



#### TO COUNCILLOR:

Mrs R H Adams  
N Alam  
L A Bentley  
G A Boulter (Chair)  
J W Boyce

Mrs L M Broadley  
F S Broadley  
D M Carter  
M H Charlesworth  
F S Ghattoraya

Mrs S Z Haq (Vice-Chair)  
Miss A Kaur  
K J Loydall JP  
Mrs S B Morris  
R E R Morris

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **SERVICE DELIVERY COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 3 SEPTEMBER 2019** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**23 August 2019**

**Mrs Anne E Court**  
Chief Executive

#### ITEM NO.

#### AGENDA

#### PAGE NO'S

#### **1. Apologies for Absence**

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

#### **2. Appointment of Substitutes**

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

#### **3. Declarations of Interest**

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

#### **4. Minutes of the Previous Meeting**

**1 - 4**

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

#### **5. Action List Arising from the Previous Meeting**

**5**

To read, confirm and note the Action List arising from the previous meeting.



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## 6. Petitions and Deputations

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

## 7. Community Garden - Blaby Road Park (Presentation)

### 8. Brocks Hill as a Local Nature Reserve

6 - 16

Report of the Park Ranger

### 9. Council Performance Update (Q1 2019/20)

17 - 80

Report of the Deputy Chief Executive

### 10. Temporary Accommodation Strategy

81 - 93

Report of the Housing Manager

### 11. Universal Credit Update (Q1 2019 - 20)

94 - 97

Report of the Revenues and Benefits Manager

**For more information, please contact:**

#### **Democratic Services**

Oadby and Wigston Borough Council  
Council Offices  
Station Road, Wigston  
Leicestershire  
LE18 2DR

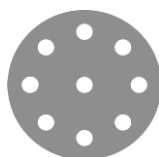
**t:** (0116) 257 2775

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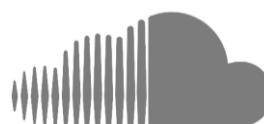
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**MINUTES OF THE MEETING OF THE SERVICE DELIVERY COMMITTEE HELD AT THE  
COUNCIL CHAMBER - COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 4  
JUNE 2019 COMMENCING AT 7.15 PM**

**PRESENT**

G A Boulter	Chair
Mrs S Z Haq	Vice-Chair

**COUNCILLORS**

Mrs R H Adams  
N Alam  
L A Bentley  
J W Boyce  
M H Charlesworth  
F S Ghattoraya  
Miss A Kaur  
K J Loydall JP  
R E R Morris

**OFFICERS IN ATTENDANCE**

T Cawthorne	Regulatory Services Manager
D M Gill	Head of Law & Democracy / Monitoring Officer
Mrs A Lennox MBE	Head of Community & Wellbeing
C Raymakers	Head of Finance, Revenues & Benefits
Miss J Sweeney	Democratic & Electoral Services Officer
A Thorpe	Head of Built Environment

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors J W Boyce, Mrs L M Broadley, F S Broadley, D M Carter and Mrs S B Morris.

**2. APPOINTMENT OF SUBSTITUTES**

None.

**3. DECLARATIONS OF INTEREST**

None.

**4. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on 29 January 2019 be taken as read, confirmed and signed.**

**5. ACTION LIST ARISING FROM THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The Action List arising from the previous meeting held on 29 January 2019 be read, confirmed and noted.**

**6. PETITIONS AND DEPUTATIONS**

None.

**7. CORPORATE PERFORMANCE UPDATE (Q4 2018/19)**

The Committee gave consideration to the report (as set out at pages 8 - 15 of the agenda reports pack) which asked it to note the update regarding the progress in achieving the Council's priorities and strategic objectives at the end of the 2018/19 financial year.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report be noted.**

**8. COMMUNITY SERVICES UPDATE (Q4 2018/19)**

The Committee gave consideration to the report and appendices (as set out at pages 16 - 32 of the agenda reports pack) which asked it to note the update regarding the delivery of Community Services for quarter 4 of 2018/19.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report and appendices be noted.**

**9. REVENUES & BENEFITS UPDATE (Q4 2018/19)**

The Committee gave consideration to the report (as set out at pages 33 - 37 of the agenda reports pack) which asked it to note the activity within the Revenues and Benefits Section during the fourth quarter of 2018/19, in addition to updating Members regarding the progress of Universal Credit implementation.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report to be noted.**

**10. HEALTH, WELLBEING & LEISURE SERVICES UPDATE (Q4 2018/19)**

The Committee gave consideration to the report (as set out at pages 38 - 45 of the agenda reports pack) which asked it to note the details provided with regards to the range of projects that have taken place during the fourth quarter of 2018/19.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

- (i) **Members did provide their comments on yarn-bombing and plastic bags usage accordingly; and**
- (ii) **The contents of the report to be noted.**

**11. GREENING OF THE BOROUGH & OPERATIONAL SERVICES UPDATE (Q4 2018/19)**

The Committee gave consideration to the report (as set out at pages 46 - 51 of the agenda reports pack) which asked it to note the update on the Borough's green and natural spaces during the fourth quarter of 2018/19.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report to be noted.**

**12. ASSET AND FACILITIES SERVICE UPDATE (Q4 2018/19)**

The Committee gave consideration to the report (as set out at pages 52 - 56 of the agenda reports pack) which asked it to note the update regarding work being undertaken by the Corporate Assets and Economic Regeneration Section during the fourth quarter of 2018/19.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report to be noted.**

**13. CUSTOMER SERVICE & TRANSFORMATION UPDATE (Q4 2018/19)**

The Committee gave consideration to the report (as set out at pages 57 - 62 of the agenda reports pack) which asked it to note the update regarding Customer Service and Business Transformation during the fourth quarter of 2018/19.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report be noted.**

**14. REVIEW OF THE PEST CONTROL AND DOG WARDEN SERVICES (JUNE 2019)**

The Committee gave consideration to the report and appendix (as set out at pages 63 - 69 of the agenda reports pack) together with the supplementary tables (as tabled at the meeting and copies of which are filed with this minute) which asked it to note the details of the report in relation to the review of the Pest Control and Dog Kennelling and Dog Warden Service.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

- (i) **The award of the Dog Kennelling and Dog Warden service to College Garth**

- Limited be noted; and
- (ii) **The Pest Control Service be noted as an important commercial service, and the progress which has been made in developing the service, which should be maintained in-house.**

**15. OADBY & WIGSTON TREE STRATEGY (MAY 2019)**

The Committee gave consideration to the report and appendix (as set out at pages 70 - 120 of the agenda reports pack) which asked it to approve the Oadby & Wigston Borough Council Tree Strategy.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The Oadby and Wigston Borough Council Tree Strategy (as set out at Appendix 1) be approved and brought into immediate effect.**

**THE MEETING CLOSED AT 8.53 PM**



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**Chair**

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**Tuesday, 3 September 2019**

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## SERVICE DELIVERY COMMITTEE

### **ACTION LIST**

Arising from the Meeting held on Tuesday, 04 June 2019

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
1.	8. – Community Services Update (Q4 2018/19)	Information to be provided to the next meeting regarding the current housing stock figures.  <i>Due by Sep-19</i>	AdTh	Complete
		As at 1 April 2019, the Council owned 1,215 homes and 199 communal garages.		
2.	9. – Revenues & Benefits Update (Q4 2018/19)	Information to be provided at the next meeting with regards to a potential link between Universal Credit and homelessness.  <i>Due by Sep-19</i>	ChRa LeMo	Report Update (Agenda Item 11)
		Click here to insert additional update details.		
3.	11. – Health, Wellbeing & Leisure Services Update (Q4 2018/19)	That the issue of plastic bag usage be referred to the Environment Working Group for consideration at its next meeting.  <i>Due by Sep-19</i>	AvLe	Complete
		Click here to insert additional update details.		
4.	11. – Asset and Facilities Service Update (Q4 2018/19)	Members reiterated their request for the running track to be demarcated on the pavement around Willow Park, Wigston.  <i>Due by ASAP</i>	MaKi	On Target to Complete
		Click here to insert additional update details.		

\* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

# Agenda Item 8



<b>Service Delivery Committee</b>	<b>Tuesday, 03 September 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Brocks Hill Country Park as a Local Nature Reserve**

**Report Author(s):** **Jamie Gould (Park Ranger)**

<b>Purpose of Report:</b>	To consider the declaration of Brocks Hill Country Park as a Local Nature Reserve.
<b>Report Summary:</b>	The report details the process of declaring Local Nature Reserves and discusses the reasons why Brocks Hill would qualify on the grounds of its importance for wildlife, enjoyment and education.
<b>Recommendation(s):</b>	<p><b>A. That Members provide their approval for the declaration of Brocks Hill Country Park as a Local Nature Reserve (LNR).</b></p> <p><b>B. That following the required consultation, the Council's Legal Services team sign the declaration document as set out at Appendix 1 to the report.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Anne Court (Chief Executive) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>Avril Lennox MBE (Head of Community &amp; Wellbeing Services) (0116) 257 2673 <a href="mailto:avril.lennox@oadby-wigston.gov.uk">avril.lennox@oadby-wigston.gov.uk</a></p> <p>Brian Kew (Depot Manager) (0116) 257 2842 <a href="mailto:brian.kew@oadby-wigston.gov.uk">brian.kew@oadby-wigston.gov.uk</a></p> <p>Jamie Gould (Park Ranger) (0116) 257 2861 <a href="mailto:jamie.gould@oadby-wigston.gov.uk">jamie.gould@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	<p>"A Stronger Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p> <p>Teamwork (V3)</p> <p>Innovation (V4)</p> <p>Customer Focus (V5)</p>
<b>Report Implications:-</b>	
Legal:	The implications are as set out at Section 2 of this report.
Financial:	There are no implications arising from this report.



Corporate Risk Management:	No corporate risk(s) identified
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	<ul style="list-style-type: none"> <li>Natural England</li> </ul>
<b>Background Papers:</b>	<ul style="list-style-type: none"> <li>Guidance entitled 'Local Nature Reserves' by Natural England on 02/10/2014: <a href="#">Local nature reserves: setting up and management - GOV.UK</a></li> <li>Report entitled 'Borough of Oadby and Wigston Local Plan 2019' by OWBC on 16/04/2019: <a href="#">New Local Plan - Oadby and Wigston Borough Council</a></li> </ul>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>LNR Declaration Document (Draft)</li> <li>Map of Brocks Hill Country Park</li> <li>Phase 1 Habitat Map of Brocks Hill Country Park</li> <li>Lucas Marsh and LNRs in Leicester</li> <li>Oadby and Wigston Green Wedge</li> </ol>

## 1. Brocks Hill as a Local Nature Reserve

- 1.1 **Introduction:** Local Nature Reserves (LNRs) are sites that are important for wildlife, recreation and education and can be designated by the local authority in charge of them. A Country Park such as Brocks Hill would qualify to become a LNR due to its wildlife, habitats and the associated sensitive management of these features.
- 1.2 **About Local Nature Reserves:** LNR status is given to a site that is locally important for wildlife, geology, education and/or enjoyment (without disturbing wildlife). Many kinds of land can make suitable LNRs, but they are usually areas of natural green space.
- 1.3 LNRs should be publicly accessible where visitors would not damage or disturb wildlife. Access can be restricted in some areas if visitors could cause damage to the natural environment, unless the public have statutory access rights (Natural England, 2014).

## 2. Designating Local Nature Reserves

- 2.1 'Local Nature Reserve' is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006, by principal local authorities.
- 2.2 Local authorities can create Local Nature Reserves (LNRs). Primary local authorities including Borough Councils can declare LNRs, secondary local authorities (Town and Parish Councils) can seek permission from a primary local authority. Natural England has confirmed that Oadby and Wigston Borough Council have the power to designate Local Nature Reserves.
- 2.3 The local authority must control the LNR land - either through ownership, a lease or an agreement with the owner. Management of an LNR involves caring for and protecting its natural features, as well as making the land accessible for visitors.
- 2.4 The LNR must be formally declared by sending a draft declaration document (See **Appendix 1**). It must be signed by the relevant local authority Committees, have a map showing the boundary and a management plan detailing:
  - how long the site will remain a protected LNR – 21 years is the recommended minimum
  - ownership of the land
  - any agreements or partnerships
  - why the LNR site was chosen
  - aims and objectives

- biodiversity management and environmental education
  - community participation, access and visitor management
  - costs and funding arrangements
- 2.5 Following the consultation, the final declaration document can be sent to Natural England, signed by the relevant local authority Committees (Natural England, 2014).
- 2.6 Natural England has confirmed there are **no costs implications** for declaring an LNR. The routine maintenance of an LNR site carries on as usual and incurs no extra costs. Natural England further confirmed that the signing of the LNR declaration should be signed and sealed in-house by the Council's legal team, the same as any other official document.

### 3. De-declaring a Local Nature Reserve

- 3.1 If the land is to be reclaimed, the local authority must de-declare it as an LNR and will need to contact Natural England to consult with them. The local authority should only de-declare the LNR if it's absolutely necessary, for example if the land will be lost due to a road-widening scheme (Natural England, 2014).

### 4. Rationale for Brocks Hill LNR

- 4.1 Brocks Hill is locally important for wildlife, enjoyment and education. Brocks Hill provides vital habitats for a diversity of wildlife and is cherished by its many visitors (including school groups) as an enjoyable and accessible place to visit all year round (See map of Brocks Hill in **Appendix 2**).
- 4.2 Brocks Hill Country Park was awarded a Bee's Needs Award in 2018 for providing excellent habitats and management for bees and other pollinators by Keep Britain Tidy and DEFRA. There were only a selected number of other sites across the UK that received this award. Brocks Hill has also achieved a Green Flag Award for parks of excellence and a Natural England Country Parks accreditation.
- 4.3 LNR status would enhance Brocks Hill's value and ensure it maintains high standards now and into the future, in accordance with the management plan. Over 680 animal, plant and fungi species have been recorded at the country park.
- 4.4 Habitats such as woodland and species-rich meadows are reasonably rare across the Borough and county. Woodland covers 4% of Leicestershire and Rutland, with broadleaved woodland cover at only 1.8%. The Borough has a relatively small proportion of rural land, with tiny pockets of woodland; therefore the wooded areas of Brocks Hill contribute greatly to the overall woodland cover of the Borough and the wider county.

- 4.5 Species-rich neutral grassland covers just 1,165ha of Leicestershire and Rutland; a small area for a nationally important habitat. At Brocks Hill, there are over 7ha of wildflower meadows, providing a vital refuge for many species of butterfly, bee, bird and grasshopper. The medieval ridge and furrow field is a rare feature within the Borough and the county and should be conserved for future generations. Altogether, the countryside of Brocks Hill Country Park represents an important proportion of semi-natural habitats in the Borough (See Phase 1 Habitat Map in **Appendix 3**).
- 4.6 Being designated as a Local Nature Reserve would be very beneficial to Brocks Hill; proclaiming its importance for wildlife and people in the Borough. Lucas Marsh (adjacent to Brocks Hill) is managed by the Wildlife Trust and is already a LNR. Lucas Marsh was designated in 1996; recognised as a site with great ecological importance, the site was chosen to be a Nature Reserve to protect biodiversity and recognise the Council's commitment to nature conservation.
- 4.7 At only 1.46ha, Lucas Marsh is a tiny fragment of wildlife-rich green space that is protected around Leicester (**Appendix 4**). Adding Brocks Hill (27.40ha) to the list of LNRs would be quite significant for the Borough and the County, increasing and enhancing the network of sites protected for biodiversity.

## **5. Management**

- 5.1 Local authorities can run LNRs independently or can involve:
- 'friends of' community groups
  - wildlife trusts and other recognised conservation bodies
  - site-based rangers
  - local school children
  - Natural England (who can give advice) (Natural England, 2014).
- 5.2 Brocks Hill has a full-time Park Ranger and a dedicated team of regular conservation volunteers, wildlife survey volunteers and occasional corporate volunteers who help with the management of the country park. Local school children also provide volunteering hours and the Friends of Brocks Hill contribute to walks, talks and features such as sculptures within the country park.
- 5.3 Brocks Hill has an up-to-date management plan detailing the site and its boundaries. The information required by Natural England for the declaration of an LNR is contained within the management plan and covers the following:
- Ownership of the land
  - Agreements and/or partnerships
  - Why the LNR site has been chosen
  - Aims and objectives
  - Biodiversity management and environmental education
  - Community participation, access and visitor management
  - Costs and funding arrangements

## **6. Benefits of Brocks Hill Country Park as a Local Nature Reserve**

- 6.1 Demonstrates a sense of pride and custodianship of the natural green spaces owned by the Council.
- 6.2 Retains the countryside and natural open space of the Green Wedge, where Brocks Hill is an essential link (Appendix E):
- 6.3 Provides protection of the habitats and biodiversity at Brocks Hill Country Park.
- 6.4 Advertises Brocks Hill Country Park as a site of importance for wildlife conservation.
- 6.5 Promotes Brocks Hill as an area for recreation and enjoyment for local people and visitors from outside the Borough.
- 6.6 Preserves Brocks Hill as a site that is important for education. Numerous school groups visit the country park, benefitting from activities including pond dipping, mini beast hunts and learning about the life cycles of plants and animals.
- 6.7 Prevents the land being used for development purposes.

## **7. Financial Risk:**

- 7.1 There is no financial risk to this proposal. There will be no extra resources required (this has been confirmed by Natural England), only the current input provided by having a full time Park Ranger with the help of volunteers, along with use of the current Brocks Hill Land Maintenance budget. The routine maintenance and seasonal tasks won't change and can continue to keep the park and its habitats in good condition.

# Appendix 1

## Appendix A

### **LNR Declaration Document (Draft)**

#### **National Parks and Access to the Countryside Act 1949**

No..... Declaration 20.....

In pursuance of Sections 19 and 21 of the above-mentioned Act, and all other powers enabling them in that behalf, the ..... Council hereby declares that the land containing .....ha or thereabouts situated in the Parish of ..... in the County of ..... and shown edged ..... on the attached plan (has been acquired by the Council) (is the subject of an Agreement entered into with the Council under Section ..... of the above-mentioned Act) AND in pursuance of Section 19 (2) of the above-mentioned Act and all other powers aforesaid the Council hereby further declare that the said land is being managed as a Nature Reserve.

This declaration may be referred to as the ..... Nature Reserve No.....

Declaration 20.....

Given under the Common Seal of the Council this day of SEAL Two thousand and

(Signed) .....

(Signed) .....

