



Agenda

Environment and Housing Management Committee

Wednesday, 9 December 2015 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum-3)

Cllrs Hossack (Chair), Poppy (Vice-Chair), Mrs Coe, Mrs Davies, Mrs Henwood, Mrs Hubbard, Ms Rowlands, Sleep and Mrs Squirrel

| Agenda Item | Item | Wards(s) Affected | Page No |
|-------------|--|-------------------|---------|
| 1. | Apologies for Absence | | |
| 2. | Minutes of the Previous Meeting | | 5 - 16 |
| 3. | Verbal update - Streetcare | All Wards | |
| 4. | Pilot Scheme for Refuse/Recycle bins in West Horndon | All Wards | 17 - 20 |
| 5. | Fee and Charges - Streetscene | All Wards | 21 - 24 |
| 6. | Verbal Update - Housing, Presentation & Update on Garage Sites | All Wards | |
| 7. | Rent Setting 2016/2017 | All Wards | 25 - 32 |

| | | | |
|-----|--|----------------|-----------|
| 8. | Rent Policy (Affordable Homes) | All Wards | 33 - 50 |
| 9. | Fees and charges - Housing | All Wards | 51 - 56 |
| 10. | Stock Condition Survey | All Wards | 57 - 64 |
| 11. | Renewal of Communal Gas Central Heating, Hot and Boosted Cold Water Systems to Drake House | Brentwood West | 65 - 70 |
| 12. | Fees and Charges - Private Sector | All Wards | 71 - 76 |
| 13. | Private Sector Housing Renewal Policy Update | All Wards | 77 - 108 |
| 14. | Civil Penalty Scheme for non-compliance with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 | All Wards | 109 - 114 |
| 15. | Papworth Home Improvement Agency - Contract Renewal | All Wards | 115 - 124 |
| 16. | Urgent Business | | |



Head of Paid Service

Town Hall
Brentwood, Essex
01.12.2015

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk.

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

modern.gov app

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.



Minutes

Environment and Housing Management Committee Wednesday, 23rd September, 2015

Attendance

Cllr Hossack (Chair)
Cllr Poppy (Vice-Chair)
Cllr Mrs Coe

Cllr Mrs Hubbard
Cllr Mrs Squirrell
Cllr Ms Rowlands

Apologies

Cllr Davies
Cllr Henwood
Cllr Sleep

Substitute Present

Cllr Cloke
Cllr Mynott
Cllr Sanders

Also Present

Cllr Barrett
Cllr Parker

Officers Present

| | |
|---------------|---|
| Helen Gregory | Interim Head of Housing |
| Claire Hayden | Governance and Member Support officer |
| Karen O'Shea | Governance and Member Support Officer |
| Roy Ormsby | Head of Street Scene and Environment |
| Chris Potter | Monitoring Officer and Head of Support Services |

167. Apologies for Absence

Apologies for absences were received by:

Cllr Davies - Cllr Mynott substituted
Cllr Henwood - Cllr Sanders substituted
Cllr Sleep - Cllr Cloke substituted

168. Minutes of the Previous Meeting

The minutes of the Environment and Housing Management Committee held on 17 June 2015 were approved and signed as a correct record by Chair.

Verbal update from the Chair

Fly Tipping

The Chair advised the Committee that there had been a scourge on fly tipping and abuse to staff at recycling centres. A test camera was to be put in place that meets the current Data Protection standards to identify fly tippers to potentially prosecute or fine them.

A reminder was given to members that it is Essex Wide Action week.

Warley Rubbish Collections: 24 September 2015 @ 11.00 a.m. – 1.00 p.m.

Brentwood High Street: 25 September 2015 @ 11.00 a.m. – 1.00 p.m.

Ingatstone Station: 26 September 2015 @ 10.00 a.m. (Peddlers Environmental Action Day)

Havering Grove: 27 September 2015 (Members were welcomed to be involved)

169. Response to the Essex County Council and Southend-on-Sea Borough Council replace Waste Local Plan - Revised referred approach June 2015 consultation

The Essex and Southend Replacement Waste Local Plan Revised Preferred Approach was recently available for public consultation until 30 July 2015.

The document set out the preferred approach on a strategy for waste development until 2032. It proposed to safeguard existing waste capacity, allocate sites suitable for waste facilities and a range of policies to manage waste development.

A number of 'Strategic Sites' had been identified to meet waste capacity needs in Essex and Southend. None had been identified in Brentwood Borough. The consultation document identified two 'Areas of Search' and three 'Safeguarded Sites' within the Borough. Each of these sites had also been suggested for development in the emerging Brentwood Local Development Plan. It was not considered that identification of these sites will cause conflict with the development plan, subject to further discussion with Essex County Council regarding appropriate land uses.

The Council's response to the Waste Local Plan Revised Preferred Approach was approved at the meeting of Planning & Licensing Committee on 21 July 2015. The committee also agreed that the response be recommended for endorsement by the Environment & Housing Management Committee in light of waste management strategy.

Cllr Hossack **MOVED** and **SECONDED** by Cllr Poppy to endorse the response as set out in the report.

RESOLVED UNANIMOUSLY:

1. To endorse the response to the Essex and Southend Replacement Waste Local Plan revised Preferred Approach consultation as set out in Appendix A of the report.

REASONS FOR DECISION

It was not considered necessary to object to the Essex and Southend Replacement Waste Local Plan Revised Preferred Approach consultation, on the basis of identifying two Areas of Search and safeguarding three existing aggregate recycling facilities within the Borough.

Principally the preferred approach was to meet waste capacity requirements through strategic allocations. The Areas of Search was an option should none of the strategic allocations be deemed suitable and for non-strategic sites. Any applications would still be subject to assessment against policies in the Waste Local Plan and Brentwood Local Plan.

The Council supports the main aim of the plan to achieve better and more sustainable ways of dealing with waste, further reduce dependence on landfill and achieve net self-sufficiency for all waste streams.

This response was approved at the meeting of Planning & Licensing Committee on 21 July 2015.

The committee also agreed that the response was recommended for endorsement by the Environment & Housing Management Committee in light of waste management strategy. Although the Waste Local Plan had no direct implications for local waste collection, it was considered necessary to endorse the Council's consultation response in order to be aware of the proposed waste strategy.

170. Waste Strategy Group Feedback and Recommendations

At the Environment & Housing Committee on 17 June 2015, through a verbal update, it was agreed that the Waste Strategy Group (WSG), established through the previous administration, was to be continued.

Since that Committee meeting there had been two meetings of the WSG, which is a cross-party group discussing options to deliver a more effective and efficient waste service for our residents in the future.

A wide range of issues had been discussed, and although there is further work to do, it was felt that a number of opportunities had arisen that could

potentially reduce cost, and where a pilot scheme could provide feedback to improve the service.

The aim of the Pilot scheme would also allow consideration to be given to poor access areas and practicality for the elderly or disabled persons.

The emphasis was made to encourage the public to recycle more and landfill less. This was also recognised as an opportunity to improve the Streetscene.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Poppy to combine 2.1 and 2.2 of the recommendations in the report and to keep 2.3, 2.4 and 2.5 as suggested.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**:

1. That Members debate the opportunity to have a pilot scheme in an area of the Borough, to test the impact of the introduction of wheel bins.

That Members agree to fund a pilot scheme through the DCLG funding, at a cost of £5,000.

2. That Members agree to the reduction of bags per roll on orange sacks, giving a saving of £36,000.
3. That Members debate the reduction of green waste sacks, and a reduction in the cost of the brown bin service.
4. That Members agree to the development of an over-arching educational waste reduction campaign to encourage better recycling, and promote composting.

REASON FOR DECISION

To ensure the council provide value for money services.

171. Termination of Automatic Public Convenience Contract

In April 1989 a contract for three Automatic Public Conveniences (APC's), to be placed in Rayleigh Road, Hutton Road (Shenfield Station) and Victoria Road, was agreed with JCDecaux.

The APC in Rayleigh Road was removed, and the contract terminated, in April 2004, which was due to low usage, and the high cost of the contract.

The two remaining toilets cost the Council £30,000 per annum, and there was an opportunity to terminate the contract from April 2016. Notice was given on the contract, as this required a 12 month termination period.

The two current toilets had been retained in the past to assist commuters, however, both stations now have adequate toilet facilities, and usage had dropped to an average of 64 per week in Shenfield and 24 per week in Brentwood. These figures were based on usage between October 2014 and July 2015.

A motion was **MOVED** by Cllr Hossack for 2.1 of the recommendation and Cllr Poppy **SECONDED**

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**:

1. That Members agree to terminate the contracts, from April 2016, on the two remaining APC's with a saving of £30,000.

Cllr Cloke left the Chamber and was not able to vote for this item

REASON FOR DECISION

There was limited use of the facilities, and alternative toilets were now available at both Shenfield and Brentwood Stations.

172. Road Closure Policy

Under section 21 the Town Police Clauses Act 1847, the Council are requested from time to time to issue an order for a temporary road closure.

The report sought agreement from Members to the implementation of a Road Closure Policy ('the Policy'), which would ensure applicants were aware of their responsibilities when organising and implementing any closure and that all relevant safety precautions were considered and properly addressed.

Traditionally Road closures had been carried out by Essex County Council and a Policy was the needed by Brentwood Council to benefit the community. There were no resources within Brentwood Council for this to take place therefore, fees had been put in place to recover some of the costs.

Brentwood Council fees have been set with a maximum fee of £680. This fee was cheaper than the fee set at County, as under a separate legislation they had to advertise and Brentwood has no need to advertise.

A motion was **MOVED** by Cllr Cloke and was **SECONDED** by Cllr Rowlands

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**:

1. That the Road Closure Policy including the charging structure as attached at Appendix A be approved.

2. That delegated authority is granted to the Head of Health Safety and Localism and to any officers authorised by him, to issue Road Closure Orders in accordance with the approved Policy.
3. That delegated authority is granted to head of Health Safety and Localism in consultation with the Chair of the relevant Committee to make minor amendments to the policy, if required in the interests of public safety.

REASON FOR DECISION

It was essential that event organisers when closing roads do so in a safe, secure and legitimate manner, ensuring the safety of public when attending the event as well as those circumventing the event whether on foot or on road.

A consistent and transparent policy was required to ensure that the process was fully understood, that applicants and event organisers would know their roles and responsibilities and that the process involved was organised so as to ensure public safety.

As Essex County Council no longer administer this role, this Council needed to step in to enable the community to benefit from events that may involve a road closure and to ensure that applicants undertake such closures in a safe manner.

173. Performance Report

This report was the regular performance report to update Members on performance.

The report recorded Q1 (April, May, June 2015) performance information.

The rent collection KPI's had continued to achieve top quartile performance. Unfortunately our average re-let time KPI was disappointing for Q1. Steps for improvement were now in place as outlined in 4.1 of the report.

An update will be provided to the next committee with the KPI progress and consideration was to be given to text messaging as a change in process.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Poppy

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. That the performance achieved in Quarter 1 for 2015/16 be noted.

REASON FOR DECISION

To keep members informed of the key performance levels within the Housing service to enable Members to monitor our performance.

174. Update on Garage site re-development

The report set out a business case for the Garage Site Redevelopment Proposals for Fawters Close, Magdalen Gardens and Fielding Way. The business case explored 3 options:

- Option 1 - the Council secured planning approval and disposed of a freehold or long leasehold interest in the garage sites on the open market for affordable housing development.
- Option 2 - the Council directly procured a contractor to build affordable housing on the garage sites, which would have remained in Council ownership.
- Option 3 - the Council procured a framework of preferred Registered Provider (RP) developer partners were to acquire and redevelop the freehold or long leasehold interest in the garage site for affordable housing, with Fawters Close retained in Council ownership and managed by the Council.

Options 3 was the preferred option because it would bring:

- expertise in the delivery of the social housing;
- value for money in construction costs;
- high quality new build affordable housing;
- The capacity to invest the Right to Buy Capital Receipts;
- the opportunity for the Council to retain some of the development in Council ownership.
- The potential for a rolling programme of redevelopments on garage and other sites.
- The potential to dispose of the long-term leasehold interest in the sites and generate an annual income from the ground rents.

The report set out a timescale for the procurement of the Framework via the Official Journal of the European Union (OJEU) tender process.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Poppy

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. To undertake a soft market testing exercise to establish RP interest in bidding to become framework development partners to redevelop Council garage sites.
2. Subject to market interest, to procure RP framework partner/s to:
 - Acquire and redevelop Magdalen Gardens for general needs affordable housing for rent.
 - Redevelop Fawters Close for older peoples affordable housing for rent, to be retained in Council ownership.
 - Acquire and redevelop Fielding Way for general needs affordable housing for rent subject to a further design review.
 - To approve the option to substitute Fielding Way with an alternative Council garage site, subject to the outcome of a detailed design review.

REASON FOR DECISION

Assessing all the options, option 3 is recommended as the most advantageous option for the Council. This option would provide:

- expertise in the delivery of the social housing;
- value for money in construction costs;
- high quality new build affordable housing;
- the capacity to spend the Right to Buy Capital Receipts;
- the opportunity for the Council to retain some of the development in Council ownership;
- The potential for a rolling programme of garage site redevelopment.
- The potential to dispose of the long-term leasehold interest in the sites and generate an annual income form the ground rents.

175. Affordable Homes (Housing Needs)

A vote was taken on Standing Orders and it was **UNANIMOUSLY AGREED** to extend the meeting for half an hour.

Following approval of item 8 of the Committee Report of the 17th June 2015 members approved delegated authority to spend capital receipts.

To ensure that expenditure had been made by the relevant dates, as was outlined in Table 3 of the preceding committee report; two 3-bedroom properties had been purchased on the open market.

Funding for the purchases had been enabled directly through expenditure of HRA capital receipts.

The rent on each property was due to be set at an 'Affordable Rent' threshold (75% of local market rent).

Tenants that already hold a secure tenancy will retain their Right to Buy on a transfer tenancy.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Cloke

A vote was taken by a show of hands and is was **RESOLVED UNANIMOUSLY:**

1. That the Committee formally approve and recommend to the Policy, Finance and Resource Committee the rent setting of current purchases at an Affordable Rent as per paragraph 3.4 below.

176. Results of Gold service homeless peer review

The report provided an update on the DCLG Gold Standard challenge, as reported previously at Housing Committee on the 7th January 2015.

The completion of this challenge was considered to be a key element for improving the homelessness/housing options team as part of the housing modernisation programme. The recommendations from the review were to used to help improve the service.

In June 2015, the Housing Needs team participated in a housing sector led Diagnostic Peer Review ('DPR') know as the Homeless Gold Standard Challenge which was designed to help local authorities deliver more efficient and cost effective homelessness prevention services.

The challenge followed a 10 step continuous improvement approach that started with a pledge for local authorities aspiring to 'strive for continuous improvement in front line housing services' and culminates in an application for the Gold Standard Challenge

Brentwood Council had successfully obtained 66% which exceeded the baseline pass rate of 60%. As such qualified to be invited to participate in the first of ten challenges towards achieving DCLG Gold Standard.

By participating in this challenge, we had access to a number of free resources available which included: 'Value for Money' Cost efficiency

assessment tool, Comprehensive Benchmarking toolkit, Statistical compiler, access to verified Good Practice examples and other related toolkits, Diagnostic Peer Review Toolkit, Free one year Shelter Legal membership, free legal training, Bespoke Gold Standard training.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Poppy

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. That the contents of the report be noted and the participation in the Gold Standard Challenge be approved.

REASON FOR DECISION

Improving service delivery will meet the Council's commitment to service improvements and will also enhance the efficiency of the service.

177. Re-Charge Policy

The policy provided the Council with the tools to be able to re-charge the residents who do not comply with the terms and conditions of the tenancy agreement or lease agreement and therefore help to keep rents and service charges low.

The Recharge Policy had been written as a result of the modernisation programme and allows for a more cost efficient service.

The Brentwood Borough Council (BBC) Tenancy Agreement states that the tenant, those living with the tenant and their visitors must take reasonable care to prevent damage to the property, decoration, fixtures and fittings, BBC supplied furniture (if applicable), communal areas and neighbouring properties.

There are a small number of residents who do not value their homes or take responsibility for ensuring they comply with the terms and conditions of their tenancy or lease relating to property standards.

Housing Officers and Contractors are working alongside repairs to identify, impose and chase recharge payments.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr Squirrel

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. To approve the new Recharge Policy

REASON FOR DECISION

To note the work of Estates Management and the Repairs teams and their commitment to reducing costs to help keep rents and service charges low for residents.

To approve a new Recharge Policy in line with best practice and to assist in our Modernisation Programme and efforts to help keep rents and service charges low.

178. Exclusion of the Public

The committee wished to consider the following information as an item of business.

179. Choice Based Letting System (PART 2)

This item was not for publication and was exempt under paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, namely information relating to the financial or business affairs of a particular person.

A motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Rowlands

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

1. To agree 2.1 and 2.2 in the recommendations of the report for the Choice Based Lettings System.

180. Urgent Business

There was no Urgent business

The meeting concluded at 22:00hrs

This page is intentionally left blank

9 December 2015

Environment & Housing Management Committee

Pilot Scheme for Refuse/Recycle Bins in West Horndon

Report of: Roy Ormsby – Head of Street Scene

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 At the Environment & Housing Committee on 23 September 2015 it was agreed to implement a pilot scheme for the introduction of bins at a cost of £5,000.
- 1.2 Since that Committee meeting there has been positive discussions with West Horndon Parish Council, who have agreed to pilot the scheme. However, it was agreed with them that the scheme should be extended to include the whole of the village.
- 1.3 As the scheme will now include 650 homes, and they will be issued with two bins, a 240ltr bin for dry recycling waste, and 180ltr bin for residual waste. This will increase the cost of implementation from the initial £5,000 to approximately £20,000.

