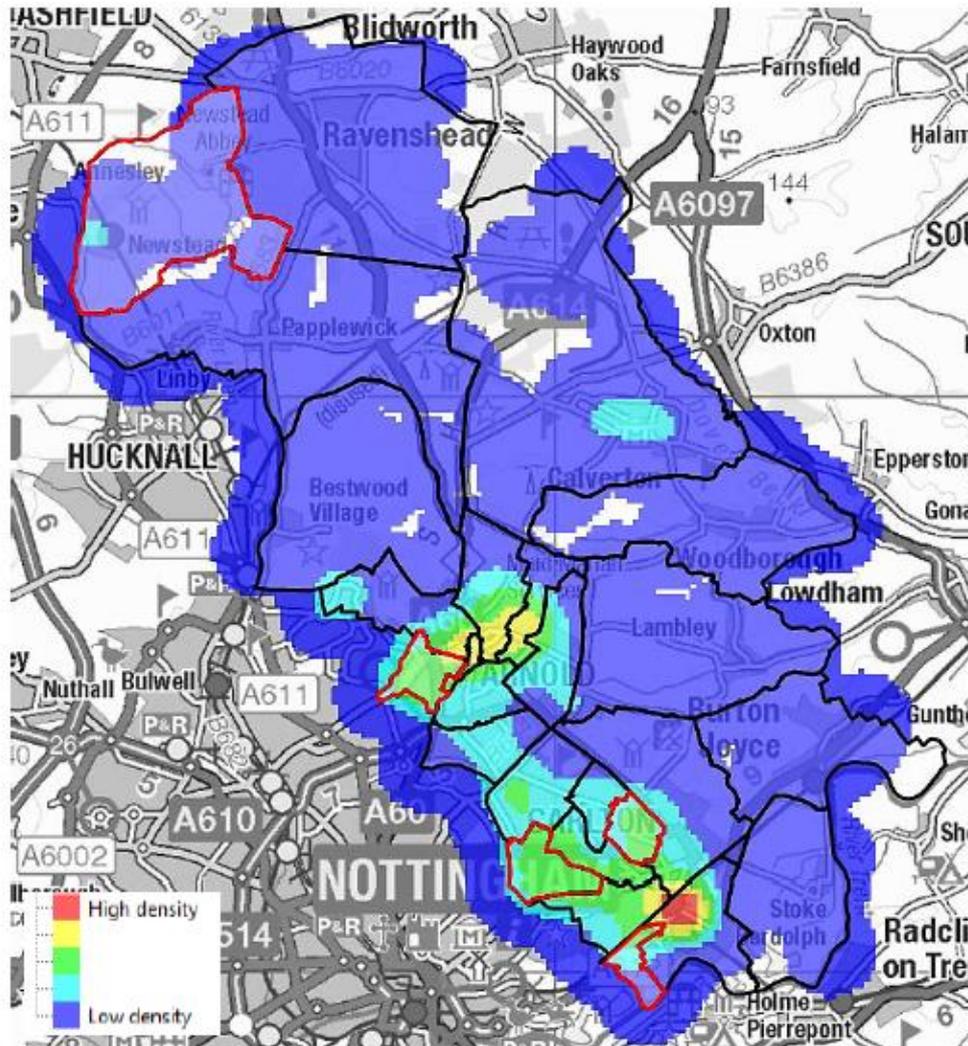
The main hotspot for ASB incidents in Newstead was around Tilford Road as seen above. There have also been incidents elsewhere in the village.

## **4.10 Summary Conclusions**

See section 6.5 for anti-social behaviour and crime combined summary conclusions due to the overlapping nature and close association of the behaviour. Within this section there are a number of case studies which articulate some of the type of issues associated with private rented housing as experienced by the community, Council, Nottinghamshire Police and partners.

## 5.0 Crime Analysis

Police crime data between 2014 and 2019 in the map below shows reported crimes which have been recorded to a dwelling address (all business and open space crime have been removed). All 5 years' data was mapped using kernel density hotspot on the entire District.



Map 11: 5 years Crime incidents in the Gedling district

The following section analyse the crime data for each of the proposed selective licensing areas between 2014 and 2019. The analysis shows crime incident rates and hotspot heat maps where criminal activity was more apparent during this time.

## 5.1 Crime data analysis – Colwick

When calculating the rate of dwelling crimes incidents per 1,000 people for each ward across Gedling, Colwick ranked 7<sup>th</sup> out of 26. There were 354 police reported crimes over the five year period. The following table shows a breakdown of all dwelling crimes by crime type and year

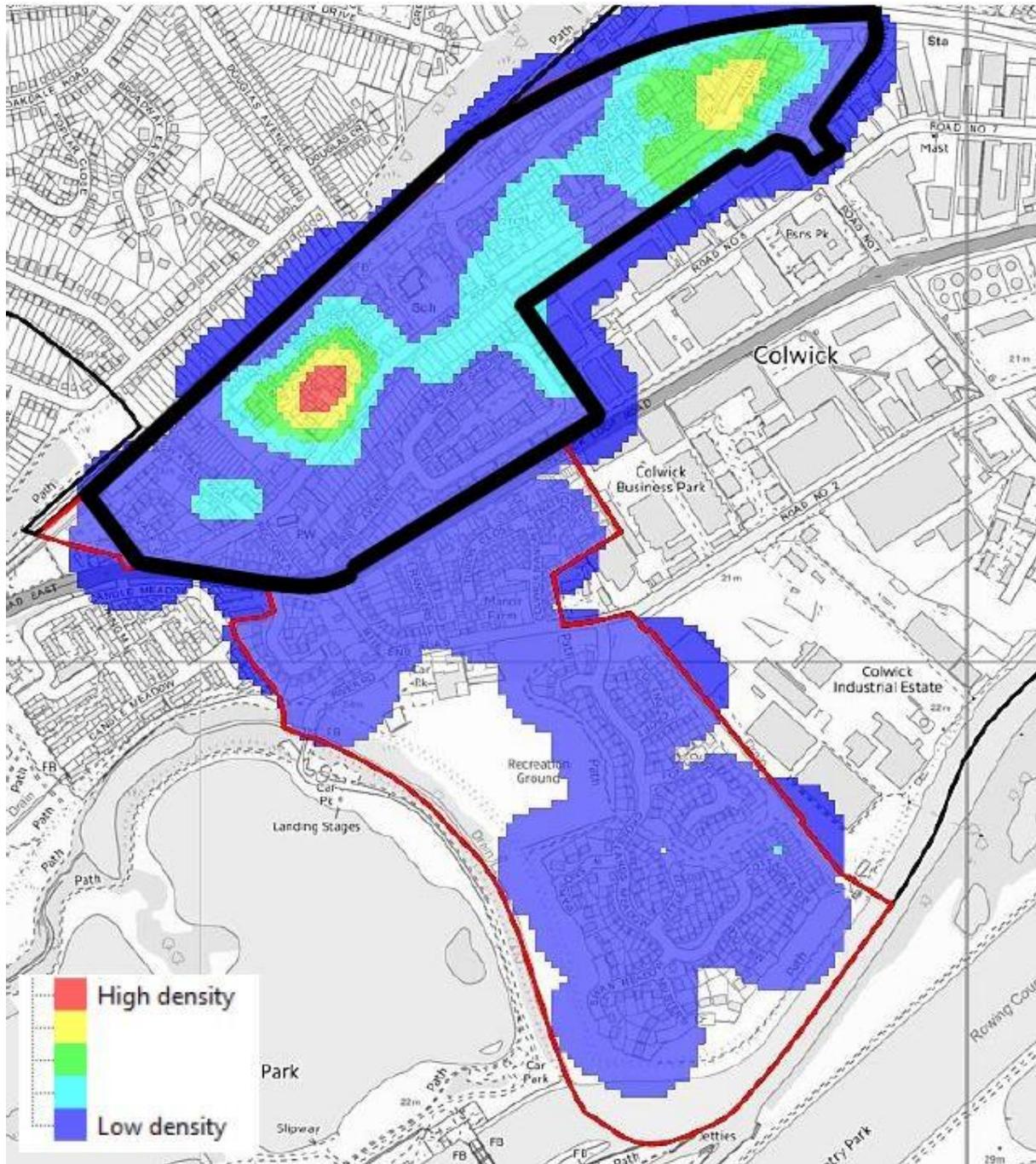
Crime Type	2014	2015	2016	2017	2018	Total
Violence without Injury	8	11	18	14	19	70
Burglary	13	8	20	13	12	66
Violence with Injury	8	12	10	16	18	64
Criminal Damage	13	12	8	12	13	58
All Other Theft Offences	6	4	6	2	9	27
Vehicle Crime	1	2	2	4	13	22
Public Disorder	1	3	2	3	4	13
Drug Possession	4	3	0	1	1	9
Drug Trafficking	2	2	1	1	1	7
Miscellaneous Crimes Against Society	1	1	2	0	1	5
Bicycle Theft	2	0	0	0	2	4
Other Sexual Offences	0	2	0	1	1	4
Robbery of Personal Property	1	0	0	0	1	2
Arson	0	0	1	0	1	2
Rape	1	0	0	0	0	1
<b>Grand Total</b>	<b>61</b>	<b>60</b>	<b>70</b>	<b>67</b>	<b>96</b>	<b>354</b>

Table 10: Crime Colwick 2014 -2019

The crime rate fluctuated over the five year time period. Violence without injury was the highest crime type for all five years combined accounting for 20% of the total number of crimes

Five year hotspot map:

The following map shows all crime incidents mapped using the kernel density method across the entire Colwick ward during the five year time period



Map 12: 5 years Crime incidents in Colwick (red outline Police Beat boundary, black outline proposed designated area)

The heat map shows the main crime hotspots around Balmoral Road, Vale Road and Hotspur Drive to the north of the Colwick area – this matches the proposed selective licensing area.

The proposed Colwick area features in one of two areas in the borough identified through the local Police and Safer Nottinghamshire local severity profile process. Colwick is specifically prioritised to address criminal activity associated with burglary and drug supply and use. Given the high proportion of private rented homes in the area and local conditions there is a high incidence of crime, some of which can be directly linked with private rented housing in the area.

## 5.2 Crime analysis – Daybrook

When calculating the rate of dwelling crimes incidents per 1,000 people for each ward across Gedling, Daybrook ranked 4<sup>th</sup> out of 26. There were 818 police reported crimes over the five year period. The following table shows a breakdown of all dwelling crimes by crime type and year