Appendix B - Map of Brocks Hill Country Park

# Map of Brocks Hill Country Park



Figure 1. Map of Brocks Hill Country Park



# Appendix 3

## Appendix C - Phase 1 Habitat Map of Brocks Hill Country Park

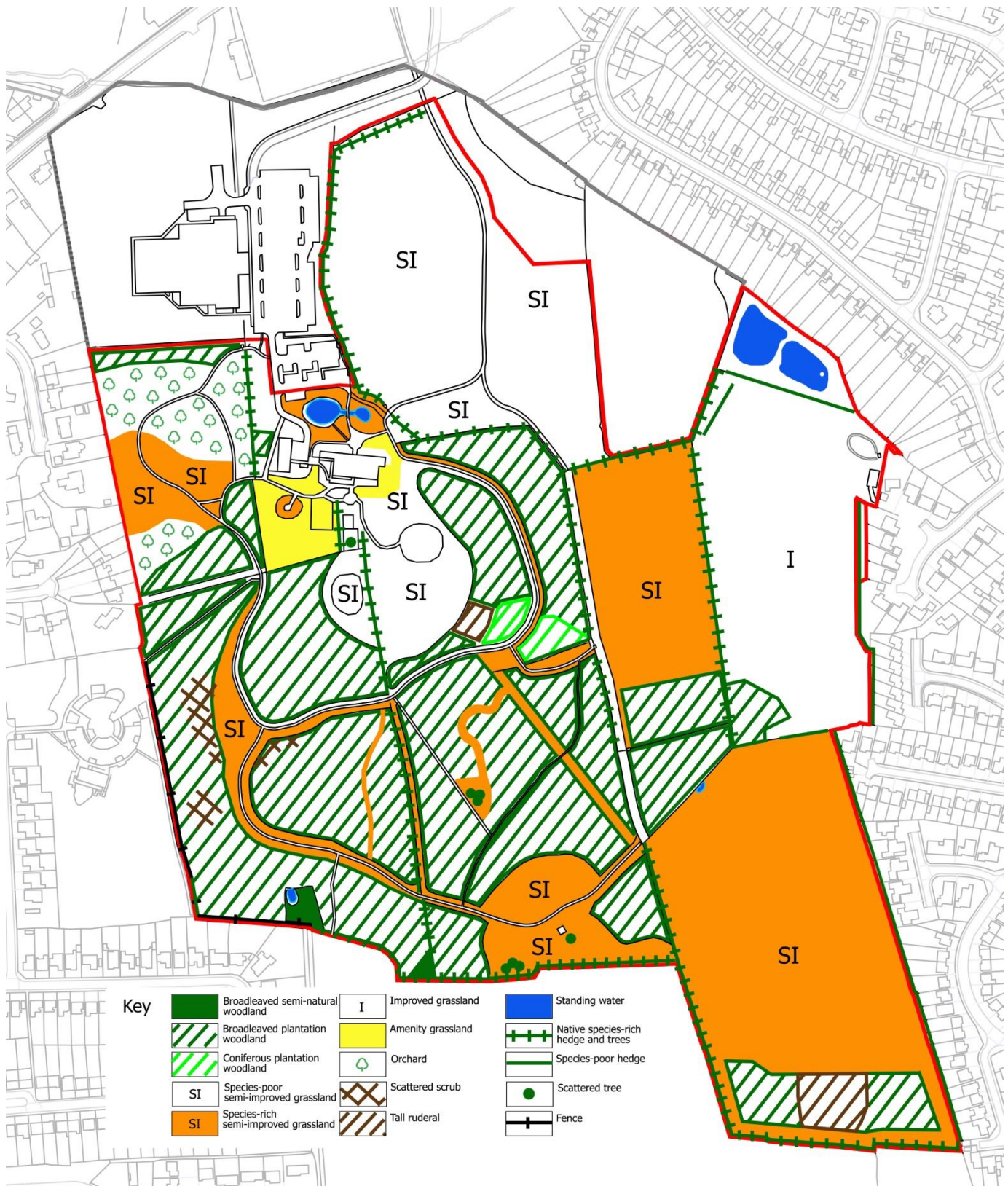


Figure 1. Phase 1 Habitat Map of Brocks Hill Country Park



## Appendix D – Lucas Marsh and LNRs in Leicester



Figure 1. Map of Brocks Hill showing Lucas Marsh protected as a LNR

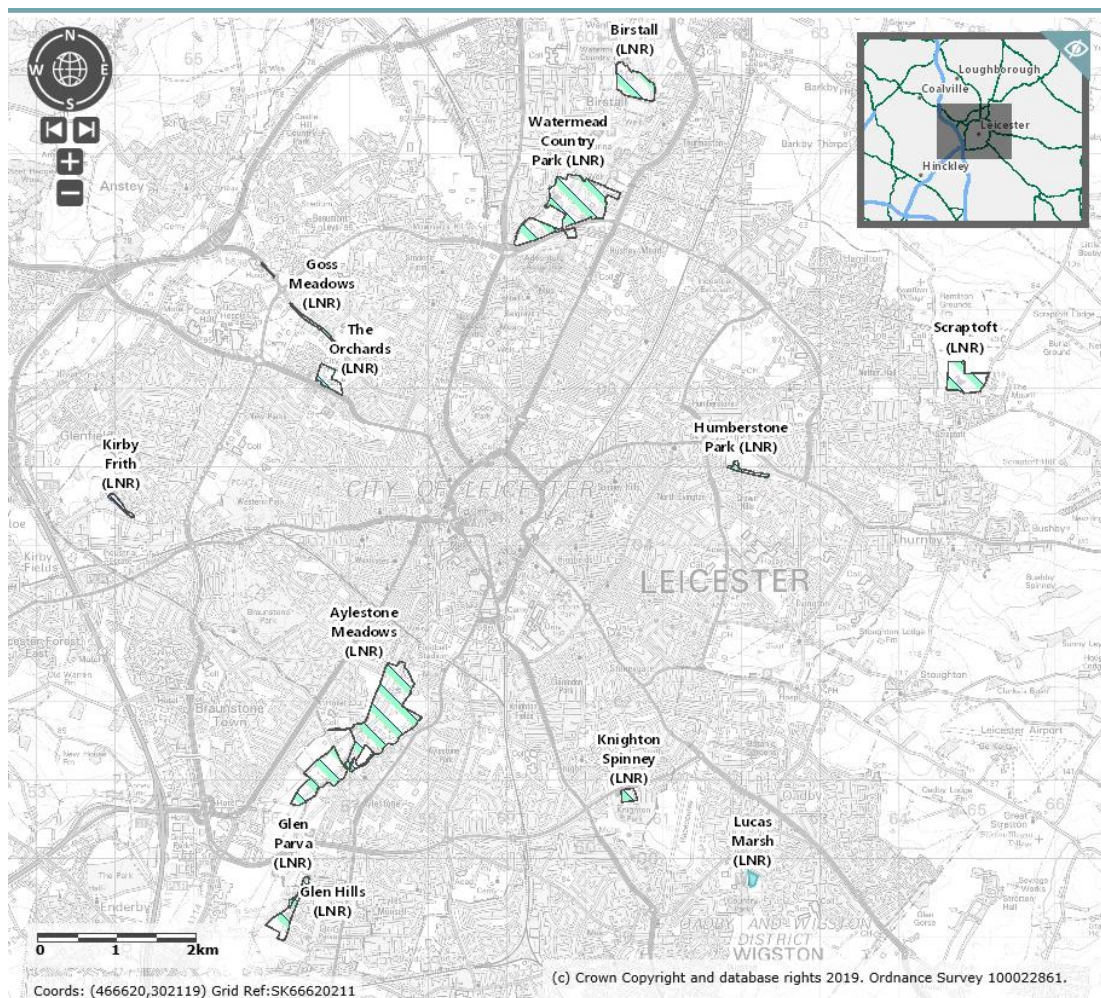


Figure 4. Map showing the locations of Local Nature Reserves around Leicester

# Appendix 5

## Appendix E – Oadby and Wigston Green Wedge

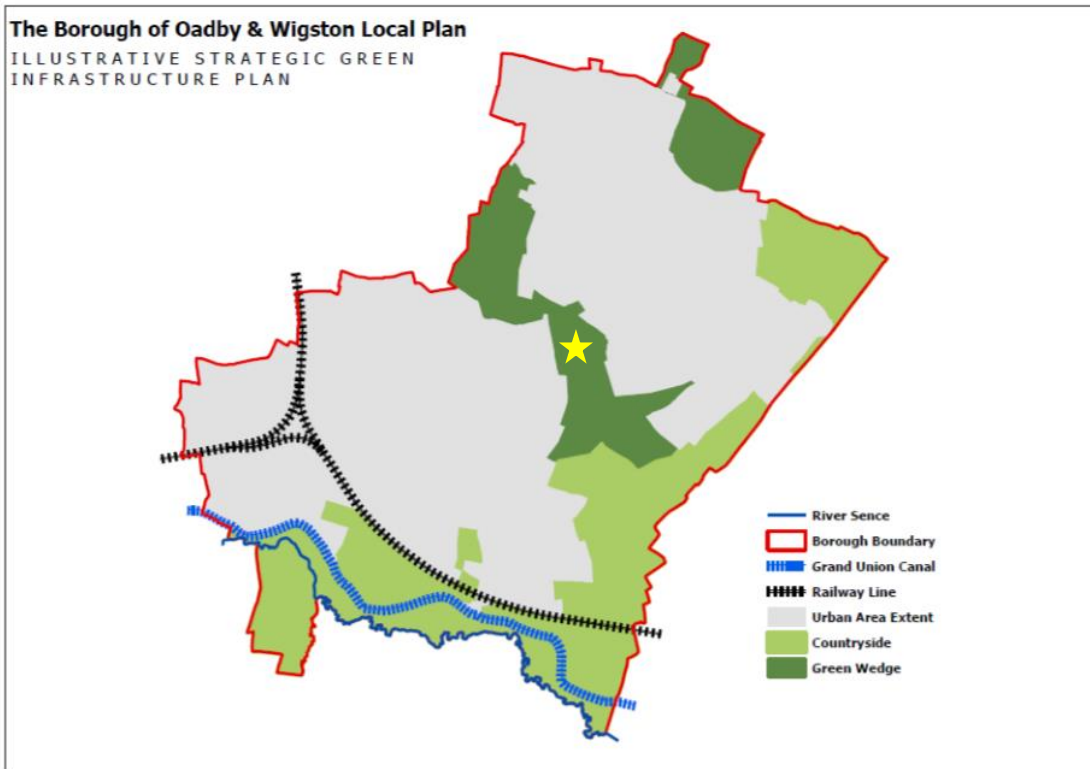


Figure 5. Oadby and Wigston Green Wedge (Yellow star indicates location of Brocks Hill)



<b>Service Delivery Committee</b>	<b>Tuesday, 03 September 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Corporate Performance Update (Q1 2019/20)**

**Report Author(s):** **Stephen Hinds (Deputy Chief Executive)**

<b>Purpose of Report:</b>	To provide an update on progress during Quarter One of the 2019/20 Financial Year towards achieving the priorities of the Oadby and Wigston Borough Council's Strategic Objectives as agreed in 2019. The report combines updates on key service delivery achievements coupled with the Council's key performance indications in a single report.
<b>Report Summary:</b>	There are 94 Key Performance Indicators for our Corporate Plan Objectives. These are categorised by each objective and service delivery arm. Each target has been graded using the Red/Amber/Green status ranking system. There is also a "blue" ranking and this is for indicators where work has yet to begin, and therefore cannot be ranked. Out of the 94 indicators, 82 were due for reporting as at the end of Quarter One. Of the 82, 71 were green status, 9 were amber status, and 2 were red status. This equates to 87% Green, 11% Amber and 2% Red.
<b>Recommendation(s):</b>	<b>That the performance of the Council against its Corporate Objectives in delivering services be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision) Accountability (V1) Innovation (V4)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Organisational/Transformational Change (CR8)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.

<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	As the author, the report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	Corporate Plan 2019 -2020
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. HRA Capital Programme 2019/20 – Financial Summary Quarter 1</li> <li>2. Letter from Regulator of Social Housing</li> <li>3. Regulator of Social Housing's Consumer Regulation Review</li> </ol>

## **1. Introduction**

- 1.1. As part of the Council's ongoing development to performance management and reporting, 2019/20 sees the next stage in how we measure and report Council performance (alongside the standard finance and statutory reporting framework).
- 1.2. The Council has produced 94 new Key Performance Measures for 2019/20, and these measures relate to each of the Council's three new Corporate Objectives as part of the Council's new five year Corporate Plan (2019-2024)
- 1.3. These measures are "outcome" based measures, meaning that they identify key deliverables for the authority that actively work towards meeting the Corporate Objectives, and will allow for greater accountability and transparency. This will mean that the public, Members and Officers can clearly see how the Council is performing against its objectives, and if it isn't, then why it isn't.
- 1.4. The narrative from each service highlights the key activities, issues and outcomes that they have been working on, delivered or encountered during the first quarter of the year, and these directly correlate to achieving the Council's Corporate Plan.

## **2. Corporate Performance**

- 2.1. The following report provides analysis and statistics on the performance of the indicators used to monitor our progress against the Council's new Corporate Objectives.
- 2.2. There are three main objectives, with these being:
  - Building, Protecting and Empowering Communities
  - Growing the Borough Economically
  - Effective Service Provision
- 2.3. There are 94 Key Performance Indicators for our Corporate Plan Objectives. These are categorised by each objective and service delivery arm. Each target has been graded using the Red/Amber/Green status ranking system. There is also a "blue" ranking and this is for indicators where work has yet to begin, and therefore cannot be ranked. Finally, there is a "white" rating where the indicator cannot be met due to circumstances outside of the Council's control. The scoring system has been applied using the following definitions:

<b>Green</b>	Target fully achieved or is currently on track to achieve target
<b>Amber</b>	Indicator is in danger of falling behind target
<b>Red</b>	Indicator is off target or has been completed behind the deadline target.

2.4. Out of the 94 indicators, 82 were due for reporting as at the end of the financial year.

Of the 82:

**71** were green status

**9** were amber status

**2** were red status

This equates to 87% Green, 11% Amber and 2% Red.

The following table identifies the Council's performance, by objective and service delivery section.

**Chart 1: Performance Table by Corporate Objective**

Quarter One 2019/20	Green		Amber		Red	
	Number of Indicators	Percentage	Number of Indicators	Percentage	Number of Indicators	Percentage
<b>Overall Performance</b>						
All Targets Due	71	87%	9	11%	2	2%
<b>Corporate Priority</b>						
Building, Protecting and Empowering Communities	33	94%	2	6%	0	0%
Growing the Borough Economically	14	88%	2	12%	0	0%
Providing Excellent Services	24	78%	5	16%	2	6%

**Chart 2: Performance Table by Service Delivery**

Quarter One 2019/20	Green		Amber		Red	
	Number of Indicators	Percentage	Number of Indicators	Percentage	Number of Indicators	Percentage
<b>Overall Performance</b>						
All Targets Due	66	80%	14	17%	3	3%
<b>Department</b>						
Built Environment	18	86%	3	14%	0	0%
Community & Wellbeing	27	93%	2	7%	0	0%
Customer Service & Transformation	5	83%	0	0%	1	17%
Finance & Resources	7	64%	3	27%	1	9%
Law & Democracy	13	93%	1	7%	0	0%
Senior Leadership Team	1	100%	0	0%	0	0%



### **3. Built Environment**

#### **3.1. 2019-20 Housing Capital Programme**

3.1.1. A housing capital programme and budget of £2,541,200 for 2019/20 was approved by Policy, Finance and Development Committee on 11 June 2019. At the end of the first quarter £833,457 (33%) of the total budget had been committed and/or spent on delivering the agreed programmes of work and a detailed breakdown is attached at Appendix 1 to this report.

#### **3.2. Regulator of Social Housing's Consumer Regulation Review 2018/19**

3.2.1. On 19 July 2019 the Government's Regulator of Social Housing published their Consumer Regulation Review covering the financial year 2018/19. The covering letter and Review are attached at Appendices 2 and 3 to this report. Members will be aware that there are four main consumer standards which the Council has to comply with as a social housing provider and this year's housing service and investment plans are focussed on ensuring appropriate compliance is achieved.

#### **3.3. Housing Voids**

3.3.1. There has been an increase in the void turnaround time to 37 working days for the first Quarter of 2019/20. The factors contributing to this have been identified with Officers and a plan has been put in place to reduce turnaround time in line with targets. This includes prioritisation and closer monitoring of voids and improved communication between relevant teams. Since this plan has been in place the turnaround time for July has reduced to 29 working days. Whilst this is still out of target this is a significant improvement on the previous quarter. Furthermore, in the month of July there were 3 sheltered properties that had to be advertised on more than one cycle due to no one bidding for them, and this additional advertising time is included in the turnaround time. The properties in question were in residential blocks with no lift access, which is not ideal for those who traditionally use sheltered housing. We are reviewing how these harder to let properties are advertised and to what groups are they best suited to.

#### **3.4. Homelessness**

3.4.1. There were 47 Homelessness applications in the first quarter of 2019/20. In the final quarter of 2018/19, there were 48 applications.

3.4.2. There are currently 22 households in temporary accommodation, comprising of the following:

<b>13</b>	The Council's own stock – note: that an action plan to return the Council's stock is included at item 8 of this agenda, which outlines options to secure alternative accommodation to be used to provide temporary accommodation.
<b>1</b>	A property on a long-lease from Paragon Asra (PA) Housing
<b>4</b>	Bed & Breakfast (B&B)
<b>4</b>	Council-owned Belmont House Hostel (134 Station Road, Wigston) – note: that a family in the Council's stock is in the process of being moved in to the recently vacant room at Belmont House, but this had not been completed at the time of writing this report
<b>1</b>	Privately leased property

3.4.3. It should be noted that the Council is undertaking feasibility studies for future homelessness accommodation to be built in 2019/20.

#### **3.5. Gas Safety**

3.5.1. In terms of servicing and annual gas safety test, 98% compliance was achieved in Quarter One. Full compliance was achieved in August.

### 3.6. Lightbulb (Disabled Facilities Grant and Related Services)

3.6.1. The Lightbulb performance report for Quarter 1 2019/20:

<b>OWBC Lightbulb Performance Report</b>	<b>Apr</b>	<b>May</b>	<b>June</b>
No. of S.127 referrals received	1	10	5
Active Cases	70	73	71
Cancellations	5	3	6
Completions	1	4	1

3.6.2. Officers have noted that the number of active cases in relation to completions remains high. This has been due to a number of factors including a backlog of cases from the inception of Lightbulb (legacy cases) and a shortage of technical resources needed to complete cases. To improve joint-working and ensure prioritisation of cases in addition to Officers already regularly meeting with Lightbulb partners, from August 2019 onwards a 6-8 weekly meeting will be held for the Council's Housing Manager to meet with the Council's allocated Lightbulb Technical Officer and Occupational Therapist to discuss individual cases, and to ensure these are kept moving forward in an efficient and timely manner. This will enable better working relationships to address issues at source and within a shorter timeframe. In addition, it is also planned to make arrangements for the Council's allocated Lightbulb Technical Officer and Occupational Therapist to operate out of our Council offices. This will provide much closer access to these staff which will also improve the Council's ability to manage the progress of cases.

3.6.3. The resourcing of technical staff has been picked up by all partners and suggestions to address this both short term and long term have been put forward to the Management Board for approval which is attended by senior management.

3.6.4. The project remains focussed on ensuring that demand is met and working through the backlog whilst meeting ongoing demand, and Officers will ensure closer joint working to support this.

3.6.5. The performance report indicated the budget for this Council was 11% spent and 16% committed, with an additional 29% expected to be committed in relation to new cases not yet processed and 7% allocated to RRO (Regulatory Reform Order). The Delivery Group is working on plans to allocate the underspend which include increasing resources to address time taken to complete cases.

3.6.6. It should also be noted that whilst the Council's focus has most recently been on monitoring performance associated with Disabled Facilities Grants the benefits of Lightbulb and how it aims to bring a wide range of benefits to service users extend well beyond this..

3.6.7. A current initiative is the Hospital Enablement Team which is a team of housing specialist which work directly with patients and hospital staff to identify housing issues that are a barrier to discharge and putting in place the right steps to address them. This benefits the Districts as where possible work will be done to allow patients to return to their home thus reducing the need for alternative housing. This is currently funded to lightbulb up to end of 2019/20 and ongoing funding is being discussed with CCG.

3.6.8. Future initiatives which are being looked into include an apprentice training programme for the technical officers, research into people with degenerative conditions to identify how we can tailor the service i.e. certain major works may be required at the onset rather than carrying out work piecemeal or only at the point it is required.

### **3.7. Horsewell Lane Play Area, Wigston**

3.7.1. There is £60,000 allocated in the 2019-20 capital programme to improve the play area at Horsewell Lane in order to follow on from the opening of Thythorn Hill Community Centre, thus enabling a comprehensive improvement to the facilities that the Council provides at this site. However, before this project could start the existing play area safety surface became a health and safety issue and the area was closed off on 24th May 2019. In order to get the play area open again as quickly as possible, it was agreed with the Chair of Service Delivery Committee that the capital project should be split into two phases:

- Phase 1 – to deal with essential repairs to the safety surface and get the area re-opened as quickly as possible. In order to do this dispensation of standing orders was requested and approved and the surfacing was repaired with the play area re-opening on 22nd July in time for the school summer holidays. As part of this phase there are also some new parts on order for the existing equipment that will be fitted the week commencing 12th August.
- Going forward, Phase 2 will be the installation of additional new equipment to increase the play value of area. This will involve drawing up a specification for the equipment and sending out invitations to tender (by end of September 2019). In order to complete the project as quickly as possible it is intended to use the ability for 'quick supply' as one of the criteria for tender assessment. 'Quick supply' refers to popular items that play area companies keep in stock hence the reduced supply time; there is no difference in the quality of product supplied and these items can often be purchased at an advantageous price over more bespoke equipment. A number of play equipment manufacturers offer this service on a 2 to 3 week supply basis (normal manufacture time would be in the region of 8 to 10 weeks). Return of tenders will be by 31st October with assessment taking place in early November for installation to start the first week of January 2020 (or earlier if possible). At the time the new equipment is installed the play area will need to be closed again for possibly 2 to 3 weeks avoiding school holidays. The new equipment should be installed ready for the play area to be open by February school half term 2020.

### **3.8. Ervins Lock Pedestrian Footbridge, South Wigston**

3.8.1. As previously reported, in October 2018, planning permission was granted for a footbridge to be installed across the canal at Ervin's Lock South Wigston. The design was of brick pier construction which was favoured by the County Council's Heritage Adviser since it would be installed into a conservation area. Subsequently, Canal and River Trust (CRT) advised that it was not prepared to progress further with permission to install across its waterway as it had made it clear in its response to the planning application consultation that it was not in favour of a brick design and that its preference was a steel design. Development Control Committee considered both options and approved the brick design.

3.8.2. In order to break this deadlock a meeting with the County Council's Heritage Adviser was held on 15th July to discuss what amendments could be made to the design to reach a position where the design is acceptable to all parties. The outcome of this meeting was that the Heritage Advisor was prepared to accept a steel design subject to ensuring the finer detail is of sufficient quality to enhance the canal side environment and not detract from the conservation area status.

3.8.3. This information was communicated to Canal and River Trust the same day and CRT was invited to suggest how the above might be achieved. Its response was to suggest a site meeting with representatives from each of its departments.

3.8.4. The site meeting was held on 7th August 2019 and CRT was represented by its Area Planner, Engineer for Third Party Works and a representative from their Landscape Conservation and Urban Design Team. These people were all suggested by CRT as being



representative of all areas of their work with the exception of Estates who were unable to attend. None of these people however, had attended previous meetings with the Council which had all been attended by other members of CRT staff. The Engineer for Third Party Works opened by saying that he had three fundamental reasons why the bridge should not go ahead at all and pointed out that CRT has a 'Code of Practice for Works Affecting the Canal and River Trust' which had not been taken into account. The areas he cited as not meeting the Code of Practice to his satisfaction are: headroom between the waterway and the bridge, the location of the lock bywash (culvert) in relation to the bridge foundations and the obstacle the bridge will present to CRT maintenance teams lowering stop planks into the navigation in order to carry out works.

3.8.5. Officers refuted that these areas had not been considered and have provided documentary evidence back to CRT to show the previous discussions on these areas. Officers pointed out that if CRT felt these fundamental areas had not been satisfactorily addressed CRT should have raised this at the time that it responded to the planning consultation; queries were raised over the culvert but CRT was satisfied when it was explained that the Council had carried out a survey of the culvert and this was addressed by a planning condition. The stop plank issue had previously been addressed by the Council agreeing to grant CRT access over its land for maintenance purposes. Headroom did not feature in the planning consultation process since this had already been discussed and agreed that whilst the amount of headroom did not meet the CRT Code of Practice the space was greater than the headroom at Crow Mill Bridge and Pochins Bridge and this was not therefore considered to be acceptable. Further information on the position with regard to each of these issues is provided below:

3.8.6. Space for stop planks / maintenance:

3.8.7. The Council received a letter from Ian Dickinson (Area Planner) dated 10th Aug 2018 which reads:

*"The technical concerns we had regarding the bridge location and its potential impact on ease of access for future maintenance operations (particularly lock gate replacement) have been resolved by the offer [of the Council] to grant an easement to permit our access overland to the lock for such purposes. We consider that this can be dealt with as part of the process of obtaining our consent for the bridge as landowner."*

- Issues around the culvert:

3.8.8. In the same letter noted above:

*"The Applicant [the Council] advised at the site meeting that the exact location of the lock bypass culvert on the eastern side of the lock has been plotted and therefore measures can be taken to ensure that it is fully protected during all works. We advise that a planning condition should be imposed to secure detailed arrangements for protecting the culvert during construction operations."*

- Navigational headroom:

3.8.9. The Corporate Asset Manager has notes on file that this was discussed between her predecessor in post (Tahir Caratella) with both David Fern and Robert Malpas of CRT as far back as 2013. Robert Malpas advised that the lowest headroom on the Leicester Line is at Kings Lock where there is a bridge at 2.13m headroom (although he pointed out that he would not want anything near as low as this). David Fern also advised Tahir that Crow Mill Bridge (92A) has a navigational clearance of 2.6m. Both of these people had seen the Council's original drawings that showed a clearance of 2.75m and neither raised objections to the headroom.

3.8.10. In December 2016 a revised drawing was submitted by the Council to Des Harris (CRT) for circulation and comment. This showed the same headroom of 2.75m. The response received

from Des was comprehensive but made no reference to the headroom being inadequate. In July and August 2018 correspondence was received from CRT as part of the planning consultation. Whilst it is conceded that there are a number of areas raised that caused CRT concern there is no reference to headroom being picked up as an issue.