2. Recommendation(s)

- 2.1 That Members agree to the trial of bins to 650 homes in West Horndon at a cost of £20,000, which will be funded from the capital programme.**

3. Introduction and Background

- 3.1 The pilot bin scheme will be introduced in West Horndon, and will cover approximately 650 homes. It is hoped that the pilot will be introduced in February 2016, but this will depend on the delivery of the bins.
- 3.2 The scheme will be monitored throughout the pilot, and detailed information will be brought back to the committee after six months. The monitoring will include; cleanliness of the streets, recycling and customer satisfaction.
- 3.3 The increase in cost is due to the extension of the scheme, which was agreed with the Parish Council, but this does now cover a full collection round for the crews, and will provide further data on any increases in times of collection.

4. Issue, Options and Analysis of Options

- 4.1 The report requests further funding to extend the pilot, which will improve the quality of data from the scheme.

5. Reasons for Recommendation

- 5.1 To ensure that the pilot is delivered to a larger number of households, and provide better data for Members to make an informed decision on any further schemes.

6. Consultation

- 6.1 Discussions have taken place with West Horndon Parish Council, and all households will be consulted throughout the pilot.

7. References to Corporate Plan

- 7.1 To ensure the Council provide value for money services.

8. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager
Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

- 8.1 The purchase of the refuse bins will be funded from the capital programme. All other costs will be absorbed within the current revenue budget for Street Services.

Legal Implications

Name & Title: Saleem Chughtai, Legal Services Manager
Tel & Email: 07966 891705 / Saleem.chughtai@bdtlegal.org.uk

- 8.2 Councils have a statutory duty to collect household waste . The Council may impose other rules, provided they are not unreasonable and adequate notice is given. Pilot schemes to trial alternative service delivery methods is deemed to be good practice.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None

10. Appendices to this report

None

Report Author Contact Details:

Name: Roy Ormsby, Head of Street Scene
Telephone: 01277 312554
E-mail: roy.ormsby@brentwood.gov.uk

This page is intentionally left blank

9 December 2015

Environment & Housing Management Committee

Fees and Charges - Streetscene

Report of: Roy Ormsby, Head of Street Scene

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Fees and charges made by the Council for various services are reviewed on an annual basis by the relevant Committees relating to the services provided.
- 1.2 Recommended amendments to the fees and charges are incorporated into the budget setting process to take effect from the following financial year.

2. Recommendation

- 2.1 **Members consider an increase of 2.5% for cemetery services.**

3. Introduction and Background

- 3.1 The Council has a number of fees and charges relating to the services it provides. As part of the budget setting process, these charges are reviewed on an annual basis. Whilst some of the fees and charges are statutory, and therefore determined through legislation, the Council must also review its charges for discretionary services to ensure they reflect the current costs of service provision.
- 3.2 The individual charges that are being proposed are set out in Appendix A to this report.

4. Issue, Options and Analysis of Options

- 4.1 A majority of charges have been frozen for a number of years, it is therefore proposed to implement a small increase of 2.5%.

5. Reasons for Recommendation

- 5.1 Recommendation is to increase all charges by 2.5%, which will make a small contribution to the subsidised services provided by the Council.

6. Consultation

6.1 Not applicable

7. References to Corporate Plan

7.1 A Modern Council – providing increased customer satisfaction in the quality of Council services

7.2 Costs of services provided based on efficient systems providing value for money to customers.

8. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

8.1 The annual income is budgeted for at £100,000. An increase to the fees of 2.5% will generate additional income of £2,500.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

8.2 Publishing the Council's fees and charges as well as providing transparency satisfies legal process.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 Costs are applied inclusively to all sectors of the community

9 Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

10 Appendices to this report

Appendix A - Schedule of Fees and Charges

Report Author Contact Details:

Name: Roy Ormsby, Head of Street Scene

Telephone: 01277 312554

E-mail: roy.ormsby@brentwood.gov.uk

| P o t Y N | Description of charge | Includes (I) or Exempt from (E) VAT | Statutory fee (S) of Discretionary | Actual Charge as at 1 April 2015 | Actual Increase 2016 | Proposed Charge from April 2016 | Increase % | Last year Income | Increase | 2016 Income |
|-----------------------|---|-------------------------------------|------------------------------------|----------------------------------|----------------------|---------------------------------|------------|------------------|----------|-------------|
| | | | | | | | | | | |
| Y | Cemeteries | | | | | | | | | |
| Y | Purchase of Exclusive Rights of Burial for 100 years | | | | | | | | | |
| Y | All Graves and vaults | E | D | 741.00 | 18.53 | 759.60 | 2.5 | | | |
| Y | Cremated Remains Plot | E | D | 306 | 7.65 | 313.70 | 2.5 | | | |
| Y | Non-Brentwood Resident is ten times the above charges | | | | | | | | | |
| Y | Interment Fees | | | | | | | | | |
| Y | Graves dug down for one or two | E | D | 538.00 | 13.45 | 551.50 | 2.5 | | | |
| Y | Additional charge for dig down to 9ft | E | D | 133.00 | 3.33 | 136.40 | 2.5 | | | |
| Y | Cremated Remains Plot | E | D | 108.00 | 2.70 | 110.70 | 2.5 | | | |
| Y | Child under 12 years | E | D | half above | | | | | | |
| Y | Child under 1 year | E | D | 0.00 | | 0.00 | 2.5 | | | |
| Y | Non-Brentwood Resident is two times the above charges | | | | | | | | | |
| Y | Option to Extend Exclusive Rights of Burial for a further 50 years | | | | | | | | | |
| Y | All Graves and vaults | E | D | 182.00 | 4.55 | 186.60 | 2.5 | | | |
| Y | Cremated Remains Plot | E | D | 91.00 | 2.28 | 93.30 | 2.5 | | | |
| Y | Non-Brentwood Resident is ten times the above charges | | | | | | | | | |
| Y | Chapel hire at London Road and Woodman Road | | | | | | | | | |
| Y | | E | D | 50.00 | 1.25 | 51.30 | 2.5 | | | |
| Y | NOTE : A Brentwood resident is anyone currently living in the Borough or someone who spent 75% of their life in the Borough, | | | | | | | | | |
| Y | Monuments | | | | | | | | | |
| Y | Monument/Inscription approval fee | E | D | 123.00 | 3.08 | 126.10 | 2.5 | | | |
| Y | Additional charge for kerbed monuments | E | D | 62 | 1.55 | 63.60 | 2.5 | | | |
| Y | Other Charges | | | | | | | | | |
| Y | Transfer of Grant | E | D | 53.00 | 1.33 | 54.40 | 2.5 | | | |
| Y | Search of Burial Records | E | D | No Charge | | | 2.5 | | | |
| Y | Grave Garden Space Maintenance | | | | | | | | | |
| Y | Maintain grave flower bed | E | D | 133.00 | 3.33 | 136.40 | 2.5 | | | |
| Y | + 1 planting | E | D | 171.00 | 4.76 | 175.30 | 2.5 | | | |
| Y | + 2 plantings | E | D | 210.00 | 5.25 | 215.30 | 2.5 | | | |
| Y | | | | | | | | 101,958.00 | | 2,549.0 |

This page is intentionally left blank

9 December 2015

Environment and Housing Management Committee

Rent Setting 2016/17

Report of: *Helen Gregory, Head of Housing Services*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report seeks the approval of the Environment and Housing Management Committee on the proposed new rent levels for 2016/17.
- 1.2 The recommendations will be considered by the Policy, Finance and Resources Committee on the 16 February 2016 when the final recommendation will be made as part of the budget process; the final decision will be made by Ordinary Council on the 2nd March 2016.
- 1.3 The method of setting rents has changed in the Government's summer budget 2015, as part of the new Welfare Reform and Work Bill 2015/16 it was announced that rents in the social housing sector will be reduced by 1% a year for the next four years.
- 1.4 The total rent reduction to the Housing Revenue Account (HRA) over the four year period will be £2,380,927.00. This is a significant reduction to income and will require the Council to make savings to HRA.
- 1.5 The Housing service at the same time as the proposed rent reduction is taking place, is undergoing a transformation programme, As part of this transformation programme we have identified the need to improve the method of identifying and prioritising planned maintenance capital works to our properties. To enable us to do this we need to undertake a full stock condition survey (see agenda item 10).

2. Recommendation(s)

- 2.1 Members agree to decrease Rent by 1% from April 2016 and for the next 4 years.**
- 2.2 Members agree to stop non priority planned maintenance and capital programme works for 2016/17. This will reduce the Capital programme by £1 million in the first year (1 of 4 years) and enable the additional £1 million (rent reduction) to be spread over the following 3 years.**
- 2.3 Members agree to freeze the proposed Services Charges at 2015/16 levels as outlined within the report (4.8) which will then be incorporated within the 2016/17 Budget.**
- 2.4 Members agree to applying the formula rent all new tenancies from April 2016/17.**
- 2.5 To monitor the new Pay to Stay policy and the charging affordable rents to households with more than £30,000 annual income from April 2017.**

3. Introduction and Background

- 3.1 From April 2015, the guidance on rent increases has changed and recommended the use of CPI plus 1% for all properties; based on September CPI based on this guidance, the rent increase for 2016/17 would have been -0.1% plus 1% (0.9%). However, the summer budget overrides this change and the rents are to decrease by 1%**
- 3.2 For background the recent average rent increases have been:**
 - 2013/14 3.99%
 - 2014/15 5.90%
 - 2015/16 2.20%

4. Issue, Options and Analysis of Options

- 4.1 This is a change from the existing rent setting policy of using Consumer Price Index (CPI) plus 1.0%.
- 4.2 Formula rents are replacing target rents; and are calculated using a pre-set formula which incorporates local housing values, local earnings of residents average rents and the number of bedrooms to each property.
- 4.3 Landlords are encouraged to re-let vacant properties at the formula rent. Formula Rent is to be reduced by 1% for the next for years.
- 4.4 The Housing and Planning Bill, published 13th October 2015, is proposing to implement the current discretionary 'pay to stay' policy compulsory. Local authorities and Registered providers will have a new power to require tenants to declare their income (with verification through data sharing with HMRC) and tenants earning more than £30,000 (or £40,000 in London) will be required to pay affordable rent. The new Pay to Stay is currently in the House of Lords hearing stage; Officers will provide an update report at next Committee. It is proposed the Pay to Stay policy will be in force April 2017.
- 4.5 The average rent decrease will be 1% - this will mean an average rent decrease of £0.93 per resident. As a comparison if CPI were still being used the average increase would £0.84 per resident.
- 4.6 We have modelled the rent reductions into the HRA Business Plan, early indications show that the HRA will make a deficit of £188,000 for 2016/17. Below is the impact on the HRA Business Plan.

| | 2015.16 | 2016.17 | 2017.18 | 2018.19 | 2019.2 | 2020/25 | 2025/30 | 2030/35 | 2035/40 | 2040/45 | Total |
|---|---------|---------|---------|---------|---------|----------|----------|----------|----------|----------|-----------|
| | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | |
| (Surplus)/Deficit for HRA Services - CPI | (33) | (27) | (213) | (979) | (1,352) | (10,778) | (21,265) | (36,979) | (56,498) | (79,604) | (207,728) |
| (Surplus)/Deficit for HRA Services - 1% Reduction | (33) | 188 | 612 | 471 | 679 | 521 | (7,808) | (20,950) | (37,406) | (56,863) | (120,589) |
| Difference | 0 | 215 | 825 | 1,450 | 2,031 | 11,298 | 13,457 | 16,029 | 19,092 | 22,741 | 87,139 |

- 4.7 Historically, the Council has increased fees and charges in line with inflation (currently projected at 2% per annum). This is to reflect that the costs of running the service will rise by approx 2%.

4.8 However, we do not consider it reasonable to increase service charges until we are in receipt of the results of the proposed stock condition survey. Therefore the recommendation for 2016/17 is to freeze service charges. This will enable accurate charging to commence from 2017/18.

4.9 The table below shows the annual income to the HRA based on the proposed increased before the Summer Budget Announcement and the Government guidance of 2.2%.

| | | |
|------------------------|--------------|--------------|
| | CPI (0.9%) | 1% reduction |
| Annual Income | (12,119,660) | (11,905,480) |
| Difference (Gain)/Loss | 0 | 214,180 |

4.10 Taking account the above annual income, the proposed (Surplus)/Deficit for the HRA's MTFP are:

| | |
|--------------|----------|
| | 16/17 |
| CPI (0.9%) | (27,000) |
| 1% reduction | 188,000 |

4.11 The rent reduction has resulted in the HRA making a deficit in 16/17 and onwards. Officers will be reviewing the planned maintenance and Capital works programmes provisionally planned for 2016/17. It is proposed that only priority works are completed.

4.12 There will be difficult decisions to make and implications for both our Contractors and Residents. It is expected to make savings in 2016/17 in the first year; of approximately £1.m which will be transferred back into HRA reserves.

4.13 By only completing priority works over the next 12 months whilst the Stock condition survey is completed; it will allow us to take stock, review and improve our approach to planning and identifying planned maintenance and capital works in the future.

4.14 The stock condition survey will provide independent professional advice on the condition of our Stock, each property will be surveyed. The results of the surveys will enable us to plan to invest in our stock over the 30 year term of the HRA business plan. All the property data will be uploaded in to the Keystone Asset management system. Over the longer term savings will be realised to our planned maintenance/capital works programme (see item 10 - Stock Condition Survey report).

- 4.15 The impact on HRA Balances, means that the HRA reserves become dangerously low and the HRA could become insolvent between 2020 – 2025 if no actions are taken now.

| | 2015.16 | 2016.17 | 2017.18 | 2018.19 | 2019.2 | 2020/25 | 2025/30 | 2030/35 | 2035/40 | 2040/45 | Total |
|------------------------------------|---------|---------|---------|---------|--------|---------|---------|---------|---------|---------|---------|
| | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | |
| Working Balance b/f - CPI | 1,759 | 1,792 | 1,819 | 2,032 | 3,011 | 4,363 | 15,141 | 36,406 | 73,385 | 129,883 | 209,487 |
| Working Balance b/f - 1% Reduction | 1,759 | 1,792 | 1,604 | 992 | 521 | (158) | (679) | 7,129 | 28,079 | 65,485 | 122,348 |
| Difference | 0 | 0 | 215 | 1,040 | 2,490 | 4,522 | 15,820 | 29,277 | 45,306 | 64,398 | 87,139 |

5. Reasons for Recommendation

- 5.1 The recommendation will be to follow the guideline 1% decrease for the next four years as this is what has been set by government.
- 5.2 To carry out a stock condition survey in 2016 to identify a maintainable program on the HRA Assets, reducing the spend on repairs & maintenance, planned maintenance .
- 5.3 To suggest that for 2016/17 only priority repairs are carried out, while the service is reviewed. This should ensure the HRA budget for 2016/17 is balanced.
- 5.4 The following assumptions have been taken into account when considering the Rent Setting for 2016/17:
- The financial viability of the HRA business plan
 - Delivering a repairs capital programme of £2m for 2016/17
 - Budget provision for repayment of HRA self financing loans
 - Development fund for new homes £500k
 - No allowance has been made for growth bids
 - Affordability for tenants – we are mindful of the forthcoming roll out of universal credit and changes to Welfare benefits.

6. Consultation

- 6.1 A meeting was held with Tenants Talk back group on the 9th and 23rd November 2015 to discuss the proposed rent setting for 2016/17. In principle Tenants Talkback group agreed to rent reduction of 1% and agreed to only prioritizing priority works in planned maintenance and capital works programme during 2016/17 whilst a Stock condition survey is undertaken.

- 6.2 Tenants talkback have requested a letter is sent to all residents advising them of the changes.
- 6.3 This reduction is timely at a time when Tenants are concerned about affordability issues with the on set of Universal credit in 2016/17.

7. Reference to Corporate Plan

- 7.1 The Council has a legal obligation to produce a balance HRA budget and to set the Housing Rent levels for 2016/17.

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513 chris.leslie@brentwood.gov.uk

- 8.1 The impact of changes to the rent levels are outlined in the report. The government recommendation to decrease rents by 1% for the next 4 years does impact the anticipated surplus's on the HRA Business Plan. The actions arising from this report will ensure that the HRA sets a balanced budget

Legal Implications

Name & Title: Saleem Chughtai, Legal Service Manager

Tel & Email: 07966891705/ [saleem.chughtai@BDT legal.org.uk](mailto:saleem.chughtai@BDTlegal.org.uk)

- 8.2 The Housing and Planning Bill, Chapter 4, provides for Mandatory Rents for High Income Social Tenants. The administrative details will be governed by Regulations (Clause 79 of the Bill) which may require a local housing authority to make a payment to the Secretary of State in respect of any estimated increase in rental income because of the regulations. Then regulations may provide for deductions to be made to reflect administrative costs of local authorities, and for interest in the event of late payment.

At this juncture it is not clear what will count as "income". The last consultation paper defined it as the taxable income of the two highest-income individuals in the household; however, a footnote states that the assumed income includes all income of all people in the household including benefits and tax credits as well as earning.

9. Background Papers

None

10. Appendices to this report

None

Report Author Contact Details:

Name: Helen Gregory, Acting Head of Housing Services

Telephone: 01277 312540

E mail: helen.gregory@brentwood.gov.uk

This page is intentionally left blank

9 December 2015

Environment & Housing Management Committee

Rent Policy (Affordable Homes)

Report of: *Helen Gregory, Interim Head of Housing Services*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Borough Council does not currently have a formal rent policy which outlines both social and affordable rent setting and variation mechanisms.
- 1.2 The attached draft Rents Policy November 2015 outlines a viable rent setting and variation mechanism for both social and affordable rent properties.
- 1.3 To allow for continued capital receipt funded acquisitions and procurement and investment in future home building an economically viable rent setting policy is required.
- 1.4 The rent on each affordable rent property (acquisitions and new-builds) is due to be set according to a graduated mechanism.