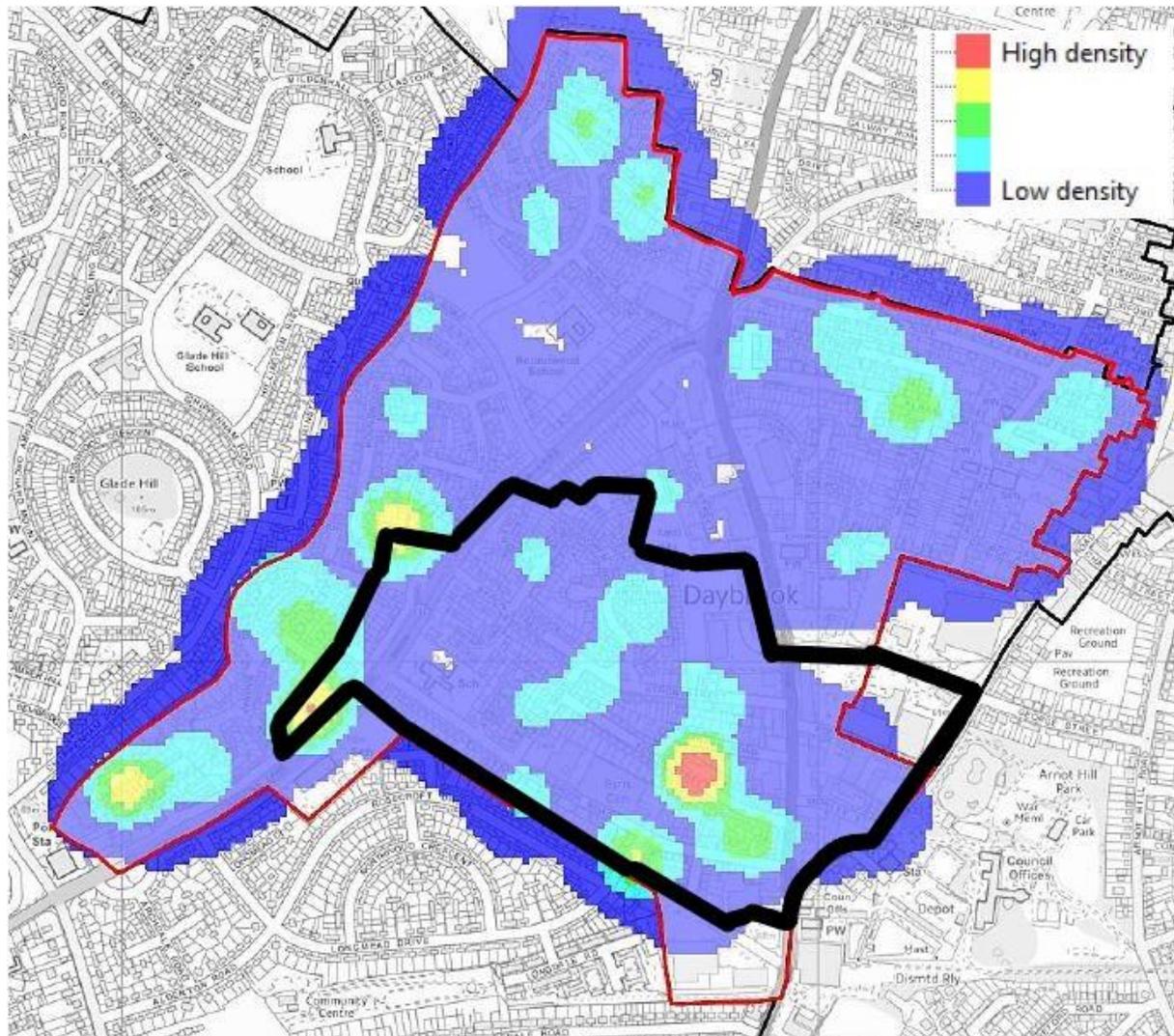
Crime Type	2014	2015	2016	2017	2018	Total
Violence without Injury	39	29	31	53	58	210
Violence with Injury	38	29	29	31	28	155
Criminal Damage	31	20	32	36	33	152
Burglary	18	19	20	22	16	95
All Other Theft Offences	16	11	11	17	9	64
Vehicle Crime	5	5	6	7	7	30
Public Disorder	3	2	2	4	8	19
Drug Possession	4	3	4	4	4	19
Other Sexual Offences	3	5	4	2	1	15
Rape	1	1	3	5	4	14
Miscellaneous Crimes Against Society	0	1	3	4	4	12
Drug Trafficking	1	2	4	0	1	8
Arson	1	2	1	0	4	8
Bicycle Theft	2	1	0	2	1	6
Robbery of Personal Property	1	2	1	0	2	6
Possession of Weapon Offences	1	1	0	1	1	4
Theft from the Person	0	0	1	0	0	1
<b>Grand Total</b>	<b>164</b>	<b>133</b>	<b>152</b>	<b>188</b>	<b>181</b>	<b>818</b>

Table 11: Crime Daybrook 2014 -2019

The crime rate fluctuated over the five year time period. Violence without injury was the highest crime type for all five years combined accounting for 26% of the total number of crimes

Five year hotspot map:

The following map shows all crime incidents mapped using the kernel density method across the entire Daybrook ward during the five year time period



Map 13: 5 years Crime incidents in Daybrook  
(red outline Police Beat boundary, black outline proposed designated area)

The main crime hotspots were around Edwin Street, Sherbrook Road, with a smaller hotspot around Oxclose lane near Bagnall Avenue. The lighter shading shows incidents were reported throughout the ward over the 5 year period.

### 5.3 Crime analysis – Newstead

When calculating the rate of dwelling crimes incidents per 1,000 people for each ward across Gedling, Newstead ranked 5<sup>th</sup> out of 26. There were 213 police reported crimes over the five year period. The following table shows a breakdown of all dwelling crimes by crime type and year

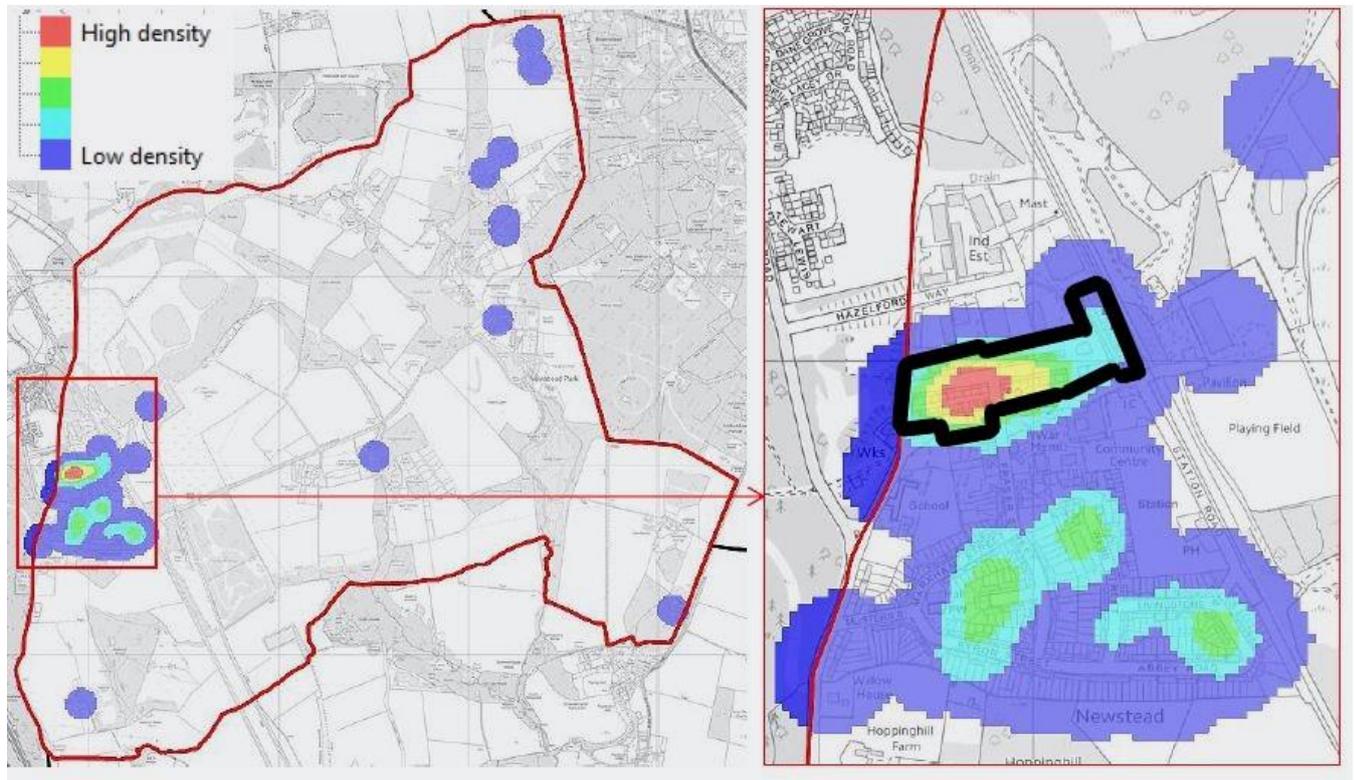
Crime Type	2014	2015	2016	2017	2018	Total
Violence without Injury	5	10	12	5	17	49
Criminal Damage	5	8	7	6	16	42
Violence with Injury	10	9	11	3	4	37
Burglary	0	3	14	6	9	32
All Other Theft Offences	3	3	1	4	3	14
Miscellaneous Crimes Against Society	0	0	0	3	5	8
Other Sexual Offences	1	0	3	1	1	6
Drug Trafficking	0	0	0	1	4	5
Vehicle Crime	1	0	1	0	2	4
Bicycle Theft	2	0	1	0	1	4
Public Disorder	1	0	2	0	0	3
Rape	0	0	0	1	2	3
Theft from the Person	0	0	0	2	0	2
Arson	0	0	1	0	1	2
Drug Possession	0	1	0	0	0	1
Robbery of Personal Property	0	0	0	0	1	1
<b>Grand Total</b>	<b>28</b>	<b>34</b>	<b>53</b>	<b>32</b>	<b>66</b>	<b>213</b>

Table 12: Crime Newstead 2014 -2019

The crime rate fluctuated over the five year time period. Violence without injury was the highest crime type for all five years combined accounting for 23% of the total number of crimes

Five year hotspot map:

The following map shows all crime incidents mapped using the kernel density method across the entire Newstead ward during the five year time period. As Newstead is a large ward a close up has also been shown of the main hotspots.



Map 14: 5 years Crime incidents in Newstead  
(red outline Police Beat boundary, black outline proposed designated area)

The main crime hotspot was around Tilford Road and Chapel Terrace with some further incidents to the centre and south of the village. The proposed selective licensing area would include the Tilford Road and Chapel Terrace streets to the north of the village.

## **5.4 Crime and Antisocial Behaviour Summary and Conclusions**

### **5.4.1 Antisocial Behaviour summary**

Chapter 4 sections 4.2 to 4.9 of this proposal document shows that the following areas are suffering with concentrations of a persistent and significant level of antisocial behaviour:

- Carlton Hill
- Colwick
- Daybrook, and
- Newstead Village

Table 1 in section 5.4 shows Newstead ranks second in the borough between 2014 – 2019 in terms of wards affected by ASB per 1,000 residents. Daybrook ranks 5<sup>th</sup>, Colwick 11<sup>th</sup>, and Carlton Hill 14<sup>th</sup>. In terms of volume of ASB incidents the most reports were received in Daybrook followed by Carlton Hill and then Newstead Village and Colwick.

Daybrook experienced the highest volume of ASB incidents of 723 according to Police records with 540 reports of ASB nuisance which directly impacts the community. There is evidence to suggest, as described in the case study in paragraph 5.5.6 the some landlords are not taking appropriate action to deal with the problems such as noise nuisance and intimidating behaviour. Furthermore a high turnover of tenancies is contributing to issues in ward such as fly-tipping and general ASB.

The ASB heat map for Colwick show (see map 8) shows a higher density of incidents in the north part of the ward which is the proposed selective licensing area and is in close proximity to the Netherfield ward which is in the top 15 highest crime and ASB affected wards in Nottinghamshire.

Both Carlton Hill and Colwick feature in the Police and Safer Nottinghamshire local severity profile priority setting process for the borough. Local priorities have been set in two profiled areas one of which contains both Carlton Hill and Colwick and which is specifically targeted to address antisocial behaviour due to a significant and persistent problem in these areas. Given the high proportion of private rented homes in these proposed areas there is a strong association between the significant and persistent antisocial behaviour and private rented housing.

All 4 proposed selective licensing areas are in the top half of wards most affected by antisocial behaviour in the borough.

### **5.5.2 Crime summary**

The crime analysis in sections 5.0 to 5.4 of this proposal show that the following areas are suffering with concentrations of high levels of crime;

- Colwick
- Daybrook, and
- Newstead Village

Table 1 in section 5.4 ranks the wards in terms of dwelling crime per 1,000 residents and all 3 areas are ranked in the top 7 out of a total of 26 police beat areas in Gedling Borough.

The police crime data heat maps (see maps 14, 15 and 16) broadly correlate with the proposed selective licensing areas in these 3 wards. Of the 4 proposed areas Daybrook ranks highest in terms of both overall crime and dwelling crime. Similar rate of dwelling crime is reported in both Newstead and Colwick. These crimes are attributable to perpetrators or victims living in the area and correlates with the high proportion of private rented homes in the proposed areas. There is evidence that landlords could do more to assist with addressing or displacing issues.