- 3.8.11. Other matters that arose at the meeting on 7th August 2019 that the Council believed to have already been discussed and resolved or appear to be new issues and which now need to be resolved to the CRTs satisfaction are the re-alignment of the towpath, how the land levels are going to be dealt with on the towpath side, and how motorcycle access is to be prevented.
- 3.8.12. On the positive side, CRT advised that it may be able to deal with the works under a 'restriction notice' rather than a 'stoppage'. The former is an interruption to canal traffic and towpath users for a short period of time in a day whilst a stoppage is stopping canal traffic and towpath users completely for a longer period of time. Applying for a restriction can be done more quickly which would help with timescales. Also, CRT need to obtain consent from DEFRA in order for the bridge to proceed; it has indicated that this can be done at the same time as the planning permission is applied for so long as the Council has satisfied the CRT on all counts prior to the new planning application being submitted. The DEFRA process takes around 3 to 4 months to complete.
- 3.8.13. Officers are now providing historical information to CRT to show that headroom, culvert and stop plank information has previously been discussed and agreed. Once acknowledgement is received from CRT on these counts a new steel design will be drawn up that is of sufficient quality to enhance the canal side environment whilst not detracting from the conservation area status. The deadline for submission of applications to get to Development Control on 14th November 2019 is 27th September 2019 and this is still being targeted but to a certain extent this will depend on the response from CRT over whether it feels the fundamental factors that would stop the bridge going ahead altogether have satisfactorily been addressed.

### **3.9. Exception Reporting**

- 3.9.1. In order to highlight potential areas for improvement, this section details the targets that have been given a "Red" or "Amber" Status for the Built Environment.

Reference	Measure/Activity	Target	Corporate Objective	Sub-Objective	Service	June 2019 Commentary	June Forecast
GBE 3	Approval of Successful Future High Street Funding Bid for the Borough	Funding bid approved (date to be confirmed)	Growing the Borough Economically	Delivering Development of the Town Centres	Built Environment	Funding EOI submitted - due to number of applications nationally (>300) there is a risk that the EOI will not proceed to bid stage.	Amber
GBE 4	Working with Key Businesses within the Borough, create a Town Centre Board that enables collaborative working for our town centres.	Board Created and running by Christmas 2019.	Growing the Borough Economically	Delivering Development of the Town Centres	Built Environment	Business interest remains relatively low, group for Wigston may be re-established to sit aside existing Oadby and South Wigston groups. Development of an overarching group may take longer than anticipated or may not be practicable at this stage.	Amber
PES 3	Void times for normal voids (those not requiring major works) kept to a minimum.	20 working days	Providing Excellent Services	Excellence for our Customers	Built Environment	37 Days. Arrangements have been put in place to bring the void time down during the next quarter	Amber

#### 4. **Revenues and Benefits**

The Revenues and Benefit Teams are responsible for the administration and collection of Council Tax and Non-Domestic Rates (NDR) for the Borough of Oadby and Wigston.

The Benefits Team also receives, assesses and administers the Housing Benefit service as well as facilitating the implementation of Universal Credit which will ultimately replace Housing Benefit for working-age claimants.

##### 4.1. **Revenues**

4.1.1. The Revenues Team is responsible for administering and collecting £30m of Council Tax and £12m of Non-Domestic Rates which it does on behalf of Leicestershire County Council, the Leicestershire Police Service, the Combined Fire and Rescue Service and Central Government as well Oadby and Wigston Borough Council itself.

4.1.2. The section is set specific collection targets for these income streams which are then included in the annual budget as part of the Council's core funding. Performance is measured through a comprehensive series of indicators which are reported to the area's management. Collection rates and arrears levels also are also reported as part of the Council's Key Performance Indicators.

##### 4.2. **Collection Rates**

4.2.1. At present, both Council Tax and Non-Domestic Rates collection has fallen behind its target for this time of year. The Revenues and Recovery Teams have both had several staff changes recently due to cover arrangements being made for maternity leave. New staff have been recruited and action has been taken to reduce the backlog which had built up following year end. While the backlog has reduced significantly further work is ongoing to clear it and kept up to date. In addition Business Rates is now administered by the Revenues team following a restructure, training has been carried out and quality checking is carried out on work. The collection rate for 2018/19 debit for Council Tax at 1st July was 98.49%.

<b>Percentage of Debit Collected (Accumulative)</b>	<b>April (%)</b>	<b>May (%)</b>	<b>June (%)</b>
<b>Council Tax</b>			
Actual collection	10.94%	20.60%	29.39%
Target	11.10%	20.28%	30.10%
Actual Collection 2018/19	11.17%	20.53%	29.84%
<b>Non Domestic Rates</b>			
Actual collection	11.77	20.44	29.19
Target	11.93%	19.31%	29.33%
Actual Collection 2018/19	11.87%	21.43%	30.37%

#### 4.3. **Property Statistics**

	<b>April</b>	<b>May</b>	<b>June</b>
No of Council Tax Properties	23,352	23,357	23,378
No of Council Tax Direct Debits	17,530	17,569	17,594
No of Single Person Discounts	7,243	7,224	7,246
No of Businesses	1437	1437	1437
No of Business in receipt of Small Business Rate Relief	652	652	652

#### 4.4. **Recovery Statistics**

4.4.1. In the 1st quarter of 2019/20, the Team has sent a total of 2680 reminders for Council Tax payments and 131 to Business Rates accounts. Court action statistics are listed below.

	<b>April</b>	<b>May</b>	<b>June</b>
<b>Council Tax</b>			
No of Summons Issues	121	688	181
No of Liability Orders	145	445	103
No referred to Enforcement Agents	55	28	8
<b>Business Rates</b>			
No of Summons	3	15	13
No of Liability Orders	4	5	10

4.4.2. As a direct result of the above court actions 37 accounts have been paid in full while 109 arrangements to pay have been made.

#### 4.5. **Benefits**

4.5.1. The Benefits Team administers a total caseload of around 2877 claimants. New claims are processed against an average time target of 15 days. At the end of quarter 1, the average time taken to process a new claim was 16.07 days. Despite the performance in the year being below the target set, 16.07 days still represents a level of service well above the national average which sits at about 22 days.

	April	May	June	Total Q1
No of new claims received	76	74	64	214
Avg. time taken per claim (days)	17.61	17.84	12.22	16.07

4.5.2. Changes in circumstances are processed against an average time target of 8 days which is approximately the national average.

	April	May	June	Total Q1
No of changes received	917	811	690	2418
Avg. time taken (days)	3.06	4.49	7.78	4.89

4.5.3. The Team also administers Discretionary Payments for both Housing Benefit and Council Tax Support.

No of people in receipt (total)	April	May	June
Discretionary Housing Payment	21	24	28
Discretionary Council Tax Support	4	9	15

#### 4.6. Exception Reporting

4.6.1. In order to highlight potential areas for improvement, this section details the targets that have been given a "Red" or "Amber" Status for the Revenues and Benefits.

Reference	Measure/Activity Target		Corporate Objective	Sub-Objective	Service	June 2019 Commentary	June Forecast
PES 6	Average time taken to process new Benefit Claims	15 days	Providing Excellent Services	Excellence for our Customers	Finance and Resources	12.22 (16.07 YTD). Still above target of 15 days but has reduced and confident can meet target by 31/03/19 .	Amber
PES 25	Council tax Collection rate	98.5%	Providing Excellent Services	Improving how we work	Finance and Resources	Just missed YTD target due to backlog. Actions in place to clear backlog and improve performance.	Amber
PES 26	NNDR collection rate	98.5%	Providing Excellent Services	Improving how we work	Finance and Resources	Performance slipped slightly below YTD target. See commentary for mitigating action.	Amber
PES 27	Reduce Former years arrears for Council Tax	Below 3% of annual debit	Providing Excellent Services	Improving how we work	Finance and Resources	Performance worse than last year (when YTD target was missed) so unlikely to achieve annual target this year but action is being taken to improve.	Red

## **5. Community and Wellbeing Services**

### **5.1. Leisure Contract**

- 5.1.1. There has been significant financial investment by Everyone Active of over £250k in a full Gym refurbishment of Parklands, Spinning Bikes, new Group Exercise equipment, Pool Inflatables, and Reception Furniture at Wigston. The initial feedback has been very positive, however some of the older residents found the new gym equipment complicated to use initially, but help was provided to assist those residents who required extra support.
- 5.1.2. This period saw over 246,123 visits at Parklands Leisure Centre, Wigston Pool and Fitness Centre and the Brocks Hill Centre. This is compared to 243,064 for the same period last year - a 1.2% increase overall.
- 5.1.3. Everyone Active hosted 224 different sessions during quarter 1. In addition, there were a total of 22 schools and organisation visits to the Brocks Hill Centre for Educational Activities in the Park, such as a mini beast hunt, den building and scavenger hunts.

### **5.2. Sport and Physical Activity Commissioning**

- 5.2.1. Further funding has been drawn down from East Leicestershire and Rutland Clinical Commissioning Group to deliver the Steady Steps falls prevention programme, taking the total to £9,180. The funding will be used to deliver three 24 week programmes between July 2019 and March 2020. The exercise programme will help those at risk of falling improve their balance and strength, as well as teaching strategies on how to get up from the floor if they do fall. There will be 14 participants referred onto each course, giving a total of 42 individuals who will benefit from this initiative. Following the completion of each course, the attendees will be given the opportunity to continue to exercise and further improve their balance by attending follow-on 'maintainer' group sessions.

### **5.3. Community Services**

- 5.3.1. Various activities were undertaken in relation to the Armed Forces Covenant during the first quarter of the year. A training workshop was held on 4 April 2019, to help support the Borough's plans for a range of celebration events including VE Day (Victory In Europe – May 2020), VJ Day (Victory Over Japan August 2020), in addition to events to mark the development of a Veterans Breakfast Club and Remembrance Sunday services 2019. As part of the Council's Corporate Volunteering commitment a range of OWBC Officers supported the first Armed Forces breakfast event on 3 September in the Council Chamber. This event coincided with Merchant Navy Day flag raising ceremony at Bushloe House.

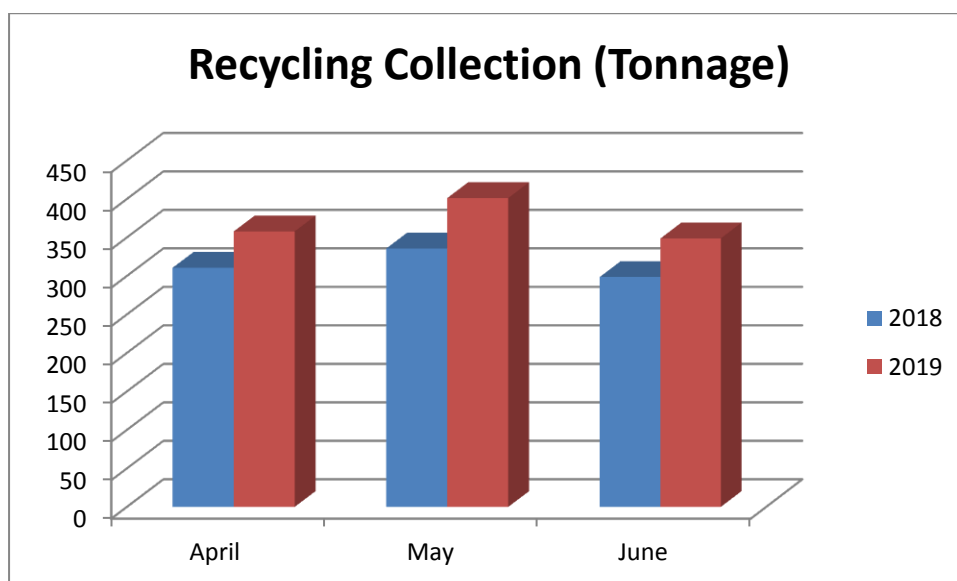
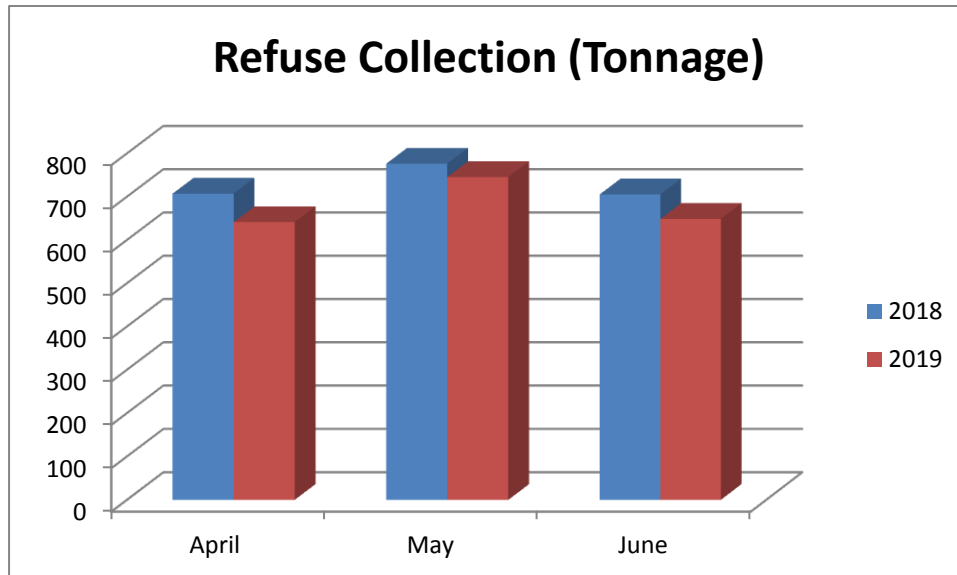
Remembrance 2019 services will take place on 10 November at St Thomas Church in South Wigston, and All Saints Church in Wigston who will also be organising a parade. Oadby St. Peters Church will also hold a service and a parade. On 11 November at 11:00 a.m. a service will be held in Peace Memorial Park.

- 5.3.2. The launch of a new Citizens Panel on the Council's website took place on 28 May 2019. All Councillors are encouraged to promote the Citizens' Panel to their local communities. A suite of promotional material has been created by OWBC's Marketing & Insight Manager, together with a marketing plan. A monthly E-Blast newsletter will be sent to the current 47 members of the Citizen's Panel to keep them updated on progress, consultation documents and outcomes. The 1,000 residents on the Council's Waste database, who have agreed to be contacted about other matters, will receive an email asking them to become members of the panel, this email will include a list of the consultation topics coming up.
- 5.3.3. The Council's Cleaning Contract with Pinnacle Cleaning Services ended on 30 June 2019. The Contract was taken back in-house as of 1st July. An update covering quarter 2 will be provided at the next Service Delivery Committee in November.

## 5.4. Environmental Sustainability

5.4.1. Quarter 1 shows a significant decrease in the collection of refuse across all three months, and a notable increase in the collection of recycling as compared to the same period last year. This indicates that changing over to recycling bins and providing a fully co-mingled recycling service has positively increased the recycling tonnages.

5.4.2.



5.4.3. Distribution of 23,000, 140L wheeled refuse bins commenced in May, which took a period of 4 weeks to complete. The crews did an excellent job in changing over to a new way of working, in some horrendous wet weather. As a result of the change in collection routes and from bags to bins, the sickness levels are down, the street cleansing teams are not being called out as much as the streets are noticeably cleaner, and the road sweepers are able to increase the number of roads they cover per day. This is a tremendous achievement by all teams working together, particularly in this short timeframe. Residents are being encouraged to recycle as much as possible in order to maximise the use of their refuse bin; useful tips are available on the Council's website.

## 5.5. Engagement

5.5.1. The Conservation Volunteers have assisted with a variety of tasks at Brocks Hill Country Park and the Council's natural green and open spaces. Tasks included woodland clearing and path

maintenance, using woodchip as a sustainable material made on site as a result of the woodland maintenance. The South Leicestershire College students have continued to cultivate the raised beds at Brocks Hill and grow fruit and vegetables; these include strawberries, sweetcorn, tomatoes, beans, onions, potatoes and lettuce. Volunteers have also assisted with bee and butterfly surveys throughout spring and summer.

5.5.2. Volunteer hours achieved and original targets can be seen below. It is pleasing to note that estimated hours for the first quarter were exceeded by 57 hours.

2019/20	April	May	June	
Target	95	70	140	305
Actual	110.5	140.5	111	362

## 5.6. Exception Reporting – Community and Wellbeing

5.6.1. In order to highlight potential areas for improvement, this section details the targets that have been given a “Red” or “Amber” Status for the Community and Wellbeing.

Reference	Measure/Activity	Target	Corporate Objective	Sub-Objective	Service	June 2019 Commentary	June Forecast
BPE 27	Improve partner agency engagement and representation at Community Safety Partnership meetings.	All partner agencies to be represented at 75% minimum of Community Safety Partnership meetings.	Building, Protecting and Empowering Communities	Making our Communities feel safe, be safe and supported	Community & Wellbeing	Turning Point was represented at the CSP meeting held on 17 June 2019, although LFRS was not. LFRS will be written to again concerning representation at both the CSP and JAG meetings.	Amber
PES 15	Improve the level of service received in relation to Refuse and Recycling	To have less than 30 missed refuse collections per Month.	Providing Excellent Services	Excellence for our Customers	Community & Wellbeing	184 missed bins picked up. Residents were give 1 months grace period to get used to the new round collection changes. It should be noted that the first two months of the year, the number of missed bins was less than thirty	Amber

## 6. Customer Services and Transformation

- 6.1. Wheeled bins for domestic waste were rolled out borough wide at the beginning of June. Some bin collection days were also changed and notifications were hand delivered to all those affected. The new arrangements are bedding in well after any initial problems were identified and addressed.
- 6.2. The project to roll out a new telephony system across the Leicestershire ICT Partnership is progressing according to plan and OWBC are on schedule to go live with a new system in Quarter 2.
- 6.3. The Council is working towards achieving the Customer Service Excellence accreditation. Customer Service Excellence is designed to act as a driver of continuous improvement, as a skills and development tool and gives an independent validation of achievement.
- 6.4. The standard covers 5 principle criterion:



- Customer insight – having an in-depth understanding of our customers
- The culture of the organisation – leadership, policy and culture
- Information and access – having effective communication plans for consulting and involving customers and putting customers at the heart of everything we do
- Delivery – how we carry out our business, the outcomes for the customer and how we manage any problems that arise
- Timeliness and quality of service – the standards we set for how we carry out our business

6.5. All teams will be engaging in this project which has started with the nomination of team champions and a self-assessment of the current customer service delivery position at team level. This has allowed a gap analysis to be produced and this will inform a plan of action.

6.6. The review of the Licensing Service is progressing well and training on the new system will take place for staff in September 2019. Already the taxi licensing process has been migrated to a much more efficient and streamlined online service.

6.7. Garden waste renewals are keeping pace with last year with regard to the number of renewed subscriptions with a slight increase in the number of applications which have been submitted online.

6.8. Phase 2 of the 'Pay another way' project to encourage residents to pay for services online, at PayPoint outlets or by direct debit will progress alongside the implementation of a new Income Management System which is due to be in place by Quarter 4. This will prevent any duplication and avoidable extra cost of interfacing to a soon to be phased out Income Management system.

6.9. The System Support Team working closely with IT has implemented an upgrade to the server used by the Orchard Housing and Repairs system and applied a major upgrade to the Electronic Document and Record Managements System (IDOX). Both upgrades delivered performance enhancements for the relevant systems.

#### 6.10. **Exception Reporting – Customer Service and Transformation**

6.10.1. In order to highlight potential areas for improvement, this section details the targets that have been given a "Red" or "Amber" Status for Customer Service and Transformation.

Reference	Measure/Activity	Target	Corporate Objective	Sub-Objective	Service	June 2019 Commentary	June Forecast
PES 37	Publish our Customer Service Standards.	Published by end of June 2019.	Providing Excellent Services	Excellence for our Customers	Customer Service and Transformation	Due to long-term absences, this has been delayed until Q2.	red

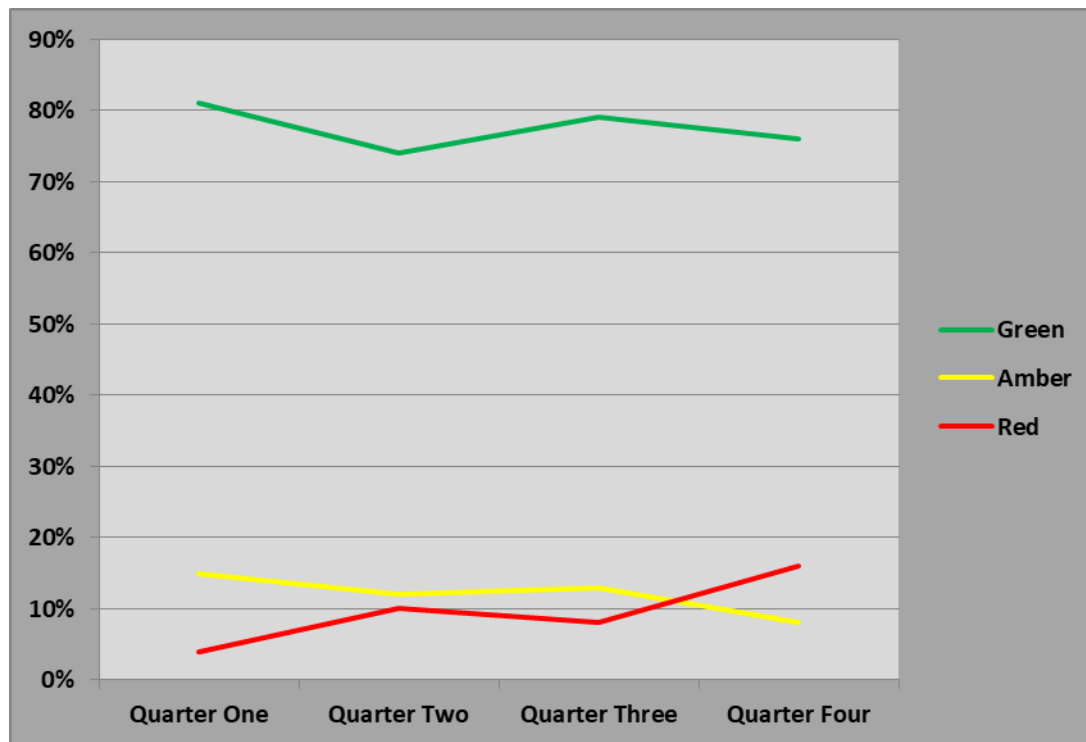
#### 6.11. **Exception Reporting – Rest of the Council**

6.11.1. In order to highlight potential areas for improvement, this section details the targets that have been given a "Red" or "Amber" Status for the rest of the Council.

