# Executive (PUBLIC)

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Tuesday 11 June 2019, 9:30 AM — 1:00 PM BST</th>
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<tbody>
<tr>
<td>Venue</td>
<td>Committee Room 1, Watling House, High Street North, Dunstable, LU6 1LF</td>
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<tr>
<td>Description</td>
<td>To Chairman and Members of the Committee: -</td>
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<tr>
<td></td>
<td>Cllr J Jamieson- Chairman and Leader of the Council</td>
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<td></td>
<td>Cllr R Wenham - Vice-Chairman and Executive Member for Corporate Resources</td>
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<td>Cllr S Clark - Executive Member for Families, Education and Children and Lead Member for Children's Services</td>
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<td>Cllr K Collins - Executive Member for Planning &amp; Regeneration</td>
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<td>Cllr I Dalgarno - Executive Member for Community Services</td>
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<td>Cllr S Dixon - Executive Member for Transformation and External Relations</td>
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<td>Cllr E Ghent - Executive Member for Assets and Housing Delivery</td>
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<td>Cllr C Hegley - Executive Member for Adults, Social Care and Housing Operations</td>
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<td>Cllr T Stock - Executive Member for Health &amp; Wellbeing and Communities</td>
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<td>Cllr N Young - Executive Member for Highways Delivery and Innovation</td>
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<td>Notes for Participants</td>
<td>If you wish to speak at this meeting you can register to speak online via the following link: -</td>
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<td><a href="http://www.centralbedfordshire.gov.uk">www.centralbedfordshire.gov.uk</a></td>
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<td>This meeting may be filmed by the Council for live and/or subsequent broadcast online and can be viewed at <a href="https://centralbedfordshire.public-i.tv/core/portal/home">https://centralbedfordshire.public-i.tv/core/portal/home</a>. At the start of the meeting the Chairman will confirm if all or part of the meeting will be filmed by the Council. Any footage will be on the Council’s website, a copy of it will also be retained in accordance with the Council’s data retention policy. By attending the meeting, you are deemed to have consented to being filmed by the Council. Full details on the use of recordings is provided via the link above.</td>
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</table>
For further information on this meeting contact committeemeetings@centralbedfordshire.gov.uk

Hard copies of the papers for this meeting are not routinely made available to those in attendance. Should you require a copy of please download this from the Council website beforehand.

## Agenda

<table>
<thead>
<tr>
<th>Number</th>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Apologies for Absence</td>
<td>To receive apologies for absence and notification of substitute Members.</td>
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<tr>
<td>2</td>
<td>Minutes</td>
<td>To approve as a correct record the minutes of the meeting of the Audit Committee held on 2 April 2019.</td>
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<td>[Executive Minutes - 2 April 2019.doc]</td>
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<td>3</td>
<td>Members' Interests</td>
<td>To receive from Members any declarations of interest.</td>
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<tr>
<td>4</td>
<td>Chairman's Announcements and Communications</td>
<td>To receive any matters of communication from the Chairman.</td>
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<td>5</td>
<td>Petitions</td>
<td>To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution. The following e-petition has been submitted:</td>
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<td></td>
<td>- Public Health concerns regarding the Recycling Operations at Totternhoe.</td>
<td>The petition contained 253 signatures.</td>
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<td>Questions, Statements or Deputations</td>
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<td>To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.</td>
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<td>7.</td>
<td>Forward Plan of Key Decisions</td>
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<td>To receive the Forward Plan of Key Decisions for the period 1 July 2019 to 30 June 2020.</td>
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<td><a href="#">Forward Plan of Key Decisions - July v1.xlsx</a></td>
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<td>Reports</td>
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<td>8.</td>
<td>Dunstable Town Centre Regeneration</td>
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<td>The report seeks Executive approval to accept the offer of £6.2M from the Government’s Housing Infrastructure Fund to support local infrastructure development and town centre living in Dunstable</td>
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<td><a href="#">Dunstable Town Centre Regeneration.docx</a></td>
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<td>9.</td>
<td>Identification of Sites for the Delivery of Housing by the Council</td>
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<td>To update the Executive on the sites being considered as the priority sites for the delivery of housing by the Council.</td>
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<td><a href="#">Identification of Sites for Housing.docx</a></td>
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<td><a href="#">Appendix A.docx</a></td>
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<td>10.</td>
<td>A6-M1 Link Road and Land North of Luton</td>
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<td>To seek approval to the principal Heads of Terms negotiated with the Land North of Luton Consortium.</td>
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<td><a href="#">A6-M1 Link Road and Land North of Luton.docx</a></td>
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11. Housing Enforcement Policies

The report presents a draft Housing Enforcement Policy and associated specific associated policies that help the Council regulate private rented sector housing standards and tackle rogue landlords.

- Housing Enforcement Policies.docx
- Appendix 1 - Housing Enforcement Policy.docx
- Appendix 2 - Financial Penalty Policy.docx
- Appendix 3 - HMO Licensing Policy.docx
- Appendix 4 - Rent Repayment Order Policy.docx
- Appendix 5 - Rogue landlords database policy.docx
- Appendix 6 - Banning order policy.docx

12. Children's Services Support Services Update

To seek ratification by the Executive of an officer decision to take over the direct management of services: Children’s Centres; Information, Advice and Guidance Services; and Medical Needs provisions and to receive an update on the Children’s Services Support Services Review work.

- Children's Services Support Services Update.docx

13. Improving Care Home Provision for Older People in Central Bedfordshire

To consider the opportunity in Flitwick to improve care home provision by the commencement of consultation on the proposals contained within this report.

- Improving Care Home Provision.doc
- Appendix A - Improving Care Home Provision for Older People in Central Bedfordshire.docx
- Appendix B - Improving Care Home Provision for Older People in Central Bedfordshire.docx
14. Placements Commissioning Strategy

This report details options for the commissioning and/or service development of out of home accommodation placements for Looked after Children.

- Placements Commissioning Strategy.docx
- Appendix A.docx
- Appendix B.pdf

15. Extension of Contractual Arrangements for the Supply of Agency Staff

To extend the existing contractual arrangements for the supply of agency staff ahead of a re-procurement process which will conclude in late 2019 or early 2020.

- Extension of Contractual Arrangements for the Supply of Agency Staff.docx

16. Variation to Capital Programme

To seek a recommendation from the Executive to Full Council that the Capital Programme be varied for 2019/20.

- Variation of Capital Programme.docx

17. Waste Collection and Street Cleansing Contract Award

To outline the background to the design and procurement of the Waste Collection and Street Cleaning contract and seek approval to delegate award of the contract based on the Most Economically Advantageous Tender.

- Waste Collection  Street Cleansing Contract Award.docx

Monitoring Matters
18. Revenue Budget Monitoring Provisional Outturn 2018/19

To receive the provisional Revenue budget outturn for 2018/19.

Revenue Budget Monitoring Provisional Outturn 2018-19.docx
Appendix A.docx
Appendix B.docx
Appendix C.docx

19. Capital Budget Monitoring Outturn 2018/19

To receive the provisional Capital budget outturn for 2018/19.

Capital Budget Monitoring Outturn 2018-19.doc
Appendix A.docx
Appendix B.docx
Appendix C.docx

20. Housing Revenue Account Budget Outturn 2018/19

To receive the provisional Housing Revenue Account budget outturn 2018/19.

Housing Revenue Account Budget Outturn 2018-19.docx
Appendix A.docx

21. Performance Monitoring - Quarter 4

To receive the quarter 4 performance monitoring report.

Performance Monitoring - Quarter 4.docx

22. Exclusion of Press and Public

To consider whether to pass a resolution under section 100A of the Local Government ACT 1972 to exclude the Press and Public from the meeting for the following items of business on the grounds that the consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.
23. Disposal of Land and Change to Promotion Agreement - EXEMPT

To set out the options and seek authority to delegate the decision to the Director of Community Services, in consultation with the Director of Resources, Executive Member for Assets and Housing Delivery and the Corporate Resources to approve the arrangements.

Exempt Appendices

24. Dunstable Town Regeneration - EXEMPT

To receive the exempt Appendix A.

25. Identification of Sites for the Delivery of Housing by the Council - EXEMPT

To receive the exempt Appendix B.

26. A6-M1 Link Road and Land North of Luton - EXEMPT

To receive the exempt Appendices.
1. Apologies for Absence

To receive apologies for absence and notification of substitute Members.
2. Minutes

To approve as a correct record the minutes of the meeting of the Audit Committee held on 2 April 2019.
RESOLVED

that the minutes of the meeting held on 5 February 2019 be confirmed as a correct record and signed by the Chairman.
E/18/128  Members’ Interests

None were declared.

E/18/129  Chairman's Announcements

Item 13 ‘Recommissioning Arrangements for Supervised Contact for Looked after Children’ would be considered after item 17 ‘Quarter 3 Performance Report 2018/19’.

E/18/130  Petitions

The petition on public health concerns regarding the recycling operations at Totternhoe had been deferred to the Executive meeting on 11 June 2019.

E/18/131  Public Participation

No members of the public had registered to speak.

E/18/132  Forward Plan of Key Decisions

RESOLVED

that the Forward Plan of Key Decisions for the period 1 May 2019 to 30 April 2020 be noted.

E/18/133  Schools for the Future - Commissioning of New School Places in Biggleswade North - Expansion of Edward Peake Church of England VC Middle School

The Executive considered a report from the Executive Member for Families, Education and Children that provided the outcome of the preliminary and statutory consultations undertaken on the proposal to expand Edward Peake Middle School, Biggleswade by 2 forms of entry (60 places in each year group) by September 2020.

The report sought approval of the proposed expansion and commitment to the required capital expenditure. It was noted that there was no net cost to the Council for the proposed expansion.

Reason for decision: To enable the Council to provide local schools for local children and to support the expansion of local popular and successful schools.
RESOLVED

1. that the new school places required in Biggleswade, through the expansion of Edward Peake Church of England VC Middle School, Potton Road, Biggleswade, Bedfordshire SG18 0EJ by 2 forms of entry (60 places in each year group) for September 2020, be approved to meet the Council’s statutory duty under The Education and Inspections Act 2006; and

2. that the Director of Children’s Services, in consultation with the Executive Member for Families, Education and Children, be authorised to approve the commencement of capital expenditure as set out in the report, subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act.

Central Bedfordshire Community Safety Strategy 2019-21

The Executive considered a report from the Executive Member for Community Services that set out the priorities and knowledge gap agreed by the Central Bedfordshire Community Safety Partnership, using the partnership Strategic Assessment.

Reason for decision: To enable the Council to confirm its support of the priorities and knowledge gap as a proactive partner in reducing crime and disorder, responding to residents’ concerns and fulfilling its statutory duty.

RESOLVED

1. that the Council confirms its support for:

   (a) the priorities and ‘Knowledge Gap’ identified for Central Bedfordshire for 2019-2021:
      ➢ Priority One – Ending Exploitation
      ➢ Priority Two – Tackling Domestic & Sexual Abuse
      ➢ Knowledge Gap – Prevalence & Impact of Substance Misuse

   (b) the delivery of Central Bedfordshire’s Community Safety Partnership Strategy 2019-2021.

Central Bedfordshire Multi-Agency Safeguarding Arrangements

The Executive considered a report from the Independent Chair of the Local Safeguarding Children Board that set out the proposed Central Bedfordshire Multi-Agency Safeguarding Arrangements for publication on 29 June 2019 and implementation on 1 September 2019. The local safeguarding arrangements had been reviewed following the publication of Working Together to Safeguard Children 2018.
Reason for decision: To comply with legislation that places responsibility on the Police, the local Clinical Commissioning Group and Local Authorities to establish and put in place multi-agency arrangements for safeguarding children.

RESOLVED

that the proposed Central Bedfordshire Multi-Agency Safeguarding Arrangements be approved.

E/18/136

Procurement of Design and Project Management Partner for Capital Construction Service

The Executive considered a report from the Executive Member for Assets and Housing Delivery that sought approval for the procurement of a Multidisciplinary Design and Project Management partner for Capital Construction Schemes.

In response to a question, the Executive Member for Assets and Housing Delivery confirmed that the 1% fee would be based on the consultancy element only.

Reason for decision: To enable the Council to source the necessary capacity to meet the needs of the Council in terms of its Capital Programme.

RESOLVED

1. that the approach to procuring a Multidisciplinary Design and Project Management partner be approved; and

2. that the Director of Community Services, in consultation with the Executive Member for Assets and Housing Delivery, be authorised to issue an invitation to tender and award the contract(s) to the most economically advantageous tenderer.

E/18/137

Award of Contract – The Roof Replacement and Repairs Programme

The Executive considered a report from the Executive Member for Adults, Social Care and Housing Operations that sought approval to award the contract for the repairs, maintenance and roof replacement programme to the Council’s housing stock.

Reason for decision: To ensure that the Council’s housing stock was well maintained. Contractor B had demonstrated the technical ability and alliancing approach necessary to deliver the programme and had submitted a competitive tender.
RESOLVED

that the award of the most economically advantageous tender to Contractor B, as set out in the exempt Appendix A, for the delivery of the repairs, maintenance and capital works programme to the Council’s housing stock for roofing works, be approved.

E/18/138 Revenue Budget Monitoring 2018/19 - Quarter 3

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that set out the forecast outturn position as at December 2018.

Members noted that the year-end forecast was again for a slight underspend, maintaining the 8 year track record of Central Bedfordshire Council achieving its budget. The Deputy Leader and the Executive Member for Corporate Resources and the Chairman passed on their thanks to officers.

Reason for decision: To facilitate effective financial management and planning.

RESOLVED

1. that the revenue forecast outturn position of an overspend of £1.9M (before the release of the contingency), be noted;

2. that the budget includes £2.1M of contingency against which no call had yet been made. If this contingency was released, then this results in an underspend of £0.2M;

3. to request officers to continue to look for compensatory savings in order to deliver a balanced budget (before contingency);

4. that the Chief Executive and the Director of Resources (s.151 Officer), in consultation with the Leader and Deputy Leader and Executive Member for Corporate Resources, be authorised to approve the 2018/19 revenue, capital and HRA provisional financial outturn positions, subject to audit, as set out in paragraphs 1-3 in the report; and

5. that this delegation was subject to the final outturn position not being more than 1% over/under net budget.

E/18/139 Capital Budget Monitoring 2018/19 - Quarter 3

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that set out the capital forecast outturn position as at December 2018.

Reason for decision: To facilitate effective financial management and planning.
RESOLVED

1. that the capital gross forecast outturn position was a spend of £87.7M (£63.2M in 2017/18), demonstrating the continued significant capital investment made by Central Bedfordshire to support its community; and

2. that the forecast overspend on the Highways Depot South/Highways Structural Maintenance that would be confirmed in the outturn report, be noted.

E/18/140

Housing Revenue Budget Monitoring 2018/19 - Quarter 3

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that set out the Housing Revenue Account projected outturn revenue and capital position as at December 2018.

Reason for decision: To facilitate effective financial management and planning.

RESOLVED

1. that the revenue forecast of a balanced budget with a contribution to HRA Reserves of £6.491M, be noted thus strengthening the Council’s ability to invest and improve its stock of Council Houses;

2. that the capital forecast position indicates a net outturn of £18.42M, representing a positive variance against budget of £25.13M, with proposals for slippage of £6.71M; and

3. that Right to Buy (RtB) sales be monitored for the possible impact on predicted surpluses in the medium to longer term.

E/18/141

Quarter 3 Performance Report 2018/19

The Executive considered a report from the Deputy Leader and Executive Member for Corporate Resources that set out the 2018/19 Quarter 3 performance update for the Council’s Medium-Term Plan indicator set.

Reason for decision: To ensure a rigours approach to performance management across Central Bedfordshire.

RESOLVED

1. that performance against the indicators currently being used to help support the monitoring of progress against the Medium-Term Plan priorities, be noted; and

2. that officers be requested to further investigate and resolve underperforming indicators as appropriate.
Recommissioning Arrangements for Supervised Contact for Looked after Children

The Executive considered a report from the Executive Member for Families, Education and Children that set out the outcome of the recommissioning arrangements for Supervised Contact for Looked after Children and sought approval to award the Contract for April 2019 to March 2024 to the successful tenderer.

Reason for decision: To enable the Council to have in place arrangements for Supervised Contact for Looked after Children.

RESOLVED

that the award of the contract to Contractor A, as specified in the exempt Appendix A, be approved.

Award of Contract – The Roof Replacement and Repairs Programme

Minute E/18/143 related to exempt business. See minute E/18/137.

Recommissioning Arrangements for Supervised Contact for Looked after Children

Minute E/18/144 related to exempt business. See minute E/18/142.

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.10 a.m.)

Chairman ..........................................

Dated .............................................
3. Members' Interests

To receive from Members any declarations of interest.
4. Chairman's Announcements and Communications

To receive any matters of communication from the Chairman.
5. Petitions

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution. The following e-petition has been submitted:

- Public Health concerns regarding the Recycling Operations at Totternhoe. The petition contained 253 signatures.
6. Questions, Statements or Deputations

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.
7. Forward Plan of Key Decisions

To receive the Forward Plan of Key Decisions for the period 1 July 2019 to 30 June 2020.
Central Bedfordshire Council  
Forward Plan of Key Decisions  
1 July 2019 to 30 June 2020

1) During the period from 1 June 2019 to 31 May 2020, Central Bedfordshire Council plans to make key decisions on the issues set out below. “Key decisions” relate to those decisions of the Executive which are likely:

- to result in the incurring of expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates*; or

- to be significant in terms of their effects on communities living or working in an area comprising one or more wards in the area of Central Bedfordshire.

*Savings are significant if they exceed £200,000 per annum (revenue) or £5000,000 whole life cost (capital). Expenditure is significant if it exceeds, in respect of revenue contracts: (i) £300,000 per annum; and (ii) £1m total cost; and (iii) 5 years duration (including contract extension periods); or £750,000 financial commitment (capital).

There are exceptions to these criteria which is set out in Part 2 Article 12 paragraph 1.3 in the Council’s Constitution. Specifically, expenditure which is identified in the approved Council revenue and capital budgets are not key decisions.

2) The Forward Plan is a general guide to the key decisions to be determined by the Executive and will be updated on a monthly basis. Key decisions will be taken by the Executive as a whole. The Members of the Executive are:

- Councillor James Jamieson Leader of the Council
- Councillor Richard Wenham Deputy Leader and Executive Member for Corporate Resources
- Councillor Sue Clark Executive Memmrber for Families, Education and Children and Lead Member for Children’s Services
- Councillor Kevin Collins Executive Member for Planning & Regeneration
- Councillor Ian Dalgarno Executive Member for Community Services
- Councillor Steven Dixon Executive Member for Transformation and External Relations
- Councillor Eugene Ghent Executive Member for Assets and Housing Delivery
- Councillor Carole Hegley Executive Member for Adults, Social Care and Housing Operations (HRA)
- Councillor Tracey Stock Executive Member for Health & Wellbeing and Communities
- Councillor Nigel Young Executive Member for Highways Delivery and Innovation
3) Whilst the majority of the Executive’s business at the meetings listed in this Forward Plan will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information.

This is a formal notice under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 that part of the Executive meeting listed in this Forward Plan will be held in private because the agenda and reports for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

4) Those items identified for decision more than one month in advance may change in forthcoming Plans. Each new Plan supersedes the previous Plan. Any person who wishes to make representations to the Executive about the matter in respect of which the decision is to be made should do so to the officer whose telephone number and e-mail address are shown in the Forward Plan. Any correspondence should be sent to the contact officer at the relevant address as shown below. General questions about the Plan such as specific dates, should be addressed to the Committee Services Manager, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

5) The agendas for meetings of the Executive will be published as follows:

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<th>Publication of Agenda</th>
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<td>Ref No.</td>
<td>Issue for Key Decision by the Executive</td>
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<tr>
<td>1</td>
<td>A507 Technical Note</td>
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<td>Central Bedfordshire Council New Crematorium at Steppingley</td>
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<td>3</td>
<td>Transfer of Sports Facility at Mill Road, Cranfield to Cranfield Parish Council</td>
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<td>Highway Construction Standards &amp; Specifications Guidance -</td>
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<td>Parking Management Strategy -</td>
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<td>Proposal for Increased Total Capacity for Ivel Valley Community Special School, Biggleswade -</td>
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<td>6</td>
<td>Commissioning of New School Places in Houghton Regis for September 2021</td>
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<td>Establishing a Trading Entity for the Delivery of Social Care Services</td>
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<td>2020/21 MTFP Budget Framework Report</td>
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<td>Construction Code of Practice for Developers and Contractors</td>
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<td><strong>Purchase of Property for Transitional Accommodation</strong></td>
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<td><strong>Public Space Protection Orders Consultation</strong></td>
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<td><strong>Schools for the Future</strong></td>
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<td>Decision Making Arrangements for Removing BT Payphones in Central Bedfordshire</td>
<td>To review objections to payphone removal and authorise the Director of Community Services / Parish Council regarding the removal / alternative use for those payphones in Central Bedfordshire.</td>
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<td>2020/21 Fees &amp; Charges (exc SCHH and Schools Trading)</td>
<td>To approve the Councils Fees &amp; Charges for 2020/21 (exc SCHH and Schools Trading)</td>
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<td>Review of Alternative Education Provision</td>
<td>To seek agreement to the options proposed following the review of alternative education provision and consultation with schools, parent/carers and providers.</td>
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<td>17</td>
<td>To review and comment on the Local Council Tax Support Scheme for 2020/21 before recommending it to Council for approval on 16 January 2020.</td>
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<td>18</td>
<td>To approve the Draft Revenue MTFP for consultation.</td>
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<tr>
<td>19</td>
<td>To approve the draft Capital Programme for consultation.</td>
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**Contact Officer:**

Deputy Leader and Executive Member for Corporate Resources:

Gary Muskett, Head of Revenues & Benefits

Email: gary.muskett@centralbedfordshire.gov.uk

Deputy Leader and Executive Member for Corporate Resources:

Denis Galvin, Assistant Director Finance

Email: denis.galvin@centralbedfordshire.gov.uk
<table>
<thead>
<tr>
<th></th>
<th>2020/21 Draft Housing Revenue Account (HRA) Budget and Business Plan</th>
<th>To approve the draft HRA budget and business plan for consultation.</th>
<th>7 January 2020</th>
<th>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</th>
<th>Open to the public</th>
<th>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></th>
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<td>21</td>
<td>2020/21 Final Medium Term Financial Plan (MTFP) Revenue Budget</td>
<td>To recommend approval to Full Council of the 2020/21 budget and the MTFP.</td>
<td>4 February 2020</td>
<td></td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>22</td>
<td>2020/21 Final Medium Term Financial Plan (MTFP) Capital Programme</td>
<td>To recommend approval to Full Council of the 2020/21 Final MTFP Capital Programme.</td>
<td>4 February 2020</td>
<td></td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>2020/21 Finance Housing Revenue Account (HRA) Budget and Business Plan</td>
<td>To recommend approval to Full Council of the 2020/21 HRA Budget and Business Plan</td>
<td>4 February 2020</td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>2020/21 Social Care, Health &amp; Housing Fees &amp; Charges</td>
<td>To recommend approval to Full Council of the 2020/21 Social Care, Health &amp; Housing Fees &amp; Charges.</td>
<td>4 February 2020</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>25</td>
<td>2020/21 Schools Trading</td>
<td>To recommend approval to Full Council of the Proposed Charges for Schools Trading 2020/21.</td>
<td>4 February 2020</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>2020/21 Treasury Management Strategy and Treasury Policy</td>
<td>To recommend approval to Full Council of the Treasury Management Strategy and Treasury Policy 202/21</td>
<td>4 February 2020</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>2020/21 Capital Strategy</td>
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<td>4 February 2020</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>2020/21 Investment Strategy</td>
<td>To recommend approval to Full Council of the 202/21 Investment Strategy.</td>
<td>4 February 2020</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
<td>Open to the public</td>
<td>Deputy Leader and Executive Member for Corporate Resources Contact Officer: Denis Galvin, Assistant Director Finance Email: <a href="mailto:denis.galvin@centralbedfordshire.gov.uk">denis.galvin@centralbedfordshire.gov.uk</a></td>
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<td>29</td>
<td>Public Space Protection Order</td>
<td>To seek approval of the proposed new Public Space Protection Orders for Central Bedfordshire following the 12-week public consultation process.</td>
<td>7 April 2020</td>
<td>Sustainable Communities Overview and Scrutiny Committee - 12 March 2020</td>
<td>Open to the public</td>
<td>Executive Member for Community Services Contact Officer: Lisa Scott, CSP &amp; Communities Manager Email: <a href="mailto:lisa.scott@centralbedfordshire.gov.uk">lisa.scott@centralbedfordshire.gov.uk</a></td>
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**Non Key Decisions**

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<td>30</td>
<td>Quarter 1 Revenue Budget Monitoring 2019/20</td>
<td>To provide an update on the quarter 1 revenue performance.</td>
<td>20 August 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 19 September 2019</td>
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<td>31</td>
<td>Quarter 1 Capital Budget Monitoring 2019/20</td>
<td>To provide an update on the quarter 1 capital performance.</td>
<td>20 August 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 19 September 2019</td>
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<td>32</td>
<td>Quarter 1 Housing Revenue Account (HRA) Budget Monitoring 2019/20</td>
<td>To provide an update on the quarter 1 HRA performance.</td>
<td>20 August 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 19 September 2019</td>
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<td>33</td>
<td>Quarter 1 Performance Report 2019/20</td>
<td>To report Quarter 1 2018/19 performance for Medium Term Plan indicator set.</td>
<td>8 October 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
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<td>Quarter 2 Revenue Budget Monitoring 2019/20</td>
<td>To provide an update on the quarter 2 revenue performance.</td>
<td>3 December 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
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<td>To provide an update on the quarter 2 capital performance.</td>
<td>3 December 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
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<td>Quarter 2 Housing Revenue Account (HRA) Budget Monitoring 2019/20</td>
<td>To provide an update on the quarter 2 HRA performance.</td>
<td>3 December 2019</td>
<td>Corporate Resources Overview and Scrutiny Committee - 30 January 2020</td>
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<td>37</td>
<td>Quarter 2 Performance Report 2019/20</td>
<td>To report Quarter 2 2019/20 performance for the Medium Term Plan indicator set.</td>
<td>3 December 2019</td>
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<td>38</td>
<td>Quarter 3 Performance Report 2019/20</td>
<td>To report Quarter 3 2019/20 performance for the Medium Term Plan indicator set.</td>
<td>7 April 2020</td>
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For the Municipal Year 2019/20 the Forward Plan will be published on the following dates:

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<th>Period of Plan</th>
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<tr>
<td>1 May 2019 - 30 April 2020</td>
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Reports
8. Dunstable Town Centre Regeneration

The report seeks Executive approval to accept the offer of £6.2M from the Government’s Housing Infrastructure Fund to support local infrastructure development and town centre living in Dunstable.
Dunstable Town Centre Regeneration

Report of:  
Cllr Kevin Collins, Executive Member for Planning & Regeneration  
Kevin.Collins@centralbedfordshire.gov.uk  
Cllr Eugene Ghent, Executive Member for Assets and Housing Delivery  
Eugene.Ghent@centralbedfordshire.gov.uk

Responsible Director(s):  
Jason Longhurst, Director of Regeneration & Business  
Jason.Longhurst@centralbedfordshire.gov.uk  
Marcel Coffait, Director of Community Services  
Marcel.Coffait@centralbedfordshire.gov.uk

This report relates to a decision that is Key

Purpose of this report

The report seeks Executive approval to accept the offer of £6.2M from the Government’s Housing Infrastructure Fund (HIF) to support local infrastructure development and town centre living in Dunstable and to gain agreement to accept additional external funding, should funding bids be successful in order to deliver Dunstable High Street Phase 2 works.

RECOMMENDATIONS

The Executive is asked to:

1. accept the £6.2M funding award from the Government’s Housing Infrastructure Fund (HIF) in order to support local infrastructure development and town centre living in Dunstable;

2. delegate authority to the Director of Regeneration & Business and the Director of Resources (s151 officer) in consultation with the Executive Member for Planning & Regeneration to sign off the HIF funding agreement;
3. delegate authority to the Director of Regeneration & Business and the Director of Resources (s151 officer) in association with the Executive Member for Planning & Regeneration to accept further external funding to deliver the Council’s Dunstable High Street Phase 2 works as follows:

- Anglian Water £0.4M contribution towards drainage improvements
- Highways England Designated Funds bid for up to £3.3M
- Local Growth Fund bid for up to £4.1M

4. to delegate authority to the Director of Community Services, in consultation with the Executive Member for Assets and housing Delivery, to complete the land assembly set out in Appendix A (Exempt).

Overview and Scrutiny Comments/Recommendations

1. An overview of the Dunstable Place Objectives, a summary of the proposed Dunstable High Street Phase 2 works and an update on external funding opportunities was presented at Overview and Scrutiny on 14th March 2019. The proposals were supported.

Issues

2. The Dunstable Town Centre Masterplan was published in 2011 to respond to a number of issues and challenges:

- Migration of retail to edge and out-of-town locations
- Change in shopping patterns and the growth in on-line retail
- Paucity of investment in town centre public realm and property [for example Dunstable’s ‘Quadrant Shopping Centre’]
- Increasing levels of out-commuting
- Investment in competing centres [Luton and Milton Keynes], drawing away local spend

3. The Masterplan recommended regeneration predicated upon building a larger, more attractive leisure sector and visitor friendly High Street. A lack of, and failure to attract, private sector investment supported the case for significant public investment, including the new leisure centre and library facility which opens in June 2019.

4. From the Masterplan the Council’s Town Centre Vision and Place objectives were agreed in order to underpin a coordinated programme of investment in the Dunstable Town Centre area. This includes the delivery of number of projects, such as the new leisure and library facility, town centre and shop front improvements and the phase 1 High Street improvement works funded by Highways England.

5. To continue this progress the Council submitted an application to the Ministry of Housing, Communities and Local Government (MHCLG) in September 2017 asking for £6.3M from the HIF Marginal Viability funding stream to support town centre focused development in Dunstable.
This was to enable and support a range of Council priority projects, including the development of new housing on existing brownfield and newly vacated town centre sites, facilitate the delivery of the Chiltern Vale Integrated Health & Social Care Hub and contribute to further improvements to the High Street.

6. In April 2019 following an extensive funding clarification period Homes England made an offer of £6.2M of HIF funding. This is subject agreeing the funding agreement and conditions specified within it.

7. In addition to this, and to enable the full implementation and completion of the High Street improvements, further external funding bids have been submitted to the Highways England Designated Funds and the South East Midlands Local Enterprise Partnership (SEMLEP) Local Growth Fund. These bids are currently at being assessed and a decision on whether these have been successful is expected in summer 2019.

**Reason for decision**

8. It is a requirement of the HIF funding agreement that Executive approves acceptance of the awarded funds.

9. As the Council has also submitted other external funding bids that focus on delivering the High Street improvement works, in the event that these are successful, delegated approval to accept these further funds on behalf of the Council is also being sought.

**Background**

**Vision and Place Objectives**

10. Dunstable is the second largest town in Central Bedfordshire with a population of 37,000. The adopted 2011 Dunstable masterplan sets out the following vision for the town:

    “Dunstable will become a connected 21st century town centre. Building on its heritage and green space, it will become an affordable, attractive and accessible option for residents, employees, employers, investors and visitors alike. The town will bring more to a wider range of people, offering an experience that will make it stand out from the crowd.”

11. In order to deliver the Town Centre vision for Dunstable, the place objectives are to:

    - Increase delivery of town centre housing
    - Focus on improving the High Street and town centre area
    - Improves urban interconnectivity
    - Provide an improved social, leisure and cultural offer
    - Provide better access to key services, including health care and social care
12. Dunstable has historically suffered from transport and connectivity issues, pollution and poor urban quality. This has resulted in market failure and, for some sites stagnation with regards to the delivery of much needed new market and affordable housing.

13. The opening of the M1-A5 bypass and Woodside Link roads has represented a turning point for the Town Centre as these new routes have significantly improved access and diverted traffic (particularly heavy goods vehicles) away from the High Street.

14. The Council is working with Dunstable Town Council and other stakeholders and investors to deliver positive change in the town centre. This work primarily focuses on enhancing the high street, improving transport measures, improving facilities in the Town Centre and regenerating Council owned sites. The overall aim of these projects is to create a vibrant and viable town centre for Dunstable.

15. The combined works to date along with future planned activity will support existing and new business growth, the delivery of new town centre-located housing, access to services and wider environmental and place improvements.

The Housing Infrastructure Fund (HIF)

16. The HIF is a government capital grant programme of up to £5.5 billion to unlock up to 650,000 new homes in England. Funding is awarded to local authorities on a highly competitive basis, providing grant for new infrastructure that will unlock new homes in the areas of greatest housing demand.

17. The HIF programme is divided into two parts, these being the smaller scale Marginal Viability fund for bids of up to £10M and larger scale Forward Funding bids of up to £250M. The Dunstable programme falls under the Marginal Viability category which aims to support housing sites that are being held back due to possible viability issues linked to the provision of development necessary infrastructure.

18. This funding can be used to provide the final, or missing piece of infrastructure funding to bring forward housing that without this financial support would be difficult to bring forward. The deadline to spend this funding is March 2022 and for the associated housing to have been delivered by March 2035.


20. In April 2019, the Council was notified that the Dunstable programme bid had passed the funding clarification assessment and it would receive £6.2M to accelerate development in Dunstable, pending agreement of funding conditions.
21. The HIF will focus on four key areas:

I. **Vernon Place**: Originally housing Council offices and the Library, which closed in early 2019, this 0.21ha Council owned site offers an opportunity to deliver affordable apartments in the town centre. However, the challenges of developing a constrained site, including the complex demolition and additional highways and power infrastructure means that HIF funding is required to unlock the site for housing, including covering the costs of demolishing Vernon Place and preparing the site for development.

II. **Magistrates Court Area, Court Drive**: It is proposed that the Council owned former Magistrates Court site is developed for new homes. The former Magistrates Court area has been cleared but will require further work to make this site ready for development. The HIF funding will be used to contribute to the highways and utilities infrastructure costs. Funding has also been allocated to realise opportunities for site amalgamation in order to maximise the potential for new housing. Further details about this site are referred to in Appendix A (Exempt)

III. **Artificial Football Pitch (AFP), Court Drive**: This Council owned land is the proposed site for the Chiltern Vale Integrated Health & Social Care Hub and will also offer housing on the same site. HIF funding will be used to relocate the current obsolete football pitch to clear the site for development whilst ensuring the leisure provision for the area is enhanced by improved facilities.

IV. **High Street Renewal**: This will also see complementary highways improvements to the Court Drive area alongside improved infrastructure. HIF funding will be used to upgrade the Queensway junction, improve access and lighting along Dog Kennel Lane and extensive drainage works across the town centre.

**High Street Improvements**

22. In an attempt to address the issues detailed above, alongside the historic impact of the old A5(T), the Council and other public partners are investing in the High Street to enable further economic growth and increase footfall into the town centre. The delivery of Dunstable High Street improvements, as part of the wider Dunstable Regeneration is a short-term priority for the Council that is dependent on external funding.

23. The de-trunking of the High Street and other investment by both the Council (such as through the Market Town Regeneration Fund), by partners (such as the £1.5m from Highways England for the phase 1 High Street Improvements), and the funding for delivery of much needed town centre housing (HIF) has provided an opportunity to maximise the combined impact of these and other measures.

24. To exacerbate the issues creating an already challenging housing market, widespread flooding occurred along the High Street in 2016, resulting in a significant number of commercial and residential properties flooding and disruption to major transport links in the area.
This included closure of the A505 and A5(T). The estimated economic benefit of removing properties from risk of flooding totals £32 million in damages avoided over a 50-year design lifetime. Works to mitigate and address flood risk are included within the scope of the wider High Street improvement works.

25. This has helped the Council make, what it believes to be, a compelling case for funding to support further High Street improvements, which will help mitigate the impact of future flooding, improve the High Street area aesthetically, increase pedestrian permeability and make the town centre of Dunstable a far more attractive place for businesses to operate, for residents and visitors.

26. To support this work further funding bids have been submitted to highways England Designated Funds and the SEMLEP Local Growth Fund. These are currently at funding clarification stage with a decision on whether these have been successful expected in the summer 2019.

Council Priorities

27. There are several projects identified within Central Bedfordshire Council’s 5 Year Plan that aim to improve the town’s connectivity, restore the High Street’s historic market town character and increase the town’s economic competitiveness. This includes significant investment by the Council to enhance local facilities through the provision of a new Leisure Centre and Library facility opening in June 2019. It is this, that with the support of the HIF is enabling the regeneration of key sites, such as Vernon Place for the development of new homes.

28. The objectives therein supported are:
   • **Enhancing Central Bedfordshire**, specifically transport infrastructure and improved town centres and facilities
   • **Protecting the Vulnerable**, specifically improved health and wellbeing

29. It highlights how the Council has overseen the delivery of two new link roads to the M1 (A5-M1 and Woodside) and created the conditions for the regeneration of Dunstable Town Centre by de-trunking the road that previously cut the town centre in half. This is particularly important in the context of the considerable growth the Central Bedfordshire area faces, in the context of the wider Oxford to Cambridge Arc.

Legal Implications

30. In agreeing the HIF Funding Agreement with MHCLG the Council would be signing a project specific Funding Agreement setting out the conditions of funding including how and when funding would be drawn down. In addition, this includes signing up to an Assurance Framework.

31. Infrastructure schemes will have pre-contract, as well as pre-drawdown, conditions, and will undergo further due-diligence before contracting and drawdown in order to ensure that these pre-conditions are met.
32. Infrastructure schemes which commence project activity, or enter into any legal contracts, or incur expenditure prior to completing the MHCLG contracting process, and prior to receiving formal confirmation that any pre-conditions have been met, do so entirely at their own risk.

33. It is reasonable to expect that any funding that may be received via SEMLEP LGF or Highways England Designated Funding, would have similar conditions in place. But, that this would be reviewed on an individual basis should funding bids be successful.

34. Section 120 of the Local Government Act 1972 permits the Council to acquire land by agreement for the purposes of any of their functions under this or any other enactment, or for the benefit, improvement or development of their area. A Council may acquire by agreement any land, whether situated inside or outside their area.

Financial and Risk Implications

35. HIF funding is a capital grant which, the Council will be able to draw down in advance of spend. The costs are £6.2M which includes £1.09M for Project Management, Risk and Contingency. This reduces the risk of forward funding the proposed infrastructure.

Equalities Implications

36. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

37. Good planning and development can improve environments and opportunities for communities experiencing disadvantage. Planning which does not adequately engage with, or consider the needs of, local communities is unlikely to improve their life chances and may further entrench area-based disadvantage.

38. The opportunities and equality benefits that are likely to result from the HIF programme include enabling the delivering of a range of additional homes in the area including affordable housing and housing for older people, improved access to a range of health and social care services, improvements to junctions, and site access arrangements providing safer, accessible crossings for all residents.

Conclusion and next Steps

39. The £6.2M HIF funding is vital to bring forward key projects to regenerate Dunstable Town Centre and provide improved access, essential healthcare services and housing for local residents.
Appendices

Appendix A Magistrates Court and Ambulance Station Dunstable – Exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 ‘Information relating to the financial or business affairs of any particular person (including the authority holding that information)’.

Background Papers
None

Report author(s): Beverley Gaynor
Job Title: Place Programme Manager
Email: beverley.gaynor@centralbedfordshire.gov.uk
9. Identification of Sites for the Delivery of Housing by the Council

To update the Executive on the sites being considered as the priority sites for the delivery of housing by the Council.
Central Bedfordshire Council

Executive 11 June 2019

Identification of Sites for the Delivery of Housing by the Council

Report of: Cllr Eugene Ghent, Executive Member for Assets and Housing Delivery
eugene.ghent@centralbedfordshire.gov.uk

Responsible Director(s): Marcel Coiffait, Director of Community Services
Marcel.Coiffait@centralbedfordshire.gov.uk

This report relates to a decision that is Key

Purpose of this report

To update the Executive on the sites being considered as the priority sites for the delivery of housing by the Council.

RECOMMENDATIONS

The Executive is asked to:

1. agree that the sites referred to in Table 1 of this report should be identified as Phase 1 sites to be utilised to meet the Council’s housing delivery ambitions; and

2. delegate authority to the Director of Community Services and the Director of Resources, in consultation with the Executive Member for Assets and Housing Delivery and the Deputy Leader and Executive Member for Corporate Resources to progress the sites set out in Table 2 as second phase at the appropriate time.

Overview and Scrutiny Comments/Recommendations

1. This report was reviewed by the Corporate Resources Overview and Scrutiny Committee on 30 May 2019 and comments from the committee will be reported verbally.
Background

2. Central Bedfordshire is seeing and will continue to experience significant growth and is taking a proactive approach to ensure and influence the supply of new homes in a sustainable way. There is a shortfall between the demand and supply of new affordable homes both in absolute terms as viability issues result in below policy delivery and in specialist tenures, particularly affordable rented, older person’s housing, specialist accessible housing and social rented house.

3. Intervening in the housing market through direct delivery offers the opportunity to deliver a wider housing offer in areas and tenures that reduce demand elsewhere in the Council’s service provision.

4. This paper sets out sites identified where the Council can intervene to help meet demand.

5. Executive, at its meeting on 5 February 2019, agreed to the establishment of a wholly owned housing company for the development of sites owned by the Council and to the creation and, where appropriate retention, by the company, of housing stock with a range of uses that address gaps in the market.

6. This enables the Council to have greater impact, as it can use a mixture of tools to bring its land assets into play to deliver housing. Being able to deliver housing both within the Housing Revenue Account (HRA) and outside of its specific constraints, alongside influencing the private sector, offers a sophisticated response to a complex but fundamentally important issue.

7. The report to Executive stated that a number of sites would be identified in order to provide the Company with sufficient critical mass to become effective quickly and that a report would be brought to Executive for consideration.

8. The sites identified in Table 1 below have been identified as suitable for further consideration and, subject to Executive approval, each site will be considered for disposal in line with current methodology, as set out in the Council’s constitution and financial regulations.

9. Work to progress these sites, irrespective of the ultimate delivery vehicle needs to begin in parallel with the work to set up the housing company to avoid future delay. The decision to deliver via the housing company, directly via the Housing Revenue Account (HRA) or through release to the market will be made at the point of disposal.

10. The sites in Table 2 are sites which will come forward in due course and at the appropriate time will be considered for disposal in line with current methodology, as set out in the Council’s constitution and financial regulations.
11. Disposal options will be compared and decided on via a report to Executive or through delegated powers dependent on site value. The transfer of sites into the housing company would be at market value and would be considered alongside other options such as direct sale or transfer to the HRA.

Sites for Consideration

12. Work has been undertaken in respect of many of the Council’s sites as part of the HRA debt cap bid to Homes England and this work, together with a market analysis undertaken by Strutt and Parker on behalf of Assets has been used to identify the Phase 1 sites.

13. The sites set out in Table 1 below have been considered and are either in sustainable locations for development or are allocated for housing within the Central Bedfordshire Local Plan 2015-2035. The Council owned sites set out in Table 2 are not considered to be Phase 1 sites at the moment due to the reasons articulated in the table but will be considered on an ongoing basis.

14. The sites in Table 1 have been considered and financial modelling undertaken against the Council’s policy requirement for the provision of at least 30% affordable housing and the gaps identified in the market through the emerging Housing Enabling Strategy and through local understanding of housing need via as assessed by the Council’s Housing Service. The National Planning Policy Framework defines Affordable Housing as ‘housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is essential for local workers); and which complies with one or more of the following; affordable housing for rent; starter homes, discounted market sales housing and other affordable routes to home ownership.’

15. The sites will also be subject to other planning policy requirements such as education and leisure provision and any other mitigation required to make the development acceptable.

16. The three Dunstable sites will be considered together as they are close in terms of location and it is likely that they will be delivered via a combined in-house and housing company approach. The reports referred to in the recommendation will address the overall levels of affordable housing required across the sites and will consider a series of options for delivery.
### 17. Table 1 - Phase 1 Sites

<table>
<thead>
<tr>
<th>Site</th>
<th>Indicative Uses</th>
<th>Approximate No of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court House Dunstable</td>
<td>Affordable and market apartments – general and over 55 modern sheltered.</td>
<td>90-135</td>
</tr>
<tr>
<td>Vernon Place Dunstable</td>
<td>Affordable apartments</td>
<td>22 - 40</td>
</tr>
<tr>
<td>Court Drive Dunstable</td>
<td>Health hub and affordable apartments</td>
<td>100</td>
</tr>
<tr>
<td>Houghton Lodge Ampthill</td>
<td>Older persons apartments for market sale / market rent</td>
<td>80</td>
</tr>
<tr>
<td>Steppingley Road Flitwick</td>
<td>Older persons downsizer dwellings</td>
<td>37</td>
</tr>
<tr>
<td>Trunk Furlong Aspley Guise</td>
<td>Affordable housing and market rent / market sale</td>
<td>30</td>
</tr>
<tr>
<td>Northwood End Road Haynes</td>
<td>Affordable housing and market rent / market sale</td>
<td>40</td>
</tr>
<tr>
<td>Heathfield School Caddington</td>
<td>Older persons downsizer dwellings / general housing</td>
<td>30</td>
</tr>
<tr>
<td>Chase Farm Arlesey (Phase 1)</td>
<td>Affordable housing (20% of 200 units)</td>
<td>40</td>
</tr>
</tbody>
</table>

### 18. Table 2 – Phase 2 Sites

<table>
<thead>
<tr>
<th>Site</th>
<th>Reason Not Priority Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Green Beeston</td>
<td>Review for potential service delivery – possibly for specialist accommodation for people with learning disabilities</td>
</tr>
<tr>
<td>Former Highways Depot Clophill</td>
<td>Further work required to determine best use of site so not priority</td>
</tr>
<tr>
<td>Flitwick Road Maulden</td>
<td>To be prioritised after adoption of the Local Plan</td>
</tr>
<tr>
<td>Markyate Road Slip End</td>
<td>To be prioritised after adoption of the Local Plan</td>
</tr>
<tr>
<td>Chase Farm Arlesey (Remaining Phases)</td>
<td>To be brought forward as the market dictates demand – consider for future releases to housing Co and HRA development</td>
</tr>
<tr>
<td>Land to the East of Arlesey</td>
<td>Site allocated in Local Plan but some time away from a planning application/delivery.</td>
</tr>
<tr>
<td>Luton Road Barton le Clay</td>
<td>Requirements for the re-provision of the football facility being established</td>
</tr>
</tbody>
</table>
Reason/s for decision

19. To enable work to progress to deliver the Council’s housing delivery aspirations.

Council Priorities

20. Making the best use of the Council’s land assets to directly deliver housing supports three of the Council’s key priorities:
   - Protecting the vulnerable; improving wellbeing providing access to the right housing in the right place has a fundamental impact on improving the wellbeing of residents
   - Creating stronger communities – providing a wide range of affordable housing helps to support sustainable and diverse communities.
   - A more efficient and responsive Council – developing appropriate housing helps to reduce demand on other Council services and reduces asset value leakage to the private sector.

Corporate Implications

Legal Implications

21. This report is seeking approval for the identification of sites for further consideration by Executive so there are no direct legal implications arising at this time. However, the following statutory provisions provide the Council with the power of sale or redevelopment in respect of the site.