The proposed Colwick area features in one of two areas in the borough identified through the local Police and Safer Nottinghamshire local severity profile process. Colwick is specifically prioritised to address criminal activity associated with burglary and drug supply and use. Given the high proportion of private rented homes in the area and local conditions there is a high incidence of crime, some of which is directly associated with private rented housing in the area.

There is evidence that Carlton Hill Ward suffers with some incidents of dwelling related crime and ranks 12 out of 26 beat areas. After consultation with the local Neighbourhood Policing team there is perceived to be less of a link to crime associated with private rented tenants or landlords in this ward.

### **5.5.3 Crime and Antisocial behaviour conclusions and case study examples**

The Council and Police have carried out a number of interventions in recent years to address ASB in each of the 4 proposed Phase 2 selective licensing areas. Each year on average across the 4 areas the Council receives over 220 complaints about ASB and almost 900 complaints in combined about ASB. The complaints range from noise nuisance, fly tipping, littering, dog related nuisances, through to verbal abuse and intimidating behaviour, some of which will be caused by private rented tenants.

When investigating complaints the Council will seek the support of landlords to encourage the tenants to change their behaviour, some landlords will contact their tenants following requests from the Council but some landlords are not so co-

operative or easy to contact. It is known from information available to the Council that many landlords with rented properties live outside of Gedling Borough Council's area and in some circumstances this can be a barrier when dealing with problematic tenants.

It is the Council's view that the introduction of Selective Licensing will require landlords to implement a more proactive approach to property management and this will help to address at an early stage the antisocial behaviour problems that have been impacting the community. There are number of proposed licence conditions that will assist with addressing antisocial behaviour at an early stage and reduce the impact on the surrounding community. The proposed conditions for dealing with rubbish introduce a basic requirement to provide information relating to the storage and disposal of refuse which should encourage the appropriate use of refuse facilities and reduce rubbish dumping and fly-tipping in the proposed areas.

The introduction of property inspections to assess compliance can help address anti-social behaviour and criminal activity associated with private rented tenants or landlords. The process of licensing those in control of private rented accommodation introduces good management practices and addresses any rogue landlords who intentionally substandard accommodation or home victims of perpetrators of criminal activity.

Outlined below are anonymised genuine case study example from each proposed selective licensing area explaining the sort of behaviour that has been linked to the private rented sector.

#### **5.5.4 Carlton Hill case study**

The Police received reports about a rented flat on Carlton Hill attracting complaints from residents as cannabis could be smelt and lots of comings and goings. The landlord was contacted and the address visited by jointly by the Police and landlord. No cannabis grow was located (believed that tenant became aware of Police attention and got rid of it). The tenant was evicted by landlord demonstrating the sort of partnership working that can be achieved between Police and landlords when dealing addressing problematic tenants. This case study supports the Neighbourhood Policing perception that whilst there are some reports, generally crime associated with private rented properties is currently less prevalent in the Carlton Hill ward than other areas.

However, there is a significant proportion of environmental crime and antisocial behaviour in the Carlton Hill and Honeywood Gardens area. 1816 ASB reports were received by the council in 2014-2019. Due to the high proportion of private rented homes in the ward there is a high turnover of tenants. The Council's Neighbourhood Ward service receives weekly reports about ASB in the proposed selective licensing area. Common reports include dog fouling, noise nuisance, flytipping and littering. Over 701 reports of flytipping and littering in the proposed area were received during

a 5 year period and often investigations have linked reports to private rented tenants in the area.

### **5.5.5 Colwick**

A property to the north of the ward has been causing regular anti-social behaviour for neighbouring properties. The occupiers of the private rented a flat was attracting drug dealers to the location who would use the property to store and supply drugs at all times of day/night. Other residents of flats lived in fear of reprisals and neighbours had to pay for private CCTV to protect their own premises. Numerous police warrants were executed and drugs and stolen vehicle parts were identified. The subject allowed his flat to be used as a bail address for other criminals bringing migrating crime to the area. Police worked with landlord to erect cameras to capture evidence of offending. The landlord refused to provide a statement to support charges.

### **5.5.6 Daybrook**

In recent years the council has received numerous reports of antisocial behaviour associated with a block of flats in the ward. The reports have ranged from abandoned shopping trolleys and fly-tipping through to loud music, shouting and general disturbance. Neighbours have been subject to noise until after midnight and noticeable odour from the smell of cannabis being smoked.

A private rented tenant living in the proposed licensing area reported concerns of being intimidated by their landlord. It is alleged the landlord has been rude and aggressive and has threatened to evict the tenant for no apparent reason and has been and refusing to return the tenancy deposit.

Investigations are ongoing to both service requests.

### **5.5.7 Newstead Village**

Since late 2017 a number of reports have been received of ASB in the village general disorder, verbal abuse, vandalism, and nuisance quad bikes. Young people from 2 private rented households were served with Acceptable Behaviour Contracts after investigations substantiated the reports. The contracts included the following requirements:

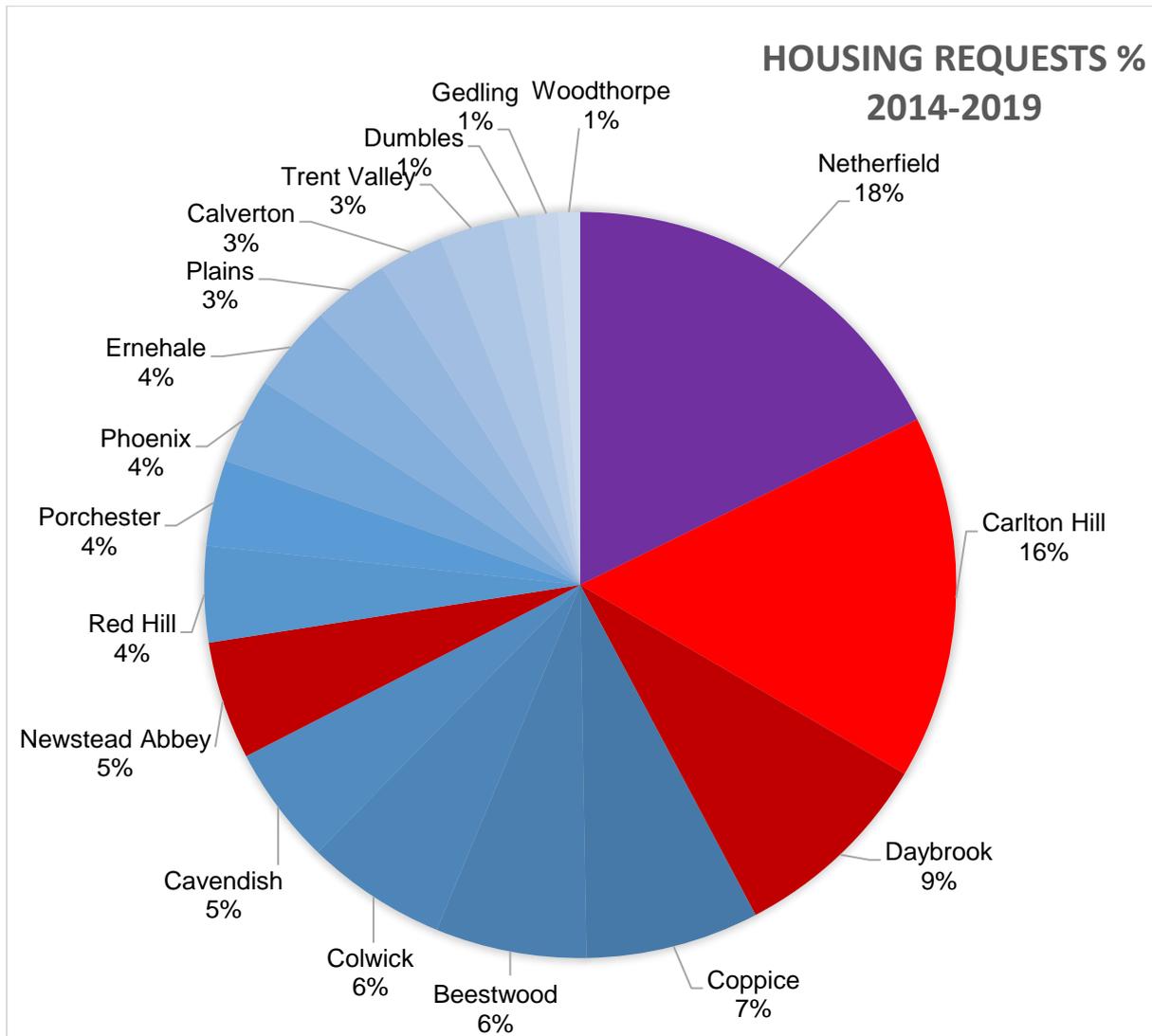
- To not throw objects at property or people
- To not be verbally abusive to members of the public
- To not cause damage to vehicles, people, property, street furniture, litter and grit bins
- To not associate with any people or groups who are doing the above activities, and if seen will walk away, return home and report the behaviour

Since the contracts were served in 2018 some reports have continued about the above behaviour has continued and the matter has been referred to the youth offending service.

It is the council's view that the introduction of selective licensing can introduce good property management practices and joint working between Police, the council, the landlord/agent and tenant the resolve ASB issues at an early stage before they progress to criminal offences. The use and introduce of licence conditions creates a framework for acceptable behaviour from tenants and good practice from landlords and agents reducing the need for enforcement action by the council and partners.

## 6.0 Housing Conditions

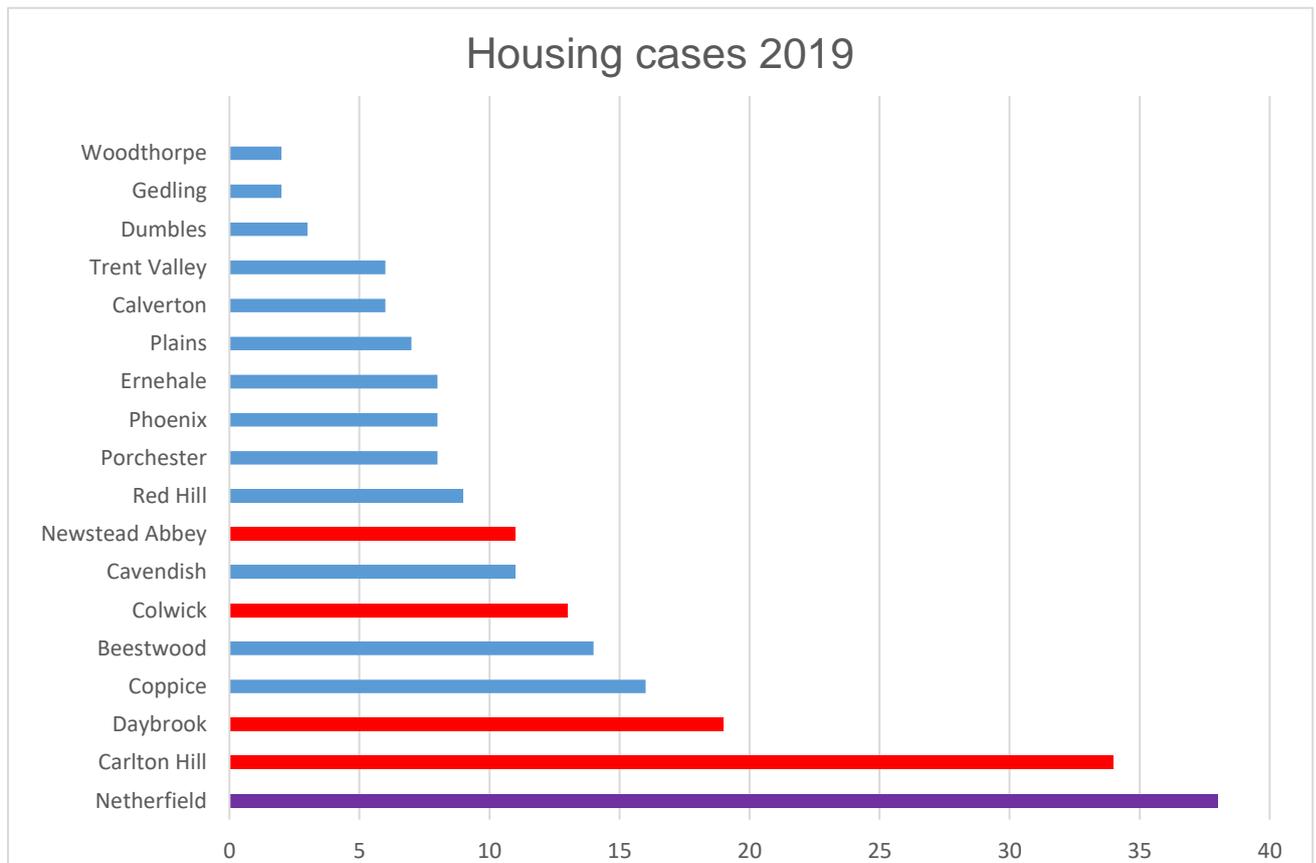
The following chapter outlines the proposal evidence collated around housing conditions. Graph 3 below presents data collated from the council's Uniform database where service requests about housing conditions are recorded.