Reference	Measure/Activity	Target	Corporate Objective	Sub-Objective	Service	June 2019 Commentary	June Forecast
BPE 20	To enable us to understand our environmental issues, we will ensure installation and activation of Air Quality Monitoring Station in Blaby Road South Wigston	Monitoring to begin by Q3	Building, Protecting and Empowering Communities	Delivering High Quality and Healthy Lifestyles in Communities	Law and Democracy	Still awaiting Sec 50 application from County	Amber
BPE 32	Introduce new byelaws in respect of Special Treatments e.g. Tanning and Lasers to improve safety standards.	Q3	Building, Protecting and Empowering Communities	Making our Communities feel safe, be safe and supported	Law and Democracy	Following legal advice unable to process until Primary legislation is introduced by Government	WHITE

## 7. Direction of Travel

7.1. In this, the first year of reporting in this method, it is important to see the direction of travel over the year and that a consistent level of forecasting was achieved across the year with regards to RAG status', with only a handful of Amber's turning into red at the end of the year. This indicates Officers are confident of identifying potential issues, and have not been overly or unduly optimistic with their forecasts, taking a prudent approach.



## HRA Capital Programme 2019-20 - Financial Summary Quarter One

Scheme Description	Budget Carried Forward from 2018-19	New Budget 2019/20	Budget + Carry Forward 2019/20	Actual and Committed Expenditure to First Quarter	Projected Expenditure Full Year	Status
One Off Projects Carried Over from 2018-19	£450,700	£0	£450,700	£195,043	£450,700	On Track
Annual Programmes Included Each Year	£590,500	£1,400,000	£1,990,500	£638,414	£1,990,500	On Track
One Off Projects for 2019-20	£0	£100,000	£100,000	£0	£100,000	On Track
Total	£1,041,200	£1,500,000	£2,541,200	£833,457	£2,541,200	On Track

## HRA Capital Programme 2018-19 - Scheme by Scheme Financial Summary Quarter One (Commentary to 31 July 2019)

One Off Projects Carried Over from 2018-19	Budget	Actual and Committed Expenditure to First Quarter	Total Projected Expenditure Full Year	Project Manager	Status
William Peardon Court Heating	£256,900	£5,872	£140,000	Don Rudd	On Track
	Acorn MPS were appointed in June 2019 following a competitive tender, to install new heating systems to each flat. Works commenced on 9 July 2019 and are scheduled to be completed by 30 September 2019. Estimated costs, including variation works agreed since the programme commenced, are £140k. It is proposed that any savings on this project are transferred to the annual programme for central heating and boiler replacements.				
Timber Window Replacement Programme	£152,200	£165,175	£180,000	Eric Dyche	On Track
	Astraseal were appointed in April 2019 from the LHC procurement framework, to install new UPVC windows, doors and roofline fittings to 76 properties in Wigston. Works commenced on 25 April 2019 and are scheduled to be completed by 30 September 2019. Estimated costs, including variation works agreed since the programme commenced, are £180k.				
External Wall Insulation (EWI)	£41,600	£23,996	£23,996	Don Rudd	Completed
	Eclipse were appointed in March 2019 from the EEM procurement framework, to install EWI and associated energy efficiency works to up to six properties in Wigston. Two tenants refused the works. Work commenced to the remaining four properties on 25 April 2019 and was satisfactorily completed and handed over on 12 June 2019.				

<b>Annual Programmes Included Each Year</b>	<b>Budget</b>	<b>Actual and Committed Expenditure to First Quarter</b>	<b>Total Projected Expenditure</b>	<b>Project Manager</b>	<b>Status</b>
<b>Major Voids</b>	£150,000	£0	£0	Eric Dyche	On Track
	Two properties became vacant in July 2019 that require major refurbishment and structural work to both achieve the decent homes standard and the lettable standard. The specification and cost of works for each is currently being finalised and agreed with Matthews & Tannert the appointed contractor. It is anticipated that works to these two properties will be completed by 1 October 2019.				
<b>Central Heating and Boiler Replacements</b>	£250,000	£0	£250,000	Don Rudd/Neil Barks	On Track
	A programme of works to replace boilers and heating systems to circa 200 properties to maintain the decent homes standard has been identified and is currently being procured. It is anticipated that this will commence in October 2019 and will be completed by March 2020.				
<b>Major Adaptations</b>	£100,000	£26,006	£100,000	Don Rudd	On Track
	Major adaptations have thus far been completed to three properties during the current financial year as part of this programme.				

<b>Annual Programmes Included Each Year</b>	<b>Budget</b>	<b>Actual and Committed Expenditure to First Quarter</b>	<b>Total Projected Expenditure</b>	<b>Project Manager</b>	<b>Status</b>
<b>Front and Rear Doors</b>	£100,000	£0	£100,000	Eric Dyche/Neil Barks	On Track
	A programme of works to replace front and rear doors to circa 100 properties has been identified. It is anticipated that this will commence in October 2019 and will be completed by March 2020.				
<b>Car Hardstandings</b>	£20,000.00	£4,605	£20,000.00	Eric Dyche	On Track
	There are no applications that currently meet the requirements registered for the installation of a car hardstanding. Should this remain the case at the beginning of the third quarter of the financial year a planned programme will be developed and implemented.				
<b>Kitchen and Bathroom Replacements</b>	£900,000	£607,803	£900,000	Eric Dyche/Neil Barks	On Track
	As at 31 July 2019 improvement works had been completed to 80 properties in Wigston as part of this programme and further works will be ongoing throughout the financial year to maintain the decent homes standard in the Council's housing stock.				
<b>Fire Safety Works</b>	£150,000	£0	£150,000	Don Rudd/Neil Barks	On Track
	Updated fire risk assessments to all blocks will be undertaken by 30 September 2019 and a programme of works identified from these. It is anticipated that the programme will subsequently commence in October 2019 and will be completed by March 2020.				

<b>Annual Programmes Included Each Year</b>	<b>Budget</b>	<b>Actual and Committed Expenditure to First Quarter</b>	<b>Total Projected Expenditure</b>	<b>Project Manager</b>	<b>Status</b>
Housing Block Improvements	£320,500	£0	£320,500	Neil Barks	On Track
A programme of works to undertake improvements to communal areas and the surrounding environment to blocks of flats across the Borough is currently being finalised prior to an appropriate contractor(s) being procured. It is anticipated that the programme will subsequently commence in October 2019 and will be completed by March 2020.					
<b>One Off Projects for 2019-20</b>	<b>Budget</b>	<b>Actual and Committed Expenditure to First Quarter</b>	<b>Total Projected Expenditure</b>	<b>Project Manager</b>	<b>Status</b>
Asset Management Systems Upgrades	£100,000	£0	£100,000	Neil Barks	On Track
Initial discussions have taken place with Orchard Information Systems Ltd. to upgrade the housing IT system to include the asset management module. It is anticipated that					

#### Other

In addition to the above expenditure and programmes of work two three bedroom family homes have been acquired and added to the council's housing stock during the current financial year. These properties (37, Owston Drive and 32, Wiltshire Road) have been purchased at a combined cost of £347,000. Negotiations are also currently taking place to acquire a third three bedroom family home in the Wigston area. These costs are being met from existing financial provision within the HRA capital budget for 2019-20.

# Appendix 2



Regulator of  
Social Housing

## Regulator of Social Housing

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19 July 2019

Dear CEO,

### Our Consumer Regulation Review 2018-19

I am writing to draw your attention to our [Consumer Regulation Review 2018-19](#) which is published today.

The Consumer Regulation Review provides a summary of the Regulator's consumer regulation work for the year 2018-19. It includes case studies to demonstrate our approach to consumer regulation, as well as key lessons we wish to share with the sector and explains our current role and mandate as set by Parliament.

The report focuses on the importance of social housing providers complying with all of the consumer standards, including how they engage with their tenants, how they respond to neighbourhood issues, and how they allocate their properties.

In terms of health and safety, the report reminds social housing providers about the importance of having effective systems in place to ensure the homes where their tenants live are safe. We are also urging all social housing providers to look at how accountable they are and how they are transparent with their tenants.

Most registered providers are well-run and can demonstrate they meet the expectations set out in the regulatory standards, but on occasions, issues do arise that represent a risk to tenants and where intervention by the regulator is required. We would encourage providers to review the lessons set out in the report, and consider what they can learn from these to ensure that tenants' homes are safe, of good quality and well-managed, and that they are accountable to tenants.

For that reason, I would ask that you bring this letter and the Consumer Regulation Review to the attention of your board or elected members.

As ever, transparency with the Regulator is essential. Based on our co-regulatory approach, we would expect providers of social housing to notify the Regulator of any potential breaches of the consumer standards in a timely manner.

If it would be helpful to discuss this letter, or the Consumer Regulation Review itself, please let me know.

Yours sincerely

**Fiona MacGregor**  
Chief Executive

The address for service of any  
legal documents on RSH is:  
Level 1A, City Tower, Piccadilly Plaza,  
Manchester M1 4BT







Regulator of  
Social Housing

# Consumer Regulation Review 2018-19

July 2019



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# 1. Executive summary

- 1.1 This Consumer Regulation Review sets out a summary of our consumer regulation work for the year 2018/19<sup>1</sup>. Most registered providers are well-run and meet the expectations set out in the regulatory standards<sup>2</sup>, but on occasions, issues do arise that represent a risk to tenants, and where intervention by the Regulator is required.
- 1.2 In this report we set out key messages as well as themes and learning points from recent consumer regulation cases. We also set out how we deliver our consumer regulation role based on our mandate and current legislation.

## Key messages from recent cases

- 1.3 All registered providers have an obligation to act to ensure the homes where their tenants live are safe. Providers must meet the full range of statutory health and safety obligations.
- 1.4 This requires registered providers to have robust reporting and assurance arrangements in place for effective oversight of compliance by boards and councillors.
- 1.5 Effective assurance relies on good quality data, and maintaining compliance requires effective systems.
- 1.6 Registered providers should understand, and be able to demonstrate compliance, across all aspects of the consumer standards, including how they engage with their tenants, how they deal with neighbourhood issues, and how they allocate their properties.
- 1.7 Delivering compliance with the consumer standards depends on good governance, and on an organisation's culture.
- 1.8 The quality of relationship with tenants underpins registered providers' ability to meet their objectives. The effectiveness of registered providers' complaints handling affects the level of trust and confidence tenants have in their landlord.
- 1.9 Transparency with the Regulator is essential. Co-regulation requires registered providers to be transparent with the regulator, and a failure to do so can indicate broader governance concerns.

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<sup>1</sup> The Regulator was established on 1 October 2018 by the Legislative Reform (Regulator of Social Housing) (England) Order 2018, which amended the Housing and Regeneration Act 2008. Prior to this, the regulation of social housing in England was the responsibility of the Regulation Committee of the Homes and Communities Agency (which uses the trading name Homes England in relation to its non-regulation functions).

<sup>2</sup> <https://www.gov.uk/guidance/regulatory-standards>

## 2. Introduction

- 2.1 This report provides a summary of the Regulator's consumer regulation work for the year 2018/19. It explains our current role and mandate, our approach to consumer regulation, how we apply the serious detriment test as well as key themes and lessons arising from our casework.
- 2.2 As Regulator, we have a duty to be transparent in our work and we are keen to share lessons from our work with the sector. In 2018/19, we published six regulatory notices where registered providers had failed to meet a consumer standard and had risked or caused serious detriment to tenants. This report reminds readers of the details of those six cases. It also includes a number of anonymised case studies where we did not find a breach of the consumer standards and serious detriment. These cases demonstrate how the Regulator considers a number of factors in reaching our decisions, and it is intended to provide valuable insight for registered providers and other stakeholders.

### Our role

- 2.3 As the Regulator of Social Housing, our aim is to promote a viable, efficient and well-governed social housing sector, able to deliver homes that meet a range of needs. The Regulator has both an economic objective and a consumer regulation objective, as set out in legislation.
- 2.4 The consumer regulation objective is intended to:
- support the provision of well-managed and appropriate quality housing,
  - ensure tenants are given an appropriate degree of choice and protection,
  - ensure tenants have the opportunity to be involved in the management of their homes and to hold their landlords to account,
  - encourage registered providers to contribute to the well-being of the areas in which their homes are situated.
- 2.5 To achieve this objective, the Regulator sets consumer standards. There are four consumer standards:
- Home
  - Neighbourhood and Community
  - Tenancy
  - Tenant Involvement and Empowerment

- 2.6 The standards are set out on our website<sup>3</sup>. We set these standards so that tenants, landlords and other audiences know the outcomes that are expected. Boards and councillors who govern registered providers' services are responsible for ensuring that their organisations meet the standards.
- 2.7 Consumer regulation for registered providers was fundamentally changed by the introduction of the Localism Act 2011 and subsequent directions. As a result, the Regulator does not currently have a mandate to proactively monitor providers' performance or routine compliance with the consumer standards.
- 2.8 The Regulator's ability to use its powers in relation to a provider failing to meet a consumer standard is subject to this legislation. This means that from April 2012, our role as Regulator is to investigate only where we have reasonable grounds to suspect there is actual or potential serious detriment to tenants as a result of a failure to meet one or more of our consumer standards. We are only able to use our powers where we judge both that there is evidence that a consumer standard has been breached and, as a result, there are reasonable grounds to suspect that:
- the failure has resulted in a serious detriment to the provider's tenants; or
  - there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the provider's tenants
- 2.9 The legislation specifies that the Regulator must exercise its functions in a way that minimises interference and is proportionate, consistent, transparent and accountable. We therefore take a proportionate approach to each case and in deciding whether a failing constitutes a breach of standards, focus on whether there is evidence of a systemic failing by a registered provider. When applying the serious detriment test we will balance the factors of the case including the number of tenants, the duration of the harm (or risk of harm) and the seriousness of the issue, as well as taking into account the diverse needs of tenants, in accordance with our duties under the Equality Act 2010.
- 2.10 In each case, the Regulator will have regard to the consumer regulation objectives and will seek to balance the interests of the provider, its tenants, its key stakeholders and the impact on public funds when responding to the circumstances of each individual case.

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<sup>3</sup> <https://www.gov.uk/government/publications/regulatory-standards>

- 2.11 Our approach to consumer regulation is reactive reflecting the role set out in legislation for the Regulator and our current mandate. We therefore respond upon receipt of information of possible consumer standard breaches, considering carefully all referrals made to us. Our reactive approach does not lessen the obligation on registered providers to comply and communicate with us in a timely manner in relation to a potential breach.
- 2.12 Providers have principal responsibility for dealing with, and being accountable for, complaints about their services. The Tenant Involvement and Empowerment Standard requires that they have clear and effective mechanisms for responding to tenant complaints. A tenant with a complaint against their landlord should raise it with their landlord in the first instance and, should the matter remain unresolved, consider contacting first a Designated Person (someone identified under the Act to deal locally with the resolution of complaints such as their MP, a local housing authority councillor or a designated tenants' panel) and subsequently the Housing Ombudsman.
- 2.13 Further detail on our approach is set out in Annex A and B of this report and in Annex B of our publication *Regulating the Standards*<sup>4</sup> which is available on our website.

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<sup>4</sup> <https://www.gov.uk/government/publications/regulating-the-standards>

### 3. Key themes arising from our casework

- 3.1 Across all our consumer regulation casework there are common themes and learning points that are useful to all registered providers. In our casework we sometimes observe that, although there has not been a breach of the consumer standards with potential or actual serious detriment, the way in which registered providers listen to and engage with their tenants can fall short of what could be expected.
- 3.2 Through our engagement we will seek to feedback to registered providers, highlighting the need to understand why services have fallen short and what needs to change as a result. In this section we have summarised these themes and feedback messages, in order to share those lessons more widely with the sector.
- 3.3 A significant part of our consumer regulation work comes from referrals where there are concerns about the arrangements providers have in place to keep tenants safe in their homes. This is ultimately the responsibility of the governing bodies of registered providers – boards and local authority councillors<sup>5</sup>. It is paramount that registered providers, including local authorities, ensure that they comply with the expectations of the consumer standards, including that they meet the full range of statutory health and safety obligations so that tenants are safe.
- 3.4 Good governance is critical in managing risks effectively. A registered provider's governing body must ensure that it has effective oversight via timely and accurate reporting, and that it understands what assurance it has that risks are being identified, managed and monitored, with escalation mechanisms where appropriate.
- 3.5 Increasingly there is recognition that ensuring tenants' homes are safe goes beyond complying with specific pieces of legislation. It is vital that registered providers understand their tenants and their tenants' needs, as well as the stock that they are responsible for, and have clear and informed policies about what it takes to ensure that tenants are not exposed to risk for which the landlord has a responsibility. This has been particularly important where, for specific risks, the law does not specify a timescale for completing a safety check or an action arising from those checks. It is for registered providers to set out clearly and implement what they have concluded is needed to keep tenants safe in their homes and to make sure that they have the expertise and skills to do this, taking external advice where necessary.

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<sup>5</sup> Throughout this report where we have referenced governing bodies, this refers to local authority councillors and boards of registered providers who hold the same responsibility for ensuring compliance with regulatory standards.

- 3.6 The importance of good quality data cannot be overstated. In a number of cases, the Regulator has seen that a breach of the consumer standards, including a failure to comply with statutory requirements and policies on health and safety, has arisen because organisations do not hold good quality data about the homes their tenants live in. Registered providers can also find themselves unable to evidence whether required work has been carried out to time and quality, or even at all. This may be due to the existence of different data systems, but often stems from inadequate arrangements for data reconciliation, weak controls and inconsistent record keeping. The expectation is that all registered providers will have assurance on the quality and integrity of their data. This is the foundation on which all other assurance of compliance is based.
- 3.7 There can also be issues that arise from a lack of clarity on contractual and management arrangements for the homes in which some of a registered provider's tenants live. This can cause gaps in a registered provider's assurance that it is complying with the consumer standards in relation to all tenants, including providing an effective repairs services and identifying and managing health and safety risks. While these arrangements may add complexity they do not remove a registered provider's responsibility as the landlord for compliance with regulatory standards and for the safety of all of its tenants in their homes.
- 3.8 Where things do go wrong, it is often the case that systems have been poorly designed or poorly implemented or both. Some failures are relatively isolated in nature, perhaps arising as a result of an individual's actions or lack thereof, but some are more widespread across the organisation. Registered providers must ensure they understand the causes of the problems that arise and seek to resolve both the presenting issue and the underlying causes, to reduce the chance of a similar issue arising again. Registered providers focusing on the lessons that can be learned, and the systems that can be improved, are signs of a well-governed organisation. Where possible it is helpful for registered providers to share learning more widely, beyond their own organisation.
- 3.9 Where the Regulator finds a breach of the consumer standard and serious detriment, it is most often in relation to the Home Standard. However, our expectations are the same across all of the consumer standards. Registered providers should understand, and be able to demonstrate compliance, across all aspects of the consumer standards, including how they engage with their tenants, how they deal with neighbourhood issues, and how they allocate their properties.



- 3.10 Complying with the consumer standards should not solely be driven by the requirement to do so from the Regulator, but because the expectations set out in the standards are the outcomes any registered provider should seek to achieve in the course of a well-run business. Focusing on and delivering the right outcomes is also an integral part of establishing and maintaining effective relationships with tenants and other stakeholders, as well as managing any potential reputational risk.
- 3.11 How registered providers engage with their tenants, how they listen to tenants and give tenants the opportunity to make their views known is a key indicator of organisational culture and it goes to the heart of why registered providers exist and their purpose. Through our casework we gain an insight into how registered providers engage with their tenants and this is often indicative of the organisational culture and the quality of governance. In some cases this may cause us to change our published view of the provider's governance. Even where this does not happen we will, where necessary, give feedback on what we see to senior leaders in the organisation.
- 3.12 It is the responsibility of registered providers as landlords to respond to complaints and to do so promptly and effectively. Failing to deal effectively with complaints impacts on the level of trust and confidence tenants have in their landlord and can have a significant reputational impact for registered providers. It may also affect our view of a registered provider's governance. Governing bodies must ensure that they have sufficient oversight of the effectiveness of arrangements for complaints handling.
- 3.13 Analysis of complaints data and trends can inform a registered provider's understanding of the messages tenants are giving them and importantly whether the issues being raised indicate a potential significant and/or systemic failure. Where this is the case there should be a route for escalation and where necessary, a different approach to ensure effective resolution in a timely way. Through our casework we have seen occasions where registered providers acknowledge that they have not handled complaints in the way they would have wished to and have commissioned reviews which have learning points for the wider sector.
- 3.14 Finally, where issues do arise, transparency with the Regulator is essential. The Governance and Financial Viability Standard sets out this requirement explicitly. However for all registered providers, including local authorities, the co-regulatory settlement is fundamentally based on transparency and co-operation between the Regulator and registered providers. Where we find a breach of a consumer standard and serious detriment, and the registered provider has failed to be transparent with the Regulator, we will take that into account as we consider what regulatory action is needed.

## 4. How we carry out our consumer regulation

- 4.1 Social housing tenants of registered providers can expect their homes and their landlords to meet certain standards. This includes: living in homes that are safe and of appropriate quality; having choice and protection; the ability to be involved in its management and to hold their landlords to account.<sup>6</sup> These are part of our consumer standards, which the Regulator sets as part of the framework for regulation.
- 4.2 The Regulator receives referrals and information about potential breaches of the consumer standards from a range of different sources. These include complaints from tenants, statutory referrals (including those from Members of Parliament, the Housing Ombudsman and the Health and Safety Executive) or information obtained during the course of our economic regulation work. We also receive referrals direct from providers about failings they have identified. In line with our co-regulatory settlement, registered providers should notify the Regulator of any potential breaches of the consumer standards. This applies to all registered providers including local authorities and regardless of any management contracting arrangements in place.
- 4.3 When considering information we receive about potential non-compliance with our standards, our role is to determine if this evidence indicates a wider failing within the registered provider's systems or processes. Such a systemic failing may lead us to determine there has been a breach of our standards; however, in line with our role set out in legislation, we must also see that this caused or has the potential to cause serious harm. We call this the serious detriment test. Harm, or potential harm, can relate to health and safety, loss of home, unlawful discrimination, loss of legal rights and/or financial loss. Where the Regulator judges there is evidence of the serious detriment test having been met, we will publish a regulatory notice. Where we judge the test has not been met but shortcomings have been found, we are likely to still follow up with registered providers to address any issues informally.
- 4.4 It is important to highlight the considerations made before reaching a decision of breach and serious detriment. Keeping in mind the Regulator's legislative requirement to be proportionate and consistent, each case is considered based on its particular circumstances as well as taking account of responses from the registered provider and its willingness and ability to address any failings.