22. Section 123 of the Local Government Act 1972 provides that the Council may dispose of any of its land as it chooses but, except in the case of a short tenancy, the consent of the Secretary of State is required if it is intended to dispose of land at less than the best consideration that can reasonably be obtained. A failure to obtain ministerial consent under this section may make an agreement for the disposal of land ultra vires. If the land is open space within the meaning of the Town and Country Planning Act, the disposal is subject to the requirements of subsection (2)(a)

Financial and Risk Implications

23. This paper is seeking approval for the Phase 1 sites to be the subject of planning applications and further financial analysis and as such there are no specific financial implications arising that require Executive approval.

24. Where sites are identified for transfer into the housing company agreement will also be sought for debt and equity funding to provide working capital to the housing company for development of those sites. This approval will be sought from Executive at a later date.
Equalities Implications

25. The Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimization and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

26. The development of the Council’s sites will provide additional housing in Central Bedfordshire and includes a focus on increasing the supply of affordable housing and providing more housing options for older people and people with learning disabilities which all have a positive impact in terms of promoting equality of opportunity.

Conclusion and next Steps

27. The sites identified in Phase 1 above will provide approximately 400 units of accommodation that can help offset unmet need. The development of these sites could be delivered via the Council’s housing service and/or the housing company.

28. Planning applications will be progressed on all of the sites at the appropriate time.

29. Developing within the Council’s HRA and the housing company which will allow greater control of the development and improved financial return to the Council

30. Where sites are identified for transfer into the housing company Executive approval will be sought for debt and equity funding to provide working capital to the housing company for development of those sites. This approval will be sought from Executive once the housing company is established and planning permission has been granted.

Appendices

Appendix A: Site Plans
Appendix B: Financial Information (Exempt) by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 ‘Information relating to the financial or business affairs of any particular person (including the authority holding that information)’.

Background Papers
None

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10. A6-M1 Link Road and Land North of Luton

To seek approval to the principal Heads of Terms negotiated with the Land North of Luton Consortium.
Central Bedfordshire Council

A6-M1 Link Road and Land North of Luton

Report of: Cllr Eugene Ghent, Executive Member Assets and Housing Delivery
(Eugene.ghent@centralbedfordshire.gov.uk)

Responsible Director(s): Marcel Coiffait, Director of Community Services,
(marcel.coiffait@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

To seek approval to the principal Heads of Terms negotiated with the Land North of Luton Consortium. There are two parts to the proposed agreement. The first, the option agreement relates to an option over CBC land and the second, the link road agreement covers the mechanism for funding the M1 – A6 Link Road and recovery of costs from the Consortium. The agreements are inter linked.

RECOMMENDATIONS

The Executive is asked to:

1. approve the principals agreed with the Land North of Luton Consortium with regards to both the grant of an option over CBC land and the mechanism for funding the M1-A6 Link Road, the link road agreement;

2. delegate approval of the final Heads of Terms to the Executive Member of Assets and Housing Delivery, in consultation with the Director of Community Services and Director of Resources; and

3. delegate authority to the Director of Community Services to authorise execution of the two agreements, subject to any amendments required being minor.
Overview and Scrutiny Comments/Recommendations

1. This item has not been to Overview & Scrutiny due to the constrained programme for delivery of the road. Papers that relate to the M1-A6, in the context of the local Plan allocation for Land North of Luton have previously been to Overview & Scrutiny.

Background

2. This paper is predicated on the assumption that the Council progresses based on:
   a. DfT funding of £32.75M being secured and
   b. The Consortium exercising their option to acquire the Council land and progressing

This paper does not explore any other options available if the above does not happen as there could be a number of permutations that emerge, and a separate paper would be brought back to Executive at that stage to explore these options.

3. The M1-A6 link road, which comprises the provision of a new 4.4km east-west strategic road link between the new M1 junction 11a in the west and the A6 in the east, to effectively form a northern bypass for Luton, will open up an area, known as Land North of Luton (LNoL). This has been put forward for allocation in the Council’s submitted Local Plan.

4. This will see a potential development of around 3,100 market and affordable homes (master planning may improve on this) and up to 20ha of employment land, community facilities and open spaces, and also facilitate the provision of a new sub-regional rail freight interchange (RFI) incorporating around 40ha of associated employment land adjacent to the Midland Mainline and Sundon Quarry. Both LNoL and the Sundon RFI will bring over 2,000 jobs to the area and NNDR income, estimated at £1.3m per annum to be realised post the current MTFP period.

5. The Council was successful in being awarded £11m and £21.75m from Local Growth Fund 2 and Local Growth Fund 3 respectively. The formal grant and draw down of this is however subject to a successful business case being approved by DfT. This is anticipated by February 2020. The current estimated scheme cost is £64,614,331 (including £3.5m inflation, £5m risk and £10m Optimism Bias) and based on preliminary design. As the M1-A6 scheme is a strategic transport link, the road will be delivered in a single phase, so long as the DfT funding is secured and the Consortium exercise their option.

6. In order to satisfy the requirements of DfT funding and the proposed Local plan policy, the road must be delivered as a single phase. This means that the Council will enter into a building contract to construct the road and will therefore be committed to bear the full cost of the spine road. However, the agreement with the Consortium dictates that they must repay their share by the end of the construction phase of the road. The link road agreement recognises that appropriate security must be put in place to cover the Council’s exposure.
7. The basis and structure of the developer contribution will ultimately be set out in two legal agreements between the LNoL Consortium and the Council. The Council has been in negotiations with the LNoL Consortium for a number of years and has now reached a point where there is consensus over the content of the Strategic Heads of Terms.

8. More detail is provided in the Exempt Appendix A.

Issues

9. The Council has now reached a position, where in order to progress the negotiations the Heads of Terms need to be approved and signed. A copy of the current draft document is included in Exempt Appendix 2.

10. The Heads of Terms set the parameters and clarify the agreed position of all parties to allow the negotiations to move on to the next stage. In doing so they set out the principle for the Council to forward fund the cost of delivery of the road not covered by Local Growth Funding, under the condition that this is paid back in full plus interest by the consortium.

11. This document sets out that:

a. The Consortium contribution covered by the Heads of Terms will be ringfenced for the costs of providing the M1-A6 link road.

b. The terms for payments from the Consortium

c. How the Council’s land holdings, which form part of the Land North of Luton allocation will be treated.

d. How the developer contribution from Sundon RFI will be treated.

e. The fall-back position in the event of the LGF funding not being secured.

12. It is accepted that there is still uncertainty about many aspects of the delivery of the M1-A6 road and still much discussion and negotiation to be had with both the LNoL consortium and other parties, such as Network Rail.

13. Executive is asked that the Council signs the Heads of Terms to allow these negotiations to progress on to the next stage and towards the eventual contractual agreement that will legally bind all parties to delivery of both the M1-A6 link road and LNoL development.

14. This will also demonstrate agreement in principal for the Council to enter into a building contract for the spine road, subject to various criteria being satisfied, DfT funding being the principle and therefore fronting the LNoL’s share but based on an agreed mechanism for repayment which would be over the duration of the road build. This is needed in order to deliver the M1-A6 in a single phase.

15. Once the Strategic Heads of Terms are signed it should be recognised that, unless material issues arise, there is an expectation that all parties will move forward based on the principals set out in the document.
Reason/s for decision

16. In order to progress with the road scheme and to get the full business case for the Local Growth Funding approved by the Department for Transport, it is necessary for the Council and LNoL Consortium to agree the Heads of Terms as this clarifies how the non-grant funded elements of the road will be funded.

17. The greater level of certainty this will provide with regards to the delivery of the M1-A6 link road will support the proposed allocation of LNoL in the Councils submitted Local Plan, currently undergoing examination.

18. If the Heads of Terms aren’t agreed, then this puts the £32.75m LGF funding in jeopardy and at considerable risk of not being secured. This will in turn make the delivery of the M1-A6 link road unlikely in the near term with possible implications for the Council’s Local Plan. Further detail is provided in exempt Appendix A.

Council Priorities

20. The agreement of the Heads of Terms will allow work to progress to deliver the M1-A6 link road and also the proposed LNoL allocation. This therefore ultimately supports the following council priorities:
   • Enhancing Central Bedfordshire
   • Great resident services
   • Creating stronger communities

Corporate Implications

Legal Implications

21. In view of the scope and specialism of this scheme the Council has run a procurement exercise seeking proposals from three solicitor’s firms with substantial experience in this area using the Crown Commercial Services Legal Framework. Following this, Pinsent Masons have been appointed to advise the Council on the legal issues and drafting of appropriate agreements relating to this development.

Financial and Risk Implications

22. If DFT funding is secured and the Consortium exercise their option, the Council will enter into a building contract for the full construction sum of the spine road, currently estimated at £64.6m.

23. DFT funding is based on £32.75m and so the balance is £31.85m. The consortium will be responsible to pay this amount in full based on a profile to be finalised.

24. The legal agreement with the Consortium will seek to ensure adequate security is obtained from the Consortium to protect the Council in the event of any default by any member of the Consortium.
Equalities Implications

25. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

26. This paper covers the financial arrangements that need to be put in place in order to finance and fund the road. As part of the scheme design, all aspects of the highway will be assessed and designed to meet current design standards with consideration given to how the route is used by all users including older and younger people and people with disabilities.

Conclusion and next Steps

27. In order to allow negotiations with the LNoL Consortium to progress, to support the delivery of the M1-A6 link road and help underpin the case to DfT for the LGF allocation to be awarded, it is necessary for the council to agree too and sign the Heads of Terms.

28. A further paper will be brought to Executive to approve the award of contract for the delivery of the link road.

Appendices – Exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 ‘Information relating to the financial or business affairs of any particular person (including the authority holding that information)’.

Appendix A: Exempt – financial details
Appendix B: Exempt - Proposed Heads of Terms agreement

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Harry Cole, Strategic Assets
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11. Housing Enforcement Policies

The report presents a draft Housing Enforcement Policy and associated specific associated policies that help the Council regulate private rented sector housing standards and tackle rogue landlords.
Central Bedfordshire Council

Executive 11 June 2019

Housing Enforcement Policies

Report of: Cllr Carole Hegley, Executive Member Adults, Social Care, and Housing Operations (carole.hegley@centralbedfordshire.gov.uk)

Responsible Director(s): Julie Ogley, Director Social Care Health and Housing, (julie.ogley@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

The report presents a draft Housing Enforcement Policy and associated specific associated policies that help the Council regulate private rented sector housing standards and tackle rogue landlords, following the introduction of new duties and powers.

RECOMMENDATIONS

The Executive is asked to:

1. approve the draft policies that provide the detail of how the Council will meet new duties and use new powers to regulate accommodation in the private rented sector.

Overview and Scrutiny Comments/Recommendations

1. This item is being presented to Overview and Scrutiny Committee on 3rd June 2019. Due to the timescales, Overview and Scrutiny comments and/or recommendations will be presented verbally to Executive.
Issues

2. The Council’s Housing Service has been reviewing the approach to the regulation of private sector housing standards following the introduction of legislation that enables the Council to use additional powers to improve housing standards. Legislative changes have introduced new duties and powers to regulate the private rented sector, including more powers to tackle rogue landlords. In recent years, the Council’s Private Sector Housing team have had significantly more successful prosecutions of private landlords.

3. The new powers and duties can be summarized as below:
   • issuing financial penalties as an alternative to prosecution,
   • a new definition of licensable Houses in Multiple Occupation,
   • the power to add a landlord to the Rogue Landlords database,
   • additional offences where Rent Repayment Orders can be made,
   • banning orders to ban landlords from being a landlord

4. The private rented sector has grown in recent years both nationally and locally, from around 13% of Central Bedfordshire’s housing in 2011 to an estimated 15% now. The above new powers include some discretionary elements, which are explained in more detail below.

5. The set of policies are aligned to the overarching Housing Enforcement Policy (appendix 1). This policy was originally approved by Executive on 31st March 2015. The draft at appendix 1 has been updated to take account of the new powers and duties but the approach remains broadly the same as in the 2015 policy, with the addition of Financial Penalty options.

Options for consideration

6. There is some discretion that can be applied to the new duties and powers. Firstly, there is the ability to impose Financial Penalties (fines) instead of prosecuting an alleged offender in court. Financial Penalties provide advantages over prosecution, including reducing cost of legal action, a speedier form of sanction, and fines are received directly by the Council instead of by the Court. To use Financial Penalties, the Council must set out a transparent policy and set of procedures that clarifies levels of fines and how they are determined. The draft policy is at appendix 2 and this contains the process of how penalties are determined in detail. Members are requested to consider the appropriateness of the criteria proposed to set the level of the financial penalty.

7. In respect of houses in multiple occupation (HMOs), the mandatory licensing scheme has been extended to include more HMOs. The Council has an additional resource to lead on HMO licensing, with additional fee income helping to meet the additional costs. On occasions, landlords will make incomplete HMO licence applications but continue to operate the HMO.
If an unreasonable delay is caused by the landlord in not providing the required evidence, or there is a lack of cooperation, it is proposed that the Council would consider reducing the term of the licence from the maximum 5 years. If the application is granted, this would bring additional cost to the landlord as a shorter licence period would mean that the licence would need to be renewed earlier than normal, which incurs a fee. The draft HMO Licensing Policy is attached at appendix 3.

8. Rent Repayment Orders (RRO) have been extended to allow tenants to apply to a First Tier Tribunal for repayment of up to 12 months’ rent where the landlord has been convicted of one of a number of specified offences. These offences are likely to have been due to the action of the Council against the landlord (e.g. failure to remedy serious disrepair) so in many cases, the tenant would benefit from Council Officer support with the application for a RRO. It is proposed that to support the tenant in this process, a fee is charged. Consultation has changed the 10% fee proposal to a fixed fee. Officer support is discretionary but would likely improve the chances of the tenant being successful for a RRO. Appendix 4 sets out when the Council would consider applying for Rent Repayment Orders.

9. The Housing and Planning Act 2016 established a database of rogue landlords and property agents. The database was introduced in 2018 for local housing authorities to keep track of rogue landlords and property agents and help target enforcement activities. The Council can add entries and vary or remove its entries and are able to view entries made by other local authorities. The database is a tool to deter offenders from committing offences and to deter others from offending. The more comprehensive the information on the database, the more effective it will be in improving housing standards in Central Bedfordshire and other areas. The draft policy (appendix 5) proposes how the Council will pursue opportunities to add rogue landlords to the database where appropriate in a fair and consistent way, having regard to the criteria set out in the policy.

10. The Housing and Planning Act 2016 introduced a power for local authorities to ban landlords and property agents from renting out property. Banning orders are aimed at rogue landlords who flout their legal obligations and rent accommodation which is substandard but can only be sought for specified banning orders offences. A banning order may be made by the First-tier Tribunal following an application by a local housing authority. A banning order bans a landlord letting or managing property in England and a breach of a banning order is a criminal offence, where the Council has the power to impose financial penalties (see 5. above) or other enforcement actions. Appendix 6 sets out the Council’s proposed Banning Order policy.
Reason/s for decision

11. The introduction of a range of powers and duties to tackle rouge landlords and sub-standard housing has brought with it a need to consider the Council’s approach, where there is some discretion. The overarching approach of the draft Housing Enforcement Policy (appendix 1) maintains the existing fair and balanced approach to enforcing standards in private sector housing. The associated policies (appendices 2 to 6) have been prepared to provide clarity and ensure a consistent approach.

12. The new duties provide resourcing implications on the Council. There are, however, income generating opportunities to help offset costs of enforcing the new duties. Financial penalties provide the ability for the Council to impose fines, which are paid to the Council rather than the courts. The HMO Licensing policy will help in the administration of HMO licensing, which should generate additional licence fees from the additional HMOs that require licensing. The draft policies are intended to improve the way that the Council enforces standards in the private rented sector, providing clarity on how the new legislation will be implemented, and recovering costs of implementation where possible.

13. The draft policies have been subject to a targeted four-week consultation from 7th January 2019 to 1st February 2019. In addition, landlords were advised of the likely review of policies at the landlords’ forum in September 2018. The consultation resulted in 14 responses via the consultation survey in addition to feedback from Residential Landlords Association (RLA).

14. The consultation outcome report is included as a background paper. Some keys issues are outlined here. 57% of respondents agreed with the financial penalty proposals, 21% disagreed although some required more clarity on the process. Consequently, the process for determining the fine has been explicitly included into the draft Financial Penalty policy (appendix 2). Overall, 71% agreed with the use of fines as opposed to prosecution. 63% felt that fines would deter future offending although 28% were not sure.

15. 63% of respondents agreed with shortening HMO licence periods where there have been unreasonable delays with applying for a licence. However, following consultation, the definition of “unreasonable delay” has been clarified in the policy (appendix 3). Only 56% agreed with the proposal to charge a 10% fee to support tenants applying for a rent repayment order. In response the fee will be a set amount to reflect the cost of the service. This will be published in the Council’s fees and charges schedule.

Council Priorities

- Protecting the vulnerable; improving wellbeing
- A more efficient and responsive Council.
16. The use of the new powers and duties enables the Council to further tackle rogue landlord and agent activity, improving the standard of private rented accommodation in Central Bedfordshire. Poor condition rented accommodation can impact on the health, safety, and well-being of tenants, who may be vulnerable and unable to secure alternative accommodation. The private rented sector, is however, a key part of the housing market and can provide good accommodation options for our communities. The aim is a higher quality private rental market in Central Bedfordshire, working with landlords to achieve that but also effectively using powers to intervene where necessary.

17. The approach to implementing new housing enforcement tools includes the ability to generate income towards the cost of the new activities, specifically through the use of Financial Penalties and HMO licensing. These opportunities will improve the efficiency of the service undertaking housing enforcement.

Corporate Implications

18. The use of new powers through the proposed approach should help safeguard the health and safety of private tenants in the worst condition accommodation. There are clear links between substandard housing and the health impacts on residents, so the new powers should help provide positive public health implications.

Legal Implications

19. Part 2 of the Housing Act 2004 places a mandatory duty on the Council to license specified types of Houses in Multiple Occupation. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 extends this duty to one and two storey HMOs from 1 October 2018 and the updated HMO Licensing Scheme provides for this change.

20. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012 amended the information prescribed in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 that can be requested from a landlord renewing an existing licence. The new scheme incorporates these requirements and limitations.

21. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 prescribed a mandatory condition for HMO landlords to provide smoke alarms on each floor, and carbon monoxide alarms where there are solid fuel burning appliances. The new scheme has been updated with this change.

22. The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 introduce new mandatory conditions relating to minimum bedroom sizes and waste disposal provisions. The new scheme incorporates these minimum requirements and uses the council’s discretion to set higher standards for amenity and space and the management of HMOs, while remaining proportionate and steering away from using HMO licensing to deal with problems that are more appropriately addressed through other legislation.
Financial and Risk Implications

23. The new powers and duties bring additional resource and cost implications. Budget pressure of £0.1M was identified over the new Medium Term Financial Plan period, netted off by additional income efficiency of the same amount. The restructure of the Housing Solutions service in 2018 incorporated an increase to the Private Sector Housing team establishment, including a dedicated Manager role, due to the additional and complex legal requirements. The financial implications of the restructure were modelled by Finance colleagues and can be accommodated within the budget envelope (Housing General Fund). The budget includes additional income resulting from new HMO licensing requirements. Mandatory HMO licensing was extended to more HMOs in October 2018. So, although there is a requirement to implement these requirements, the average licence fee is around £800 and initial research indicates that there are at least 200 HMOs that need to be licensed.

24. The proposals concerning the use of Financial Penalties (which are a discretionary power) provide financial benefits to the Council. Although Officers would prefer to resolve poor standards informally with landlords, when enforcement action has to be taken and is not complied with, subsequent legal action through the courts can be costly to the Council. Financial penalties provide a different approach. Instead of taking a landlord to court, the Council can impose a fine, based upon a clear and published process of determining the level of that fine. The fine is paid to the Council, not the courts. The recovery of non-payment of fines is included in the Financial Penalty Policy.

25. By producing policies that clarify the approach to enforcement, the risk of challenge (that action is disproportionate or inconsistent) is reduced. The policies will be published, and the Housing Service intends to further publicise through a re-established private landlords forum. The risk of an inconsistent approach will be reduced through internal and external training of Officers within the Housing Service.

Equalities Implications

26. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. In particular, the Council must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
27. The proposals within the draft policies are aimed at improving the quality of the private rented sector and safeguarding private tenants, who may be faced with lack of security of tenure, poor housing conditions, and inability to choose alternative housing options/tenures. The policies relate to all private rented accommodation, but the powers are designed for tackling rogue landlords.

28. An equalities impact assessment has been completed and found there to be no adverse equalities impacts. The policies set out how the Council can protect tenants that are being unlawfully discriminated against harassed or victimised by their landlord. The policies also set out a firm but fair and balanced approach to enforcement, taking into account the severity of offences, the impact on individual tenants and the impact of enforcement action on landlords. In addition, the consultation did not highlight any equality concerns, although the consultation did result in changes being made to the draft policies.

29. The equalities impact assessment and consultation report are included as background papers, with links provided at the end of this report.

Conclusion and next Steps

30. The draft policies provide a clear, consistent, and balanced approach to tackling rogue landlords and improving housing standards in the private rented sector. Members are asked to consider the main issues and proposals set out and provide comment before the draft policies.

31. The consultation indicated that the proposed approach was generally welcomed, with the majority of respondents agreeing to proposals. There were, however, a number of amendments to the draft policies in response to feedback during the consultation.

Appendices

Appendix 1: Housing Enforcement Policy
Appendix 2: Financial Penalty Policy
Appendix 3: HMO Licensing Policy
Appendix 4: Rent Repayment Order Policy
Appendix 5: Rogue Landlord Database Policy
Appendix 6: Banning Order Policy
Background Papers

The following background papers, not previously available to the public, were taken into account and are available on the Council’s website:

(i)  Housing Enforcement Consultation Report:

19 04 15 Regulation of Housing Enforcement - Consultation Response Report (005).doc (company only)

(ii)  Equalities impact assessment

Equality Impact Assessment

Report author(s): Nick Costin, Jonathan Arnold

Head of Service, Interim Team Leader

Nick.costin@centralbedfordshire.gov.uk

Jonathan.arnold@centralbedfordshire.gov.uk
Appendix 1

Housing Enforcement Policy

Directorate | Social Care Health and Housing
Service | Housing Solutions
Author | Terry Gilbey, Housing Assistance Manager
Approved by | Version | V2.4
Approval date | Review date

Version Control

<table>
<thead>
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<th>Version no.</th>
<th>Date issued</th>
<th>Author</th>
<th>Change reference</th>
<th>Issued to</th>
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<td>2.1</td>
<td>06/08/18</td>
<td>Jo Bellamy</td>
<td>2014 policy updated with Housing and Planning Act 2016 changes with the addition of: - financial penalty as an alternative to prosecution - banning orders - rogue landlords’ database</td>
<td>Jonathan Arnold, Helen Heanes, Terry Gilbey</td>
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<td>2.2</td>
<td>06/11/18</td>
<td>Jo Bellamy</td>
<td>Amendments to include references to additional policies to support this main policy.</td>
<td>Jonathan Arnold, Helen Heanes, Terry Gilbey</td>
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<td>2.3</td>
<td>04/02/19</td>
<td>Jo Bellamy</td>
<td>Amendments following the engagement process including feedback from officers.</td>
<td>Jonathan Arnold</td>
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<td>2.3</td>
<td>21/03/19</td>
<td>LGSS</td>
<td>LGSS reviewed, no changes required.</td>
<td>Jo Bellamy</td>
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<td>2.4</td>
<td>02/04/19</td>
<td>Jo Bellamy</td>
<td>Deregulation Act 2015 retaliatory eviction protection and breach of Client Money Protection Schemes for Property Agents now included.</td>
<td>Jonathan Arnold and LGSS</td>
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</table>
1.1 The Housing Solutions Service is responsible for enforcing a wide range of statutory provisions relating to housing and environmental conditions affecting health and safety.

1.2 The objectives of the service are to:
1. Improve the standards, condition and quality of housing in Central Bedfordshire
2. To assess local housing conditions
3. To reduce the number of properties with serious risks to health and safety
4. To reduce the number of vulnerable households living in non-decent homes
5. To improve the energy efficiency and warmth of homes and to help reduce fuel poverty
6. To improve the standards in HMOs (houses in multiple occupation).
7. To work closely with private sector landlords towards improving conditions and the standard of management of private rented housing
8. To provide an excellent service that is accessible to anyone living in the private sector that may have poor living conditions.
9. To reduce the number of empty properties in Central Bedfordshire

1.3 The Housing Solutions Service works both reactively and proactively. Reactively the service will respond to:
• Private sector tenants who contact the Council with complaints about disrepair or poor conditions within their home.
• Tenants of Registered Providers who contact the Council to complain that their property contains housing hazards that are not being dealt with suitably after exhausting their complaints procedure.
• Complaints about properties that may be causing problems for neighbouring properties.
• Enquiries from owner-occupiers or private tenants and landlords who would like advice about housing conditions.
• Allegations of harassment and illegal eviction
• Enquiries for advice about the legal minimum housing standards, particularly in HMOs (houses in multiple occupation).
• Complaints about disrepair or poor conditions on licensed caravan sites.
• Deal with enquiries about disabled facilities grants (DFGs), discretionary loan/assistance, local welfare provision.

1.4 Proactively the service will:
• Identify the general types and conditions of the private sector housing stock by carrying out surveys of Central Bedfordshire.
• Operate a programme of inspections for any HMOs discovered in Central Bedfordshire.
• Operate a programme of inspections for all licensed caravan and mobile home sites in Central Bedfordshire.
• Take part in educational forums for landlords about the standards required for letting properties.

1.5 This policy deals with the practical application of enforcement procedures that will be used to achieve statutory housing and environmental standards. It sets out what owners, landlords, their agents and tenants of non-CBC housing in the Central Bedfordshire area can expect from officers.
1.6 Enforcement, in the context of this policy is not limited to formal enforcement action such as prosecution but includes for example the inspection of premises for the purpose of checking compliance with legislation and provision of advice.

1.7 This policy seeks to support the Council’s corporate aims, objectives and strategies with respect to private sector housing.

2. Principles of Good Enforcement

2.1 Any enforcement action will be compliant with relevant legislation and guidelines in line with the principles of good enforcement action outlined in the regulator’s compliance code.

2.2 When regulating businesses, officers of the Council will adopt the principles outlined in the Hampton Report “Reducing administrative burdens: effective inspection and enforcement”, and any subsequent legislation.

2.3 These principles are:

1. Regulators, and the regulatory system as a whole, should use a comprehensive risk assessment to concentrate resources on the areas that need them most;
2. Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;
3. No inspection should take place without a reason;
4. Businesses should not have to give unnecessary information, nor give the same piece of information twice;
5. The few businesses that persistently break regulations should be identified quickly;
6. Regulators should provide authoritative, accessible advice easily and cheaply; and
7. Regulators should recognize that a key element of their activity would be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

2.4 Enforcement action will be in accordance with the Regulator’s Compliance Code, the statutory code of practice for regulators that came into force on 6th April 2008.

In exercising their duties and other functions, officers will seek to do so in a firm but fair, open and consistently helpful way.

2.5 Standards:
We will draw up clear standards setting out the level of service and performance the public and business people can expect to receive.

2.6 Helpfulness
We believe that prevention is better than cure and that our role therefore involves actively working with landlords and businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage landlords to seek advice/information from us.
2.7 Applications for approval of licenses etc will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays.

2.8 **Consistency**
We will minimise the costs of compliance for landlords and business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

2.9 **Openness**
Means explaining actions clearly in plain language and discussing compliance failures or problems with anyone experiencing difficulties. A clear distinction will be made between legal requirements (what must be done) and advice or guidance (what is desirable).

3. **Shared Enforcement**

3.1 The range of enforcement matters dealt with by the Council in this policy area is such that there may well be occasions when there is a need to work with other agencies, for example the Fire Authority or the Health and Safety Executive, by carrying out joint inspections.

3.2 In determining the most appropriate form of investigation and enforcement action, officers will have regard, so far as they are aware, to any potential or existing action of other Council services or outside agencies.

3.3 Where matters are identified by, or reported to our officers that are the enforcement responsibility of another Council service or outside agency, persons involved will, so far as is reasonably practicable, be informed that the matter will be referred to the appropriate service or agency.

3.4 Where enforcement action is being taken by another Council service or outside agency, we will provide all reasonable assistance including the production of witness statements and collection and sharing of evidence etc. subject to any legal constraints and the meeting of any reasonable expenses.

4. **Levels of enforcement action**

4.1 The actions available to the Housing Solutions Service to improve the standards of private sector housing are broadly divided into two categories; Informal and formal action.

4.2 Officers are authorised to operate the service according to this policy and prepare and carry out enforcement work where necessary on behalf of the Council.

4.3 Council officers will seek compliance with legislation by one or more of the following:

**Advice and guidance:**
To assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by
providing both information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems.

**Informal warnings:**
These will be used to reinforce advice and guidance where minor breaches of the law may have been discovered but it was not thought appropriate to take formal action. These warnings will be written. Where warnings are issued, follow-up visits will normally be made to ensure the problem is being rectified. Warnings issued in respect of significant breaches of the law will include timescales within which the breaches should be remedied and will always result in follow-up visits to ensure compliance.

It should be noted that it is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straightaway.

**Formal enforcement:**
This includes the use of statutory (legal) notices, simple cautions and prosecution. Such action will normally be taken when informal action has failed to achieve a satisfactory resolution and in instances where there is a failure to comply with a notice within the specified time period or there is a subsequent breach of the regulations.

**Immediate action:**
This includes the power to take emergency action by entry to premises, if necessary and making safe areas or articles which are a cause of imminent danger of serious harm.

4.4 Enforcement will normally progress through the advice/informal stages before formal enforcement. In serious cases, where the offence involves a significant breach of the law such that the residents’ health, safety, environment or wellbeing is or has been put at risk, it may be appropriate to commence formal enforcement immediately. Examples of when this may be relevant include offences of harassment and illegal eviction under both the Protection from Eviction Act 1977 and the Caravan Sites Act 1968.

The following guidance will be followed where formal enforcement options are being considered.

4.5 **Power to Charge for Enforcement Action**

Section 49 of the Housing Act 2004, allows the Council to make a reasonable charge as a means of recovering expenses incurred in serving the following;

1. An improvement notice. Making a prohibition order.
3. The expenses are in connection with the inspections of the premises, subsequent consideration of any action to be taken, and the service of notices.
4. Section 9C of the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) allows the Council to make a reasonable charge as means of recovering expenses incurred in serving a compliance notice in relation to a park home site.
5. Section 9F of the CSCDA 1960 allows for the Council to recover expenses in relation deciding whether to take action, serving enforcement notices and carrying out the specified works in relation to both emergency action (Section 9E) and works following conviction for failing to comply with a compliance notice (Section 9D).

5. **Sanctions**

5.1 If the recipient of a notice does not comply with the notice, the Council has various sanctions it can impose. Depending on the type of notice served, non-compliance can be:
- Not doing any work at all,
- Not starting the work by the time specified within the notice,
- Starting the work but then not making reasonable progress, or
- Starting the work and then not finishing it.

5.2 **Works in Default**

5.2.1 Works in default is a power given to the Council, to ensure work is carried out to a property. If the recipient of the notice does not do the work required by the notice, the Council may employ a contractor to enter the property and carry out the work itself.

5.2.2 The Council will charge the appropriate person for the cost of the works together with the costs involved in arranging for the work to be done. It should be noted that carrying out the work in default does not exclude the Council from issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and to consider if it is appropriate to take further action. In fact, in the case of non-compliance with a compliance notice served under Section 9A of the CSCDA 1960, works in default would only be possible after a successful conviction for breach of licence conditions.

5.2.3 There are various methods by which the Council can recover the costs incurred in carrying out the work in default, dependent on the type of notice that has been served.

5.3 **Sundry debtor method**
Using this method, the Council will send out the appropriate person an invoice requesting payment. The Council’s Finance Department will then be responsible for recovering the owed monies with placing a specific financial charge on the property an option should other methods fail.

5.4 **Charge on the property**
The Council can put a charge on a property. The charge remains in place until the Notice is complied with and, in the case of the Council carrying out and paying for works in default, until the debt is cleared. If the property is made available for sale a local land charges search by the purchaser’s solicitor will show the outstanding Notice and trigger the repayment to the Council from the proceeds of the sale – before the seller obtains his payment.
5.5 **Sequestrating rents**

The Council is entitled to serve Notice on the appropriate person to reclaim the costs of the works in default. In some cases, if this Notice is not complied with (i.e. the costs are not paid) the Council can then serve a Notice on the tenant requiring him to pay the rent direct to the Council until such time as the costs are recovered.

5.6 **Forcing sale of the property**

The ultimate method by which the Council can reclaim its costs is to bring about the sale of the property. The proceeds of the sale will be given to the owner less the amount owed for the work in default, and less the amount incurred by the Council in selling the property.

5.7 **Revocation of a Park Home Site Licence**

The Council may apply to the courts for a licence to be revoked upon a third or subsequent conviction for not complying with a compliance notice.

5.8 **Simple Caution**

5.8.1 An alternative to prosecution is a Simple Caution. A Simple Caution is where an offender is given written details of the offence and he or she signs to say that he or she admits the offence. A simple caution is not a conviction, although it does form part of an offender’s criminal record and may be cited in subsequent proceedings.

5.8.2 The Council keeps a record of the caution for a period of three years and it may subsequently influence a decision to instigate proceedings should the offender break the law in the future. It may also be cited in court if the Council takes legal action for any subsequent offence.

5.9 **Prosecution**

Non – compliance with any of the Notices referred to in this policy document is generally a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.

5.10 **Financial penalty as an alternative to prosecution**

5.10.1 The Council may impose a financial penalty on a person if satisfied, beyond reasonable doubt that the person’s conduct amounts to a relevant housing offence. “Relevant housing offence” means the following Housing Act 2004 offences:

- section 30 (failure to comply with improvement notice);
- section 72 (offences in relation to licensing of HMOs);
- section 95 (offences in relation to licensing of houses under Part 3 selective licensing);
- section 139(7) (failure to comply with overcrowding notice); or
- section 234 (failure to comply with management regulations in respect of HMOs).

5.10.2 Only one financial penalty may be imposed on a person for each type of offence, but a penalty can be issued for each separate breach of the House in Multiple
Occupation management regulations. The Council cannot impose a financial penalty in respect of an offence that the person has previously been convicted of, or if there are ongoing criminal proceedings.

5.10.3 Where both a landlord and a letting or managing agent have committed the same offence, a financial penalty can be imposed on both as an alternative to prosecution. The amount of the penalty may differ depending on the circumstances of the case. The amount of financial penalty imposed is determined by the Council as set out in the Procedure for Establishing Level of Financial Penalty under Housing and Planning Act 2016.

5.10.4 If a person fails to pay the whole or any part of a financial penalty which the person is liable to pay the Council may recover the penalty through the county court as if it were payable under an order of that court.

6. **Taking Action and Imposing Sanctions**

6.1 The decision to take informal or formal action will be made by the officer in charge of the case seeking assistance from peers or relevant managers if they require it. In deciding whether to issue a simple caution or proceed with a prosecution, the initial decision will be made by the officer in charge of the case in consultation with the relevant manager.

6.2 **When enforcement Action will be taken.**

6.2.1 Enforcement Notices are not served lightly. They are issued when there is no alternative and when reasonable attempts have been made to achieve the necessary action voluntarily.

6.2.2 In determining whether or not to serve a notice each case is looked at individually and the following factors by way of example only are taken into account;

- The effects of the situation on the health and safety of those affected.
- The intentions of the perpetrator in respect of those affected.
- Any previous complaints about the perpetrator or formal action taken against them for similar situations.
- The future life of any property involved.
- The willingness of the perpetrator to correct any problems without the need for formal enforcement action.
- Whether the Registered Provider tenant has exhausted the Registered Provider’s internal complaints procedure, where reasonably practicable.

The perceived risk of a retaliatory eviction of the tenant. The Deregulation Act 2015 s33 offers protections against retaliatory eviction if a tenant makes a complaint about the condition of their property and the Council has served either an improvement notices relating to category 1 and category 2 hazards or a notice of emergency remedial action in relation to that complaint. We will consider, alongside all the facts of the case, whether action should be taken to enable the s33 protection from retaliatory eviction.

6.2.3 The above list is non-exhaustive and as each case is considered on its merits, will need to take into account factors relevant to the case in hand.
6.3 **When we will impose sanctions**

In all cases when an offence is committed, consideration will be given as to whether a sanction should be imposed and if so, which one. In some cases, it may be appropriate to impose two sanctions for example, carrying out the work in default and also prosecuting the offender.

6.4 **Works in default**

6.4.1 When determining if work in default is appropriate, officers will consider the following:
- The reason for non-compliance to the original notice.
- The effects of not carrying out the work on the health and safety of those affected.
- The wishes of the tenant where the Notice has been served in respect of a rented property.

6.4.2 The reason for the work not being carried out in the first place. This is not an exhaustive list and other factors may be taken into account.

6.5 **Caution, Prosecution or Financial Penalty**

6.5.1 **Prosecution**

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

6.5.1.1 Each case is unique and must be considered on its own merits. However, there are general principles that apply to the way in which officers decide whether an action should be applied and if so which one. Officers will have regard to The Code for Crown Prosecutors when making a decision. The decision to offer a simple caution or to take a prosecution will be made by the Council’s Legal section in consultation with the relevant manager.

6.5.1.2 There are two overarching tests used by this Section in determining whether to impose a sanction. These are the evidential test and the public interest test.

6.5.2 **The Evidential Test**

Enforcement officers must be satisfied that there is enough evidence to provide a realistic prospect of conviction. This involves considering what the defence may be and how it affects the prosecution case. It is an objective test and means that a court is more likely than not to convict the offender of the charge alleged. This is separate test from the one the criminal courts will apply; a court should only convict where it is sure of the defendant’s guilt.

6.5.2.1 In deciding whether there is a realistic prospect of conviction, consideration is given to matters such as:
- Is the evidence admissible in court? There are certain legal rules that might mean that evidence that seems relevant might not be used at a trial.
- Is the evidence reliable? Officers must consider whether there is evidence that may detract or support any admission by the offender.
- Officers have to consider the witness they may use and whether there are concerns about their accuracy or credibility.
This is not an exhaustive list and other factors may be taken into account.

6.5.3 The Public Interest Test
If the evidential requirements are met, officers must then consider whether the public interest requires a prosecution. It is not the case that officers will prosecute simply because an offence has been committed. There should generally be a public interest in bringing an offence to Court. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence, or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

6.5.3.1 The following factors are examples of factors taken into account when determining public interest:
1. The seriousness of the offence. In housing terms, for example, this will mean officers looking at the effect of not complying with a Notice.
2. Whether there was violent or intimidating behaviour on the part of anyone involved during the time of committing the offence.
3. The vulnerability of the victim of the offence. This is a particularly important consideration when harassment or unlawful eviction has also occurred and the victims are elderly, suffering ill health or disability or it has affected young children.
4. The history of the offender. In particular, officers will have regard to whether Notices have been served in the past, the response to those Notices and any previous related convictions.
5. The likely penalty. Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Courts.
6. Reason for the offence occurring. Although there may be, on the face of it, a breach of the law, there may be a statutory defence available in housing offences. For example failure to comply with a Notice may only be an offence if the person intentionally failed to comply with it. Other factors will also be considered. For example, if the offence results from genuine mistake or misunderstanding these may be factors against prosecution that would be balanced against the seriousness of the offence. This is not an exhaustive list and other factors may be taken into account.

6.5.4 Financial Penalty as an alternative to prosecution
Generally, prosecution will be used instead of a civil financial penalty where one or more of the following criteria apply:
1. Aggravating features such as non-co-operation, hostility or aggression towards tenants, third parties or officers
2. Previous convictions for the same offence or two previous financial penalties have been imposed by the same Council, within a five year period from the first offence occurring.
3. Multiple offences relating to different properties
4. Belief by officer that fine will have no impact on changing behaviour or deterrent effect
5. Serious injury or death caused by the offence.
6.5.4.1 In all other cases where a financial penalty is available in law, the financial penalty will normally be more appropriate than prosecution.

6.5.4.2 In respect of specified offences where it will act as a sufficient deterrent against reoffending. Officers will not issue a fixed penalty notice unless the offence justifies prosecution; there is believed to be sufficient evidence to enable follow up proceedings should the offender not pay the charge; and it will act as a sufficient deterrent against re-offending. Prosecution will in general be restricted to a minority of circumstances where there is a blatant disregard for the law. Prosecutions will be related to risk, serious nuisance or other similar situations affecting any individual or the environment and will not be used as a punitive response to minor breaches.

6.5.4.3 Before imposing the financial penalty, the officer in the case must assemble sufficient evidence to be able to:
   a) Substantiate that an offence has been committed in its severity at a First Tier Tribunal if the penalty is appealed, and / or
   b) Substantiate the grounds for imposing the penalty at a county court if it is necessary to obtain a county court order in relation to non-payment.

6.5.4.4 The authority to impose a financial penalty is delegated only to Housing Solutions managers, not officers to ensure consistency in the level of fines imposed.

6.5.5 Simple Caution
A simple caution should be used for low level offending. The aims of the simple caution are to deal quickly and simply with less serious offences where the offender has admitted the offence. It will divert offenders where appropriate from appearing in the criminal courts. In addition, it will record an individual’s criminal conduct for possible reference in future criminal proceedings or relevant security checks, and reduce the likelihood of re-offending.

6.5.5.1 When deciding if a simple caution is appropriate, the Council must consider whether:
   - There is a realistic prospect of conviction,
   - The offender has admitted the offence,
   - It is in the public interest to use a simple caution as a means of disposal
   - A simple caution is appropriate to the offence and the offender
   - The offender must understand the significance of the caution and give his informed consent to accepting the caution.
   - In addition, the Council will have regard to Home Office guidance on administering a simple caution.

7. Legislation

7.1 This section lists the legislation commonly enforced by the Housing Solutions Service and outlines the provisions. It is not an exhaustive list and is not a full statement of the law – it is a summary.

7.2 The Council has a range of enforcement options to address hazards as defined in part 1 of the Housing Act 2004 that can exist in residential premises as follows:
   - Improvement notices – section 11 and 12 Housing Act 2004
   - Prohibition Orders – section 20 and 21 Housing Act 2004
• Emergency Remedial Action – section 40 Housing Act 2004
• Emergency Prohibition Order – section 43 Housing Act 2004

7.3 The first five options are available for both category 1 and category 2 hazards. The last two are not available for category 2 hazards.

7.4 The action the council takes must be the most appropriate course of action in relation to the hazard and have close regard to the Government’s Housing Health and Safety Rating System Enforcement Guidance or its equivalent should there be amendments to legislation and guidance relating to housing health and safety.

7.5 In particular, officers should have regard to advice in the Enforcement Guidance in relation to considering formal or informal action for identified category 2 hazards. The Council will not normally take enforcement action in relation to category 2 hazards. However, the following should be considered by Officers in addition to the Government’s Enforcement Guidance:

1. Where a high score band D hazard is identified (800 or above), Officers should consider use of discretionary enforcement powers,

2. Where a number of individual category 2 hazards are identified in one building, Enforcement Guidance relating to Multiple Hazards should be considered in relation to overall safety of that building,

3. Where significant category 2 hazards occur in addition to category 1 hazards in the same building, it is reasonable to take enforcement action in relation to these significant category 2 hazards as well,

4. In exceptional circumstances and where agreed by the Head of Housing Solutions or Assistant Director of Housing enforcement action can be taken in relation to Category 2 hazards not covered by the above. However, in all cases, consideration of Enforcement Guidance should be made.

7.6 The following table gives a summary of the legislation that the Council can use where appropriate:

<table>
<thead>
<tr>
<th>Housing Act 2004</th>
<th>This notice may be served when the Council is satisfied that:</th>
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<tbody>
<tr>
<td><strong>Improvement Notices</strong> Section 11</td>
<td>A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.</td>
</tr>
<tr>
<td><strong>Improvement Notices</strong> Section 12</td>
<td>A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.</td>
</tr>
<tr>
<td><strong>Prohibition Orders</strong> Section 20</td>
<td>A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.</td>
</tr>
<tr>
<td>Prohibition Orders Section 21</td>
<td>A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.</td>
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</tr>
<tr>
<td>Hazard Awareness Section 28</td>
<td>A Category 1 hazard exists on any residential premises and may relate to more than one Category 1 hazard.</td>
</tr>
<tr>
<td>Hazard Awareness Section 29</td>
<td>A Category 2 hazard exists on any residential premises and may relate to more than one Category 2 hazard.</td>
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<thead>
<tr>
<th>Emergency Measures</th>
<th>This action may be taken when the Council is satisfied that:</th>
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<tbody>
<tr>
<td>Emergency Remedial Action Section 40</td>
<td>A Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers and no Management Order is in force. May be taken for more than one Category 1 hazard on the same premises or in the same building containing one or more flats.</td>
</tr>
<tr>
<td>Emergency Prohibition Orders Section 43</td>
<td>A Category 1 hazard exists on any residential premises and is further satisfied that the hazard involves an imminent risk of serious harm to the health and safety of any occupiers and no Management Order is in force. May be taken for more than one Category 1 hazard on the same premises or in the same building containing one or more flats.</td>
</tr>
<tr>
<td>Other Measures</td>
<td>This action may be taken when the Council is satisfied that:</td>
</tr>
<tr>
<td>Demolition Orders Section 46</td>
<td>A Category 1 or 2 hazard exists in a dwelling or HMO, which is not a flat, and a Management Order is not in force. In the case of a building containing one or more flats that a Category 1 or 2 hazard exists in one or more or the flats contained in the building or in any common parts of the building. For Category 2 hazards, this also has to meet circumstances laid out in an order made by the Secretary of State.</td>
</tr>
<tr>
<td>Clearance Areas Section 47</td>
<td>Each of the residential buildings in the area contains a Category 1 or 2 hazard and that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area. This is as a result of their bad arrangement or the narrowness or bad arrangement of the street. For Category 2 hazards, this also has to meet circumstances specified or described in an order made by the Secretary of State.</td>
</tr>
<tr>
<td><strong>Offences in relation to the Licensing of HMOs</strong></td>
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<td>-----------------------------------------------</td>
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<tr>
<td><strong>Section 72 as updated by</strong></td>
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<tr>
<td><strong>The Licensing of Houses in Multiple Occupation</strong></td>
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<tr>
<td><strong>(Mandatory Conditions of Licences) (England)</strong></td>
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<td><strong>Regulations 2018</strong></td>
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</tr>
<tr>
<td>An offence of operating an HMO without a licence or for failing to satisfy the conditions of the license has taken place without reasonable excuse. This may take the form of revocation of a license and/or prosecution.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Offences in relation to the management of HMOs</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 234</strong></td>
</tr>
<tr>
<td>A person managing an HMO fails to comply with the management of HMO regulations and so commits an offence under section 234(3) of the Housing Act 2004. The offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale.</td>
</tr>
</tbody>
</table>

| **Rent Repayment Order**                       |
| **Section 96**                                 |
| A HMO is operating without a license or a selective license and notice has not been received from them to notify that particular steps are being taken to no longer require the house to be licensed. |

The Housing and Planning Act 2016 extended Rent Repayment Order to also cover the following situations:

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004;
- Failure to comply with a Prohibition Order under section 32 of the Housing Act 2016;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.

The Rent Repayment Order Policy sets out the council’s approach.