Graph 3: Number of Housing Condition Service Requests by percentage for 2014-2019

Graph 3 above which shows the percentage of service requests by ward over a five year period; 2014-2019 combined. The chart shows out of the 4 proposed area Carlton Hill and Daybrook had the highest percentages of service requests with 16% and 9% proportion, closely followed by Colwick 6% and Newstead Abbey 5%. A total of 1137 service requests were received during this period.

Graph 4 below shows the number of service requests per ward received in 2019.



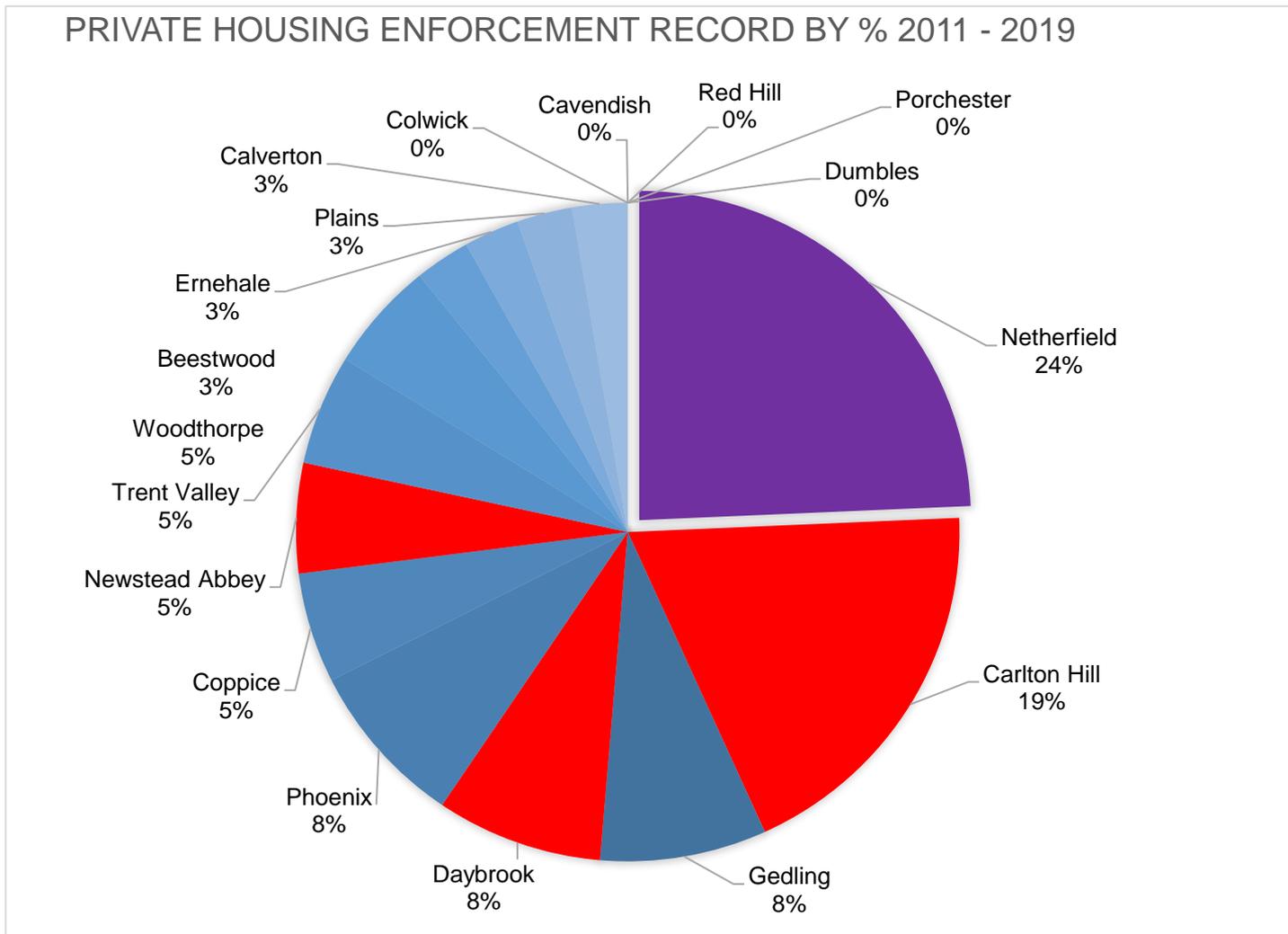
Graph 4: Number of Housing Condition Service Requests received in 2019

A similar picture can be seen in 2019 in graph 4 above which shows the total number of service requests broken down by ward and both Carlton Hill and Daybrook are in the top three wards with the highest number of requests about housing conditions.

The rate of complaints about housing conditions in the proposed selective licensing areas shows over a 5 year period shows the following:

- In Daybrook proposed area reports about disrepair are received from 1 in every 5 private rented homes
- In Carlton Hill proposed area reports about disrepair are received from 1 in every 4 private rented homes.
- In Newstead Village proposed area reports about disrepair are received from 1 in every 3 private rented homes.
- The proposed area in Colwick has the lowest complaint rate of 1 in every 10 properties is subject to complaints about disrepair.

Graph 5 below shows the proportion of housing enforcement action broken do by ward over an 8 year period 2011 to 2019

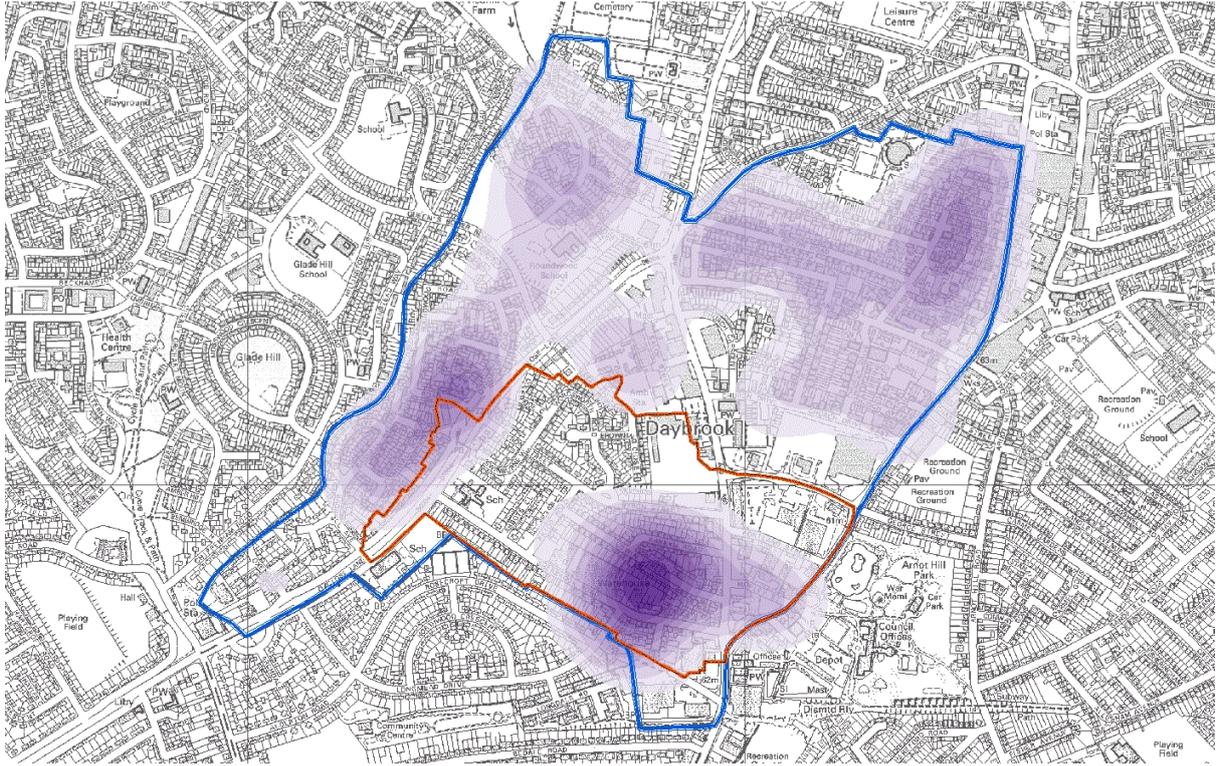


Graph 5: Notices Served on Private Housing by percentage 2011-2019

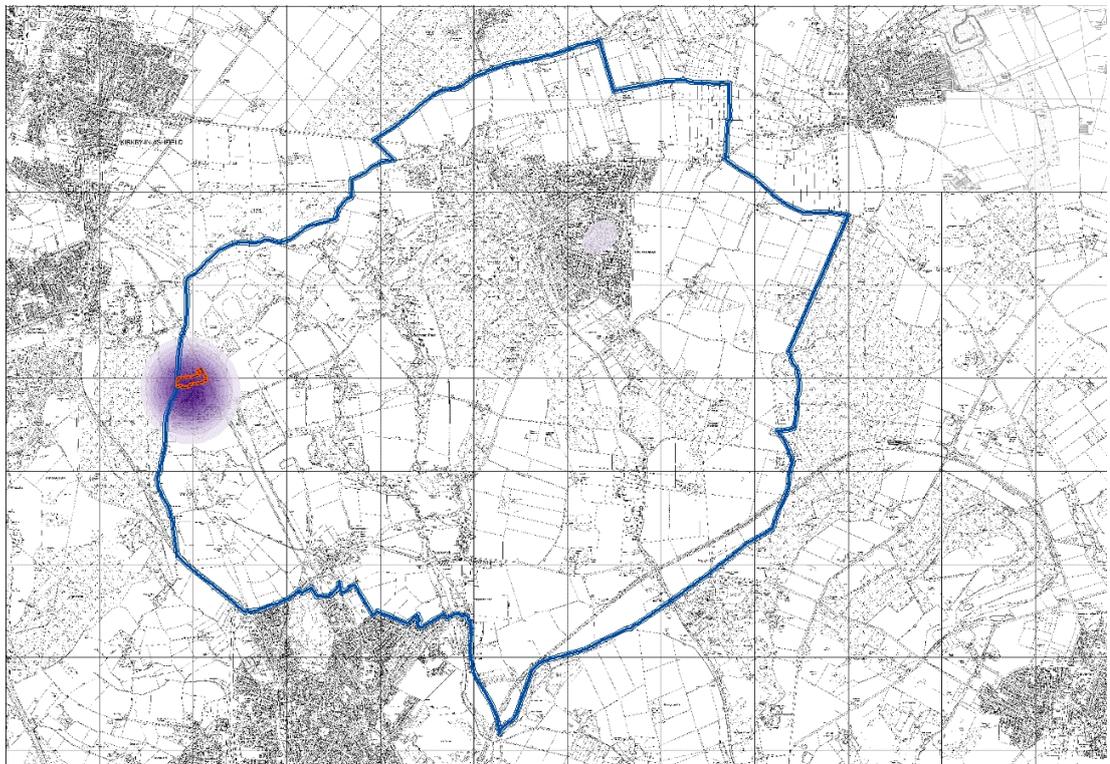
Graph 5 shows Carlton Hill and Daybrook wards feature amongst the highest in terms of proportion of enforcement notices served. Newstead Village has been subject to 5% of the council's total enforcement notices served which directly relates to action taken in the proposed area in Newstead Village. There has been a low proportion of housing enforcement notices served in Colwick and the case is less strong to demonstrate evidence of poor housing conditions. It should be noted though that considering housing enforcement in isolation does not fully present the level of compliance across the sector. Without the requirement for properties to be licenced the council does not have the resources to proactively inspect properties to check they meet minimum standards.