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<sup>6</sup> <https://www.gov.uk/government/publications/regulatory-standards>

- 4.5 A regulatory notice is made public and is likely to have significant consequences for the registered provider. However, securing sustainable and long term improvements is paramount and registered providers are expected to demonstrate they understand what went wrong and why, to address failings promptly and effectively to remedy issues of non-compliance. A registered provider must provide assurance that they have assessed and put in place any arrangements needed so that tenants are not at risk of harm while improvements are being delivered. In addition to publishing a regulatory notice the regulator has a range of enforcement powers which can be used to force a provider to take appropriate action. We will always seek to secure the changes and improvements required using the least amount of interference. In any case where regulatory action is taken, the most appropriate way for registered providers to evidence their commitment to remedying any failings is through timely and effective action.
- 4.6 There may be occasions when the Regulator is of the view that the serious detriment threshold has not been met and therefore we are unable to take regulatory action in relation to the consumer standards. In those cases, we may consider that the information obtained raises issues about the governance of a provider. We will consider the provider's compliance with the economic standards and where we conclude that a provider's governance grading should change, we will also publish a narrative judgement.
- 4.7 If a referral or information received is not within the Regulator's remit to consider we will, wherever possible, advise a referrer of the appropriate route to pursue the concerns raised. For example we do not have a role in resolving individual disputes between landlords and tenants. Where we receive such complaints, wherever applicable, we will signpost the referrer to the provider's own complaints procedure and the Housing Ombudsman. If appropriate we may make the referral on behalf of the referrer, with their consent.

### How we handle referrals

- 4.8 Under our reactive consumer role, we consider all referrals received to assess whether there is evidence of a systemic failure which may represent a breach of a consumer standard.
- 4.9 The consumer regulation process consists of three stages, although not all referrals will pass through each of these.

- At Stage 1 any information or referral received is initially reviewed to determine if it is a matter that we can, under our remit, consider. During this stage we also consider if the issue is covered by our consumer standards and could potentially represent a breach.
- If these tests are satisfied, the referral moves to Stage 2. This is where our Consumer Regulation Panel (CRP) carries out a detailed review of the information we have received to determine whether any potential breach of the standard has caused or could cause serious harm to tenants.
- If a view on these points cannot be reached by CRP without further information, we will make the necessary enquiries of either the provider, the referrer or a third party. This is called a Stage 3 Investigation.

- 4.10 The length of time an investigation takes will depend on the circumstances of the case and the level of assurance we obtain from the registered provider; it can take some time to investigate some cases thoroughly, though other cases are relatively straightforward and we are able to reach a conclusion quickly.
- 4.11 We consider all information we receive from a regulatory perspective and we recognise that individual disputes between tenants and landlords can potentially be evidence of a systemic failure that represents a breach of the standards. However, as a Regulator, we do not have a role in resolving individual complaints about registered providers and we are unable to mediate in disputes between tenants and their landlords. We receive contact from tenants with complaints about their landlord and we will wherever possible, provide information about the well-established routes for tenants seeking to resolve an individual dispute with their landlord.
- 4.12 In the first instance, tenants should raise their concerns with their landlord. The Housing Ombudsman can assist residents and registered providers to resolve disputes locally. If a complaint is not resolved via the registered provider's complaints procedure, the resident may contact a Designated Person such as an MP, a local authority councillor or a designated tenants' panel to help with the resolution of the complaint. The Designated Person may help resolve the complaint or may refer the case to the Housing Ombudsman for investigation.
- 4.13 A resident can also escalate their complaint to the Housing Ombudsman directly. The Housing Ombudsman's role is to resolve disputes and to encourage the resolution of disputes by others. Information about the Housing Ombudsman is available on their website<sup>7</sup>.

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<sup>7</sup> <https://www.housing-ombudsman.org.uk>

## 5. Consumer regulation and governance

- 5.1 In order to comply with the consumer standards, registered providers should have effective governance and risk management arrangements in place. That means registered providers should assess their own compliance with all the consumer standards including those where the expectation is that they will identify and understand the risks to their tenants and take appropriate action to mitigate those risks. This also means having arrangements in place so registered providers can identify themselves at an early stage when something is going wrong, as well as having an effective escalation and response where those issues are identified.
- 5.2 Where the Regulator finds that a registered provider has failed to meet a consumer standard, and that the serious detriment test has been met, our experience is that there can often be a corresponding failure in an organisation's governance.
- 5.3 For private registered providers (as opposed to local authorities), where the Regulator concludes that there has been a breach of the consumer standards and serious detriment, we will consider whether that failure has any implications for our view of the registered provider's governance. Our consideration of governance is a separate decision, taking into account the facts of the case and information we have obtained through our planned regulatory engagement.
- 5.4 We will also take into account:
- whether the failure raises any wider systemic concerns
  - the effectiveness of the board's oversight, for example, whether the board was receiving adequate and timely information and challenging the executive on performance
  - the effectiveness of the registered provider's risk management and internal controls
  - actions taken to mitigate the failure
  - the board's assurance that the failings will be addressed, including their willingness and ability to put things right
  - the registered provider's transparency and the timeliness of communication with the Regulator.
- 5.5 The remainder of this report set out details of the cases we have considered under each of the consumer standards. It includes examples of where we have found a breach of the consumer standards and serious detriment, and for these case studies, we have included details of how we considered the implications for an organisation's governance. The report also includes anonymised case studies where we have not found a breach of the standards.

The case study below shows how the Regulator considered our view of a registered provider's governance, when we had evidence of a breach of the consumer standards.

### **Case study 1 – Links between consumer regulation and governance**

Knowsley Housing Trust (KHT) notified the Regulator that the Merseyside Fire and Rescue Service had issued three fire enforcement notices in November 2017 in relation to a scheme known as Quarry Green. The enforcement notices said that KHT had failed to comply with the provisions of the Regulatory Reform (Fire Safety) Order 2005. The issuing of the enforcement notices followed KHT's completion of a fire risk assessment in June 2017 which identified actions required to reduce the risk of fire at Quarry Green, and two subsequent warning letters from the fire service in August and September 2017 which had not been acted upon.

During our investigation of this referral, we learned that KHT also had a number of high risk fire safety actions outstanding following the completion of fire risk assessments and that an internal audit completed by KHT had found that the board did not have assurance of compliance with statutory health and safety requirements. Taking all of these factors into account, the Regulator concluded that this was a breach of the Home standard, because KHT had failed to have an effective system in place for delivering statutory compliance, particularly in relation to fire safety. We also concluded that tenants had been put at risk as a result. We published a regulatory notice setting out our findings in June 2018.

At the same time as KHT made its referral to the Regulator, the Regulator was undertaking a planned in depth assessment (IDA) of KHT. Taking into account the health and safety issues identified, as well as information gathered during the IDA, the Regulator found that there were significant weaknesses in the effectiveness of board oversight and scrutiny, including incidents of inadequate reporting. We also found that the KHT board did not have sufficient oversight of a range of activities undertaken in other parts of the group, and so was unable to demonstrate that key risks were effectively managed. The Regulator concluded that KHT had failed to comply with our governance requirements, and the provider was downgraded to G3. A regulatory judgement was published in August 2018.

Since then, KHT has been working with the Regulator as it seeks to resolve these issues. Its action plan sets out how it is addressing the failure to comply with our regulatory standards, including both the statutory compliance issues set out above, and the underlying governance issues which led to the health and safety issues arising. The Regulator will continue to engage intensively with KHT until it is satisfied that the issues have been addressed, and KHT is compliant with all regulatory standards.



The case study above shows the clear links between consumer regulation and governance, and how a failure to meet one of our consumer standards is often symptomatic of more widespread weaknesses in an organisation's governance. It also demonstrates the importance of registered providers seeking to understand the causes of health and safety failures when they arise, in order to tackle both the presenting issues and the underlying causes, to prevent a recurrence.

It is often the case that a breach of consumer standards leads the Regulator to conclude that there has been a failure in an organisation's governance. This year however, we also saw the reverse: when we found that a registered provider which was already non-compliant with our governance requirements had also breached the consumer standards. The case study is set out below:

### **Case study 2 – Link between consumer regulation and governance**

The Regulator was already engaging with Kinsman in relation to concerns about its governance when we received a referral from a third party which said that Kinsman had not adequately responded to potential issues with the structural safety of a number of its homes, along with concerns about the safety of gas, fire and electrical installations. Shortly after receiving this referral and on the basis of the information we had gathered during our governance investigation, we completed our assessment of Kinsman's governance, and concluded that it was non-compliant with our governance requirements. We published a regulatory notice<sup>8</sup> setting out our views, and then continued to engage with Kinsman in relation to both our governance concerns, and to complete our investigation into the concerns raised about the safety of the property.

Through our investigation, we learned that Kinsman had been notified of the potential issues in January 2017, but did not put in place plans to carry out the necessary survey work until September 2018, following the referral to the Regulator. While Kinsman's survey on the structure of the building did identify some significant issues, it did not conclude that these posed a serious risk to tenants. However, this initial survey did recommend further, more intrusive inspections including of the gas, electrical and fire safety mechanisms in place.

A subsequent survey carried out in December 2018 identified some serious and wide-ranging concerns in relation to fire safety. In addition, although a fire risk assessment had concluded that the risk was at a tolerable level, there were a number of follow up actions necessary to ensure the property and its tenants were safe. These risks were known about for a considerable period of time, and the evidence demonstrated that Kinsman were extremely slow to act when concerns were raised. The Regulator concluded that given the seriousness of the issues, and the duration for which

<sup>8</sup> We do not publish regulatory judgements for registered providers which have fewer than 1,000 social housing units. However, if we have evidence that such a provider has breached an economic standard, we will issue a regulatory notice.

tenants were potentially exposed to risk, that this was a breach of the Home standard and that there had been a risk of serious detriment to tenants. We published a second regulatory notice setting out our conclusions.

Kinsman put in place a schedule of works in relation to fire safety and the other remedial work identified in its surveys and has provided assurance that tenants are not at risk in the meantime. The Regulator continues to engage with Kinsman to seek assurance on the completion of works and evidence that this has remedied the issues found. Alongside this, we are continuing our intensive engagement with Kinsman to ensure that the underlying governance issues which formed the basis of the first regulatory notice are resolved.

- 5.6 This case study highlights that complying with our Home standard goes beyond simply meeting statutory health and safety requirements. It shows the importance of registered providers understanding and acting on their fundamental responsibility for tenant safety by having systems in place which allow them to take prompt and effective action when there is a suggestion that tenants might be at risk. Governing bodies of registered providers should listen to, and engage with, tenants and third parties where they are giving messages that they might be at risk, and should act swiftly to identify whether any such risks exist, and to mitigate those risks.



## 6. Local authorities' compliance with the consumer standards

- 6.1 Although the Regulator's economic standards do not apply to local authorities, the Regulator's consumer standards apply equally to private registered providers and local authorities and we expect all registered providers to be open and transparent with the Regulator when issues arise which indicate non-compliance (or potential non-compliance) with our standards.
- 6.2 The Regulator also expects that all tenants, regardless of whether their landlord is a private registered provider or a local authority, should have the same experience: they should have homes that are safe and of reasonable quality, access to an effective complaints process when things go wrong, and the opportunity to have a say in decisions which affect them.
- 6.3 With this in mind, where the Regulator receives a referral relating to a local authority, we will consider that in the same way as we consider referrals relating to private registered providers. The example below shows how we determined a breach of the Home standard and serious detriment in relation to a local authority.

### **Case study 3 – Regulating local authorities' compliance with the consumer standards**

We received a referral from an individual raising concerns about how Arun District Council had responded to reports of repairs in their home and fire safety. We followed up this referral and sought assurance from Arun District Council that it was responding appropriately to the reports of repairs and that it met all applicable statutory health and safety requirements.

Through our investigation, we learned that up until 2016, Arun District Council did not have a comprehensive programme in place to carry out fire and Legionella risk assessments across its entire stock. Sheltered housing schemes were subject to a programme of works, but the general needs stock was assessed on a reactive basis when issues were reported. That meant that Arun District Council could not provide assurance that all of the relevant properties had a risk assessment in place until very recently. A programme of works had been developed to resolve the issues and Arun District Council was implementing a new structure and resourcing to improve the oversight and delivery of compliance work. However this had not yet addressed the issues at a speed which would reflect the level of risk to its tenants.

The Regulator concluded that Arun District Council had breached the Home standard as it had not had a system in place which allowed it to effectively meet its statutory duties to assess the risks of fire and legionella.

In response, Arun District Council commissioned an external review of its health and safety compliance, which identified weaknesses in the overall system for managing health and safety, and it developed an improvement plan to resolve the issues. The Regulator is now working closely with Arun District Council as it implements the actions set out in the improvement plan. That includes actions to complete outstanding risk assessments and any actions arising from those risk assessments, as well as addressing the underlying causes of the breach of the consumer standards.

## 7. The Home Standard

- 7.1 Ensuring tenants have good quality accommodation and are safe in their homes is a fundamental responsibility of registered providers. Each year, the Home Standard features in around half of all referrals considered by Consumer Regulation Panel, covering issues relating to repairs and maintenance, the decency of tenants' homes and registered providers' compliance with statutory health and safety requirements.
- 7.2 This year, all of the cases where the Regulator found a breach and serious detriment related to the Home standard, in particular in relation to the repairs and maintenance service provided by registered providers, and their compliance with statutory health and safety requirements across a range of areas including fire safety, gas safety, electrical safety, lifts and Legionella. Most common were issues relating to fire safety, which featured in five of the six cases where we found a breach and serious detriment. However, it was striking that in a number of those cases, where we considered concerns relating to fire safety, weaknesses across other areas of health and safety were also identified.
- 7.3 As the case studies below will demonstrate, complying with fire safety requirements is critical for registered providers to ensure tenants are safe. However providers also need to continue to seek assurance on the systems they have in place for delivering safe homes for their tenants across all areas. This includes data management, policy and processes, monitoring, reporting and oversight.

### Fire safety

#### Case study 4 – Meeting fire safety requirements

Beyond Housing was formed following the merger of Yorkshire Coast Homes and Coast & Country Housing in October 2018. Like all registered providers, Beyond Housing, and its predecessor organisations, has a duty to comply with the Home Standard which requires registered providers to comply with statutory health and safety requirements which provide for the safety of tenants in their homes; the applicable statutory requirements include the Regulatory Reform (Fire Safety) Order 2005 which requires registered providers to make a suitable and sufficient assessment of the risks of fire. Having identified those hazards and people at risk, it has a duty to take precautions to prevent the risk of fire, and to update the risk assessments regularly.

As part of the pre-merger process, Yorkshire Coast Homes had identified concerns about fire safety. In particular, it found that a large number of fire risk assessments had passed their review date, and a small number of properties did not have a risk assessment in place. It said it also had concerns about the quality of the fire risk

assessments which had been carried out, and that there was limited evidence to demonstrate that actions identified had been completed.

The Regulator concluded that Yorkshire Coast Homes had breached the Home Standard as it had failed to have an effective system in place to provide assurance that tenants were not at risk from fire. A regulatory notice was published. Yorkshire Coast Homes put in place an urgent plan to deliver actions and to mitigate the risk to tenants. It brought in additional resources and carried out initial inspections to ensure there were no combustible materials in communal areas. It also carried out the outstanding fire risk assessments, prioritised by risk. When the merger was completed, Beyond Housing became the organisation responsible for completing this work and for resolving the issues set out in the regulatory notice.

Since then, the Regulator has had regular engagement with Beyond Housing, as it has progressed in the delivery of this work. It has completed all of the fire risk assessments, and is now working through the actions which were identified, tackling the highest risk actions first to mitigate any risk to tenants. Beyond Housing has also looked at the underlying causes of the breach of the Home standard, and has completed work to cleanse its data, to implement a new compliance system, and to improve reporting to the board.

### Electrical safety

- 7.4 For some areas of health and safety, the legislative requirements are very explicit (for example, the Gas Safety (Installation and Use) Regulations 1998 states clearly that gas appliances and flues must be tested annually). In other areas, the law is less explicit, but that does not lessen the obligation on registered providers to act to ensure their tenants are safe.
- 7.5 The Health and Safety at Work Act 1974 requires registered providers to conduct their undertakings in such a way that third parties (including tenants) are not exposed to risk. Recently there has been increased focus on electrical safety and recognition of the importance of registered providers setting their own policies and procedures that clearly articulate the arrangements they operate in order that tenants are not exposed to risk.

7.6 Below is an example of how we considered a case relating to electrical safety.

**Case study 5 – Meeting electrical safety requirements**

Lincolnshire Housing Partnership (LHP) made a self-referral to the Regulator in July 2018, having identified concerns about the quality of its electrical testing programme and the certification available to demonstrate that electrical testing had taken place. LHP explained that for a number of properties, electrical certificates were either missing or were over 10 years old. Quality control checks had also found a number of errors in both the categorisation of works, and completion of certificates.

LHP was created as a result of the merger of two organisations: Boston Mayflower and Shoreline Housing Partnership. In their engagement with the Regulator, LHP set out that a previous external assessment of a sample of electrical inspections for Boston Mayflower had found a high proportion had failed quality requirements. LHP then commissioned a review which raised concerns about the lack of valid or in-date certificates for the majority of Boston Mayflower properties.

The Regulator noted LHP's self-identification of the issues, and its subsequent referral to the Regulator, but taking into account the seriousness of these issues, and the number of tenants potentially affected, the Regulator determined that it was proportionate to find a breach of the Home Standard and serious detriment in this case. A regulatory notice was published and the Regulator also considered implications for LHP's governance, concluding that its current interim G2 grade remained appropriate. In reaching that view, the Regulator was assured that once the issue was identified, LHP immediately put a plan in place to address the issues and commissioned a review to understand how the failing had happened. It put in place a programme of remediation which prioritised the works required by risk and is addressing the issues in line with that programme.

7.7 The case study shows the importance of registered providers having assurance that tenants are safe in their homes. In this case, LHP was not able to be certain that the relevant electrical safety checks had been completed and it was not assured that the checks carried out were of appropriate quality. Clearly this had an impact on understanding whether remedial actions arising from electrical safety checks had been assessed correctly and completed. It was these factors which led the Regulator to conclude a breach of the Home Standard and serious detriment. LHP's interim G2 governance grade remained unchanged reflecting the registered provider's identification of the issues, quality of response and timely self-referral to the Regulator.

## Meeting all statutory health and safety requirements

- 7.8 The case studies above set out two different cases where we found a breach of the Home Standard relating to a failure to comply with one area of health and safety requirements (fire safety for Beyond Housing and electrical safety for LHP). However, in a number of cases this year, we have identified that registered providers have failed to comply with our consumer standards because of failures which were more widespread across a range of health and safety areas. The case study below is an example of that.

### **Case study 6 – Meeting all applicable statutory health and safety requirements**

GreenSquare Housing Group (GreenSquare) made a self-referral to the Regulator in July 2018, followed by a second referral in November 2018 when it had found a number of properties with overdue gas certificates. On commissioning a wider review of compliance with statutory health and safety requirements, GreenSquare also identified issues relating to fire safety and lift safety and made a further referral to the Regulator.

The main concern related to fire safety. GreenSquare told the Regulator that although all fire risk assessments were up-to-date, it had identified that there was a large number of overdue actions arising from fire risk assessments including some that had been categorised as high priority that had not been completed. Some of these urgent actions had been outstanding for a number of months, and the issue affected a significant number of tenants, including potentially vulnerable tenants. A number of lifts were also found to have an out-of-date lift service check. The Regulator concluded that this was a breakdown in the overall systems in place to allow GreenSquare to deliver an effective repairs and maintenance service and therefore found that GreenSquare had breached the Home Standard with potential serious detriment as a result. A regulatory notice was published.

Given the seriousness of the issues, GreenSquare had commissioned a root cause analysis review to fully understand the factors that led to this including governance, culture and leadership as well as operations and management.

The Regulator was carrying out an in-depth assessment of GreenSquare at the time of the second referral. We considered the implications of this for the Regulator's view of GreenSquare's governance as part of the in-depth assessment and we concluded that a downgrade to G2 was appropriate.

## 8. Responding when things go wrong

- 8.1 The case studies above set out a number of cases where things have gone wrong, and where the Regulator has judged the registered provider to have breached our regulatory standards and risked serious detriment to tenants. However, we seek to be proportionate in our regulation of the consumer standards and simply because something has gone wrong, it does not necessarily mean the standards have been breached. In reaching our view, we consider whether the issues identified indicate a systemic failure by the registered provider. We also take into account the seriousness and duration of the issue, and the number of tenants potentially affected. We also consider what action the provider is taking, to put things right.
- 8.2 Registered providers should design effective systems and processes which allow them to comply with our consumer standards, and which allow them to identify at an early stage when things are going wrong. How an organisation responds when things have gone wrong tells us a lot about the organisation and how it is run. Well-run organisations will seek to address the underlying causes of the failure as well as the presenting issues. They will also seek to learn the lessons from the failure, in order to strengthen systems and processes where necessary. The case study below sets out an example of that.

### **Case study 7 – Learning lessons when things go wrong**

The Regulator was contacted by a registered provider who told us that there were longstanding repair and defects issues relating to one of its mixed tenure new build housing schemes. This was causing a relatively high volume of complaints from residents as well as attention more widely, including through the media.

The Regulator considered this self-referral under its consumer standards and specifically the requirement for registered providers to have an effective repairs and maintenance service, as well as the requirement to have an approach to complaints to ensure they are resolved promptly, politely and fairly.

The Regulator received a significant amount of information from the registered provider, including the report from a review it commissioned externally into the issues, their handling of complaints and lessons learnt. This looked across a number of the registered provider's new build schemes.

From this, we concluded that the registered provider had a repairs service in place that was effective overall and there was evidence they had responded to all the issues raised and followed up where they were not resolved. We noted that there were some incidences where the registered provider's response was not as timely as it should have been. There was also the added complexity of establishing responsibility for remedial work, given the scheme was within its defects period.

Notwithstanding the ongoing repair issues, evidence was provided of compliance with statutory health and safety requirements.

We considered carefully the information provided regarding the provider's approach to complaints. There was a clear, accessible and timely process in place with evidence that residents had been able to make complaints and have those responded to.