<table>
<thead>
<tr>
<th><strong>Interim Management Order</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 102</strong></td>
</tr>
<tr>
<td>A HMO is operating without a license or the license has been revoked but is not yet in force or, in coming into force the revocation will mean that the health and safety condition will be satisfied. In these</td>
</tr>
</tbody>
</table>
circumstances where the property is not required to be licensed, an interim management order must be made by application to the Residential Property Tribunal.

Interim management orders can be made in cases where a banning order has been made, Schedule 3 of the Housing and Planning Act 2016 amends management order powers under the Housing Act 2014.

<table>
<thead>
<tr>
<th>Final Management Order</th>
<th>The house would be required to be licensed or, if not required to be licensed, on expiry of the Interim Management Order for the purpose of protecting the health, safety and welfare of the occupying persons. Final management orders can be made in cases where a banning order has been made, Schedule 3 of the Housing and Planning Act 2016 amends management order powers under the Housing Act 2014.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim Empty Dwelling Management Order (EDMO)</td>
<td>A dwelling has been wholly unoccupied for a period of at least 6 months, there is no reasonable prospect that the dwelling will become occupied unless an Interim EDMO is made and they themselves have made reasonable efforts to notify the proprietor of the dwelling and to ascertain what steps are being taken to occupy that dwelling.</td>
</tr>
<tr>
<td>Final Empty Dwelling Management Order (EDMO)</td>
<td>The dwelling is likely to become or remain unoccupied, they have taken all such steps as was appropriate to securing the occupation of the dwelling, they have taken into account the interests of the community and the effect that the order will have on the rights of the relevant proprietor and the rights of third parties. Under such circumstances the Council may make a final EDMO in respect of a dwelling.</td>
</tr>
<tr>
<td>Overcrowding Order</td>
<td>Having regard to the rooms available, an excessive number of persons are being or are likely to be accommodated in the HMO concerned.</td>
</tr>
<tr>
<td>Compulsory Purchase Orders Housing Act 1985</td>
<td>The local authority may compulsorily purchase a property for immediate resale to a registered social landlord where it is felt that all other actions will fail.</td>
</tr>
<tr>
<td>Banning orders (section 21 of the Housing and Planning Act 2016)</td>
<td>Banning orders can be sought for specified banning orders offences.</td>
</tr>
</tbody>
</table>
A financial penalty can be imposed as an alternative to prosecution for breach of a banning order.

<table>
<thead>
<tr>
<th>Financial penalty as an alternative to prosecution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing and Planning Act 2016 Schedule 9 - Financial penalties as alternative to prosecution</td>
</tr>
<tr>
<td>The Housing Act 2004 is amended to include section 249A “Financial penalties for certain housing offences in England”</td>
</tr>
<tr>
<td>The Council may impose a financial penalty on a person if satisfied, beyond reasonable doubt that the person’s conduct amounts to a relevant housing offence in respect of premises in England. “Relevant housing offence” means an offence under</td>
</tr>
<tr>
<td>• section 30 (failure to comply with improvement notice);</td>
</tr>
<tr>
<td>• section 72 (offences in relation to licensing of HMOs);</td>
</tr>
<tr>
<td>• section 95 (offences in relation to licensing of houses under Part 3 selective licensing);</td>
</tr>
<tr>
<td>• section 139(7) (failure to comply with overcrowding notice); or</td>
</tr>
<tr>
<td>• section 234 (failure to comply with management regulations in respect of HMOs)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Confiscation Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council’s Financial Investigation Unit (FIU) assists prosecuting authorities to recover criminal assets. The FIU can make an application for a confiscation order for the following Proceeds of Crime Act 2002 banning order offences:</td>
</tr>
<tr>
<td>• Section 327 Concealing criminal property</td>
</tr>
<tr>
<td>• Section 328 Arrangements</td>
</tr>
<tr>
<td>• Section 239 Acquisition, use and possession.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Remedial notice, remedial action and penalty charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</td>
</tr>
<tr>
<td>We have reasonable grounds to believe that a relevant landlord is in breach of one or more of the duties that requires smoke and carbon monoxide in the property as set out in regulation 4(1).</td>
</tr>
<tr>
<td>If the landlord fails to comply with the notice, we must, if the occupier consents, arrange for the alarms to be fitted and/or tested. We can also levy a civil penalty charge on the landlord of up to £5,000.</td>
</tr>
<tr>
<td>Where appropriate, we will initially proceed with an informal approach to seek compliance with the regulations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Penalty notice and publication penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Energy Efficiency (Private Rented Property) Regulations 2015</td>
</tr>
<tr>
<td>A PR property is “sub-standard” where the energy performance certificate indicated an energy performance indicator below band E. Penalty notices can be served for breach of regulations prohibiting the letting of sub-standard domestic properties and failure to comply with an Energy Efficiency compliance notice. The Housing Service is not responsible for enforcement of regulations relating to non-domestic properties.</td>
</tr>
<tr>
<td><strong>We will seek to resolve disputes informally, where possible.</strong></td>
</tr>
<tr>
<td><strong>We may publish on the PRS Exemptions Register of information relating to a penalty notice.</strong></td>
</tr>
</tbody>
</table>

| **Fine for failure to provide documents**  
Section 235 and 236 of Housing Act 2004 | **Failure to provide information required to investigate any offence committed related to Part 1 to 4 of the Housing Act 2004, i.e. housing conditions, licensing of HMOs and other residential accommodation and management orders.** |

| **Fine for failing to provide information connected with land.**  
Local Government (Miscellaneous Provisions) Act 1976, section 16. | **Where a person fails to comply with the requirements of a notice served in pursuance of information connect with land or provides false information.**  
A fine will be sought if the lack of information significantly impacts on our enforcement responsibilities. |

| **Entry on to database of rogue landlords and property agents**  
Housing and Planning Act 2016 section 30 | **The landlord has been convicted of a banning order offence that was committed at a time when the person was a residential landlord or property agent; and/or received two or more financial penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or a property agent.**  
The Rogue Landlords Database Policy sets out the council’s approach. |

| **The Client Money Protection (CMP) Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2018** | **There has been a breach of a requirement to belong to a client money protection scheme or a breach of the transparency requirements as set out in regulations 3 and 4.** |

### 7.7 Caravan Sites

7.7.1 The Caravans Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) provides the majority of the formal enforcement tools to deal with caravan and mobile home sites (commonly referred to as park home sites).

7.7.2 **Operating without a Licence**  
Section 1 of the amended act makes it an offence for an “occupier” to cause or permit their land to be used as a caravan site without holding a licence for the site. A fine of level 5 on the standard scale can be levied upon summary conviction for an offence under this section.
7.7.3 Compliance Notices
Where conditions on a site licence are breached the Council can serve a compliance notice under Section 9A of the amended act setting out what conditions have been breached, what steps are required to remedy the breaches and the timescales for compliance. Failure to comply with the compliance notice may result in a fine of level 5 on the standard scale upon summary conviction. Where two or more convictions for non-compliance with site licence conditions had occurred prior to conviction then the Council can apply to the Court for an order revoking the site licence. The Council may carry out works in default under Section 9D following conviction.

7.7.4 Emergency Action
The Council may take emergency action under Section 9E of the amended act where the site operator has failed or is failing to comply with a site licence condition and, as a result of such failure, there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.

7.7.5 Offences by Bodies Corporate
Under Section 26A of the amended act an officer of a body corporate (as well as the body corporate itself) can be guilty of an offence under the aforementioned sections and punished accordingly if proven that the offence was committed with the consent or connivance of the officer of that body corporate or as a result of their negligence. Further details on how the Council should deal with enforcement in relation to Park Homes can be found in the Historical Breaches Policy and also the DCLG Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime which was published in March 2015.

7.7.6 Harassment or Illegal Eviction of Park Home Residents
Section 3 of the Caravan Sites Act 1968 (as amended by the Mobile Homes Act 2013) makes it an offence for a site owner or their agent to interfere with the peace or comfort of the occupier or persons residing with them or to withdraw/withhold services or facilities reasonably required to occupy the park home as a residence knowing that this may cause them to abandon the unit or remove it from site. A fine not exceeding the statutory maximum and/or up to 12 months imprisonment can be levied upon summary conviction, or on conviction on indictment to a fine and/or imprisonment of up to 2 years.

7.8 Other legislative provisions
The Housing Solutions Service is also responsible for enforcing some provisions within other legislation such as the Public Health Acts 1936 and 1961, the Prevention From Eviction Act 1977, the Building Act 1984 and the Environmental Protection Act 1990.

8. Publicity as a deterrent
Where appropriate the Council will publicise prosecutions so as to deter landlords at risk of private sector housing offences addressed in this policy. In deciding the appropriateness of publicising housing enforcement activity, we take into account our responsibilities under the Data Protection Act 2018 and
the Ministry of Justice’s guidance that sets out the factors that Council’s should consider when deciding whether to publicise sentencing outcomes.

9. **Confidentiality**

   The Council will at all times strive to maintain the confidentiality of persons requesting its service. However, in the case of prosecution and witness statements, it may be required to reveal the names and addresses of both parties involved in a complaint.

10. **Monitoring the Policy**

    To ensure that officers comply with this policy, a senior officer will check files to ensure that the necessary considerations have been given to a case and that the appropriate documentation is in place on the file.

10.1 **Ensuring accuracy in taking formal action**

10.1.1 Officers should consult with Social Care/Welfare, Tenancy Support, Housing Management Officers, Legal Services, and Housing Options Officers within Housing Solutions as appropriate. This is particularly important for the purposes of determining a suitable approach to enforcement and after-care where there are vulnerable occupants.

10.1.2 Formal action should only be taken where every attempt has been made to ensure that the details relating to the action are correct and accurate. Where there is any doubt, Officers must consult with colleagues and/or managers. Consultation with managers must occur for significant formal action, where any errors may have significant implications for the Council. These requirements are aimed at minimising reputational risks to the Council, minimising risk of delays to the desired action, and minimising potential costs to the Council.

11. **Responsibilities**

11.1 The Head of Housing Solutions is responsible for the implementation and monitoring of the policy.

11.2 The decision to approve updates to this policy with minor amendments or in light of amendments to existing legislation such as HHSRS and HMO definitions can be delegated to the Director of Social Care, Health and Housing.

12. **Review**

    This policy will be reviewed every three years unless amendments are required before this time.
Appendix 2

Housing Enforcement: Financial Penalty Policy

<table>
<thead>
<tr>
<th>Directorate Service</th>
<th>Social Care Health and Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Housing Solutions</td>
</tr>
<tr>
<td>Author</td>
<td>Jonathan Arnold – Senior Environmental Health Officer</td>
</tr>
<tr>
<td></td>
<td>Siobhan Breheny – Housing Demand Manager</td>
</tr>
<tr>
<td>Approved by</td>
<td>Version</td>
</tr>
<tr>
<td></td>
<td>V0.4</td>
</tr>
<tr>
<td>Approval date</td>
<td>Review date</td>
</tr>
</tbody>
</table>

Version Control

<table>
<thead>
<tr>
<th>Version no.</th>
<th>Date issued</th>
<th>Author</th>
<th>Change reference</th>
<th>Issued to</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1</td>
<td></td>
<td>Jonathan Arnold &amp; Siobhan Breheny</td>
<td>First draft</td>
<td>Jo Bellamy</td>
</tr>
<tr>
<td>0.2</td>
<td></td>
<td>Jo Bellamy</td>
<td>Split policy from procedure. Transfer to policy template, clarified scope. Checked for compliance with legislation and guidance.</td>
<td>Jonathan Arnold</td>
</tr>
<tr>
<td>0.3</td>
<td></td>
<td>Jonathan Arnold</td>
<td>Corrections to 4.2 and 4.5, section 9 – responsibilities and details added to section 8 – monitoring and reporting.</td>
<td>Jo Bellamy</td>
</tr>
<tr>
<td>0.4</td>
<td>04/02/19</td>
<td>Jo Bellamy</td>
<td>Incorporating feedback from colleagues.</td>
<td>Jonathan Arnold</td>
</tr>
</tbody>
</table>
SECTION 1. INTRODUCTION

The Housing and Planning Act 2016 introduced the option for local housing authorities to impose a financial penalty on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004.

SECTION 2. PURPOSE

The purpose of this policy is to set out the circumstances in which the Council would seek to impose a financial penalty as an alternative to prosecution. This policy, supported by a procedure, explains the factors considered when deciding on the level of financial penalty to be imposed to ensure consistency.

SECTION 3. SCOPE

This policy relates to the following offences under the Housing Act 2004:
- Failure to comply with an Improvement Notice (section 30 of the Housing Act (HA) 2004)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the HA 2004)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the HA 2004)
- Offences of contravention of an overcrowding notice (section 139 of the HA 2004)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the HA 2004).

A financial penalty can be imposed as an alternative to prosecution for breach of a banning order (section 21 of the Housing and Planning Act 2016) but this is dealt separately in the Banning Order policy and procedure.

A financial penalty notice is not available for a Breach of a Prohibition Order as local housing authorities can seek a rent repayment order in addition to prosecuting the landlord.

This policy supports Central Bedfordshire Council’s Policy to Regulate Private Sector Housing Standards. This policy is supported by the Procedure for Establishing Level of Financial Penalty under Housing and Planning Act 2016.

SECTION 4. POLICY DETAILS

4.1 The power to impose a financial penalty as an alternative to prosecution

The Council may impose a financial penalty on a person if satisfied, beyond reasonable doubt that the person’s conduct amounts to a relevant housing offence in respect of premises in England. “Relevant housing offence” means an offence under:
- section 30 (failure to comply with improvement notice);
- section 72 (offences in relation to licensing of HMOs);
- section 95 (offences in relation to licensing of houses under Part 3 selective licensing);
- section 139(7) (failure to comply with overcrowding notice); or
- section 234 (failure to comply with management regulations in respect of HMOs)
Where both a landlord and a letting or managing agent have committed the same offence, a financial penalty can be imposed on both as an alternative to prosecution. The amount of the penalty may differ depending on the circumstances of the case.

The amount of a financial penalty imposed under this section is to be determined by the local housing authority, but must not be more than £30,000. The maximum amount will be reserved for the very worst offenders.

The procedure for Establishing Level of Financial Penalty under Housing and Planning Act 2016 sets out the factors that the local authority will consider when establishing the severity of the offence and determining the level of fine. These factors are:

a) Seriousness of the offence (the more serious the offence the higher the penalty)
b) Culpability (are they primarily or solely guilty of the offence or was there joint culpability with another person e.g. managing agent or “head” tenant)
c) History of offences (e.g. landlord with a large portfolio, links to other crime, been prosecuted by us before, high levels of profit)
d) Harm to tenants (higher number of tenants or vulnerable tenants the greater the harm)
e) Mitigating factors (number of breaches, each breach is a separate fine; attempts to remedy; co-operative etc)
f) Proportionality (small portfolio i.e. one to two properties or a large portfolio i.e. has more than two properties)
g) Impact of fine (economic impact on the landlord; must serve as a deterrent to other landlords)

The level of severity is scored against these individual factors. The type and extent of the offence is set within a band and the score applied to the relevant band.

The local housing authority may not impose a financial penalty in respect of any conduct amounting to a relevant housing offence if the person has been convicted of the offence in respect of that conduct, or if there are ongoing criminal proceedings.

Only one financial penalty may be imposed on a person in respect of the same conduct but a penalty can be issued for each separate breach of the House in Multiple Occupation management regulations.

4.2 When a financial penalty should be imposed as an alternative to prosecution

Generally, prosecution will be used instead of a civil financial penalty where one or more of the following criteria apply:
1) Aggravating features such as non-co-operation, hostility or aggression towards tenants, third parties or officers
2) Previous convictions for the same offence or two previous financial penalties have been imposed by the same Council within a five-year period from the first offence occurring.
3) Multiple offences relating to different properties
4) Belief by officer that fine will have no impact on changing behaviour or deterrent effect
5) Serious injury or death caused by the offence.

In all other cases where a financial penalty is available in law, the financial penalty will normally be more appropriate than prosecution.

In respect of specified offences where it will act as a sufficient deterrent against reoffending. Officers will not issue a financial penalty notice unless the offence justifies prosecution; there
is believed to be sufficient evidence to enable follow up proceedings should the offender not pay the charge; and it will act as a sufficient deterrent against re-offending.

Prosecution will in general be restricted to a minority of circumstances where there is a blatant disregard for the law. Prosecutions will be related to risk, serious nuisance or other similar situations affecting any individual or the environment and will not be used as a punitive response to minor breaches.

The circumstances where prosecution is appropriate are set out in Central Bedfordshire Council’s Housing Enforcement Policy

4.3 Notice required to impose financial penalty

Before imposing a financial penalty on a person under section 249A the local housing authority must give the person notice of the authority’s proposal to do so (a “notice of intent”). The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates but if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given at any time when the conduct is continuing, or within the period of 6 months beginning with the last day on which the conduct occurs. A person’s conduct includes a failure to act.

After the end of the period for representations the local housing authority must:
(a) decide whether to impose a financial penalty on the person, and
(b) if it decides to impose a financial penalty, decide the amount of the penalty.
If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty. The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.

4.4 Evidence required to impose a financial penalty

Before imposing the financial penalty, the officer in the case must assemble sufficient evidence to be able to:
a) Substantiate that an offence has been committed in its severity at a First Tier Tribunal if the penalty is appealed, and / or
b) Substantiate the grounds for imposing the penalty at a county court if it is necessary to obtain a county court order in relation to non-payment.

The officer should therefore before imposing the penalty collect all documentary and other evidence and keep it securely either in electronic or paper form, to an evidential standard. The officer should write a “statement of reasons” and keep it in two forms – one which can be disclosed to the recipient of the notice at the time the notice of intent is sent, and one in witness statement form, signed and dated.

4.5 Consequences of receiving a financial penalty

Where a person receives two or more financial penalties over a 12 month period, local housing authorities may include that person’s details in the database of rogue landlords and property agents so that other local housing authorities are made aware that formal action has been taken against the person.
4.6 Consequences of non-payment of a financial penalty
If a person fails to pay the whole or any part of a financial penalty which the person is liable
to pay the Council may recover the penalty through the county court as if it were payable
under an order of that court. If necessary, the local housing authority may use county court
bailiffs to enforce the order and recover the debt. A certificate signed by the chief finance
officer of the local housing authority which states that the amount due had not been received
by a specified date will be treated by the courts as conclusive evidence of that fact.

4.7 Withdrawal or amendment of notice
A local authority may at any time withdraw a notice of intent or final notice, or reduce the
amount specified in a notice or final notice.

4.8 Works in default
The local housing authority may carry out works in default where a financial penalty is
imposed for failure to comply with an improvement notice under Section 30 as Section 31
and Schedule 3 of the Housing Act 2004 relating to works in default continue to operate.

4.9 Appeals
Appeals against a Final Notice must be made to the First Tier Tribunal.

An appeal relating to a Final Notice is to be a re-hearing of the local housing authority’s
decision to impose a civil penalty, but may be determined having regard to matters of which
the authority was unaware. If a person appeals, the Final Notice is suspended until the
appeal is determined or withdrawn. On an appeal, the First-tier Tribunal may confirm, vary or
cancel the Final Notice but the Final Notice may not be varied so as to make it impose a
financial penalty of more than the local housing authority could have imposed, that is not
more than £30,000.

SECTION 5. LEGAL AND REGULATORY FRAMEWORK

Housing and Planning Act 2016 Schedule 9 - Financial penalties as alternative to
prosecution.

The Housing Act 2004 is amended to include section 249A “Financial penalties for certain
housing offences in England”.

The local housing authority (i.e. the Council) may impose a financial penalty on a person if
satisfied, beyond reasonable doubt that the person’s conduct amounts to a relevant housing
offence in respect of premises in England. “Relevant housing offence” means an offence
under:
section 30 (failure to comply with improvement notice);
section 72 (offences in relation to licensing of HMOs);
section 95 (offences in relation to licensing of houses under Part 3 selective licensing);
section 139(7) (failure to comply with overcrowding notice); or
section 234 (failure to comply with management regulations in respect of HMOs)

SECTION 6. EQUALITY AND DIVERSITY

Central Bedfordshire Council is committed to the elimination of unlawful discrimination
harassment and victimisation. The Council seeks to advance equality of opportunity between
people who share a protected characteristic and people who do not share it and foster good
relations between people who share a protected characteristic and people who do not share
it.
This policy seeks to improve the condition and quality of housing in Central Bedfordshire and protect vulnerable households living in non-decent homes through imposing financial penalties where appropriate.

**SECTION 7. MONITORING AND REPORTING ARRANGEMENTS**

Key outputs of this policy and its function will be monitored every six months. The Private Sector Housing Manager and Head of Housing Solutions will review:

- The financial penalties issued,
- The number of landlords that have more than one financial penalty issued within a three-year period to understand how effective financial penalties are as a deterrent.
- The number of appeals (thrown out, upheld and varied),
- The officers’ time spent on each offence relating to a financial penalty (to understanding the cost of officer time),
- The number of prosecutions carried out in that period,
- Benchmarking regional prosecutions and financial penalties, fines and penalties.

**SECTION 8. TRAINING**

Training to implement this policy and related procedures will be delivered within teams.

**SECTION 9. RESPONSIBILITIES**

The Private Sector Housing Manager or person acting up in this capacity is responsible for the monitoring, implementation and review of the policy.

The authority to impose a financial penalty is delegated only to the Private Sector Housing Manager or person acting up in this capacity, not officers. This is to ensure as far as possible that there is consistency on when financial penalties are imposed and the level of the penalty. The Manager should scrutinise the evidence presented by the officer before agreeing to impose the penalty.

The decision to approve updates to this policy with minor amendments or in light of amendments to existing legislation can be delegated to the Director of Social Care, Health and Housing.

**SECTION 10. REVIEW**

The policy will be reviewed every three years, unless amendments are required before this time.
Appendix A: Procedure for Establishing Level of Financial Penalty under Housing and Planning Act 2016

The process for determining the financial penalty to be imposed has two steps.

**Step 1:**
Decide which band the offence sits within, according to the “Level of Financial Penalty under Housing and Planning Act 2016 – Central Bedfordshire Council” table.

**Step 2:**
Determine the level of severity of the offence within the band – this will be:
- Low
- Medium
- High or
- Very high

The level of severity within the allotted band determines the level of the financial penalty

To establish the level of severity the following needs to be considered:

a) Seriousness of the offence (the more serious the offence the higher the penalty)
b) Culpability (are they primarily or solely guilty of the offence or was there joint culpability with another person e.g. managing agent or “head” tenant)
c) History of offences (e.g. landlord with a large portfolio, links to other crime, been prosecuted by us before, high levels of profit)
d) Harm to tenants (higher number of tenants or vulnerable tenants the greater the harm)
e) Mitigating factors (number of breaches, each breach is a separate fine; attempts to remedy; co-operative etc)
f) Proportionality (small portfolio i.e. one to two properties or a large portfolio i.e. has more than two properties)
g) Impact of fine (economic impact on the landlord; must serve as a deterrent to other landlords)

Points will be allocated from 1 (low) to 4 (high) for each of the 6 categories from b. to g. below. The total of these points (minimum 6, maximum 24) will determine the severity level:

**Severity score**
- 6 - 10 Low
- 11-15 Medium
- 16-20 High
- 21-24 Very high

**Factors to determine level of severity**

a) **Seriousness of the offence:**
   This is determined by the Band in Step 1

b) **Culpability:**
   1 = Actions were not deliberate, error of omission only
2 = Actions were careless or negligent but not deliberate non-compliance or are shared with another person
3 = Actions were deliberate failure to comply with obligations and may have been shared actions
4 = Actions were deliberate action by a sole person who runs a business and was or should have been aware of their legal obligations

c) Offence History:
1 = No previous history
2 = Previous history in our local authority (LA) area or one other LA area
3 = Previous history in our LA area and in other LA areas
4 = Previous history in our LA area and in other LA areas and has history of prosecutions

d) Harm to tenants:
1 = Little or no actual impact on occupiers
2 = Inconvenience, financial loss, stress or anxiety to occupiers
3 = Actual physical or mental harm to occupiers or third parties; also, as per 2 but more than 4 persons affected
4 = Serious illness or injury caused to occupiers or third parties; also as per 3 but more than 4 persons affected

e) Mitigating Factors:
1 = Significant 6
2 = More than a little
3 = A little
4 = None

f) Proportionality (based on intelligence gathering process)
1 = Individual only has the one property
2 = Small business; Individual has up to three properties
3 = Medium size business with more than three properties
4 = Large portfolio with a large income.

g) Financial Impact on Landlord (based on Experian credit report and assessment of property portfolio rental income from average local rents):
1 = Significant (e.g. in administration or near bankrupt)
2 = More than some (e.g. landlord not wealthy)
3 = Some (e.g. landlord comfortably well off)
4 = Minor (e.g. wealthy Landlord)
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<th>Band 1 (£600 - £1,000)</th>
<th>Band 2 (£2K - £8K)</th>
<th>Band 3 (£10K - £16K)</th>
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<td>V High 21-24</td>
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<td>HMO Licence</td>
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<td>exceed occupier</td>
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<td>Conditions related to provision of</td>
<td>Conditions related to condition of smoke alarms, carbon</td>
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<td>procedures for dealing with</td>
<td>documentation regarding fire</td>
<td>monoxide alarms, emergency</td>
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<td>detection, emergency lighting,</td>
<td>lighting, gas, electricity</td>
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<td>receptacles, maintenance of</td>
<td>gas, electricity installations</td>
<td>installations or fire detection and</td>
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<td>common parts and means of</td>
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<td>prevention including provision of</td>
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<td>escape, decoration etc</td>
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<td>safe means of escape</td>
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<td>failure to obtain</td>
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<td>licence</td>
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<td>Failure to obtain HMO licence for 6 or 7 person HMO</td>
<td>Failure to obtain HMO licence for 8 or more person HMO</td>
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<td>Breach of HMO</td>
<td>3 or 4 person HMO</td>
<td>5 person HMO</td>
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<td>Regulations</td>
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Appendix 3

Houses in Multiple Occupation Licensing Policy

<table>
<thead>
<tr>
<th>Directorate</th>
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<tr>
<td>Service</td>
<td>Housing Solutions</td>
</tr>
<tr>
<td>Author</td>
<td>Jo Bellamy, Policy and Performance Officer</td>
</tr>
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<td>Approved by</td>
<td>Version</td>
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Version Control

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<td>04/02/19</td>
<td>Jo Bellamy</td>
<td>Incorporating feedback from colleagues and the engagement activity.</td>
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<td>Amendments to the list of application documents required and removal of the second fee as a discretionary condition of the licence following feedback from Ruksana Munir at LGSS.</td>
<td>Jonathan Arnold</td>
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SECTION 1. INTRODUCTION

Houses in multiple occupation (HMOs) are properties that have more than one household living in it and sharing the toilet, bathroom or kitchen facilities. There are also several tests that the building should meet to be considered an HMO.

Landlords in many cases require a mandatory licence for an HMO if the property is occupied by five or more people that are living in two or more separate households.

The Housing Act 2004 introduced licensing of HMOs to protect often vulnerable people from risks such as overcrowding and fire that can be greater than with other types of accommodation. The licensing regime ensures that landlords with properties that do not meet the required standards or conditions are required to make improvements or prevented from managing HMOs.

The Housing Solutions service is responsible for delivering the HMO licensing function within the Central Bedfordshire area, which includes determining applications for a licence and enforcing licence conditions.

SECTION 2. PURPOSE

As the Local Housing Authority, Central Bedfordshire Council is required (for the area of Central Bedfordshire) to:
- promote the implementation of HMO licensing;
- ensure that we deal with HMO licensing applications promptly; and
- enforce housing standards (Part 1 functions of the Housing Act 2004) for licensed HMOs as soon as possible and within five years of the first application for a licence.

The council's approach to HMO licensing is set out in this policy, specifically:
- the expected standards of all HMOs in Central Bedfordshire,
- our approach to regulating HMOs, including enforcement action, and
- our local service standards and expectations of applicants to co-operate with the licensing process.

This policy has been produced to ensure that we, the council, delivers the HMO licensing function in a fair, consistent and transparent way.

SECTION 3. SCOPE, DEFINITIONS AND RELATED POLICIES

As a local housing authority, we have a duty to make arrangements to effectively implement an HMO licensing regime in our local authority (s55(5)(a) of the Housing Act 2004).

There are three types of licences set out in the Housing Act 2004 – mandatory, additional and selective. This policy only relates to mandatory licensing.

Planning permission or Building Control requirements for HMOs are not within the scope of this policy.
Definitions

Houses in Multiple Occupation – means a building or part of a building (such as a flat), which is occupied by more than one household. The legal definition is lengthy (see the Housing Act 2004 sections 254 - 260) but it includes:

- Houses and flats that are shared by more than two unrelated people (student houses are a typical example),
- Houses or flats divided into separate units but with some sharing of facilities, such as a bathroom or kitchen (bedsits are a good example),
- Part-converted buildings that contain one or more self-contained units as well as others which share facilities,
- Buildings converted entirely into self-contained flats but which were not converted to the standard set by the Building Regulations 1991 and which are also less than two-thirds owner-occupied.

Mandatory licensing - An HMO that requires a mandatory licence is prescribed under section 55 of the Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018. The definition is:

(a) is occupied by five or more persons;
(b) is occupied by persons living in two or more separate households; and
(c) meets:
   (i) the standard test under section 254(2) of the Act;
   (ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
   (iii) the converted building test under section 254(4) of the Act.

Additional licensing - a local authority can choose to licence landlords operating an HMO that is too small to require mandatory licensing. Additional licensing is not in the scope of this policy.

Selective licensing - allows the licensing of all non-HMO landlords in a specific area that is, or is likely to become, an area of low housing demand for the purposes of improving the social or economic conditions in the area. Selective licensing is not in the scope of this policy.

HMO landlord – for the purposes of this policy, an HMO landlord includes a person managing or controlling an HMO. This will include property or letting agents or anyone in the business of renting out an HMO.

Relates policies and guidance

- Central Bedfordshire Council Housing Strategy 2016-2021
- Central Bedfordshire Council’s Housing Enforcement Policy
- Amenity Guidance for Houses in Multiple Occupation and Other Houses.
- Houses in Multiple Occupation: A guide for landlords, managers and tenants
- Memorandum of Understanding to understand fire safety standards within Housing in Multiple Occupation.
HMO landlords that require a mandatory licence

A landlord requires a mandatory licence of an HMO:
(a) is occupied by five or more persons;
(b) is occupied by persons living in two or more separate households; and
(c) meets:
   (i) the standard test under section 254(2) of the Housing Act 2004;
   (ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
   (iii) the converted building test under section 254(4) of the Act.

This is prescribed under section 55 of the Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018. The new conditions that were introduced in 2018 apply to HMOs which are required to be licensed under Part 2 of the 2004 Act from 1 October 2018. The condition does not apply to existing licences issued before 1 October 2018, until the current licence expires.

Exemptions are:
- Where a temporary exemption notice is in force in relation to the property under section 62 of the Housing Act 2004,
- Where an interim or final management order is in force in relation to the property under Chapter 1 of Part 4 of the Housing Act 2004.

Identification of HMOs

We will proactively identify HMOs to ensure that all HMO’s are appropriately licenced. We will achieve this by:

- Raising awareness of the definition of an HMO that requires a mandatory licence, the landlords' obligations in applying for a licence and the benefits of HMO licensing and related enforcement to HMO tenants, neighbours and HMO landlords themselves. This is achieved through CBC web pages dedicated to HMO licensing and guidance for landlords on how to apply for a licence.
- Encouraging those living in an HMO and their neighbours, colleagues, partners, local letting agents and voluntary sector organisations to report suspected HMOs that may not be licensed.
- Request data from Tenancy Deposit Protection schemes to aid the identification of licensable HMOs which we have not licensed or received an application for.
- Using data available to the Housing Solutions team to check for possible unlicensed HMOs.

Temporary Exemption

If a landlord notifies us of their intention to take particular steps to ensure that the property is no longer licensable, we may serve a temporary exemption notice (TEN) for a three-month period, in exceptional circumstances when requested, we may serve a second TEN for a further three months.
If we decide not to serve a TEN we will, without delay, serve on the landlord a notice to inform them of the decision to not allow temporary exemption, the reasons for it and the right to appeal against the decision.

**Failure to obtain a licence**

It is an offence to have control of or manage an unlicensed HMO where a licence is required, unless a Temporary Exemption Notice is in force or if an application for an HMO licence has been duly made (s72(1) of the Housing Act 2004).

If an unlicensed HMO is in operation where a licence is required, we will take action on a case by case basis, this could include instigating legal proceedings, which may result in prosecution.

In proceedings against a person for failing to obtain a licence, it is a defence that there is a reasonable excuse for not having a licence or having applied for a licence.

A person who commits this offence is liable on summary conviction to an unlimited fine as ordered by the court.

**Rent Repayment Orders**

Where the landlord of a property has failed to obtain a licence for a property that was required to be licensed, we can seek to recover rent paid through Housing Benefit or Universal Credit. Where the tenant paid the rent themselves, then the rent must be repaid to the tenant, the tenant can also recover their contributions to rent.

The Rent Repayment Order Policy sets out our approach to Rent Repayment Orders including support for tenants to recover their contribution to the rent paid.

**Non-licensable HMOs**

Where an HMO does not require a licence, the Housing Standards set out in Part 1 of the Housing Act 2004 are still in place and we advise non-licensable HMOs to observe the good practice set out in our guides for HMOs that require a licence.

**Mandatory HMO licence application**

HMO landlords must complete the HMO licence application form so that we can decide if an HMO is ‘suitable for occupation’ for licensing purposes and, if any improvements or restrictions are needed that should be included in the licence conditions.

An HMO licence is only valid for one property. If the applicant has more than one property, they will need a licence for each of them. We will only accept applications for HMOs located in the Central Bedfordshire area.

The application form must be complete and required documents supplied for the application to be considered valid. The requirements for an application are set out in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (Regulation 7 and Schedule 2).
A valid application

An application will be regarded as valid if a duly completed application form, signed and dated (this can be subject to certain agreed omissions in certain circumstances) has been returned to the Housing Solutions team with the following:

1. The appropriate fee,
2. A reasonably accurate floor plan of the property indicating room dimensions and the position of standard amenities, plus the location of any smoke/heat detectors and fire doors,
3. A current valid gas safety certificate (if property has a gas supply),
4. A current valid fire alarm test certificate,
5. A current valid Electrical Safety inspection certificate (and produce safety certificates for all electrical appliances when requested),
6. A current valid emergency lighting test certificate, if emergency lighting in the property,
7. PAT (Portable appliance testing) certificate for any electrical equipment supplied to tenant that is over a year old,
8. EPC Energy Performance Certificate (rating),
9. Basic DBS check for the manager of the property.

Applicants who have failed to provide the full details required for a valid licensing application will be given 21 days to provide the missing information or documentation. Failure to provide the required information within 21 days may be regarded as deliberate avoidance of applying for a licence and legal proceedings may be instigated, which may result in prosecution. Where landlord can show that action is being taken to acquire the evidence, this will be considered when making a decision to instigate legal proceedings.

This would also be the case where the initial component of the licence fee has not been paid within 21 days of being invoiced. In both cases no valid application will have been made and therefore no licence can be issued.

Non-payment of the second component of the licence fee may result in the debt being pursued as a civil debt.

In addition, the licence may be granted for a lesser period than five years to reflect the delay in making a full valid application. Where a valid application is made, but only after the aforementioned 21 days has passed, we may decide to issue a licence for a lesser period than five years.

Processing an application

We have a statutory duty to investigate as soon as is reasonably practicable, that the HMO that the licence application relates to has no hazards in respect of Part 1 of the Housing Act 2004. We will carry out a Housing Health and Safety Rating System (HHSRS) inspection once the licence fee has been received and the proposed licence holder has passed our fit and proper person check.

The proposed licence holder must co-operate with the application process and allow an HHSRS inspection of the property. If we consider that a lack of co-operation has led to an unreasonable delay to the property being inspected, the licence may be granted for a lesser period than five years to reflect the delay in co-operating with the application process.
Making a decision on an application

We have a duty to grant a mandatory licence if we are satisfied that:
  a) the HMO is reasonably suitable for occupation by the number of persons permitted under the licence, having regard to the number and suitability of facilities available or that it can be made suitable by the imposition of conditions;
  b) the proposed licence holder is the most appropriate person to be the licence holder and is a fit and proper person to be the licence holder;
  c) the proposed manager of the house is the person having control of the house or an agent or employee of that person and is a fit and proper person to be the manager of the house; and
  d) the proposed management arrangements for the house are otherwise satisfactory.

To assess whether we are satisfied with the above we have a set of standards for the Central Bedfordshire area, based on legislation and regulations. The standards apply to the above as follows:

<table>
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<tr>
<th>Criteria</th>
<th>Test or standard to be met</th>
<th>Legislation and regulations</th>
<th>Links to CBC documents/guides</th>
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<td>Fit and proper person test</td>
<td>Section 63 of the Housing Act 2004 As amended by the s125 of the Housing and Planning Act 2016</td>
<td>Fit and proper person test (see appendix A)</td>
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<td>Appropriate proposed manager</td>
<td>Fit and proper person test</td>
<td>Section 63 of the Housing Act 2004 As amended by the s125 of the Housing and Planning Act 2016</td>
<td>Fit and proper person test (see appendix A)</td>
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Mandatory conditions
The mandatory conditions that we must include in mandatory licences are specified in Schedule 4 of the Housing Act 2004¹, as amended by The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018².

Discretionary conditions
We may impose additional conditions that we consider appropriate for regulating the management, use and occupation of a licensed HMO and its condition and contents.

Those conditions may, include where appropriate:

(a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
(b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;
(c) conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65 of the Housing Act: Tests as to suitability for multiple occupation;
(d) conditions requiring such facilities and equipment to be kept in repair and proper working order;
(e) conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence;
(f) conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233;

We will carry out an inspection of the property during the licence period. We take a risk-based approach to determining when an inspection is required and if a re-inspection is necessary.

As space standards changed in October 2018, we may allow room size conditions to be met within a period after the licence has been granted. When granting the licence, we will give the landlord notice of the room size condition that we consider that the landlord is not complying with. The council cannot bring enforcement action before that period elapses. The maximum period that we may specify is 18 months.

Duration of licence
We can grant a licence of up to five years, but we may reduce the length of the licence if:

- the property does not meet all of the requirements, such as if works are required at the property or we have concerns regarding the management arrangements,
- there is a lack of confidence in management,
- there was a delay in making a full valid application.

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Granting a licence
To grant a licence we will serve a notice and consider any representations during the consultation period set out in the notice. If following the consultation period, modifications are made to the proposed licence we will serve a second notice and consider any representations during the consultation period set out in the notice. The applicant can appeal to the appropriate tribunal if they are not satisfied with the terms of the licence.

Refusal of a licence
We can refuse to issue a licence where we decide that the landlord is not a ‘fit and proper’ person, or the property does not meet the conditions, and there is no reasonable prospect of appointing an alternative licence holder or bringing the property up to standard within an acceptable time period.

To refuse a licence we will serve a notice and consider any representations during the consultation period set out in the notice. If we proceed to refuse the licence, the applicant may appeal to the appropriate tribunal.

If the licence is refused, we have a duty to issue an Interim Management Order (IMO). This allows us to manage the property, including collecting the rent and this order can last for a year or until suitable permanent arrangements can be made. If the IMO expires and there is no likelihood of a positive change in the circumstances, then we can make a Final Management Order (FMO) by application to the appropriate tribunal. This removes the property from the control of the owner for a period of five years. We can seek a renewal of this order.

HMO register
It is a legal requirement for local authorities to provide a register of all specific details relating to licensable HMOs. The public register will contain information as required by Section 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. The CBC Public Register of HMO Licences is available on our website.

Mandatory Licence Fees
Our HMO mandatory licence fees are reasonable, proportionate and are based on the costs of running the service as required by The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

The method in which we calculate the fee and what costs are taken in to account are clear and transparent. There are two types of fees for the application to reflect the costs in processing the application for a new licence and a renewal of an existing licence. The new licence and renewal licence fees are split in to two components. The first component is to cover the costs of the application and so that our fees are proportionate to the occupancy of the HMO, we apply a fee per property and a further fee per flat or lettable room. The second component of the fee is levied once a licence is granted and covers the costs of the inspection required during the licence period.
A copy of the breakdown of costs is available on request. The fee is reviewed annually as part of the Fees and Charges review cycle and is approved by Executive.

**Refunding application fees**

We do not refund fees if the property reverts to a property that no longer needs a licence before the term of the existing licence is complete (e.g. if the property becomes owner occupied or is no longer let as an HMO in the licence period).

We do not refund fees if an application for a licence is refused.

**Enforcement of licensing**

The licence holder will be breaching the licence if they:

- knowingly permit the HMO to be occupied by more persons or households than is authorised by the licence;
- fail to comply with conditions of the licence.

Where a potential breach regarding over-occupation has been identified, we will consider the individual circumstances in determining whether a landlord has knowingly permitted over-occupation. Where we conclude that the landlord has unknowingly permitted over-occupation, we will require that the breach is resolved within a reasonable period.

Where the landlord has failed to comply with a condition of the licence, we will take a proportionate response, using enforcement options available to us as set out in our Housing Enforcement Policy. Depending on the severity of the offence, we may either allow the landlord to comply with the licence condition within a reasonable period, take enforcement action to remedy the breach or we may revoke the licence.

**Varying a licence**

We have the power to vary a licence if we consider that there has been a change of circumstances since the time when the licence was granted. The licence holder can appeal the decision to vary the licence at the appropriate tribunal. The landlord can also apply to vary a licence if circumstances have changed.

A variation made with the agreement of the licence holder takes effect at the time when it is made, otherwise, a variation does not come into force until the period for appealing against the decision to vary the licence expires or when decision to vary is confirmed on appeal.

**Revoking a licence**

If the landlord sells the property, reduces the number of occupiers below licensing requirements or it becomes a single-family household, the landlord can apply to revoke their licence. If the property requires a licence at a later date, a new application for a licence will need to be submitted and the application fee paid.

If ownership of the property changes, any existing licence cannot be transferred to the new owner and the licence will be revoked. If the property is still licensable, the new landlord would need to apply for a new licence and the application fee paid.
We have a duty under Schedule 6 of the Housing and Planning Act 2016 to revoke a licence if a banning order (section 16 of the Housing and Planning Act 2016) is made against:

a) the licence holder.
b) a person who owns or has an interest in the whole or part of the house and is a lessor or licensor of the whole or part of the house.

We have the discretion to revoke a licence in the following circumstances as in accordance with s70 of the Housing Act 2004:

• with the agreement of the licence holder, or
• where we consider that the licence holder or any other person has committed a serious breach of a condition of the licence or repeated breaches of such a condition, or
• where we no longer consider that the licence holder is a fit and proper person to be the licence holder, or
• where we no longer consider that the management of the house is being carried on by persons who are in each case fit and proper persons to be involved in its management, or
• where the HMO ceases to be a licensable HMO, or
• where we consider at any time that, were the licence to expire at that time, we would, for a particular reason relating to the structure of the HMO, refuse to grant a new licence to the licence holder on similar terms in respect of it. This includes where the HMO is not reasonably suitable for the number of households or persons specified in the licence as the maximum number authorised to occupy the house.

A revocation made with the agreement of the licence holder takes effect at the time when it is made, otherwise, a revocation does not come into force until the period for appealing against the decision to revoke the licence expires or when decision to revoke is confirmed on appeal.

Renewal

Applicants must apply for a new licence if a previous licence has already expired. If the current licence is still valid, the licence holder can apply for a renewal.

The renewal application requires less information compared to the new application form as required by the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012. The first component of a renewal application fee will therefore be less than a new application to reflect the cost to the Council of processing this application.

If the landlord fails to apply for a renewal before the licence expires, they may be committing the offence of failing to obtain a mandatory licence.

Appeals

The landlord can appeal to the First-tier Tribunal if we decide to:

• Refuse their licence
• Grant a licence with additional conditions
• Revoke their licence
• Vary their licence, or
• Refuse to vary their licence.
SECTION 5. LEGAL AND REGULATORY FRAMEWORK

- Housing Act 2004
- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018
- The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment)(England) Regulations 2012
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Houses in Multiple Occupation and residential property licensing reform: Non-statutory guidance for Local Housing Authorities

SECTION 6. EQUALITY AND DIVERSITY

The council recognises diversity and equality of access as important issues in delivering its housing services. Central Bedfordshire is made up of individuals and groups with a variety of needs, all of whom should be treated with respect and dignity. Private sector landlords can help to ensure that the needs of these different groups are met by making sure that the process of letting properties does not discriminate against certain racial groups; that there is no discrimination between tenants; and ensuring that racial harassment by tenants is not tolerated.

SECTION 7. MONITORING AND REPORTING ARRANGEMENTS

The performance of the HMO licensing function will be reported every six months to the Head of Housing Solutions.

SECTION 8. TRAINING

We ensure that all members of staff are competent in the delivery of this policy through induction, in-house training and workshops.

SECTION 9. RESPONSIBILITIES

The Private Sector Housing Manager (or equivalent) is responsible for implementation, monitoring and review of this policy.

The Private Sector Housing Manager, Housing Assistance Team Manager and Private Sector Housing officers have delegated authority to operate the HMO licensing scheme, this includes taking enforcement action where appropriate in accordance with Part 2 of the Housing Act 2004 orders and regulations.
The decision to approve updates to this policy with minor amendments or in light of amendments to existing legislation such as HHSRS and HMO definitions can be delegated to the Director of Social Care, Health and Housing.

SECTION 10. EVALUATION AND REVIEW

This policy will be reviewed every three years, unless changes to legislation and regulations require an earlier review.
Appendix A

Fit and proper person test

Under the provisions of *The Management of Houses in Multiple Occupation (England) Regulations 2006*, any person managing an HMO of any size has a duty of care in respect of providing information to occupiers, taking safety measures, maintaining water supply and drainage, maintaining gas and electricity supplies, maintaining common parts and living accommodation and providing waste disposal facilities. In addition to these requirements, any person applying for an HMO licence must be able to prove to us that they are a fit and proper person.

Before issuing an HMO licence, the Housing Act 2004 states that we must be satisfied that the proposed licence holder and manager of the property are a fit and proper person. If not, the licence must be refused unless other satisfactory arrangements can be agreed.

A licence may be revoked where we no longer consider the licence holder to be a fit and proper person and/or that the management of the house is no longer being carried out by persons who are in each case fit and proper to be involved in its management.

What is meant by “involved in the management”?

A person involved in the management, is a person who is able to comply with any licence conditions and deal with the day-to-day issues that arise within an HMO as well as being able to deal with longer term management issues. Typically, but not exclusively, these will include such matters as:

- Emergency repairs and other issues
- Routine repairs and maintenance of the property and its grounds
- Cyclical maintenance
- The management and the provision of services to the building and its grounds
- The management of tenancies or occupants, including dealing with rent matters and tenants’ enquiries
- The management of the behaviour of tenants, occupants and their visitors to the property
- Neighbourhood issues (including disputes)
- Engagement with the local authority, Police and other agencies, where appropriate.

The licence holder and the manager can be two different people. Where this is the case, a decision will be made for each of them about whether they are a fit and proper person.

Factors considered in the fit and proper test

The fit and proper person test is designed to ensure that those responsible for holding the licence and managing the property are of sufficient integrity and good character to be involved in the management of an HMO and that as such, they do not pose a risk to the welfare or safety of persons occupying the property.

The question of the person’s fitness will be in relation to the management of the property to which the application relates.