2. Recommendation(s)

- 2.1 That the Committee formally approve and recommend to the Policy, Finance and Resource Committee the appended Rent Policy (AH).**

3. Introduction and Background

- 3.1 The Council has stated its commitment in its Housing Strategy to provide more homes that people can afford. There is an identified need for different types of housing provision within the Borough.
- 3.2 The Government standard for 'Affordable Rents' allows for prospective affordable rents to be set at a value of up to 80% of gross local market rent. We have completed desktop research to ascertain how other Local authorities/registered providers have set their affordable rents; they range from 65% to 80% of market rent value. It is proposed that the rent setting mechanism operates at a graduated level for the reasons outlined below.

- 3.3 The additional income generated from charging affordable rents will be invested in the acquisition and/or building of affordable homes.
- 3.4 Social rent will continue to be charged on all existing Council stock currently subject to social rents. The mechanism for variations to social rents will continue to be applied as per Government policy, which currently requires a 1% reduction per annum for the next four years.

4. Issue, Options and Analysis of Options

- 4.1 The advantages of setting the rent at an Affordable Rent are that it enables the Council to maximise revenue for alternate housing provision whilst ensuring that tenants are offered an economically viable alternative to the over-subscribed Housing Register.
- 4.2 To justify the capital cost of acquisitions, to retain future economic viability and to enable potential cross-subsidisation of future projects the adoption of a coherent formal Rent Policy is required.
- 4.3 Government rules on affordable rent setting allows for affordable rents to be set up to 80% of local market rent. If all affordable rents were set at this level then rents would be substantially higher than the Local Housing Allowance ('LHA'), the rate of Housing Benefit set for private renting. The impact of this on households would be such that those on low-incomes would not be able financially to access these properties.
- 4.4 Consequently it is proposed that Affordable Rents will be set at a relevant fixed percentage which relates to the amount of bedrooms within the property. The fixed percentages are graduated at 5% increments to allow for transparency and in line with current LHA rates (within 0.5% or lower than relevant LHA rate).
- 4.5 The full methodology and implementation guidance is as per the appended draft Rents Policy.

5. Reasons for Recommendation

- 5.1 The proposed policy will allow the Council to:
- 5.2 Maximise potential revenue of acquisitions funded through capital receipts, given that 'Right to Buy' acquisitions are an economy of diminishing returns.
- 5.3 Realise an agenda for new build and acquisitions which would otherwise be economically untenable.
- 5.4 Increase affordable housing supply within the Borough.
- 5.5 Broaden the housing range for residents.

- 5.6 Expand housing options for homeless households
- 5.7 Implement the Welfare Reform agenda (which Brentwood Council is committed to, particularly within existing written policy)
- 5.8 Encourage aspirational households to remain in/enter work whilst not being economically prevented from obtaining larger accommodation.
- 5.9 Enable the current provision of social rents to continue as a form of cross-subsidisation within the Housing Revenue Account.
- 5.10 Support families into accommodation which will be affordable where the needs are not met by existing stock.
- 5.11 Structure the Council's approach to housing, in particular as relevant to the Local Development Plan.

6. Consultation

- 6.1 Resident consultation was undertaken on Monday 9th November 2015.

7. References to Corporate Plan

- 7.1 Improving service delivery and enhancing housing options will meet the Council's commitment to service improvements and will also enhance the efficiency of the service.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director (Section151)

Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 An affordable rent will ensure the Council receives an appropriate return on its investment and balances the housing needs of residents.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.1 None.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.2 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

10. Appendices to this report

Appendix A - Draft Rents Policy November 2015.

Report Author Contact Details:

Name: Helen Gregory, Acting Head of Housing Services

Telephone: 01277 312586

E-mail: helen.gregory@brentwood.gov.uk



**BRENTWOOD
BOROUGH COUNCIL**

Rent Policy – November 2015

Index

| | |
|--|-------|
| Introduction | 3 |
| Local Priorities | 4 |
| National & Regional Context | 5 |
| Current Position | 6 |
| Policy for Brentwood Council Rents | 7 |
| Methodology for Setting Affordable Rents | 9 |
| Implementation and Worked Examples | 10 |
| Appendix 1 | 11 |
| Appendix 2 | 11 |
| Glossary | 12-13 |

Introduction

1. The Council has identified in its Housing Strategy ⁽¹⁾ the need for more homes that people can afford. The Brentwood Strategic Housing Market Assessment ⁽²⁾ evidences a need for different types of housing provision within the Borough suitable to residents with varying needs. The Council is committed to offering the greatest choice possible in the provision of housing in the Borough. However, the ability to enable and offer choice has to be carefully balanced against economic challenges to ensure the most effective use of Council resources for current and future generations.
2. The Council recognises the benefit of providing homes at a lower rent to households on low incomes, but will seek to take a more targeted approach that takes into account other key housing policies, including our Allocation Policy ⁽³⁾ and Tenancy Strategy ⁽⁴⁾.
3. The Council's Tenancy Strategy sets out a framework for registered providers of affordable housing (RPs) to follow concerning the management of their existing housing in the Borough and the development of new housing. This draft rents policy outlines the approach that the Council will take in setting rents relevant to its own properties, and those in future which are subject to joint funding and collaborative working and ownership.
4. The Rents Policy will also guide the policies of the emerging Local Plan in the provision of new affordable housing.
5. The Council will keep its Rents Policy under regular review ⁽⁵⁾. Before implementing any major changes to the Policy the Council will ensure all key stakeholders have a reasonable opportunity to comment on the proposals.

(1) Brentwood Borough Council (2013) *Housing Strategy* [Online] Available from: <http://www.brentwood.gov.uk/pdf/21112013120952u.pdf> [Accessed 23/10/2015].

(2) Brentwood Borough Council (2013) *Strategic Housing Market Assessment* [Online] Available from: <http://www.brentwood.gov.uk/pdf/18082014110455u.pdf> [Accessed 23/10/2015].

(3) Brentwood Borough Council (2014) *Allocations Policy* [Online] Available from: http://www.brentwood.gov.uk/pdf/allocations_policy.pdf [Accessed 23/10/2015].

(4) Brentwood Borough Council (2013) *Tenancy Strategy* [Online] Available from: <http://www.brentwood.gov.uk/pdf/21052013113046u.pdf> [Accessed 23/10/2015].

(5) The final Policy will be available for inspection on the Council's website and copies will be available free of charge from the Town Hall during normal working hours.

Local Priorities

6. The Council's wider objectives are set out in the Corporate Plan (1) and state that the Council will:
 - Broaden the range of housing in the borough to meet the needs of our population now and in the future.
 - Manage our housing differently to recognise council housing as a valuable and limited resource for those in greatest need.
 - Ensure council tenants are socially responsible and good neighbours.
 - Actively implement the Welfare Reform agenda which seeks to ensure that people in receipt of benefits are not better off than those in work.
 - Provide effective representation of local people's views and needs for improved and accessible health services.

7. The Council's approach to rent setting reflects these objectives by seeking to provide more affordable homes to enable residents to help themselves, and to prevent homelessness. In addition, this policy seeks to provide a transparent and clear approach to rent setting.

8. The Council's Housing Strategy has identified the following objectives:
 - To assess and plan for current and future housing needs of the local population;
 - To make the best use of existing housing stock;
 - To plan and facilitate new supply;
 - To plan and commission housing support services which link homes to support and other services that people need to live in them; and
 - To have working partnerships that secure effective housing and neighbourhood management.

9. This Rents Policy will contribute to these objectives by increasing the money available to invest in the building and procurement of additional homes, including supported housing for vulnerable people. This policy will also underpin capital receipt funded acquisitions (e.g. purchase of additional homes from 'Right to Buy' receipts).

(1) Brentwood Borough Council (2013) *Corporate Plan 2013-16* [Online] Available from: <http://www.brentwood.gov.uk/pdf/14052013141657u.pdf> [Accessed 23/10/2015]

National and Regional Context

10. The current national rent policy for rented homes distinguishes between rents for new affordable homes and those of existing properties and with different approaches for housing association and council tenants.
11. New homes built by housing associations receive a level of subsidy which means that affordable rents of up to 80% of average private sector rents should be charged to cover the difference between the building costs and the amount of grant received.
12. Formerly for Council homes the Government recommended that rents were increased by CPI + 1% each year, and prior to that there was a national policy of convergence between council and housing association rents. Councils and housing associations were expected to let their homes at formula or target rents determined by the convergence policy as they became empty.
13. Since June 2015 in relation to council homes, the Government has required that social and affordable rents are decreased by 1% per annum until 2019/20. If Council's build or procure new homes using money received from Right to Buy sales, these should be charged at affordable rents up to 80% of market rents as per DCLG *Guidance on Rents for Social Housing* ⁽¹⁾. The immediate value of social rent revenue to the Housing Revenue Account ('HRA') is therefore currently diminishing in real terms without the financial support of affordable rents.
14. The Council has identified that an affordable rent set at 80% of local market rent as per Government guidelines may be economically untenable for many residents, given Brentwood's geographical and economic positioning, as identified within the SHMA. The Council is therefore adopting a graduated mechanism within this Rents Policy as per the methodology outlined below.
15. This draft Rents Policy aims to ensure a more consistent approach is taken to rent setting for households which aligns with our Housing Strategy and recognises the local need within the Borough for differing levels of housing provision. It is also intended to provide for greater financial stability to allow for consistent and effective housing provision both now and in the future.

(1) DCLG (2014) *Guidance on Rents for Social Housing* [Online] Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/313355/14-05-07_Guidance_on_Rents_for_Social_Housing_Final_.pdf [Accessed on 23/10/2015]

Current Position

16. As illustrated in Table 1 below, Council rents are currently significantly below those charged within the private sector.

Table 1: Average Housing Costs by Bedroom Need (weekly rents)

| Beds | | 1 | 2 | 3 | 4 |
|-------------------------|---|----------|----------|----------|----------|
| Council | £ | 81.21 | 92.53 | 110.73 | 135.12 |
| Private Sector (VOA loc | £ | 167.80 | 219.69 | 286.85 | 468.00 |

17. There is a marked disparity between social rents and the private sector average. The Council recognises that some residents are unable to maintain rent payments set by the market and need a wider set of options.

18. There is scope therefore for taking an approach which will raise additional revenue for building and purchasing new homes, which would not otherwise be viable given current demands on the HRA and wider financial retrenchment.

Policy for Brentwood Council Social and Affordable Rents:

19. The Council has developed this policy taking into account national and regional policies described in section 3 above, as well as its own local policies including the Corporate Plan, Housing Strategy, Tenancy Strategy and Allocations Policy. Key principles that underpin the Council's Rents Policy are as follows:
- Any new properties that the Council builds should be subject to affordable rents in line with national and regional rent policy, subject to individually negotiated exemptions (e.g. Sheltered Housing properties/schemes).
 - Tenants housed in newly acquired properties from the effective date onwards will be charged an affordable rent. The Council considers that this approach is fairer as many housing association properties are already let at affordable rents and the Tenancy Strategy already supports this.
 - Tenants in existing Council properties currently charged social rents will continue to be so charged.
 - The mechanism for variations to social rents will continue to be applied as per Government policy and direction. Variations to affordable rents will mirror that utilised for social rents. Any future affordable rent increases will mirror social rent increases or will be in line with the Consumer Price Index (CPI) + 1% whichever is lower.
 - Affordable rents charged by the Council will be set at a percentage of local market rent which does not exceed current Local Housing Allowance levels (within a 0.5% margin).
 - The additional income raised will be invested in the acquisition and/or building of new affordable homes.
20. The above principles will be applied as follows:
21. **New Homes:** All newly built or acquired Council homes, other than previously agreed exempted properties, will be let at an affordable rent as per the formula outlined at page 8 below (methodology for affordable rent setting).
22. **New Tenants:** Currently new tenants granted a tenancy within existing social stock will be granted a flexible tenancy with a social rent. If after future stakeholder review new tenancies are let at an affordable rent in the future they will be set as per the formula outlined at page 8 below (methodology for affordable rent setting).
23. **Existing Tenants:** The Council recognises that existing tenants would be significantly impacted by increasing rents to affordable levels in line with national and regional policy on rents for affordable homes. In view of this, the Council will continue to set rents for existing tenants with social rents as per the existing formula. Future rent

increases/decreases for existing tenants with social rents will continue to be set in line with Government policy.

24. **Subsequent Re-lets:** Any property subject to affordable rent will continue to be so when being re-let. The rent will be re-calculated at the relevant percentage of local market rate at the point of re-letting.
25. **Local Housing Allowance (LHA):** LHA determines how much rent will be taken into account when Housing Benefit is calculated (see Appendices 1 and 2). The housing element of Universal Credit will replace LHA, and will subsequently become the new benchmark criterion.

Methodology for Setting Affordable Rents

26. Affordable rents will be set by determining the relevant fixed percentage, as per table 3 below. This percentage relates to the amount of bedrooms within the property. Once this has been determined the rent amount will be that percentage of local market rent.

27. The fixed percentages are graduated at 5% increments. The relevant fixed percentage will be the one which brings the rent charge within 0.5% or lower than the current lowest LHA rate within the Borough for the relevant bedroom need. The LHA rates used will be the current ones as at the effective date of this policy.

28. Table 3 outlines current average housing costs by bedroom need. The formula for setting affordable rents will be:

- One bedroom properties will be let at an affordable rent being 75% of local market rent ('LMR').
- Two bedroom properties will be let at an affordable rent being 70% of LMR.
- Three bedroom properties will be let at an affordable rent being 65% of LMR.
- Four bedroom properties will be let at an affordable rent being 50% of LMR.
- Affordable rents for properties above four bedroom need will be set on an individually assessed basis.

29. When Universal Credit fully replaces the LHA in the Borough the formula at paragraph 26 will be reviewed to ensure it is still proportionate.

Table 3: Average Housing Costs by Bedroom Need

| Beds | | 1 | 2 | 3 | 4 |
|------------------------------|---|--------|--------|--------|--------|
| Council Social Rent (1) | £ | 81.21 | 92.53 | 110.73 | 135.12 |
| Private Sector (LMR) (2) | £ | 167.80 | 219.69 | 286.85 | 468.00 |
| Affordable Rent @ 50% of LMR | £ | 83.90 | 109.85 | 143.43 | 234.00 |
| Affordable Rent @ 55% of LMR | £ | 92.29 | 120.83 | 157.77 | 257.40 |
| Affordable Rent @ 60% of LMR | £ | 100.68 | 131.81 | 172.11 | 280.80 |
| Affordable Rent @ 65% of LMR | £ | 109.07 | 142.80 | 186.45 | 304.20 |
| Affordable Rent @ 70% of LMR | £ | 117.46 | 153.78 | 200.80 | 327.60 |
| Affordable Rent @ 75% of LMR | £ | 125.85 | 164.77 | 215.14 | 351.00 |
| Affordable Rent @ 80% of LMR | £ | 134.24 | 175.75 | 229.48 | 374.40 |
| LHA Average | £ | 135.77 | 167.54 | 203.53 | 272.76 |
| Lowest LHA | £ | 128.19 | 151.50 | 185.29 | 231.92 |

(1) BBC 2015/16 Social Rents

(2) Valuation Office Agency figures

Implementation

30. This policy will be implemented as soon as reasonably practicable after referral to Tenant Talkback and subject to approval by the Council's Environment and Housing Management Committee, which will consider the final draft on the 9th December 2015.
31. The effective operational date of this policy is [...].

Worked Examples – Using Table 3

32. Example 1: 2 Bedroom Flat let on a flexible tenancy in Brentwood

- Step 1: Valuation Office Agency average local market rent = **£219.69**
Step 2: Consider the relevant bedroom need = **2 bed**
Step 3: Identify the relevant percentage = **70%**
Step 4: Calculate the affordable rent by applying the step 3 percentage to the step 1 rent amount.

Therefore net weekly rent = £153.78

33. Example 2: 4 Bedroom House let on a flexible tenancy in Brentwood

- Step 1: Valuation Office Agency average local market rent = **£468.00**
Step 2: Consider the relevant bedroom need = **4 bed**
Step 3: Identify the relevant percentage = **50%**
Step 4: Calculate the affordable rent by applying the step 3 percentage to the step 1 rent amount.

Therefore net weekly rent = £234.00

Appendices

Appendix 1: Local Housing Allowance (LHA) 2015/2016: By BRMA (Broad Rental Market Areas): There are currently four different LHA rates within the Borough of Brentwood, based on the BRMA in which the rental property is located.

| No of Bedrooms | | Harlow and Stortford | SW Essex | Chelmsford | Outer NE London | Average |
|----------------|---|----------------------|----------|------------|-----------------|---------|
| Shared room | £ | 68.08 | 63.50 | 69.08 | 75.15 | 68.95 |
| 1 bedroom | £ | 133.32 | 128.19 | 126.00 | 155.57 | 135.77 |
| 2 bedrooms | £ | 164.79 | 161.26 | 151.50 | 192.62 | 167.54 |
| 3 bedrooms | £ | 198.11 | 188.33 | 185.29 | 242.40 | 203.53 |
| 4 bedrooms | £ | 279.69 | 266.65 | 231.92 | 312.77 | 272.76 |

Appendix 2: BRMAs across the Borough of Brentwood (Illustrative use only)



Exact information pertaining to current LHA rates and applicability should be sought from the Government's Valuation Office Agency ('VOA').

Glossary

Affordable Housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

Affordable Rent Housing: is let by Local Authorities or private Registered Providers of social housing to households who are eligible for social and affordable rented accommodation. Affordable rent is subject to rent controls that require a rent of no more than 80% of the average local market rent (including service charges where applicable).

Flexible Tenancy: a form of secure tenancy which lasts for a fixed-term period of 2 to 5 years. The tenancy may be extended for a further term. Also known as 'fixed-term tenancies'. Given that most flexible tenancies also have an introductory first year these tenancies actually last for 3 to 6 years.

Housing Revenue Account (HRA): This is the Council's landlord account, which shows all of the Local Authority's income and expenditure arising from its role as the owner of housing. The account is 'ring fenced'; that is, no transfer can be made between the HRA and the 'General Fund'.

Homes & Communities Agency (HCA): The Government appointed organisation with the responsibility for funding new affordable housing and regulating providers of affordable housing.