- 8.3 However, as the provider's own review highlighted, there were a number of improvements that could be made. In particular where an issue or area of service is resulting in complaints and dissatisfaction over a protracted period, more should be done to escalate this, identify trends and learning and adjust the approach. Changes relating to training and support for staff, as well as improving communication across different departments, were recommended, as was an emphasis on effective resolution rather than seeing the delivering the process as the outcome in itself. We considered whether, in light of these issues, this changed our view of the registered provider's governance. The information and responses gained through our engagement provided assurance that this was not the case.



## 9. The Tenancy Standard

Registered providers may at times have tenants who are facing challenges maintaining their tenancies. A decision to evict a tenant should never be taken lightly and the consumer standards set out the expectation that registered providers will support tenants in such situations and avoid unnecessary evictions. The case study below shows an example of a referral we considered under this standard.

### **Case study 8 – Supporting tenants to maintain their tenancies**

We received a referral from the friend of a tenant in a supported housing scheme who had sadly died in their property shortly after the registered provider was granted a possession order. The referrer alleged poor treatment of the tenant by the registered provider including taking unnecessary steps to evict. We considered this referral under the Tenancy Standard which states registered providers should provide support to tenants to enable them to maintain their tenancies and prevent unnecessary evictions.

We do not have a role in resolving individual complaints about registered providers. This can include complaints such as this where it appears to be an individual issue regarding an eviction rather than one which indicates systemic failings. However, the Tenancy Standard as outlined above, places an expectation on registered providers to ensure tenants are appropriately supported to try and avoid situations such as this and given the tragic circumstances of this case, the Regulator considered the matter to ensure the registered provider had appropriate systems in place for all its tenants in similar cases.

While it is not our role to consider if the eviction itself was reasonable, we sought information from the registered provider to ensure that any action taken was in line with the Tenancy Standard. The registered provider told us that from the tenancy commencement, the tenant had been in breach of the visitors' policy and tenants' charter. The tenant had also failed to engage with support from the specialist drug team and had fallen into arrears. The registered provider engaged with the tenant and agreements to pay were made. Unfortunately the payments were not made and possession action began on the grounds of rent arrears. The registered provider told us that it tried to arrange re-housing for the tenant in another supported unit but they refused the offer of a place which they could have moved to before the court hearing that led to the possession order.

We considered that the evidence did not indicate a systemic issue within the registered provider as to the way they dealt with vulnerable residents. We saw that consideration was given to the requirements under the Tenancy Standard. Possession action was carried out as a last resort after other options had been pursued and we saw evidence of attempts by the registered provider, alongside other agencies to support the tenant during this time.

9.1 The Tenancy Standard in regards to tenure states that registered providers shall publish clear and accessible policies which outline their approach to tenancy management and set out their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members. The case study below shows how we considered a referral under the Tenancy Standard and how the registered provider had taken appropriate steps to ensure this standard was met.

### **Case study 9 – Managing succession rights**

We received a complaint from a tenant regarding the alleged lack of transparency of their registered provider's succession policy. The tenant also complained that the registered provider did not make discretionary allowances to its succession policy if there are vulnerable household members. The tenant stated that they were classed as disabled and they had been trying to find out about discretionary succession from the registered provider.

We saw that the registered provider had written to the tenant to clearly explain its succession policy. The registered provider had explained in detail why the policy did not apply to the tenant based upon their current circumstances but that this would be reviewed should these circumstances change. We also saw the information the registered provider considered when taking into account the tenant's needs and those of their household members and that they had provided a single point of contact who was able to assist the tenant by collating information and co-ordinating responses to him.

The steps taken by the registered provider were in line with expectations under the Tenancy Standard and we found no breach in this case.

## 10. Neighbourhood and Community Standard

- 10.1 The Neighbourhood and Community Standard places an expectation on registered providers that they will work collaboratively with other agencies to address anti-social behaviour. This year we have received several referrals from tenants who are concerned about this issue. We recognise the challenges registered providers face in tackling such issues, however tenants should expect to feel safe and comfortable in their homes and communities. For that reason, where we receive complaints of this nature, we ask registered providers what assurance they have that they are listening to tenant concerns and taking reasonable actions to address these.

### **Case study 10 – Dealing with anti-social behaviour**

We received a referral from a tenant on behalf of a registered provider's residents association. The residents association was concerned that the registered provider had not acted properly to deter anti-social behaviour in and around their block of flats.

We considered the referral under the Neighbourhood and Community Standard which states that registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhood where they own homes.

We saw that the registered provider had clear policies and dedicated staff to help deal with anti-social behaviour. The registered provider said they cooperated fully with local agencies and partners including the police and the local authority. There had been two instances of anti-social behaviour reported and the registered provider was liaising with the police and the council's environmental noise enforcement department to address this. The registered provider was also aware of rough sleepers in and around the block of flats and was working in conjunction with the police and the council's rough sleeper team to tackle this.

The registered provider said it attended the residents association's quarterly meetings and intended to discuss with them the further measures that would be taken to make the property more secure. On the basis of the information and evidence we received, we concluded that the registered provider had taken reasonable steps to listen and respond to tenant concerns and had not breached the Neighbourhood and Community Standard.

- 10.2 The Neighbourhood and Community Standard also places an obligation on registered providers to keep the areas surrounding their properties such as communal gardens and play areas clear and safe. In line with standard, we expect registered providers to ensure that these areas are maintained to a reasonable standard for tenants to enjoy. The case study below highlights that although we found no breach of our standards, there may be times when we will follow up with registered providers where we see improvements to service can be made.

### **Case study 11 – Standard of estate services**

A local councillor complained to the Regulator on behalf of residents about the estate maintenance services provided by the registered provider. This service was previously outsourced but the registered provider had since taken the service back in house. Tenants were unhappy that costs had increased and considered the work carried out was substandard. We considered this referral under the Neighbourhood and Community Standard which states that registered providers shall keep the neighbourhood and communal areas associated with the homes they own clean and safe.

We sought information from the registered provider about the service it was providing in relation to estate maintenance. The registered provider said it monitored this work through quality inspections and then posted the inspection reports on the building's notice board for residents. Evidence was provided that demonstrated that work of the estates team was being monitored and completed to an agreed standard.

We acknowledged that some residents might be dissatisfied with the estate maintenance service, particularly since the service was taken back in house, and as the costs had increased. However the evidence from the registered provider did not indicate a failure to keep communal areas clean and safe as the standard requires. When investigating a referral, even if we do not find a breach of our consumer standards we do feedback to registered providers, where appropriate, and in this case we sought to reinforce the expectation that all registered providers engage constructively with tenants and their elected representatives.

## 11. The Tenant Involvement and Empowerment Standard

- 11.1 The Tenant Involvement and Empowerment Standard sets out expectations of how registered providers should treat their tenants and the importance of demonstrating that they understand the different needs of tenants including those with additional support needs. Registered providers should recognise the importance of building trust with tenants and compliance with this standard helps to achieve this.

### **Case study 12 – Understanding and responding to the diverse needs of tenants**

A registered provider self-referred to the Regulator following the death of tenant in one of their homes. The tenant was not found until two weeks after her death. We considered this referral under the Tenant Involvement and Empowerment Standard which requires all registered providers to demonstrate they understand their tenant's diverse needs, treating each fairly and with respect. We followed up with the registered provider to seek assurance that they had arrangements in place to ensure this was the approach being taken with their tenants.

The tenant was living in housing for older people with communal facilities and alarm pull cord system but no onsite warden. The registered provider had found it difficult to keep in regular contact with the tenant as she did not have a telephone and was often not at home when staff visited the property. When the registered provider was able to contact the tenant, they made offers of support and visits to the tenant, however these were all refused. The tenant also declined to use the alarm pull cord system and had stated she only used the property to sleep in.

It is inevitable that at times tenants will pass away in their homes and in this case it is particularly sad given that the tenant was not found for some time. When considering the relevant consumer standards in this case, we took into consideration that the registered provider had made reasonable attempts to arrange support for the tenant over the course of her tenancy and that when these were firmly refused, staff respected the tenant's requests. While a registered provider should understand their tenants' needs and take steps to assist with support where appropriate, this must also be balanced with a tenant's wishes and their desire to live their preferred lifestyle. For those reasons, we concluded that the registered provider had an approach in place that meant tenants' specific needs were understood and taken into account and that the Tenant Involvement and Empowerment standard had not been breached in this case.

- 11.2 Throughout the year we have also received a number of referrals about the customer service delivered by registered providers and the way they handle tenant complaints. The standard sets out that a registered provider shall provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards and has an approach to complaints that is clear, simple and accessible. A registered provider should also ensure that complaints are resolved promptly, politely and fairly.

### **Case study 13 – Complaints handling**

We received a referral from a tenant who had raised various complaints with the registered provider, including about anti-social behaviour in his neighbourhood. The tenant did not consider that the registered provider had responded appropriately to their concerns or followed their complaints procedure. They said that they felt that the registered provider's handling of his complaint had caused their mental health condition to become worse.

We saw that the tenant had raised a significant number of complaints with the registered provider. The evidence showed that the registered provider had sought to provide detailed responses to each complaint and tried to implement alternative measures to allow the tenant full access to their complaints processes in a pragmatic way. This included providing dedicated case managers and contacts. The evidence demonstrated that the registered provider's approach to complaints met the expectations of the standard and there had not been a systemic failing with the registered provider's complaint handling or procedures.

- 11.3 The Tenant Involvement and Empowerment Standard sets clear expectations that registered providers should communicate with and listen to their tenants. This is particularly important where registered providers are proposing a change in landlord for one or more of their tenants or a significant change in their management arrangements.
- 11.4 Consultation should be carried out in a fair, timely, appropriate and effective manner with any proposals clearly set out in an appropriate amount of detail including on any actual or potential advantages and disadvantages (including costs) to tenants in the immediate and longer term. Registered providers must be able to demonstrate to affected tenants how they have taken the outcome of the consultation into account when reaching a decision. The following case study illustrates the importance of registered providers having a robust approach to their decision making and in how they consult with tenants, taking fully into account whether the proposals are aligned with their objectives as a social housing provider and meet regulatory expectations.

#### **Case Study 14 – Consulting with tenants**

A registered provider notified the Regulator of its disposal of a tenanted social housing scheme to a non-charitable organisation (for profit registered provider). The information submitted by the registered provider in its notification raised questions on the consultation carried out with tenants.

We considered whether the approach taken by the registered provider met the expectations within the Tenant Involvement and Empowerment Standard. Our follow up engagement sought further detail of the range and quality of consultation carried out and asked the registered provider to provide evidence that it had met the requirements of the standard including setting out clearly for tenants any potential costs and disadvantages of the proposed disposal.

We concluded that, although improvements could be made to the approach taken by the registered provider, there was not a breach of standard and serious detriment. In reaching this conclusion we took into account that the tenants would remain in the regulated sector.

However we also considered how the registered provider had made its decision to dispose of the social housing scheme and whether this changed our view of its governance. The Regulator concluded that improvements were required to the registered provider's governance to ensure that key decisions of this nature are informed by a sufficiently broad range of quality information and that appropriate delegations are in place. There had been insufficient board oversight of the disposal and the registered provider's governance was downgraded as a result.

## 12. Annex A – Analysis of cases

### Referrals by stage

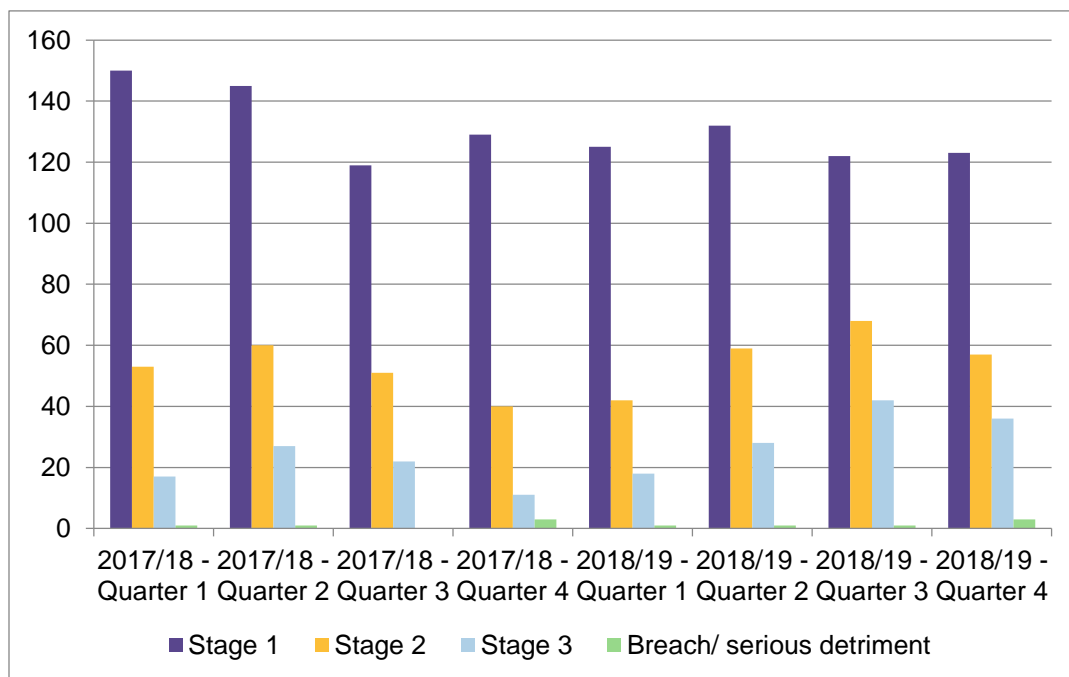
12.1 Our consumer regulation process has three stages:

- Stage 1 – the Referrals and Regulatory Enquiries (RRE) team is responsible for collating all referrals to the Regulator. The RRE team's role is to review referrals and determine whether the issues raised appear to be within the Regulator's remit, and if there appears to have been a breach (or a risk of a breach) of the consumer standards. If so, the RRE team refers the case to the Consumer Regulation Panel.
- Stage 2 – the Consumer Regulation Panel considers each case to determine whether there is evidence of a breach of the standards and, if so, whether there has been harm, or potential harm, to tenants. It considers two questions:
  - I. if the issues raised were true, is it likely that there has been, or could be, a breach of a consumer standard?
  - II. if the issues raised were true, would there be any impact on tenants which would cause serious actual harm or serious potential harm?
- Stage 3 – if the Consumer Regulation Panel considers that the evidence could indicate a breach of the standards, or if there is a suggestion that tenants are at risk of serious harm, we will carry out an investigation. During the investigation, we will usually seek information from the individual making the referral and the registered provider, as well as any third parties if necessary.



12.2 The table below shows the total number of consumer regulation referrals handled by the Regulator by quarter and how many of those went on the subsequent stages of our process. The 2017/18 figures are shown in brackets.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
Stage 1 – All consumer referrals	125 (150)	132 (145)	122 (119)	123 (129)	502 (543)
Stage 2 – Considered by Consumer Regulation Panel	42 (53)	59 (60)	68 (51)	57 (40)	226 (204)
Stage 3 – Investigation undertaken	18 (17)	28 (27)	42 (22)	36 (11)	124 (77)
Published findings of breach of standard and serious detriment	1 (1)	1 (1)	1 (0)	3 (3)	6 (5)

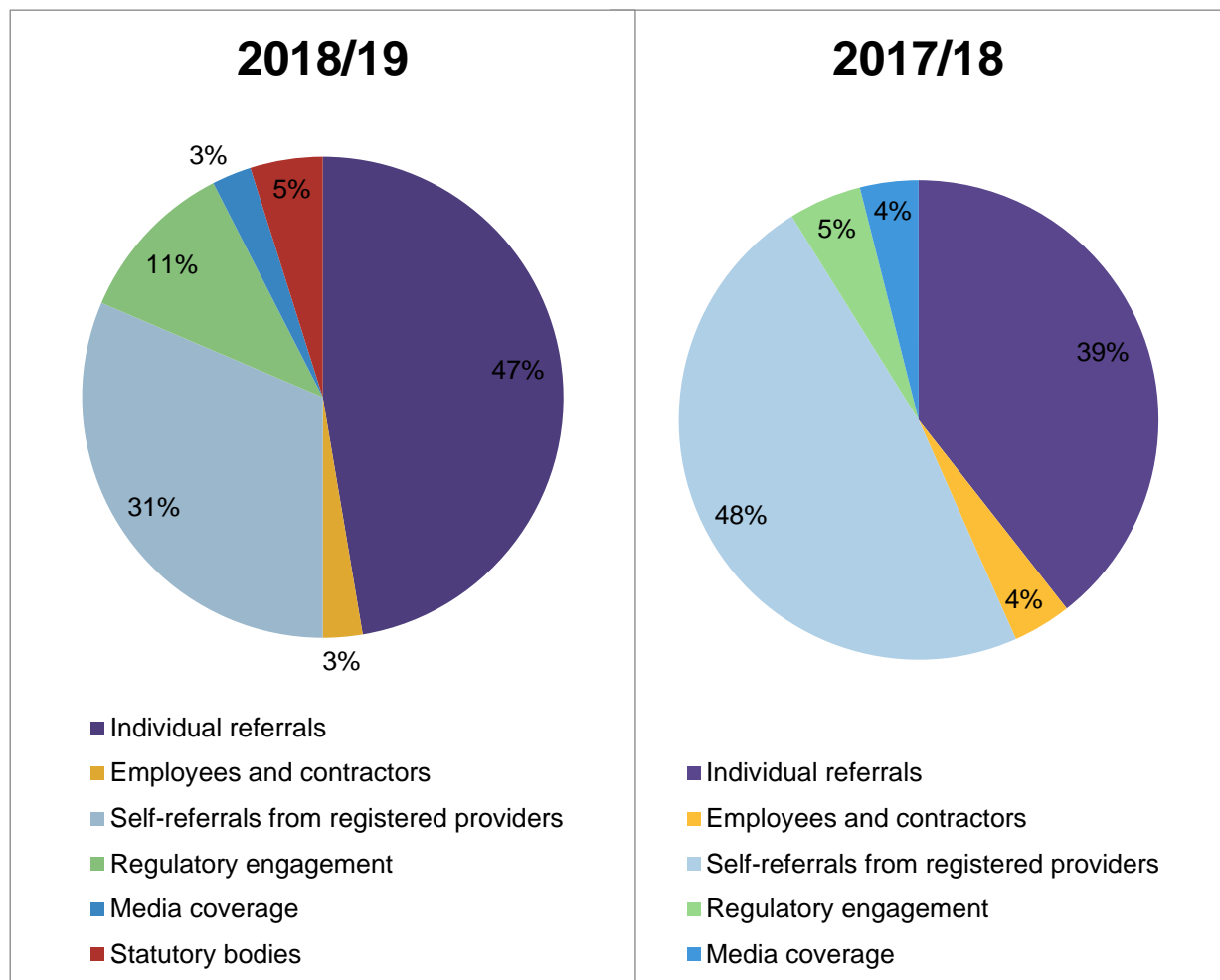


12.3 In 2018/19, we received 502 consumer standard referrals. Of those, 226 (45%) were referred to the Consumer Regulation Panel, and 124 (25%) were investigated further. We found a breach and serious detriment in six cases (1%).

- 12.4 The data shows that the overall number of referrals to the Regulator in 2018/19 declined slightly (502 in 2018/19 compared to 543 in 2017/18), but the total is in line with the average across previous years. The number of cases referred to CRP increased slightly on the previous year (45% compared to 38%) but we do not consider this to be a material change.
- 12.5 For the cases which were not escalated to Consumer Regulation Panel, there are a number of reasons why this may be the case. Often referrals are not within our remit, for example: they were made by homeowners or leaseholders, the issues raised related to private landlords or organisations which were not registered providers, or the issues raised did not fall under our regulatory standards. In a number of cases, tenants also sought advice on how to complain about their landlord. In response, we would signpost the tenant to their landlord's complaints process and the Housing Ombudsman where appropriate.
- 12.6 The number of cases reaching a stage 3 investigation increased from 77 cases (14%) in 2017/18 to 124 cases (25%) in 2018/19. This is a significant year-on-year increase. However, the rate of investigations for 2017/18 was low compared to previous years (for example, in 2016/17 we investigated 112 cases (20%), and in 2015/16 we investigated 98 cases (21%)), and the figures for 2018/19 year are more in line with previous years' investigation rates. We do not consider there to have been a material change in the Regulator's thresholds for investigating referrals, but rather we consider the presenting facts on each case before making a decision about whether an investigation is reasonable and proportionate.
- 12.7 Our data shows that of the cases we investigate, 33% are self-referrals from registered providers, 21% are from tenants or their representatives, 15% are issues identified through our regulatory engagement. The remainder are from a range of other stakeholders including MPs and Councillors, leaseholders or homeowners, or employees.