A person must not be considered a fit and proper person if a banning order (section 16 of the Housing and Planning Act 2016) is in force against the person.
We will not consider a person fit and proper if they have a current entry on the Rogue Landlords Database. Only in exceptional circumstances, where there are sufficient mitigating factors, would we deem a ‘rogue landlord’ fit and proper.

When considering whether a person is ‘fit and proper’ we must have regard to evidence of the following ‘wrong doings’:

- committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- contravened any provision of the law relating to housing or of landlord and tenant law; or
- acted otherwise than in accordance with any applicable code of practice approved under section 233.

We will also consider evidence of the following:

- had a licence revoked or refused or been convicted of breaching the conditions of a licence under parts 2 or 3 of the Housing Act 2004.
- owns or manages or has owned or managed an HMO or house which has been the subject of a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application;
- owns or has previously owned a property that has been the subject of an interim or final management order whilst in their ownership, or a special interim management order under the Housing Act 2004.
- owns or has previously owned a property for which we have taken action against as described in section 5(2) of the Housing Act 2004, which includes the service of an Improvement Notice, Prohibition Order, Emergency prohibition Order, Hazard Awareness Notice, Demolition Order or Emergency Remedial Action.
- unspent criminal convictions,
- provision of false or misleading information in the licence application (without reasonable excuse).
- the manager is not a member of a government approved redress scheme.

**Making a decision**

In deciding whether the above factors are relevant to the determination of a person’s fitness we will consider the following factors:

- the relevance of the wrong doing(s) or factor in relation to the person’s character and integrity to manage residential properties and in particular the type of property to which the licence relates.
- the seriousness of the wrong doing(s) in terms of impact, or potential impact, upon the residents and the wider community, including if more than one wrong doing has been carried out the cumulative impact.
- the length of time since any wrong doing.
- and any mitigating circumstances.
We will consider people associated or formerly associated with the proposed licence holder or manager, if there is actual evidence of an associated person’s wrong doing that is directly relevant to the applicant’s management of the property.

Each case will be decided on its own merits and evidence of the above factors will not necessarily lead to a conclusion that a person is not a fit and proper person. The exception will be where the licence holder is subject to a banning order. We will act reasonably, proportionately and consistently in our approach to making a decision.

If the licence holder or manager is found to not be fit and proper, we will notify them in writing and we will clearly explain the reason(s) for the decision.

**Duration**

If we determine that someone is not a fit and proper person, this will usually remain the case for a period of five years. However, we may consider it appropriate (in the event of lesser offences) to apply a condition to the licence to allow the licence to operate for a reduced term, e.g. 12 months. The conduct of the licence holder can then be monitored, and this taken into consideration in subsequent licensing applications. We will, in doing so, have regard to this policy and the applicant will need to provide sufficient evidence that they are now a fit and proper person.

**Failing the fit and proper test during the licence period**

Should we become aware that a licence holder or manager of an HMO commits an offence or breach which would result in the failure of the fit and proper test during the duration of the licence, we may revoke the licence. We will consider all evidence available and make decisions in accordance with this policy.

Should the licence holder be subject to a banning order under section 16 of the Housing and Planning Act 2016 during the duration of an existing licence, the licence holder will fail the fit and proper test and we must revoke the licence.
Appendix 4

Rent Repayment Order Policy

<table>
<thead>
<tr>
<th>Directorate</th>
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SECTION 1. INTRODUCTION

The majority of private rented sector landlords provide decent and well managed accommodation, but there are a small number of rogue landlords and property agents who knowingly flout their legal obligations and rent out accommodation which is substandard, frequently to vulnerable tenants.

The Housing and Planning Act 2016 introduced a range of measures to help local housing authorities tackle rogue landlords and drive up standards in the private rented sector. These measures include extending rent repayment orders (RRO) to cover a much wider range of offences.

A rent repayment order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent. The rent is repaid to either the tenant or the local housing authority, depending on whether the tenant paid their rent themselves or if rent was paid through Housing Benefit or through the housing element of Universal Credit. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent would be repaid on an equivalent basis.

SECTION 2. PURPOSE

We have a mandatory duty to consider making an application for an RRO when we become aware that a landlord has been convicted of a relevant offence and we have discretionary powers in other relevant circumstances.

The RRO statutory guidance states that local housing authorities are expected to develop and document their own policy on when to prosecute and when to apply for a rent repayment order and should decide each case independently.

This policy sets out our approach to RROs.

SECTION 3. SCOPE, DEFINITIONS AND RELATED POLICIES

This policy sets when and how much rent we will seek to recover through an application for an RRO. An RRO can only be sought in relation to certain offences and only applies to offences committed by private sector landlords that are entitled to keep the rent.

Definitions

Rent repayment order - an order made by the First-tier Tribunal requiring a private sector landlord to repay a specified amount of rent.

Landlords – also include property agents, letting agents and managing agents that are entitled to keep the rent.
Related policies

- Central Bedfordshire Council’s Housing Enforcement Policy
- Financial Penalty Policy
- Banning Order Policy

SECTION 4. POLICY DETAILS

Relevant Rent Repayment Order offences

We can consider applying for a Rent Repayment Order (RRO) when a landlord has committed any of the following offences in the Central Bedfordshire area:

<table>
<thead>
<tr>
<th>General description of offence</th>
<th>Act</th>
<th>Section</th>
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<tbody>
<tr>
<td>Violence for securing entry</td>
<td>Criminal Law Act 1977</td>
<td>section 6(1)</td>
</tr>
<tr>
<td>Eviction or harassment of occupiers</td>
<td>Protection from Eviction Act 1977</td>
<td>section 1(2), (3) or (3A)</td>
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<tr>
<td>Failure to comply with improvement notice*</td>
<td>Housing Act 2004</td>
<td>section 30(1)</td>
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<tr>
<td>Failure to comply with prohibition order etc*</td>
<td>Housing Act 2004</td>
<td>section 32(1)</td>
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<tr>
<td>Control or management of unlicensed HMO</td>
<td>Housing Act 2004</td>
<td>section 72(1)</td>
</tr>
<tr>
<td>Control or management of unlicensed house</td>
<td>Housing Act 2004</td>
<td>section 95(1)</td>
</tr>
<tr>
<td>Breach of banning order</td>
<td>Housing and Planning Act 2016</td>
<td>section 21</td>
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</table>

*Only if the improvement notice or prohibition order was given in respect of a hazard on the premises let by the landlord (as opposed, for example, to common parts).

We must give notice that we intend to apply for an RRO within 12 months of landlord committing the offence. However, we should apply for an RRO as soon as possible as the amount we can claim decreases over time.

When we will consider applying for a RRO

In deciding whether to apply for a rent repayment order, we must have regard to the statutory guidance (Rent repayment orders under the Housing and Planning Act 2016: Guidance for Local Housing Authorities).

Where we have secured a prosecution for a relevant offence, we have a statutory duty to consider applying for an RRO.
We have the discretionary power to apply for an RRO when a relevant offence has been committed, whether or not the person responsible has been convicted. Before proceeding with an application for an RRO, we need to be confident that we have a criminal standard of proof to satisfy the First-tier Tribunal beyond reasonable doubt that the landlord has committed the offence. The requirements for a criminal standard of proof are set out in the council’s Policy to Housing Enforcement Policy.

The decision to apply for a RRO will be made on a case by case basis and based on the following factors:

- the likelihood of an order being granted,
- the seriousness of the offence,
- the harm, or potential harm to tenants,
- the impact on the wider community,
- previous offences and convictions for similar offences,
- the resources likely to be available to us during the anticipated period of the application process,
- how the rent was initially paid, by the tenant or by Housing Benefit or through the housing element of Universal Credit.

If rent was paid through Housing Benefit or through the housing element of Universal Credit, the rent would be repaid to the council. If the tenant paid the rent themselves, they would be repaid. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent would be repaid on an equivalent basis.

The council does not have a statutory obligation to support an application by a tenant for an RRO. Where a tenant requests support, we will consider providing this support on a case by case basis, taking into account the likelihood of success, the financial implications to the council and the financial implications to the tenant. Support and assistance with a RRO will be subject to a fee. The fees will be published in the Social Care, Health and Housing Fees and Charges schedule and will be reviewed annually.

**Factors to consider when deciding how much rent we will seek to recover**

Rent repayment orders are intended to have a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

The maximum amount of rent that can be recovered is capped at 12 months.

Where the landlord is convicted of a relevant offence, the First-tier Tribunal must order that the maximum 12 months of rent be repaid.

Where the landlord has not been convicted of a relevant offence, we will consider on a case by case basis the following factors when deciding how much rent we will seek to recover:

- Punishment of the offender – consider the conduct of the landlord and tenant, the financial circumstances of the landlord and whether the landlord has previously been convicted of similar offences;
- Deter the offender from repeating the offence - the level of the penalty should be set at a high enough level such that it is likely to deter the offender from repeating the offence;
• Dissuade others from committing similar offences - the fact someone has received a rent repayment order will be in the public domain.
• Remove any financial benefit the offender may have obtained as a result of committing the offence – the landlord should lose much, if not all, of the benefit that accrued to them by not complying with their responsibilities.

However, having concluded that an application for an RRO is appropriate, and subject to any mitigating or aggravating factors, we are most likely to conclude that we should apply to recover the maximum possible amount.

We will apply for costs to cover the expense incurred in seeking an RRO from the First-tier Tribunal only where a person has acted unreasonably in bringing, defending or conducting proceedings.

**Other housing enforcement options to use in conjunction with an RRO**

We can prosecute a landlord and seek a rent repayment order against them for the same offence.

We may impose a civil penalty and apply for an RRO for the following offences under the Housing Act 2004:

- failure to comply with an improvement notice (section 30)
- offences in relation to licensing of HMO (section 72(1))
- offences in relation to licensing of houses under part 3 of the act (section 95(1))

Further details on our approach to civil penalties are set out in our Financial Penalty Policy.

**Notice of intended proceedings**

Before applying for an RRO we must give the landlord a notice of intended proceedings to inform the landlord that we are proposing to apply for an RRO, explain why and the amount that we seek to recover. We will invite the landlord to make representations during a 28 day notice period before applying for an RRO.

**Appeals**

A landlord may appeal against a decision of the First-tier Tribunal to the Upper Tribunal.

**Publicity**

When the Council has successfully made an RRO, we will publicise who it was made against, the reasons and the amount, taking into account our responsibilities under the Data Protection Act 2018. Publicity will be sought through the Council’s Communications Team.

**Refusal to pay a Rent Repayment Order**

Where the landlord fails to pay an RRO, that we have sought, we will consider referring the case to the county court for an Order of that Court. If necessary, we will use county court bailiffs to enforce the order and recover the debt.

**Income from Rent Repayment Orders**

Income received from rent repayment orders will be retained by the Council and only used to carry out our enforcement functions in relation to the private rented sector as

SECTION 5. LEGAL AND REGULATORY FRAMEWORK

Housing Act 2004
Housing and Planning Act 2016
The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017
Rent repayment orders under the Housing and Planning Act 2016: Guidance for Local Housing Authorities

SECTION 6. EQUALITY AND DIVERSITY

The Council has a duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The duty covers age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

SECTION 7. MONITORING AND REPORTING ARRANGEMENTS

The use of RRO and monies received will be monitored by the Private Sector Housing Manager (or equivalent).

SECTION 8. TRAINING

Training to effectively implement this policy is available within teams to ensure consistency in approach.

SECTION 9. RESPONSIBILITIES

This section should outline the officers responsible for implementing, monitoring and reviewing the policy.
The Private Sector Housing Manager (or equivalent) is responsible for the monitoring, implementation and review of the policy.

The authority to apply for a rent repayment order is delegated to Housing Solutions Managers, to ensure that there is consistency of approach. The Manager should scrutinise the evidence presented by the officer before agreeing to apply for an RRO.

The decision to approve updates to this policy with minor amendments or in light of amendments to existing legislation can be delegated to the Director of Social Care, Health and Housing.

SECTION 10. EVALUATION AND REVIEW

This policy will be reviewed every three years.
Appendix 5

Database of Rogue Landlords and Property Agents Policy

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SECTION 1. INTRODUCTION

The majority of private rented sector landlords provide decent and well managed accommodation, but there are a small number of rogue landlords and property agents who knowingly flout their legal obligations and rent out accommodation which is substandard, frequently to vulnerable tenants.

The Housing and Planning Act 2016 introduced a range of measures to help local housing authorities tackle rogue landlords and drive up standards in the private rented sector. These measures include establishing and operating a database of rogue landlords and property agents.

The database was a new tool introduced in 2018 for local housing authorities to keep track of rogue landlords and property agents and help target enforcement activities.

Central Bedfordshire Council as a local housing authority are able to add entries and vary or remove entries we have made on the database and we are able to view entries made by other local housing authorities.

SECTION 2. PURPOSE

As a local housing authority, we are responsible for maintaining our content on the database. We must make an entry on the database for a person or organisation who has received a banning order and we have the discretion to make entries for a person in other specific circumstances relating to banning order offences. We are also responsible for varying and removing our entries where necessary.

This policy sets out our approach to maintaining the content of the database, what criteria will be used to make decisions on adding entries and our commitment to working in partnership with other local housing authorities to raise awareness of landlords on the database. When deciding whether to make an entry in the database under section 30 of the Act and the duration of the record, we must have regard to the criteria in the statutory guidance. This policy follows the requirements set out in the legislation, regulations and statutory guidance.

The database is a tool to deter offenders from committing other offences and to deter others from offending. The more comprehensive the information on the database, the more effective it will be in improving housing standards in our and other local authority areas. We will therefore pursue opportunities to add rogue landlords to the database where appropriate in a fair and consistent way, having regard to the criteria set out in this policy.

SECTION 3. SCOPE, DEFINITIONS AND RELATED POLICIES

The rogue landlords and letting agents database is operated by the Secretary of State for Housing, Communities and Local Government but Central Bedfordshire
Council and all other local housing authorities in England are responsible for maintaining the content of the database for their local authority areas.

We may make an entry on to the database for landlords and lettings agents that have committed a relevant offence within the Central Bedfordshire area on or after 6 April 2018.

**Definitions**

Residential landlord - a landlord of housing.

Property agent - a letting agent or property manager.

Banning order - an order by the First-tier Tribunal that bans a landlord from:
- Letting housing in England;
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

Banning order offence - an offence of a description specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017. A list of banning order offences are set out in the Council’s Banning Order Policy.


**Relevant policies:**
- Policy to Regulate Private Sector Housing Standards
- Banning Order Policy
- Information Sharing Policy

## SECTION 4. POLICY DETAILS

### 4.1 Mandatory (section 29) entry on the database

Under section 29 of the Housing and Planning Act 2016, we have a duty to include a person with banning order on the database. We will therefore make an entry on the database for a person or organisation who has received a banning order in the Central Bedfordshire area.

### 4.2 Duration of mandatory (section 29) database entry

A mandatory entry must be maintained for the period for which the banning order has effect and must then be removed.

### 4.3 Discretionary (section 30) entry on the database

Under section 30 of the Housing and Planning Act 2016, we have the power to make an entry on the database in respect of a person if:

- the person has been convicted of a banning order offence, and the offence was committed at a time when the person was a residential landlord or a property agent; and/or
b) the person has, within a period of 12 months, received two or more financial penalties in respect of a banning order offence when the person was a residential landlord or a property agent.

When deciding whether to make a section 30 entry on the database, we approach this on a case by case basis and will have regard to the following criteria as set out in the statutory guidance:

a) Severity of the offence
   The more serious the offence, the stronger the justification for including the offender on the database.

b) Mitigating factors
   In cases where a less serious offence has been committed and/or there are mitigating factors, we may decide not to make an entry on the database.

c) Culpability and serial offending
   The justification for making an entry on the database will be stronger where there is a clear history of knowingly committing banning order offences and/or non-compliance.

d) Deter the offender from repeating the offence
   Entering the details of an offender on the database can be an effective way of showing the offender that we are proactive in recording the details of rogue landlord and property agents and showing the offender that they will be unable to move from one local housing authority area to another and repeat the same offences as the information will be available to other local housing authorities.
   There will be a stronger justification for recording a person’s details on the database where we feel this would be particularly effective in deterring an offender from repeating the offence in our area or other areas.

e) Deter others from committing similar offences
   Some landlords and property agents will be deterred from committing banning order offences in the first place, if they know that they may be included on the database.
   There will be a stronger justification for recording a person’s details on the database where we feel this would be particularly effective in deterring others from offending.

4.4 Duration of discretionary (section 30) database entry

Section 31 of the Act requires that a discretionary (section 30) database entry remains on the database for a period of at least two years, beginning with the day on which the entry is made.

We will have regard to this and the following criteria when deciding how long the entry will remain on the database:

a) Severity of offence
   The severity of the offence and related factors, such as whether there have been several offences over a period of time, should be considered. Where an offence is particularly serious and/or there have been several previous
offences and/or the offence(s) have been committed over a period of time, then the decision notice will specify a longer period of time. Where one or more of those factors are absent, we may consider it appropriate to specify a shorter period.

b) Mitigating factors
   These could include a genuine one-off mistake, personal issues such as ill-health or a recent bereavement. Where this is the case, we may decide to specify a shorter period of time in the decision notice.

c) Culpability and serial offending
   We will consider a longer time period where the landlord has a track record of serial offending or where the offender knew, or ought to have known, that they were in breach of their responsibilities.

d) Deter the offender from repeating the offence
   The data should be retained on the database for a reasonable period of time so that it is a genuine deterrent to further offences.

4.5 Decision to add a discretionary (section 30) entry to the database

A private sector housing officer will consider whether to recommend that an entry should be made on to the database and its duration using the criteria set out in 4.3 and 4.4 above. The Private Sector Housing Manager will consider the recommendation and its reasoning before deciding on whether to approve that the private sector housing officer proceeds with issuing the decision notice.

We will issue the person with a decision notice to alert them of our intention to add their information to the database and the reason for the entry. This decision notice will specify the period for which the entry will be maintained.

A decision notice must be given within six months after the person was convicted of the banning order offence to which the notice relates or received the second of the financial penalties to which the notice relates.

4.6 Making an entry on the database

We will make an entry on the database once the 21-day notice period has passed and no appeal has been made. Where an appeal has been made the entry will be made once the appeal has been determined or withdrawn and there is no possibility of further appeal.

Regulation 3 of The Housing and Planning Act 2016 (Database of Rogue Landlords and Property Agents) Regulations 2018 specifies what information must be included in the database.

We will take reasonable steps to keep information in the database up-to-date.

4.7 Power to require information

We have the power (section 35 of the Act) to require a person to:
• provide specified information to enable us to decide whether to make an entry in the database in respect of that person,
• provide any information needed to complete the person’s or proposed entry or keep it up-to-date.

It is an offence for the person to fail to comply with the requirement to provide this information, unless the person has a reasonable excuse.

It is an offence for the person to knowingly or recklessly provide information that is false or misleading.

A person who commits an offence by failing to provide the required information is liable on summary conviction to a fine.

4.8 Removal or variation of a database entry

Where the First-tier Tribunal varies the duration of a banning order that is in place, we will update the duration of the mandatory (section 29) database entry so that it corresponds with the duration of the banning order. If the banning order has been revoked, we will remove the database entry that this relates to.

We must remove the discretionary (section 30) entry if the entry was made on the basis of one or more convictions, all of which are overturned on appeal.

Under section 36 of the Act, we have the power to remove the entry or reduce the duration of a discretionary (section 30) database entry in the following situations:
• If the entry was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal,
• If the entry was made on the basis of one or more convictions that have become spent.
• If the entry was made on the basis that the person has received two or more financial penalties and at least one year has elapsed since the entry was made.

Discretionary (section 30) database entries are required to remain on the database for at least two years. However, we can remove an entry before the end of the two-year period has expired and we can reduce duration of a database entry to less than the two-year period if the above situations apply.

If we remove or vary the duration of a database entry, we must notify the person to whom the entry relates.

All database entries will be removed promptly once the duration of the database entry has expired.

4.9 Requests to remove or vary a database entry

The person that the database entry relates to can request that we use our powers under section 36 of the Act to remove or vary the duration of the database entry. The request must be in writing and we must decide whether to comply with the request and give the person notice of our decision. We will consider the factors considered set out in 4.3 and 4.4 when deciding whether to remove or vary a database entry. If we decide not to comply with the request,
we will explain the reasons for that decision and advise the person of their right to appeal to the First-tier Tribunal.

4.10 Appeal

Under Section 32 of the Housing and Planning Act 2016, a person who has been given a discretionary (section 30) database entry decision notice may appeal to the First-tier Tribunal against our decision to make the entry in the database or against the decision as to the period for which the entry is to be maintained. The appeal must be made before the end of the notice period, unless there is a good reason for the delay.

If the appeal is successful the First-tier Tribunal may confirm, vary or cancel the decision notice.

4.11 Use of the database and the information held on it

We are only permitted to use information obtained from the database in accordance with the Terms and Conditions document issued by the Government for the database, to cover the following purposes:

- purposes connected with our functions under the Housing Act 2004, such as housing enforcement and licensing,
- the purposes of a criminal investigation or proceedings relating to a banning order offence,
- the purposes of an investigation or proceedings relating to a contravention of the law relating to housing or landlord and tenant,
- the purposes of promoting compliance with the law relating to housing or landlord and tenant by any person in the database, or
- statistical or research purposes.

We are therefore not currently permitted to share information obtained from the database with residents or prospective residents to inform their choice of accommodation in the private sector.

Controls are in place to limit access to the database to the relevant officers within the Council who would require it for the above purposes.

Before accessing the database or processing data from it council officers should read the Government’s Terms and Conditions relating to the use of the database and should comply with the obligations set out in that document.

No council staff should publish, disclose or divulge any of the data to any third party except as permitted by the Act and where the sharing of data is allowed, then this should be in accordance with the Council’s Information Sharing Policy to ensure that the activity is compliant with the General Data Protection Regulation.

4.12 General requirement to inform data subjects of their data being entered onto the database

The Council must inform data subjects when their data is added to the database, including: the lawful purpose for the collection of the data on the database; how and where the data is stored; the period of retention; how data from the database will be shared and the data subject’s right to request access to their data held on
the database. This requirement relates to all entries and therefore includes both mandatory section 29 entries and discretionary section 30 entries.

### 4.13 Loss or unauthorised release of data

The Council will report to the Secretary of State and the Information Commissioner's Office any loss or unauthorized release of data held on the database as soon as possible and no later than 24 hours after the loss or unauthorised release is identified.

#### SECTION 5. LEGAL AND REGULATORY FRAMEWORK

Housing and Planning Act 2016

The Housing and Planning Act 2016 (Database of Rogue Landlords and Property Agents) Regulations 2018

Database of rogue landlords and property agents under the Housing and Planning Act 2016: Statutory guidance for Local Housing Authorities

#### SECTION 6. EQUALITY AND DIVERSITY

The council recognises diversity and equality of access as important issues in delivering its housing services. Central Bedfordshire is made up of individuals and groups with a variety of needs, all of whom should be treated with respect and dignity. Private sector landlords can help to ensure that the needs of these different groups are met by making sure that they do not discriminate against individuals because of their protected characteristics.

#### SECTION 7. MONITORING AND REPORTING ARRANGEMENTS

The Private Sector Manager will monitor the rogue landlords’ database to ensure that entries are made promptly, are up to date and varied and removed promptly when required.

#### SECTION 8. TRAINING

Training to effectively implement this policy is available within teams to ensure consistency in approach.
Officers can access the Ministry of Housing, Communities and Local Government’s Database of rogue landlords and property agents: User guidance for Local Housing Authorities¹ to understand how to use the database effectively.

SECTION 9. RESPONSIBILITIES

The Private Sector Housing Manager is responsible for implementing, monitoring and reviewing the policy.

A limited number of Private Sector Housing Officers are responsible for entering, varying and removing entries on the database and should ensure that they comply with the Government’s Terms and Conditions relating to the use of the database.

The decision to approve updates to this policy with minor amendments or in light of amendments to existing legislation can be delegated to the Director of Social Care, Health and Housing.

SECTION 10. EVALUATION AND REVIEW

The policy will be reviewed every three years unless a review is required before this date.

Banning Order Policy

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Social Care Health and Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service</td>
<td>Housing Solutions</td>
</tr>
<tr>
<td>Author</td>
<td>Joanne Bellamy, Policy and Performance Officer</td>
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Version Control

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<td>Development of first draft</td>
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<td>Minor amendments and reference to support HMO and Rent Repayment Order (RRO) Policies</td>
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<td>Clarification of date when an RRO can be applied for in relation to breach of a banning following feedback from Ruksana Munir of LGSS.</td>
<td>Jonathan Arnold</td>
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SECTION 1. INTRODUCTION

The Housing and Planning Act 2016 introduced a new power for local authorities to ban landlords and property agents from renting out property in the private rented sector.

Banning orders are aimed at rogue landlords who flout their legal obligations and rent out accommodation which is substandard. These orders can only be sought for specified banning orders offences.

A banning order may be made by the First-tier Tribunal following an application made by a local housing authority. A banning order bans a landlord from:

• Letting housing in England;
• Engaging in English letting agency work;
• Engaging in English property management work; or
• Doing two or more of those things.

Breach of a banning order is a criminal offence and the Council has the power to impose financial penalties as an alternative to prosecution for breach of a banning order. There are other enforcement actions for the Council to consider following a successful application for a banning order.

SECTION 2. PURPOSE

This policy sets out the circumstances in which the Council will pursue a banning order, what action it will take following a successful application and what action it will take following a breach of a banning order.

SECTION 3. SCOPE, DEFINITIONS AND RELATED POLICIES

Scope

This policy relates to the power that the Council has to apply for a banning order in relation to a Banning Order Offences listed in Schedule 1 of The Housing and Planning Act 2016 (Banning Order Offences) Regulations [2017].

A relevant offence must have been committed on or after 6 April 2018 for a local housing authority to consider applying for a banning order.

This policy sets out the Council’s approach to imposing financial penalties as an alternative to prosecution of breach of banning orders only as set out in Housing and Planning Act 2016 Schedule 9 - Financial penalties as alternative to prosecution. A separate policy (Housing Enforcement Financial Penalty Policy) sets out the Council’s approach to financial penalties relating to offences under the Housing Act 2004.

Definitions

Banning order – A banning order is an order by the First-tier Tribunal that bans a landlord from:

• Letting housing in England;
• Engaging in English letting agency work;
• Engaging in English property management work; or
• Doing two or more of those things.

Banning order offence – A banning order offence is an offence of a description specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017. A list of banning order offences is at Appendix A to this policy.
Letting agent – means a person who engages in letting agency work as set out in section 54 Housing and Planning Act 2016.

Property manager – means a person who engages in English property management work section 55 Housing and Planning Act 2016.

Breach of a banning order - A person who breaches a banning order commits an offence. A person guilty of an offence that breaches a banning order is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both. If a financial penalty has been imposed by a local housing authority in respect of the breach, the person may not be convicted of a breach of a banning order offence.

Spent conviction - A spent conviction is a conviction which, under the provisions of the Rehabilitation of Offenders Act 1974, is no longer to be regarded as a live conviction after a specified amount of time.

Related policies

Central Bedfordshire Council’s Housing Enforcement Policy
Housing Enforcement Financial Penalty Policy

SECTION 4. POLICY DETAILS

Applying for a banning order

A local housing authority has the power to apply for a banning order. The responsibility for applying for a banning order sits with the Housing Solutions Service.

The Council is required to follow a process prior to applying for a banning order as set out in section 15 of the Housing and Planning Act 2016. The Banning Order procedure sets out the Council’s approach to banning orders and is based on the legislative requirements.

Factors to consider when deciding whether to apply for a banning order

Housing Solutions will pursue a banning order for the most serious offenders, taking into account the impact on individuals that could be affected by a banning order.

We will apply to the First-tier Tribunal for a banning order if:

1) The individual and/or corporate body was convicted of a banning order offence, and the Council are of the view that:

2) The seriousness of the banning order offence and history of previous convictions are significant, and

3) a) The effect of the order on tenants is considered to not be significant, and
   b) The effect on the offender is considered proportionate, and

4) A banning order would deter the offender from repeating the offence and deter others from committing similar offences.

The Council’s judgement on the above factors will be based on the advice of a technical officer/ environmental health practitioner. The in consultation with a Housing Solutions manager to ensure consistency of approach.

When making a banning order application we will need to recommend how long a banning order should be for and set out our reasons based on the factors detailed below.
1) Appropriate persons for a banning order application

A private sector housing landlord, letting agent or property manager (as defined by section 54 and 55 of the Housing and Planning Act 2016) that:

a. was convicted of a banning order offence after 6th April 2018 (see Appendix A for offences), and

b. was a residential landlord or a property agent at the time the offence was committed, with the exception of an application involving a corporate body. If the Council believes a banning order offence has been committed by a corporate body with the consent or knowledge of an officer of that corporate body then we will seek separate banning orders for both the corporate body and the officer of the corporate body. Where an application is made against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the person was not a residential landlord or a property agent at the time the offence was committed.

When deciding whether to apply for a banning order, and if so the suggested length of ban, we will consider the following factors, referring to the non-statutory guidance (Banning Order Offences under the Housing and Planning Act 2016):

2) Seriousness of the offence and previous convictions

a) The seriousness of the offence

- We will consider the sentence imposed by the Court in respect of the banning order offence itself, such as whether the offender received a maximum sentence, or a conditional discharge as opposed to an absolute discharge?

b) Previous convictions/rogue landlord database

- We will check the rogue landlord database to find out whether a landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences.
- Information regarding non-compliance with any redress scheme may also be taken into account.
- A spent conviction should not be taken into account when determining whether to apply for and/or make a banning order.
- When pursuing a banning order, we will consider the opportunity to work with other local housing authorities where the person also committed banning order offences.

3) Effect of the order on tenants, the offender and potential offenders

We will consider the likely effect of the banning order on the person and anyone else that may be affected by the order. These factors should include:

a) The harm caused to the tenant.

- The greater the harm or the potential for harm to the tenant, the longer the ban should be.

b) Punishment of the offender.

- The length of the ban should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending.
- The length of ban should be set at a high enough level to ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
4) Potential deterrent effect of the banning order

We will consider the extent to which the banning order could:

a) Deter the offender from repeating the offence.
   - The length of the ban should prevent the most serious offenders from operating in the sector again or, in certain circumstances; help ensure that the landlord fully complies with all of their legal responsibilities in future.
   - The length of ban should therefore be set at a long enough period such that it is likely to deter the offender from repeating the offence.

b) Deter others from committing similar offences.
   - The Council will be proactive in applying for banning orders where necessary to deter others from offending. The length of a banning order should also be set at a high enough level to ensure banning orders are a deterrent.

Process to prepare for a banning order application
The process that must be followed by the Council prior to applying for a banning order is set out in the Banning Order Procedure.

If we choose to apply for a banning order, after considering the factors detailed above, we will give the landlord a notice of our proposal to apply for a banning order through serving a ‘notice of intent’ within six months of the landlord being convicted of the offence.

The landlord will have 28 days to make representations, after the end of this period, a Housing Solutions officer, in consultation with a Housing Solutions manager, will decide whether to pursue a banning order on the basis of any representations received. If we wish to proceed, the Housing Solutions officer will apply to the First-tier Tribunal who have the power to make the banning order.

Power to require information
The Council has the power to require a person to provide specified information to enable the Council to decide whether to apply for a banning order against the person.

It is an offence for the person to provide false or misleading information, to be reckless as to whether it is false or misleading, or fail to comply with the request for information, unless the person has a reasonable excuse for not providing the specified information.

A person who commits an offence by not complying with the Council’s request, is liable on summary conviction to a fine.

Appeals
A landlord may appeal to the Upper Tribunal against the decision of the First-tier Tribunal to make the banning order under Section 53 of the Housing and Planning Act 2016.

A landlord may apply to the First-tier Tribunal to revoke or vary a banning order in certain circumstances.

Actions to consider following a successful application for a banning order

Publicity
Should an application for a banning order be successful the Housing Solutions officer that applied for the banning order will, via the Council’s Communications Team, publish details of these orders, including the names of individual landlords where appropriate.
In deciding the appropriateness of publicising banning orders we will consider the Ministry of Justice’s guidance that sets out the factors that Council’s should consider when deciding whether to publicise sentencing outcomes.

**Database of rogue landlords and property agents**

The Housing officer that applied for the banning order will make arrangements for officer that applied for the banning order will make an entry on the database for a person or organisation who has:

- been convicted of a banning order offence that was committed at a time when the person was a residential landlord or property agent; and/or
- received two or more financial penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or a property agent¹.

The process for making an entry in the database is set out in the Rogue Landlords and Property Agents Database Policy This procedure is based on statutory guidance² and includes criteria that the Council must have regard to when deciding to make an entry on the database and the time period of that entry.

**Duty to revoke HMO licence in banning order cases**

The Council must revoke a licence if a banning order is made against the HMO licence holder. If a HMO licence holder is subject to a banning order under section 16 of the Housing and Planning Act 2016 they will no longer be considered a ‘fit and proper person’. The licence holder is a person that owns an estate or interest in the house or part of it, and is a lessor or licensor of the house or part.

The Council will issue a HMO licence revocation notice that specifies when the revocation takes effect. The revocation cannot take effect until at least 7 days after the notice is served³.

The HMO Licensing Policy sets out our approach to revoking a HMO licence.

**Management orders following banning order**

A banning order does not invalidate any tenancy agreement held by occupiers in the property, regardless of whether the agreement was issued before or after the banning order was made. This is to ensure an occupier of the property does not lose their rights under the terms and conditions of their tenancy agreement.

Interim and final management orders can be made in cases where a banning order has been made, which amends management order powers under the Housing Act 2014⁴.

**Actions to consider following the breach of a banning order**

**Breach of a banning order financial penalty**

The Council may impose a financial penalty on a person if we are satisfied, beyond reasonable doubt, that the person’s conduct amounts to a breach of a banning order⁵ and that the conduct relates to an offence that took place in Central Bedfordshire.

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¹ Section 30 of the Housing and Planning Act (H&PA) 2016.
² Based on section 30 and 31 of the H&PA 2016.
³ Paragraph 24 of Schedule 5, Housing Act 2004
⁴ Schedule 3 of the Housing and Planning Act 2016
⁵ Section 21, Housing and Planning Act 2016.
Only one financial penalty may be imposed in respect of the same conduct unless the breach continues for more than six months, at which point a financial penalty may be imposed for each additional six-month period that the breach continues.

The maximum amount of a financial penalty is £30,000.

We cannot impose a financial penalty for breach of banning order if the person has been convicted of the offence or criminal proceedings for the offence are ongoing.

The person has a right to make representations and can appeal to the First-Tier Tribunal against the decision to impose the penalty or the amount of the penalty.

**Income from breach of banning order financial penalties**

Income received from breach of banning order penalties will be retained by the Council and used to meet administrative and legal costs related to our private rented sector enforcement functions\(^6\).

**Management Order following breach of a banning order**

The Council can make a management order where a privately rented property is being let in breach of a banning order\(^7\).

**Rent Repayment Orders**

A rent repayment order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent.

The Council and tenants can apply for a Rent Repayment Order (RRO) for a breach of a banning order made under section 21 of the Housing and Planning Act 2016 as long as the breach was wholly committed on or after April 6th 2017 and the breach relates to a property in Central Bedfordshire. Where a landlord has been convicted of the breach of a banning order, we must consider applying for an RRO. Our approach to RROs is set out in the Rent Repayment Order Policy.

**SECTION 5. LEGAL AND REGULATORY FRAMEWORK**

**Legislation**


Management orders following banning order - Part 4 of the Housing Act 2004 as amended by Section 26 and Schedule 3 of the Housing and Planning Act 2016.

**Statutory instruments**

*The Housing and Planning Act 2016 (Banning Order Offences) Regulations [2017]* list the banning order offences.

*The Housing (Management Orders and Financial Penalties) (Amounts Recovered) (England) Regulations 2018* - these Regulations set out how a local housing authority must deal with

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\(^7\) Section 26 and Schedule 3 of the Housing and Planning Act 2016
any surplus monies recovered under management orders under sections 110(5A) and 119(4B) of the Housing Act 2004 (“the 2004 Act”) and any financial penalties received under section 23(8) of the Housing and Planning Act 2016 (“the 2016 Act”).

Database of rogue landlords and property agents under the Housing and Planning Act 2016: Statutory guidance for Local Housing Authorities – guidance for managing the database.


Rent repayment orders under the Housing and Planning Act 2016: [Statutory] Guidance for Local Housing Authorities – sets out when and how local authorities can apply for a rent repayment order for breach of banning orders and other offences.

Guidance

Banning Order Offences under the Housing and Planning Act 2016: [Non-statutory] guidance for Local Housing Authorities.

SECTION 6. EQUALITY AND DIVERSITY

The Council has a duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The duty covers age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

SECTION 7. MONITORING AND REPORTING ARRANGEMENTS

Banning Order activity will be reported to the Head of Housing Solutions every six months.

SECTION 8. TRAINING

Training to implement the policy will be delivered in-house.

SECTION 9. RESPONSIBILITIES

The Private Sector Housing Manager (or equivalent) is responsible for the monitoring, implementation and review of the policy.

The authority to apply for a banning order, rent repayment order or impose a financial penalty is delegated only to Housing Solutions Managers, not officers. This is to ensure as far as possible that there is consistency of approach. The Manager should scrutinise the evidence presented by the officer before agreeing to apply for the orders included in this policy or impose the penalty.

The decision to approve updates to this policy with minor amendments or in light of amendments to existing legislation can be delegated to the Director of Social Care, Health and Housing.
SECTION 10. EVALUATION AND REVIEW

This policy will be reviewed every three years.

Appendix A – Banning Order Offences


### Appendix A

**Banning Order Offences under Schedule 1 of The Housing and Planning Act 2016 (Banning Order Offences) Regulations [2017]**

#### Relevant housing offences

<table>
<thead>
<tr>
<th>Protection from Eviction Act 1977</th>
<th>Section 1(2), (3) and (3A)</th>
<th>Unlawful eviction and harassment of occupier</th>
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<tr>
<td>Criminal Law Act 1977</td>
<td>Section 6(1)</td>
<td>Violence for securing entry</td>
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<td>Housing Act 2004</td>
<td>Section 30(1)</td>
<td>Failing to comply with an Improvement Notice</td>
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<td>Housing Act 2004</td>
<td>Section 32(1)</td>
<td>Failing to comply with a prohibition order</td>
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<td>Housing Act 2004</td>
<td>Section 72(1), (2) and (3)</td>
<td>Offences in relation to licensing of Houses in Multiple Occupation</td>
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<td>Section 95(1) and (2)</td>
<td>Offences in relation to licensing of houses under Part 3 of the Act</td>
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<td>Housing Act 2004</td>
<td>Section 139(7)</td>
<td>Contravention of an overcrowding notice</td>
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<td>Housing Act 2004</td>
<td>Section 234(3)</td>
<td>Failure to comply with management regulations in respect of Houses in Multiple Occupation</td>
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<td>Housing Act 2004</td>
<td>Section 238(1)</td>
<td>False or misleading information</td>
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<td>Regulatory Reform (Fire Safety) Order 2005</td>
<td>Article 32 paragraphs (1) and (2)</td>
<td>Fire safety offences</td>
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<td>Health and Safety at Work Act 1974</td>
<td>Section 33(1)(c) where a person contravenes Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998(6)</td>
<td>Gas safety offences duties on landlords</td>
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#### Immigration Offences

Letting to someone disqualified from renting as a result of their immigration status, resulting in an offence under Part 3 of the Immigration Act 2014 (as amended).

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<tr>
<th>Immigration Act 2014</th>
<th>Section 33A(1) and (10)</th>
<th>Residential tenancies – landlord offences</th>
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<td>Immigration Act 2014</td>
<td>Section 33B(2) and (4)</td>
<td>Residential tenancies – agent offences</td>
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#### Serious Criminal Offences

These are serious criminal offences for which an offender may have received a custodial sentence upon conviction.
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<th>Act/Guideline</th>
<th>Section</th>
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<td>Fraud Act 2006</td>
<td>Section 7(1)</td>
<td>Making or supplying articles for use in frauds</td>
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<td>Section 9(1)</td>
<td>Participating in fraudulent business carried on by sole trader etc.</td>
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<td>Fraud Act 2006</td>
<td>Section 11(1)</td>
<td>Obtaining services dishonestly</td>
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<td>Liability of company officers for offences by company</td>
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<td>Criminal Justice Act 2003</td>
<td>Schedule 15</td>
<td>Specified violent and sexual offences</td>
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<td>Misuse of Drugs Act 1971</td>
<td>Section 8</td>
<td>Occupiers etc. of premises to be punishable for permitting certain activities to take place there</td>
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<td>Misuse of Drugs Act 1971</td>
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<td>Prohibition of certain activities relating to opium</td>
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<td>Section 21</td>
<td>Offences by corporations</td>
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<td>Proceeds of Crime Act 2002</td>
<td>Section 327</td>
<td>Concealing criminal property</td>
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<td>Proceeds of Crime Act 2002</td>
<td>Section 328</td>
<td>Arrangements</td>
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<td>Proceeds of Crime Act 2002</td>
<td>Section 239</td>
<td>Acquisition, use and possession</td>
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<td>Protection from Harassment Act 1997</td>
<td>Section 2</td>
<td>Offence of harassment</td>
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<td>Protection from Harassment Act 1997</td>
<td>Section 2A</td>
<td>Offence of Stalking</td>
</tr>
<tr>
<td>Anti-social behaviour, Crime and Policing Act 2014</td>
<td>Section 2</td>
<td>Breach of criminal behaviour order</td>
</tr>
<tr>
<td>Anti-social behaviour, Crime and Policing Act 2014</td>
<td>Section 30</td>
<td></td>
</tr>
<tr>
<td>Anti-social behaviour, Crime and Policing Act 2014</td>
<td>Section 48</td>
<td>Failure to comply with Community Protection Notice</td>
</tr>
<tr>
<td>Criminal Damage Act 1971</td>
<td>Section 1(1)</td>
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</tr>
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<td>Section 2</td>
<td>Threats to destroy or damage property</td>
</tr>
<tr>
<td>Criminal Damage Act 1971</td>
<td>Section 3</td>
<td>Possessing anything with intent to destroy or damage property</td>
</tr>
<tr>
<td>Theft Act 1968</td>
<td>Section 7</td>
<td>Theft</td>
</tr>
<tr>
<td>Theft Act 1968</td>
<td>Section 9</td>
<td>Burglary</td>
</tr>
<tr>
<td>Theft Act 1968</td>
<td>Section 21</td>
<td>Blackmail</td>
</tr>
<tr>
<td>Theft Act 1968</td>
<td>Section 22</td>
<td>Handling stolen goods</td>
</tr>
</tbody>
</table>
12. Children's Services Support Services Update

To seek ratification by the Executive of an officer decision to take over the direct management of services: Children’s Centres; Information, Advice and Guidance Services; and Medical Needs provisions and to receive an update on the Children’s Services Support Services Review work.
Central Bedfordshire Council

Children’s Services Support Services Update

Executive 11 June 2019

Report of: Cllr Sue Clark, Executive Member for Families, Education and Children (sue.clark@centralbedfordshire.gov.uk)

Responsible Director(s): Sue Harrison, Director of Children’s Services (sue.harrison@centralbedfordshire.gov.uk)

This report relates to a Key decision

Purpose of this report

To seek ratification by the Executive of an officer decision to take over the direct management of services: Children’s Centres; Information, Advice and Guidance Services; and Medical Needs provisions and to receive an update on the Children’s Services Support Services Review work.

RECOMMENDATIONS

The Executive is asked to:

1. ratify the decision taken by the Director of Children’s Services, as an outcome of the recent commissioning Family Support Services commissioning programme, to bring the direct management of the Children’s Centres; Information, Advice and Guidance Services; and Medical Needs provisions into the Council.

Overview and Scrutiny Comments/Recommendations

This will be presented to the next available Children’s Overview & Scrutiny on 9 July 2019.

Background

1. In January 2018 the Executive was asked to approve work to review a range of Family Support Services provided by Children’s Services, develop an appropriate model and identify whether these services could be recommissioned more effectively.
2. This work represented the next stage in the Children’s Transformation Programme to meet the identified needs of local families and children in the most cost-effective way, intervening early at the first sign of need in order to achieve good outcomes for children whilst achieving best value financially. It was intended that the model would be consistent with the “one family, one worker, one plan” approach.

3. It was proposed to carry out an extensive review and consultation exercise, including market engagement. The results would be used to inform a competitive dialogue approach to commissioning, and to assist understanding with the best future delivery model, including needs-led locality based services.

4. Most of the existing contracts would expire during the planned process, so waivers were agreed to offer to extend the contract end dates to 31 August 2019.

5. The Support Services included in this process were:
   a. Nine Children’s Centres
   b. Impartial Information, Advice and Guidance for Young People
   c. Targeted Youth Work
   d. Independent Visitors and Mentoring
   e. Supervised Contact
   f. Medical Needs Service
   g. Visual Impairment Service
   h. Hearing Impairment Service
   i. Primary Alternative Education
   j. Academy of Central Bedfordshire

Review Results

6. It quickly became apparent that the original plan to group all the Support Services into one enormous contract was not practicable, and they would instead be grouped into more appropriate sets namely:
   a. Children’s Centres
   b. IAG, Targeted Youth Work and Independent Visitors & Mentoring
   c. Supervised Contact
   d. Medical Needs, Visual Impairment and Hearing Impairment Services
   e. Alternative Education Provision, both Primary and Secondary including the Academy of Central Bedfordshire.

7. Extensive analysis and consultation took place including reviewing existing services, analysing data and interrogating locality profiles. 1,082 people attended a range of stakeholder and provider events.

8. During the period of review it was agreed to develop a new Service within Children’s Services namely Family Services 0-12 Service. This service would work alongside the new North and South Locality teams and the developing Youth offer thus ensuring a synergy of development and seamless services across Central Bedfordshire.
Children’s Centres

9. Following the comprehensive consultation it was agreed that the future model for Children’s Centres would be a locality based service hub for children 0-12 and their families, in line with our localities. Existing buildings would all be utilised, as would other facilities such as libraries, leisure centres and school buildings.

10. This would involve the consolidation of Centres into Locality Hubs:
   a. Biggleswade, Sandy, Shefford and Stotfold would become the Ivel Valley Centre
   b. Dunstable North and Dunstable South would work together across Dunstable
   c. Leighton Buzzard would continue to work in its current reach area
   d. Flitwick Centre would cover the West Mid Beds area
   e. Houghton Regis Centre would continue operating from two sites as one centre.

11. The age range would be expanded to cover children up to the age of 12.

12. Stotfold Childrens Centre, which had been managed by St Mary’s Church of England Academy Stotfold, notified Childrens Services during January 2018 that they did not want to extend the contract beyond the end of March 2018. Staff from the Centre were transferred into the Council and Children’s Services took over direct management with effect from 1 April 2018 along with the existing budget of £131k pa.

13. St. Georges Lower School in Leighton Buzzard had been managing the Centre there, but embarked on an academy conversion process. At the beginning of December 2018 Children’s Services were notified that the Academy did not wish to continue with the contract with effect from 1 January 2019. This timescale was impossible to achieve, so the Academy conversion was delayed by a month, and Staff from the Centre were transferred into Children’s Services with effect from 1 February 2019 along with the existing budget of £251k.

14. These transfers enabled the senior management within Children’s Services to realise the considerable advantages to the flexibility and control which direct management of the Centres offered.