Lifetime Tenancy: a form of secure tenancy which lasts for the life of the tenant. Includes a tenancy agreement which sets out certain rights, including the right to buy.

Local Housing Allowance (LHA): LHA contains the maximum current rates of entitlement to Housing Benefit for people on benefit or low incomes. LHA is based on the number of rooms allowed for the household, based on their household composition.

Registered Social Landlord (RSL): A social housing organisation that is registered with the HCA and is often referred to as a housing association.

Registered Provider (RP): An RP is a landlord providing social and/or affordable housing which is registered with the Homes & Communities Agency, within the meaning of section 180 of the Housing and Regeneration Act 2008. The majority of RPs are Housing Associations or Local Authorities.

Rent policy: sets out how rents on council homes are determined

Service charges: Specific additional charges, typically for tenants and leaseholders in flat blocks, to cover additional charges incurred by the landlord. These might include cleaning of communal areas, or, in the case of leaseholders, repairs to communal areas or equipment.

Secure Tenancies: Tenancies originally introduced by the Housing Act 1980, which conferred security of tenure for life upon all existing and new local authority tenants. Housing

association tenants whose tenancies were granted before 15 January 1989 (generally through stock transfer from local authorities) may also remain secure tenants.

Social Rented Housing: is owned by Local Authorities and RPs (as defined by section 80 of the Housing and Regeneration Act 2008) for which target rents are determined.

Strategic Market Housing Assessment (SHMA): A Strategic Housing Market Assessment is a collection of data (both primary and / or secondary) detailing all aspects influencing housing markets in a particular area.

The Council: Brentwood Borough Council.

Target Rent: rent set by formula which takes into account the value of the property and number of bedrooms. Following the June 2015 Budget rents for tenants in social housing are to decrease by 1 per cent per annum from 2016/17 to 2019/20. The previous increase mechanism was set per annum at CPI (Consumer Price Index) inflation plus 1%.

This page is intentionally left blank

9 December 2015

Environment and Housing Management Committee

Fees & Charges – Housing

Report of: *Helen Gregory, Head of Housing Services*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report seeks the approval on the proposed new fees & charges for 2016/17. Fees and charges made by the Council for various services are reviewed on an annual basis. Recommended amendments to the fees and charges are incorporated into the budget setting process to take effect from the following financial year.
- 1.2 At the Environment and Housing Management Committee held 23rd September 2015 (Min. 177), as part of the Housing transformation programme a new recharge policy was approved to enable the Council to recharge tenants.

2. Recommendation(s)

- 2.1 **Members agree to the new recharging policy to tenants as outlined in Appendix A.**

3. Introduction and Background

- 3.1 The Council has a number of fees and charges relating to the services it provides. As part of the budget setting process, these charges are reviewed on an annual basis. The Council reviews its charges for discretionary services to ensure they reflect the current cost of the service provision.
- 3.2 On the 23 September 2015 the Environment and Housing Committee approved the new Re-Charge policy. Previously re-charges for Housing services have only been recovered on a adhoc basis . This has led to the council subsidising some of the costs, which is ultimately passed on to the wider tenant population as increased rent.

- 3.3 We aim to reduce the amount of money spent on repairs which are deemed to be tenant responsibility and invest the savings into improving the service for residents.
- 3.4 The individual charges that are being proposed are set out in Appendix A to this report.

4. Issue, Options and Analysis of Options

- 4.1 Officers have undertaken a review of the proposed fees and charges in relation to the services that the Council currently supplies that are discretionary and that can be cost recovered.
- 4.2 In addition to reviewing discretionary services, Officers have also reviewed the services the Council pays for which are deemed rechargeable, but the Council is currently subsidising. The introduction of these re-charging for these services will (encourage) tenants to be more aware and more responsible for their property and actions within their property.
- 4.3 Prices have been calculated with the following price mechanism:
- 2016/17 – Cost price less 30%
 - 2017/18 – Cost price less 25%
 - 2018/19 – Cost price less 20%
- 4.4 Each year the percentage deducted will decrease by 5% until the full cost price is recovered.

5. Reasons for Recommendation

- 5.1 The introduction of these charges should encourage a reduction in costs that Council currently incurs and promote responsibility, particularly with missed appointments for gas servicing.
- 5.2 The aim of the introduction of this policy is to deter unnecessary spend. So that the Council's money can be invested into it's housing priorities.
- 5.3 The policy will be reviewed in a year's time to see if a reduction on costs have been achieved.
- 5.4 The Committee is asked to approve a new fees and charges in line with best practice and to assist in our Modernisation Programme and efforts to help keep rents and service charges low.

6. Consultation

- 6.1 A meeting was held with the Tenants Talk back group on the 24th November 2015 to discuss the proposed fees & charges. The feedback was positive.

6.2 Tenants Talk back recognized the need for these proposed charges and agreed to them. They asked that all tenants be contacted with the new fees & charges so everyone was made aware of the proposals.

7. Reference to Corporate Plan

7.1 Costs of services provided based on efficient systems providing value for money to customers.

7.2 Housing, Health and Wellbeing: Recovery of rechargeable repairs costs will meet the Council's commitment to service improvements and will also contribute to a more cost efficient service which will subsequently assist in providing the best outcomes for Brentwood residents.

8. Financial Implications

Name & Title: Ramesh Prashar. Financial Services Manager

Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

8.1 The introduction of a new recharging policy will ensure that the Council is no longer subsidising for discretionary services. Discretionary Services provided by the Council will eventually become cost neutral and remain cost neutral. Bad debt will have to be monitored over the introduction of the new policy to ensure charges are being recovered.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

8.2 Publishing the Council's fees and charges as well as providing transparency satisfies legal process.

9. Background Papers

None

10. Appendices to this report

Appendix A – Schedule of Fees & Charges

Report Author Contact Details:

Name: Helen Gregory, Acting Head of Housing Services

Telephone: 01277 312540

E mail: helen.gregory@brentwood.gov.uk

This page is intentionally left blank

| Ref No | Description of Charge | VAT | Charges April 2015-March 2016 EXCL VAT | Charges April 2016-March 2017 EXCL VAT |
|--------|---|-----|--|--|
| | <i>Pricing Mechanism: Cost Price 30% rounded to the nearest £5 (*Items with an asterix have not been calculated with the pricing mechanism)</i> | | | |
| | Housing Options | | | |
| | Daily Bed & Breakfast Room Charge | | £40-£85 | £40-£85 |
| | Amenity Charge per person per day | | £3.15 | £3.00 |
| | Removals | | Min £350 | Min £350 |
| | Furniture | | Cost Price | Cost Price- 20% |
| | *Storage - Homeless | | £10 per square foot | £10 per square foot |
| | Housing Options | | | |
| | Storage - Evictions | | £10 per square foot | £10 per week |
| | Copying of Housefile | | £12.61 | £10.00 |
| | Copying of Tenancy Agreement | | £12.61 | £0.00 |
| | Garage Clearance | | £0.00 | £35.00 |
| | Property Clearance 1 or 2 Beds | | £0.00 | £85.00 |
| | Property Clearance 3 or 4 Beds | | £0.00 | £130.00 |
| | *Bulk Waste Removal | | £0.00 | £10.00 per item |
| | Tenancy Management | | | |
| | Court Costs | | Average £376 | Average £376 |
| | Gas Servicing Warrant Fee | | £0.00 | £0.00 |
| | Forced Entry | | £0.00 | £35.00 |
| | *Missed Appointments | | £0.00 | £20.00 |
| | Rechargeable Repairs | | | |
| | Replacement Key/Key Fob | | £10.00 | £5.00 |
| | Lock Change | | £0.00 | £55.00 |
| | Single Glaze Window Replacement up to 1 Square Metre | | £0.00 | £50.00 |
| | Single Glaze Window Replacement over 1 Square Metre | | £0.00 | £75.00 |
| | Double Glaze Window Replacement up to 1 Square Metre | | £0.00 | £85.00 |

| | | | | |
|--|--|--|-------|------------------|
| | Double Glaze Window Replacement over 1 Square Metre | | £0.00 | £125.00 |
| | Internal Fire door replacement | | £0.00 | £125.00 |
| | External Door replacement | | £0.00 | £600.00 |
| | Paint Pack | | £0.00 | £70.00 |
| | Correction of Unauthorised Alterations (Where Tenants have conducted works without permission of the Council and retrospective permission cannot be granted) | | £0.00 | Cost Price – 30% |
| | Any other repair deemed re-chargeable | | £0.00 | Cost Price – 30% |

9 December 2015

Environment and Housing Committee

Stock Condition Survey

Report of: *Helen Gregory, Interim Head of Housing Services*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 As part of the Housing transformation programme Officers have identified that Brentwood Borough Council currently holds limited stock condition data on its HRA assets.
- 1.2 It is proving problematic to appropriately identify properties that fail the Decent Homes standard and which require Capital investment, which means the Council is not delivering value for money. It is essential that the Council has robust property intelligence on all its properties to ensure that informed investment decisions are selecting properties for capital works or planned maintenance.
- 1.3 The best approach is considered to be the employment of an external provider to undertake a 100% stock condition survey and produce a report including a future programme of Capital works and stock options.
- 1.4 Production of robust condition survey data will enable us to quantify our current and future liability with confidence. Ensuring there are no significant unidentified maintenance liabilities leading to urgent reactive replacements at increased cost.
- 1.5 Increasing the bank of real data makes cost and condition data increasingly accurate. This will give greater confidence in the accuracy of our Decent Homes statistical return.
- 1.6 The cost of the survey, with all associated works, is estimated to be c.£200K.

2. Recommendation(s)

- 2.1 The Committee is asked to approve the appointment of an external specialist company to complete a full stock condition survey of the housing assets, this is in the region of £200K.**
- 2.2 The Committee is asked to approve Officers to arrange to tender the works using the Council procurement process and that delegated authority be awarded to the Head of Housing in Consultation with the Head of Paid Service and Section 151 Officer to award the contract – in line with the timetable set in 4.16.**

3. Introduction and Background

- 3.1 This report outlines the need for the complete condition survey of dwellings held within the Housing Revenue Account (HRA).
- 3.2 Historically, stock condition data has been collected on a piece meal basis. However, this has not been transferred into a database, is currently stored in paper format and does not influence work programmes . Most of these would now be considered out of date as components have either deteriorated and been replaced in their entirety or had significant repairs.
- 3.3 This approach has led to programmes being generated by individuals as opposed to a systematic approach. In turn, this has resulted in numerous items being replaced too frequently and more often than not prematurely. This has obvious consequences and has shown significant impact on spend levels over the term.
- 3.4 This situation also leads to a reactive approach whereby components have failed but this is not known until the failure occurs. i.e. boiler failure; where systems are obsolete and past due for replacement.
- 3.5 The stock survey will provide condition information which can be used to plan investment in the housing stock and thereby maintain properties in good condition. The stock condition information will be uploaded to and held on our Keystone Asset Management (KAM) database provided by Keystone Asset Management Solutions, one of the market leaders in this field.
- 3.6 Each surveyed property will be assessed against, amongst other things, the Governments national standard for Decent Homes. This standard is basic and does not cover the full range of maintenance activities required to properly maintain a property. It is framed in such a way that a number of grounds of failure may need to exist before the property itself fails.

- 3.7 In summary, there are four broad criteria which are: (see appendix A)
- Criterion A - meets the current statutory minimum standard for housing
Criterion B - is in a reasonable state of repair
Criterion C- has modern facilities
Criterion D - provides a reasonable degree of thermal comfort
- 3.8 The greatest financial commitment the HRA has is protecting the physical asset base. This, in turn, secures the rental stream.
- 3.9 This information underpins the Business Plan and in particular investment decisions about the maintenance and improvement of residents homes.

4 Issue, Options and Analysis of Options

- 4.1 It is essential we make sufficient provision in our plans to enable the housing stock to be maintained to a good state of repair and to a reasonably modern standard. This extends to the wider environment, if we are to ensure our neighbourhoods remain places residents value and want to live.
- 4.2 It is believed that the stock is generally in good condition due to the long history of investment. However, this is anecdotal and no firm evidence of this exists.
- 4.3 The current stock condition data held is minimal, unreliable and not in a format that can be easily adapted into major work schemes or programmes. Although purchased some time ago KAM has yet to be populated with collected data.
- 4.4 The format of the task is expected to be similar to below:
- Initial desk top study
 - Pilot surveys
 - Field surveys
 - Input to KAM
 - Report production
 - Programme production
- 4.5 The initial desk top survey generates a broad impression of the stock profile, dividing properties into groups by age band, type and construction characteristics, for example, one bed, two bed, pitched roof, cavity wall etc.. Properties with common type, age and construction characteristics will be formed into distinct groups, each exhibiting representative repair and renewal requirements.

- 4.6 For investment planning purposes the stock condition report will consider the potential for non-decency over the next period. This allows early assessment of the level of investment required for the next period to prevent properties now decent falling below the standard.
- 4.7 More detailed information being created will help develop investment programmes over a longer period.
- 4.8 Having extended detail allows the dovetailing of different work streams i.e. boiler and electrical installations completed in conjunction with kitchen replacements.
- 4.9 The data produced will also allow the identification of components that can be materially changed with a "spend to save" approach adopted ie replacement of roofline (fascia, soffit and rainwater goods) with more modern materials. This approach removes the need to cyclically decorate the existing components complete with the cost of the access equipment required. For example, if a roofline was replaced to a block of four storey flats in year 1 with a component of 20 years life there would be no reason to return to decorate in years 5, 10 or 15. This represents a significant saving to the council and any leaseholders residing.
- 4.10 Currently we are experiencing a significantly high number of urgent boiler replacements. Without detail of the existing boiler type or age it is difficult to reject the immediate need to replace these. We are advised that many of the boilers being replaced are life expired and inefficient by modern standards. Replacement parts are difficult to obtain which result on replacements completed on an emergency basis. Given that this is an ad-hoc approach with only a few items replaced at any one time by our repairing contractor the costs are considered significantly higher than would be if this were programmed allowing economies of scale.
- 4.11 KAM also allows the electronic storage of property related documentation at block and dwelling level including Landlord Gas Safety Records (LGSRs), electrical certificates, water hygiene records, asbestos reports, Fire Safety certificates, FENSA certificates, Energy Performance Certificates (EPCs), component guarantees, photographs etc.
- 4.12 It is anticipated that sufficient surveys could be complete to provide an indication of Year 1 spend levels within 6 months of commencement.
- 4.13 The proposal is to halt all those non-urgent programmes for financial year (FY) 2016/17. Reserves should be held for unknown urgent component failures during this time.

- 4.14 A new programme of component renewals would be set to commence in FY 2017/18. Procurement of contracts to cover work outside those already let could commence in 2016/17 enabling early start on site in 2017/18.
- 4.15 The total cost of the surveys, uploading on to KAM, report and formulation of a term programme is expected to be in the region of £200K. This will also provide comment on areas outside the arena of Decent Homes including upgrades required to common parts.
- 4.16 The proposed timetable for procurement is outlined below:

| Service Contract for Stock Condition surveys estimated value £210,000 over OJEU | |
|--|----------|
| Prior Information Notice | Jan 2016 |
| Prepare Invitation to Tender | Feb 2016 |
| Issue ITT documentation | Mar 2016 |
| ITT Clarification period | |
| Bidder to submit tender (6 weeks tender period) | Apr 2016 |
| Tender evaluation period | May 2016 |
| Notify bidders of tender outcome with 10 day standstill period | Jun 2016 |
| Award contract to successful bidder/s mobilisations | Jul 2016 |
| Anticipated start of works | Aug 2016 |
| Anticipated completion | Jun 2017 |

5 Reasons for Recommendation

- 5.1 To enable BBC to maintain its responsibilities and fulfil its obligations as a landlord.
- 5.2 Until a full survey of all stock is available, asset management decisions are based on current officer knowledge or reaction to component failure.
- 5.3 Sufficient data does not exist to allow extrapolation. A process whereby surveyed property data is used to predict condition of unsurveyed properties.
- 5.4 It is important that investment decisions are informed by a sound understanding of the condition of our properties. Whilst staff have an awareness of condition, an externally validated assessment is seen as essential.

- 5.5 It is vital that the Council has up to date information about condition of the HRA stock in order to support its investment decisions each year. The risks in not having this information include the failure to provide adequate resources to tackle repairs and maintenance that subsequently leads to the need for replacement at a much higher cost.
- 5.6 For short to medium term financial planning purposes a full stock condition survey (100%) is considered necessary. This will provide a sound baseline position and a high level of confidence in the future allocation of investment across the stock.
- 5.7 The result of the survey will be used to inform the HRA Business Plan and to formulate a more accurate Capital Programme.
- 5.8 Reduced frequency of unscheduled maintenance visits enabling commitment to this area to be reduced.

6 Consultation

- 6.1 Tenants talkback were consulted on 20 November 2015.

7 References to Corporate Plan

- 7.1 Housing, Health and Wellbeing. The recommendation will allow more accurate future maintenance and enhancement of the housing related assets. This should improve the resident environment and lead to more pride in homes and the wider estates.

8 Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312 542 / christopher.leslie@brentwood.gov.uk

- 8.1 The completion of the task will lead to savings within the capital programme over the medium to long term as the right components are replaced to the right properties, at the right time.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer

Tel & Email: 01277 312 860 / christopher.potter@brentwood.gov.uk

- 8.2 Failure to adequately maintain the housing stock could lead to claims under housing related Acts ie S11 Landlord & Tenant Act (Disrepair).