Maps 15 to 19 on the following pages present the data mapped from the Council's Uniform database from the years 2014-2019 and shows housing condition requests

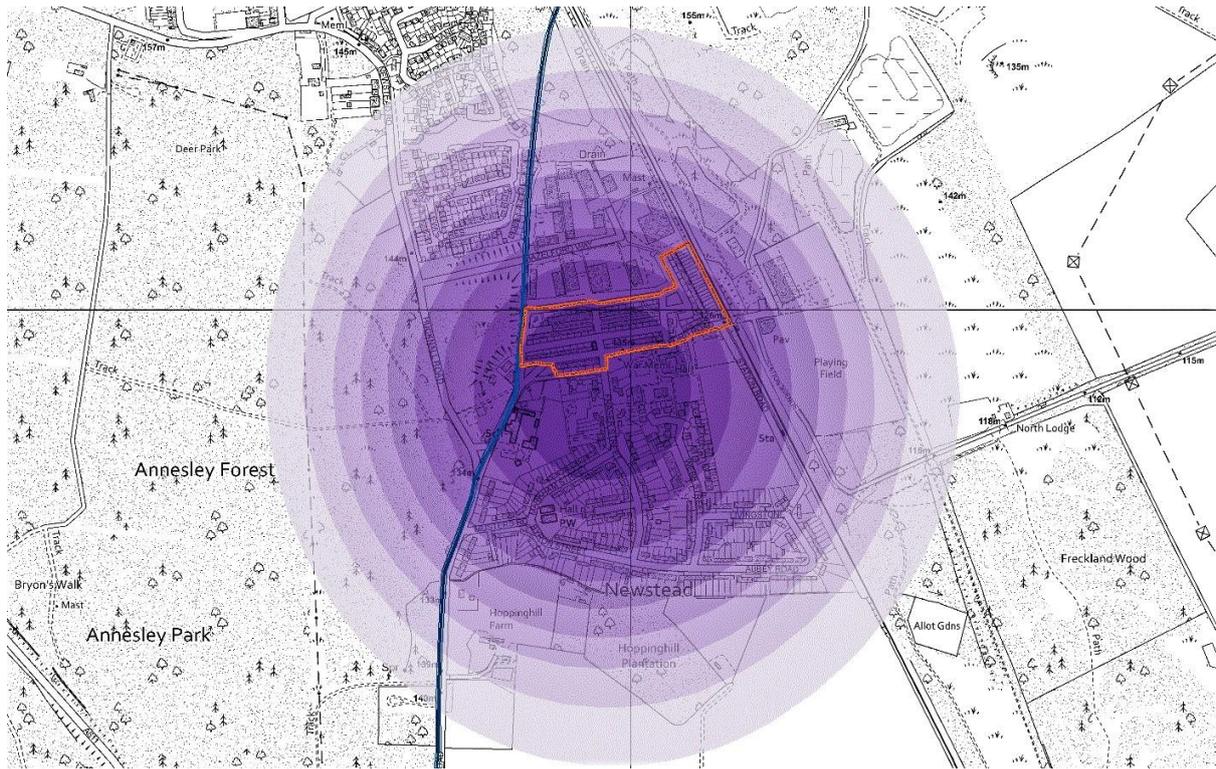




Map 16: Service requests received in Daybrook  
(Ward outline in blue, proposed area outlined in red)



Map 17: Service requests made in Newstead Abbey ward  
(Ward outline in blue, proposed area outlined in red)



Map 18: Housing Service Requests in Newstead Village  
(Ward outline in blue, proposed area outlined in red)

## 6.1 Examples of housing conditions

The following paragraphs provide a genuine examples of the typical reports the council receives about housing conditions in each of the 4 proposed selective licensing areas to articulate how housing conditions affect those living in private rented homes in the proposed areas.

### 6.2 Carlton Hill housing conditions example

A tenant living on Carlton Hill calls to report severe mould in the living room and bedroom. He has reported the matter to the landlord on numerous occasions but no action has been taken. The customer has heart and breathing problems made worse by the living conditions.

The property was visited by an Environmental Health Officer in August 2019 and the following defects were identified:

- The smoke alarms are detached from base or otherwise in disrepair.
- Dampness to walls in the living room and bedroom
- Falling plaster
- Defective Light fitting
- Gap between wall and light fitting
- Electrical Consumer unit (Lack of blanking plate)
- Front door locking mechanism broken

- The council worked informally with the landlord to ensure the defects were rectified.

Typically the Carlton Hill area of the ward has older properties and in the vicinity of the main shopping area has a number of flats above shops/commercial premises. The council provides a reactive service in response to reports and has found examples of inadequate fire separation and means of escape from premises where the risk of harm and likelihood is greater if for example the premises are above a premises with a commercial kitchen working late into the evening/night.

The proposed selective licensing area would also include the Honeywood Gardens estate which was built in the 1960s and 1970s with predominantly small family 2 and 3 bed semi-detached homes, terraced, and town houses. There are a high proportion of private rented homes with many households not speaking English as a first language. Common reports include dampness, mould, and overcrowding as well as defective heating, electrics, and water leaks have been reported to the council for assistance.

### **6.3 Daybrook housing conditions example**

In October 2019 Gedling Borough Council received a complaint from a tenant concerning damp and mould at her property on Sherbrook Terrace. She stated that she had reported the problem to her landlord but nothing had happened and she was concerned that the damp and mould was affecting her family's health. An inspection was carried by an Environmental Health Officer, which revealed a number of deficiencies in her property associated with the fire safety hazard:

- First floor inner rooms with no safe means of escape in the event of fire
- Broken hinges to doors preventing them from opening and closing
- Signs of water penetration (mould and discolouration) to the wall and ceiling
- Toilet with no seat and push button flush broken.
- Broken plug socket and disrepair to electric cooker (two inoperative hot plates)
- Carpet to the kitchen entrance is frayed and torn (trip hazard)

The housing stock in Daybrook is of mixed age and type with many older terraced properties but also some blocks of flats and modern construction properties. As with the other proposed selective licensing areas the council receives a broad range of reports about housing defects at private rented homes within the ward.

### **6.4 Newstead housing conditions example**

In October 2019 Gedling Borough Council was contacted by an Occupational Therapist from Nottinghamshire County Council. She was concerned about the living conditions for an elderly gentleman she was working with in Newstead Village.

She stated that the gentleman was a hoarder and was experiencing difficulties accessing his bathroom and kitchen. A joint visit was arranged with an Environmental Health Officer.

The house, a two storey terrace house in Newstead Village, was in poor condition. The boiler had been broken for several months leaving the tenant with no heating and hot water. To the rear of the house was a sink which was the only unit in the kitchen, no cupboards or worktops had been fitted. In addition to an extensive hoarding problem the inspection revealed a number of disrepair issues:

- Lack of smoke detection to the first floor
- First floor bedrooms inner rooms - no escape windows fitted
- Ground floor, broken entrance door all glazing removed and openings covered with boarding
- Stairwell, entrance door appeared to be single glazed glass
- Stairs, no handrail fitted
- Bathroom, broken cold tap
- Bathroom, ceiling light cover missing
- Ground floor front room, insecure ceiling light
- Broken boiler, no heat or hot water
- Ground floor kitchen lack of cupboards and work tops

## **6.5 Housing Conditions Summary Conclusions**

The evidence displayed in this chapter only illustrates part of the picture in terms of housing conditions in the proposed selective licensing areas. In accordance with the council's adopted Private Sector Housing Enforcement policy the vast proportion of service requests are resolved informally however often properties are found to be below the minimum legal standards.

It is known there is an under reporting of housing disrepair complaints and this has been evidenced locally through the introduction of selective licensing by Gedling Borough Council in Netherfield where 86% of properties inspected have contained hazards requiring remedial works under the Housing Health and Safety Rating System. Additionally, 13% of properties were found to have hazards presenting an imminent risk to the health and safety of occupants and/or visitors which required immediate action to address.

Not only can similarities be drawn between Netherfield and the proposed selective licensing areas in terms of under-reporting of hazards but also the age, type and condition of the housing stock. In both Newstead Village and the Colwick areas there are strong correlations with the type of housing in the Netherfield where hazards have commonly been found. In terms of Carlton Hill wards and Daybrook the age of the housing stock is fairly similar and as can be seen from the graphs in this chapter that a higher

proportion of service requests have been received and enforcement notices served in these areas.

Based on the information described in this chapter of the selective licensing proposal and from the experience of reports received via the community and council officers and partners there is evidence to suggest there is poor housing conditions in the proposed selective licensing areas in Carlton Hill, Daybrook and Newstead Village. The enforcement evidence for Colwick is not so strong and therefore the council is not proposing the poor housing condition is satisfied for this area. However there other conditions are satisfied to designate the Colwick area for selective licensing and the experience of the adjacent Netherfield area suggests that it is highly likely poor housing conditions will be found in the proposed area.

The council's local experience of introducing selective licensing in Netherfield has supported the view that poor quality housing is under reported and through the process of licensing and inspecting properties can improve property management and housing conditions.

## **7.0 Why choose Carlton Hill, Colwick, Daybrook and Newstead Village for a proposed phase 2 Selective Licensing designation?**

Within this proposal, the council makes the case for Selective Licensing on the basis of satisfying Part 3 of the Housing Act 2004 and the Secretary of States Guidance "Selective Licensing in the private rented sector: A Guide for Local Authorities" (2015).

The guide states a selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:

- Low housing demand
- A significant and persistent problem caused by antisocial behaviour
- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime

The following table summarizes the proposal findings that are satisfied

Area	Conditions	Satisfied √ / X
Carlton Hill	<ul style="list-style-type: none"> <li>• A significant and persistent problem caused by antisocial behaviour</li> <li>• Poor property conditions</li> </ul>	✓  ✓
Colwick	<ul style="list-style-type: none"> <li>• A significant and persistent problem caused by antisocial behaviour</li> <li>• Concentrations of High levels of crime</li> </ul>	✓  ✓
Daybrook	<ul style="list-style-type: none"> <li>• A significant and persistent problem caused by antisocial behaviour</li> <li>• Poor property conditions</li> <li>• Concentrations of High levels of crime</li> </ul>	✓  ✓  ✓
Newstead Village	<ul style="list-style-type: none"> <li>• A significant and persistent problem caused by antisocial behaviour</li> <li>• Poor property conditions</li> <li>• Concentrations of High levels of crime</li> </ul>	✓  ✓  ✓

Table 13: Summary of conditions satisfied to introduce selective licensing

Detailed maps showing the proposed selective licensing areas can be found on the following weblink:

<https://gedlingbc.maps.arcgis.com/apps/webappviewer/index.html?id=81e16ca398ef47ffb38db513f66eb511>

The total number of private rented homes within all 4 areas combined phase 2 Selective Licensing Scheme totals 664. When combined with phase 1 the total number of properties included in Selective Licensing does not exceed 20% of the total private rented sector or more than 20% of the council's geographic area that can be designated by the Council. Schemes exceed the 20% threshold need to be confirmed by the Secretary of State.

Selective Licensing is of strategic importance to the Gedling Housing Delivery Plan and is the only option available to the local authority that compels landlords to review how they manage their rented properties and if required, make improvements to

management practices. In order to ensure that the area remains a sustainable mixed tenure environment, we need to ensure effective management practices are operating for properties within the private rental sector. This will ensure a range of housing options for tenants. The initiatives to support this good practice will ensure that the considerable investment in improving the built environment is adequately supported.

## **8.0 How does Selective Licensing Support the Council's Strategy?**

This section demonstrates how the proposed Selective Licensing designation is consistent with the overall housing and homelessness strategy for the District and will form part of a wider strategic framework for improving housing across Carlton Hill, Colwick, Daybrook and Newstead village.