15. It was agreed to commence the Competitive Dialogue Commissioning Process in order to test the market response to the development of 0-12 Family Hubs across Central Bedfordshire.

16. At the first stage of dialogue there were five organisations, although at least two of these appeared unlikely to continue through the remainder of the process.

17. At the Outline Submission stage one organisation bid to run all five locality centres, and one organisation (a grouping of three schools) bid to run just the one Locality centre which was in their area. The market had not responded as had been expected.
18. Following assessment of the bids it was clear due to the need for the organisations to fund their own management structures and overhead charges there would need to be a reduction in the delivery of front line services, which arguably would not benefit the Children and Families of Central Bedfordshire. It was also clear that the change of age range from 0-5, to 0-12 had proved challenging to the bidders.

19. Discussions were held with the Executive Member, as well as legal and procurement officers regarding the ceasing of the procurement process with immediate effect. The time between the completion of Outline Submission and Invitation to Continue Dialogue was short. If the process had been continued and ended in the non-awarding of the contract there was a potential risk that bidders may have challenged the council for time wasting in taking a process to its ultimate conclusion and not awarding. Therefore a speedy decision was required.

20. Given the experiences gleaned from the direct management of the two Centres which had been transferred during the process, and the need to take a prompt decision with no executive meeting scheduled until the beginning of June due to the election period, a decision was taken by the Director of Children’s Services and the Children’s Leadership team to cease the procurement process with immediate effect, and begin the processes to transfer staff from the seven Centres not already under direct management into the Council to enable future direct management of Children’s Centres, along with the remaining budget of £1.138m.

21. This will enable the shaping and development of a whole family service that will support the Council in achieving the vision of locality multi-agency working with a ‘one child, one family, one plan’ focus within the 0-12’s service,

**Impartial Information, Advice and Guidance for Young People (IAG), Targeted Youth Work & Independent Visitors and Mentoring**

22. Two organisations took part in both the competitive dialogue and outline submission.

23. Whilst all three aspects of working with young people had been grouped together it was possible to identify how the work was to be carried out within the submission.

24. The work around IAG had previously been split amongst a direct team and the commissioned service. Following discussion it was considered that this work could be carried out most effectively by removing the IAG work from the procurement process, and adding the staff who would be transferred to the existing team. This would considerably enhance the work to be carried out. The existing budget for this aspect of the youth work is £100K.

25. The procurement process is continuing for a contract for the remaining aspects of the youth work namely the targeted youth work and independent visitors and mentors.

**Supervised Contact**

26. The contract had been held with Swanstaff Ltd. Following negotiations around contract extensions it became clear that it would not be economically sensible to extend the existing contract beyond 31 March 2019 due to the pricing structure.
27. It was therefore agreed to separate this work from the timescales being applied to the other support services work.

28. A procurement process was put into place and Barnados were awarded the contract. This decision was confirmed by Executive on 2 April.

Medical Needs, Visual Impairment and Hearing Impairment Services

29. These three specialist contracts have been held by the Harlington Academy Schools Trust (HAST), and are funded through the High Needs Block of the Dedicated Schools Grant.

30. HAST decided during the first part of 2019 that they were not prepared for the contract to be extended beyond 30th June and the process has begun to transfer relevant staff into the Council along with the revenue budget of £1.091M, in order to be assured of continuity of provision.

31. A new model is being considered in the longer term, which will enable a more agile approach to this work. It is also anticipated that a new model will make efficiencies to the cost of running the contracts which will have a positive impact on the High Needs Block.

Alternative Education including Primary and the Academy of Central Bedfordshire

32. The primary alternative education provision for children who have been excluded from school is Jigsaw. This was formerly run by Central Bedfordshire Council as a Pupil Referral Unit. Staff were transferred to schools in 2011 when the work was commissioned out. The staff were transferred back into the council’s employment in 2017 when direct management of the provision was taken over by Children’s Services.

33. The service has subsequently gone from strength to strength, and being under the direct management of the Head of Vulnerable Learners, has enabled both a more flexible response, and more early intervention work around primary age exclusions.

34. Consultation work is presently being carried out with all stakeholders in order to consider how to develop a model which is a more flexible and cost effective approach for the secondary Alternative Provision, which is presently commissioned through a Free-School arrangement with the Academy of Central Bedfordshire (ACB).

35. The current contract with the ACB has been extended to cover the school year 2019/2020 whilst this work is carried out, following which a further paper detailing the proposed model will be brought to the Executive.
Council Priorities

36. The proposed actions enhance all of the Council’s priorities. Direct Management, where that is proposed, for the remaining Childrens Centres, the IAG aspect of youth work and the Medical, Visually impaired and Hearing impaired contracts will ensure that the vulnerable are protected, and outcomes will be improved in terms of education and skills. The direct management enables a more efficient and responsive service, which will work towards creating stronger communities, and ensure that the services used by the residents are also enhanced.

Corporate Implications

Legal Implications

37. The cessation of the competitive dialogue procurement process has been undertaken in accordance with good procurement practice.

38. With regard to the various contracts that are either being extended or have ended, this process has been undertaken by the Council in accordance with good legal practice and it is appropriate to the changing circumstances and the needs of the service users, to bring the services back into Council control.

39. Consideration is properly being given to TUPE having application in the event of providers’ employees transferring back into the Council’s employment and this is addressed further in the report below (paragraphs 47).

40. Executive is required to ratify the Director of Children’s Services earlier decision because the total combined value of the services that have been brought back in-house fall within Executive’s remit.

Financial and Risk Implications

41. The Children’s Centres and IAG work will continue to be funded within the existing revenue budgets, and it is anticipated that a new model for the former HAST contracts will enable some savings in due course. A ‘Measures Letter’ will accompany TUPE notices, to enable remodelling of the services to take place within a few months. This will enable a fully flexible model working across the localities to be developed.

42. The current budgets which will be maintained and within which the services will operate are

   a. Childrens Centres £1.5m p.a.
   c. IAG £100k p.a.
43. Based on information provided by current contractors the existing staff complement would be transferred in full, along with the assumption of 30% on-costs, against the entire salaries listed.

44. Most Children Centre staff who are in a Pension Scheme are in the LGPS. (30 of the 46). A further 3 are in scheme run by the existing contractor which is based on a 3% EEE and 3% ERS scheme).

45. Whilst there will be remodelling within the Children’s Centre staff in particular, and some changes of job roles, it is envisaged that all staff would be redeployed either within and across the Centres or in other parts of Children’s Services, enhancing the integrated working within locality teams even further, thus minimizing any risks of redundancy.

46. One off On-boarding Costs will be met through existing budgets.

47. Anticipated Staff to be TUPE’d into Council are listed in the table below.

<table>
<thead>
<tr>
<th>Existing Contracts</th>
<th>FTE Staff (all grades excl.cleaner)</th>
<th>Actual nos of staff</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Children’s Centres</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dunstable (Currently 2 Ctrs)</td>
<td>9.79</td>
<td>13</td>
</tr>
<tr>
<td>Houghton Regis</td>
<td>6.28</td>
<td>8</td>
</tr>
<tr>
<td>Ivel Valley – Biggleswade</td>
<td>3.88</td>
<td>6</td>
</tr>
<tr>
<td>Sandy</td>
<td>4.55</td>
<td>8</td>
</tr>
<tr>
<td>Shefford</td>
<td>3.05</td>
<td>4</td>
</tr>
<tr>
<td>West Mid Beds</td>
<td>5.04</td>
<td>7</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td><strong>32.59</strong></td>
<td><strong>46</strong></td>
</tr>
<tr>
<td><strong>Information, Advice &amp; Guidance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IAG Manager</td>
<td>0.56</td>
<td>1</td>
</tr>
<tr>
<td>IAG/Careers Advisors</td>
<td>1.8</td>
<td>4</td>
</tr>
<tr>
<td>IAG Administrator</td>
<td>0.56</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>2.92</strong></td>
<td><strong>6</strong></td>
</tr>
<tr>
<td><strong>TOTAL staff</strong></td>
<td><strong>35.51</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>

FTE based on 37 hours per week.

| HAST contracts*          |                                     |
|--------------------------|                                     |
| **Hearing Impaired Contract.** |                     |
| Team Manager. Shared across 3 services | 0.2 FTE |
| Specialist Teachers of the Deaf | 4.4 FTE |
| Communication support workers, specialist teaching assistant (similar role to a CSW or a TA) | 13.8 FTE |
| Nursery Nurse             | 1 FTE                              |
| Educational Audiologist   | 0.2 FTE                            |
| Speech & Language Therapist | 0.6 FTE |
| **Sub Total**             | **20.2 FTE**                       |
| **Visually Impaired Contract** |                     |
| Team Manager (Shared across all 3 services)$ | 0.2 FTE |
| Teacher                   | 1 p/t member of staff               |
Administrator 1 p/t member of staff
Specialist TA’s 2 p/t members of staff
Resource Technicaian 1 p/t member of staff

Sub Total 5 p/t members of staff

Medical Needs Contract
Team Manager (Shared across all 3 services)$ 0.2 FTE
Teachers 10 Mixture f/t & p/t
Administrator 1 p/t member of staff

Estimated Number of Staff 45 (mostly part-time)

*Full details of staff involved with the HAST contracts are still being gathered as part of the TUPE process.

48. Discussions were held with HR prior to any decision being taken regarding the TUPE processes.

49. Financial concurrence is given on the basis that this is covered within the budget envelop identified at section 42.

Equalities Implications

50. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As part of the review, extensive analysis and consultation has taken place including reviewing existing services, analysing data, interrogating locality profiles. The services included within the scope of this review have a significant role to play in terms of improving children and young people’s life chances and outcomes, across a range of indicators. The proposals support the continued development of flexible and holistic services which support early intervention.

Conclusion and next Steps

51. Executive is asked to ratify the decision taken by the Director of Childrens Services (in consultation with the Senior Leadership Team) to take over the direct management of services. (Children’s Centres; Information, Advice and Guidance Services; and Medical Needs provisions).

Appendices - None
Background Papers – None

Report author(s): Sue Tyler
Assistant Director Business and Supporting Service
sue.tyler@centralbedfordshire.gov.uk
13. Improving Care Home Provision for Older People in Central Bedfordshire

To consider the opportunity in Flitwick to improve care home provision by the commencement of consultation on the proposals contained within this report.
Central Bedfordshire Council

EXECUTIVE

Improving Care Home Provision for Older People in Central Bedfordshire

Report of: Cllr Carole Hegley, Executive Member for Adults, Social Care and Housing Operations (HRA)
(carole.hegley@centralbedfordshire.gov.uk)

Responsible Director: Director of Social Care, Health and Housing, Julie Ogley
(julie.ogley@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

To consider the opportunity in Flitwick to improve care home provision by the commencement of consultation on the proposals contained within this report.

RECOMMENDATIONS

The Executive is asked to:

1. recognise and respond to the opportunity to improve care home provision for older people in the Flitwick area by authorising the commencement of formal consultation on proposals for the future of Ferndale Older Persons’ Home (OPH) as set out in this report; and

2. request that a report is submitted to a future meeting of the Executive advising of the outcome of the consultation process and recommendations about the future of the home.

Overview and Scrutiny Comments/Recommendations

1. It is proposed that the outcome of the consultation process set out in this report will be reported to a future meeting of the Social Care Health and Housing Overview and Scrutiny Committee prior to a decision being made by the Executive on the future of Ferndale OPH.
Background

2. In common with other council areas and the nation, Central Bedfordshire’s population of older people is set to grow much more rapidly than the overall population. This is particularly true of the group of people aged 85 years and over.

3. When asked, older people consistently say that their preference is to remain living independently in their own home for as long as possible and the Council aims to support this as much as it can.

4. Most older people will continue to live in ordinary housing throughout their lives, supported by informal carers (such as relatives and friends) and ‘paid for’ carers, sourced privately or commissioned by the Council. Additionally, in recent years the Council has developed independent living schemes that are able to deliver a high level of flexible care options to support residents as and when they need it.

5. However, even with the provision of independent living schemes, for a small proportion of older people the best place in which their needs can be met is in a care home setting. In recent years increased expectations of the facilities in care homes have led to changes in the physical and environmental standards which new care homes need to meet.

6. The Council’s response to these twin challenges of an increase in population of older people and rising expectations is necessarily set within the financial constraints within which the public sector operates.

7. In response to the challenges set out above the Council has undertaken the following:

   a) Increased the availability of home care services in response to increasing demand and the desire by older people to remain in their own homes for as long as possible.

   b) Developed both domiciliary and residential reablement services that assist older people to regain independent living skills which allow them to remain living at home including after a period in hospital.

   c) Completed the development of independent living schemes in Dunstable (Priory View) and Leighton Buzzard (Greenfields). Development has just commenced on site at All Saints View in Houghton Regis and the Council is planning the delivery of a further three schemes of this type in Biggleswade, Flitwick and Arlesey over the next few years.

1 In this report the term ‘care home’ is used to describe all types of regulated care home for older people. These homes can be divided into those which provide nursing care – which are referred to as ‘nursing homes’ and those which do not which are referred to as ‘residential homes’.
8. The final challenge in this programme is the reconfiguration of care home provision for older people to deliver higher physical and environmental standards. This is the most challenging as such changes, as inevitably, it means a degree of disruption to the lives of residents of the homes affected albeit with resulting improvements in their accommodation.

9. The Council owned seven care homes for older people that were constructed by the former Bedfordshire County Council between 1968 and 1982. These homes do not meet the physical and environmental standards that modern homes provide or that residents should expect.

10. In November 2012 the Executive considered a report and approved an overall approach in relation to these homes as part of a wider strategy for managing and contracting with the care home market. This set out the principles of a phased transition away from the council’s existing homes whilst maintaining existing capacity in the market as a whole. It also set out the approach to stimulate the independent sector market to provide this capacity rather than the Council delivering it directly.

11. Following this approval of approach, the Director of Social Care, Health and Housing held meetings with residents, relatives and staff at the homes setting out the overall approach and indicating the possibility that the homes could be re-provided. This intention was reiterated to residents, relatives and staff when a further round of meetings was held prior to the ending of the contract with BUPA in 2014. BUPA had been commissioned by Bedfordshire County Council to manage the care homes on its behalf. However, in 2014 BUPA determined that it did not wish to continue to manage care homes on the behalf of others and gave notice on the contract.

12. Further information underlying the approach is set out in Appendix A.

13. Since 2014 the Executive has authorised the closure of three of the Council’s seven homes. In all three cases the providers of the new homes have sourced sites and constructed the new homes without the intervention of the Council.

14. However, since the closure of the third care home, whilst the market continues to bring forward new care homes on sites in areas of high demand, increasingly, those operators are focusing attention on the self-funder market and the significantly higher fee rates that such residents pay. The Council welcomes the development of these schemes, supporting our role of ensuring access to good quality care homes for its residents irrespective of their financial means. Whereas the three homes that previously opened in Central Bedfordshire agreed to take a significant proportion of residents at the Council’s standard fee rate, allowing the closure of the Council homes, the operators of none of those currently being constructed have indicated that they intend to offer places at Council rates. This has caused the Council to revise its strategy in relation to the remaining four homes and accept that, whilst it remains committed to their replacement, achieving this is likely to take longer than originally envisaged and to require the Council to be more interventionist.

15. The nature of this intervention will depend on the circumstances at the time and the specific challenges but could include some or all the following:
a) Acquiring sites for new care homes (or making sites available from existing landholdings) and marketing these to care operators with conditions requiring that they supply the Council with places.

b) Funding the construction of new care homes and leasing or selling them to a suitable operator with conditions requiring that they supply the Council with places.

c) Operating new care homes either directly as an ‘in-house’ service or through an independent entity – a Local Authority Trading Company (LATC).

16. The approach set out in 14 a) was followed in relation to the development of a care home in Leighton Buzzard that could replace Westlands. However, despite interest from care home operators the Council was unable to secure a satisfactory arrangement and is now considering the options in 14 b) and 14 c) in relation to this site. A similar approach is proposed for Ferndale’s replacement and this is set out in more detail in the section below.

17. The Council commissioned independent consultancy support to explore the options for the delivery of an LATC which could run care services (including, but not limited to care homes) and this work has reached the stage where the detailed business case is being developed. The progress with this work is scheduled to be reported at the Council’s Corporate Resources Overview and Scrutiny Committee on 30th May 2019. It is expected that a decision on whether to establish an LATC and the form that such an organisation should take will be made by the Council’s Executive later in 2019. Thus, it is intended that the future of Ferndale older persons homes will ‘dovetail’ with the decision relating to establishing an LATC.

Ferndale Older Persons Home

18. Ferndale in Easton Rd, Flitwick is similar in facilities, layout and condition to the other Council-owned older persons homes. It has capacity for 30 residents and at the time of writing has 27 permanent residents and provision for three respite places. The home lacks the facilities that modern care homes provide including en-suite bathrooms and the space to provide good care, increasingly required for people with complex care needs.

19. The supply of care home places in the area of West Mid Beds is very limited with the lowest amount of provision of the four localities.

20. The Council also intends to develop an independent living scheme in West Mid Beds and is keen to bring forward examples of ‘downsizer housing’ to broaden accommodation options for older people across Central Bedfordshire. In response, the Council has identified that land it owns at the site of the former leisure centre in Flitwick could be developed to provide a mixed-use scheme focused on older people. It therefore submitted an outline planning application to construct a care home alongside an independent living scheme offering up to 95 self-contained apartments. The site will also provide up to 37 downsizer homes. The outline planning application was submitted in early December 2018 and outline consent was secured in April 2019.
21. The care home element proposed is intended, subject to the outcome of the proposed consultation, to replace the capacity at Ferndale. It would provide enough places to allow all residents of Ferndale to have the option of moving there (providing the home can meet their care and support needs at that time). Subject to this caveat, whilst it is reasonable to assume that many residents of Ferndale will wish to move to the new home, they will have a choice in this and some may decide to move to other homes, for personal reasons (for example to be nearer to relatives) or to have their needs better met (for example if a person with fewer care and support needs wishes to pursue more independent living in specialist housing with 24/7 care and support; or if their care needs are at the other end of the spectrum requiring specialist nursing care).

22. It is intended that the development of the Flitwick scheme is led by the Council and the ownership of the care home element will be retained by the Council. The preferred operator of the care home element is likely to be the LATC or an independent operator through a contractual arrangement with the Council if the LATC is not a viable option.

23. The summary of the proposed offer to residents of Ferndale, which is subject to the outcome of the proposed consultation and subsequent decision of the Executive, is:

   a. The Council is proposing to close the home and find suitable alternative accommodation for the existing residents.

   b. Residents will be given a choice of homes to move to within a reasonable distance. These choices would be of homes which offer a good quality of care, modern physical and environmental standards and fee rates that are in line with the Council’s fee structure or the host Local Authority rates.

   c. There will be places available at the new home to be constructed on the former leisure centre site in Flitwick to facilitate all residents wishing to stay living as a group and/or in the locality, to do so, subject to the new home being able to meet residents care and support needs.

   d. Any resident who wished to move further away (for example to be closer to a relative) would be assisted to do so.

24. Although they are not all explored in detail in this report, it is important to note the separate but inter-related decisions that are proposed and how these are planned to be sequenced. Following this sequence will be important in order that those affected by the proposals can be appropriately consulted and given the opportunity to input into decisions that will affect their lives before decisions are made. The sequence is also important to ensure that the Council avoids abortive work and cost where possible and delivers much-needed development in a timely manner. These are set out in the table below:
<table>
<thead>
<tr>
<th>Sequence</th>
<th>Decision</th>
<th>Decision-making body</th>
<th>Planned / Proposed date for decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To commence consultation on the future of Ferndale</td>
<td>Central Bedfordshire Council Executive</td>
<td>June 2019</td>
</tr>
<tr>
<td>2</td>
<td>Whether to set up an LATC and, if so, the form of that entity.</td>
<td>Central Bedfordshire Council Executive</td>
<td>August or September 2019</td>
</tr>
<tr>
<td>3a</td>
<td>To decide, following the consultation, whether the Flitwick development will be the replacement for Ferndale and that, therefore, Ferndale will eventually close.</td>
<td>Central Bedfordshire Council Executive</td>
<td>December 2019</td>
</tr>
<tr>
<td>3b</td>
<td>If, following consultation, the decision is to retain Ferndale as a going concern, Ferndale will remain open</td>
<td>Central Bedfordshire Council Executive</td>
<td>December 2019</td>
</tr>
<tr>
<td>4a</td>
<td>If the decision 2 is affirmative, then to decide whether the LATC will be the operator of the new care home.</td>
<td>Central Bedfordshire Council Executive</td>
<td>December 2019</td>
</tr>
<tr>
<td>4b</td>
<td>If decision 2 or 4a is negative, then to decide on a process to select an operator for the care home</td>
<td>Central Bedfordshire Council Executive</td>
<td>December 2019</td>
</tr>
<tr>
<td>5</td>
<td>To tender for the design and construction of the care home and independent living scheme</td>
<td>Central Bedfordshire Council Executive</td>
<td>January 2020</td>
</tr>
<tr>
<td>6</td>
<td>To award a contract for the design and construction of the care home and independent living scheme</td>
<td>Central Bedfordshire Council Executive</td>
<td>Q2 2020</td>
</tr>
</tbody>
</table>

25. It should be noted that the timescales for construction and the opening of the new care home, if it goes ahead, will mean that there will be a period in the region of 3 - 4 years between the decision being made on the future of Ferndale and the replacement capacity being available. During this period, it is proposed that Ferndale continues to operate as normal but with the awareness of the Executive’s decision about its future. If this decision is closure, then the consequences will be that:
a) Any new resident's admitted to Ferndale after such a decision will be doing so on the basis that the home will be closing and that they will need to move to a new home at a future date as set out above.

b) When the normal reviews of the needs of residents takes place, the future of the home should be considered in option appraisal.

26. This is set out in more detail in Appendix B.

Consulting with residents, relatives, staff and other stakeholders

27. The proposals set out require a detailed programme of communication, engagement and consultation. The planned phases of this process and timescales are set out below.

28. An initial series of communications and meetings have been organised with residents, relatives and staff to explain the background to the consultation, the timescales and how they can be involved. These meetings were held to coincide with the publication of this report.

29. There will be a consultation period which is planned to commence on 5th July 2019 and end on 2nd October 2019. The consultation period can be extended if required.

30. During the consultation, all those affected will be provided with written details of the proposals along with other options and asked their views. A series of events to do this will take place during the consultation period and will facilitate residents and their relatives to input into the process in a way that best suits them. This could be through an individual consultation, as part of a small group, or as part of a larger group. Independent advocacy support will be available for all who need it. Consultation will take place in an atmosphere that aims to provide residents, their representatives and/or their relatives with support and reassurance.

31. The proposals will also be widely publicised, including via publication on the Council’s website and will be made available to stakeholders and relevant organisations for their feedback. These would include Flitwick Town Council, Healthwatch Central Bedfordshire, local health services, the Older Person’s Network and Age UK. Individual members of the public and other interested parties would also be encouraged to participate through email bulletins and social media channels.

32. As well as setting out the detail of the Council’s preferred option the proposal document will identify other options considered in the development of the proposals and the reasons why they are not preferred. Consultees will also be able to propose alternatives, and these will be considered.

33. The Council’s preferred option is that the new care home developed by the Council within the Steppingley Rd scheme will replace the capacity at Ferndale and that Ferndale will subsequently close. It is envisaged that the new care home will be owned by the Council and operated by the Council through the proposed LATC.
34. As no decision will have been made about the establishment of the LATC at the start of the consultation other options relating to the eventual operation of the proposed home will need to be explained clearly in the consultation. If a decision is made to establish the LATC during the consultation, then this will be communicated as part of the consultation process. During this process it will need to be made clear the separate nature of the decisions to be made (see paragraph 24) and how these relate to one another.

35. Although not directly affected, residents, relatives and staff at the other Council run older person’s homes would be advised about the overarching approach and the progress of the consultation through the existing communications channels, such as regular resident's meetings and staff meetings. They will also be able to respond to the proposals.

36. Where possible, questions and options that arise during the consultation period will be responded to before the end of the consultation and made public. Where responses lead to additional options being considered then further feedback will be sought from consultees.

37. During the consultation period the Council will seek to obtain the views of residents (and their representatives and/or relatives) about the proposals and their own preferences as this will help to focus in on preferred options. However, it will be emphasised to residents (and their representatives) that they are not being asked to make any personal decision about their future during the consultation.

38. All consultation feedback will be collated. The aim is to be as transparent and responsive as possible so feedback will be made public whilst preserving individual confidentiality.

39. The response to the consultation will be used to compile a report for the Executive with recommendations about the future of Ferndale. This report will be considered by the Social Care Health and Housing Overview and Scrutiny Committee prior to consideration by the Executive. It is envisaged that these meetings would take place in November and December 2019.

Reason/s for decision

40. To ensure that prior to making a decision about the future of the home, the Executive will have as much information as possible about the options available and the views of interested parties.

Council Priorities

41. The actions proposed in this report support the Council’s priority to promote health and well-being and protect the vulnerable.
Corporate Implications

42. Whilst the welfare of the residents of the home is the Council’s highest priority, it will also be important to have regard to the needs of the staff who would be affected by these proposals.

43. At the point where formal consultation commences with staff and their representatives, the Council would state its understanding of the position with regard to TUPE and the consequences for the staff affected.

Legal Implications

44. Where a Council is contemplating changes to care and support services it has a public law duty to consult with those who would be affected and there is clear guidance and precedent (see below) about how consultation should be conducted and the part they would play in future decision-making. If the recommendations in this report are approved, it is important that the consultation complies with government guidance and case law otherwise the Council is at risk of successful challenge through the complaints procedure, LG&SC ombudsman or by way of judicial review.

45. The general principles derived from case law as to how consultations should be conducted, known as the “Gunning principles” are:

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;

46. There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision.

47. In the Supreme Court case of R (Moseley) v LB Haringey (2014), the Supreme Court endorsed the Gunning principles and added two further general principles:

- The degree of specificity regarding the consultation should be influenced by those who are being consulted;
- The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

48. The Council must ensure that the Care Act 2014 is considered (where appropriate) and adhered to when making decisions relating to the provision of care.

Financial Implications

49. There are no financial implications arising from the decision to commence consultation. The costs associated with this process will be met from existing budgets. The financial issues arising from the outcome of the consultation and recommendations will be addressed in a future report.
Equalities Implications

50. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment, victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 requires public bodies to:

a) Remove or minimise disadvantages suffered by people.

b) Take steps to meet the needs of people from protected groups.

c) Encourage people to participate in public life or other activities where participation is low.

51. Public bodies must be able to demonstrate that consideration of this legal duty has been engaged during all stages of the decision-making process from beginning to end and that decision makers are aware of their legal obligations. Decision making must be exercised “in substance, with rigour and with an open mind.”

52. In coming to a decision, the Council will undertake an equality impact assessment and will demonstrate consideration of:

a) a well-researched business case relating to the proposal, including appropriate financial and statistical analysis.

b) the range of possible options that have been investigated.

c) the findings of consultation (group and individual) with residents (including advocates where necessary), their relatives and other stakeholders. The consultation process will highlight the Council’s preferred option and will outline alternative options that have been considered.

d) the findings of previous individual care assessments considering impairments, support needs and cultural / social requirements.

e) adverse impacts and ways in which these can be mitigated or minimised.

53. The above findings will all be reported accurately to decision makers.

54. Case law relating to requirements of the Human Rights Act 1998 (‘the 1998 Act’) indicates that before taking a decision to close a care home, the effect on the residents must be investigated. A public body must ensure that any consultation investigates the potential effect of the closure on the residents’ emotional, psychological and physical health and must comply with its obligations under the 1998 Act.
55. It should also be borne in mind that a decision which potentially restricts a human right does not necessarily mean that it will be incompatible with the 1998 Act. Public bodies also need to take into account other general interests of the community. Some rights can therefore be restricted where it is necessary and proportionate to do so in order to achieve a legitimate aim. Provided a restriction of such a right has a legitimate aim and the restriction itself does not go any further than necessary to protect this aim, then it is likely that it will be compatible with the 1998 Act. In this way the 1998 Act recognises that there are certain situations where a public body is allowed to restrict individual rights in the best interests of the wider community.

Conclusion and Next Steps

56. Development of the Council owned former Flitwick leisure centre site provides a good opportunity to fulfil the Council’s objective of securing modern, sustainable high-quality care home provision in Flitwick, an area where supply of care homes places is constrained, especially for Council customers.

57. An inclusive process of consultation will inform Executive of the views of stakeholders to inform decision-making on the future of Ferndale OPH by way of a further report including a summary of consultation findings and recommendations for consideration. Whilst the new home is not expected to be open until summer 2023, clarity about the future of the home is important to establish for the benefit of existing/future residents and staff to plan for positive outcomes.

58. In terms of next steps, procurement options including Council ownership and operation of the new care home will be considered to determine the preferred method of securing long-term access to high quality care home facilities for Council customers at the former leisure centre site in Flitwick

Appendices

Appendix A: Background Information on Care Homes for Older People in Central Bedfordshire

Appendix B: The offer to existing care home residents when closure is proposed.

Background Papers
None

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Development & Commissioning Manager

 Ian.hanton@centralbedfordshire.gov.uk
Appendix A

Background Information on Care Homes for Older People in Central Bedfordshire

Regulatory and historical context

1. The care home market is a mixed economy with homes being provided by ‘not for profit’ organisations, commercial operations and local authorities. Organisations range from those operating a single home to those who operate nationally (or even internationally) and have homes that in total have thousands of places. Prior to the late 1980’s local authorities were significant providers of care homes but since then the trend has been for councils to move out of providing care directly and focusing on commissioning activity so that care was delivered by other providers.

2. Previously the required standards of accommodation and care in care homes were set out in the Care Standards Act 2000, Care Homes Regulations 2001 and the National Minimum Standards for Care Homes for Older People (published by the Secretary of State for Health under section 23(1) of the Care Standards Act 2000). The main impact of these standards was to require that resident’s rooms in new homes had en-suite bathroom facilities.

3. Very few homes built prior to the introduction of these standards were compliant and, acknowledging the cost and logistical difficulties that achieving physical compliance would entail, there was no compulsion for existing homes to comply. However, the knowledge that all new homes would need to provide a higher standard of accommodation led many homes (and their parent organisations) to embark on refurbishment, rebuilding and development programmes that would ultimately lead to full compliance.

4. The required standards of accommodation and care in care homes is now set out in the Health and Social Care Act 2008, the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. Care homes are inspected and regulated against these standards by the Care Quality Commission (CQC) who can order improvements to be made or even require a home to close. The outcomes of inspections are available as public documents.

5. These acts repealed the previous acts and regulations set out in paragraph 2 and there is no longer a strict regulatory requirement for any home (newly-built or otherwise) to have en-suite facilities. However, the popularity and desirability of this type of facility means that for new-build homes it is now a ‘de facto’ standard with no new homes being planned or built without en-suites.

6. The Council’s predecessor authority, Bedfordshire County Council (BCC), built thirteen care homes for older people between 1962 and 1982. The delivery of care within these homes was contracted out to BUPA in 1998. Following the Local Government reorganisation in Bedfordshire in 2009, the ownership of seven of the homes transferred to Central Bedfordshire Council and BUPA
continued to provide the care. In 2014 BUPA gave the Council notice that they intended to withdraw from the contract on 1st August 2014 and from this date the responsibility for the delivery of care in the homes was transferred to the Council.

7. The homes referred to in paragraph 6 are:

   a. Serving the Chiltern Vale locality:
      i. Caddington Hall, Markyate, Herts
      ii. Greenacre, Dunstable

   b. Serving the Ivel Valley locality:
      i. Abbotsbury, Biggleswade
      ii. Allison House, Sandy
      iii. The Birches, Shefford

   c. Serving the Leighton Buzzard locality:
      i. Westlands, Leighton Buzzard

   d. Serving the West Mid Beds locality:
      i. Ferndale, Flitwick

8. Due to the age of the buildings, the homes do not meet the standards set out in paragraph 2. The challenges faced by the Council (and its predecessor) in dealing with the physical standards in its care homes have been acknowledged since the 2001 regulations first came into force on 1st April 2002.

9. Alongside the responsibility the Council has for its own care homes, the Care Act 2014 sets out duties and responsibilities to manage the care market in the local authority’s area. This requires the Council to work with providers of all types of care services to ensure there is an adequate supply and that this is of an acceptable quality.

10. In its role as commissioner of care services in 2017 the Council implemented a framework agreement with providers of care homes which set fee rates and mechanisms to regularly review the quality of care in each home.

Analysis of Care Home Supply and Demand in Central Bedfordshire

11. Fundamental to the Council’s approach to the challenge faced by the seven¹ homes is their contribution to capacity in the care home market in Central Bedfordshire.

12. Estimates of the numbers of care home places required can be calculated using a ratio of places to the population of people over 75 set out in the study "More

¹ The Council has closed three homes, Caddington, Greenacre and The Birches in the period 2015-2018 with capacity of these homes re-provided by the independent sector in modern newly built facilities close to the former council care homes
13. Since 2009 considerable work has been undertaken to assess the capacity within the sector. A full analysis based on current and forecast population levels can be found in the background papers. Alongside the development of independent living schemes to provide an attractive and appropriate housing based alternative to entering a care home, the analysis concluded that, whilst there are some differences across Central Bedfordshire, in the period to 2020 it will be necessary to maintain the existing care home capacity.

14. The variation across Central Bedfordshire arises as the Chiltern Vale and Leighton Buzzard localities have or are developing sufficient capacity to meet current and forecast demand, whilst the West Mid Beds and Ivel Valley localities have less capacity than forecast demand. This is particularly the case in West Mid Beds.

15. In common with national trends, investment in the creation of modern care homes for self-funders remains buoyant, generally, in contrast to levels of investment for homes largely oriented to Local Authority funded residents. Those areas with a good balance of supply/demand (e.g. Leighton Buzzard) but with a significant proportion of provision, lacking modern facilities are also attractive for additional/replacement supply in raising the standards of care homes and crucially, their sustainability in the market place, beyond the short-term.

16. Whilst forecasting is important it is essential to acknowledge that it is only part of the overall picture because there is considerable movement across administrative boundaries that can affect both demand and supply. For example, people outside of the area may choose to live or be placed within the Central Bedfordshire area and vice versa.

17. Prior to embarking on the programme the situation was expressed as follows: 

*Central Bedfordshire currently has 1,187 care home places of which the seven homes contribute 249 (21%) places. Of those 1,187 the Council takes up 655 (55%) with people it places and funds, the remainder being taken up by people who place themselves and contract directly with the homes as individuals ('self-funders'), people whose places are funded by NHS and people placed by other local authorities. In addition, at any one time the Council is also funding about 196 older people in care homes outside Central Bedfordshire.*

18. In addition to forecasting demand, the Council monitors the development of new capacity and any changes to existing capacity in the sector. After a long period where no new care home capacity was being developed, three new homes, offering places to Council funded customers were completed, the first in 2015, followed by a second in 2016 with the third opening in 2017. A further four homes focused on the self-funder market are being constructed in West Mid Beds and

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2 More Choice, Greater Voice: a toolkit for producing a strategy for accommodation with care for older people. Published by the Housing Learning and Improvement Network at the Care Services Improvement Partnership at the Department of Health and the Department of Communities and Local Government. February 2008
The Ivel Valley; the first opening in 2018 with the remaining homes expected to open during 2019/20. A further site in the Ivel Valley has planning permission for a care home with development yet to commence.

19. In response to lack of new capacity capable of providing places at Council rates, the Council has identified two sites in its ownership that can be used to deliver new care homes. Sites in Flitwick and Leighton Buzzard have secured outline planning permission for new care homes, establishing, in principle, suitability of these sites as potential re-provision options in supporting Council objectives to raise the standards of accommodation for older people across Central Bedfordshire.

The Council’s Approach

20. In response to drivers and analysis set out above, the approach being taken for the period to the end of 2020 can be summarised as:

   a. The continued development and enhancement of home care and reablement services.

   b. The development of further independent living schemes for older people.

   c. Maintenance of the overall existing number of care home places in care homes.

   d. Within the maintenance of overall capacity, seek to transfer the provision of places from the Council’s four remaining homes to alternative homes that meet modern expectations.

21. As new care home development in England and Wales is currently being delivered almost exclusively by the independent sector, the logical approach is that the provision of additional and replacement capacity will be led by the market. Only in the situation where the market was failing to provide a solution would the Council seek to intervene, and in such cases the degree of intervention would only be at the level necessary to secure a solution.

22. The Council owned site with outline planning permission for a residential care home in Leighton Buzzard (referenced above) was offered to the independent sector via a procurement process but this did not result in an acceptable outcome for the Council, prompting a review of market conditions to inform how our needs could be addressed.

23. The Council is actively considering options that include

   a. Funding the construction of new care homes and leasing or selling them to a suitable operator with conditions requiring that they supply the Council with sufficient places and/or
b. Operating new care homes either directly as an ‘in-house’ service or
through an independent entity – a Local Authority Trading Company
(LATC).

24. Taken together these responses seek to address the challenges of an ageing
population whilst improving the quality and range of services available to older
people resulting in better health and an improved quality of life.

25. However, it is acknowledged that changes in the provision of the service provided
by a care home which may result in the closure of a care home will undoubtedly
be unsettling for those involved and it will be important to ensure that the needs
of those affected the most are taken into account and remain at the forefront of
the decision making and any subsequent change process.

26. To this end it is proposed that an offer of an improved residential care is provided
to affected residents based on the following principles:

a. **Choice**: residents will be able to choose a placement in an alternative
home provided that this is within a reasonable distance from their
current home. We would also seek to respect the wishes of residents
who may wish to move as a group. Should a resident prefer to move to
a different area to be close to a relative or to move as a group with their
existing friends, the Council would try to accommodate this if at all
possible.

b. **Quality**: new and alternative placements would only be offered in
homes that offer an improved experience for each individual, in terms
of the physical and environmental standards, and which can also meet
their care needs.

c. **Value**: new and alternative placements will be at rates which are
affordable for both the resident and the Council.

d. **Support to move**: the Council will provide all the support a resident
requires to both choose a new home and also to make arrangements
for and carry out the move itself.

e. **Minimal disruption**: the change to accommodation arrangement for
residents would only require a single move in order to ease the process
of change.

**Other Options Available**

27. In coming to its preferred approach consideration has been given to the options
set out below:

a. Do nothing.
b. A programme of refurbishment and/or remodelling of the existing homes.

c. A programme of rebuilding of homes on existing sites.

d. Provide the places in replacement care homes, the development and/or running of which is undertaken directly by Central Bedfordshire Council (as opposed to other organisations) or indirectly via LATC (a Council owned company)

28. There are a number of reasons why the ‘do nothing’ option is not recommended at this time:

a. The continued provision of care in homes that do not meet modern standards would mean that older people who currently use our homes and those who use them in the future would have a poorer quality of life than otherwise.

b. The existing buildings would need significant investment to extend their useful lives by more than a few years.

c. In the Council’s role of managing the market it may be problematic for the Council to seek to improve standards elsewhere in the market if it had taken the decision not to improve its own services.

d. It would represent a missed opportunity when new care homes are being built and there is capacity within the market to provide alternative placements to residents in the four remaining homes. When this opportunity arises, it will not remain indefinitely.

29. The Council has explored options for adaptation to meet the current standards and concluded that in none of the homes would this be a preferred solution as:

a. Refurbishment or remodelling to meet the current standards would result in a reduction in capacity of the homes which would mean that it would not be a complete solution and would also impact on the economic viability of the homes.

b. Refurbishment and remodelling could prove just as disruptive to residents as re-provision.

30. The Council has explored the option of rebuilding homes on the existing sites concluded that in none of the homes would this be a preferred solution as:

a. Some of the sites are not large enough to accommodate a home that is delivered to modern standards.

b. Rebuilding on site would in most cases require the closure of a home and the transfer of residents to allow for demolition and rebuilding.
c. One or two homes may have enough space on the site for a building to be contracted whilst residents remained ‘in situ’ but the noise and disturbance caused by construction would be extremely disruptive and the outcome may be a building that is not well located within its site.

31. An alternative to being ‘market-led’ is the Council itself funding and delivering the re-provision, albeit on different sites to the current homes. This option is not favoured in the circumstances where the independent sector is able to deliver new care homes without direct intervention or subsidy by the Council. However, in the circumstances where this is not happening, at the pace desired by the Council, then it will consider this degree of intervention to secure a solution. As has already been mentioned, this intervention includes the acquisition of sites suitable for new care homes. This option, including ownership and/ or operation via LATC is actively being considered as an approach, in parallel, with market based solutions to the homes as a whole. At the point where the reprovision of a specific home is being consulted on, these and any other appropriate options will need to be further reviewed and analysed as part of the consultation process.
Appendix B

The offer to existing care home residents when closure is proposed

The approach of each consultation and the details of the offer to existing residents will be tailored to local circumstances and individual needs, but the principles are:

a. Residents would be accommodated in a home that meets standards as set out in Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009.

b. Residents would be accommodated in a home that can meet their assessed needs.

c. Residents would be accommodated in a home that can offer them a good quality of care.

d. Residents would be accommodated in a home at fee rates within the range paid by the Local Authority whose area the homes are in.

e. Residents would be accommodated in a home that is a reasonable distance from their current home subject to a wish to move to a different location (as below)

f. Residents who expressed the wish to move as a group would be accommodated where possible.

In conjunction with the core offer set out above, resident’s individual wishes and circumstances would be further taken into account where at all possible. Examples of this would include:

g. Where a resident wished to moved to a different location to be close to a relative.

h. Where a resident wished to move to another type of accommodation subject to their needs being suitably met (as above)

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1 Where a home is part of the Council’s Framework Agreement then this is defined as having been assessed as ‘Excellent’ or ‘Good’ under the terms of that Agreement. Where a home is not then a judgement will be made based on available evidence such as CQC inspection reports. In the case of newly-opened homes (which will not yet have had a CQC inspection or assessment under the Council’s Framework Agreement) then a judgement will be made based on the Council’s monitoring to date along with any other relevant information.
14. Placements Commissioning Strategy

This report details options for the commissioning and/or service development of out of home accommodation placements for Looked after Children.
Placements Commissioning Strategy

Purpose of this report

This report details options for the commissioning and/or service development of out of home accommodation placements for Looked after Children. These options have been endorsed by OSC and are presented to Executive to request permission for a public consultation on our intentions.

RECOMMENDATIONS

The Executive is asked to:

1. approve public consultation on the future commissioning and service development intentions as set out in this report.

Overview and Scrutiny Comments/Recommendations

1. The options appraisal for this consultation was presented to Children’s Services Overview and Scrutiny on 12th March 2019.

2. It was recommended that the Committee support the recommended options for future commissioning and service development, and that a report be delivered at a future meeting following the results of the consultation, to include the Equalities Impact Assessment.
Issues

3. The purpose of this paper is to request permission to consult on options for service development and commissioning of accommodation provision for Looked after Children. These options were endorsed by Children’s Services Overview and Scrutiny on 12th March 2019.

The Sufficiency Duty

4. Section 22G of the Children Act 1989 requires local authorities to take steps to secure, so far as reasonably practicable, sufficient accommodation within the authority’s area which meets the needs of children that the local authority is looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority’s area (‘the sufficiency duty’).

Further statutory guidance issued in 2010 placed an obligation on local authorities to include plans for meeting the sufficiency duty in their relevant commissioning strategies.¹

5. This paper outlines the commissioning and service development options to achieving sufficiency against provision types that are within the Council’s gift to influence: foster care (in-house and external), residential care (in-house and external), 16+ semi-independent/supported accommodation and ad-hoc placements such as PACE and parent & child placement.²

Drivers for change

6. Nationally, a ‘crisis’ in care has been identified arising from increasing numbers of applications for care numbers and already-high numbers of children in care. At the same time, Councils are facing pressure to make efficiencies on care placement costs, and there is pressure from the market due to a national shortage of foster carers and increasing unit costs of placements. Both the independent fostering and residential sectors have recently noted the impact that Councils’ need to manage or reduce placement costs is having on sufficiency, but stress that growth of supply cannot occur without an increase in providers’ current profitability – we cannot continue to work as we have done.

¹ Sufficiency: Statutory guidance on securing sufficient accommodation for looked after children, Department for Children, Schools and Families 2010 (paragraph 1.16).
² Adoptive placements are out of scope for this paper as the Council will take on the role of lead commissioner within a Regional Adoption Agency (RAA) from April 2019. Proposals to achieve sufficiency of adopters are contained within the Agency’s strategy, with which LAC commissioning options will align. Residential SEND placements are also out of scope at the present time – a SEND placements strategy (including CWD/SEND children and young people who are Looked After) is being developed as a separate workstream within the overall project.
7. Locally, the Council has pledged to our Looked after Children to provide them with homes where they feel “safe, settled and happy,”³ and while our placement stability outcomes are good, there is no overarching strategy for commissioning and/or providing these homes across the whole range of accommodation provision. This means that placements are often purchased on an at-need basis, and as a result, the market is not sufficiently calibrated to meet our placement needs.

8. The Central Bedfordshire Children’s Transformation portfolio aims to manage demand on the care system by providing earlier intervention, more joined-up services and locality-based help to vulnerable families. A workstream has been initiated within this programme to implement a resource allocation system developed by iMPOWER (‘Valuing Care’) which will enable cost-effective placements to be made that achieve the best outcomes for children and young people. This tool codifies children and young people’s needs, allowing placement providers to develop a more child-centred package of care than current placement referral mechanisms, which are more risk-oriented. However, a previous lack of engagement with external providers has led to a disjunction between Valuing Care and the cost of placements offered by the wider market.

9. There is an MTFP commitment for 2019/20 to achieve efficiencies of 6% (£156,000) against the in-house fostering budget, and 4% (£109,000) against the IFA fostering budget.

Forecast need

10. The table below is taken from a recent analysis of placement sufficiency and shows a forecast of the numbers of each placement type that is within the local authority’s gift to influence.

11. Figures have been calculated as proportions of the total forecast numbers of looked after children,⁴ on the assumption that the proportion of children and young people placed in each provision type would maintain similar trajectories till 2021 as they have for the last 5 years. In-house and IFA placement numbers have been calculated on the basis of our corporate aspiration that 70% of fostered children should be placed in-house.

⁴ Total forecast LAC numbers have been calculated on the numbers and time spent in care for all admissions and discharges over the last 5 years.
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<td>127-128</td>
<td>132-135</td>
<td>138-142</td>
<td>+37-41</td>
</tr>
<tr>
<td>Foster placements - IFA</td>
<td>85</td>
<td>67-68</td>
<td>70-71</td>
<td>72-74</td>
<td>-11-13</td>
</tr>
<tr>
<td>Residential placements (incl. CWD)</td>
<td>18</td>
<td>16-17</td>
<td>14-15</td>
<td>Dec-13</td>
<td>-5-6</td>
</tr>
<tr>
<td>16+ semi-independent</td>
<td>41</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>-1</td>
</tr>
</tbody>
</table>

**Aims and objectives to meet this need**

12. The overall aims of this project are to deliver:

   a) Sufficiency: to provide directly or commission sufficient local accommodation to meet the needs of children and young people who become looked after by Central Bedfordshire and unaccompanied minors who become accommodated. Where children’s needs require that they be placed out of area, to be able to commission individual placements at need from a framework of quality-assured national providers.

   b) High quality placements: to ensure, through effective commissioning and quality assurance processes and partnership working with service users, practitioners, other local authorities and the provider market, that placements meet the needs of children and young people, offer safe and stable homes, and contribute to Looked after Children achieving positive outcomes.

   c) Value for Money: to deliver or commission accommodation that balances cost-effectiveness with quality and minimises the need for placement changes and high-intensity provision.