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 Excess heat or cold are deemed hazards under the Housing and Health Safety Rating System (HHSRS). BBC as landlord has a duty to maintain adequate systems that are operational and function correctly.
- 8.4 Without accurate stock condition data it is not possible to adequately manage the maintenance of HRA assets. This could lead to failures under the HHSRS and other statutes.
- 8.5 If risks are unidentified they cannot be managed.
- 8.6 Until the survey is complete and future programmes of renewal are identified, sustainability of components and the asset cannot be assessed.
- 9 Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None

10 Appendices to this report

Appendix A – A Decent Home - Definition and Guidance for Implementation

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7812/138355.pdf

Report Author Contact Details:

Name: Steve Chapman
Telephone: 01277 312589
E-mail: steve.chapman@brentwood.gov.uk

This page is intentionally left blank

Agenda Item 11

9 December 2015

Environment and Housing Management Committee

Renewal of Communal Gas Central Heating, Hot and Boosted Cold Water Systems to Drake House

Report of: Steve Chapman, Team Leader of Property Services

Wards Affected: Brentwood West

This report is: Public

1. Executive Summary

- 1.1 The communal gas central heating, hot and boosted cold water systems at Drake House are considered beyond economic repair.
- 1.2 System components are obsolete, do not meet current regulations and are failing with increased regularity. It is proving problematic to maintain adequate system functionality within reasonable cost levels.
- 1.3 A report on the system failures and the best approach for renewal has been commissioned and produced. This suggests that the systems are replaced in their entirety with modern components meeting all current regulations.
- 1.4 The cost of renewal of the systems, with all associated works, is estimated to be c.£470K.

2. Recommendation(s)

- 2.1 **The Committee is asked to approve 4.8 recommendation Option 4.**
- 2.2 **Council Officers arrange to tender the works using the Council procurement process see timetable outlined in 4.13 delegated authority be awarded to the be awarded to the Head of Housing in Consultation with the Head of Paid Service and Section 151 Officer to award the contract.**

3. Introduction and Background

- 3.1 This report outlines the need for the replacement of the gas fired heating, hot and cold water systems at Drake House.
- 3.2 Over the last year or so there have been repeated notifications of system faults and failures leading to reduced service or loss to individual dwellings. Each time the repairing organisation has indicated that the system is obsolete and is past due for replacement.
- 3.3 In September 2015, a report was commissioned to undertake a survey of the existing system, identify its failures and outline the possible alternatives.

4. Issue, Options and Analysis of Options

- 4.1 A Design Feasibility Study has been completed by Watts Consultancy Limited . The report has identified the problems with the current system, discusses the options available and suggests the type of replacement. These are outlined below.
- 4.2 Options considered:
 - 1 Replace individual components, on a when failed basis, and continue to maintain the existing systems for a prolonged period.
 - 2 Replace/upgrade individual elements of the systems.
 - 3 Complete renewal of all system components including upgrading to current standards and the introduction of individual control and metering.
 - 4 Replace and improve the current systems in entirety
- 4.3 The first option is uneconomical in the short to medium term. The majority of the system components are old, obsolete and/or inadequate. Sourcing these is difficult, time consuming and, may soon prove impossible. This places increased pressure on the 'back up' systems, leads to longer periods of service downtime, and leaves residents with insufficient heat or hot water.

- 4.4 There is an imbalance in the heating system. Some residents experience 'cold spots' within their dwelling whilst others feel the heat is more than sufficient with the controls set low. The existing controls do not meet current standards.
- 4.5 Further, significant sections of the infrastructure pipework are in poor condition and the hot services are inadequately insulated.
- 4.6 The second option is uneconomical in the medium to long term. Although replacing individual items will improve the system it will only do so in part, with components that are outmoded. Ultimately, the whole will need to be replaced.
- 4.7 A third option is to switch from the existing gas fired system to an electric heating and hot water system. This has increased installation and operating costs and will not prove energy efficient.
- 4.8 The fourth option is to replace and improve the current systems in entirety. This, in turn, has two further options:
- Replace all communal systems.
 - Renew the boosted cold water supply but introduce individual heating and hot water systems allowing localised control.
- 4.9 The fourth option replacement of all communal systems, is the preferred option. The heating and hot water system will be designed and installed with modern energy efficient components meeting current regulations. The distribution service will renewed and improved complete with insulation. Energy meters and data loggers will be introduced so fuel use can be monitored. Residents will have greater control of their individual household comfort with the introduction of suitable devices which allow independent control. The metering system allows energy usage to be reviewed and lifestyle changes to be made.
- 4.10 In the short to medium term, a significant reduction in maintenance costs will be realised.
- 4.11 The total cost of the new system is c.£470K. This also includes sums for design and management costs, removal of disturbed items that contain asbestos, and a temporary heating supply for the duration of the works.

- 4.12 There are currently costs associated with the billing administration. It is not anticipated these will increase unreasonably.
- 4.13 The timetable for procurement of these works is outlined in table below:

| Works Contract for boiler replacement estimated valued £470,000 under OJEU | |
|---|----------|
| Approval of members fro consultation and for word | Dec 2015 |
| Completion of Specification | Jan 2016 |
| Draw up render documents | Jan 2016 |
| Advertise tender | Feb 2016 |
| Tender advertising period ends (submission date) | Mar 2016 |
| Clarification and evaluation | Apr 2016 |
| Award of contract | Apr 2016 |
| Works start | May 2016 |
| Works completed | Nov 2016 |

5 Reasons for Recommendation

- 5.1 To enable BBC to maintain its responsibilities and fulfil its obligations as a landlord.
- 5.2 It adopts a “spend to save” approach which sees high initial investment with significant long term gains due to reduced fuel use as a consequence of system run time and reduced frequency of unscheduled maintenance visits.
- 5.3 The approach allows the residents to manage and review their individual energy and water consumption. At the moment, the residents pay a Heating charge which is divided over all flats irrespective of how much energy they use. Going forward residents will only pay for the energy they use and will be able to have full control the heating in there properties. We will also be fitting water meters to each property which again will reduce residents costs as they will only pay for the water that they consume.

6 Consultation

- 6.1 Full consultation with all residents will commence once consent is given to the proposal. This will include statutory leasehold consultation.

7 References to Corporate Plan

- 7.1 Housing, Health and Wellbeing. The recommendation will enhance the resident dwelling internal environment and will provide hot and cold water at consistent levels on demand.

8 Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312 542 / christopher.leslie@brentwood.gov.uk

- 8.1 There is a significant spend associated to this project; c.£470K. This is to be met from budget line C533 23090 Drake House Boiler Replacement of the approved 2015/16 Capital Programme. This funding has been indentified and included in this years budget.

Legal Implications

Name & Title: Chris Potter, Monitoring Officer

Tel & Email: 01277 312 860 / christopher.potter@brentwood.gov.uk

- 8.2 Failure to maintain an adequate system to the block could lead to claims under housing related Acts ie S11 Landlord & Tenant Act (Disrepair).

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 Excess heat or cold are deemed hazards under the Housing and Health Safety Rating System. BBC as landlord has a duty to maintain adequate systems that are operational and function correctly.

9 Background Papers (include their location and identify whether any are exempt or protected by copyright)

None

10 Appendices to this report

None

Report Author Contact Details:

Name: Steve Chapman, Team Leader of Property Services
Telephone: 01277 312589
E-mail: steve.chapman@brentwood.gov.uk

9 December 2015

Environment and Housing Management Committee

Fees and Charges - Private Sector Housing

Report of: Ashley Culverwell, Head of Borough Health, Safety & Localism

Wards Affected: All

This report is: Public

1. Executive Summary

1.1 Fees and charges made by the Council for various services are reviewed on an annual basis by the relevant Committees relating to the services provided.

1.2 Recommended amendments to the fees and charges are incorporated into the budget setting process to take effect from the following financial year.

2. Recommendation

2.1 Members agree the proposed Fees and Charges, as outlined within Appendix A to be incorporated within the 2016/17 Budget.

3. Introduction and Background

3.1 The Council has a number of fees and charges relating to the services it provides. As part of the budget setting process, these charges are reviewed on an annual basis. Whilst some of the fees and charges are statutory, and therefore determined through legislation, the Council must also review its charges for discretionary services to ensure they reflect the current costs of service provision.

3.2 The individual charges that are being proposed are set out in Appendix A to this report. These relate to charges for licences issued for houses in multiple occupation where there is a mandatory licence requirement, i.e. where there is a three or more storey property occupied by five or more people in two or more households. We also make charges for inspecting

properties for immigration and charge landlords where we have issued a formal notice under the Housing Acts.

4. Issue, Options and Analysis of Options

4.1 Following consideration of the methods of calculating fees and charges it has been decided that a full review of the Council's charging policies should be undertaken.

4.2 The proposed fees are based on a calculation of the costs involved in administering the various areas of work, apart from where there is a statutory charge or where the fees are set by Government.

5. Reasons for Recommendation

5.1 Recommendation is to revise the charges for 2016/17 following the review of all discretionary fees and charges to inform the 2016/17 budget setting process.

6. Consultation

6.1 Not applicable

7. References to Corporate Plan

7.1 A Modern Council – providing increased customer satisfaction in the quality of Council services

7.2 Costs of services provided based on efficient systems providing value for money to customers.

8. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

8.1 The HMO licence fees have been calculated to be cost neutral as required by legislation.

Legal Implications

Name & Title: Saleem Chughtai, Legal Service Manager

Tel & Email: 07966891705/ saleem.chughtai@BDTlegal.org.uk

- 8.2 The Housing Act 2004 introduced mandatory licensing for all Houses in Multiple Occupation (HMO). A HMO must be licensed if the property is three or more storeys and are occupied by five or more persons forming two or more households . The Council will make a charge for administering and issuing a licence . Each Council sets it's own fees for licensing . The fees must however reflect the actual cost's of licensing a property and have a structure which is fair and transparent . Normally a licence lasts for a maximum of five years although it may be issued for a shorter period in certain circumstances.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.2 None identified

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Calculation of cost recovery

10. Appendices to this report

Appendix A - Schedule of Fees and Charges

Report Author Contact Details:

Name: David Carter, Environment Health Manager
Telephone: 01277 312509
E-mail: david.carter@brentwood.gov.uk

This page is intentionally left blank

Appendix A

Schedule of Fees and Charges

| REFERENCE NO | DESCRIPTION OF CHARGE | VAT | CHARGES April 2015- March 2016 | | CHARGES April 2016- March 2017 | |
|--------------|--------------------------------------|-----|--------------------------------|----------|--------------------------------|----------|
| | | | EXCL VAT | INCL VAT | EXCL VAT | INCL VAT |
| HMOs | Houses in Multiple Occupation | | | | | |
| | New licence | | 787.97 | | 794.00 | |
| | Renewal of licence | | 525.31 | | 541.00 | |
| | Variation of licence | | 57.78 | | 72.00 | |
| Housing Act | Housing Act Notices | | | | | |
| | Issuing notices under Housing Acts | | 210.12 | | 217.00 | |
| | Immigration Survey checks | | 52.53 | | 72.00 | |

This page is intentionally left blank

9 December 2015

Environment and Housing Management Committee

Private Sector Housing Renewal Policy Update

Report of: *Head of Borough Health, Safety and Localism*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 The Council agreed and adopted the Private Sector Renewal Policy at the meeting of Environment, Health and Housing Board on 8th June 2011.
- 1.2 At the meeting of the Environment and Housing Management Committee on 17th June 2015 Members agreed to consult on the proposal to consolidate the existing range of discretionary housing loans into two loans, Discretionary Disabled Facilities Loans and Emergency Home Repair Loans.
- 1.3 The consultation has been running on the Council website from 8th July 2015 and stakeholders including voluntary groups and Papworth Home Improvement Agency were invited to respond.
- 1.4 The consultation response was in support of the proposal to revise the range of discretionary housing loans.

2. Recommendation(s)

- 2.1 **That Members agree to adopt the proposed revised Private Sector Renewal Policy at Appendix A.**

3. Introduction and Background

- 3.1 The Private Sector Renewal Policy was revised and adopted in 2011 to reflect housing priorities and target financial assistance to residents in private sector housing in the Borough. The proposals contained in the previous report were to consolidate the range of loans such that funding

was provided to deal with the most important works and targeted to the most vulnerable residents.

4. Issue, Options and Analysis of Options

- 4.1 The favoured proposal is to revise the scheme of discretionary financial assistance and target resources to those most in need of assistance.
- 4.2 The two remaining forms of discretionary financial assistance would be discretionary disabled facilities loan and emergency home repair loans.

5. Reasons for Recommendation

- 5.1 To better target Council financial resources to provide housing assistance to those most in need.

6. References to Corporate Plan

- 6.1 Housing, Health & Wellbeing
We will develop different ways of working, both in the way we deliver services and with the voluntary sector, to make sure that the more vulnerable residents in Brentwood are protected, and help goes to those most in need of it.

7. Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

- 7.1 There are no direct financial implications arising from this report. The proposal to revise the scheme of discretionary financial assistance, for which there is already a budget provision, will ensure that resources are targeted to those most in need of assistance.

Legal Implications

Name & Title: Saleem Chughtai, Legal Service Manager

Tel & Email: 07966891705 / saleem.chughtai@BDTlegal.org.uk

- 7.2 This report does not give rise to any significant legal implications.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.3 Equality and Diversity – targeting financial resources to help the most vulnerable residents most in need of assistance.

8. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 8.1 Private Sector Housing Renewal Policy 2011
Department for Communities and Local Government – A Decent Home:
Definition and guidance for implementation June 2006 - Update

9. Appendices to this report

Appendix A – Revised Private Sector Renewal Policy 2015

Report Author Contact Details:

Name: David Carter Environmental Health Manager
Telephone: 01277 312509
E-mail: david.carter@brentwood.gov.uk



Private Sector Housing Renewal Policy, 2011

Revised Nov 2015

CONTENTS

Chapter One:

Introduction & Local Strategic context. page 3

Chapter Two:

National Priorities for Private Sector Renewal. page 6

Chapter Three:

Local Housing Conditions. page 10

Chapter Four:

Energy Efficiency/Fuel Poverty. page 15

Chapter Five:

Interventions Which the Local Authority Can Take. page 16

Chapter Six:

Grants & Loans. page 20

Appendix 1:

Decent Homes Standard. Page 24

Appendix 2:

Licensable Houses in Multiple Occupation. Page 25

Appendix 3:

Grants/Loans Priority List. Page 26

Private Sector Housing Renewal Policy 2011

Chapter one – Introduction and Local Strategic Context

Introduction:

The Council, as the strategic housing authority has the responsibility for considering the standard of housing in all tenures and developing a strategy for dealing with the issues that arise. The Council adopted the previous Private Sector Renewal Strategy in 2006. It was revised in 2007.

The previous policy outlined the Council's approach to tackling the Private Sector Housing issues and took account of the legislative and regulative framework that existed at that time.

There have been changes in both the tone and direction of the overall framework of Private Sector regulation since the 2006 document which need to be incorporated into this revised policy. These are:

- Changes to the Government's Housing Priorities and Direction following the 2010 General Election;

- Creation of the New Homes Bonus;

- Energy Efficiency in the Private Rented Sector;

- Changes in available finance following the CSR and Local Government Settlement announced in December 2010.

This Policy should be reviewed annually within the Department for any necessary legal or financial changes and any such changes reported to Members. In addition, it should be revised and rewritten at no more than 5 year intervals.

Local Strategic Context:

Brentwood has issued a Housing Strategy Statement (April 2010 – March 2011) which sets out the Council's aspirations and base methods of working in respect (amongst other areas) of the Private Sector with a view to making the best use of existing homes. The ways in which best use can be made of homes is expanded below in Chapters four and five.

The emerging Sustainable Community Strategy has the vision *to improve the quality of life for all Brentwood Borough by working in partnership*. Within this strategy are aims to *improve the Borough's Surroundings and to keep the Borough safe and healthy*. These aims are supported by this Private Sector Renewal Policy where they connect with the Private Sector.

The Council's Corporate Plan prioritises ensuring value for money in the services we provide; providing good quality housing; and tackling anti-social behaviour and crime. This policy seeks to play its part in setting conditions within which these priorities can be met in the Private Sector housing arena.

Pending a rewrite of its Housing Strategy, the Council issued a Housing Strategy Statement covering the period April 2010 – March 2012. Within this were listed key priorities for this interim period:

- To refresh our strategic approach to meeting the housing needs of the Borough;
- To enable the delivery of new market and affordable housing;
- To make best use of existing homes, both those in Council and private ownership;
- To respond to the needs of all residents across all housing tenures, including reducing levels of homelessness, and supporting independent living for vulnerable and marginalised people;
- To contribute to building inclusive communities and reducing inequalities.

Working within these priorities, the Statement included the following:

- Working with landlords, we will seek to ensure that all tenanted dwellings in the Private Rented Sector are in a good state of repair and are suitable and safe for their occupants.
- We have devised and will continue to host our annual Private Sector Landlords Forum, when staff from the Environmental Health, Housing and Housing Benefits services give information to landlords on any changes in legislation, best practice in letting, Planning and Housing Benefit changes through presentations, discussions and question and answer sessions.
- We will continue our current grants and financial assistance to enable the homes of the most vulnerable people in the Private Sector to achieve the Decent Homes Standard, and continue to operate our policy to bring empty homes back into use.
- We will continue, through our membership of the Herts and Essex Energy Partnership (HEEP), to offer energy efficiency and renewable measures for privately owned, leasehold or rented homes. Measures will include insulation, heating improvements and renewable technologies.
- We will support independent living for vulnerable and marginalised people by continuing our partnership with Brentwood Staying Put to

assist elderly and disabled applicants to obtain appropriate funding for repairs or works.

- We will work as part of the refreshed Local Strategic Partnership to ensure appropriate housing solutions contribute to the delivery of action plans, where appropriate.

Chapter two – National Priorities for Private Sector Renewal

*We want everyone to have a decent home at a price they can afford whether they own or rent it.*¹

Housing Act 2004

The Housing Act 2004, which came into effect in April 2006, introduced measures of reform that help the most vulnerable whilst also creating a “fairer housing market for those who own, rent or let residential property”. It also assisted in meeting the then Government’s 2010 “Decent Homes” target of 70% of vulnerable households living in Decent Homes by 2010. This target was rescinded, but BBC reached this target and beyond.