The introduction of Selective Licensing to these four areas is key to the Council's Housing Strategy to tackle and improve the quality of homes within the district and create a balanced housing market to support social and economic improvements.

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believe that Selective Licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

Gedling Borough Council has three corporate priority neighbourhoods which are Netherfield, Killisick and Newstead Village. Since September 2012, the council has employed a dedicated Localities Co-ordinator to support the Newstead Village community and Netherfield and Colwick. The Council co-ordinates the Newstead and Netherfield and Colwick Locality Steering Groups which bring together partner organisations to improve the communities. The Newstead locality plan specifically references using powers and tools to address antisocial behaviour. The Netherfield and Colwick strategic plan is being developed at the time of producing this proposal.

Daybrook was previously the 4<sup>th</sup> priority neighbourhood and between 2014 and 2016 in partnership with the council and Nottingham North and East Clinical Commissioning Group the Connecting Communities initiative was established to develop and deliver effective neighbourhood governance. The Daybrook ward was selective alongside two others outside of Gedling Borough Council's area due to being identified as disadvantaged communities suffering health inequalities. A number of facilitated events and meetings were held to seek views and build community capacity. The initiative was unable to secure longer term funding to continue the community work.

The Council currently has a small allocation of capital funding for the Warm Homes on Prescription scheme that is available to residents with long term medical conditions affected by cold and damp homes. The Council works alongside local health and social care partners to identify eligible residents who may benefit from the scheme. The grant funding is available to residents of the ward to improve living conditions. The Council also has a significant allocation of capital funding available to provide Disabled Facilities Grants to eligible residents to adapt their homes to enable them to remain living independently in the community. Both forms of grant funding are means tested but eligible across tenure.

The Gedling Plan 2020-23 outlines the council's vision of "Serving People, Improving Lives" and includes corporate priorities for the council to:

- Promote strong, resilient communities and reduce hardship and inequality
  - Reduce poverty and inequality and provide support to the most vulnerable
  - Reduce antisocial behaviour, crime and fear of crime
- Promote a sustainable environment
  - Provide an attractive and sustainable local environment that local people can enjoy
- Promote the health and well-being of our residents
  - Improve health and wellbeing and reduce health inequalities

The Council believes the introduction of Selective Licensing will make a significant positive contribution to these corporate priorities.

### **8.1 Private Rented Sector**

The Council have long held the view that a positive relationship with the private rented sector is of mutual benefit to both parties and residents of the district. Through programmes to tackle empty homes, prevent homelessness, address issues of low demand and improve housing standards the Council have worked with the privately rented sector to strengthen this partnership and deliver effective solutions.

To achieve this aim the Council supports the South Nottinghamshire Private Landlords Forum that meet annually to discuss issues of particular relevance to the sector and the Council see this partnership as an important strand of the housing strategy that contributes to improving property standards and management practices across the sector.

### **8.2 Anti-Social Behaviour and Crime**

Selective Licensing supports the strategic aims of the Community Safety Partnership to reduce crime and disorder. Selective Licensing works in partnership with the anti-social behaviour team, the Police, and Landlords to encourage and assist Landlords and Agents to deal with issues of ASB and crime.

The licence conditions require landlords to meet the “fit and proper person” criteria. This combined with the other Selective Licensing conditions should help to professionalise landlords within the designation area, and therefore improve housing standards and landlord compliance.

The conditions require a landlord to obtain references for any tenant before starting a new tenancy and to take action against any tenants that they have been informed are involved in anti-social behaviour, and where this is also believed to be criminal activity; are required to report it to the appropriate authorities. These conditions combined should help to reduce levels of crime and ASB within the private rented sector of Netherfield.

### **8.3 Housing Conditions**

The designation of the Selective Licensing area will lead to a more collaborative approach to dealing with housing condition matters that might otherwise not have been the case. If the Council receives a housing condition complaint in respect of a property from the Selective Licensing area, the property is inspected under the terms of the Selective Licensing scheme (if it has not already been the subject of such an inspection). The support that the Council can offer to the landlord under the Selective Licensing scheme fosters more of a partnership approach than going through the traditional enforcement route, which is more formal in nature.

The designation of the Selective Licensing area the Council will require formal enforcement action in a comparatively small number of cases. A collaborative approach developed through the Selective Licensing designation will enable Council officers to work informally with landlords to ensure that, in most cases, any outstanding repairs are completed.

## **9.0 Option Appraisal**

The option appraisal below looks at other powers and projects that are available to the Council with the reasons why they could not replace the proposed Selective Licensing Designation in the proposed areas.

### **9.1 Accreditation**

Accreditation was first introduced in the 1990’s mainly in university towns as a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, and Local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes. Nationally landlord Accreditation is

available through the National Landlords Association or the Residential Landlords Association (RLA) who charge landlords to join their schemes.

Locally Gedling Borough landlord accreditation is provided for via DASH Services (formerly East Midlands Landlord Accreditation Service) based at Derby City Council. Prior to 2018 only 15 landlords in Gedling were members of DASH Services Accreditation. Since the launch of the Netherfield Selective Licensing scheme has seen a massive increase in landlords joining the scheme. Now 194 landlords are DASH Services Accreditation covering 466 properties.

This increase is seen as a direct result of introducing selective licensing in Gedling and shows the benefits of introducing a scheme to encourage landlords to proactively seek training and a support network to professionalise their services and ultimately improve property management.

The proposal to introduce Selective Licensing in Carlton Hill, Daybrook, Colwick and Newstead Abbey wards will incentivise landlords to become accredited by offering a discount on licence fees and will help landlords comply with the licence conditions through access to training.

## **9.2 Enforcement of Housing Standards**

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

The number of property inspections, are in the main based upon a reactive service; a service request will be made to the local authority who will then undertake a HHSRS inspection to determine whether action needs to be taken. Whilst this approach does improve property conditions it is sporadic across the District and does not have a concentrated impact in one area. In addition this power does not tackle property management standards. Through the Selective Licensing designation (and beyond) landlords are welcome to attend the regular Landlords Forum meetings which cover all aspects of property management including property condition. Through training, advice and support; landlords will recognise what improvements need to be made to their properties reducing the need for action under the HHSRS.

In addition the Council will continue to undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement action to improve property conditions across the designation area. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

## **9.3 Management Orders**

Part 4 of the Housing Act 2004 introduced the use of Management Orders but these orders should not be used if other enforcement options will remedy the problem. The

general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive especially as the Council no longer has any stock of its own. In some cases, even retention of the full rental income may not be adequate to properly maintain and manage the property, in which case, additional costs would end up being borne by the Council tax payer.

This approach does not present a long-term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

#### **9.4 A Private Sector Leasing Scheme**

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

#### **9.5 Raising Landlord Awareness**

Landlord forums are run twice annually, and newsletters are emailed out to landlords within the area. Through this there is the option of providing landlords with information on how to conduct a tenancy appropriately; the requirements of themselves as landlords; and the options of vetting any prospective tenants in order to reduce the intake of problem tenants within the area.

The problem with raising awareness alone is that there is no obligation for the landlords to listen to the information being presented to them, or to address tenant behaviour and obtain references.

#### **9.6 Summary of Options**

In summary the alternative options to Selective Licensing would require partial or full funding from the Council, which is ultimately paid for by all tax payers. Selective Licensing will continue to be entirely self-financing, paid for by the licence applicants

and not the community. This is an approach which the majority of residents agree with as many of the problems within the area are caused by irresponsible property management practices.

The alternative options do not compel a landlord to address tenant behaviour or ensure landlords seek references when allocating their properties. Existing Selective Licensing schemes elsewhere in the country have proven successful in tackling anti-social behaviour and ensuring problem tenants do not move within the designation area. Landlords will be able to continue to access advice and support from the Council to deal with problematic tenant behaviour. The alternative options do not provide a long-term solution to the training of inexperienced landlords whose business and subsequently the community would benefit from improved management practices. The alternative options are not area based and can only tackle a small number of properties. Selective Licensing tackles all privately rented properties in the proposed designation area. To improve the conditions, standards of management and reputation of the private rented properties in the designation area a collective approach is required; dealing with a small number of private rented properties will not assist in improving conditions.

The other options of accreditation, the enforcement of property standards and management orders will be used not as an alternative to Selective Licensing but as support tools as part of an integrated programme of measures to improve the social and economic conditions of the area. It is thought that in providing the incentive of a lowered licence fee for accredited landlords there will be an increased uptake of accreditation. The idea behind the reduced fee is to incentivise the uptake of accreditation.

Whilst there is always the risk with Selective Licensing, that landlords may illegally evict tenants, leave the area or try to avoid licensing; through robust monitoring procedures the team will find all privately rented properties and any reports of illegal evictions are investigated immediately and where required sanctions are taken against that landlord.

## **10.0 Why do we need a Selective Licensing Scheme?**

Whilst landlords have engaged with the Council, monitoring of management practices does continue to show that some landlords will “cut corners”. This is often in relation to tenant references and their standards of property management. Landlords are under increased pressure with changes to the benefit system and changes relating to empty properties to minimise void periods and their remains the risk that some managers will revert to irresponsible management practices without the sanction of licensing.

The Council's Private Landlords Forum, emailed newsletters and regular contact with landlords all indicate the proactive approach the Council has developed to engage with landlords to work with them to develop and improve their management practices. Responsible landlords continue to ask Officers to deal with un-reputable landlords and Selective Licensing is an effective way of dealing with this issue directly.

This proposal has also highlighted a number of other regeneration priorities in the area to tackle empty homes and deliver new housing developments. Selective Licensing is still required to support these physical regeneration activities to ensure poorly managed properties do not undermine this work and dissuade people from moving into the area. Through a balanced, stable housing market the areas have an opportunity to realise potential as a neighbourhood of choice that offers a range of property types and tenures to meet current and future housing demand. Selective Licensing will make a valuable contribution to achieving this potential.

In conclusion to this report the Council has had regard to the legislative requirements for making its proposal and also the guidance in determining the need for the introduction of selective licensing, which was set out in detail in pages 4-6.

This proposal has carefully considered the housing market within the proposed designation area and the Council is of the opinion that the area is suffering from ASB, crime, deprivation and poor housing conditions.

Licensing can help create a thriving sustainable mixed tenure neighbour.

As highlighted previously the Council has had regard to government guidance on selective licensing, the "Evaluation of the impact of HMO Licensing and Selective Licensing" published by the Building Research Establishment on behalf of the Communities and Local Government January 2010, stated that Selective Licensing is a long term strategy and will not provide instant solutions.

In conclusion, based on the evidence contained within this document, the Council proposes that a designation of Selective Licensing in the proposed areas of Carlton Hill, Colwick, Daybrook and Newstead Village is necessary to address the problem of anti-social behaviour, crime, and poor housing conditions.

## **11.0 How to Respond to the Council's Proposal to Designate Carlton Hill, Colwick, Daybrook and Newstead Village as Selective Licensing Areas?**

The consultation exercise will be carried out for 12 weeks from Monday 12<sup>th</sup> October 2020 to Monday 4<sup>th</sup> January 2021. An electronic questionnaire will be made available to stakeholders to seek views on the proposal. The following methods will be used to publicise the proposal and consultation;

- Mailshot to private landlords known to own properties in the ward
- Leaflet to be hand delivered to all residents and businesses within the consultation area
- Press release and advert in to local newspapers
- Posters to be displayed in community buildings and businesses
- Information on the Council's website and social media platforms
- Community briefing events to explain the proposal
- Adverts on the Councils plasma display screens in the borough
- An advert in the November edition of the Councils Contacts magazine delivered to all residents of the borough.