13. We will achieve this by:

   - Transforming our fostering service so that we can grow and maintain our pool of in-house foster carers, especially those who can foster children with more complex needs. There is potential to explore evidence-based intensive fostering models within the proposals for Fostering Transformation (these may involve the Mockingbird Family Model, an approach where a fostering household acts as a ‘hub’ to offer peer support to other carers in conjunction with specialist practitioners; or Dyadic Development Practice, a therapeutic training and parenting framework aimed at improving attachments between Looked after Children and their carers and mitigating the impact of trauma);

   - Developing better commissioning arrangements for independent fostering placements, while maximising use of in-house carers to meet our aspiration to place 70% of fostered children in-house;
• Ensuring that residential provision is sufficient and can meet needs locally; including for mainstream, complex needs and CWD;

• Ensuring effective commissioning arrangements for semi-independent placements to provide stable, value for money 16+ placements;

• Implementing standard contracts for one-off placements (e.g. parent & child units) that ensure quality, value for money and compliance; and

• Working with children, young people, parents (where appropriate), carers, practitioners and providers to co-design and develop accommodation provision that meets children’s needs, can contribute to improved outcomes, and enables them to achieve their aspirations as they move towards adulthood.

**Phased approach**

14. It is proposed to phase the next stages of the project as follows, based on (re)commissioning deadlines, service user volumes, and current provider performance:

<table>
<thead>
<tr>
<th>Proposed Phasing</th>
<th>Phase 1 – foster care</th>
<th>Phase 2 – 16+ semi-independent</th>
<th>Phase 3 - residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current configuration</strong></td>
<td>61% of placements operated by CBC 39% with Independent Fostering Agencies (IFAs), commissioned through Dynamic Purchasing System (DPS) – joint with Bedford &amp; Luton</td>
<td>21 beds for UASC operated by CBC (Housing) Additional 16+ placements commissioned through Dynamic Purchasing System (DPS)</td>
<td>5-bed home operated by CBC Additional mainstream placements spot-purchased from external providers</td>
</tr>
<tr>
<td><strong>Average weekly cost (Aug 2018)</strong></td>
<td>In-house: £357 IFA: £825</td>
<td>£760</td>
<td>Clophill: £1,918 External: £2,356</td>
</tr>
<tr>
<td><strong>18/19 budget</strong></td>
<td>In-house: £2,539,250 IFA: £2,895,000</td>
<td>£291,940 (UASC costs are reclaimed from Home Office)</td>
<td>Clophill: £726,300 External: £874,190</td>
</tr>
<tr>
<td><strong>18/19 spend to date (Feb 2019)</strong></td>
<td>In-house: £2,338,694 IFA: £3,187,872</td>
<td>£678,343</td>
<td>Clophill: £726,300 External: £776,771</td>
</tr>
<tr>
<td><strong>Reason for phasing</strong></td>
<td>High volume of placements MTFP pressures Issues with current purchasing arrangement Contract ends March 2020</td>
<td>MTFP pressures Contract ends May 2021 and UASC arrangements could be aligned with this</td>
<td>Now in-house so no contract end date Potential to align with placements strategy for residential SEND accommodation</td>
</tr>
</tbody>
</table>
Options for consideration

15. The options for each phase of commissioning or internal service development were analysed according to five different approaches:

a) continue ‘as is’ (or re-commission like-for-like)
b) provide all services in-house
c) provide all services externally
d) Operate a mixed economy of in-house and external framework/spot-purchase provision, with the scope for each clearly demarcated in commissioning plans
e) As above, but inclusive of some ‘blocks’ of provision according to needs.

16. Each option was assessed against the criteria of desirability (how well the option would deliver the aims and objectives of this project), financial viability, and feasibility of implementation. A risk assessment is attached to each. Taking all these factors into account, we recommended the following options, which were endorsed by Children’s Services OSC:

f) **Phase 1 Foster Care – Option E**: Operate a mixed economy of in-house and external framework/spot-purchase and block-contracted provision, with the scope for each clearly demarcated in commissioning plans.

g) **Phase 2 16+ Semi Independent – Option E**: Operate a mixed economy of in-house and external provision, with block contracts, and with the scope for each clearly demarcated in commissioning plans.

h) **Phase 3 Residential Care – Option B**: Provide all services in-house (with potential framework of national providers for out of area placements).

Reason/s for decision

17. **Foster care: Option E** – current CBC placement costs and messages from the market indicate that the widely-used ‘in-house first’ system and commissioning arrangements that are essentially spot-purchasing from frameworks cannot guarantee sufficiency, represent poor value for money due to variable costs, and can result in poor quality placements and outcomes. This is unsustainable both for the LA and for providers. Where other authorities are trialling block-contract IFA models to meet specific needs, these have the potential to reduce costs dramatically in the longer term. While volumes of throughput are not guaranteed, the potential risks of using this model could be managed; i.e. by ring-fencing accommodation for the most complex and high-needs children and young people while maintaining a framework/DPS arrangement for placements at lower levels of need. A block contract could be let on a 3-year basis to offer some stability, while giving a manageable timeframe for review.
18. **16+ semi-independent: Option E** – current in-house placements offer good options for keeping vulnerable young people close as they transition to adulthood, while the local market offers enough placements to meet need – however, these need to offer greater variety to support young people’s move-on housing aspirations. This model would result in a more diverse commissioning arrangement than others (i.e. in-house provision, block contracting and a potential framework/DPS for at-need placements); however, it would give greater guarantee of placement availability, is working well in statistical neighbour authorities and offers potentially much greater opportunity for cost savings.

19. **Residential: Option B** – although the exact cost implications of bringing the Clophill home in-house are yet to be fully understood, the current trend towards lower numbers of residential placements mean that it is not cost-effective to maintain a mixed economy locally for this accommodation type. As Central Bedfordshire’s homes for Children with Disabilities are also in-house, a single management model for this type of provision would be more efficient and enable the Council to develop residential provision holistically to meet future needs. This option would also allow staff and young people at Clophill to stabilise following the recent transition, and if a further mainstream home were to be developed, enable income generation through letting out unused beds to other LAs. Additional out of area placements are always likely to be required, and a framework of national providers could be developed to meet this need.

**Council Priorities**

20. Great resident services – ensuring that we commission or directly deliver value-for-money, outcomes-focused services that work in partnership with the Council to make a positive impact for our most vulnerable residents.

21. Protecting the vulnerable, improving wellbeing – fulfilling our pledge to Looked after Children and Young People to provide them with a safe, stable home. Research indicates that this placement stability is the cornerstone to improving the wellbeing of children in care and helping them to achieve good lifetime outcomes.

**Corporate Implications**

22. No further corporate implications identified at this time.

**Legal Implications**

23. The general principles derived from case law as to how consultations should be conducted, known as the “Gunning principles” are:
   - Consultation should occur when proposals are at a formative stage;
   - Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
   - Consultations should allow adequate time for consideration and response.

24. There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision.
25. In the Supreme Court case of R (Moseley) v LB Haringey (2014), the Supreme Court endorsed the Gunning principles and added two further general principles:

- The degree of specificity regarding the consultation should be influenced by those who are being consulted;
- The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

Financial and Risk Implications

26. Cost modelling has been calculated using the forecast number of placements for each provision type and the average weekly cost of placements in mid-2018/19.

27. The average p/a overspend on foster placements over the last two financial years has been £842,514, or 19%. Of all the options proposed, only an all in-house model would be achievable within the 2019/20 foster care budget of £5,369,250. This is not a viable option given the current lack of available in-house carers.

28. The proposed mixed economy option for foster care forecasts costs in 2019/20 of £6,108,960. This assumes that the Council is able to meet its ambition to place 70% of fostered children with in-house carers. The current breakdown of placements is around 61% in-house to 39% IFA. Additional savings will also be possible through some block-purchasing. The option compares favorably with a wholly-external model due to the higher cost of external placements.

29. It is acknowledged that the proposed option for foster care exceeds the agreed budget; however, we are proposing the option that presents the best value for money and will mean that we are able to keep expenditure as close to the planned budget envelope as possible. The Directorate will seek to make further savings in other budgets to accommodate the projected overspend.

30. For 16+ semi-independent accommodation, the proposed option of a mixed economy with a clear demarcation of usage for in-house and external carries moderate financial risks as costs are variable and would be dependent on what each type of provision was used for and balance of in-house to outsourced requirements.

31. Costs for UASC placements are reclaimed from the Home Office, but in 2018/19 (to date), the spend on non-UASC 16+ placements has been £678,343 against a budget of £291,940 – largely due to an increase in numbers of these mainstream placements, as well as the complexity of young people’s needs. Costs are forecast to be lower in the future through improved commissioning/contracting arrangements and better matching as a result of implementing Valuing Care. Additional savings of up to 50% per placement should be possible through the use of block contracts.
32. In the case of residential accommodation, the total cost of the recent move of the Clophill home in-house needs to be more fully understood in order to forecast costs accurately. However, a wholly in-house model is likely to be similar to current costs of £1,918 per placement per week. On current population projections, this would incur annual costs of around £997,360 (the 2018/19 budget for all mainstream residential is £1,800,490) – this option is therefore likely to come within budget, with some additional flexibility for spot/Framework purchasing of individual out of area placements if young people's needs demand this.

Equalities Implications

33. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

34. The proposals detailed in this report will primarily affect Looked after Children, their families and carers/care providers.

35. Although Looked After status is not a protected characteristic, these children and young people often experience multiple vulnerabilities before coming into care, while in care and after leaving care; including material deprivation, abuse and neglect, poor educational attainment, poor physical and mental health outcomes, young parenthood, involvement with the criminal justice system and CSE. In addition, 8% of the current cohort have diagnosed disabilities, around a third have identified SEND needs, and 14.5% are Unaccompanied Asylum-Seekers. This means that these children and young people have a wide range of equality and access needs.

36. In order to ensure the implications of these needs are considered fully and the proposals do not negatively impact any one group, a full Equality Impact Assessment will be carried out alongside the public consultation, to inform any future commissioning/service development plans.

37. When this report was presented to Children’s Services Overview and Scrutiny on 12th March, the Committee requested that findings from the EIA and consultation be brought back to OSC prior to any tendering, so that the equalities implications might better be understood.

Conclusion and next Steps

38. If permission for a consultation is granted, Children’s Services plans to consult on these models between June and July 2019. This consultation will target key stakeholders including Looked after Children and young people, in-house and external foster carers, residential and semi-independent accommodation providers, regional partners and the national market as well as be open to the general public.

39. Focused engagement and consultation activities will be conducted with children and young people by the Children in Care Council.
40. Feedback from this consultation will be presented to Executive and used to inform the development of service specifications for IFA and semi-independent accommodation recommissioning. This will take place in late 2019, with a view to a new IFA arrangement being in place by 1st April 2020.

41. Subsequent phases of commissioning and service development will be implemented following this – new semi-independent arrangements should be in place by April 2021 and the final configuration of residential accommodation should be completed by 2022.

Appendices

Appendix A: Draft consultation document
Appendix B: Draft consultation questionnaire

Background Papers

None

Report author(s): Toni Badnall-Neill

Strategic Commissioning Officer, Children’s Services

Toni.badnall@centralbedfordshire.gov.uk
...on the Looked After Children Placements Strategy

Find Central Bedfordshire Council online at
www.centralbedfordshire.gov.uk/consultations
Looked After Children Placements Strategy

Introduction

We have pledged to our children in care (Looked after Children) that we will provide them with homes where they feel “safe, settled and happy.” Our outcomes for Looked after Children show that we are good at ensuring they have safe and stable placements, but we have no overarching plan for how we provide these placements. This means that they are often purchased in an unplanned way. We are consulting on a new placements strategy to ensure we have sufficient accommodation for our Looked after Children, that is good quality and represents good value for money.

Placements can be provided directly by the Council (e.g. with foster carers who work for us, or in children’s homes that we run), or they can be “commissioned” – developed with and purchased from external providers.

This consultation looks at how the Council will provide or commission accommodation for children and young people who are in care. We do not plan to change substantially what services are received by children, but the way these services are developed and managed to meet our current and future needs.

Background

The Sufficiency Duty in the Children Act of 1989 requires us to take steps to secure sufficient accommodation within our area which meets the needs of the children that we look after or who may need to be accommodated away from the family home.

To meet this duty, we are looking at the following types of provision:

- Foster care
- Residential children’s homes
- 16+ semi-independent/supported accommodation
- Ad-hoc placements, such as PACE and parent and child placements

The Central Bedfordshire Children’s Transformation portfolio aims to manage demand on the care system by providing earlier intervention, more joined-up services and locality-based help to vulnerable families.

However, nationally and locally, more children are coming into care and staying in care. At the same time, there is a national shortage of foster carers and placements are becoming increasingly expensive. Like all local authorities, we have to make savings, and that means working in a more efficient way to meet placement needs.

Aims to meet future need

The aims of this strategy are to:

a) Directly provide or commission sufficient local accommodation to meet the needs of Looked after Children and young people. Also, where children’s needs are such that they are placed out of Central Bedfordshire, to be able to commission individual placements from quality-assured providers on a national basis.

b) Deliver high-quality placements that offer safe and stable homes and contribute to Looked after Children and young people achieving positive outcomes.

c) Ensure value for money, balancing cost-effectiveness with quality and minimising the need for placement changes and high-intensity provision.
How will this be achieved

- Transforming our fostering service so that we can grow and maintain our pool of in-house foster carers, especially those who can foster children with more complex needs.
- Developing better arrangements for commissioning foster placements from Independent Fostering Agencies (IFA’s), while maximising use of foster carers who work directly for the Council to meet our aspiration to place 70% of fostered children in-house.
- Ensuring that residential provision is sufficient and meets the local need.
- Maximising the use of our dynamic purchasing system (DPS) or other contractual arrangements for placements for young people aged 16+ to commission stable, value for money semi-independent placements.
- Implementing standard contractual arrangements for paying for one-off placements (e.g. parent & child units) that ensure quality, value for money and compliance.
- Working with children, young people, parents (where appropriate), carers, practitioners and providers to develop accommodation provision that meets children’s needs and can contribute to improved outcomes and which enables them to achieve their aspirations as they move towards adulthood.

Implementation

This will be a phased approach that will be as follows:

Phase 1 – foster care
Phase 2 – 16+ semi-independent living
Phase 3 – residential

Options considered

For each phase listed above (1-3), we have considered a number of options that looked at the following five models. These were:

A) Continue as we are (which would mean some buying of placements in an unplanned way)
B) Provide all services in-house (i.e., the Council would directly deliver these services itself)
C) Provide all services externally (i.e., we would commission these services from external providers)
D) Operate a mixed approach of in-house and external provision
E) Operate a mixed approach of in-house and external provision but ring-fence some ‘blocks’ of provision to meet specific needs

Each option was assessed against the criteria of desirability, financial viability and feasibility of implementation. These can be viewed in Appendix A of the Children’s Services Overview & Scrutiny report available online.

Recommendations

Having looked at all the options, we recommended that the Council take the following approach:

Phase 1 Foster Care – Option E: To have a mix of in-house and external (IFA) fostering placements, but clearly define what we would use each type for, and commission some ‘blocks’ of provision to meet specific needs.
Phase 2 16+ Semi Independent – Option E: To have a mix of in-house and external semi-independent placements, but clearly define what we would use each type for, and commission some ‘blocks’ of provision to meet specific needs.
Phase 3 Residential Care – Option B: Provide all services in-house (with a potential framework of national providers for out of area placements).
This consultation is a summary so for more information, please see the Children’s Services Overview & Scrutiny report available online.

**How to have your say**

The consultation is open from June X to August X. You can have your say by answering a questionnaire on our website at [www.centralbedfordshire.gov.uk/consultations](http://www.centralbedfordshire.gov.uk/consultations) or you can pick up a paper copy from council offices in Chicksands or Dunstable.

**What happens next?**

Feedback from this consultation will be presented to the Executive Committee and it given approval will be used to inform the development of services specifications for IFA and semi-independent accommodation recommissioning. This will take place in late 2019 with a view to new IFA arrangements being in place by April 1st 2020.

The new semi-independent arrangement should be in place by April 1st 2021 and the residential accommodation by 2022.
Central Bedfordshire Council is consulting on its placements strategy for Looked after Children.

We have pledged to our children in care (Looked after Children) that we will provide them with homes where they feel “safe, settled and happy.” Our outcomes for Looked after Children show that we are good at ensuring they have safe and stable placements, but we have no overarching plan for how we provide these placements. This means that they are often purchased in an unplanned way. We are consulting on a new placements strategy to ensure we have sufficient accommodation for our Looked after Children, that is good quality and represents good value for money.

Placements can be provided directly by the Council (e.g. with foster carers who work for us, or in children’s homes that we run), or they can be “commissioned” – developed with and purchased from external providers.

This consultation looks at how the Council will provide or commission accommodation for children and young people who are in care. We do not plan to change substantially what services are received by children, but the way these services are developed and managed to meet our current and future needs.

The council has considered a range of options and identified a preferred approach. Please read the supporting consultation document and submit your response by 5pm on Tuesday 6 August 2019.

The preferred option for Foster Care
To have a mix of in-house and external (IFA) fostering placements, but clearly define what we would use each type for, and commission some ‘blocks’ of provision to meet specific needs.

Q1 How far do you agree or disagree with the preferred option for foster care? (please select one)
   - [ ] Strongly agree
   - [ ] Agree
   - [ ] Neither
   - [ ] Disagree
   - [ ] Strongly disagree

Q2 Do you have any comments about the preferred option?
The preferred option for 16+ semi-independent
To have a mix of in-house and external semi-independent placements, but clearly define what we would use each type for, and commission some ‘blocks’ of provision to meet specific needs.

Q3 How far do you agree or disagree with the preferred option for 16+ semi-independent placements? (please select one)
   ☐ Strongly agree  ☐ Agree  ☐ Neither  ☐ Disagree  ☐ Strongly disagree

Q4 Do you have any comments about the preferred option?

The preferred option for Residential
Provide all services in-house (with potential framework of national providers for out of area placements).

Q5 How far do you agree or disagree with the preferred option for residential placements? (please select one)
   ☐ Strongly agree  ☐ Agree  ☐ Neither  ☐ Disagree  ☐ Strongly disagree

Q6 Do you have any comments about the preferred option?

Alternative options

Q7 The Council has considered a range of options. If you would like to comment on these alternative options, or, if you have any other alternative suggestions, please let us know below: (the alternative options can be found at http://www.centralbedfordshire.gov.uk/consultations)
Final comments

Q8 Do you have any other comments about the Looked After Children Placements Intentions?

About You
This section is about you. The following information will help us when considering your opinions and to make sure that we’re getting views of a cross-section of members of the community. The answers will not be used to identify any individual. You can read more about why we ask these questions on our website.

Q9 Are you responding as: (please select one)

- Resident of Central Bedfordshire
- Looked after child
- Foster carer
- Resident elsewhere
- Town or Parish Council in Central Bedfordshire

If Town or Parish Council, please specify:

- Local Business
- A placement provider
- Voluntary or Community organisation
- Other

If Voluntary or Community organisation, please specify:

If other, please specify:

Q10 If you are a Looked After Child, are you a member of the Children in Care Council? (please select one)

- Yes
- No

Q11 If you are a placement provider, which of the below do you provide? (please select all that apply)

- Local authority fostering service
- Independent Fostering Agency (IFA)
- Children’s residential home provider
- 16+ supported/semi-independent accommodation provider
- Other

If other, please specify:

Q12 Are you: (please select one)

- Male
- Female

Q13 What is your age? (please select one)

- Under 16 yrs
- 16-19 yrs
- 20-29 yrs
- 30-44 yrs
- 45-59 yrs
- 60-64 yrs
- 65-74 yrs
- 75+ yrs
Q14 Do you consider yourself disabled? (please select one)
Under the Equality Act 2010 a person is considered to have a disability if they have a physical or mental impairment which has a sustained and long-term adverse effect on their ability to carry out normal day to day activities.

☐ Yes
☐ No

Q15 To which of these groups do you consider you belong? (please select one)
☐ White British
☐ Black or Black British
☐ Asian or Asian British
☐ Mixed ethnicity
☐ Other ethnic group
If other, please specify:

Q16 What is your home or organisation's postcode?
This will only be used for analysis purposes and will not be used to identify you in any way.

Q17 If you would like to receive alerts for any new consultations, please provide your email address below to be added our database, this will not be used or shared in any other capacity:

Thank you.

Please return your completed form by 5pm on Tuesday 6 August 2019 to:
Freepost RSJS GBBZ SRZT (you do not need a stamp)
LAC Placements consultation
Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
SG17 5TQ

Data Protection Act 2018
Please note that your personal details supplied on this form will be held and/or computerised by Central Bedfordshire Council for the purpose of this survey. The information collected may be disclosed to officers and members of the Council and its’ partners involved in this survey. Summarised information from the forms may be published, but no individual details will be disclosed under these circumstances. Your personal details will be safeguarded and will not be divulged to any other individuals or organisations for any other purposes. If you do not wish to have your personal details retained for the purposes given, please contact consultations@centralbedfordshire.gov.uk who will arrange for their removal and deletion. We will only be able to locate your data for removal if you have provided us with a personal identifier, such as your email address.
15. Extension of Contractual Arrangements for the Supply of Agency Staff

To extend the existing contractual arrangements for the supply of agency staff ahead of a re-procurement process which will conclude in late 2019 or early 2020.
Central Bedfordshire Council

Executive 11 June 2019

Extension of Contractual Arrangements for the Supply of Agency Staff

Report of: Cllr Richard Wenham - Executive Member for Corporate Resources and Deputy Leader of the Council

(richard.wenham@centralbedfordshire.gov.uk)

Responsible Director(s): Charles Warboys, Director of Resources

(charles.warboys@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

To extend the existing contractual arrangements for the supply of agency staff ahead of a re-procurement process which will conclude in late 2019 or early 2020.

RECOMMENDATIONS

The Executive is asked to:

1. approve an extension of the interim contract for the supply of agency staff with the current supplier for a period of one year as set out in paragraph 12; and

2. note that in all other respects the approach set out in the report to the Executive on 7th August 2018 remains the preferred option and instructs officers to continue their work on that basis.

Overview and Scrutiny Comments/Recommendations

1. The proposals for the reprocurement of the contract for the supply of agency staff was considered by Corporate Resources Overview and Scrutiny Committee on 31st January 2019 and the matters referred to in this report were reported at that meeting. The committee endorsed the proposal to extend the interim contract as set out.
Issues

2. At its meeting on 7th August 2018 the Executive considered a report and approved the approach set out within it to the re-procurement of the Council's contract for the supply of agency workers.

3. This report set out the issues in some detail including:
   a. Reductions in the use of agency staff achieved since 2013, current and forecast usage.
   b. Contract types
   c. Procurement options.
   d. Key objectives

4. One of the recommendations in that report was the direct award of an interim contact with the current supplier for a period not exceeding nine months.

5. Following that decision, a contract within the MSTAR2 Framework (but with similar terms and conditions to the previous contract) was agreed for this period. The interim contract is due to expire on 2nd August 2019.

6. At that time, it was considered that the new framework options referred to in the report would be in place and the Council would have had time to consider those options and to secure a supplier under the chosen framework.

7. This has proven not to be the case for a number of reasons, the main one being the delay to the publication of the full specification for the MSTAR3 framework by Eastern Shires Purchasing Organisation (ESPO).

8. Although the specification and contractual arrangements have recently been made available to councils by ESPO, the framework options are more complex than previous offerings and it will take some time to consider and evaluate this alongside the other frameworks available to the Council.

9. Once a framework has been decided upon then the Council will need to undertake the process prescribed within the chosen framework to select and appoint a supplier.

10. Following this there will be an implementation period during which arrangements are made to transfer operations across to the new contractor.

11. In addition, it has become clear that under the originally planned timetable the implementation period would coincide with the implementation of S4Hana. As a key requirement will be the interfacing of the contractor’s system(s) with the Council’s accounting and HR systems this coincidence is assessed to add significantly to the complexity and risks of both projects.

12. When these factors were identified and options were being considered, discussions took place with the existing contractor to understand their perspective. The contractor was willing to extend the current contractual arrangements on identical terms but only for either one or two full years (i.e. until either 2nd August 2020 or 2nd August 2021).
13. Whilst it is considered that a more flexible extension would be preferred by the Council, as only an additional 6-9 months is required, a one-year’s extension is considered acceptable and allows for some further contingency.

**Reason/s for decision**

14. The decision is required in order to maintain the supply of agency staff to the Council during the period when a new contractor is being sought.

**Council Priorities**

15. This proposal supports the priority of becoming a more efficient and responsive Council.

**Corporate Implications**

16. The procurement issues were set out in the report to the Executive on 7th August 2018 and are updated in this report.

**Legal Implications**

17. The proposals set out in the report to extend the interim contract entered into under the MSTAR2 Framework, poses an element of procurement risk because that contract is to be extended without a further procurement exercise being undertaken. This is exacerbated because the MSTAR2 Framework has itself been extended beyond its initial term and that extended term has now expired. The risk is mitigated to a degree as the proposed extension to the contract is relatively short and because the Council is working towards selecting a framework from which to procure future services.

**Financial and Risk Implications**

18. The financial implications of this decision are minimal as the current arrangements will continue on the same financial terms so costs will be unaltered.

19. Whilst there is a risk of challenge to this decision as set out in paragraph 17 there are also risks inherent in alternative courses of action. These include the risk of impacts across all areas of service delivery in the Council if it is unable to secure continuity of supply of agency workers after the current arrangements expire.

**Equalities Implications**

20. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

21. In preparing this report no implications have been identified that would impact on people with protected characteristics. This matter will be kept under review and any impacts identified will be reported to decision-makers.
Conclusion and next Steps

22. Work is already under way to evaluate the frameworks and a report setting out the advantages and disadvantages of each (and any options within frameworks) along with the preferred option will be presented to a future meeting of Corporate Resources Overview and Scrutiny Committee.

23. Following feedback from this Committee it is envisaged that a framework will be chosen, and a supplier will be selected from within the framework (following a process which is in accordance with the requirements of the framework and public contract regulations).

24. It should be noted that the decisions set out in paragraph 23 were delegated to the Director of Resources in consultation with the Deputy Leader and Executive Member for Corporate Resources by the Executive at its meeting on 7th August 2018.

Appendices

None

Background Papers

The following background papers, not previously available to the public, were taken into account and are available on the Council’s website:

None

Report author(s): Tim Hoyle
Assistant Director Strategic Commissioning

tim.hoyle@centralbedfordshire.gov.uk
16. Variation to Capital Programme

To seek a recommendation from the Executive to Full Council that the Capital Programme be varied for 2019/20.
Variation to Capital Programme

Report of: Cllr Richard Wenham, Deputy Leader and Executive Member for Corporate Resources
Richard.wenham@centralbedfordshire.gov.uk

Cllr Eugene Ghent, Executive Member for Assets and Housing Delivery
eugene.ghent@centralbedfordshire.gov.uk

Responsible Director(s): Charles Warboys, Director of Corporate Resources
(Charles.warboys@centralbedfordshire.gov.uk)

Marcel Coiffait, Director of Community Services
(marcel.coiffait@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

To seek a recommendation from the Executive to Full Council that the Capital Programme be varied for 2019/20.

RECOMMENDATIONS

The Executive is asked to:

1. agree that the Council should deliver the relief road and other advance infrastructure necessary to progress the development or sale of Chase Farm, Arlesey; and

2. recommend to Full Council that the Capital Programme 19/20 is varied to include up to £15 million for the provision of the advance infrastructure at Chase Farm, Arlesey
Overview and Scrutiny Comments/Recommendations

1. This report was considered by Corporate Resources Overview and Scrutiny Committee on 30 May 2019 and their comments will be provided to the Executive verbally.

Background

2. The Council owns land at Chase Farm Arlesey and has the benefit of planning permission for the following:
   a. construction of section of relief road between A507 and High Street, formation of a new roundabout junction on the A507 and mini roundabout on the High Street (CB/15/02916/REG3)
   b. 950 dwellings, 80 bedroomed extra care unit, 2 form entry lower school, employment space, retail space, a hotel, healthcare and community uses (CB/17/01158/OUT)
   c. construction of roundabouts, crossings and laybys on the relief road (CB/17/00492/FULL).

3. The Council has made a commitment to the local community that it will provide the advance infrastructure ahead of significant numbers of dwellings being built.

4. The Chase Farm site is subject to a promotion agreement with Telereal Trillium (TT) and work is being undertaken by TT to discharge the various planning conditions to allow the site to be developed. TT have, however, in line with the terms of the promotion agreement, indicated a preference not to undertake the provision of the advance infrastructure.

5. The advance infrastructure works consist of the provision of a link road and a bridge, together with the primary utilities needed to serve the site.

6. It has, therefore, been identified that it is desirable for the Council to provide the advance infrastructure to de-risk the site, as it considered unlikely that any one potential purchaser (in the market or the Council’s housing company) would be willing to undertake the provision of this level of infrastructure, as the investment required to provide the advance infrastructure would be onerous.

7. The Council’s ability to borrow from the Public Works Loan Board at competitive rates of interest offers a saving against the likely cost of capital available to any developer who undertook the provision of the infrastructure - this offers a direct benefit to the Council as the impact on the site value is reduced.

8. The Council, therefore, has an opportunity to increase the value of the site, if it is marketed for sale, by providing the infrastructure. If the Council decides to develop the site or part of the site itself or through its housing company or HRA the provision of the advance infrastructure will enable this development to progress, as without infrastructure the site is not accessible and will not be delivered.
9. The borrowing will be repaid by the capital receipt from Phase 1 (anticipated in 2019/20). At the same time opportunities for external funding are being explored.

10. The costs of the provision of the advance infrastructure would be phased according to the delivery programme for the infrastructure and it is unlikely that the borrowing will be required in one lump sum and will be drawn down as required to fulfil any contractual requirements.

11. The short-term nature of the borrowing and anticipated interest rates, means that the cost of the Council delivering infrastructure will be less than if it was delivered by a developer. It is expected to save the Council £650,000 per annum in interest payments.

12. It had been assumed that interest costs would be netted off the capital receipt to the Council by the developer, consequently the cost of interest has not been accounted for within 2019/2020 budget and will therefore be a financial pressure until the borrowing is repaid.

13. The Council’s budget, including the capital programme was approved on 21 February 2019, however, no sum had been included for the provision of the infrastructure as it had not been identified at that time that the Council would seek to deliver the infrastructure itself.

Options for consideration

14. The Council to undertake the provision of the advance infrastructure

Main Advantages

- The Council would retain control of the phasing of the infrastructure which gives flexibility for the delivery of the development
- The Council’s ability to access borrowing at a low rate offers a financial saving against the likely borrowing available to a developer
- The Council has framework arrangements which can be accessed to allow the infrastructure to be procured.

Main Disadvantages

- There will be a resource impact within the Council, however, there are framework arrangements available to mitigate this impact.
- The Council will be required to increase its borrowing over a limited period.

15. Offer the Site for Sale without the provision of the advance infrastructure

Main Advantages

- The purchaser of the site (or part thereof) would undertake the infrastructure at their own risk using their own finance.
- There would be no impact on the Council’s staffing resource.
Main Disadvantages

- The ability for the Council to borrow at low interest rate represents a significant saving against the likely interest rate at which a developer could borrow.
- The Council will have no control over the phasing and timing of the provision of the infrastructure and this could impact the ability of the Council to develop any part of the site itself.
- The commitment to local residents that key infrastructure will be provided in advance of significant housebuilding is unlikely to be met.

Reason/s for decision

16. TT have indicated, as permitted by the terms of the promotion agreement, that they do not wish to undertake the provision of the advance infrastructure. The Council has made a commitment to the local community that it will provide the advance infrastructure ahead of significant numbers of dwellings being built. The Council will be able to achieve its commitment to the local community if it undertakes the provision of the infrastructure itself.

17. The provision of the advance infrastructure will de-risk the site to make it attractive to potential purchasers, the level of infrastructure investment needed may deter purchasers, particularly if the site is sold in phases and this or the level of investment required may impact the land values.

18. The Council may decide to develop part(s) of the site itself either, through its housing company of the HRA and the ability to control the phasing and timing of the delivery of the advance infrastructure will offer an opportunity to optimise these opportunities.

Council Priorities

19. Making the best use of the Council’s land assets to deliver housing and commercial floorspace supports at least one of the Council’s priorities, listed below:

   - Access to housing is fundamental to:
     - Protecting the vulnerable; improving wellbeing – providing access to the right housing in the right place has a fundamental impact on the wellbeing of residents.
     - A more efficient and responsive Council – developing appropriate housing and commercial floorspace helps reduce demand on other Council services and reduces asset value leakage to the private sector.
Corporate Implications

Legal Implications

20. The report seeks a recommendation for the Council to undertake the provision of the infrastructure itself, utilising borrowing and the Council's Section 151 Officer will be required to approve the borrowing.

21. The procurement of the infrastructure will be subject to the Council's procurement procedures and public procurement legislation.

22. Full Council is required to approve this proposed variation to the Capital Programme.

Financial and Risk Implications

23. The report sets out the likely interest rate and interest payments for the period for which the borrowing will be outstanding and demonstrates the saving which could be achieved against the option of a developer undertaking the infrastructure works.

24. There will be no negative impact on the overall financial position for the Council as the construction costs of the relief road and other infrastructure will be recovered from the capital receipts for the sale of the site.

Equalities Implications

25. Central Bedfordshire council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

26. The proposal includes planning permission for 950 dwellings, 80 bedroomed extra care unit, 2 form entry lower school, employment space, retail space, a hotel, healthcare and community uses. Supporting the delivery of the relief road and other advance infrastructure is therefore likely to have a positive equality impact for local communities.

Conclusion and Next Steps

27. The report sets out the rationale for the Council to undertake the provision of the advance infrastructure itself and for Executive to recommend to Full Council the variation of the Capital Programme to facilitate borrowing of up-to £15 million for the provision of infrastructure at Chase Farm Arlesey.

28. A report will be prepared for consideration at Full Council at its meeting of 18 July 2019 to consider the variation to the 2019/20 Capital Programme.
29. If Full Council approves the variation to the Capital Programme the Council will deliver the advance infrastructure itself through its existing contractual framework arrangements.

Appendices
None

Background Papers
None

Report author(s): Marcel Coiffait
Director of Community Services
Marcel.coiffait@centralbedfordshire.gov.uk
17. Waste Collection and Street Cleansing Contract Award

To outline the background to the design and procurement of the Waste Collection and Street Cleaning contract and seek approval to delegate award of the contract based on the Most Economically Advantageous Tender.
Central Bedfordshire Council

Executive 11 June 2019

Waste Collection and Street Cleansing Contract Award

Report of: Cllr Ian Dalgarno, Executive Member for Community Services (ian.dalgarno@centralbedfordshire.gov.uk)

Responsible Director(s): Marcel Coiffait, Director of Community Services (marcel.coiffait@centralbedfordshire.gov.uk)

This report relates to a decision that is Key

Purpose of this report

To outline the background to the design and procurement of the Waste Collection and Street Cleaning contract and seek approval to delegate award of the contract based on the Most Economically Advantageous Tender.

RECOMMENDATIONS

The Executive is asked to:

1. delegate authority to award the Waste Collection and Street Cleansing contract to the Director of Community Services, in consultation with the Executive Member for Community Services, based on the Most Economically Advantageous Tender.

Overview and Scrutiny Comments/Recommendations

1. Sustainable Communities Overview and Scrutiny Committee received a report outlining the waste collection options, the interim results of the public consultation, financial modelling and environmental performance of the options and operational deliverability and made recommendations to Executive on 10 May 2018 which were taken into consideration when deciding on the service design and delivery model.
Background

2. The Council’s waste collection services are currently delivered by Biffa Municipal Ltd. under two contracts which expire in 2019. The end of these contracts presents an opportunity to fully review the design of the services and set the way they are delivered into the future.

3. The current recycling rate for Central Bedfordshire is 46%. Under the revised Waste Framework Directive from 2008, a 50% recycling rate (including composting and reuse) must be achieved by 2020. The Circular Economy Package contains challenging recycling targets of 55% by 2025, 60% by 2030 and 65% by 2035. Defra’s Resource and Waste Strategy may also introduce targets and this is currently being consulted on.

4. In order to achieve a balanced budget, the Council is required to make significant savings and efficiencies within the Medium Term Financial Plan (MTFP). To this end the current MTFP includes a total saving target of £2.55m from retendering and changes to waste services in 2019/20 and 20/21.

5. A report to Executive on 6th February 2018 set out the options for future waste collection in Central Bedfordshire and gained approval to carry out a public consultation on the possible options for the future service. In addition to a comprehensive consultation, further work was undertaken to fully understand the financial implications, environmental performance and operational considerations for each of the options.

6. The results of the consultation were that residents are strongly in favour of recycling more and saving money in the service and therefore the primary objectives are to drive up recycling rates by making recycling easier and encouraging behavioural change and giving residents value for money by harmonising the services, designing and running an efficient service, whilst making savings where possible.

7. A report to Executive on 18th May approved the following recommendations that the council:

   a. Offers a harmonised waste collection service across the whole of Central Bedfordshire.

   b. Commits to increasing recycling rates to meet targets of 50% by 2020 and 55% by 2025 and

   c. To achieve these commitments the council will:

      • Introduce a weekly food waste collection to the south of Central Bedfordshire
      • Offer the choice of bins or 2 x reusable bags for green (garden) waste collection to all residents and not to charge for the service at this time.
      • Approve the separate collection of glass as a desired future additional service to residents and include as an optional item in the procurement of the services
      • Support residents to maximise recycling by the use of proactive, targeted support to those having difficulties
• Approve three weekly residual collection as an option in the procurement of the services, to be introduced at some point in the future.

8. Delegated authority was given to the Assistant Director – Environmental Services in consultation with the Executive Member for Community Services and working in conjunction with procurement officers to commence and carry out a full procurement process compliant with the Public Contracts Regulations 2015 to out-source the services to a third-party supplier in order to maximise cost efficiencies.

Procurement

9. As a result of these decisions, the contract documents for the Waste Collection and Street Cleansing service were designed and finalised and a full restricted OJEU procurement process was put to the market. The Standard Selection Questionnaire was published on 15th November 2018 and successful bidders Invited To Tender on 17 December 2018. The deadline for tender receipts from potential providers was 15th April 2019.

10. The tenders are being evaluated to ascertain the Most Economically Advantageous Tender. Cost and quality are each given a 50% weighting. The marks available for the quality aspect of the submissions are split into a range of individual elements and weighted according to their importance. Evaluation is a measure of the extent to which the tenders meet the requirements of the service specification.

11. The whole process, from contract design and throughout the procurement process, has been conducted in collaboration with and with oversight from the legal and procurement teams and this will be the case through to award and beyond if necessary.

Reason for decision

12. Through the tender and evaluation process the Most Economically Advantageous Tender will be identified and this will be the tender put forward for award.

Council Priorities

13. The review of waste collection services supports three of the Council’s key priorities
   a. Provide Value for Money- Maintaining a range of recycling services whilst providing cost savings and efficiencies
   b. Enhance Central Bedfordshire- Keeping the number and movement of waste vehicles down to a minimum and reducing emissions.
   c. Quality Universal Services- Continuing to provide excellent recycling and waste collection service to Central Bedfordshire residents.
Corporate Implications

Legal Implications

14. A fully compliant EU Procurement process is being conducted in conjunction with legal services who have been engaged throughout and will continue to be engaged to the point of award and beyond if necessary.

15. The current recycling rate for Central Bedfordshire is 46%. Under the revised Waste Framework Directive from 2008, a 50% recycling rate (including composting and re-use) must be achieved by 2020. The Circular Economy Package contains challenging recycling targets of 55% by 2025, 60% by 2030 and 65% by 2035. Defra’s Resource and Waste Strategy may also introduce targets and this is currently being consulted on. The contract is designed to achieve recycling rates of 50% by 2020 and 55% by 2025.

Financial and Risk Implications

16. A fully compliant EU Procurement process is being conducted in conjunction with legal services and procurement who have been engaged throughout and will continue to be engaged to the point of award and beyond if necessary.

17. The evaluated cost of the service over the full term of the contract will be provided to the Director of Community Services and the Portfolio Holder for Community Services, alongside a summary of the costs/savings associated with the basic service and the collection cost/saving of service changes i.e. introducing a food collection service to the south of the area, harmonising the green waste service in the north, changing to three weekly residual collection and rolling out glass collection across the whole area.

Equalities Implications

18. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

19. Previous reports (see background papers) have included an assessment of the impacts of the service design and the full results of a consultation on the changes that may impact on residents. The Council has followed good practice guidance by conducting a consultation to ascertain their needs, attitudes and priorities and consider their feedback as part of the service design process. The consultation attracted responses from a broad cross section of residents and the findings were largely consistent across different groups.
Procurement Implications

20. In delivering this procurement, the Council has acted in accordance with the EU Procurement Directives and ensured that all procurement activity has been conducted in compliance with the Public Contracts Regulations 2015. The internal procurement team have been fully engaged with this process, have supported and overseen the procurement process and will remain engaged through contract award and mobilization of the contract. A full audit trail is in place covering the entire exercise which will be kept as a full record of the process for the required period.

Conclusion and next Steps

21. Should the recommendations in this report be agreed, the contract will be awarded to the bidder with the Most Economically Advantageous Tender by the Director of Community Services in consultation with the Portfolio Holder for Community Services. After a standstill period of 10 days, should no challenges be received, mobilization of the contract will commence with an expected contract start date of 1 December 2019.

Appendices

None

Background Papers

Executive Report, 18 May 2018- Waste Collection & Street Cleansing- Service Design and Delivery Method (sets out the results of the public consultation and approves the service design).

Executive Report, 9 January 2018- Waste Collection & Street Cleansing- Service Design and Delivery Method (sets out the options for service design and delivery and approval for consultation).

Report author:

Tracey Harris, Assistant Director Highways and Environment
tracey.harris2@centralbedfordshire.gov.uk
18. Revenue Budget Monitoring
Provisional Outturn 2018/19

To receive the provisional Revenue budget outturn for 2018/19.
Revenue Budget Monitoring Provisional Outturn March 2019 (Subject to audit)

Report of Cllr Richard Wenham, Deputy Leader and Executive Member for Corporate Resources  
(richard.wenham@centralbedfordshire.gov.uk)

Advising Officers: Charles Warboys, Director of Resources & S151 Officer  
(charles.warboys@centralbedfordshire.gov.uk)

This report relates to a Non Key Decision

Purpose of this report

The report sets out the provisional outturn financial position for 2018/19 as at the end of March 2019 (subject to Audit). It sets out spend against the approved budget and it excludes the Housing Revenue Account which is subject to a separate report. Explanations for the variances are set out below in Appendix A.

This report enables the Executive to consider the overall financial position of the Council.

The outturn position was agreed by the Leader, Deputy Leader, Chief Executive and Director of Resources under a delegated authority from the Executive and this report brings the result into the public domain.

RECOMMENDATIONS

Executive is asked to:

1. note the current provisional revenue outturn position for 2018/19 (subject to audit) which is an underspend of £0.051M;

2. note that the provisional outturn position and new earmarked reserve was approved by the Leader, Deputy Leader and Chief Executive and Director of Resources under a delegated authority granted by the Executive at its April 2019 meeting; and

3. note the new earmarked reserve at paragraph 10.

Issues

1. The outturn position as at March 2019 is £0.051M below budget after use of existing, and creation of new earmarked reserves.
2. Social Care Health and Housing outturned at £0.6M over budget. This relates to increased Homecare and Learning Disability/Mental Health costs.

3. Community Services outturned at £0.4M over budget. This mainly relates to Schools Transport (£1.5M), Waste (£0.5M) and Public Protection (£0.4M). This is partly offset by a large underspend on Highways (£1.1M) and an underspend in Leisure (£0.6M) and Community Safety (£0.6M). Note that the Highways underspend is due to the use of reserves created to fund highways works rather than any reduction in activity.

4. Children’s Services outturned at £1.3M over budget. This is due to overspends on Looked After Children placements (Fostering & Adoption) and Safeguarding/Early Help.

5. Regeneration outturned at £0.5M below budget.

6. Resources outturned at £0.3M over budget. This is due to less housing benefit overpayment recovery which can only be accurately assessed at year end. The target for this is no longer realistic and so will need to be addressed in the MTFP.

7. Chief Executive Officer (CEO) was £0.050M below budget and Public Health was on budget.

8. Corporate costs was £2.1M below budget due mainly to the release of the contingency.

9. Table 1 below details the full year variances by directorate:

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Budget £m</th>
<th>Actual £m</th>
<th>Variance £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCHH</td>
<td>75.075</td>
<td>75.662</td>
<td>0.587</td>
</tr>
<tr>
<td>Childrens Services</td>
<td>35.637</td>
<td>36.922</td>
<td>1.285</td>
</tr>
<tr>
<td>Community Services</td>
<td>50.942</td>
<td>51.384</td>
<td>0.442</td>
</tr>
<tr>
<td>Regeneration</td>
<td>5.429</td>
<td>4.943</td>
<td>(0.486)</td>
</tr>
<tr>
<td>Public Health</td>
<td>0.078</td>
<td>0.078</td>
<td>0.000</td>
</tr>
<tr>
<td>Chief Executive's</td>
<td>1.325</td>
<td>1.279</td>
<td>(0.046)</td>
</tr>
<tr>
<td>Resources</td>
<td>12.537</td>
<td>12.800</td>
<td>0.263</td>
</tr>
<tr>
<td>Corporate Costs</td>
<td>8.741</td>
<td>6.646</td>
<td>2.095</td>
</tr>
<tr>
<td><strong>Total Excl Landlord Business</strong></td>
<td><strong>189.764</strong></td>
<td><strong>189.714</strong></td>
<td><strong>(0.051)</strong></td>
</tr>
</tbody>
</table>
Reserves Position

10. A new reserve (Transformation Reserve 2) was created with a value of £1.4M. The use of this reserve will be subject to stringent review. This was created under the delegated authority approved by the Executive on the 2nd April 2019 in order to close the accounts.

Net Movement in Earmarked Reserves

11. Table 2 below shows the net movement in earmarked reserves during 2018/19.

Table 2

<table>
<thead>
<tr>
<th>Description</th>
<th>£M</th>
<th>£M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening 2018/19</td>
<td>50.7</td>
<td></td>
</tr>
<tr>
<td>Use of Reserves</td>
<td></td>
<td>(10.3)</td>
</tr>
<tr>
<td>Receipts in Advance &amp; Technical Adjustments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Homes Bonus</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>S31 Grant to offset NNDR Discounts</td>
<td>2.3</td>
<td></td>
</tr>
<tr>
<td>ASC Support Grant</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Increase to Redundancy</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>2.3</td>
<td></td>
</tr>
<tr>
<td>Reserves Created at Outturn</td>
<td></td>
<td>1.4</td>
</tr>
<tr>
<td>Closing Balance 2018/19</td>
<td></td>
<td>48.5</td>
</tr>
<tr>
<td>Net Change in Reserves</td>
<td></td>
<td>(2.2)</td>
</tr>
</tbody>
</table>

General Fund Reserves

12. The opening position for 2018/19 is £15.7M. There will be a further contribution of £0.051M as a result of the net underspend.