## Sources of referrals

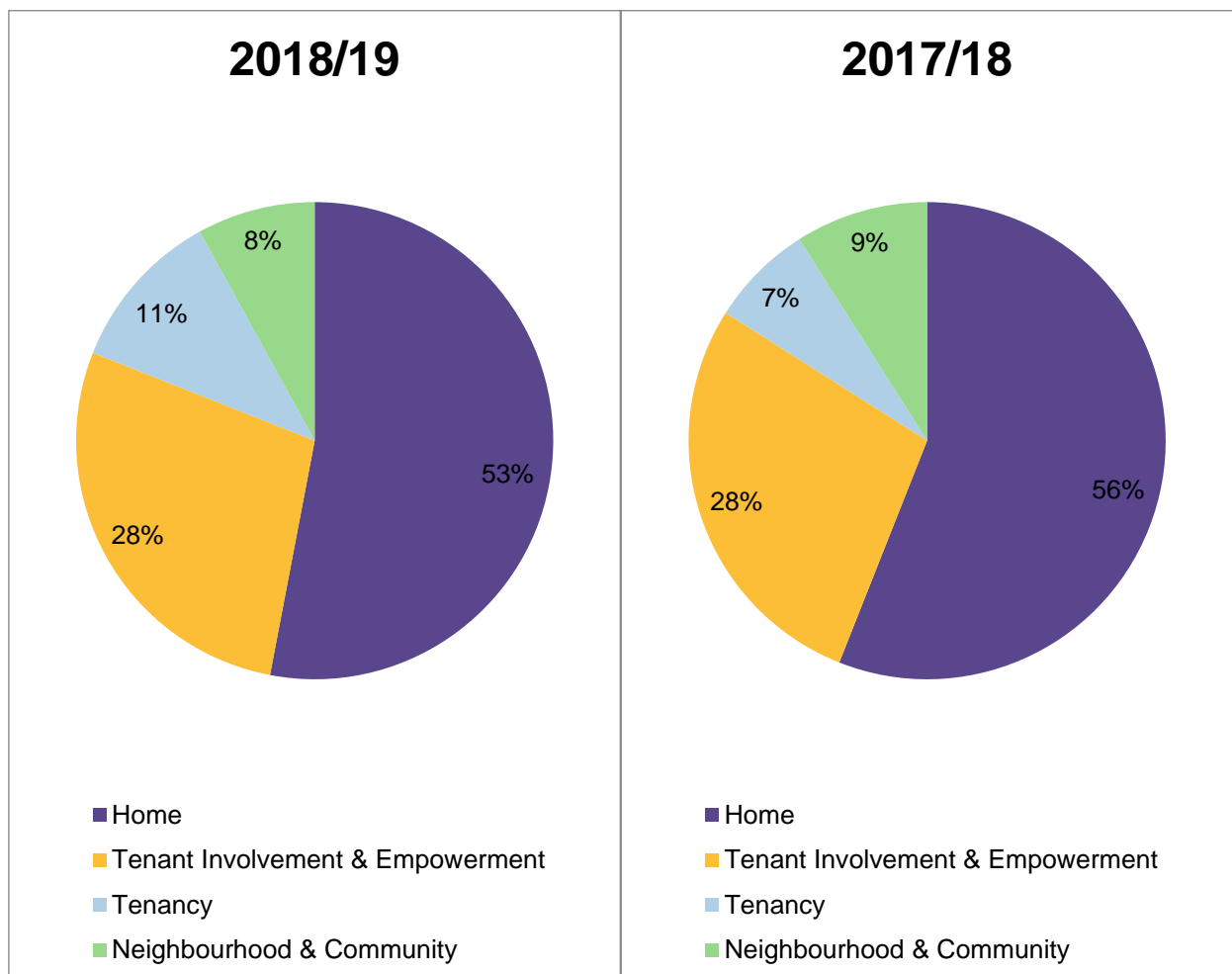
- 12.8 The Regulator receives referrals from a range of sources, most commonly from tenants and as self-referrals from registered providers. We also receive information from employees or contractors, and we identify referrals in the course of our regulatory engagement with providers.
- 12.9 The charts below show that while the number of referrals to Consumer Regulation Panel remained relatively consistent, the number of referrals from individuals increased from 39% in 2017/18 to 47% in 2018/19, and this year, unlike previous years, 5% of our referrals were received from other organisations such as local authorities, NHS services and the Housing Ombudsman.



- 12.10 The number of referrals from registered providers decreased from 48% in 2017/18 to 31% in 2018/19. Our analysis shows that the figure for self-referrals the previous year (2017/18) was relatively high, and we attribute this to a number of referrals we received from registered providers in the immediate aftermath of the Grenfell Tower fire, notifying the Regulator of the presence of cladding on buildings and providers' plans to mitigate risks to tenants. Although the number of self-referrals we have considered has declined this year, it is in line with previous years' figures and represents a significant proportion of our casework.
- 12.11 We have also noted a correlation in some cases between the timing in which we notify a registered provider of our intention to carry out an in-depth assessment and their self-referral to the Regulator, accounting for 1 in 7 of all self-referrals. We therefore continue to remind registered providers of their co-regulatory responsibilities, in accordance with the requirements of our Governance and Financial Viability Standard, to communicate with the Regulator in a timely manner in all cases of potential non-compliance with our regulatory standards.
- 12.12 This year, we have also identified more consumer regulation cases through our planned regulatory engagement (an increase from 5% to 11% of our casework), and accounting for 32% of all regulatory engagement referrals. We attribute this partly to boards having an increased focus on compliance with consumer standards including health and safety requirements, and better reporting across all areas, which is subsequently identified by our Regulatory Operations team when reviewing board papers and information submitted to the Regulator during our in-depth assessments. Our in-depth assessment process focuses on the quality of governance and risk management in relation to a registered provider's key risks. The safety of tenants is usually amongst the top risks registered providers.

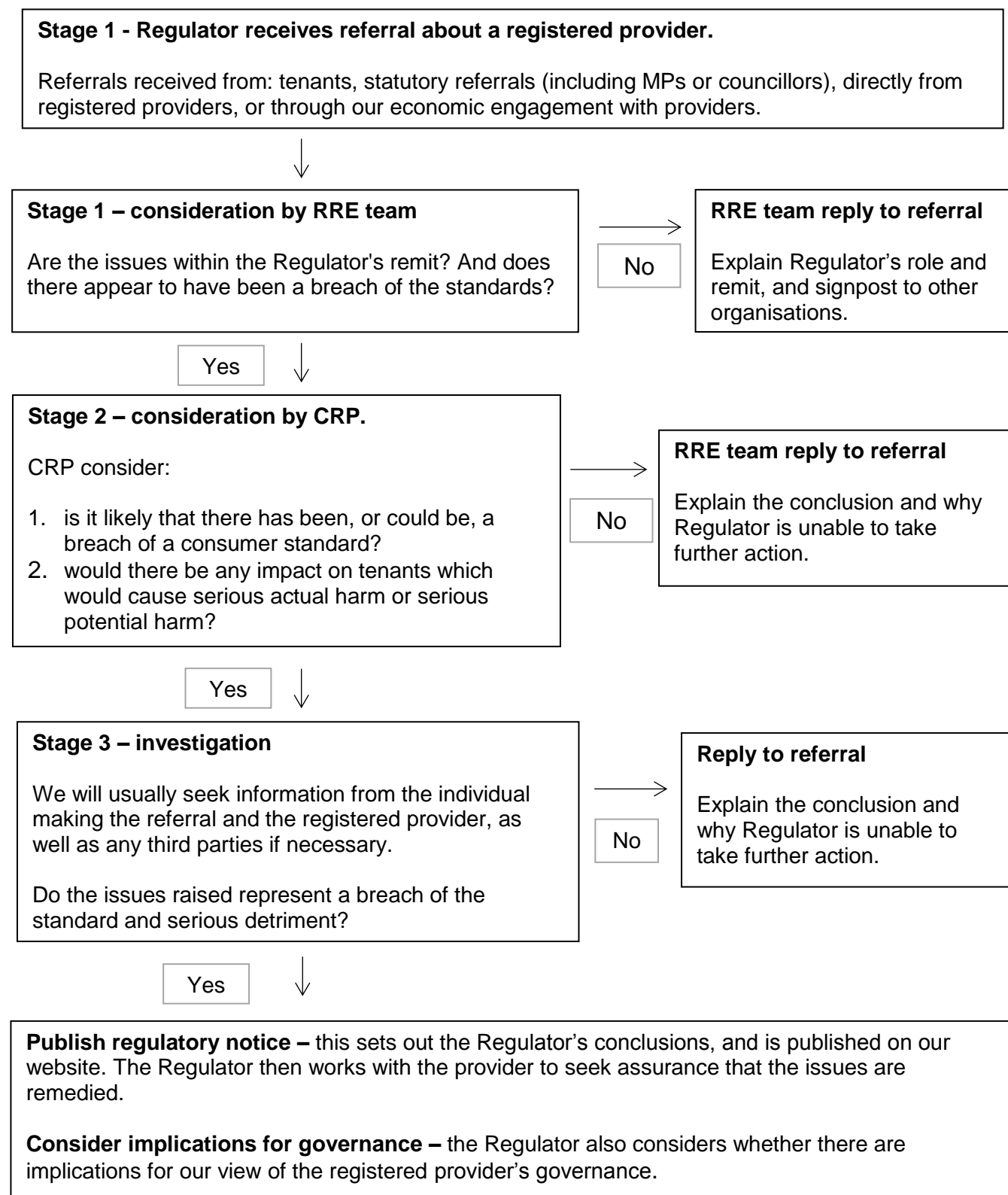
## 13. Cases referred to the Consumer Regulation Panel

- 13.1 As in previous years, the Home Standard continues to be the consumer standard which is most often cited. Although the percentage of cases in relation to the Home Standard declined slightly this year, it still accounts for more than half of all referrals considered by the Consumer Regulation Panel. Referrals across all standards have remained relatively consistent, with a slight increase in referrals relating to the Tenant Involvement and Empowerment standard, offset by a small decline in referrals relating to the Neighbourhood and Community Standard. The percentage figures and representative charts are set out below.
- 13.2 Our data shows that the majority of self-referrals from registered providers (88%) relate to compliance with the Home Standard, with only 9% of self-referrals relating to the Tenant Involvement and Empowerment Standard. In contrast, referrals from individuals such as tenants and their representatives are spread more evenly across the standards, with referrals relating to the Home Standard accounting for 37% of all referrals, and the Tenant Involvement and Empowerment Standard representing 35% of referrals.



## 14. Annex B – How we carry out our consumer regulation

14.1 Through this report, we have explained how we carry out our consumer regulation work and our consumer regulation processes. Below is a diagram which sets this out in more detail.



## 15. Annex C – Summary of previous lessons learned

- 15.1 This is our seventh Consumer Regulation Review and each year our reports set out the key messages we wish to share with the sector. Full versions of each of the reports are available on our website<sup>9</sup>:
- 15.2 Compliance with the Home Standard, including health and safety requirements and transparency with the Regulator, are recurring themes, but each year we identify new lessons that we wish to share with the sector. We have set out a short summary of these lessons below.

### 2012/13

- 15.3 This was the first annual Consumer Regulation Review. That year we published one regulatory notice for a failure to meet gas safety requirements.
- 15.4 In the report, we said:
- Registered providers are responsible for meeting statutory health and safety requirements. We recognise that, for good reason, registered providers prefer to work with tenants to secure access to properties. However, on occasion, registered providers may need to make use of legal mechanisms available to ensure the safety of tenants, and they should do so in a timely manner.

### 2013/14

- 15.5 In our second Consumer Regulation Review, we set out details of the three cases where we had found a breach of the consumer standards and risk of serious detriment. All three cases related to a failure to meet gas safety requirements. We also reminded registered providers of their duty to be transparent with the Regulator.
- 15.6 We said:
- Registered providers have a responsibility to communicate with the Regulator in a timely way. Where a registered provider becomes aware of a breach of the standard which might cause serious detriment, it must notify the Regulator promptly.

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<sup>9</sup> <https://www.gov.uk/government/collections/consumer-regulation-review>

### 2014/15

15.7 In 2014/15, we set out the details of six cases where we had found a breach of the consumer standards and risk of serious detriment. Four of those cases related to compliance with gas safety requirements but, for the first time, two of those cases related to the repairs and maintenance service provided to tenants.

15.8 In the report, we highlighted that:

- Responsibility for complying with the consumer standards applied to local authorities as well as private registered providers.
- It is important for registered providers to have in place good asset management systems. Where failures occur, we often find those systems are not fit for purpose, or that the board did not probe or challenge the assurance they were given.

### 2015/16

15.9 In our fourth Consumer Regulation Review, we set out the details of the four regulatory notices we published that year, all in relation to gas safety. One of those cases related to a registered provider who had contracted out delivery of gas safety compliance. We explained that that did not remove the responsibility on the landlord to ensure statutory compliance.

15.10 We said:

- Meeting health and safety obligations is a primary responsibility for registered providers. Contracting out the delivery of services does not contract out responsibility to meet the requirements of legislation or standards.

### 2016/17

15.11 In our fifth Consumer Regulation Review, published shortly after the terrible fire at Grenfell Tower, we again reiterated the importance of complying with statutory health and safety obligations, and for registered providers to have clarity over their statutory responsibilities. We also shared our view on the importance of good complaint handling and the need for transparency with the Regulator.

15.12 We said:

- Compliance with health and safety obligations and the consumer standards has always been a key responsibility for governing bodies of registered providers.
- Registered providers must be clear about what stock they own and are the landlord for, and must understand their responsibilities to deliver statutory compliance.



- Registered providers are responsible for ensuring tenants know how to complain, and for responding to complaints effectively. Boards should have access to the messages that tenants are giving them.
- Transparency with the Regulator is essential. Where consumer compliance problems come to light and the registered provider has failed to be transparent with the Regulator, this is a concern in relation to compliance with the Governance and Financial Viability Standard, and may be indicative of broader governance issues.

## 2017/18

15.13 In our last Consumer Regulation Review, we set out the details of five cases where we had found a breach of the consumer standards, and serious detriment. We reiterated the importance of landlords meeting their statutory health and safety obligations. We also set out the importance of providers having an effective complaints process, and listening to the messages their tenants give.

15.14 We said:

- Complying with health and safety obligations remains the most fundamental responsibility for registered providers. Registered providers should be clear about their responsibilities, including for properties that are leased or managed.
- Compliance with the consumer standards, including how tenants are listened to, reflects the culture of the organisation, and goes to the heart of why registered providers exist and their purpose.
- Providers are responsible for responding to complaints about their service, and getting the culture right on complaints handling affects the level of trust and confidence tenants have in their landlord. Registered providers must ensure they understand the messages that tenants are giving, and should probe where those messages indicate a significant or systemic failure.



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Leeds LS11 9AT

**RSH regulates private registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.**



<b>Service Delivery Committee</b>	<b>Tuesday, 03 September 2019</b>	<b>Matter for Decision</b>
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**Report Title:** **Temporary Accommodation Strategy**

**Report Author(s):** **Leah Montia (Housing Manager)**

<b>Purpose of Report:</b>	To provide the Committee with the proposed Temporary Accommodation Strategy to address the Council's statutory duties to accommodate households who are homeless, and to seek approval for the revised Temporary Accommodation Protocol and the recommended proposal to procure additional accommodation to meet current on ongoing needs.
<b>Report Summary:</b>	<p>The report provides a summary of the current arrangements for temporary accommodation, outlines the new legal requirements and current challenges being faced in this area and sets out the Temporary Accommodation Procurement Strategy for the Council over the next 3 years, to address the shortage of temporary accommodation in the Borough.</p> <p>The report concludes by seeking approval for the proposed recommendation to address current and future temporary accommodation requirements in the Borough, and seeks approval for the Temporary Accommodation Protocol (Appendix 1).</p>
<b>Recommendation(s):</b>	<p><b>A. That the Temporary Accommodation Protocol (as set out at Appendix 1) be approved.</b></p> <p><b>B. That the Temporary Accommodation Strategy (as set out at paragraphs 9 and 10) be approved.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of The Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Leah Montia (Housing Manager) (0116) 257 2726 <a href="mailto:leah.montia@oadby-wigston.gov.uk">leah.montia@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	<p>Building, Protecting and Empowering Communities (CO1)</p> <p>Providing Excellent Services (CO3)</p>
<b>Vision and Values:</b>	<p>Accountability (V1)</p> <p>Customer Focus (V5)</p> <p>Innovation (V4)</p>
<b>Report Implications:-</b>	
<b>Legal:</b>	The duties on the Council are as set out at paragraph 1.2 of this

	report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Effective Utilisation of Assets / Buildings (CR5)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Temporary Accommodation Protocol

## **1. Introduction**

- 1.1 The Council has a number of statutory duties and qualified powers which involve accommodating households who are homeless, the majority of which stem from the Housing Act 1996 (as amended) ('the Act'). Households range from single people through to large families with a range of needs, including household members who are disabled, requiring additional facilities not ordinarily available in standard accommodation.
- 1.2 The typical temporary accommodation duties include:
- s188 of the Act which is the duty to accommodate the applicant and household pending investigations and the issuing of a decision
  - s190 (2) of the Act is a duty to accommodate those who are in 'priority need' but intentionally homeless
  - s193 of the Act is a duty to accommodate those owed a main homeless duty, those who are in 'priority need' and not 'intentionally homeless', whilst longer term (permanent) accommodation is found.
- 1.3 The issue of 'priority need' relates to the vulnerability of the applicant and household. Households with children under 16 and pregnant women are given 'priority need' and other applicants have to satisfy a threshold which can be met by certain needs i.e. disabilities, medical needs or social needs.
- 1.4 The issue of intentionality relates to the cause of the homelessness, and investigations need to be carried out by Officers to ascertain whether the applicant contributed to or caused their homelessness. Common causes of homelessness include, but are not limited to; rent arrears, repairs, antisocial behaviour, change in landlord circumstance, change in household needs and fleeing violence.

- 1.5 Demand for temporary accommodation varies over time which brings the challenge of procuring sufficient accommodation to meet the current need without incurring inflexible overheads which would not be recoverable or cost effective during periods of low need.
- 1.6 The current need for temporary accommodation in the Borough has risen as the Homelessness Reduction Act 2017 (which came in to effect 1 April 2018) has increased the time which those who are 'intentionally homeless' and 'in priority need' must be accommodated for.
- 1.7 In addition to this the total number of general needs social and affordable vacancies (those not for older persons) in the Borough has reduced over the past three years from 147 in 2016/17 to 53 in 2017/18 and just 40 in 2018/19. This means those families and persons owed the 'main homelessness duty' are spending longer in temporary accommodation.
- 1.8 The current arrangements for temporary accommodation are outlined in paragraphs 2 to 6 with the proposed strategy options and recommendations following.

## **2. Nightly spot purchase**

- 2.1 Nightly spot purchase is where the Council buys bedspaces, rooms or self-contained accommodation on a nightly and ad-hoc basis as need necessitates. This type of accommodation includes hotels, bed & breakfast and self-contained houses or flats.
- 2.2 The Council has procured the services of Click Travel through an ESPO/YPO Framework to purchase hotel rooms, bed & breakfasts and travel services. This arrangement allows staff to purchase blocks of hotel accommodation at market or discounted rates negotiated by Click Travel. Rules are applied to ensure staff do not procure rooms over a set value without a valid reason. The average rate for this type of accommodation is around £43 per night.
- 2.3 Accommodation providers, such as The Housing Network and Westcotes provide self-contained accommodation at nightly rates. The accommodation is supplied furnished and the rate includes utility bills. The units are promoted as being flexible, although providers typically want a commitment to a level of usage or minimum term i.e. at least 2 weeks or a month.
- 2.4 The self-contained nightly spot purchase arrangement leads to a licence being created between the occupant and the proprietor. To end a licence the proprietor is required by law to issue a notice to quit and take Court action to remove an occupant who failed to vacate the premises when requested. The current practice is the proprietor requires vacant possession at the end of each let. Whilst the Council has not had an occupant unwilling to move out as requested, if this was to occur there is no way to ensure the proprietor would follow the correct legal practice to evict occupants. The Council therefore risks reputational damage and/or liability if an illegal eviction contrary to the Protection from Eviction Act 1977 was to take place.
- 2.5 A further risk is that such properties may not meet the minimum housing standards around safety, including fire safety. Whilst this does not apply to our current night spots, due to the high standards we require this reduces the pool of properties available to us.
- 2.6 Rates vary but would typically be in the ranges shown in the table below:

<b>Room size</b>	<b>Average cost</b>
1 bedroom	£35 – 55 per night
2 bedrooms	£45 - £65 per night

3 bedrooms	£55 - £80 per night
4 bedrooms	£65 - £100 per night
5 bedrooms	£75 - £120 per night

### **3. Private sector leases of self-contained properties**

- 3.1 This type of accommodation is where the Council enters into a lease with a private owner, typically for 2 or 3 years and has the unfettered right to 'sub-let'. The Council issues a non-secure tenancy to the occupant and collects the rent. The Council pays the rent quarterly in advance to the owner and it is often a term of the lease that the Council shall return the property in the same condition in which it was leased.
- 3.2 Costs are generally the monthly market rental, with some provision for minor repairs. The typical handback cost is in the region of £2500.
- 3.3 The Council currently has one property leased in this way and is in negotiations for a further two. In the past there has been a shortage of private landlords or organisations willing to enter in to such a lease with the Council which is largely due to the stigma around homeless households and social housing tenants. In addition, it can be challenging to find private accommodation which satisfies the standard of repair and safety required to accommodate without the need for expensive works. Moving forward, Officers will make contact with local Social and Private Housing Providers and work to breakdown the stigma and identify potential leases which would satisfy our standards for temporary accommodation. There are also emerging companies which can source and manage the private rented accommodation on behalf of the Council, one such company is Help2Rent whom Officers are in preliminary discussions with.

### **4. Long term leased property – Housing Association**

- 4.1 The Council benefits from a long lease of a property from PA Housing. An annual charge to cover block insurance and other leasehold costs is around £300. The property is rented at £96.89 per week; £11.50 of this weekly rent is not eligible for Housing Benefit. The gross rental income is a potential £4650.72 not allowing for bad debt and void periods.
- 4.2 As with private sector leases the Council has the unfettered right to 'sub-let' the property and the Council issues a non-secure tenancy to the occupant and collects the rent. The Council carries out day to day repairs during the life of the lease.
- 4.3 The terms of the current lease arrangement are quite unique and favourable. Officers will make contact with local Registered Providers (RP) to determine whether they would be willing to enter in to further lease arrangements, and will consider the feasibility once leasehold costs have been provided. It is anticipated that the rates for RP properties would be more favourable than those of private landlords who would be seeking a commercial profit.

### **5. HRA council properties**

- 5.1 Currently 13 properties have been taken from the Council's own stock for use as temporary accommodation for homeless households, and have been let on non-secure tenancies. The most recent homelessness audit has indicated that the Council should not be using HRA properties for this purpose in the way that it currently does and therefore a key aim of the Strategy is to eliminate the use of this option.
- 5.2 These properties have a higher turnover and incur higher void costs than if they were let through the Housing Register.

- 5.3 The rent is charged over 52 weeks annually as opposed to 48 weeks for regular Council tenancies. The Council pays for the furnishings and large kitchen appliances.

## **6. Shared accommodation**

- 6.1 The Council owns and operates a 5 bedroom shared homeless accommodation for small families at Belmont House. Opened in 2018, it is currently managed by the Council's Housing Options Team and accommodates up to 5 families with shared facilities.

## **7. Household composition and housing needs**

- 7.1 Experience suggests that the Council requires access to between 3-6 bed spaces for single people pending investigations around 'priority need'. Once a 'priority need' decision is issued the majority of temporary accommodation placements are terminated due to the high threshold need to satisfy the 'priority need' criteria for households who are not pregnant or without children.
- 7.2 Households with children make up the most part of the Council's temporary accommodation needs. Based on past demand a baseline of 15 units is required; 10 units accommodating 1-4 person households and 5 units accommodating 4-8 person households.
- 7.3 The Council must also make provision for households with significant physical disabilities with wheelchair accessible units. The previous and anticipated demand suggests that 2 wheelchair accessible units should be available; 1 unit for single people and 1 for between 2-5 people. These units can be included in the aforementioned requirements for single people and households with children.
- 7.4 Consideration has been given to the need to keep families together and where possible close to familiar links including work, schools, family, medical professionals and support providers. The ideal situation is to keep residents within the Borough, as this satisfies the households needs and limits the risk of reviews and legal action around suitability of accommodation based on location.