To respond to the consultation please see the Councils website:

<http://www.gedling.gov.uk/council/haveyoursay/>

## Appendix 1: List of Proposed Fees; Gedling Borough Council

	Fee	Comments
Standard Fee	Part 1, £520 Part 2, £180  Total= £700	For non-accredited landlords
Accredited Landlord fee	Part 1, £430 Part 2, £155  Total= £585	The proposed licence holder is accredited with either DASH, NLA, RLA, Unipol or equivalent landlord accreditation body
Paper Application Form	Additional £60	For the Council to send out a paper application pack and process the completed paper response, rather than submitting online
Missed Inspections	£50	Failure to attend an agreed inspection a charge shall be levied
Part 1 Housing Act 2004	£350	Not all costs can be recovered from the licence fee. Under part 1 of the Housing Act 2004 (Section 49) the Council can charge for relevant costs linked to enforcement work. NB once an invoice is issued, this charge becomes a local land charge on the property
Application to Vary a Licence	No charge	Includes applications to change the manager, address, number of occupants
Extra Correspondence	£30	Where the Council has to e.g. do more than normal to obtain further information to secure a valid licence application or provide copies of documents requested.

## **Appendix 2: Fit and Proper Person and Management Arrangement**

### **Fit and Proper Person and Management Arrangement Criteria for Selective Licensing**

Part 3 of the Housing Act 2004 outlines that, when deciding whether to grant a licence or not the local authority (the “Authority”) is required to look at three aspects of the management of the property (the “Property”) and if these are satisfactory then it must grant a licence;

- The proposed licence holder (the “Licence Holder”)
- The proposed manager (the “Manager”) (if a different person from the Licence Holder)
- The proposed management arrangements (the “Property Management Arrangements”)

2. The application will be checked to determine whether;

- The proposed Licence Holder is a fit and proper (“Fit and Proper”) person to be the Licence Holder, and is, out of all the persons reasonably available to be the Licence Holder in respect of the house, the most appropriate person to be the Licence Holder;
- The proposed Manager of the house is either – the person having control of the house, or A person who is an agent or employee of the person having control of the house;
- That the proposed Manager is a fit and proper person to be the Manager,
- That the proposed Property Management Arrangements for the house are satisfactory.
- All persons involved in the management of the property are to be identified and assessed under the Fit and Proper person criteria.

3. The Authority will ensure, through this procedure that:

- Each case will be determined on its own merit; and
- Each specific offence, incident or issue will be considered in terms of its relevance to the holding of a Licence or to management and will take into account the gravity of the offence.

4. Where the information contained in the initial application is insufficient to determine suitability, we may contact the applicant to request further information. Where no other information is available or forthcoming, the Authority can refuse to grant the licence on grounds of insufficient evidence.

#### **Definition of Fit and Proper Person Criteria**

5. A Fit and Proper person means that they are morally suitable.

6. In determining whether a person is Fit and Proper the Housing Act 2004 Section 89 outlines the test, this includes assessing whether there has been any;

- Offences involving fraud, or other dishonesty, or violence or drugs, or

- any offence listed in Schedule 3 to the Sexual Offenders Act 2003
- Unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or disability
- Breaches of housing or landlord and tenant law
- When determining if the person is Fit and Proper the Authority will consider the following;
  1. They are without any significant and relevant convictions, cautions, reprimands and warnings
  2. If involved in managing the house, they have the necessary experience and/or managerial skills and competence to successfully manage the property in accordance with satisfactory Management Arrangements
  3. They are aware of, and sensitive to, the needs of all sections of society;
  4. They are willing to engage with the Authority in the licensing procedure.
  5. They have suitable Management Arrangements and funding arrangements

Application process - How we will determine whether a person meets Fit & Proper

The Licence Holder and Manager will be assessed under each of the following categories to determine whether they meet the Fit and Proper person requirements.

*They are without any significant and relevant convictions, cautions, reprimands and warnings:*

- The applicant is to provide copy photo identification, such as Passport or Driving licence of the proposed Licence Holder.
- The applicant is to provide a current Disclosure Scotland for the proposed Licence Holder and Manager.
- Any significant and relevant convictions, cautions, reprimands and warnings showing up under this check will not necessarily mean that an application for licence will be refused. However, the nature of some offences will be viewed more seriously than others. Offences have been categorised into “Category 1”, “Category 2” and “Category 3”, where category 1 is to be regarded as the most serious.

Due regard to the full circumstances surrounding the offence will be given.

*If involved in managing the house, they must have the necessary experience and/or managerial skills and competence to successfully manage the property in accordance with satisfactory management standards:*

- Checks will be made with other departments within the Council in addition with other local authorities, to check the applicant, proposed Licence Holder or Manager regarding performance in handling disrepair

complaints, dealing with anti-social behaviour, compliance with legal notices to identify any concerns relating to Management Arrangements.

- The applicant is to provide information relating to out of hours emergencies, anti- social behaviour, tenancy deposits, lettings and repairs reporting procedures.
- The Management Arrangements provided in the application will be assessed against the Property Management Arrangements.

*They are aware of, and sensitive to, the needs of all sections of society:*

- Through the application form, Applicants must demonstrate an understanding of the needs of people from all sections of society.
- That their Property and Arrangements are promoted and accessible to all, without discriminating against race, colour, gender, religion, ethnic or national origin disability (where appropriate) or sexual preference; and are promoted and available to people whose backgrounds may include such circumstances as homelessness, mental health problems, bankruptcy etc., where the provision of support where necessary enables that person to successfully manage their tenancy;
- That all information relating to the tenancy, property and tenant rights and responsibilities is presented in a format accessible and understandable by the individual;

*And*

- That the management of their property does not contravene relevant legislation and standards, such as the Race Relations Act and Statutory Code of Practice on Racial Equality in Housing.

*They have suitable management structures and funding arrangements:*

- The Licence Holder must reside within the United Kingdom.
- In addition to those financial responsibilities outlined in the Property Management Arrangement, the Authority would expect a successful licence applicant to have suitable funding arrangements in place to effectively deal with repairs etc. when they arise.
- As part of the application process, potential Licence Holders will have to show that they have suitable financial management procedures in place to ensure contingency funds are available for any repair or emergency remedial works needed. Further investigation, for example credit reference checks or examination of bank account statements may be required.

*They are willing to engage with the Authority in the licensing procedure:*

- In addition to assessing compliance with current and previous licence criteria, the Authority will take into account the way in which the applicant has engaged with any previous licensing or enforcement procedures, both within or outside the Authority. The fact that the prospective Licence Holder may have been successful in mandatory licence applications is not sufficient evidence on its own to fully demonstrate engagement with

previous application or enforcement processes.

It should be noted that this document and the fit and proper person criteria is not exhaustive and the Authority reserve the right to amend the Fit and Proper Person criteria and the Property Management Arrangements from time to time in line with government directives or through service or policy development. Any amendments, changes to the document or the Criteria will be published and sent to existing Licence Holders and Managers.

## Property Management Arrangements

It is expected that all information for the prospective tenant referred to in this document will be in a format and method understandable to them and makes it possible for queries or concerns to be easily raised.

The Licence Holder and Manager are to ensure that there are satisfactory Property Management Arrangements in place, below are the standards that the Authority require for each property.

### Standard 1 – Letting Practices

Licence Holder or Manager will be expected to demonstrate that they have a letting procedure in place that:

- Actively encourages applicants from all backgrounds and makes clear that prospective tenants will not be discriminated against due to their race, colour, gender, religion, sexual orientation, ethnicity, disability or national origin or age.
- Provides clear information to prospective tenants about the property including rent levels, due dates and increase dates, deposits, receipts, the terms and conditions of the tenancy, charges (including service charges), a rent book and payment methods.
- Includes referencing procedures. These procedures should not merely be credit references, but should include character references to indicate their suitability as a tenant. Wherever possible references should be obtained from the previous two landlords or, where this is not possible, from an employer, educational professional or other responsible person who knows the prospective tenant well. It is not advisable to rely on references from friends or family members. Home visits should also be carried out to check the tenants housekeeping.
- Provides clear information on who has responsibility for the payment of all utility charges and Council Tax.
- Provides clear information about how deposits are to be held under the Tenancy Deposit Scheme, which was introduced by Part 6 of the Housing Act 2004.
- Ensures prospective tenants are made aware of the standard operating procedures, such as emergency repairs, hours of contact etc.
- Provides the tenant, on receipt of a deposit, with an inventory describing the state of the property and contents. Where practicable, photographic evidence should be included.

## Standard 2 – Creating the tenancy

The Tenancy Agreement issued must comply with current legislation. All parties included in the tenancy agreement should be aware of their rights and responsibility under the agreement and landlords should be able to demonstrate that they have made every reasonable effort to ensure the tenants awareness.

This could include providing clear, written descriptions of:

- The terms on which the property is to be occupied.
- An address in England or Wales for the tenant to use to serve notice.
- Contact details for the landlord, agent or representatives, including emergency and 'out of hours' information.
- Repair-reporting procedures including maximum response times.
- Local facilities and amenities, including refuse collection/recycling days, neighbourhood watch and residents' association details, post offices and shops etc.
- Provision of alley gate keys where applicable.
- The tenancy should contain acceptable behaviour clauses. Tenants should be provided with clear information about the level of behaviour expected of them whilst in the tenancy and their responsibilities both to the property and to their new neighbours and wider community. The information should also include examples of behaviour constituting antisocial behaviour and nuisance, as well as explaining clear consequences of displaying such behaviours.

## Standard 3 – Managing the tenancy

They must make every possible step to ensure their tenants are able to live peacefully within their property. More specifically, they must: ensure any repairs are undertaken within a reasonable timescale; ensure the property is free from disrepair

- Carry out quarterly checks of the property
- promptly tackle any antisocial or nuisance behaviour emanating from the property, whether perpetrated by the tenants or people visiting or living with them; and
- Respect the privacy of the tenant, for example by giving adequate notice and ensuring permission is given (usually no less than 24 hours) before access to the property is needed.
- Tackle any breaches of the tenancy agreement promptly, and take any necessary action.

## Standard 4 – Tackling Antisocial Behaviour

The Authority recognises the difficulties faced by private landlords in addressing issues of antisocial behaviour, particularly relating to Possession Proceedings.

- The tenancy should contain acceptable behaviour clauses. Tenants should be provided with clear information about the level of behaviour expected of them whilst in the tenancy and their responsibilities both to the property and to their new neighbours and wider community. The information should also include examples of behaviour constituting antisocial behaviour and

nuisance, as well as explaining clear consequences of displaying such behaviours.

- Ensure there is a clear procedure for dealing with ASB, including warning letters, home visits and an escalation process.
- Landlords and Agents should seek advice from the Authority as soon as they become aware of nuisance or antisocial behaviour being perpetrated by their tenants or people visiting or living with them.
- The Authority and partners will work with landlords, managers and agents to develop an appropriate course of action for each case. This could include referral to mediation services, requesting action to regain possession of the property, the provision of a support service to the tenant.
- Where complaints against the property continue, Licence Holders and Managers will be requested to demonstrate measures undertaken to address the issues.
- Good references for tenants that have caused ASB should not be provided, in order to move a tenant on. Landlords, Managers and agents must always provide accurate and honest references to other landlords or agents on request.

#### Standard 5 – Ending a tenancy

Licence Holder or Manager must be able to demonstrate a satisfactory understanding of relevant legislation and procedures.

Unless a tenant clearly surrenders the property or the tenancy is ended by mutual agreement evidenced in writing, the correct legal notice must be served in order for the landlord to regain possession of the property. If the tenant fails to leave the property following the granting of a possession order, a Bailiff's Warrant must be obtained in order to evict the tenant.

The authority expects applicants, Licence Holders and managers to be able to evidence that:

- They will comply with current legislation in order to gain possession of the property.
- Tenants are issued with clear information regarding the arrangements for bringing the tenancy to an end. This information must include clear guidance regarding the condition of the property expected at the end of the tenancy and the consequences of failing to meet this standard
- That the Tenancy Deposit Scheme is used to promptly and efficiently return deposits and that any deductions are justified with evidence of expenditure, made available to the tenant.

#### Standard 6 - Other relevant issues

In addition to the specific standards outlined above, the authority may take into consideration the following points:

- That the Licence Holder or manager be suitably located to the licensable property to ensure adequate management, especially with regards to accessing the property, arranging repairs and being available to the tenants. Whilst each application will be considered individually, it is the view of the

Authority that it is difficult to successfully manage a property when the landlord or agent are based a significant distance away, particularly overseas. In such circumstances, the Authority would expect a local managing agent to be employed, within 40 minutes' drive of the property.