National Non Domestic Rates (NNDR) and Council Tax

13. The total full year net NNDR charge for 2018/19 was £89.2M. The collection rate was 99.41%, above the target of 99.04%.

14. The total full year Council Tax charge for 2018-19 was £222.9M as at the end of March. After all discounts/exemptions but including Police, Fire and town and parish precepts, the net amount is £190.4M. The collection rate was 97.98%, very slightly below the target of 98%.
Council Priorities

15. Sound financial management contributes to the Council’s Value for Money and enables the Council to successfully deliver its priorities. The recommendations will contribute indirectly to all 6 Council priorities.

Corporate Implications

Legal Implications

16. None.

Financial Implications

17. The financial implications are set out in the report.

Equalities Implications

18. Equality Impact Assessments were undertaken prior to the allocation of the 2018/19 budgets and Members were advised of significant equality implications relating to the budget proposals when setting the Council’s Budget in February 2018.

Appendices
Appendix A – Detailed Directorate Commentary
Appendix B - Debt Management
Appendix C – Treasury Management
APPENDIX A – DIRECTORATE COMMENTARY

Social Care, Health and Housing (SCHH)

1. The Directorate General Fund provisional outturn is above budget by £0.587M as at March 2019.

2. Month: March 2019

<table>
<thead>
<tr>
<th>Director</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance to Budget (after £000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Care Health and Housing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director of Social Care, Health, Housing and MANOP</td>
<td>283</td>
<td>211</td>
<td>(72)</td>
</tr>
<tr>
<td>Procurement and Customer Services</td>
<td>1,343</td>
<td>1,298</td>
<td>(45)</td>
</tr>
<tr>
<td>Housing Solutions (GF)</td>
<td>3,552</td>
<td>3,357</td>
<td>(195)</td>
</tr>
<tr>
<td>Care and Support</td>
<td>11,786</td>
<td>11,753</td>
<td>(33)</td>
</tr>
<tr>
<td>OPPD - Care Management</td>
<td>34,052</td>
<td>34,903</td>
<td>851</td>
</tr>
<tr>
<td>LD Care Management &amp; MH Packages</td>
<td>24,799</td>
<td>24,724</td>
<td>(75)</td>
</tr>
<tr>
<td>Head of Integrated Services + Other IS</td>
<td>831</td>
<td>795</td>
<td>(36)</td>
</tr>
<tr>
<td>Commissioning</td>
<td>8,706</td>
<td>8,587</td>
<td>(119)</td>
</tr>
<tr>
<td>Resources</td>
<td>(10,277)</td>
<td>(9,966)</td>
<td>311</td>
</tr>
<tr>
<td><strong>Total Social Care and Health</strong></td>
<td><strong>75,075</strong></td>
<td><strong>75,662</strong></td>
<td><strong>587</strong></td>
</tr>
</tbody>
</table>

3. The Director of SCHH (including expenditure associated with Managing the Needs of Older People (MANOP)) has underspent by £0.072M. £0.386M has been drawn down from the Outcome Based Commissioning Reserve to meet the cost of the MANOP programme in 2018/19.

4. Customer Services was overspent by £0.021M mainly due to staff vacancies. Procurement was underspent by £0.066M. This is due to higher additional energy rebate income than expected, long-term vacancies and income from capitalised salaries. The £0.234M procurement hub efficiency saving has not been achieved. Procurement vacancy savings and capitalisation of salaries (due to the S4HANA project) have helped to offset this.

5. The Housing General Fund was below budget by £0.195M. This relates to a combination of savings against vacant posts and additional Traveller site income. The HRA purchased new Transitional Accommodation (TA) to address the Homelessness demand and this has led to less use of Bed and Breakfast and Private TA keeping costs down.
6. Care and Support underspent by £0.033M. This area includes the in-house care homes, day centres, supported living schemes and the reablement service. This underspend is mainly due to staff vacancies.

7. Older People and People with Physical Disabilities (OPPD): the outturn position on care package expenditure is an overspend of £0.851M. For 65+ external package budgets, there are overspends on residential and nursing placements of £0.575M and £2.746M on non-residential packages. One-off funding sources (iBCF, ASC Support Grant and the Winter Pressures Grant) totalling £1.826M have being applied to reduce this pressure. Additional customer income of £0.8M has further reduced the overspend position. The percentage of customer income recovered relative to package expenditure is 30% (31% for 2017/18). For working age customers with Physical Disabilities, the position on packages is an overspend of £1.3M partly offset by £0.2M additional customer income.

8. Learning Disabilities, Care Management and Mental Health: The combined position is an underspend of £0.075M. Within that, Learning Disability (Assessment and Care) is underspent on social work salaries by £0.397M due to unfilled vacancies. Care packages have overspent by £0.118M but this includes a one-off benefit of £0.327M (Learning Disabilities nurses cost share). Customer income has over achieved by £0.486M. The percentage of package expenditure recovered as customer income is 2% for 2018/19. Working Age Mental Health: There has been an overspend of £0.785M. This reflects the full year effect of 2017/18 additional packages and the part year cost of 2018/19 new packages.

9. The Commissioning Service is below budget by £0.119M, a combination of underspends within contracts and operations.

10. The Resources division was overspent by £0.311M due to higher than budgeted respite care costs.

Better Care Fund (BCF) and Improved Better Care Fund (iBCF)

11. The 2018/19 Plan total is £24.312M. The Better Care Fund pooled budget includes mandated health funds (from the Bedfordshire Clinical Commissioning Group (CCG)), some held within the CCG, some paid over to the local authority, capital funds (from the Disabled Facilities Grant and local authority capital budgets). The 2018/19 iBCF of £1.956M covers Central Bedfordshire adult social care spend areas and also includes Public Health. The outturn position includes significant underspends as follows:

- Capital resources (form the Disabled Facilities Grant) – an underspend of £0.99M – this has been combined with the brought forward unapplied capital grant to give a total unapplied capital grant of £2.854M. This will be applied to projects supporting digitisation in care settings, telecare and additional DFGs (above the policy limit) in 2019/20.
- The iBCF in year underspend of £0.379M will be carried forward to 2019/20. The underspend arose from certain schemes not progressing – notably telecare (Commissioning Plan pending) and in-house domiciliary care (inability to recruit staff).
- The iBCF opening position included a carry forward of £1.228M from 2017/18. Of this, £0.8M has been applied to fund additional demand for out of hospital respite and domiciliary care packages. The cumulative closing balance on the iBCF is £0.807M. This has been earmarked to reserves and is fully committed during the current MTFP period and will be spent in line with the grant conditions.

12. HRA is subject to a separate report.
13. The Directorate outturn position is £1.257M over budget as at March 2019.

14. | Month: March 2019 | Director | Budget | Actual | Variance to Budget (after £000) |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Children's Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director of Children's Services</td>
<td>334</td>
<td>258</td>
<td></td>
<td>(76)</td>
</tr>
<tr>
<td>Children's Services Safeguarding &amp; Early Help</td>
<td>18,158</td>
<td>18,594</td>
<td>436</td>
<td></td>
</tr>
<tr>
<td>LAC Placement Costs</td>
<td>9,543</td>
<td>10,711</td>
<td>1,168</td>
<td></td>
</tr>
<tr>
<td>Education and Transformation</td>
<td>8,419</td>
<td>8,221</td>
<td>(198)</td>
<td></td>
</tr>
<tr>
<td>Partnerships</td>
<td>515</td>
<td>442</td>
<td>(73)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Children's Services (ex Schools / Overheads)</strong></td>
<td>36,969</td>
<td>38,226</td>
<td>1,257</td>
<td></td>
</tr>
<tr>
<td><strong>DSG + ESG Contribution to Central Support</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1,331)</td>
<td>(1,331)</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Children's Services (excluding Schools)</strong></td>
<td>35,638</td>
<td>36,895</td>
<td>1,257</td>
<td></td>
</tr>
</tbody>
</table>

15. Safeguarding & Early Help is overspent by £0.436M. Within this, £0.262M of the £0.392M Court & Permanency team efficiency has not been fully achieved. There is an overspend of £0.064M on former Unaccompanied Asylum Seeking Children (UASC) care leavers accommodation and a £0.107M overspend on fostering allowances. The budget for 2018/19 was for 231 allowances. Actuals at March 2019: was 253 (March 2018: 233).

The overspends above are offset by the following in-year savings totalling £0.348M.

- £0.198M Education & Transformation staffing savings mainly due to vacancies.
- £0.076M underspend in the Transformation and Director’s cost centre.
- £0.073M underspend in Partnerships due to a Head of Service vacancy.

16. Looked After Children (LAC) placement costs were overspent by £1.168M. This area includes all direct costs for looked after children (Fostering, Residential Care Homes, Secure Accommodation etc.)

- In-house and Independent Fostering Allowances (IFA) placements were overspent by £0.954M despite funded pressures of £1.022M for in house and IFA’s in 2018/19. At 26 March 2019 there were 97 children (excluding UASC’s) in IFA placements (March 2018: 81, March 2017: 69). The budget for IFA placements in 2018/19 was for 77 young people at an average of £760 per week (MTFP - Sep 2017). The average IFA costs have risen to £860 per week (Feb 2019).
• Most of the in-house vacancies are for young babies under 2 years old. During 2018/19 there have been more children with complex needs and larger sibling groups, and in-house carers have not been available to meet those needs.

• Leaving Care Accommodation was overspent by £0.338M after £0.242M use of reserves. The budget for semi-independent accommodation is for 6.9 full year placements at an average of £815 per week. There are currently 14 placements, with an average weekly cost of £1,111. There are currently two placements costing over £1.5K per week and one placement costing £5K per week.

• The £0.315M Residential Care Home efficiency has not been met in full and the budget is overspent by £0.110M. The budget was for 6 placements averaging £2.8K per week. There has been an average of 6.6 placements in year. This and the other overspends in LAC placement costs have been partly offset by underspends of £0.194M on Children With Disabilities placements and £0.040M on other LAC placements.

• The total number of LAC as at 26 March 2019 is 314 including UASC’s (2018: 312; 2017: 307). Although LAC numbers are fairly stable, the number of UASC’s (for whom grant income is received) is decreasing - March 2019: 34; March 2018: 40; March 2017: 50.


<table>
<thead>
<tr>
<th>Number of LAC (Excluding UASC)</th>
<th>March 2018</th>
<th>March 2019</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td>In House Foster Placements</td>
<td>122</td>
<td>118</td>
<td>-3.3%</td>
</tr>
<tr>
<td>Independent Foster Placements</td>
<td>81</td>
<td>97</td>
<td>19.8%</td>
</tr>
<tr>
<td>(Inc. Mother &amp; Baby IFA’s)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Homes &amp; Schools</td>
<td>6</td>
<td>7</td>
<td>16.7%</td>
</tr>
<tr>
<td>Parent &amp; Baby</td>
<td>3</td>
<td>0</td>
<td>-100.0%</td>
</tr>
<tr>
<td>St Christopher’s (Clophill &amp; Bunyan Road)</td>
<td>7</td>
<td>4</td>
<td>-42.9%</td>
</tr>
<tr>
<td>Semi - Independent Living (aged 16 &amp; 17)</td>
<td>14</td>
<td>14</td>
<td>0.0%</td>
</tr>
<tr>
<td>Supported Lodgings (16-18)</td>
<td>1</td>
<td>1</td>
<td>0.0%</td>
</tr>
<tr>
<td>Placed for Adoption/ with Parents</td>
<td>27</td>
<td>29</td>
<td>7.4%</td>
</tr>
<tr>
<td>CWD (Maythorn, Children’s homes and Residential School)</td>
<td>6</td>
<td>8</td>
<td>33.3%</td>
</tr>
<tr>
<td>Young Offenders serving custodial sentences</td>
<td>5</td>
<td>2</td>
<td>-60.0%</td>
</tr>
<tr>
<td>Unaccompanied Asylum Seeking Children:</td>
<td>40</td>
<td>34</td>
<td>-15.0%</td>
</tr>
<tr>
<td></td>
<td>March 2018</td>
<td>March 2019</td>
<td>% change</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>In House Foster Placements</td>
<td>9</td>
<td>8</td>
<td>-11.1%</td>
</tr>
<tr>
<td>Independent Foster Placements</td>
<td>3</td>
<td>5</td>
<td>66.7%</td>
</tr>
<tr>
<td>Semi Independent Living (aged 16 &amp; 17)</td>
<td>28</td>
<td>21</td>
<td>-25.0%</td>
</tr>
<tr>
<td><strong>Total Number of LAC (Including UASC)</strong></td>
<td>312</td>
<td>314</td>
<td>0.6%</td>
</tr>
<tr>
<td>Non care placements :</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Guardianship Orders</td>
<td>145</td>
<td>166</td>
<td>14.5%</td>
</tr>
<tr>
<td>Residential Orders</td>
<td>33</td>
<td>35</td>
<td>6.1%</td>
</tr>
<tr>
<td>Adoption Allowances</td>
<td>55</td>
<td>52</td>
<td>-5.5%</td>
</tr>
<tr>
<td>Other information:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Protection Plan</td>
<td>237</td>
<td>189</td>
<td>-20.3%</td>
</tr>
<tr>
<td>Children in Need</td>
<td>1319</td>
<td>1361</td>
<td>3.2%</td>
</tr>
<tr>
<td>Number of Referrals (YTD)</td>
<td>1675</td>
<td>1553</td>
<td>-7.3%</td>
</tr>
</tbody>
</table>
19. The Directorate outturn position is above budget by £0.442M as at March 2019.

20. | Director                      | Budget ( £000 ) | Actual ( £000 ) | Variance to Budget (after £000 ) |
    |-------------------------------|-----------------|----------------|---------------------------------|
    | Community Services            |                 |                |                                 |
    | Community Services Director   | 230             | 233            | 3                               |
    | Highways                      | 3,694           | 2,599          | (1,095)                         |
    | Transport                     | 11,716          | 13,236         | 1,520                           |
    | Waste                         | 20,543          | 21,088         | 545                             |
    | Leisure                       | 2,818           | 2,171          | (647)                           |
    | Community Safety              | 533             | (102)          | (635)                           |
    | Public Protection             | 858             | 1,259          | 401                             |
    | Corporate Assets              | (1,187)         | (1,095)        | 92                              |
    | Capital Construction          | 384             | 332            | (52)                            |
    | Facilities Management         | 4,893           | 4,950          | 57                              |
    | IT                            | 6,460           | 6,713          | 253                             |
    | **Total Community Services**  | **50,942**      | **51,384**     | **442**                         |

Highways Transportation

21. Highways have an overall underspend of £1.095M, this is driven by:

- £1.002M additional income which includes Section 38 (£0.813M) and Section 278 (£0.145M), offset by a reduction in permit income.
- £0.375M underspend on Highways work by Ringway Jacobs, this includes £0.052M additional cost for Luton Borough Council for the management and maintenance of the traffic signals.
- £0.031M underspend on building repairs and maintenance of Car Parks as work for an anticipated lighting upgrade was not needed to be undertaken this year.
- £0.090M overspend on street lighting electricity due to the increase in price per Kilo watt Hour.
- £0.060M overspend due to re-routing of buses due to a bridge closure.
- £0.050M overspend on telephony due to an upgrade of the old A5 traffic signals in order to be 4G compliant.
- £0.045M overspend on staffing mainly due to agency costs of £0.236M to cover vacant posts, under achievement on capitalisation of £0.052M and an overspend on allowances of £0.011M, this is offset by the salary underspend of £0.256M due to vacant posts.
- £0.040M overspend on service fees for the road works portal.
- £0.039M overspend on costs for grass cutting.
Transport

Transport are overspent by £1.520M mainly due to:

22.  
   • £1.329M overspend on school transport of which £1.254M relates to transport contracts for schools & colleges, offset by an increase in income of £0.118M for bus passes and Extended Rights Grant.  
   • Passenger transport have an overspend of £0.191M, which includes:-  
     • £0.487M staffing overspends of which £0.173M is due to Agency spend to cover vacant posts and ensuring routes are staffed. The staffing budget will be reviewed for 2019/20.  
     • £0.047M non achievement of an efficiency in concessionary fares Transport Contracts.  
     • £0.068M reduction in income which includes the non achievement of an efficiency relating to adult social care transport.  
     • £0.233M underspend on bus subsidies, including £0.060M grant funded by Highways due to road closures.

Waste

23. Waste are overspent by £0.545M mainly due to:

   • £0.492M overspend for waste disposal, this is a result of loss of recylcate and other income of £0.245M as the Council is now having to pay for the disposal of recylcate and increased costs of £0.247M to dispose of the recylcate waste.  
   • £0.185M overspend on professional services to cover street scene.  
   • £0.057M underspend on staffing due to a vacant position for part of the year.  
   • £0.026M underspend on vehicle repairs & maintenance and car mileage.  
   • £0.032M underspend on furniture & equipment, mainly on food waste bags.

Leisure

24. Leisure are underspent by £0.647M mainly due to:

   • £0.327M additional income on the Leisure Management Contracts (£0.336M), due to new contracts in the south, inflationary rises and additional rental income from Houghton Hall Park Cark Park. This has been slightly offset by a reduction in libraries and theatre income (£0.009M).  
   • £0.298M underspend on staffing due to vacancies within the library service, which had taken longer than expected to fill.  
   • £0.044M underspend on furniture and equipment costs due to a delay in replacing rowing machines at Tiddenfoot and Houghton Regis Leisure Centres.  
   • £0.033M underspend on vehicle costs including Library Link and car mileage due to shorter routes, a newer vehicle and less travel by relief staff and the business support team.  
   • £0.028M underspend on Grounds Maintenance for Houghton Hall Park.  
   • £0.078M overspend third party costs. This includes £0.149M for start-up costs for the Dunstable Leisure Centre including £0.060M mobilisation fees as well as loss of income at Sandy Leisure Centre. This has been partly offset by a saving of £0.071M on the new contract at the Grove Theatre.

Community Safety
25. Community Safety are underspent by £0.635M mainly due to:
   • £0.345M underspend on staffing due to reduced overtime and vacancies not being filled when expected.
   • £0.132M additional income, mainly on parking.
   • £0.189M reduction in other costs including professional services, rates and private contractors spend for contracts and the Community Safety call centre.
   • £0.050M overspend on car mileage, fuel and repairs & maintenance.

Public Protection

26. Public Protection are overspent by £0.401M mainly due to:
   • £0.320M reduction in income across all income streams.
   • £0.014M overspend on staffing.
   • £0.030M overspend on Health & Safety court costs.
   • £0.025M overspend on professional services for sound installation at the Rufus Centre.
   • £0.017M overspend on taxi licencing equipment.
   • £0.012M additional income from prosecutions offset by a slight reduction in food safety income.

Information Technology (IT)

27. IT are overspent by £0.253M mainly due to:
   • £0.547M staffing underspend due to vacancies within the service.
   • £0.301M overspend as a result of an increase in professional services which includes £0.106M OLM Gcloud procurement, £0.130M for consultancy support for the service desk, £0.041M for a consultant to aid the implementation of new infrastructure applications, £0.030M for other smaller consultancy costs.
   • £0.486M overspend on Data Network charges which includes efficiencies which haven't been achieved, and the cost associated with changing networks from DUCL to BT as well as dual running costs.
   • £0.113M overspend on telephony costs for historic lines and previously disputed bills.
   • £0.073M net underspend on schools networks, as the network facility is being closed down.

Regeneration and Business Support
The Directorate outturn position is £0.492M below budget as at March 2019.

28.  | Month: March 2019  |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Director</strong></td>
<td><strong>Budget</strong></td>
<td><strong>Actual</strong></td>
<td><strong>Variance to</strong></td>
</tr>
<tr>
<td></td>
<td><strong>£000</strong></td>
<td><strong>£000</strong></td>
<td><strong>Budget</strong> (after**£000)**</td>
</tr>
<tr>
<td>Regeneration and Business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director</td>
<td>223</td>
<td>213</td>
<td>(10)</td>
</tr>
<tr>
<td>Client Development Services</td>
<td>542</td>
<td>543</td>
<td>1</td>
</tr>
<tr>
<td>Business Performance</td>
<td>697</td>
<td>699</td>
<td>2</td>
</tr>
<tr>
<td>Business &amp; Support</td>
<td>1,420</td>
<td>1,328</td>
<td>(92)</td>
</tr>
<tr>
<td>Development Infrastructure</td>
<td>1,862</td>
<td>1,469</td>
<td>(393)</td>
</tr>
<tr>
<td>Drainage Levy</td>
<td>685</td>
<td>685</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Regeneration and Business</strong></td>
<td>5,429</td>
<td>4,937</td>
<td>(492)</td>
</tr>
</tbody>
</table>

29.  Business & Support is underspent by £0.092M mainly due to:
   - An underspend on salaries of £0.034M due to vacancies.
   - An overachievement of staff capitalisation costs of £0.020M
   - An underspend of £0.025M on general expenses.

30.  Development & Infrastructure is underspent by £0.393M mainly due to:
   - An underspend on salaries of £1.023M due to vacancies.
   - An overachievement of planning/other income £0.217M.
   - Unbudgeted Beds Sustainable Travel Income £0.255M due to a Government grant. This grant is calculated on usage of the Busway and so difficult to predict.
   - An overspend on professional consultancy/other professional services of £0.302M relating to planning consultancy, Local Plan related public enquiry costs and Neighbourhood Plan costs.
   - An overspend on agency costs of £0.128M due to vacancies in planning delivery & strategic growth areas.
   - An underachievement in the staff capitalisation budget of £0.081M in strategic transport.
   - An overspend on external legal costs of £0.307M due to a large increase in planning appeals including applications to the High Court & Court of Appeal.
   - A contribution to Local Plan reserve of £0.129M to cover Local Plan hearing costs to take place in 2019/20.
   - An underachievement of transport modelling income - £0.155M.

Public Health
31. Public Health’s outturn is a balanced budget after proposed use of and contributions to reserves. The Public Health grant is currently ringfenced so any under/overspend results in a movement against the carried forward reserve from 2017/18.

32. 

<table>
<thead>
<tr>
<th>Director</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance to Budget (after)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Health</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director of Public Health</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Assistant Director of Public Health</td>
<td>78</td>
<td>78</td>
<td>-</td>
</tr>
<tr>
<td>Total Public Health</td>
<td>78</td>
<td>78</td>
<td>-</td>
</tr>
</tbody>
</table>

33. The Chief Executive area is underspent by £0.046M. This is mainly in Communications. The overspend against the CEO of £0.010M is due to a vacancy factor target having been applied which in hindsight does not make sense. This will be addressed for 2019/20.

34. 

<table>
<thead>
<tr>
<th>Director</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance to Budget (after)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive’s</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Executive</td>
<td>305</td>
<td>315</td>
<td>10</td>
</tr>
<tr>
<td>Communications</td>
<td>1,020</td>
<td>964</td>
<td>(56)</td>
</tr>
<tr>
<td>Total Chief Executive’s</td>
<td>1,325</td>
<td>1,279</td>
<td>(46)</td>
</tr>
</tbody>
</table>

Resources
35. Resources are overspent by £0.272M.

36. Financial Performance and Control is overspent by £0.177M mainly as a result of an unachieved prior year efficiency. The MTFP previously had an assumption built in that the Council could gain cash-back from getting suppliers to use payment cards. However, on further investigation, the supplier base that the Council uses was largely ineligible for those types of cards.

37. Housing Benefit Subsidy overpayment recovery (HBS) is overspent by £0.620M. This is a consequence of improvements in the payment of HBS resulting in fewer HBS overpayments. The Council has an income target to recover overpayments (due to clients not advising of changes to circumstance for example) and as much less overpayment is now occurring, the target is no longer achievable and will need to be addressed in the next Medium Term Financial Plan.

38. Revenues and Benefits are underspent by £0.142M due to a New Burdens Grant received in relation to work carried out in 2018/19.

39. People (Human Resources) are underspent by £0.361M mainly due to:

- £0.080M more income than budgeted within Training and Workforce Development, which is due to schools buyback for training and advertising.
- £0.082M underspend relating to training and venue costs.
- £0.074M underspend on contractor and nursery provider spend within Workforce Development.
- £0.124M underspend against salaries due to in year vacancies.

### Corporate Costs

<table>
<thead>
<tr>
<th>Director</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance to Budget (after £000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resources</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
</tr>
<tr>
<td>Director of Resources</td>
<td>44</td>
<td>61</td>
<td>17</td>
</tr>
<tr>
<td>Finance Performance and Control</td>
<td>3,459</td>
<td>3,636</td>
<td>177</td>
</tr>
<tr>
<td>Housing Benefit Subsidy</td>
<td>(728)</td>
<td>(108)</td>
<td>620</td>
</tr>
<tr>
<td>Revs &amp; Bens</td>
<td>1,708</td>
<td>1,566</td>
<td>(142)</td>
</tr>
<tr>
<td>Audit</td>
<td>534</td>
<td>517</td>
<td>(17)</td>
</tr>
<tr>
<td>Legal Services</td>
<td>1,730</td>
<td>1,730</td>
<td>-</td>
</tr>
<tr>
<td>Governance</td>
<td>2,351</td>
<td>2,329</td>
<td>(22)</td>
</tr>
<tr>
<td>People</td>
<td>3,439</td>
<td>3,078</td>
<td>(361)</td>
</tr>
<tr>
<td><strong>Total Resources</strong></td>
<td><strong>12,537</strong></td>
<td><strong>12,809</strong></td>
<td><strong>272</strong></td>
</tr>
</tbody>
</table>
41. The Corporate Costs outturn position is an underspend of £2.095M as at March 2019.

42. **Month: March 2019**

<table>
<thead>
<tr>
<th>Director</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance to Budget (after £000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Management</td>
<td>9,894</td>
<td>9,355</td>
<td>539</td>
</tr>
<tr>
<td>Premature Retirement Costs</td>
<td>3,035</td>
<td>2,846</td>
<td>189</td>
</tr>
<tr>
<td>Corporate Public Health Recharges</td>
<td>(631)</td>
<td>(616)</td>
<td>15</td>
</tr>
<tr>
<td>Corporate HRA Recharges</td>
<td>(120)</td>
<td>(125)</td>
<td>5</td>
</tr>
<tr>
<td>Efficiencies</td>
<td>(23)</td>
<td>(144)</td>
<td>121</td>
</tr>
<tr>
<td>Contingency and Reserves</td>
<td>(3,414)</td>
<td>(4,670)</td>
<td>1,256</td>
</tr>
<tr>
<td>Total Corporate Costs</td>
<td>8,741</td>
<td>6,646</td>
<td>2,095</td>
</tr>
</tbody>
</table>

43. The Corporate Costs underspend is due to:

- Reduced Interest payable and Increased interest receivable below budget by £0.539M due to effective Treasury Management (see Appendix C, paragraph 10).
- Central pension costs £0.189M less than budget due to fewer schools transferring to Academy status than expected.
- Increased purchase of annual leave and over achievement against cross cutting efficiencies £0.121M.
- £1.256M underspend against Contingency and Reserves due to the release of the central contingency of £2.1M, the achievement of the 2018/19 Project £5M savings of £0.500M, partly offset by the creation of the new transformation reserve of £1.4M.
Appendix B - Debtors

1. Overall debt in March was £9.8M (March 2018 was £12.8M). Within that £6.3M is under 30 days (64%). Debt over 61 days is £2.7M (28%).

2. Of the Over 61 days – all is being is actively being chased, £0.251M have instalment arrangements in place. £0.485M is being dealt with through legal channels. A further £1.3M is in respect of house Sales.

3. Shown within SCHH, Health Service debt was £0.617M of which £0.101M or 16% is more than 60 days old. All legacy Primary Care Trust debt is now resolved. £0.066M was HRA debt and is reported in the HRA outturn monitoring.

4. Write Offs

**Annual Summary 2018/19**

<table>
<thead>
<tr>
<th>WRITE OFF</th>
<th>NUMBER</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>£0 - £5,000</td>
<td>126</td>
<td>£54,987.44</td>
</tr>
<tr>
<td>£5,000 - £10,000</td>
<td>6</td>
<td>£40,264.20</td>
</tr>
<tr>
<td>£10,000 - £50,000</td>
<td>1</td>
<td>£11,726.58</td>
</tr>
<tr>
<td>&gt;£50,000</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>133</td>
<td><strong>£106,978.22</strong></td>
</tr>
</tbody>
</table>

(of which legacy £516.17)
Appendix C- Treasury Management

Borrowing

1. As at 31 March 2019 the Council’s total borrowing was £312.5M. Of this amount, £261.9M was with the Public Works Loan Board (PWLB), £37.0M was short-term temporary debt from other local authorities and £13.6M was market debt from banks. The table below also shows the split between the General Fund and HRA.

<table>
<thead>
<tr>
<th></th>
<th>PWLB Fixed £M</th>
<th>PWLB Variable £M</th>
<th>Temporary Debt £M</th>
<th>Market (LOBO) £M</th>
<th>Total £M</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>97.0</td>
<td>0.0</td>
<td>37.0</td>
<td>13.6</td>
<td>147.6</td>
</tr>
<tr>
<td>HRA</td>
<td>120.0</td>
<td>44.9</td>
<td>0.0</td>
<td>0.0</td>
<td>164.9</td>
</tr>
<tr>
<td>TOTAL</td>
<td>217.0</td>
<td>44.9</td>
<td>37.0</td>
<td>13.6</td>
<td>312.5</td>
</tr>
</tbody>
</table>

To manage interest rate risk, the Council’s debt is split between 70% fixed rate PWLB debt, 14% variable rate PWLB debt, 12% short-term temporary debt and 4% fixed rate market (LOBO) debt; this is shown in A1 on the Treasury Management Performance Dashboard.

2. Based on the latest available annual benchmarking analysis conducted by the Chartered Institute of Public Finance and Accountancy (CIPFA), A2 of the Dashboard shows the Council’s cost of borrowing is significantly lower than the 3.8% average annual interest rate paid by other local authorities. The average annual interest rate paid by the Council was 2.7% as at 31 March 2018, which is mainly due to a higher proportion of variable rate and short-term temporary debt.

In line with the Council’s borrowing strategy, new short-term temporary borrowing was taken out during Quarter 4 at a cost of between 0.74% p.a. and 0.90% p.a. (inclusive of brokerage fees).

3. The Council’s underlying need to borrow as measured by its Capital Financing Requirement (CFR) is an estimated £520M at 31 March 2019. Given external borrowing of £328M (inclusive of a £16M Private Financing Initiative outstanding liability) as at 31 March 2019, deferred borrowing is an estimated £192M using internal resources to fund the Capital Programme. In line with the approved treasury strategy, the Council used internal resources in lieu of borrowing to the full extent as this has continued to be the most cost-effective means of funding capital expenditure.

Investments

4. When investing, the Council prioritises security and liquidity and aims to achieve a yield commensurate with these principles. To diversify the investment portfolio, the Council continues to invest in a range of funds such as notice accounts, call accounts and Money Market Funds as well as using a number of different financial institutions. B1 of the Dashboard shows the breakdown by investment counterparty as at 31 March 2019. It should be noted that as cash investments are maintained at minimal levels for operational purposes, the £5.7M long-term investment in the UK commercial property-based Lime Fund now represents a higher proportion of total investments even though the cash amount invested in it has not changed.
7. The latest available CIPFA Treasury Management investment benchmarking results are as at 31 December 2018. B2 of the Dashboard shows that the Council’s average rate of return on investments was 2.0% which was higher than the benchmarked local authority average of 0.9% – this was due to the relatively high investment return on the Lime Fund (inclusive of capital appreciation).

8. In addition to the Lime Fund investment, the Council has cash deposits placed on varying interest rates ranging between 0.5% and 1.1%. The Council holds the majority of its investments in liquid form so that it’s available for cash flow purposes. As at 31 March 2019, the Council held cash investments of £13.3M (exclusive of the £5.7M Lime Fund investment). Of the total cash investment balance, £8.8M was held in liquid form in instant access call accounts and Money Market Funds (MMFs); and the remaining £4.5M was held in notice accounts.

Cash Management

9. The average cash balance the Council holds is considerably lower than other benchmarked local authorities. The 12-month rolling average investment balance as at the 31 December 2018 for the Council was £25.8M (inclusive of the Lime Fund) compared to a benchmarked local authority average of £132.6M. This reflects the Council’s long-standing strategy of holding low cash balances to reduce investment counterparty risk and contain borrowing costs by utilising internal cash balances in lieu of external borrowing to fund capital expenditure.

Budget

10. A budget underspend of £0.539 was achieved in 2018/19 in respect of Treasury Management activities reflecting:

- new borrowing being taken from other local authorities and other public-sector bodies such as Police and Crime Commissioners on a short-term temporary basis at lower than budgeted rates; and

- Capital Programme slippage which has been higher than originally assumed in calculating the interest payable budget, leading to a lower level of overall borrowing being required than assumed in the 2018/19 budget.

Outlook

11. The UK economy expanded by 0.2% in the three months to 31 December 2018 and 1.4% year-on-year. The year-on-year figure exceeded expectations which were for 1.3%. The annual Consumer Price Index (CPI) measure of inflation was 1.9% in March 2019, unchanged from February 2019. This figure is below the Bank of England’s Monetary Policy Committee (MPC) 2.0% target. The labour market saw the unemployment rate for the three months to 28 February 2019 at 3.9%, lower than the 4.0% rolling average annual figure reported in the previous quarter and lower than 4.2% a year earlier.

12. The Bank of England’s MPC sets monetary policy to meet its 2.0% inflation target (within a range of plus or minus 1.0%, i.e., between 1.0% and 3.0%), which helps to sustain growth and employment. At its meeting ending on 1 May 2019, the MPC voted unanimously to maintain the Base Rate at 0.75%.
A relatively weak economic environment limits the speed of any further rises in the Base Rate, although the Bank is of the view that it will “need to raise interest rates a bit more over the next few years”. The long-term neutral level of Base Rate is considered by the Bank to be between 2% and 3%.

13. The Council has continued to source its new borrowing requirements from other local authorities and other public-sector bodies such as Police and Crime Commissioners on a short-term temporary basis. The low market interest rates for temporary debt offer revenue cost savings relative to borrowing on a long-term basis from the PWLB. This borrowing strategy assumes that interest rates will continue to remain at historically low levels for the medium term.

14. However, the Council advised by Arlingclose (the Council’s Treasury Management advisors) will continue to monitor long-term rates with a view to fixing a portion of any borrowing requirement if rates available are viewed as favourable.
Appendices: Appendix – Treasury Management Performance Dashboard

Section A: Debt Information

A1

Analysis of borrowing type as at 31 March 2019
Total £312.5M

- PWLB Fixed Borrowing 70%
- PWLB Variable Borrowing 14%
- Market Fixed Borrowing (LOBOs) 4%
- Temp Variable Borrowing 12%

Authorised Limits
- Fixed Rate Borrowing 100%

<table>
<thead>
<tr>
<th>Borrowing Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PWLB Fixed Borrowing</td>
<td>£217.0M</td>
</tr>
<tr>
<td>PWLB Variable Borrowing</td>
<td>£44.9M</td>
</tr>
<tr>
<td>Market Fixed Borrowing</td>
<td>£13.6M</td>
</tr>
<tr>
<td>Temp Variable Borrowing</td>
<td>£37.0M</td>
</tr>
</tbody>
</table>

A2

Annual benchmark analysis of average interest rate paid compared to other local authorities as at 31 March 2018 (CBC shown as the black bar)

CBC average 2.7%
Benchmark average 3.8%
Analysis to show Interest Rate Profile on Debt as at 31 March 2019 (Average 3.04%)

Central Bedfordshire Council: Borrowing Maturity Profile as at 31 March 2019

LOBO assumption: the loans are not called prior to maturity
Section B: Investment Information

Analysis of investments as at 31 March 2019
Total investments £19.0M

B2 Average interest rate received on investments compared to other local authorities as at 31 Dec 2018 (CBC shown as the black bar)

CBC average 2.0%
Benchmark average 0.9%
19. Capital Budget Monitoring Outturn
2018/19

To receive the provisional Capital budget outturn for 2018/19.
March 2019 Capital Budget Monitoring Outturn Report  
(Subject to Audit)

Report of Cllr Richard Wenham, Deputy Leader and Executive Member for Corporate Resources  
(richard.wenham@centralbedfordshire.gov.uk)

Advising Officers: Charles Warboys, Director of Resources & S151 Officer  
(charles.warboys@centralbedfordshire.gov.uk)

This report relates to a Non Key Decision

Purpose of this report

1. The report sets out the Capital outturn for 2018/19 as at the end of March 2019 (Subject to Audit). It excludes the Housing Revenue Account (HRA) which is subject to a separate report.

The outturn position was agreed by the Leader, Deputy Leader, Chief Executive and Director of Resources, under delegated authority from the Executive and this report brings the result into the public domain.

RECOMMENDATIONS

The Executive is asked to:

1. note that the capital gross provisional outturn position (subject to audit) is a spend of £80.2M (£63.2M in 2017/18) demonstrating the continued significant capital investment made by Central Bedfordshire to support its community;

2. note the net overspends between £0.150M and £0.500M as listed at Appendix B;

3. note the gross deferred spend of £66.023M (£49.803M net) from 2018/19 to 2019/20 as detailed at Appendix C. This was approved by the Leader, Deputy Leader, Chief Executive Officer and Director of Resources under a delegated authority given by the Executive at its April 2019 meeting due to the accelerated timescale for the accounts closure;

4. Recommend Council to approve the net overspend on:

- Highways Structural Maintenance £1.829M (See paragraph 34 in appendix A)
- M1-A6 Phase 1 and 2 £0.781M (paragraph 41 in appendix A).
BACKGROUND INFORMATION:

2. This report is based on the 2018/19 budget approved by Council at its February 2018 meeting. The reported budget also includes deferred spend from 2017/18 which was approved under delegated authority. The approved budget excluding HRA and including deferred spend from 2017/18 is £141.5M (gross).

ISSUES: None

FINANCIAL AND OTHER OPTIONS: These are covered in the report

3. Outturn

Principal variances

The approved budget including deferred spend from 2017/18 is £141.5M (gross). Actual gross outturn was £80.2M (£63.2M last year), below budget by £61.3M (£47.4M under budget last year). Actual net outturn was £39.0M (£27.2M last year), below budget by £50.2M (£32.1M under budget last year).

Children’s Services outturn at £0.7M above gross budget and £0.6M below net budget. Gross slippage is £0.592M.

Community Services outturned at £44.5M below gross budget and outturned at £38.0M below net budget. Gross slippage is £43M. Much of this slippage is outside of the control of the Council. Appendix A explains this in more detail.

There are a number of schemes that this relates to, however the most significant schemes (gross) are:

- £8.40M A421- M1 Junction 13
- £7.60M Purchase of the Waste Fleet
- £5.82M Strategic Acquisitions
- £4.20M Stratton Industrial Units
- £2.70M IT Digitisation
- £2.53M Crematorium
- £1.88M Dunstable Library & Leisure
- £1.43M Luton & Dunstable Busway
- £1.24M New Car Parks
- £1.08M A5 Residual works
- £0.86M Woodside Link

Regeneration outturned at £7.7M below budget, and below net budget by £4.6M. Gross slippage is £7.6M, £5.2M net.
There are a number of schemes that this relates to, however the most significant schemes are:

- £3.34M Broadband
- £1.46M Flitwick Redevelopment
- £1.04M Market Towns Programme (Flitwick element only – other elements on track)
- £0.52M East/West Rail

SCHH outturned at £9.8M below budget and £7.0M below net budget. Gross slippage is £9.0M, £6.3M net. There are a number of schemes that this relates to, however the most significant schemes are:

- £5.00M MANOP Non-HRA Extra Care Schemes
- £1.54M Review of Accommodation/Day Support, "New Approaches to Outcomes"
- £0.99M Better Care Fund Grant
- £0.87M MANOP Care Home re-provision

A summary of the position is in the table below.

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Full Year 2018/19</th>
<th></th>
<th></th>
<th></th>
<th>Full Year 2018/19</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gross Budget £m</td>
<td>Gross Actual £m</td>
<td>Gross Variance £m</td>
<td>Net Budget £m</td>
<td>Net Actual £m</td>
<td>Net Variance £m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children's Services</td>
<td>6.4</td>
<td>7.1</td>
<td>0.7</td>
<td>1.4</td>
<td>0.8</td>
<td>(0.6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Service</td>
<td>105.8</td>
<td>61.3</td>
<td>(44.5)</td>
<td>71.6</td>
<td>33.6</td>
<td>(38.0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regeneration</td>
<td>15.8</td>
<td>8.1</td>
<td>(7.7)</td>
<td>7.3</td>
<td>2.7</td>
<td>(4.6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ASCHH</td>
<td>13.4</td>
<td>3.7</td>
<td>(9.8)</td>
<td>9.0</td>
<td>2.0</td>
<td>(7.0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Exc HRA</td>
<td>141.5</td>
<td>80.2</td>
<td>(61.3)</td>
<td>89.2</td>
<td>39.0</td>
<td>(50.2)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Note: Any minor rounding differences are due to linking to detailed appendices)

**Capital Receipts**
The overall budget for Capital receipts is £10.0M. The outturn was £16.2M

**Reasons for decision**

4. To complete schemes currently underway and facilitate effective financial management and planning.

**Council Priorities**

5. Sound financial management contributes to the Council’s Value for Money and enables the Council to successfully deliver its priorities. The recommendations will contribute indirectly to all 6 Council priorities.
Corporate Implications

Legal Implications

6. None.

Financial Implications

7. The financial Implications are contained in the report.

Equalities Implications

8. Equality Impact Assessments were undertaken prior to the allocation of the 2018/19 budgets and Members were advised of significant equality implications relating to the budget proposals when setting the Council’s Budget in February 2018.

Appendices

Appendix A – Detailed Directorate Commentary
Appendix B - Schemes over budget between £0.150M and £0.500M
Appendix C - Capital Slippage Approved under delegated Authority
Appendix A – Detailed Directorate Commentary

Social Care Health and Housing

1. The directorate outturn is under gross budget by £9.750M and under net budget by £7.032M.

2. The tables below highlight the areas of spend:

<table>
<thead>
<tr>
<th>SCHH Full Year Gross Budget and Forecast</th>
<th>Gross Budget</th>
<th>Gross Outturn</th>
<th>Variance</th>
<th>Deferred Spend</th>
<th>Over / (Under) spend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheme Categories</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
</tr>
<tr>
<td>Additional Gypsy and Traveller Sites</td>
<td>901</td>
<td>901</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Adult Social Care ICT Projects</td>
<td>190</td>
<td>121</td>
<td>(69)</td>
<td>69</td>
<td>0</td>
</tr>
<tr>
<td>Better Care Fund Capital Grant</td>
<td>992</td>
<td>1</td>
<td>(991)</td>
<td>991</td>
<td>0</td>
</tr>
<tr>
<td>Disabled Facilities Grants Scheme</td>
<td>2,212</td>
<td>1,765</td>
<td>(447)</td>
<td>0</td>
<td>(447)</td>
</tr>
<tr>
<td>Empty Homes</td>
<td>374</td>
<td>196</td>
<td>(178)</td>
<td>279</td>
<td>101</td>
</tr>
<tr>
<td>MANOP Care Home Reprovision</td>
<td>978</td>
<td>109</td>
<td>(869)</td>
<td>869</td>
<td>0</td>
</tr>
<tr>
<td>MANOP Non-HRA Extra Care Schemes</td>
<td>5,100</td>
<td>0</td>
<td>(5,100)</td>
<td>5,100</td>
<td>0</td>
</tr>
<tr>
<td>NHS Campus Closure</td>
<td>374</td>
<td>0</td>
<td>(374)</td>
<td>0</td>
<td>(374)</td>
</tr>
<tr>
<td>Renewal Assistance</td>
<td>400</td>
<td>216</td>
<td>(184)</td>
<td>145</td>
<td>(39)</td>
</tr>
<tr>
<td>Review of Accommodation/Day Support, &quot;New Approaches to Outcome&quot;</td>
<td>1,906</td>
<td>368</td>
<td>(1,538)</td>
<td>1,538</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13,427</strong></td>
<td><strong>3,677</strong></td>
<td><strong>(9,750)</strong></td>
<td><strong>8,991</strong></td>
<td><strong>(759)</strong></td>
</tr>
<tr>
<td>% of Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>27.4%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SCHH Full Year Net Budget and Forecast</th>
<th>Net Budget</th>
<th>Net Outturn</th>
<th>Variance</th>
<th>Deferred Spend</th>
<th>Over / (Under) spend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheme Categories</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
</tr>
<tr>
<td>Additional Gypsy and Traveller Sites</td>
<td>676</td>
<td>676</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Adult Social Care ICT Projects</td>
<td>46</td>
<td>121</td>
<td>75</td>
<td>(75)</td>
<td>0</td>
</tr>
<tr>
<td>Better Care Fund Capital Grant</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disabled Facilities Grants Scheme</td>
<td>1,544</td>
<td>830</td>
<td>(714)</td>
<td>0</td>
<td>(714)</td>
</tr>
<tr>
<td>Empty Homes</td>
<td>354</td>
<td>75</td>
<td>(279)</td>
<td>279</td>
<td>0</td>
</tr>
<tr>
<td>MANOP Care Home Reprovision</td>
<td>978</td>
<td>109</td>
<td>(869)</td>
<td>869</td>
<td>0</td>
</tr>
<tr>
<td>MANOP Non-HRA Extra Care Schemes</td>
<td>5,100</td>
<td>0</td>
<td>(5,100)</td>
<td>5,100</td>
<td>0</td>
</tr>
<tr>
<td>NHS Campus Closure</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Renewal Assistance</td>
<td>300</td>
<td>155</td>
<td>(145)</td>
<td>145</td>
<td>0</td>
</tr>
<tr>
<td>Review of Accommodation/Day Support, &quot;New Approaches to Outcome&quot;</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8,998</strong></td>
<td><strong>1,966</strong></td>
<td><strong>(7,032)</strong></td>
<td><strong>6,318</strong></td>
<td><strong>(714)</strong></td>
</tr>
<tr>
<td>% of Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>21.8%</td>
</tr>
</tbody>
</table>

3. Gypsy and Traveller site
The Gypsy and Traveller site at Woodlands in Biggleswade was completed in September 2018 with spend on budget.
4. Better Care Fund (BCF)

The BCF digitisation of care homes project is being taken forward through the Sustainable Transformation Programme and will slip to 2019/20 to be spent on Disabled Facilities Grants and Telecare.

5. Disabled Facilities Grants (DFG's)

The grants provided to residents through the Disabled Facility Grant programme assist some of the poorer and most vulnerable members of the community. Without these grants in many cases the properties involved would be unsuitable for the needs of the occupiers who may then be unable to remain in their own homes. This also reduces pressure on health service resources and residential care, as without these improvements more residents would require emergency or longer term care solutions.

6. The table below provides details of the DFG adaptations for 2018/19 compared to the previous year.

**Measures Completed DFG 2018/19**

<table>
<thead>
<tr>
<th>Type of adaptation</th>
<th>2017/18</th>
<th>2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level access shower/wet room</td>
<td>73</td>
<td>81</td>
</tr>
<tr>
<td>Straight stair lift</td>
<td>14</td>
<td>27</td>
</tr>
<tr>
<td>Curved stair lift</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>Toilet alterations</td>
<td>37</td>
<td>28</td>
</tr>
<tr>
<td>Access ramps</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>Dropped kerb and hard standing</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>Wheelchair/step lift</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Through floor lift</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Major extension</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Kitchen alterations</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Access alterations (doors etc)</td>
<td>41</td>
<td>42</td>
</tr>
<tr>
<td>Heating improvements</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Garage conversions/minor additions</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Safety repairs/improvements</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Other</td>
<td>31</td>
<td>22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>290</strong></td>
<td><strong>270</strong></td>
</tr>
</tbody>
</table>

7. There have been 352 referrals to Housing in 2018/19, an average of 29 per month, compared with 275 referrals at an average of 23 per month for the same period in 2017/18.
8. Empty Homes
Expenditure on Empty Homes relates to Empty Dwelling Management Orders (EDMOs) and Empty Homes Loans. Several Empty Homes loans are being considered for long term empty homes. Empty Homes Loan assistance is an alternative for owners of empty homes willing to work with the Council. There are 15 Empty Homes Loan cases at enquiry stage and 12 approved and in progress.