A number of discretionary duties and mandatory powers were introduced and below is a summary of the main provisions of the Act:

- The introduction of the Housing Health and Safety Rating System that replaced the Housing Fitness Standard as a measure of whether a dwelling should be lived in. (Category 1 and category 2 Hazards, see below).
- Mandatory Licensing of large, high-risk Houses in Multiple Occupation and discretionary powers to license some smaller Houses in Multiple Occupation.
- The power for local authorities to selectively license private landlords.
- The introduction of Empty Dwelling Management Orders (EDMOs) to assist to bring empty homes back into use. (See below and Chapter five)
- Changes to the Right to Buy Scheme, extending the qualifying period from 2 to 5 years and extending the pay back period.
- The introduction of the Tenancy Deposit Protection Scheme.
- The creation of Residential Property Tribunals (RPTs) with the power to impose Rent Repayment Orders where a landlord has received housing Benefit for tenants living in a property which should reasonably be licensed but is not.
- The introduction of Energy Performance Certificates to assist with the selling process for residential properties. (See below and chapter XXX)

¹ Quote from the Communities and Local Govt website

- The requirement to update statutory overcrowding conditions.
- Extension of Disabled Facilities Grants (DFGs) to people occupying caravans (mobile homes) as their only or main residence. (See Chapter 6)

Category 1 and Category 2 Hazards

The Housing Act 2004 introduced a different method of determining whether living accommodation is suitable for the occupants. Instead of being based on a series of criteria which the dwelling had to be free from – dampness, instability, serious disrepair - and access to adequate lighting, heating and ventilation, wholesome water supply, satisfactory facilities for cooking of food, hot and cold water, a WC, bathroom, and drainage, the new method is risk-based and considers the harm that living conditions may cause to occupants.

Based on the seriousness of the risk to health and the likelihood of that risk being realised, the Council has either a duty or a power to require the owner to rectify any of a list of 29 Hazards. Where the dwelling exhibits one or more Category 1 Hazards, the Council is required to take the “appropriate enforcement action” in respect of the hazard(s). Where the dwelling exhibits one or more Category 2 Hazards, the Council has a power to take particular kinds of enforcement action.

Where such hazards exist, this Housing Renewal Policy will seek to assist those vulnerable and low income persons who have a responsibility to keep housing suitable for occupation to shoulder that responsibility (see Chapter 6).

Energy Efficiency

The Government has, rightly, made the eradication of fuel poverty and the provision of warm homes a priority in recent years. The present government has, whilst changing the means of so doing, continued to give energy efficiency prominence in its policies.

The “Green Deal”²

One of the main components in the *Energy Bill 2010-11* is the framework for a “Green Deal”. The aim of the Green Deal is to encourage energy efficiency improvements in properties, to be paid for by savings from energy bills.

The Green Deal would enable customers [of energy suppliers] to receive money upfront to make the energy efficiency improvements to their properties. The repayments would then attach to the energy bill at a property, rather than

² House of Commons Library. Standard Note SN/SC/5763

to an individual. The “core principle” of the Green Deal is the “golden rule”; that the instalment payment for the energy saving measures, including the cost of finance, labour and products, should not exceed the projected associated cost savings on the average bill for the duration of the green finance arrangement. The arrangement could be for as long as 25 years.

Underpinning the Green Deal would be an “Energy Company Obligation” (ECO). This would focus the obligation on those properties and households which could not make energy savings without extra financial support, such as those with hard-to-treat homes, the vulnerable and the fuel poor. (The Government estimates that this sector accounts for about a quarter of all carbon emissions).

It is expected that the Green Deal and the ECO will come into force in early 2013.

As a part of this Housing Renewal Policy, assistance will be offered to vulnerable persons and elderly persons on a low income to improve the energy efficiency of their home (to a minimum level) and provide suitable fixed heating. (see Chapter six)

Energy Performance Certificates, which are provided for new occupants of all homes – both owner occupiers and tenants – are likely to encourage the improvement of energy efficiency. Such improvements are to be supported and occupants wishing to carry out such works will, whilst it is still operating, be directed in the first instance to the HEEP scheme. Once that scheme ceases (2011/12), assistance will be offered in house.

Housing & Health

There have been two major reports linking Housing and Health,

1. from the Warwick Law School and the Building Research Establishment;³
2. from the Chartered Institute of Environmental Health ⁴

The former concluded that poor housing in England is costing the NHS in excess of £600 million a year. It also showed that low cost interventions give particularly good value in terms of health and well-being benefits. for example, minor works carried out through the Home Improvement Agency, and Handyperson Schemes to deal with hazards such as Falling on Level Surfaces, Falling on Stairs and Entry by Intruders can give a payback period (the time for the cost of works to balance with the cost saving to the NHS) of one or two years. Work carried out by the Audit Commission states that

³ Linking Housing Conditions and Health: A Report of a Pilot Study into the Health Benefits of Housing Interventions – February 2010)

⁴ Local Authority Private Sector Housing Services – Delivering Housing, Health and Social Care Priorities, Helping Vulnerable People and Local Communities – January 2011

“Every £1 spend on providing housing support for vulnerable people can save nearly £2 in reduced costs of health services, tenancy failure, crime and residential care.⁵

The latter pointed out that the Private Rented Sector is growing and that 30% of the dwellings in this sector have serious health and safety hazards. It also reiterated the words from the Empty Homes Agency – *“Homes that stand empty are a wasted resource and have a detrimental effect on neighbourhoods”*.

Empty Properties

Nationally, there are more than 300,000 long-term empty dwellings which could be brought back into residential use. Government has long encouraged local authorities to use the tools which have been made available reduce the numbers of this type of property which attract squatters, anti-social behaviour and bring misery for neighbours. Instead, local authorities should treat such empty property as an asset to be brought back into use for those families that need somewhere to live.

It is the government’s aim to develop options to bring more empty homes back into use, working with the local authorities and housing associations and some of the property owners, neighbours and others affected.⁶

⁵ Audit Commission (2009) *Building Better Lives: Getting the best from strategic housing*.

⁶ Quote from Communities Minister Andrew Stunell.

Chapter three – Local Housing Conditions

There are 27,965 Private Sector dwellings in the area which accommodate 27,051 households. Of these, 26% are Non-Decent (7,247). There are 3,234 vulnerable households living in Brentwood, of which 826 live in Non-Decent accommodation.⁷ Given that the Council is committed to “prioritising services and targeting resources to communities and individuals in the greatest need, and supporting residents who are the most vulnerable in society”; and that the Corporate Plan seeks to provide “good quality housing”, financial help to assist such persons in ensuring their homes are not adversely affecting their health is something the Council should do, within reasonable resource limits.

In 2008 in Brentwood, there were more than 13,200 people over the age of 65. This represents 18.3% of the population as a whole.⁸ This has a bearing on the numbers of people eligible to apply for Disabled Facilities Grants (DFG) as around 90% of grants are given to the over 65s. In 2010/11, 43 grants were approved with a total spend of greater than £230,000. DFGs are mandatory grants and, if an application is made by an eligible person, must be approved, to a maximum in any one instance of £30,000.

80% of the housing stock is owner occupied, with around 9% in the Private Rented Sector. The majority of the housing has been built since 1945, and much of the older housing has been improved and renovated. In 2010 (1st quarter) the average price of a house in Brentwood was £350,930. This is the highest average in Essex (£243,993) and much higher than the average for England (£224,064)⁹

Council Tax Benefit (CTB) and Housing Benefit (HB) are common measures of low income and a lack of accessible savings. In Brentwood, of the 27,051 households in the Private Sector, there are 1,551 in the Private Rented Sector who are in receipt of Housing Benefit and/or Council Tax Benefit. This would indicate that at least this number of tenants are on a low income and may well be unable to afford to heat their homes properly, even if the insulation of those homes is to a decent standard. There are a further 2,116 owner occupier households who receive CTB. These persons will be unlikely to maintain their homes without help from relatives, friends, the community or the Council.¹⁰

House Condition Survey Results

The recent Private Sector Housing Stock Modelling carried out by the Building Research Establishment (BRE) for Brentwood BC in 2011 states that all of the house condition and energy efficiency indicators suggest the Private Sector Housing stock in Brentwood to be better than the national average. (Stock

⁷ Brentwood Borough Council: BRE Housing Stock Models and options for further developing private sector housing information. February 2011.

⁸ ONS, 2008

⁹ Brentwood District Profile. August 2010

¹⁰ BBC Benefits (first quarter 2011)

Modelling provides data for basic legislative, government and local reporting on Private Sector Housing information. It does this by using complex statistical techniques to extrapolate data from the English House Condition Survey (EHCS) down to small local area level based on correlations with census and other data. It has not considered any data about specific housing conditions and has not involved the inspection of any dwellings. It is a purely statistical report and cannot be related to any specific addresses).

- The percentage of non-decent homes at 26% is 8% lower than the average for England in 2008;
- The model estimate for dwellings which fail thermal comfort, 11%, is 2% lower than the national average in 2008;
- For Housing Health and Safety Rating System Category 1 hazards the model estimate 17%, is 7% lower than the national average;
- Excess cold, which is the most common Category 1 hazard, at 8% is 2% lower than the national average;¹¹
- The one indicator provided solely of socio-economic conditions, vulnerable households, shows these conditions to be considerably better than the national average (12% compared to 19%);
- The percentage of vulnerable households in non-decent homes, 3%, is considerably lower than the national average in 2008 of 7%;
- The modelled estimate for former CLG PSA7 indicator, vulnerable households in decent homes, for Brentwood is 74%. This is 13% better than the national average in 2008.
- The model estimate for fuel poverty is 9% which is 6% lower than the national average in 2008 of 15%.

See Table 1 below

¹¹ i.e. shows that housing locally does not suffer from excess cold as much as other parts of the country.

Table1: Modelled Data, Private Sector

| Ward | Dwellings | | | | | | | Households | | | | Vulnerable households |
|-------------------------|---------------------|----------------------|--------------------|----------------------------|---------------------------------------|-----------------|-----------------|-------------------|-------------------|-----------------------|-----------------------|--------------------------|
| | Dwellings (private) | Households (private) | Non Decent | Inadequate Thermal Comfort | Health and Safety Rating System Cat 1 | Disrepair | Non Modern | Excess Cold | Fuel Poverty | Vulnerable Households | Vulnerable Non Decent | Vulnerable Decent (PSA7) |
| Brentwood North | 2,441 | 2,367 | 623 (26%) | 276 (11%) | 358 (15%) | 73 (3%) | 36 (1%) | 133 (5%) | 165 (7%) | 367 (16%) | 91 (4%) | 276 (75%) |
| Brentwood South | 2,124 | 2,038 | 527 (25%) | 260 (12%) | 338 (16%) | 76 (4%) | 34 (2%) | 122 (6%) | 155 (8%) | 309 (15%) | 75 (4%) | 234 (76%) |
| Brentwood West | 2,594 | 2,475 | 533 (21%) | 221 (9%) | 370 (14%) | 52 (2%) | 31 (1%) | 101 (4%) | 150 (6%) | 272 (11%) | 55 (2%) | 217 (80%) |
| Brizes and Doddinghurst | 2,121 | 2,060 | 664 (31%) | 323 (15%) | 443 (21%) | 59 (3%) | 32 (2%) | 302 (14%) | 202 (10%) | 250 (12%) | 77 (4%) | 173 (69%) |
| Herongate | 1,512 | 1,461 | 463 (31%) | 193 (13%) | 307 (20%) | 45 (3%) | 21 (1%) | 158 (10%) | 170 (12%) | 164 (11%) | 48 (3%) | 116 (71%) |
| Hutton Central | 1,417 | 1,365 | 274 (19%) | 111 (8%) | 173 (12%) | 25 (2%) | 11 (1%) | 52 (4%) | 107 (8%) | 122 (9%) | 24 (2%) | 98 (81%) |
| Hutton East | 1,328 | 1,286 | 319 (24%) | 147 (11%) | 200 (15%) | 32 (2%) | 12 (1%) | 61 (5%) | 100 (8%) | 184 (14%) | 43 (3%) | 141 (76%) |
| Hutton North | 1,491 | 1,450 | 320 (21%) | 146 (10%) | 173 (12%) | 29 (2%) | 17 (1%) | 55 (4%) | 119 (8%) | 217 (15%) | 47 (3%) | 170 (78%) |
| Hutton South | 1,631 | 1,573 | 304 (19%) | 127 (8%) | 203 (12%) | 20 (1%) | 12 (1%) | 65 (4%) | 104 (7%) | 98 (6%) | 18 (1%) | 80 (82%) |
| Ingatstone | 2,356 | 2,293 | 761 (32%) | 331 (14%) | 508 (22%) | 85 (4%) | 43 (2%) | 289 (12%) | 260 (11%) | 270 (12%) | 85 (4%) | 185 (68%) |
| Pilgrims Hatch | 2,040 | 1,991 | 555 (27%) | 240 (12%) | 325 (16%) | 60 (3%) | 25 (1%) | 113 (6%) | 184 (9%) | 336 (17%) | 87 (4%) | 249 (74%) |
| Shenfield | 2,197 | 2,127 | 555 (25%) | 252 (11%) | 300 (14%) | 56 (3%) | 32 (1%) | 135 (6%) | 179 (8%) | 119 (6%) | 31 (1%) | 88 (74%) |
| South Weald | 779 | 740 | 248 (32%) | 103 (13%) | 176 (23%) | 23 (3%) | 12 (2%) | 73 (9%) | 65 (9%) | 84 (11%) | 25 (3%) | 59 (70%) |
| Tippis Cross | 1,403 | 1,374 | 471 (34%) | 208 (15%) | 324 (23%) | 38 (3%) | 20 (1%) | 227 (16%) | 163 (12%) | 145 (11%) | 48 (3%) | 97 (67%) |
| Warley | 2,533 | 2,451 | 631 (25%) | 272 (11%) | 429 (17%) | 65 (3%) | 31 (1%) | 214 (8%) | 184 (8%) | 299 (12%) | 76 (3%) | 223 (75%) |
| Brentwood | 27,965 | 27,051 | 7,247 (26%) | 3,210 (11%) | 4,626 (17%) | 740 (3%) | 370 (1%) | 2,101 (8%) | 2,307 (9%) | 3,234 (12%) | 828 (3%) | 2,406 (74%) |
| England 2007 | | | (36%) | (16%) | (23%) | (7%) | (3%) | (11%) | (13%) | (20%) | (8%) | (61%) |
| England 2008 | | | (34%) | (13%) | (24%) | (7%) | (3%) | (10%) | (15%) | (19%) | (7%) | (61%) |

Within these general figures however, there are variations which indicate where any available monies should be spent first. The wards of Brentwood North and Brentwood South, Brizes and Doddinghurst, Ingatestone and Pilgrims Hatch all have 4% of their vulnerable households living in Private Sector housing stock which is non-decent. Ingatestone, Tipps Cross and South Weald have a large proportion (23 and 22 %) of their Private Sector stock exhibiting Category 1 hazards. (see Table 1)

In order to firm-up these figures, and put addresses to the identified problems, it would be necessary to carry out a much wider Private Sector Housing Survey in these parts of the Borough at an estimated cost of £40 - £50,000. Resources being so limited, a more practical way of targeting help to those who need it most would be to advertise/promote the availability of financial assistance in these areas. This would not preclude the giving of assistance in other areas in individual cases.

The House Condition Survey has shown that to make all of the 7,247 non-decent homes in the area decent would cost more that £37M.

Table 2: Cost of Making Non Decent Homes Decent.

| Criteria | Average Cost | Total Number in Brentwood | Total cost (£000)¹² |
|--|---------------------|----------------------------------|---------------------------------------|
| Non Decent Home | £5,155 | 7,247 | £37,358 |
| Dwelling which fails Thermal Comfort | £3,171 | 3,210 | £10,179 |
| Dwelling which fails Housing Health and Safety Rating System Cat 1 Hazards | £4,128 | 4,626 | £19,099 |
| Dwelling which fails Disrepair | £10,879 | 740 | £8,052 |
| Dwelling which fails Modernisation | £15,401 | 370 | £5,707 |
| Vulnerable Households in Non Decent Homes | £5,155 | 828 | £4,269 |

Clearly, such expenditure is not the responsibility of the Council. However, where there are vulnerable persons living in non-decent

¹² Figures don't add to £37,358,000 because some dwellings feature in more than one category.

conditions such as to pose a serious risk to their health, the Council will seek to offer help in as many appropriate ways as possible. Advice, grants, loans and negotiations with Private Sector landlords are all ways in which the Council can help.

Chapter four – Energy Efficiency/Fuel Poverty

Fuel Poverty can be defined as occurring when a household has to spend more than 10% of its disposable income on total fuel bills – space and hot water heating, cooking, lighting, appliances and standing charges. It results in households experiencing to a lesser or greater degree either fuel debt (i.e. they cannot afford to pay their fuel bills), or an inadequately heated home.

If the home is inadequately heated, the householder may suffer from cold-related diseases. It has been estimated (by charities set up to cater for the aged) that 48,000 more people die in winter each year than in the summer. Most are elderly. The charity estimates that 77% of the elderly in the UK are “fuel poor”. When a property is inadequately heated it can lead to condensation and damp conditions, which increase the rate of asthma and respiratory diseases. It is estimated that increased cold-related and respiratory diseases, associated with fuel poverty, cost the NHS £1Bn per annum. Fuel poverty can also lead to the deterioration of the property itself and associated increased maintenance/repair costs and reduced asset value. There are also other interrelated problems caused such as under use of available floor space.

Previous Governments have sought to try and eliminate fuel poverty, especially from vulnerable households. Grants and advice/information have had some success in this regard since the introduction of the Home Energy Conservation Act 1995, and the efforts of local authorities and central government. However, with the recent increase in fuel prices, much of this work has been undone and the numbers in fuel poverty have started to rise again.