## **8. Proposed Strategy Options**

- 8.1 It is necessary to maintain a mixed portfolio of temporary accommodation to take into account the varying needs of homeless applicants and households. It is the aim of this strategy to make provisions to deal with the peaks in demand whilst ensuring our supply is cost effective during periods of low demand.
- 8.2 Based on previous and current trends of demand the proposals are based on the need for between 3-6 single person units, and 15 units with households with children as detailed in paragraph 7.
- 8.3 Due to the complex needs of many homeless applicants, shared facilities and safeguarding concerns mixed accommodation for single households and families is not suitable. Accommodation for both groups has therefore been considered separately in sections 9 and 10 below.

## **9. Accommodation for single households**

- 9.1 There is the option to continue to purchase temporary accommodation for single people and couples without children via the spot purchase framework set out in paragraph 2. The advantage of this is that it does allow for flexibility but the accommodation is often costly, is out of the Borough and lacks access to kitchen facilities.
- 9.2 The preferred option is to develop a new shared accommodation like Belmont House to provide 3/4 bedrooms for single people and childless couples. This would include a

wheelchair accessible bedroom on the ground floor. A communal and accessible bathroom or wet room, toilet and kitchen would also need to be provided on the ground floor.

- 9.3 The recommendation is to procure and convert a 4/5 bedroom house, although consideration should also be given to purpose build 'new build' provision including modular construction.
- 9.4 This option of creating an additional Council managed temporary shared accommodation would allow for accommodation to be provided within the Borough, ensures that there is provision for disabled persons temporary accommodation, and would be less expensive per room per night than spot purchased hotel or Bed & Breakfast accommodation.
- 9.5 Our experience of the Council's Housing Options Team managing Belmont House has indicated that consideration would need to be given to the resource for the day to day management of the property, with the option of this being managed by the Council's Community Housing Team.

## **10. Accommodation for households with children**

- 10.1 Belmont House has demonstrated over the past 12 months that well-designed and well managed shared accommodation can provide temporary accommodation to a high standard. Belmont House is not only successful as it provides a high standard of temporary housing in the Borough, but it is also cost effective and can bring in a surplus which can be used towards management of the building and capital investment of the building.
- 10.2 Whilst Belmont House has been successful, the composition of the hostel has meant that larger households of 4-8 persons have continued to be accommodated in self-contained units. This has either come through the Council's HRA housing stock or self-contained nightly spot purchases.
- 10.3 The use of the Council's stock does pose issues around the movement of person's on the housing register, high void costs and the use of HRA stock. In addition to this the nightly spot purchases are costly and can often be out of the Borough.
- 10.4 The preferred option is to procure privately leased accommodation in the Borough which meets the Council's standards and allows for some period of certainty and a degree of flexibility such as 2-3 year leases. The leases could potentially be longer if the terms were favourable, such as the lease with PA Housing. Officers will also continue to investigate offers such as Help2Rent which sources private properties and manages the lease on behalf of the Council.
- 10.5 In addition, the preferred option is also for the Council to seek to develop itself provision for self-contained temporary accommodation within the Borough. Investigation will be given to finding a suitable site within the Borough and these investigations will include consideration of non-traditional forms of construction, including modular construction.
- 10.6 The use of modular construction would allow for flexibility around configuration of the accommodation and the site of the temporary accommodation. For example the Council could make use of under-used land by erecting a modular temporary accommodation structure, and if that site is later developed in a permanent form the temporary accommodation could be moved to another location. Furthermore, if the size of accommodation required by applicants changes over time, certain modular construction would allow for the configuration to be altered to meet demand.
- 10.7 There would be the need to consider the resource for the day to day management of the properties, with the option of this being managed by the Community Housing Team.



## **11. Next Steps**

- 11.1 The next step is for Officers to make contact with local private and RPs to source private leased accommodation. Research in to this and contact with known housing providers can commence immediately. Once potential properties have been sourced time would need to be taken to have the property inspected by the technical team and estimate the cost of works to have the property at a lettable standard. The aim would be to have an additional three properties at the advance stages of negotiations or on long lease by the end of Quarter 4 2019/20.
- 11.2 In relation to the self-contained modular housing Officers will carry out market research and meet with providers of modular housing to identify suitable options for the Borough. This will also involve identifying appropriate sites for the accommodation. Officers will have preferred options and a proposal available by end of Quarter 4 2019/20 for approval with the aim of having the accommodation available during 2020/21.

## **12. Summary**

- 12.1 Whilst the proposals provide the baseline for temporary accommodation, based on previous and anticipated demand there would still be the need to maintain the framework to secure night spot accommodation for times of high demand and exceptional cases.
- 12.2 Based on the Belmont House model the proposed shared accommodation would provide for its own running costs through rental income, and combined with new build self contained units would allow for HRA properties to be returned to general use and free up houses for the waiting list.
- 12.3 The options provided at paragraphs 9 and 10 would provide the Council with a baseline of high standard accommodation within the Borough to ensure that statutory obligations are met for homelessness applicants. The proposed options would reduce the risk of legal action and reputational damage surrounding the usage of privately leased accommodation and accommodation out of the Borough.

# Appendix 1

## **Appendix 1 - Temporary Accommodation Protocol – Draft**

### **1. Introduction**

The Council has a number of 'statutory duties' and 'powers' to provide Temporary Accommodation as emergency housing for homeless households. There are 5 main occasions when accommodation is provided:

- 1.1. From the initial point of contact of a homeless household until a decision has been made either initially on eligibility and homelessness, or at sometime within the 56 days relief period for priority if the decision is 'not in priority need' and for at least 56 days for other cases (including the intentionally homeless). This encompasses s188 of the Housing Act 1996 (the Act) and could include cases with a likely priority need pending referral to another Council.
- 1.2. For a limited period of time following a finding that whilst a household is eligible, homeless and in priority need they are intentionally homeless and therefore not owed the main homeless duty (s193 the Act). The duty here under s190(2) of the Act is likely to have followed 56 day's worth of accommodation under the 'relief' duty (see 1.1 above).
- 1.3. For those owed the main homeless duty following the expiration of the 'relief' duty (the main s193 duty) until the duty end, which has no fixed time limit.
- 1.4. For those pending certain reviews or appeal decisions. For both scenarios this is a power to accommodate rather than a duty (guided by case law and guidance), however on s204 appeals it would be unlikely that the Court would fail to order that accommodation be provided.
- 1.5. Severe weather provision, the power (not duty) to accommodate rough sleepers where 3 or more nights below zero degrees is forecast.

### **2. Households who are homeless from the Borough of Oadby & Wigston (6 out of 12 month residence cases)**

- 2.1. The Council aims to provide accommodation within Oadby & Wigston Borough and within the neighbouring areas of Leicester City, Markfield, Leicester Forest East, Narborough, Lubbethorpe (the latter being towns within the Blaby District and Hinckley & Bosworth Borough). At times it might be necessary to provide accommodation outside of Borough or the neighbouring areas. In these circumstances every effort will be made to source accommodation within Leicester and Leicestershire before deciding on placements in other counties or cities.
- 2.2. Staff will have liberty to consider the safety and location of temporary accommodation in relation to the applicants. Particular concern is to be given to the safety of applicants who are fleeing domestic abuse in the Borough but who wish to remain close to their current location. Consideration will be given of the views of professionals who have undertaken risk assessments.
- 2.3. Consideration will also be given to the travel issues associated with households with children in years 10 and 11 of school who are preparing to take GCSE exams.

2.4. Those accessing primary health care provisions such as GPs/health visitors and those who are under countywide secondary health provisions such as Community Mental Health Teams will be expected to live anywhere in Leicester or Leicestershire as these services can be provided or accessed in any location. The Council is assured that mechanisms are in place to ensure continuity of care regardless of location.

### **3. Households who are homeless (not 6 out of 12 month residence cases see below)**

3.1. To date it has not been possible to meet all the need for temporary accommodation within the Borough and the Council has to regularly utilise accommodation outside of the Borough. It is right and as such becomes the practice that those who have become homeless from accommodation in the Borough after at least 6 months residence immediately prior to their homelessness should be given preference where possible for temporary accommodation in the Borough. This is in an attempt to reduce the disruption to schooling for children, and to attempt to allow the applicant/s the potential to maintain employment, support networks and other community links.

3.2. This means that households with no local connection or where local connection is derived solely from previous residence (3 out of 5 years), close family connections or employment will not receive preference for temporary accommodation available in the Borough.

3.3. The Council aims to provide accommodation within Oadby & Wigston Borough and within the neighbouring areas of Leicester City, Markfield, Leicester Forest East, Narborough, Lubbethorpe (the latter being towns within the Blaby District and Hinckley & Bosworth Borough). At times it might be necessary to provide accommodation outside of Borough or the neighbouring areas. In these circumstances every effort will be made to source accommodation within Leicester and Leicestershire before deciding on placements in other counties or cities.

3.4. Staff will have liberty to consider the safety and location of temporary accommodation in relation to the applicants. Particular concern is to be given to the safety of applicants who are fleeing domestic abuse in the Borough but who wish to remain close to their current location. Consideration will be given of the views of professionals who have undertaken risk assessments. In relation to location, consideration will be given to the recent accommodation history of the household. Hence a household from Derby city not fleeing violence might be accommodated in Derby whilst a statutory s198(1A) referral takes place.

3.5. Those accessing primary health care provisions such as GPs/health visitors and those who are under countywide secondary health provisions such as Community Mental Health Teams will be expected to live anywhere in Leicester or Leicestershire as these services can be provided or accessed in any location. The Council is assured that mechanisms are in place to ensure continuity of care regardless of location.

### **4. Accommodation Type**

The type of accommodation provided, including its physical layout and number of sleeping rooms (if available) will depend on the composition of the household.

#### 4.1. **Hotels and Bed & Breakfast type establishments** (regardless of whether breakfast is actually provided).

This type of accommodation is not suitable for households with children or households with a pregnant person. In the event nothing else is available then it may be used in an emergency, for no longer than 6 weeks and the household should receive a letter saying that the accommodation is not suitable.

The Housing Manager must be informed of use as described above by the Senior Options Officer and a plan developed to move the household to more suitable accommodation.

The Code of Guidance says that this type of accommodation is not suitable for other types of household. Due regard is given to the Code however staff may use such accommodation for these other households in the absence of other accommodation to which the Council has immediate access to.

#### 4.2. **Hostel and supported accommodation**

The Council maintains a homeless hostel for families at Belmont House. This accommodation is let on a hostel licence and as such is interim or temporary accommodation and cannot constitute accommodation of the type which might be considered suitable for the discharge of the main homelessness duty.

At times the Council may purchase or lease a whole hotel and provide adequate cooking facilities. The exclusive use of such a premises would likely create accommodation akin to a hostel which would be treated practically the same as Belmont House above unless specifically licensed as a house in multiple occupation (HMO).

The Council maintains links with providers of supported accommodation. In some incidences supported accommodation might be treated as interim or temporary accommodation. However if there is a realistic prospect of 6 months or more accommodation then Officers might consider it as accommodation which leads to a fulfilment of main homelessness duties, a finding of 'not-homeless' or similar. Officers will have given due regard to the household's circumstances and to the nature of housing in the locality and further afield in Leicester.

#### 4.3. **Self-contained accommodation**

The Council may maintain a portfolio of self-contained accommodation units. This might include leased privately owned properties, properties temporarily extracted from main housing stock, properties purchased on a 'nightly' basis and short life modular and/or portable units.

Where a property is extracted from Council stock or is leased from it's owner then a non-secure tenancy will be offered with rent payable 52 weeks of each year.

Where a property is accessed on a 'nightly' basis then there will be only a licence to occupy.

The Council recognises that households, particularly those with children, will aspire to self-contained accommodation in preference to accommodation with shared facilities.

Please refer to the movement between accommodations for further details of how the Council decides on accommodation placements for households currently in temporary accommodation.

## **5. Costs**

All accommodation will come at a cost to the Council and it is the Council's policy to levy a reasonable charge to households being accommodated.

For households in self-contained accommodation on non-secure tenancies (these are privately leased properties and extracted Council properties offered on a non-secure tenancy) a weekly rental will be charged (for all 52 weeks of the year). All households will have to submit a Housing Benefit Claim for the cost of their accommodation.

For hotel, bed and breakfast and nightly spot purchased accommodation a daily charge (invoiced weekly) will be applied with an 85% discount applicable for those in receipt of Income Support, ESA or Universal Credit. All households will have to submit a Housing Benefit Claim for the cost of their accommodation.

For the hostel a weekly charge will be applied which is ineligible for help with housing costs (i.e. Housing Benefit) in addition to the main charge for use and occupation. All households will have to submit a Housing Benefit Claim for the cost of their accommodation.

The Council accepts that those working with a good income may consider certain types of temporary accommodation poor value. The Council is committed to assisting qualifying households to secure privately rented accommodation through its Homelessness Prevention Funds Policy.

## **6. Termination of accommodation**

The Council understands that living in any form of temporary accommodation can be stressful and the Council does not intend to add to the stress unnecessarily. However the Council's policy in relation to charges and behaviour is clear:

Non-payment of rent or charges (including failing to apply for Housing Benefit where applicable) will lead to one final warning followed by termination. Termination will impact on the Council's homelessness duties depending upon the stage of an application and can mean the main homelessness duty is ceased.

Breach of rules, tenancy conditions, conditions of licence and other conditions in relation to temporary accommodation will lead to termination of the accommodation. Minor breaches will usually warrant at least a final warning, serious breaches around violence, drugs and other criminal behaviours will likely lead to immediate termination. Termination will impact on the Council's homelessness duties depending upon the stage of an application and can mean the main homelessness duty is ceased.

## **7. Movement between accommodations**

Council staff will apply common sense in making decisions about transferring households. For instance someone with unpaid charges and who is under notice to terminate their accommodation will not be moved (until or unless those matters are resolved). Likewise

those a few days away from moving into a permanent home (including 6 month Assured Shorthold Tenancy's) will also not be moved unless there is no other alternative.

Moving households must be both necessary and cost effective. In addition single person or childless households will not be moved into accommodation designated for families (with the exception of later stage pregnancy).

Subject to sections 2 and 3 above households without current warnings in relation to behaviour and who are up-to-date with their charges (including rent) may be moved between different temporary accommodations. In general vacancies in the Borough will go to households for which section 2 applies.

Where an 'in borough' vacancy arises and there is no one under section 2 who is eligible then those for whom section 3 applies will be considered.

## **8. Hierarchy for moving**

The Council has to make difficult decisions in deciding which competing households should be offered available accommodation units, particularly where these arise in the Borough. The following guidance is used by Officers.

- 8.1. Preference is always for 'in borough' placements where available (unless a s198(1A) referral is likely or on safety grounds)
- 8.2. Section 2 (6 out of 12 month residence cases) households take precedence over section 3 (solely 3 out of 5 year, employment, exceptional and close family cases) households for moving to vacancies in the Borough (see sections 2 and 3 above).
- 8.3. The length of time outside the borough in temporary accommodation is used to determine the order for returning to the Borough subject to section 8.2 above.
- 8.4. Self-contained accommodation will not generally be provided to households lacking the necessary skills for independent living – hence cases in the hostel might not be moved to self-contained accommodation even if a vacancy became available.

The Senior Housing Options Officer will decide on the proposed household movements.

## **9. Moving costs**

- 9.1. Households offered temporary accommodation within the Borough are expected to make their own arrangements to travel and move into the accommodation.
- 9.2. Where a move is initiated by the Council between different hostel or self-contained accommodations (apart from moves within the same hostel) a grant of up to £100 will be available to reimburse reasonable moving costs including 'man and van', 'large taxi hire' and 'van hire'. The grant will be paid to the lead homelessness applicant only upon presentation of a written receipt outlining the service(s) provided – the receipt must include the name and business address of the company or sole trader involved.
- 9.3. Households offered accommodation outside of the Borough can request assistance in travelling to their accommodation. Staff will provide either a one way single taxi or a single train ticket from the South Wigston Train Station. Households being moved

between hotels can also ask for assistance, Housing Options staff will provide a one way single taxi trip. Bookings are made by staff and paid on account. Taxi fares cannot be reimbursed.

- 9.4. Households fleeing the area to a refuge may ask for assistance in other ways including help with petrol/ diesel if they own a car, coach travel (particularly useful in moves to Scotland), train travel and pre-booked taxi travel. Each case will be considered by the Senior Housing Options Officer.

# Agenda Item 11



<b>Service Delivery Committee</b>	<b>Tuesday, 03 September 2019</b>	<b>Matter for Information</b>
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**Report Title:**

**Universal Credit Update (Q1 2019/20)**

**Report Author(s):**

**Mick Bullock (Revenues and Benefits Manager)**

<b>Purpose of Report:</b>	To provide members with an update on the implementation of Universal Credit and its impact on Oadby and Wigston Borough Council, its residents and other stakeholders.
<b>Report Summary:</b>	The number of new claims to Universal Credit continues to increase. A pilot is being carried out in Harrogate to test the transfer of existing benefit claims to Universal Credit. Universal Credit has led to an increase in rent arrears and demand for advice and support. Recent changes means some mixed age couples (one pension age one working age) will need to claim Universal Credit. A new "Help to Claim" service has been introduced which is operated by Citizens Advice. The principal concerns relate to waiting times for first payments.
<b>Recommendation(s):</b>	<b>That the contents of the report be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 <a href="mailto:chris.raymakers@oadby-wigston.gov.uk">chris.raymakers@oadby-wigston.gov.uk</a></p> <p>Mick Bullock (Revenues &amp; Benefits Manager) (0116) 257 2713 <a href="mailto:mick.bullock@oadby-wigston.gov.uk">mick.bullock@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.



Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	None.

## 1. Activity

- 1.1. Universal Credit related activity continues to increase as more residents claim. There are approximately 300 people receiving UC in Oadby and Wigston with 175 tenants (Private, Council and Housing Associations) receiving housing costs through Universal Credit.
- 1.2. Ultimately around 700 claimants will move from Housing Benefit to Universal Credit but there will also be other people who receive legacy benefits but not housing benefit.

Activity	April	May	June	Q1 total
Housing Benefit Stop notices	82	43	39	164
Universal Credit Enquiries	175	201	181	557
UC notifications for CTS	334	118	280	832
Rent Verifications Requests	4	14	16	34

## 2. Rent Arrears

- 2.1. There is a lot of evidence to suggest that once a tenant migrates from Housing Benefit onto Universal Credit, they are more likely to fall into arrears because of the nature of Universal Credit, which is paid in arrears directly to the claimant.
- 2.2. At the end of quarter 1 outstanding current tenant rent arrears stood at £200,191. This is an increase of £31,239.90 (18%) since last year when Universal Credit was rolled out for all new claims.
- 2.3. Of the £200,191 rent arrears, £62,064.93 (31%) is related to Universal Credit claimants.
- 2.4. The Council is pro-active in assisting claimants in arrears and can request payment to be made direct to the Council, as landlord. Of the 122 tenants who currently receive Universal Credit, 104 are having their rent paid by this method.

Tenant Activity	April	May	June
No of Tenants Claiming Universal Credit	109	115	122
No of Claimants > than one month in arrears	17	8	4
No of Claimants > than two months in arrears	46	35	32

### **3. Mixed Age Couples**

- 3.1. Prior to 15 May 2019 mixed age couples (where one person is pension age and the other is working age) could choose whether to claim Universal Credit or to claim Pension Credit / Housing Benefit.
- 3.2. From 15 May 2019 they do not have the choice and must claim Universal Credit. Concerns have been raised nationally that this will make these claimants worse off.
- 3.3. It will not affect single claimants of pension age or couples where both are pension age. Mixed age couples who currently receive Pension Credit / Housing Benefit will not be affected until they move to Universal Credit through a change in their circumstances or through "managed migration". Couples who become mixed age will move to Universal Credit. Claimants will be contacted by the DWP if they are affected.

### **4. Moving existing claimants to Universal Credit (Managed migration)**

- 4.1. The managed migration of existing working age "legacy" benefit claimants (including housing benefit) is scheduled to take place between 2020 and 2023 but there are no firm dates when this would affect Oadby and Wigston Borough Council.
- 4.2. A pilot is being carried out in Harrogate from July 2019 and the results of the pilot will inform the process and timetable for managed migration nationally.
- 4.3. This will be a massive task and is likely to have significant impact, particularly on rent collection.

### **5. Advice and Support for Residents**

- 5.1. Advice agencies have found that there has been an increase in demand particularly for helping to claim Universal Credit and debt problems caused, or made worse by, the delay in payments.
- 5.2. Staff at OWBC are trained to provide help and advice for residents on Universal Credit and other benefits.
- 5.3. OWBC has a Service Level Agreement with Citizens Advice and Helping Hands to provide advice and support for residents. This includes surgeries at the Customer Service Centre.
- 5.4. Advice and support is also provided by other Voluntary organisations such as Age UK. Residents can also access help online or via their job centre.
- 5.5. In the last financial year there has been a 19% increase nationally in the use of food banks. The Trussell Trust has called for an end to the 5 week wait for Universal Credit payments.

## **6. Making a claim for Universal Credit**

- 6.1. Making a claim is “digital by default” and this has caused problems for some claimants as the process can prove complicated. There can also be confusion as to whether Universal Credit or Housing Benefit should be claimed which has been made worse by recent changes.
- 6.2. On 01 April 2019 a new service called “Help to Claim” was introduced by the DWP. The service is funded by the Government and provided by Citizens Advice. It aims to provide a consistent approach nationally to help claimants make a claim and receive payments for Universal Credit.
- 6.3. Referrals to the service can be made by Job Centres, Local Authorities, and other organisations or by self-referral. Help is provided on-line, by phone or face to face.
- 6.4. The service is not compulsory and claimants can still seek advice from other organisations or claim on-line themselves. The Council does not have any information yet regarding take up levels.
- 6.5. Universal Credit does not include Council Tax Support or Free School meals so these have to be claimed separately. There are concerns that this will impact on take-up but the Council is promoting these benefits and so far there has been no significant impact.
- 6.6. Delays in making payments are a major criticism of Universal Credit. To help address this, DWP have made advance payments more widely available but these do have to be paid back each month.

## **7. Homelessness**

- 7.1 Homelessness in OWBC and nationally has increased over the last few years. The reasons for homelessness are complex and concerns both locally and nationally are that Universal Credit will impact.