- That the applicant, landlord, manager or agent has a significant history of legal notices, work in default or enforced sales. Such a history will be considered to be an indication of poor management in relation to repairing obligations.
- That the applicant, landlord, manager or agent has no significant history of frequent and substantive complaints and/or successful civil actions relating to the unreasonable withholding of deposits. Such a history will be considered to be an indication of poor management in terms of collection and return of deposits.

That the applicant, landlord, manager or agent has no history of frequent and substantial complaints from tenants relating to conduct considered constituting harassment or attempted or actual unlawful eviction. Such a history will be considered to be an indication of unsatisfactory management arrangements.

- That the applicant, landlord, manager or agent has not breached any current or previous management regulations applicable to HMOs. Any such breach will be considered to be an indication of unsatisfactory management arrangements.

## **Appendix 3: Proposed Licence Conditions for Privately Rented Houses**

*\*Indicates a statutory condition as prescribed by the Housing Act 2004*

### **A. Gas, Electrical and Fire Safety**

#### **Gas Safety**

1. Where gas is supplied to the house, the licence holder shall ensure that all gas installations and appliances are in safe condition at all times and that an annual gas safety check is carried out by a Gas Safe registered engineer. The licence holder shall provide a copy to all tenants/occupiers at the beginning of their tenancy, and keep a written record that it has been provided. \*
2. The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the council's demand. \*

Details of Gas Safe engineers can be found at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

#### **Safety of Electrical Appliances**

3. The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times. \*
4. The licence holder shall ensure a record of visual inspection of such appliances is maintained and shall submit this record to the council within 7 days of the council's demand.
5. Within 7 days of the council's demand, the licence holder shall supply a declaration as to the safety of electrical appliances made available by him at the house. \*

#### **Smoke Alarms/Fire Detection Systems**

6. The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum, there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation. \*
7. The licence holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the property within 7 days of the council's demand. \*

#### **Furniture and Furnishings (Fire Safety)**

8. The licence holder shall ensure that the furniture made available by them at the house is kept in a safe condition as all times. \*

9. The licence holder shall supply a declaration as to the safety of the furniture made available by him at the house within 7 days of the council's demand. \*

### **Carbon Monoxide Alarms**

10. The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall or landing are all treated as being a room used as living accommodation. \*
11. The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the council's demand. \*

### **B. Property Management**

12. The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 22.
13. The licence holder must ensure that gardens, yards and other external areas are cleared of rubbish, debris and accumulations and are cleared between tenancies. All refuse and unwanted items are cleared from the house and disposed of in an appropriate manner before new tenants move in
14. The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to f) below:
  - a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
  - b) The security provisions for the access to the property (locks, latches, deadbolts and entry systems etc.) are maintained in good working order at all times;
  - c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;
  - d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;
  - e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;
  - f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access;

### **Dealing with Rubbish:**

15. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:
- What day refuse collections take place
  - What type of bins to use for household and recycling waste
  - Details of the council's bulky waste collection service
  - The occupier's responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers within the boundary of the property by 8am the day after they are emptied
  - That occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal
  - The licence holder shall ensure so far as is reasonably possible, that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions him/herself.

### **Property Inspections**

16. The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.
17. The licence holder shall ensure that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement, the record must contain a log who carried out the inspection, date and time of inspection and issues for an action(s) taken. Copies of these must be provided within 7 days of the council's demand.

### **C. Tenancy Management**

18. At the beginning of a new tenancy, the licence holder must provide the occupier(s) with written information, including contact details, explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs. The contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday and should also include out of hours contact details for use in emergencies. Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made. Copies of the written

- information provided to tenants must be provided within 7 days of the council's demand.
19. The licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescale for the steps they intend to take.
  20. The licence holder shall respond to any complaint within a reasonable timescale. Copies of all correspondence relating to complaints shall be retained during the currency of the occupation and for 6 months thereafter and shall be provided to the council within 7 days of the council's demand.
  21. The licence holder must provide the tenant with an information pack containing the following details:
    - a) A true copy of the licence to which these conditions apply.
    - b) A notice with the name, address, day time and emergency contact number of the licence holder or managing agent.
    - c) Where appropriate, true copies of the current gas, electrical safety and energy performance certificates.
    - d) The information required by conditions 18, 22 and 26.
  22. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it. This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the council's demand. \*
  23. The licence holder shall comply with all relevant landlord and tenant law and shall ensure that all legal processes are followed when requiring occupiers to leave. If a complaint of illegal eviction is made to the council, the licence holder shall provide information as to the steps taken to evict an occupant within 7 days of the council's demand.
  24. The licence holder shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Copies of these references shall be kept for the duration of this licence and made available to the council within 7 days of the council's demand. \*
  25. Where a deposit is taken the licence holder must provide any tenant with the relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. The information must be provided to the council within 7 days of the council's demand.

#### **D. Tackling Anti-Social Behaviour**

26. The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to anti-social behaviour. These include written tenancy management arrangements to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand. If the

licence holder or manager / agent receive complaints of anti-social behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (i) below:

- a) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand.
- b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour.
- c) If a complaint is received, or anti-social behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation.
- d) From the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.
- e) Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
- f) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.
- g) If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
- h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps he proposes to take, and the timescale for taking those steps, in order to resolve the problem.
- i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (h) above, or generally.)

There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

### **E. Change of Details or Circumstances**

27. The licence holder must inform the council within 21 days of any material change in circumstances including:
  - a) Change of their address

- b) Change of manager, management arrangements or ownership
- c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law.
- d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

### **F. Licence Holder Training**

28. Where the licence holder has not attended relevant training in the previous 3 years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing within 12 months of the date the licence is issued. This requirement can be satisfied in one of the following ways:

- a) By attending training course or undertaking online training arranged and delivered by our accreditation partner DASH Services and submitting a certificate to the Council following this training. Visit [www.dashservices.org.uk](http://www.dashservices.org.uk) or call 01332 641111 to arrange this.
- b) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.
- c) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties as provided by East Midlands Property Owners Ltd (EMPO) or other recognised landlord training subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

### **G. Interpretation**

- 29. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by email (preferred method), post or delivering by hand, declaration to the Council's offices for the attention of the Public Protection Service.
- 30. Any reference to tenant or tenancy can also be interpreted to include occupancy by licence or other form of written agreement for the purposes of these conditions.

**Advisory Notes**

Where electrical works/certificates are required they shall be carried out by a competent person. For example a suitably qualified electrical contractor who is registered/a member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at [www.competentperson.co.uk](http://www.competentperson.co.uk)

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## **Report to Cabinet**

**Subject:** Forward Plan

**Date:** 8 October 2020

**Author:** Service Manager, Democratic Services

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### **Wards Affected**

Borough-wide.

### **Purpose**

To present the Executive's draft Forward Plan for the next four month period.

### **Key Decision**

This is not a Key Decision.

### **Background**

- 1 The Council is required by law to give to give notice of key decisions that are scheduled to be taken by the Executive.

A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more wards in the Borough.

In the interests of effective coordination and public transparency, the plan includes any item that is likely to require an Executive decision of the Council, Cabinet or Cabinet Member (whether a key decision or not). The Forward Plan covers the following 4 months and must be updated on a rolling monthly basis. All items have been discussed and approved by the Senior Leadership Team.

### **Proposal**

- 2 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains Executive business due for decision. The Plan is therefore presented at this meeting to give Cabinet the opportunity to discuss, amend or delete any item that is listed.

### **Alternative Options**

- 3.1 Cabinet could decide not agree with any of the items are suggested for inclusion in the plan. This would then be referred back to the Senior Leadership Team.
- 3.2 Cabinet could decide to move the date for consideration of any item.

### **Financial Implications**

- 4 There are no financial implications directly arising from this report.

### **Appendices**

- 5 Appendix 1 – Forward Plan

### **Background Papers**

- 6 None identified.

### **Recommendation(s)**

It is recommended THAT Cabinet note the contents of the draft Forward Plan making comments where appropriate.

### **Reasons for Recommendations**

- 7 To promote the items that are due for decision by Gedling Borough Council's Executive over the following four month period.

# Gedling Borough Council

## FORWARD PLAN

### FOR THE FOUR MONTH PERIOD 1 OCTOBER 2020 TO 31 JANUARY 2021

This Forward Plan sets out the details of the key and non-key decisions which the Executive Cabinet, individual Executive Members or Officers expect to take during the next four month period.

The current members of the Executive Cabinet are:

Councillor John Clarke – Leader of the Council

Councillor Michael Payne – Deputy Leader and Portfolio Holder for Resources and Reputation

Councillor Peter Barnes – Portfolio Holder for Environment

Councillor David Ellis – Portfolio Holder for Public Protection

Councillor Gary Gregory – Portfolio Holder for Community Development

Councillor Jenny Hollingsworth – Portfolio Holder for Growth and Regeneration

Councillor Viv McCrossen – Portfolio Holder for Young People and Equalities

Councillor Henry Wheeler – Portfolio Holder for Health and Wellbeing.

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each key decision, within the time period indicated.

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Open / Exempt (and reason if the decision is to be taken in private) <b>Is this a Key Decision?</b>
<b>Public Space Protection Order on Dog Fouling</b> To implement the creation of a new order following public consultation authorised by Cabinet..	<b>Before 20 Oct 2020</b> <b>Director of Health and Community Wellbeing</b>	David Wakelin, Director of Health and Community Wellbeing	Officer Report	Portfolio Holder for Public Protection	Open  Yes
<b>Equalities Update</b> To seek approval for a revised Equalities Policy and improvement action plan	<b>12 Nov 2020 Cabinet</b>	Rosie Caddy, Service Manager Customer Services and Communications	Officer Report	Portfolio Holder for Young People and Equalities	Open  Yes
<b>Budget Monitoring (Q2) and Virement Report</b> To update members on financial performance information for the 2nd quarter of the 2020/21 year	<b>12 Nov 2020 Cabinet</b>	Tina Adams, Principal Finance Business Partner	Officer Report	Portfolio Holder for Resources and Reputation	Open  Yes
<b>Gedling Plan Quarter 2 Performance report</b> To inform Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2020/2021 Gedling Plan for the most recent quarter.	<b>12 Nov 2020 Cabinet</b>	Helen Barrington, Director of Organisational Development and Democratic Services	Officer Report	Leader of the Council	Open  Yes
<b>Station Road and Burton Road Regeneration Sites</b> Approval is being sought to progress with the next steps for the Station Road and Burton Road regeneration sites	<b>12 Nov 2020 Cabinet</b>	Joelle Davies, Service Manager Economic Growth and Regeneration	Officer Report	Portfolio Holder for Growth and Regeneration	Open  Yes
<b>Housing Allocation Policy</b> Approval to agree the final changes to the Housing Allocation Policy, following public consultation.	<b>12 Nov 2020 Cabinet</b>	Joelle Davies, Service Manager Economic Growth and Regeneration	Officer Report	Portfolio Holder for Housing, Health and Wellbeing	Open  Yes

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Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Public / Exempt (and reason if the decision is to be taken in private)  Is this a key decision?
<b>Development of Calverton Business Units</b> Agreement to pursue development of additional Calverton Business Units and required permissions	<b>10 Dec 2020 Cabinet</b>	Jeffery Kenyon, Economic Growth Manager	Officer Report	Portfolio Holder for Growth and Regeneration	Part exempt This report will contain financial information relating to the cost and operation of the new units as well as the sources of funding that will be used.  Yes
<b>Budget Monitoring (Q3) and Virement Report</b> To update members on financial performance information for the 3rd Quarter of the 2020/21 year.	<b>28 Jan 2021 Cabinet</b>	Tina Adams, Principal Finance Business Partner	Officer Report	Portfolio Holder for Resources and Reputation	Open  Yes
<b>Gedling Plan Quarter 3 Performance Report</b> To inform Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2020/2021 Gedling Plan for the most recent quarter	<b>28 Jan 2021 Cabinet</b>	Helen Barrington, Director of Organisational Development and Democratic Services	Officer Report	Leader of the Council	Open  Yes