Although the previous Private Sector Housing Renewal Policy included the awarding of grants in respect of energy efficiency, since 2009 a partnership with 15 local authorities in Hertfordshire and Essex has been set-up to administer grants and loans for this purpose using a Government Grant. This scheme, the Herts and Essex Energy Partnership (HEEP), has overseen the payment of £164,311 in respect of 542 dwellings. There is a prospect of a further £95,330 being spent (268 dwellings) before the scheme finally winds-up sometime in 2011.

In addition, the Council has awarded 21 grants totalling £13,012 during the same period to applicants who do not satisfy the HEEP conditions but who are nevertheless on a low income or otherwise vulnerable.

Chapter five – Interventions which the local authority can take:

With regard to Private Sector Housing, the Council can have a positive effect on the quality and quantity of the housing stock. By applying the Housing Health and Safety Rating System, dwellings can be upgraded by ensuring that they do not exhibit any of the 29 Hazards and so ensuring that they are safe and healthy places to live. By seeking to bring empty property back into use, the Council will increase the numbers of dwellings forming the stock.

Housing Health and Safety Rating System.

Environmental Health annually receives nearly 100 complaints (requests for service) concerning the condition of dwellings. Some of these are from the occupiers (mainly tenants), whilst others are from neighbours of poor quality property or from the owner occupiers of such. The numbers of complaints vary from year to year (see Table 3), but are a substantial part of the annual workload. In each instance, visits will be made and appropriate action taken.

Table 3: Numbers of Complaints received by Environmental Health.

| Year | Number of Complaints |
|---------|----------------------|
| 2005/6 | 60 |
| 2006/7 | 75 |
| 2007/8 | 93 |
| 2008/9 | 99 |
| 2009/10 | 87 |
| 2010/11 | 84 |

The Council's Enforcement Strategy will ensure that, as far as possible, unsatisfactory rented accommodation will be remedied, with landlords being either encouraged or forced to bring it up to standard. Owner occupied property will be treated sympathetically, with advice being offered, together with financial assistance if appropriate. However, should the property be adversely affecting another, or be having an adverse effect on health, there are statutory measures which can be brought about.

Empty Dwellings.

There are 226 dwellings which have been empty for more than 6 months.¹³ Whilst this is a small number, less than 1% of the Private Sector Housing Stock, it is evident that such properties "can attract anti social behaviour and bring misery for neighbours"¹⁴ Should the Council wish to expend resources

¹³ 31 March 2011

¹⁴ Communities Minister Andrew Stonell 10 January 2011.

to reduce this number of “wasted homes”, there are a number of tools which it could use to bring it about.

- Empty Dwelling Management Orders (EDMOs);
- Compulsory Purchase;
- Enforced Sales Procedure.

However, it should be borne in mind that all of these actions are the end result of concentrated effort and a great deal of expended time, and additional resources would be required to carry out such work.

EDMOs can be served on the owners of empty dwellings when certain conditions are satisfied. If a property has been empty for at least 6 months and there seems no prospect of it being re-occupied or sold, the local authority can apply to a Residential Property Tribunal (RPT) for an **Interim EDMO**. This lasts for up to 12 months, during which time the Council, whilst taking over the day-to-day management, must work with the landlord to agree a way of getting the property back into use. This can include the local authority letting the property *with the permission of the landlord*. If no agreement can be reached, the Council can make a **Final EDMO**, following which it has the right to possession of the property for a fixed period of time, which can be for up to 7 years. During this time, the Council must take whatever steps it considers appropriate to get the property occupied or to keep it occupied and ensure that it is properly managed. Any costs incurred in the execution of a Final EDMO – management costs, repair costs etc. – will be recovered from the rental income. Any surplus must be returned to the landlord, whilst any losses must be borne by the Council.

Compulsory Purchase powers under the Housing Act 1985 or the Town and Country Planning Act 1990 can be used by local authorities to acquire empty dwellings with a view to ensuring the development of the site or to ensure that they are occupied – either by adding them to their own stock or by selling them on the open market or to a preferred bidder (an RSL). Compulsory Purchase Action is a long and involved process, the eventual outcome of which is often subject to a Public Local Enquiry held at the local authority’s expense.

The **Enforced Sales Procedure** can be invoked by local authorities where a recoverable debt has been placed as a charge on the property by the local authority. Not all debts are able to be made a land charge, but those incurred by the carrying out of, for instance, works in default of statutory action, can be used. The procedure involves sending an invoice in respect of the debt to the owner concerned which, if not paid, can result in the local authority causing the property to be sold in order to recover the outstanding amount.¹⁵

¹⁵ Law of Property Act 1925

Houses in Multiple Occupation.

Brentwood is not a Borough which has a high level of Houses in Multiple Occupation (HMOs) or, indeed, an appreciable number of houses which lend themselves to such occupation. HMOs are often occupied by young single persons or couples who either cannot find or cannot afford to rent traditional houses or flats, or by vulnerable persons who have no permanent address. Occupation of such accommodation is often transient and the occupiers are more likely to move rather than complain about their living conditions. By definition, they are a part of the Private Rented Sector which itself contains much of the worst housing in the Borough.

The Housing Act 2004 brought in new definitions of what constitutes a HMO, and also gave local authorities a duty to license the larger HMOs (see Appendix 2) which were seen to pose the most risk to the occupiers, especially risk from fire. BBC has 19 licensed HMOs (2011), but an unknown number of HMOs which do not need to be licensed, but many of which still pose a risk to the occupants in terms of lack of means of escape or of poor facilities or living conditions. To discover these houses, it would be necessary to not only trawl Council Tax Records and the Electoral Register (provided such actions were not prohibited by the Data Protection Act 1998 and associated Orders), but also to visit probable buildings to ascertain their current status. Work on such non-licensable HMOs would require additional resources

The Management of Houses in Multiple Occupation Regulations 2006 (as amended) impose duties on the owner/manager of a HMO regarding safety (including fire safety), provision of facilities, gas and electrical installations, maintenance, living conditions, etc. A breach of these Regulations, which are enforced by local authorities, renders the owner/manager of a HMO liable to a fine not exceeding level 5 on the standard scale.

Home Improvement Agency.

The Council has had a relationship with a Home Improvement Agency (HIA) provider for more than 20 years. Anchor Trust has provided a holistic housing service aimed at assisting elderly and vulnerable people to solve their housing problems by:

- helping them obtain grants or to access other funding,
- helping them to understand and fill out complex forms,
- providing a gardening service,
- providing a handyman service.

From early July, the HIA provider will be *Papworth Trust Housing Solutions*. This charitable Trust has been successful in bidding to provide the HIA service in Thurrock; Castle Point; Rochford; Southend; Harlow; Uttlesford and Brentwood. The tender was let by Essex CC as a part of its Supporting People work.

Historically, BBC has paid £44,000 to assist with the running costs of the HIA. This sum has been [nearly] matched by monies from Supporting People. The new HIA will be funded in a similar manner, with both BBC and Essex CC paying a reduced amount. Any shortfall of running costs will be made up by Papworth charging an increased level of fees.

The details of the HIA, where it will be based and how it will promote itself in Brentwood are, as yet, unclear. However, it is expected that there will be a seamless transfer of work from Anchor to Papworth, and that there will be no loss of service to residents.

Advice:

Residents of the Borough will often rely on advice from Environmental Health in respect of their housing problems. Apart from signposting to other Departments of the Council, Essex CC, the HIA, DWP, HEEP, or other Agencies, advice on what works should be undertaken to remedy defects or combat poor housing conditions is freely given. Environmental Health will work with communities, self-help groups and other interested bodies in order to improve housing conditions.

Grants / loans:

The Council has long been the provider of financial assistance to home owners. Grants to repair or improve living accommodation have been given for more than 50 years with thousands of dwellings being brought up to a decent standard. More recently, since the last Private Sector Renewal policy was implemented in 2006, BBC has assisted 389 people to improve, adapt and repair their homes and has, in the process paid grants and loans totalling £1,236,924.

Table 4: Grant monies expended since 2006

| Year | DFG | | Renovation | | Home Repair Assistance | | Affordable Warmth | |
|--------------|----------------|------------|---------------|----------|------------------------|------------|-------------------|------------|
| | Amount £ | Num | Amount £ | Num | Amount £ | Num | Amount £ | Num |
| 2006 | 107,831 | 31 | 34,935 | 4 | 48,000 | 23 | 34,666 | 34 |
| 2007 | 182,745 | 35 | 0 | 0 | 47,683 | 21 | 61,060 | 29 |
| 2008 | 205,344 | 45 | 0 | 0 | 41,304 | 23 | 61,207 | 30 |
| 2009 | 106,420 | 23 | 13,719 | 2 | 42,538 | 23 | 12,815 | 16 |
| 2010 | 196,245 | 35 | 18,765 | 2 | 21,450 | 12 | 197 | 1 |
| TOTAL | 798,585 | 169 | 67,419 | 8 | 200,975 | 102 | 169,945 | 110 |

With more limited financial resources being available for distribution, the Council will in the future have to be more discerning in who is awarded grant aid. Indeed, much of the activity in this area will have to be carried out on a loan basis, rather than giving grants. Such loans would be repaid when the property was sold, with the monies being recycled into the budget for discretionary grants and loans.

Chapter 6 outlines the proposed way that financial assistance will be given in the future.

Chapter six – Grants & Loans. (See Appendix 3)

Subject to qualifying conditions, and subject to available financial resources, the Council will provide assistance through its Housing Renewal Policy in one of or a combination of the following ways:

- Disabled Facilities Grants;
 - Mandatory Grant
 - Discretionary Grant
- ~~Empty Property Loans;~~
- ~~Energy Efficiency Grants/Loans~~
- ~~Warm Front Top-up Grant~~
- ~~Provision of Heating Grants/Loans~~
- ~~Renewable Energy Installation Loans~~
- Emergency Repair Assistance;
- ~~Decent Homes Loans;~~

~~All Mandatory Disabled Facilities Grants are subject to continued funding from Government of a majority of the cost. At present, the Govt provides £120,000 p.a. as a non ring-fenced capital sum. Historically, the Government grant has formed 60% of the total available for mandatory grant aid with BBC contributing a sum equivalent to a further 40%. This year, BBC has budgeted £75,000 for mandatory grants, thus making a total of £195,000 available to be distributed.~~

~~All other grants and loans are subject to sufficient funding being made available by Brentwood Borough Council on an annual basis. This financial year, BBC has budgeted for £65,000 to be available.~~

Mandatory Disabled Facilities Grants

Mandatory grants for people with a disability to make adaptations to their home (including caravans and houseboats) to enable them to:

- move freely into and around the dwelling and enjoy the use of the dwelling and the facilities and amenities within it. i.e. reasonable access to the home and the living room, bedroom, bathroom or shower room in which there are suitable facilities for washing and/or showering;
- make a dwelling or building safe for a disabled occupant;
- provide a room or provide access to a room used or usable for sleeping;
- provide suitable toilet and washing, bathing or showering facilities;
- facilitate the preparation and cooking of food;
- adapt heating, lighting and power installations for the benefit of a disabled person;

- access the garden in a safe manner.

The grant is subject to the government's prescribed "Test of Financial Resources" (Means Test) which is used to calculate the applicant's contribution (if any). The maximum grant cannot exceed £30,000.

The Council has to consult with Essex County Council Adult Health & Community Services, (Occupational Therapists) as to what works are necessary and appropriate and then has to decide whether the works recommended are reasonable and practicable.

All DFGs in excess of £5,000 will be subject to a condition that, should the property be sold, or the ownership change, within 10 years of the works being completed, the grant paid above £5,000 will be repaid to the local authority, subject to a maximum repayment of £10,000.¹⁶

Discretionary Disabled Facilities Loan

In addition to the Mandatory Grant, the Council will consider awarding Discretionary Loans for other related works, or to "top up" the Mandatory Grant to meet [some] additional costs. ECC will, through its Housing Options Panel, consider paying for essential works costing in excess of the maximum grant of £30,000. However, in cases where there is still a shortfall, BBC will consider offering a loan which will be repayable on the sale or disposal of the property. The offer of a DDFL will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.

Empty Property Loans

~~In order to assist owners of Long Term Empty Dwelling to bring them back into tenanted residential use, the Council will consider offering a repayable loan to help carry out essential repairs and improvements. Such a loan would be made a charge on the property and be repayable after 10 years or when the property is sold, whichever comes soonest. The awarding of such a loan will be subject to certain conditions as to who can occupy the dwelling and at what rent level. The loan would only be available to persons who had owned the property for more than 12 months or who had inherited it from a deceased relative. The loan will be limited to a maximum of £10,000. The offer of an EPL will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.~~

Energy Efficiency Grants/Loans

~~This assistance is available to vulnerable persons and takes five forms:~~

- ~~Cavity wall insulation & loft insulation installation;~~
- ~~Warm Front Top-up;~~
- ~~Provision of heating;~~

¹⁶ The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant Conditions relating to approval or payment of Grant) General Consent 2008.

Renewable Energy Installation;
Hard to Treat Homes.

Cavity Wall Insulation and Loft Insulation Grant:

Vulnerable owner occupiers, and vulnerable tenants whose landlords agree to keep the property available for letting for a minimum of 5 years, will be entitled to a grant to install cavity wall insulation and/or loft insulation to raise the energy efficiency of their dwelling to a suitable level. The offer of this grant will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.

Warm Front Top-up Grant:

Whilst Warm Front Grants (WFGs) are still being offered by eaga on behalf of the Government – i.e. until April 2012 – there will be instances where the WFG is insufficient to provide a first-time heating installation. In such cases, as applicants for WFGs are by definition vulnerable, a grant will be offered to top-up the Government grant to cover the full costs. (Such top-ups are usually of less than £1,000). The offer of this grant will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.

Provision of Heating Loan:

Where dwellings are lacking in central heating, a loan will be offered to vulnerable owner occupiers to enable an installation to take place. Such a loan will be a local land charge and will be recoverable on a change of ownership of the property. Where a landlord intends to install central heating for the first time, the loan will be made available, but will be repayable after 10 years or on a change of ownership or tenure of the property, whichever occurs first. Maximum loan to be £5,000. The offer of this loan will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.

Renewable Energy Installation Loan:

Certain forms of renewable energy – solar thermal, ground source heat pumps – will attract loan assistance if the applicant is a vulnerable owner occupier. Such a loan will be a local land charge and will be recoverable on a change of ownership of the property. Where a landlord intends to install a renewable energy facility for the first time in a dwelling occupied by a vulnerable tenant, the loan will be made available, but will be repayable after 10 years or on a change of ownership of the property or a change in tenure, whichever occurs first. Maximum loan to be £10,000. The offer of this loan will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.

Hard-to-Treat Homes Grant/Loan:

~~Dwellings constructed with solid walls cannot be improved by cavity wall insulation and are therefore hard to insulate to a reasonable standard. Vulnerable owner occupiers of such dwellings, provided that in all other respects the dwelling is energy efficient, will be entitled to a grant, not exceeding £10,000, to provide a suitable external cladding to the building which will bring the SAP rating up to a minimum of 65. The grant will be repayable if the property changes ownership within 3 years and will be placed on the Local Land Charges Register. Landlords who wish to improve their dwellings which are occupied by vulnerable tenants in a similar manner will be offered a loan, not exceeding £10,000, which will be repayable after 10 years or on a change of ownership of the property or a change in tenure, whichever occurs first. The offer of this grant/loan will remain open for a maximum period of 4 months, or longer at the discretion of the awarding authority.~~

Emergency Home Repair Assistance Loans

Dwellings occupied by owner occupiers who are both elderly and/or on low income vulnerable and which are in need of emergency repairs to keep them wind and weatherproof or otherwise safe to be occupied, or need work to bring the property up to the Decent Homes Standard, will be entitled to a grant not exceeding £35,000 to enable those repairs to be carried out. The grant will be repayable if the property changes ownership within 3 years and will be placed on the Local Land Charges Register. The offer of this grant will remain open for a maximum period of 4-5 months, or longer at the discretion of the awarding authority.

Decent Homes Loans

~~Dwellings which do not meet the Decent Homes Standard and which are owned and occupied by vulnerable people will attract loan assistance (maximum £5,000) to help bring the house “up to standard”. Such a loan will be registered as a local land charge and will become repayable on the sale or change of ownership of the property. Any offer of loan will be available only for a 4 month period, or longer at the discretion of the local authority.~~

Revised 2 June 2015

05 April 2011

DECENT HOMES STANDARD

The basic principles of the Decent Homes Standard are:

- **Houses must meet the current statutory minimum standard for housing**
i.e. Homes must be free from Category One Hazards as defined in Part 1 of the Housing Act 2004.
- **Houses must be in a reasonable state of repair**
Homes which fail to meet this standard are those where either:
 - one or more of the key building components are old and, because of their condition, need replacing or major repair; or
 - two or more of the other building components are old and, because of their condition, need replacing– or major repair
- **Houses must have reasonably modern facilities and services**
Homes which fail to meet this standard are those which don't have three or more of the following:
 - reasonably modern kitchen (20 years old or less)
 - a kitchen with adequate space and layout
 - a reasonably modern bathroom (30 years old or less)
 - an appropriately located bathroom and WC
 - adequate insulation against external noise (where external noise is a problem)
 - adequate size and layout of common areas for blocks of flats
- **Houses must provide a reasonable degree of thermal comfort**
This means that homes must have both effective insulation and efficient heating

LICENSABLE HOUSES IN MULTIPLE OCCUPATION

In general terms, HMOs¹⁷ which satisfy all of the following conditions **must** be licensed by the local authority.¹⁸

- The building containing the HMO is of 3 or more storeys;
- The HMO is occupied by more than 4 persons;
- The HMO is occupied by 2 or more households as their only or main residence.¹⁹ This includes occupation :
 - By asylum seekers, migrant and seasonal workers;
 - As a refuge by persons escaping domestic violence; or
 - By students in higher or further education.

¹⁷ As defined by sections 254 – 259 of the Housing Act 2004.

¹⁸ It is an offence for the owner/manager of a licensable HMO not to license it.

¹⁹ A household is either a single person or members of the same family who are living together. This includes people who are married or living together as married (including those in same-sex relationships). It also includes specific relatives who are living together: parents, grandparents, children (and step children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Foster children are also treated as part of their parents' household.

GRANTS/LOANS PRIORITY LIST

| Type of Grant/Loan | Priority | Maximum Grant/Loan (£) | Comments |
|---|----------|------------------------|--|
| Mandatory <u>Disabled Facilities Grant</u> | High | 30,000 | Dependent on numbers of referrals from ECC |
| Discretionary <u>Disabled Facilities Grant</u> | High | No limit | Very rarely has to be used. No funds available in 2011/12, but efforts to be made to transfer from other headings if required |
| <u>Empty Property Loan</u> | Med | 10,000 | <u>Empty Property Strategy to be written during 2011</u> |
| <u>Cavity Wall Insulation and Loft Insulation Grant</u> | High | No limit | <u>Subject to HEEP funds being exhausted first. Fall-back if other funds can't help</u> |
| <u>Warm Front Top-up Grant</u> | High | No limit | <u>Subject to HEEP funds being exhausted first. Fall-back if other funds can't help</u> |
| <u>Provision of Heating Loan</u> | Low | 5,000 | <u>Subject to HEEP funds being exhausted first. Fall-back if other funds can't help</u> |
| <u>Renewable Energy Insulation Loan</u> | Low | 10,000 | <u>Subject to HEEP funds being exhausted first. Fall-back if other funds can't help</u> |
| <u>Emergency Home Repair Loan Assistance</u> | High | 3,000 | <u>Owner occupiers who are both elderly and/or on low income vulnerable</u> |
| <u>Decent Homes Loan</u> | Med | 5,000 | <u>Vulnerable owner occupiers</u> |
| <u>Hard-to-Treat</u> | Med | 10,000 | <u>Subject to HEEP funds being exhausted first.. Fall-back if other funds</u> |

| | | | |
|------------------|--|--|---|
| Homes Grant/Loan | | | can't help. No funds available in 2011/12, but efforts to be made to transfer from other headings if required |
|------------------|--|--|---|

9 December 2015

Environment and Housing Management Committee

Civil Penalty Scheme for non-compliance with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Report of: Ashley Culverwell, Head of Borough Health Safety & Localism

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 New legislation has been introduced to ensure smoke and carbon monoxide alarms are in working order in privately rented accommodation.
- 1.2 The legislation allows discretion for Local Authorities to set a Civil Penalty in the form of Fixed Penalty for non-compliance with the requirements. This can be up to £5000.
- 1.3 This report seeks authority to set this Civil Penalty at a tiered structure of £2000 for a first offence and £5000 for a subsequent offence for a property within the ownership of the same landlord.

2. Recommendation(s)

- 2.1 **Delegates Authority for the administration and enforcement of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 To the Head of Borough Health Safety and Localism and Officers nominated by him.**
- 2.2 **That the committee set the Civil Penalty for failure to comply with requirements of these Regulations at tiered levels with an initial £2000 for a first offence of the requirements of the Regulations, and £5000 for a subsequent offence for a property within the ownership of the same landlord.**
- 2.3 **Agrees to the promotion of the Regulations and Civil Penalty Scheme via the medium of landlords forums, community safety newsletters, press releases and other applicable communication channels .**

3. Introduction and Background

- 3.1 In 2013-14 there were 50,000 fires in dwellings in the UK, around two thirds due to accidental causes. This resulted in 275 fatalities and 3,614 non-fatal casualties.
- 3.2 There has been a downward trend in recent years in the number of casualties mainly due to improved construction, fire detection and education. However, 38% of fatalities in single occupied dwellings occurred where there was no alarm.
- 3.3 Statistically privately rented dwellings are seven times more likely to have a fire compared to owner occupied properties and can contain some of the most vulnerable members of society. The private rented sector plays an important part of the national housing make-up: currently 17% and growing.
- 3.4 This can include Houses in Multiple Occupation (HMOs) where several units of accommodation can be present in one property, thereby increasing the fire risk.
- 3.5 A survey in October 2015 found that 1 in 7 tenants do not have a smoke alarm.
- 3.6 From 1st October 2015 private sector landlords have to ensure that at least 1 smoke alarm is installed on every storey of their rented property and that a carbon monoxide alarm is installed in any room containing a solid fuel burning appliance. These requirements are set out in the Smoke and Carbon Monoxide Alarms (England) Regulations 2015.
- 3.7 Landlords are also under a requirement to ensure such alarms are in a proper working order at the start of each new tenancy
- 3.8 Failure to comply with the regulations will result in the Local Authority serving a Remedial Notice requiring compliance within 28 days. If not complied with the Local Authority must carry out remedial action where the occupier consents, and can issue a Civil Penalty up to £5000
- 3.9 For information there are some exemptions to the regulations such as Registered Social Landlords, Licensed HMOs (those of 3 storeys or more) and care homes etc.

4. Issue, Options and Analysis of Options

4.1 The options available are to:

1. Consider whether a civil penalty scheme will be enforced
2. Agree on the proposed level of civil penalty which is set at £2000 for the first offence and £5000 for subsequent offences.

4.2 It is considered that option 2 is preferred. The importance of fire safety has been explained above and landlords will have 28 days with which to comply with the remedial notice. This will state that they need to install a smoke or carbon monoxide alarm, as appropriate. The relatively high level of fixed penalty reflects the seriousness to which the Council takes this offence, balanced against the inexpensive effective controls of fitting detectors.

5. Reasons for Recommendation

5.1 It is acknowledged that the private rented sector plays an important and valuable role in the provision of housing to our residents. Whilst we support landlords in providing this service the health and safety of tenants is paramount. A remedial notice is served where a breach of the legislation is discovered, giving the landlord 28 days in which to install a smoke or carbon monoxide alarm. This action is not onerous and there are few excuses for non-compliance. Therefore a civil penalty of £2000 for initial non-compliance with the legislation will illustrate the seriousness to which the Council takes this matter whilst also not overly punishing landlords. Due to the very low cost of having to comply with the Regulations any subsequent offence will result in a fine of £5000 for properties in the ownership of the same landlord.

6. Consultation

Other Local Authorities in Essex have been consulted to establish the levels of civil penalty that they will be applying. There is a wide variation in the fine levels different Local Authorities have set ranging from £0 to £4000. This is a choice under the Localism Agenda and officers consider that the fee level suggested provides the right level of penalty to Landlords for what is a simple and low cost solution for the early detection of fire or carbon monoxide having the potential to save lives of our residents.

7. References to Corporate Plan

7.1 Housing, Health & Wellbeing

We will support vulnerable homeowners and responsible landlords to improve housing conditions and will compel rogue landlords to improve standards.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Section 151 Officer, Finance Director
Tel & Email: 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 The additional requirements of the legislation can be met within existing budgets.
- 8.2 As landlords are given 28 days notice to comply it is not expected there will be additional income from fines although they act as a strong incentive to comply with the regulations.

Legal Implications

Name & Title: Saleem Chughtai, Legal services Manager
Tel & Email: 07966891705 / saleem.chughtai@brentwood.gov.uk

- 8.3 On 1st October 2015 , the Smoke and Carbon Monoxide Alarm (England) Regulations came into effect . These require all specified tenancies including private sector landlords to install a smoke alarm on every floor of their property , as well as install a Carbon Monoxide alarm in their properties which use or burn solid fuels , additionally check that alarms are working at the start of every new tenancy . Private sector landlords could be fined up to £5000 by local council's if they fail to meet the new regulations

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 Equality and Diversity - The private rented sector is an important part of the make-up of housing provision. However, it should be noted that the most vulnerable members of society often find themselves in this sector and a small percentage of landlords can take advantage of this by offering low rent, poor quality accommodation. Safety of all tenants is paramount regardless of background, personal circumstances and type of accommodation. Implementing these regulations and penalty scheme will ensure non-exclusion of all landlords and safeguard vulnerable tenants.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

10. Appendices to this report

None

Report Author Contact Details:

Name: Neil Haycock Environmental Health Officer
Telephone: 01277 312522
E-mail: neil.haycock@brentwood.gov.uk

This page is intentionally left blank

9 December 2015

Environment & Housing Management Committee

Papworth Home Improvement Agency

Report of: *Ashley Culverwell, Head of Borough Health, Safety and Localism*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Borough Council works in partnership with Papworth Trust to provide a Home Improvement Agency service, giving assistance to elderly and vulnerable residents in obtaining adaptations for disabilities, small repairs, access to funding for housing repairs and other services.
- 1.2 Essex County Council undertook a procurement exercise in 2010 to determine the contractors to provide Home Improvement Agency (HIA) functions throughout the county, funded through Supporting People at Essex.
- 1.3 The original contracts issued by Essex were for a three year period, which has subsequently been extended by them until November 2015. Papworth Trust were awarded the HIA contract for the area covering Brentwood, Basildon Rochford and Castle Point districts.
- 1.4 Brentwood Borough Council entered into a service level agreement with Papworth Trust to provide local services to Brentwood residents, which was for the same time period as the initial contract with Essex.
- 1.5 Essex County Council are reviewing its existing contractual arrangements and has now further extended its contract with Papworth until March 2016 until it has made a decision.
- 1.6 Authority is therefore sought from this Committee to extend the existing SLA contract with Papworth until March 2016. Funding for this financial year has been budgeted for and there is financial provision for this further extension.

2. Recommendation(s)

2.1 That Members agree to extend the time period for the service level agreement with Papworth to March 2016.

2.2 Officers are instructed to report back on the outcome of Essex County Council's procurement and the future provision of Home Improvement Agency services for the Borough.

3. Introduction and Background

3.1 Essex County Council undertook a procurement exercise in 2010/11 to determine the contractors to provide Home Improvement Agency (HIA) functions throughout Essex.

3.2 Members authorised officers to negotiate a suitable service level agreement with the HIA provider. Brentwood Borough Council subsequently entered into an agreement with Papworth Trust to provide local services to Brentwood residents, which have included providing advice and assistance for householders to obtain housing grants, gardening work and handy man small repairs.

3.3 The original contracts issued by Essex were for a two year period, which has subsequently been extended by them until the end of October 2015.

3.4 Our service level agreement with Papworth Trust has also been extended until this date.

3.5 Essex have now confirmed that they intend to further extend the contract until March 2016, when they intend to go out to tender.

3.6 Members are requested to consider further extending our contract with Papworth until March 2016 and to authorise officers to report back to Members on the outcome of the further procurement exercise.

4. Issue, Options and Analysis of Options

4.1 Brentwood Council is committed to protecting the needs of vulnerable residents of the community through the valuable services provided on behalf of the Council by Papworth Trust to enable independent living.

5. Reasons for Recommendation

5.1 To ensure continuity of services provided by the HIA in line with the Essex agreements.

6. Consultation

6.1 Not considered necessary at this stage.

7. References to Corporate Plan

- 7.1 Housing, Health and Wellbeing
We will support vulnerable homeowners and responsible landlords to improve housing conditions.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 Funds allowing extension of the existing contract is budgeted for in 2015/16.

Legal Implications

Name & Title: Daniel Toohey, Head of Legal Services

Tel & Email: daniel.toohey@BDTlegal.org.uk

- 8.2 The Council entered in a grant funding agreement/SLA with the Papworth Trust dated 25th August 2011, which has subsequently been extended to 30 November 2015 by a deed of variation and extension dated 9 September 2015.

- 8.3 Delegated authority is required from Members to enable continuation of the existing agreement until March 2016.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 Equality and Diversity – access to services for all residents, particularly those most at need who may be elderly and/or disabled and need support to obtain assistance to maintain, repair or adapt their homes to enable them to continue to live independently.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Deed of Variation of SLA between Brentwood BC and Papworth.

10. Appendices to this report

Appendix A - Deed of Variation of SLA between Brentwood BC and Papworth.

Report Author Contact Details:

Name: David Carter, Environmental Health Manager
Telephone: 01277 312509
E-mail: david.carter@brentwood.gov.uk

THIS DEED is dated

PARTIES

DATED

CONTENTS

9th September 2015

| | | |
|-----|---------------------------|---|
| (1) | BRENTWOOD BOROUGH COUNCIL | 1 |
| (2) | THE PAPWORTH TRUST | 2 |

DEED OF VARIATION OF SLA

BACKGROUND

SCHEDULE

1. Party 1 and Party 2 are party to an agreement for Home Improvement Agency services dated 21 August 2011 (Agreement) in which it is agreed to be subject to this deed.

2. Given an extension of the overriding period of the Agreement between Party 2 and Essex County Council, it is necessary to amend the Agreement; consequently, the parties wish to amend the Agreement as set out in this deed with effect from the date of this deed (Variation Date).

between

AGREED TERMS

1. TERMS DEFINED IN THE AGREEMENT **BRENTWOOD BOROUGH COUNCIL**

In this deed, expressions defined in the Agreement and used in this deed have the meaning set out in the Agreement. The rules of interpretation set out in the Agreement apply to this deed.

and

2. VARIATION **THE PAPWORTH TRUST**

2.1 With effect from the Variation Date the Parties agree the following amendments to the Agreement:

| | | |
|----|--------------|---|
| 1) | DEFINITIONS: | "Contract Period" shall now read, "means the period from 1 July 2011 until 30 November 2015, extended by agreement between the parties" |
|----|--------------|---|

3. GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

CONTENTS

CLAUSE

| | | |
|----|-------------------------------------|---|
| 1. | Terms defined in the Agreement..... | 1 |
| 2. | Variation | 1 |
| 3. | Governing law..... | 1 |
| 4. | Jurisdiction..... | 2 |

SCHEDULE

| | | |
|----------|-------------------------|---|
| SCHEDULE | ORIGINAL AGREEMENT..... | 3 |
|----------|-------------------------|---|

THIS DEED is dated

9th September 2015

PARTIES

- (1) BRENTWOOD BOROUGH COUNCIL whose address is Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY (**Party 1**).
- (2) THE PAPWORTH TRUST of Head Office, Papworth Everard, Cambridge CB23 3RG, Company No. 00148906, Charity No. 211234 (**Party 2**).

BACKGROUND

- (A) Party 1 and Party 2 are party to an agreement for Home Improvement Agency Services dated 25 August 2011 (**Agreement**), a copy of which is attached as the Schedule to this deed.
- (B) Given an extension of the overriding Framework Agreement between Party 2 and Essex County Council, it is necessary to extend the Agreement: consequently, the parties wish to amend the Agreement as set out in this deed with effect from the date of this deed (**Variation Date**).

AGREED TERMS

1. TERMS DEFINED IN THE AGREEMENT

In this deed, expressions defined in the Agreement and used in this deed have the meaning set out in the Agreement. The rules of interpretation set out in the Agreement apply to this deed.

2. VARIATION

- 2.1 With effect from the Variation Date the Parties agree the following amendments to the Agreement:

| | | |
|----|--------------|--|
| a) | DEFINITIONS: | “Contract Period” shall now read, “means the period from 1 st July 2011 until 30 th November 2015, extended by agreement between the parties.” |
|----|--------------|--|

3. GOVERNING LAW

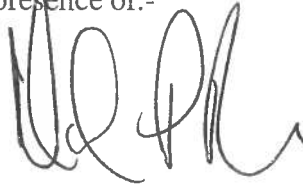
This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

4. JURISDICTION

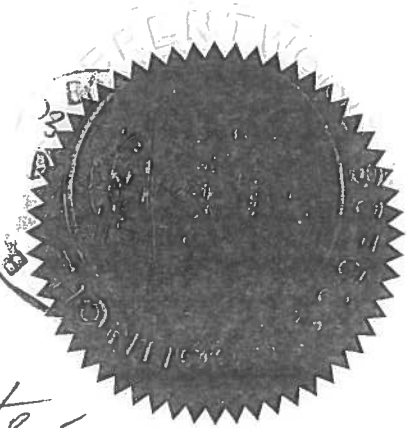
- 4.1 Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this deed or its subject matter or formation (including non-contractual disputes or claims).

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

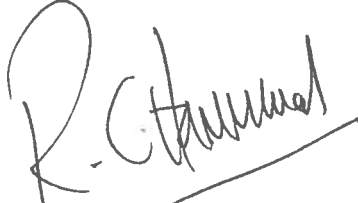
THE COMMON SEAL OF
BRENTWOOD BOROUGH COUNCIL
was hereunto affixed in the presence of:-



MAYOR



MONITORING OFFICER *C. Potter*
HEAD OF LEGAL
Cep



Executed as a deed on behalf of THE
PAPWORTH TRUST by

.....
SIGNATURE OF CHARITY
TRUSTEE

a Trustee, in the presence of:

Am *DRY ORANGE*
COMPANY SECRETARY

60 NEW FARM CLOSE, DRY ORANGE, CITRUS
CB13 8BP

.....
[SIGNATURE OF WITNESS]
[NAME, ADDRESS AND
OCCUPATION OF WITNESS]



This page is intentionally left blank

Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Environment and Housing Management Committee

1. The functions within the remit of the Environment and Housing Management Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) are set out below:

- 1) Waste management, refuse collection and recycling.
- 2) Environmental improvement schemes.
- 3) The quality of the public realm, including street services and grounds maintenance.
- 4) Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage.
- 5) Public conveniences.
- 6) Cemeteries and closed churchyards.
- 7) Unlawful incursions.
- 8) Affordable housing.
- 9) Housing strategy and investment programme where the Policy, Finance and Resources Committee does not decide to exercise such functions as the superior Committee.
- 10) The Housing Revenue Account Business Plan where the Policy, Finance and Resources Committee does not decide to exercise such functions as the superior Committee.
- 11) Housing standards, homelessness, homelessness prevention and advice.
- 12) Housing needs assessment.
- 13) Housing benefit - welfare aspects.
- 14) Private sector housing and administration of housing grants.
- 15) Tenancy Management and landlord functions.
- 16) To make recommendations to Finance and Resources on the setting of rents for Council homes.
- 17) Operational facilities management (including maintenance) of the Town Hall and the Depot.

This page is intentionally left blank