9. Managing the Needs of Older People (MANOP)
Most of the budgets for the two MANOP programmes will slip to 2019/20. In terms of MANOP care homes re-provisions, CBC will develop new residential facilities itself; additional capital budget has been identified for this in the Capital MTFP - £9M for a replacement care home at Leighton Buzzard (main programme) and £9M for a replacement care home at Flitwick (reserve list) There is a place holder for the Steppingley Rd scheme (reserve list). The Outline Business Cases are being developed.

10. Review of Accommodation and Day Support
Capital works have been funded at the Silsoe Day Centre to accommodate the new day care model for older people. Works are being planned at the new Dunstable Leisure Centre in respect of the Townsend Day Centre. There has also been significant spend on major components, roofing and general enhancements to the care home environment within CBC own age 65+ homes.

Children’s Services

11. The directorate outturn is above gross budget by £0.668M and £0.610M below net budget. The increased expenditure is a result of the annual review of projects within the New School Places programme and is funded wholly by grant and S106 receipts (S106 receipts relate to contributions from developers to fund infrastructure costs associated with housing developments, in particular new schools as in this case, but also covers leisure facilities and other types of community assets where appropriate).

12. All but two projects within Children’s Services Schools Access and Temporary Accommodation are funded wholly by grant receipts that have no expenditure deadline.

13. The tables below highlight the areas of spend:
14. **Children’s Home and Assessment Centre**
   The Children’s Home and Assessment Centre scheme has not yet commenced and is will slip to 2019/20.

15. **New Schools Places**
   The New Schools Places programme provides capital investment to deliver new school places required by population growth in areas of limited surplus capacity within our schools. The Council’s School Organisation Plan is the evidence base that supports the commissioning of these new school places over a rolling five year period. The programme is funded by a combination of sources including DfE basic need grant, developer contributions (S106), Council borrowings and capital receipts.

16. The rolling five year programme is dynamic with perpetual changes in the forecasts of income and expenditure across financial years including those arising from variances in S106 totals and trigger points and in the timing and therefore cost profile of many projects.

---

<table>
<thead>
<tr>
<th>Scheme Categories</th>
<th>Gross Budget £k</th>
<th>Gross Outturn £k</th>
<th>Variance £k</th>
<th>Deferred Spend £k</th>
<th>Over / (Under) spend £k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthy Pupil Capital Grant</td>
<td>0</td>
<td>343</td>
<td></td>
<td></td>
<td>343</td>
</tr>
<tr>
<td>Children’s Home and Assessment Centre</td>
<td>500</td>
<td>0</td>
<td>(500)</td>
<td>500</td>
<td>0</td>
</tr>
<tr>
<td>LPSA &amp; LAA Grant</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>New School Places</td>
<td>4,034</td>
<td>4,431</td>
<td>397</td>
<td>0</td>
<td>397</td>
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<tr>
<td>Schools Access Initiative</td>
<td>200</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schools Devolved Formula Capital</td>
<td>450</td>
<td>1,268</td>
<td>818</td>
<td>0</td>
<td>818</td>
</tr>
<tr>
<td>Schools Statutory Accommodation</td>
<td>705</td>
<td>606</td>
<td>(99)</td>
<td>92</td>
<td>(7)</td>
</tr>
<tr>
<td>Special School Provision</td>
<td>541</td>
<td>250</td>
<td>(291)</td>
<td>0</td>
<td>(291)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,430</strong></td>
<td><strong>7,098</strong></td>
<td><strong>668</strong></td>
<td><strong>592</strong></td>
<td><strong>1,260</strong></td>
</tr>
</tbody>
</table>

% of Budget 110.4%

---

<table>
<thead>
<tr>
<th>Scheme Categories</th>
<th>Net Budget £k</th>
<th>Net Outturn £k</th>
<th>Variance £k</th>
<th>Deferred Spend £k</th>
<th>Over / (Under) spend £k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthy Pupil Capital Grant</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
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<tr>
<td>Children’s Home and Assessment Centre</td>
<td>500</td>
<td>0</td>
<td>(500)</td>
<td>500</td>
<td>0</td>
</tr>
<tr>
<td>LPSA &amp; LAA Grant</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>New School Places</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Schools Access Initiative</td>
<td>200</td>
<td>200</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schools Devolved Formula Capital</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Special School Provision</td>
<td>1</td>
<td>0</td>
<td>(1)</td>
<td>0</td>
<td>(1)</td>
</tr>
<tr>
<td>Schools Statutory Accommodation</td>
<td>705</td>
<td>596</td>
<td>(109)</td>
<td>92</td>
<td>(17)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,406</strong></td>
<td><strong>796</strong></td>
<td>(610)</td>
<td><strong>592</strong></td>
<td><strong>(18)</strong></td>
</tr>
</tbody>
</table>

% of Budget 56.6%
17. Commissioned projects have not progressed as anticipated, resulting in expenditure falling behind forecast and the balance of the unspent Basic Need Grant being carried forward to 2019/20 to fund identified projects.

18. **Schools Access Initiative**  
Central Bedfordshire Council provides capital funding to enable pupils with disabilities access to mainstream education. All Central Bedfordshire maintained schools can apply for funding on an application basis (Voluntary Aided Schools and Academies access funding through an alternative mechanism). In exceptional circumstances where an Education, Health and Care Plan has named an academy or Voluntary Aided school an application may be considered. The application must be based on the specific needs of a child who has been, or is due to be, admitted to that school. Applications are assessed by a Panel, comprising Council officers and representatives from Central Bedfordshire Special and Maintained Schools, who sit in April and October of each financial year. Funding is awarded on a priority basis, as identified in the Council’s Accessibility Strategy.

19. The budget allocation for 2018/19 is £0.200M which has been fully spent. Demand was high again this year and £0.200M was allocated to fund building works/adaptations and for the purchase of specialised equipment. All the grant funding has now been transferred to the schools concerned. Three applications for equipment and adaptations for hearing impaired pupils were received for the October Panel. However, the October Panel was cancelled because the budget had been fully committed with nothing left to allocate. The applicants were advised of this and asked to re-apply to the Panel in April 2019, when next year’s funding becomes available.

20. **School Devolved Formula Capital:**  
The allocation to Schools is for use on capital condition / improvement works on their buildings in line with the priorities in their School Improvement Plan. The schools have three years to spend the grant. The budgeted gross expenditure for 2018/19 is £0.450M. The outturn for 2018/19 is £0.818M, wholly funded by grants.

21. **School Statutory Accommodation**  
The primary purpose of the Council’s statutory school accommodation programme is to meet either short term needs at schools where there is a small, or temporary rise in numbers which cannot be physically accommodated through alternative means, but for which an alternative funding stream, e.g. S106 capital investment/Basic Need grant is unavailable and/or where this results in the need for organisational changes in structure to meet Key Stage 1 class size legislation. The secondary purpose of the programme is to replace temporary accommodation, which is reaching the end of its design life, with permanent build to meet a permanent need for places.
22. The capital budget allocation for 2018/19 is £0.400M, plus slippage of £0.305M to 2019/20. Additionally there was £0.010M of S106 funding specifically for the Maple Tree Lower project. Priority projects were identified based on condition survey data and school site visits. The Pix Brook (Etonbury Academy) project allocation of £0.200M was removed from the programme as the total project cost increased to the extent that it could no longer be funded through the Programme at that time and is being forward funded from the New School Places Programme. Commissioned works for the removal of a double temporary unit at Sandy Secondary School have not progressed as anticipated and the planning renewals for the retention of units at Caddington, Chalton and Maulden are still outstanding, resulting in expenditure falling behind budget.

23. The significant expenditure against this budget is:
- £0.250M for the installation of a temporary unit on the Ivel Valley secondary site.
- £0.342M for the construction of two classrooms at Maple Tree Lower.
- £0.018M for the removal of a double unit at Sandy Secondary School (estimated costs) has been delayed to 2019/20.
- £0.092M remained unallocated and will slip to 2019/20.

**Community Services**

24. The directorate outturn is below budget by £44.490M (gross) and below budget by £37.971M (net).

<table>
<thead>
<tr>
<th>Scheme Categories</th>
<th>Gross Budget</th>
<th>Gross Outturn</th>
<th>Variance</th>
<th>Deferred Spend</th>
<th>Over / (Under) spend</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
</tr>
<tr>
<td>Major projects</td>
<td>62,888</td>
<td>26,324</td>
<td>(36,565)</td>
<td>32,906</td>
<td>(3,659)</td>
</tr>
<tr>
<td>Minor projects</td>
<td>15,265</td>
<td>7,228</td>
<td>(8,037)</td>
<td>5,792</td>
<td>(2,245)</td>
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<tr>
<td>Assets for other Directorates</td>
<td>4,575</td>
<td>1,831</td>
<td>(2,744)</td>
<td>2,533</td>
<td>(211)</td>
</tr>
<tr>
<td>Rolling programme - Assets</td>
<td>5,351</td>
<td>4,083</td>
<td>(1,268)</td>
<td>844</td>
<td>(424)</td>
</tr>
<tr>
<td>Rolling programme - IT</td>
<td>1,475</td>
<td>717</td>
<td>(758)</td>
<td>758</td>
<td>0</td>
</tr>
<tr>
<td>Rolling programme - Highways</td>
<td>15,596</td>
<td>20,410</td>
<td>4,814</td>
<td>55</td>
<td>4,869</td>
</tr>
<tr>
<td>Rolling programme - Other</td>
<td>680</td>
<td>748</td>
<td>68</td>
<td>122</td>
<td>190</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>105,830</strong></td>
<td><strong>61,341</strong></td>
<td><strong>(44,490)</strong></td>
<td><strong>43,010</strong></td>
<td><strong>(1,480)</strong></td>
</tr>
<tr>
<td>% of Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>58.0%</td>
</tr>
</tbody>
</table>
Major Projects

25. This programme provides capital investment to a number of major schemes delivering benefits to the community.

26. The overall net budget is £42.68M and there is a net expenditure outturn of £15.769M which is £26.910M under budget.

27. **Underspends**: -
   - The Health Care hub has a budget of £3.25M and £3.14M will not be slipped into 2019/20 but will be reprofiled in the 2020/21 Capital Programme. The project is at the feasibility stage and the business case is being drafted. The design works will begin in 2019/20 and will be funded from the slipped grant income from NHS and budget for 2019/20. A preferred designer has been identified and will be appointed shortly.
   - The Ivel Medical Centre where Section 106 (Developer contributions) funding of £0.14M was used which had not been budgeted for.
   - The Stratton Street Railway Bridge final account settlement once all costs were established was below budget by £0.12M.
   - The Westbury Units budget of £0.80M has been released as the decision on the future of the complex has not yet been made. Once that is determined a report will be taken to the Executive and if necessary the project reintroduced to the Capital programme.

28. **Overspend**: -
   - The Highways depot south has an overspend of £0.23M due to the completion of work to Thorn Road and corrals and signage to the bridleway which are part of the planning conditions.

29. **Slippage**: -
   - Stratton 5a has an actual spend of £0.59M and slippage of £4.21M. There has been a delay to the start on site which has impacted on the groundworks and the steelworks. The anticipated completion date is now 30\textsuperscript{th} October 2019 and the rent payments will commence 5 months after practical completion.

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**Community Services Full Year Net Budget and Outturn**

<table>
<thead>
<tr>
<th>Scheme Categories</th>
<th>Net Budget £k</th>
<th>Net Outturn £k</th>
<th>Variance £k</th>
<th>Deferred Spend £k</th>
<th>Over / (Under) spend £k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major projects</td>
<td>42,679</td>
<td>15,769</td>
<td>(26,910)</td>
<td>22,859</td>
<td>(4,051)</td>
</tr>
<tr>
<td>Minor projects</td>
<td>11,801</td>
<td>4,085</td>
<td>(7,716)</td>
<td>5,792</td>
<td>(1,924)</td>
</tr>
<tr>
<td>Assets for other Directorates</td>
<td>2,924</td>
<td>398</td>
<td>(2,526)</td>
<td>2,533</td>
<td>7</td>
</tr>
<tr>
<td>Rolling programme - Assets</td>
<td>3,351</td>
<td>1,606</td>
<td>(1,746)</td>
<td>1,316</td>
<td>(430)</td>
</tr>
<tr>
<td>Rolling programme - IT</td>
<td>1,475</td>
<td>717</td>
<td>(758)</td>
<td>758</td>
<td>0</td>
</tr>
<tr>
<td>Rolling programme - Highways</td>
<td>8,670</td>
<td>10,476</td>
<td>1,806</td>
<td>55</td>
<td>1,861</td>
</tr>
<tr>
<td>Rolling programme - Other</td>
<td>665</td>
<td>543</td>
<td>(122)</td>
<td>122</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>71,565</td>
<td>33,594</td>
<td>(37,971)</td>
<td>33,435</td>
<td>(4,536)</td>
</tr>
</tbody>
</table>

% of Budget 46.9%
• The full budget of £7.60M for the purchase of the vehicles for the Waste Fleet has been slipped due to the contract date being deferred so that the acquisition of the vehicles is in line with the new contract start date (rather than purchasing and putting into storage).

• The major scheme of widening of the A421-M1 at junction 13 has an actual spend of expenditure £6.83M and external funding £6.78M. There is slippage of £8.41M expenditure covered by external funding of £8.38M. The pre-works are complete and the main works contract started on 4th March 2019 and planned completion is October 2020.

• The Strategic Acquisitions project has an actual spend of £2.05M and slippage of £5.82M. The actuals mainly relate to the purchase of land at Church Farm, Wrestlingworth, Sandy. The purchase goes towards the target in the Farm Estates Strategy to hold at least 2,000 hectares of farm land. The slippage is for potential purchases that complement property portfolio and strategy.

• The IT digitisation programme has an actual spend of £2.00M and slippage of £2.70M. The actuals relate to £1.54M for the new Finance system SAP4HANA, £0.11M for the Local Area Network replacement, £0.05M for the replacement of the SWIFT system and £0.40M for the IT digitisation programmes. There is slippage of £0.50M for the IDOX implementation, £1.50M for the SWIFT replacement and £0.70M for SAP4HANA where the design is in place but implementation will take place in 2019/20.

• The Luton Dunstable Busway has an actual spend of £0.070M and slippage of £1.43M. The spend relates to Part 1 claims from 3rd parties which are dealt with by Luton Borough Council. Final figures are yet to be agreed.

• The sale of the old Flitwick Leisure centre did not complete as the options to use for redevelopment and care home are still to be agreed so the receipt of £3.04M has been slipped to 2019/20.

• The Dunstable Library and Leisure Centre renewal has an actual net spend of £9.23M and slippage of £1.88M. The external construction is complete and installation of the equipment and fixtures and fittings in the gym, café area & library is in progress.

• The Woodside Link project has an actual net income of £0.30M due to receipt of S106 monies and slippage of £0.86M which relates to the final costs for Woodside as they are not due until 2019/20.

30. Minor projects
This programme provides capital investment for a number of minor schemes including the A5 residual works, Footway Improvements, Schools Compliance works, Enhancement and Preparation for Disposal, Car parks and the
31. **Underspend:-**
   - The Micro Asphalt programme has an underspend of £0.50M to cover overspend on the Highways Structural maintenance.
   - The Footway programme has an underspend of £0.54M to cover overspend on the Highways Structural maintenance.
   - The full budget of £1.00M for Schools Compliance is not required in 2018/19 or 2019/20 and so will be reprofiled in the 2020/21 Capital Programme.
   - The budget of £0.05M for the Sundon/Bluewater Landfill sites is no longer required and all future works will be funded from the earmarked reserve set aside for this purpose.

32. **Slippage:-**
   - The CCTV programme has an actual spend of £0.005M and slippage of £0.69M.
   - The Priory House Accommodation has an actual spend of £0.22M and a slippage of £0.78M for the furniture, electrical works, café refurbishment, carpark, lobby and other associated works.
   - The Improved Walking Routes to School has an actual spend of £0.08M and slippage of £0.38M where works have started and will complete in 2019/20.
   - Houghton Hall project has an actual spend of £0.03M and slippage of £0.06M for the completion of the outdoor sculpture, play area and works to the kitchen.
   - The A5 residual works has an actual gross expenditure of £0.76M which is funded by income. There is slippage of £1.08M for lighting works which is in design.
   - The purchase of the traveller land purchase has not completed so the budget of £0.10M for the purchase and enhancement works has been slipped.
   - Slippage of £0.045M for the Integrated Asset Management system modifications of which are dependent on the outcome of the Corporate Landlord work.
   - The Land development programme has an actual spend of £0.73M and slippage of £0.33M for a number of ongoing land development schemes including Chase Farm and North of Luton.
   - The Parking equipment project has an actual spend of £0.01M and slippage of £0.032M for further purchases.
   - The carpark scheme has an actual spend of £0.06M and slippage of £1.24M. The project is in the feasibility stage and the delivery stage will take place in 2019/20.
   - The National Productivity Investment project has a gross actual expenditure £0.49M which is grant funded. There is slippage of £0.34M for the redesign of the Clophill roundabout.
   - The Leisure Centre Stock condition has an actual gross expenditure of £0.08M and external funding of £0.12M which covers the spend on this project and the overspend on the Flitwick Leisure Centre. There is
slippage of £0.52M of which £0.21M is for Tiddenfoot Leisure Centre, £0.29M for Saxon Leisure Centre wetside changing room refurbishment.

- There is an actual net expenditure actual of £0.01M for Stratton 4 and a slippage of £0.20M for payments due to Highways England in 2019/20.

33. **Rolling Programme**

- There are ongoing annual programmes that deliver benefits in Assets, IT and Highways. The overall net budget is £14.16M, and the Rolling programmes have an actual spend of £13.34M which is £0.82M under the budget.

34. **Overspend**:

- The Highways Structural maintenance has an actual spend of £5.41M and an overspend of £1.83M. This is offset in part by underspends elsewhere in the Highways capital programme of £1.29M, leaving a net overspend of £0.54M. £0.21M of this is due to costs for the Dunstable High Street improvement works which have been picked up as a structural maintenance element (the High Street improvements remove the need for structural works in the near future).

- The Highways Planned Maintenance overspend is due to the actual cost of ordered works being greater than forecast coupled with a discrepancy between the IT system using for ordering Highways works and SAP making spend levels hard to monitor and reconcile. This has led to more works being ordered and delivered than budgeted. This has been resolved for 2019/20.

35. **Underspend**:

- The CBC Built Asset Improvement Programme has an actual spend of £1.73M and an underspend of £0.43M for a number of schemes that require further assessment.

- The replacement of street furniture has an actual spend of £0.11M. The remainder of the budget of £0.04M is no longer required.

- The Highways Bridge assessment and maintenance programme has an actual spend of £0.72M. There is an underspend of £0.20M to offset the overspend on the Highways Structural Maintenance works.

- The full budget of £0.05M for Match funding HRA schemes to alleviate parking is no longer required.

36. **Slippage**:

- The CBC Built Asset Improvement Programme has an actual spend of £1.73M and slippage of £0.41M for works on a number of projects including Ashton Square refurbishment, Grove roofing works, Rushmere Car Park access, demolition of the Horsa unit at Linslade Lower School and other improvement projects.

- The Farms compliance works has an actual spend of £0.44M and slippage of £0.35M for the Moor Farm Cattle building where works had to be retendered and the works will take place in 2019/20.
• The Highways Flooding and drainage schemes has an actual spend of £0.40M and slippage of £0.32M for a house acquisition which is due to complete early in 2019/20.
• The IT Infrastructure Rolling programme has an actual spend of £0.25M and slippage of £0.22M for end of life kit that must be replaced in order to meet the Public Services Network security requirements and maintain compliance.
• The IT Strategic Investment Programme has an actual spend of £0.46M and slippage of £0.54M.
• The Schools Capital Maintenance has an actual gross expenditure of £1.91M and is grant funded. There is slippage of £0.57M.
• The Waste & Recycling containers has an actual spend of £0.30M and slippage of £0.02M.
• The Outdoor Access & Countryside Southern meadow bridge has an actual spend of £0.24M and slippage of £0.10M due to delay in the legal agreement.

37. **Assets working for other Directorates**

• The construction of a new crematorium is being developed for Resources. The feasibility is complete and work is underway to gain planning approval which includes design work with total costs of £0.39M in 2018/19.
• The School at Lower Wilbury Farm, Fairfield has been developed for Children’s Service. The project is fully funded from section 106 income and the actual spend is £1.44M.

**Regeneration and Business Support**

38. The directorate outturn is below budget by £7.703M (gross) and below budget by £4.593M (net).

<table>
<thead>
<tr>
<th>Scheme Categories</th>
<th>Gross Budget</th>
<th>Gross Outturn</th>
<th>Variance</th>
<th>Deferred Spend</th>
<th>Over / (Under) spend</th>
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<td>£k</td>
<td>£k</td>
<td>£k</td>
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<td>3,911</td>
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<td>12</td>
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<td>Other</td>
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<td>4,155</td>
<td>(4,587)</td>
<td>4,387</td>
<td>(200)</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>15,768</strong></td>
<td><strong>8,066</strong></td>
<td><strong>(7,703)</strong></td>
<td><strong>7,515</strong></td>
<td><strong>(188)</strong></td>
</tr>
<tr>
<td>% of Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>51.2%</td>
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</table>
39. **East West Rail**

East West Rail will see the delivery of a train route from Oxford to Cambridge via Milton Keynes. The western section of the route will follow the Bletchley to Bedford line. In the context of the Capital Programme this project focuses solely on this element and the delivery of improved station facilities, namely a new car park, at Ridgmont. The Council is one of a number of Local Authority stakeholders along the route with the project being delivered by the EWR Company and Network Rail.

The majority of the capital allocation is for a land purchase, for which a ‘full and final’ offer has been made.

Gross Expenditure Budget £0.527M
Gross Expenditure 2018/19 Outturn £0.06M and Slippage to 2019/20 of £0.521M

40. **Dunstable High Street / Regeneration**

Dunstable High Street Regeneration – Phase I of this project is delivering improvements to the public realm in West Street, Church Street, High Street North/South and Middle Row, helping attract greater community use and increased footfall. Phase 1 works have now been completed and include replacement street lighting, gateway treatments, on street parking provision and associated carriageway narrowing, some pedestrian guardrail removal and installation of Sustainable Drainage Schemes. This phase is funded through a £1.5M Highways England contribution from their ‘designated funds’. It is planned to secure the funding for phase 2 through further funding from Highway England’s designated funds, Local Growth Fund and Housing Infrastructure Fund with work on all three bids progressing.

Funding: £1.5M Highways England received in 2017/18 of which £0.458M was applied in year, leaving £1.042M in 2018/19, plus a £0.025M contribution from Dunstable Town Council totalling £1.067M.

Budget £1.437M Gross Expenditure with External Funding £1.269M
Gross Expenditure 2018/19 Outturn £1.206M with slippage to 2019/20 of £0.231M. External Funding Outturn of £1.067M with slippage to 2019/20 of £0.202M.

The overall net cost to the Council is £0.139M.
41. **M1 A6**

The scheme comprises the provision of a new 4.4km dual and 2-lane carriageway link road between the new M1 junction 11a in the west and the A6 in the east, to effectively form a northern bypass for Luton and open up land for the potential development of up to 4,000 dwellings, up to 20ha of employment land, community facilities and open spaces, and also the provision of a new sub-regional rail freight interchange incorporating around 40ha of associated employment land.

- The current estimated scheme cost is £61M (not including any potential additional inflation, risk or optimism bias costs)
- The Department for Transport (DfT) have confirmed that this will be a retained scheme due to it being above the £20M threshold.
- Central Bedfordshire Council (CBC) have been awarded £11M and £21.75M from Local Growth Fund 2 and Local Growth Fund 3 respectively. It should be noted that this element of funding must be spent by end March 2021, we currently have a programme to achieve this.
- The focus now is on securing approval of the principals in the Land North of Luton consortium to a mechanism for funding the M1/A6 link road and providing certainty for the Local Plan examination

DfT has granted £0.700M (2017/18) and £1.3M (2018/19) upfront development funding from the £32.75M.

Budget £2.707M Gross Expenditure with External Funding £2.707M. 2018/19 outturn is £2.488M, net £0.781M resulting in a need to bring forward £0.781M of the 2019/20 planned Council contribution. Gross and net expenditure budget slippage to 2019/20 is £0.219M.

42. **Strategic Infrastructure Schemes**

The Strategic Transport Manager is seeking to take forward several projects in support of the Local Plan submission including works to address congestion hotspots on the Major Road Network and updating the evidence base for the refresh of the CBC Local Transport Plan.

A proportion of the budget may be used to fund detailed design of the Dunstable High Street Phase 2 scheme.

Budget £0.264M Gross Expenditure
Gross 2018/19 outturn is £0.003M with budget slippage to 2019/20 of £0.261M.

43. **Leighton Buzzard and Biggleswade Transport Interchange**

The scheme is to remodel the Leighton Buzzard Station forecourt to provide an enhanced bus-rail interchange. Discussions are to be held with Network Rail and West Midland Trains on the outline proposal.
The capital funding allocation falls short of what would be needed to deliver the envisaged proposals. This includes the limited S106 contribution towards the scheme cost from east of Leighton Buzzard, given the expected increase in services visiting the station. External contributions will be sought and the intention is to deliver upgraded interchange facilities on a phased basis where available funding dictates, adding capacity as additional external contributions become available.

The Biggleswade Station scheme is to deliver a bus interchange. The interchange is now part of a wider Housing Infrastructure Fund (HIF) bid with the majority of the costs to be externally funded. If HIF funding is secured, a revised business case will be produced.

Gross budget of £0.177M for Leighton Buzzard with no spend in 2018/19 and so the budget will slip to 2019/20.

Gross budget of £0.262M for Biggleswade with no spend in 2018/19 and so the budget will slip to 2019/20.

44. **Broadband**
   OpenReach had a slow start to delivery in 2018/19 and been catching up ever since. The Council has now received and agreed a remedial plan outlining delivery schedule to end of contract, which has been extended by 2 quarters to the end of (June 2019).

   Recent improvements in performance in Q3 have exceeded the anticipated target.

   The Project has now received a full Change Impact Assessment acceptable within the project, with BDUK to complete their value for money assurance process and receive approval.

   Take up of broadband services continues to be considered as best in class, at 62.5%. Contract 3 was awarded to BT in May 2018. Discussions are ongoing to finalise the deployment plans and premises.

   Budget £6.123M Gross Expenditure with External Funding £4.172M
   Gross outturn is £2.782M, Net outturn is £2.388M.
   Gross budget slippage to 2019/20 of £3.341M and net slippage of £1.784M

45. **Market Towns Programme**
   The Market Towns Programme is made up of two funding streams, the Market Town Regeneration Fund (MTRF), which works directly with town Councils to deliver improvements to their town Centres and the High Street Improvement Scheme (HSIS), which provides 60% grant funding for improvement to shop fronts.
MTRF – A total of 7 bids from Ampthill, Dunstable, Flitwick, Leighton-Linslade, Sandy and Shefford Town Councils are progressing well in the MTRF programme with the exception being Flitwick. The main delays to Flitwick relate to highways elements which are due to be delivered by Ringway Jacobs.

HSIS – 23 businesses are now currently involved in the HSIS. Building work progressing well. Phase 1 works (Dunstable and Leighton Buzzard) nearing completion and Phase 2 underway (Shefford, Ampthill, Potton, Sandy & Biggleswade). All works have now been completed bar some minor final snagging.

The MTRF Board continues to meet quarterly to review progress.

Gross budget of £2.601M and net budget of £2.407M.
Gross outturn of £1.359M, net £1.298M.
Gross budget slippage of £1.042M and net slippage of £0.909M.
£200k expenditure budget will not be required in the future.

46. **Flitwick Redevelopment**
The Executive have agreed to the mixed use regeneration of the site. Work has been progressing on the design of the Interchange element for which a preferred outline scheme has now been finalised and which has been agreed with Network Rail and Govia Thameslink Railways Ltd. This design is being developed further to a more detailed level and is also being taken through the relevant GRIP rail approvals processes.

Proposals have been received from three developers for the redevelopment of the wider station and commercial areas which incorporate the current temporary car park. Senior officers and Members are in the process of being consulted on these proposals with a view to confirming a preferred way forward in early 2019/20.

Gross budget £1.653M and net budget £1.503M.
Gross outturn £0.096M, net £0.046M.
Gross slippage of £1.557M, Net £1.457M.

47. **European Regional Development Fund**
The Innovation Bridge programme is funded through The European Regional Development Fund (ERDF) which works directly with the Council as project lead and three university partners, University of Bedfordshire, Anglia Ruskin and University College Suffolk to award grant funding to Small and Medium sized enterprises (SMEs) to achieve business growth. The capital grant element of the programme acts as an enabler to SMEs by providing support to purchase capital equipment. 44 Central Bedfordshire businesses are being supported through this fund.

Outturn spend for 2018/19 £0.112M fully funded by grant.
Appendix B

Schemes over budget between £0.150M and £0.500M

Community Services

Highways Planned Maintenance £0.312M (see paragraph 34)
Highways Dept South £0.170M (see paragraph 28)
## Appendix C

### Capital Slippage Approved under delegated Authority

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Scheme Title</th>
<th>Total 2018/19 Budget</th>
<th>ACTUAL P1-12 AS AT 16/04/2019</th>
<th>Variance</th>
<th>BUDGET Slippage to 2019/20</th>
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<td></td>
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<td>£1,000</td>
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<td>(0)</td>
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<td>(3,037)</td>
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### Notes

- **External Funding** refers to funding external to the Council's budget.
- **Net Expenditure** is the difference between **Gross Expenditure** and **External Funding**.
- **Gross Expenditure** includes any external funding sources.
- **Variances** are calculated as the difference between the actual expenditure and the budgeted expenditure.
- **BUDGET Slippage to 2019/20** indicates the amount by which the expenditure is slippaged into the following year.
### Appendix C (Cont)

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Scheme Title</th>
<th>Total 2018/19 Budget</th>
<th>ACTUAL P1-12 AS AT 16/04/2019</th>
<th>Variance</th>
<th>BUDGET Slippage to 2019/20</th>
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<tbody>
<tr>
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<td>Gross Expenditure</td>
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<td>Regeneration</td>
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<td>Regeneration</td>
<td>Dunstable High Street and Regeneration</td>
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<td>196</td>
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<td>978</td>
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<td>Social Care, Health &amp; Housing</td>
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<td>Better Care Fund Capital Grant</td>
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**Total: **

66,023 (16,226) 49,803
20. Housing Revenue Account Budget Outturn 2018/19

To receive the provisional Housing Revenue Account budget outturn 2018/19.
Central Bedfordshire Council

EXECUTIVE 11 June 2019

2018/19 Housing Revenue Account (HRA) Budget Management Outturn Report as at March 2019 (subject to audit)

Report of Cllr Carole Hegley, Executive Member for Adults, Social Care and Housing Operations (carole.hegley@centralbedfordshire.gov.uk) and Cllr Richard Wenham, Deputy Leader and Executive Member for Corporate Resources (richard.wenham@centralbedfordshire.gov.uk)

Advising Officers: Julie Ogley, Director of Social Care, Health and Housing (julie.ogley@centralbedfordshire.gov.uk), and Charles Warboys, Director of Resources and s151 Officer (charles.warboys@centralbedfordshire.gov.uk)

This report relates to a Non Key Decision.

Purpose of this report

1. The report presents the 2018/19 HRA outturn financial position as at the end of March 2019 (subject to audit). It sets out spend against the revenue and capital budgets, and provides explanations for any variations. This report enables Executive to consider the overall financial position of the HRA.

RECOMMENDATIONS

The Executive is asked to note and approve:

1. that the provisional Revenue outturn position is to achieve a balanced budget with a contribution to HRA Reserves of £6.873M, thus strengthening the Council’s ability to invest and improve its stock of Council Houses;

2. that the provisional Capital outturn is £7.092M lower than budget, at £18.038M. Works to the value of £5.206M are deferred to 2019/20. These works relate to Future Investment projects;

3. that Right to Buy (RtB) sales are slightly lower than previous financial years, with retained receipts totalling £2.693M, resulting in a year end balance, after funding of the Capital programme, of unapplied capital receipts of £0.838M;

4. as part of the funding of the Capital Programme a contribution of £6.509M has been made from the Strategic Reserve, towards the Capital programme (£4.884M) and the transfer of assets from the General Fund (£1.625M); and
5. The net increase in reserves is £0.364M, so that, at the year end, the HRA will have £29.334M of reserves available, of which £2.0M is identified as a minimum level of HRA Balances.

Issues

2. The provisional revenue outturn position results in a year end surplus of £6.873M compared to a budgeted surplus of £6.501M, an increase of £0.372M.

3. The key positive variances are increased income (£0.590M), reduced expenditure on Housing Operations and Financial Inclusion (£0.611M) and no principal debt repayment (£0.2M). These are offset by an underachievement of the 2018/19 Medium Term Financial Plan (MTFP) efficiency programme (£0.686M), due to delays in purchasing properties and the time required for refurbishment and conversion, and increased maintenance costs (£0.197M).

4. The provisional outturn position for the HRA Capital Programme indicates a net outturn below budget at £18.038M; this includes deferred works of £4.944M from 2017/18. £5.206M of works are deferred to 2019/20.

5. The 2018/19 budget for the HRA anticipated a net contribution from Reserves of £5.158M, with a contribution to the Independent Living Development Reserve (ILDR) of £0.374M and a contribution from the Strategic Reserve of £5.532M. The year end outturn is a net contribution to Reserves of £0.364M, an improvement against budget of £5.522M, comprised of a contribution of £0.295M to the Strategic Reserve and £0.069M to the Life Cycle Reserve. This equates to a predicted total Reserve balance of £29.334M.

6. The MTFP approved by Council in February 2019 sets out a revised funding approach for the All Saints View project, with £5M of the spend in 2019/20 to be funded via new borrowing. Together with a revised profile for spend on this project, this has reduced the balance required in the ILDR for 2019/20. At the same time, the MTFP also identified additional purchases of properties, to the value of £12M in 2019/20. A transfer of £11.912M was made from the ILDR to the Strategic Reserve at year end, so that the balance carried forward in that Reserve is sufficient to fund the purchases, along with the funding of other Capital programmes.

Council Priorities

7. Sound financial management contributes to the Council’s Value for Money and enables the Council to successfully deliver its priorities. The recommendations will contribute indirectly to all 6 Council priorities.

Corporate Implications

Legal Implications

8. None
Financial Implications

9. The financial implications are contained in the report.

Equalities Implications

10. Equality Impact Assessments were undertaken prior to the allocation of the 2018/19 budgets and each Directorate was advised of significant equality implications relating to their budget proposals.

Conclusion and next Steps

11. The report presents the provisional 2018/19 HRA outturn position as at the end of March 2019 and provides explanations for any variations. This report enables the Executive to consider the overall financial position of the HRA.

Appendices

Appendix A - Housing Revenue Account Detailed Commentary
1. The HRA annual expenditure budget is £22.168M and income budget is £28.669M, which allows a contribution of £6.501M to reserves to present a net budget of zero.

2. A subjective breakdown of the provisional outturn position is shown in Table 1 below.

<table>
<thead>
<tr>
<th></th>
<th>2018/19 Budget</th>
<th>2018/19 Provisional Outturn</th>
<th>Variance Provisional Outturn to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Income</td>
<td>(28.669)</td>
<td>(29.259)</td>
<td>(0.590)</td>
</tr>
<tr>
<td>Housing Operations</td>
<td>8.647</td>
<td>8.354</td>
<td>(0.294)</td>
</tr>
<tr>
<td>Financial Inclusion</td>
<td>0.543</td>
<td>0.226</td>
<td>(0.317)</td>
</tr>
<tr>
<td>Housing Investment</td>
<td>0.094</td>
<td>0.009</td>
<td>(0.085)</td>
</tr>
<tr>
<td>Corporate Resources</td>
<td>2.008</td>
<td>2.172</td>
<td>0.164</td>
</tr>
<tr>
<td>Maintenance</td>
<td>5.047</td>
<td>5.244</td>
<td>0.197</td>
</tr>
<tr>
<td>Debt related costs</td>
<td>0.103</td>
<td>0.122</td>
<td>0.019</td>
</tr>
<tr>
<td>Direct Revenue Financing</td>
<td>3.154</td>
<td>3.154</td>
<td>-</td>
</tr>
<tr>
<td>Efficiency Programme</td>
<td>(1.681)</td>
<td>(0.995)</td>
<td>0.686</td>
</tr>
<tr>
<td>Interest repayment</td>
<td>4.053</td>
<td>4.100</td>
<td>0.048</td>
</tr>
<tr>
<td>Principal repayment</td>
<td>0.200</td>
<td>-</td>
<td>(0.200)</td>
</tr>
<tr>
<td>TOTAL Expenditure</td>
<td>22.168</td>
<td>22.386</td>
<td>0.218</td>
</tr>
<tr>
<td>Surplus</td>
<td>(6.501)</td>
<td>(6.873)</td>
<td>(0.372)</td>
</tr>
<tr>
<td>Contribution to / (from) reserve (at year end)</td>
<td>6.501</td>
<td>6.873</td>
<td>0.372</td>
</tr>
<tr>
<td><strong>Net Expenditure</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
3. There is a favourable provisional outturn variance for income of £0.59M (2%) against a budget of £28.669M. The positive variance is a combination of increased recharge to the General Fund (GF) for staff time on Letting Services, support for Transitional Accommodation (TA) and Travellers sites and additional rental and service charge income. The outturn for Housing Operations shows a favourable variance of £0.294M against a budget of £8.647M, resulting from salary related savings due to vacancies.

4. The provisional outturn position for the Financial Inclusion service shows a favourable variance of £0.317M against a budget of £0.543M. The Council has received approval from Government to fund Discretionary Housing Payments (DHP) for Council tenants from the HRA. These payments occur where tenants are under occupying (referred to as the Spare Room Subsidy), resulting in a reduction in the amount of Housing Benefit they receive towards their rent, but where the Council assesses that it would not be appropriate for the tenant to be disadvantaged in this way. This could occur where a disabled tenant requires an extra room for a carer (for example their partner).

5. Spend on DHP was kept to a minimum by assisting tenants to downsize, and thereby freeing up under occupied Council homes. As a result, the £0.070M budgeted in the HRA for DHP was not required. A further £0.247M of savings within Financial Inclusion were achieved as a result of lower tenant incentive payments and salary related savings. The provisional outturn for Corporate Resources recharges shows an adverse outturn of £0.164M against a budget of £2.008M. This is a result of increased support required for HRA projects and development work throughout 2018/19. The adverse variance of £0.197M for maintenance relates to additional expenditure on day to day repairs; this is an area that can be difficult to accurately predict due to the responsive nature of the works.

6. No principal debt repayment occurred in this financial year, delivering a saving of (£0.2M). In the Budget of Autumn 2017, it was announced that Local Authorities would be given the opportunity to bid for an additional £1Bn of borrowing headroom, The Council submitted bids in September 2018 for an additional £37.4M of HRA borrowing. In October 2018 the Prime Minister announced that the Debt Cap would be scrapped. In light of these developments, no repayments were made in 2018/19.

7. There is an underachievement of the 2018/19 Medium Term Financial Plan (MTFP) efficiency programme (£0.686M). Within the efficiency programme there was an ambitious income generation target (£1.2M) relating to rent and service charge income at acquired properties, which has not been fully achieved. There have been delays in purchasing some of the properties identified for acquisition at the time of the budget build and redevelopment of acquired properties has taken longer than envisaged.

**HRA CAPITAL PROGRAMME**

8. Across the HRA Capital Programme there is a provisional year end outturn of £18.038M against a budget of £25.130M. Committed works within Future Investment projects £5.206M are deferred to 2019/20. The net provisional outturn after slippage is £1.886M below budget.
9. Analyses of the outturn position and variance, for each HRA scheme, is presented at Table 2 below. The funding of the programme is shown at Table 3.

<table>
<thead>
<tr>
<th>Stock Protection</th>
<th>Budget 2018/19</th>
<th>Provisional Outturn</th>
<th>Variance</th>
<th>Slippage to 2019/20</th>
<th>Variance net of slippage</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Enhancements</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
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<tr>
<td>Fire Safety &amp; Alarm Systems</td>
<td>107</td>
<td>327</td>
<td>220</td>
<td>0</td>
<td>220</td>
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<tr>
<td>Garage Refurbishment</td>
<td>115</td>
<td>36</td>
<td>(79)</td>
<td>0</td>
<td>(79)</td>
</tr>
<tr>
<td>Paths &amp; Fences Siteworks</td>
<td>112</td>
<td>157</td>
<td>45</td>
<td>0</td>
<td>45</td>
</tr>
<tr>
<td>Estate &amp; Green Space Improvements</td>
<td>361</td>
<td>84</td>
<td>(277)</td>
<td>0</td>
<td>(277)</td>
</tr>
<tr>
<td>Energy Conservation</td>
<td>459</td>
<td>95</td>
<td>(364)</td>
<td>0</td>
<td>(364)</td>
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<tr>
<td>Roof Replacement</td>
<td>566</td>
<td>582</td>
<td>16</td>
<td>0</td>
<td>16</td>
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<tr>
<td>Assisted Living Technology</td>
<td>51</td>
<td>21</td>
<td>(30)</td>
<td>0</td>
<td>(30)</td>
</tr>
<tr>
<td>Central Heating Installation</td>
<td>724</td>
<td>431</td>
<td>(293)</td>
<td>0</td>
<td>(293)</td>
</tr>
<tr>
<td>Rewiring</td>
<td>240</td>
<td>201</td>
<td>(39)</td>
<td>0</td>
<td>(39)</td>
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<tr>
<td>Kitchens and Bathrooms</td>
<td>882</td>
<td>866</td>
<td>(16)</td>
<td>0</td>
<td>(16)</td>
</tr>
<tr>
<td>Central Heating communal</td>
<td>28</td>
<td>231</td>
<td>203</td>
<td>0</td>
<td>203</td>
</tr>
<tr>
<td>Door Replacement</td>
<td>296</td>
<td>243</td>
<td>(53)</td>
<td>0</td>
<td>(53)</td>
</tr>
<tr>
<td>Structural Repairs</td>
<td>204</td>
<td>206</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Aids and Adaptations</td>
<td>434</td>
<td>338</td>
<td>(96)</td>
<td>0</td>
<td>(96)</td>
</tr>
<tr>
<td>Drainage and Water Supply</td>
<td>39</td>
<td>40</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Capitalised Salaries</td>
<td>420</td>
<td>420</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asbestos Management</td>
<td>245</td>
<td>235</td>
<td>(10)</td>
<td>0</td>
<td>(10)</td>
</tr>
<tr>
<td>Parking Schemes</td>
<td>50</td>
<td>74</td>
<td>24</td>
<td>0</td>
<td>24</td>
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<tr>
<td>Investment Panel Programme</td>
<td>50</td>
<td>0</td>
<td>(50)</td>
<td>0</td>
<td>(50)</td>
</tr>
<tr>
<td>Communal/PIR Lighting</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Targeted Door Replacement</td>
<td>6</td>
<td>12</td>
<td>6</td>
<td>0</td>
<td>6</td>
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<tr>
<td>Sheltered Housing Refurbishment</td>
<td>300</td>
<td>44</td>
<td>(256)</td>
<td>0</td>
<td>(256)</td>
</tr>
<tr>
<td>New Windows</td>
<td>141</td>
<td>89</td>
<td>(52)</td>
<td>0</td>
<td>(52)</td>
</tr>
<tr>
<td><strong>Stock Protection Total</strong></td>
<td><strong>5,938</strong></td>
<td><strong>4,840</strong></td>
<td><strong>(1,098)</strong></td>
<td><strong>0</strong></td>
<td><strong>(1,098)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Future Investment</th>
<th>Budget 2018/19</th>
<th>Provisional Outturn</th>
<th>Variance</th>
<th>Slippage to 2019/20</th>
<th>Variance net of slippage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stock Remodelling</td>
<td>985</td>
<td>330</td>
<td>(655)</td>
<td></td>
<td>(655)</td>
</tr>
<tr>
<td>All Saints View (Houghton Regis Central)</td>
<td>2,588</td>
<td>0</td>
<td>(2,588)</td>
<td>(2,588)</td>
<td>0</td>
</tr>
<tr>
<td>Site Development</td>
<td>422</td>
<td>0</td>
<td>(422)</td>
<td>(422)</td>
<td>0</td>
</tr>
<tr>
<td>Garage Site Development</td>
<td>260</td>
<td>0</td>
<td>(260)</td>
<td>(260)</td>
<td>0</td>
</tr>
<tr>
<td>Croft Green</td>
<td>638</td>
<td>94</td>
<td>(544)</td>
<td>(544)</td>
<td>0</td>
</tr>
<tr>
<td>New Build &amp; Acquisitions</td>
<td>11,813</td>
<td>12,659</td>
<td>846</td>
<td>846</td>
<td></td>
</tr>
<tr>
<td>Crescent Court</td>
<td>297</td>
<td>0</td>
<td>(297)</td>
<td>(297)</td>
<td>0</td>
</tr>
<tr>
<td>The Brook Houghton Regis</td>
<td>1,547</td>
<td>70</td>
<td>(1,477)</td>
<td>(1,477)</td>
<td>0</td>
</tr>
<tr>
<td>Potton Road Wrestlingworth</td>
<td>642</td>
<td>45</td>
<td>(597)</td>
<td>(597)</td>
<td>0</td>
</tr>
<tr>
<td><strong>Future Investment Total</strong></td>
<td><strong>19,192</strong></td>
<td><strong>13,198</strong></td>
<td><strong>(5,994)</strong></td>
<td><strong>(5,206)</strong></td>
<td><strong>(788)</strong></td>
</tr>
</tbody>
</table>

**TOTAL HRA**

| Total Budget 2018/19                     | £25,130        | £18,038             | (7,092)  | (5,206)             | (1,886)                  |
Table 3
Funding of HRA Capital Programme

<table>
<thead>
<tr>
<th>Source</th>
<th>£'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Contributions</td>
<td>3,154</td>
</tr>
<tr>
<td>Useable Capital Receipts</td>
<td>10,000</td>
</tr>
<tr>
<td>Independent Living Development Reserve</td>
<td>0</td>
</tr>
<tr>
<td>Strategic Reserve</td>
<td>4,884</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>18,038</strong></td>
</tr>
</tbody>
</table>

STOCK PROTECTION

10. There is a positive provisional outturn variance of £1.098M. The most significant positive variances are: Energy Conservation (£0.364M), Central Heating Installation (£0.293M), Estate & Green Space Improvements (£0.277M), Sheltered Housing Refurbishment (£0.256M), Aids and Adaptations (£0.096M), Door Replacement (£0.053M), New Windows (£0.053M), and the Investment Panel Programme (£0.05M). The adverse variances include: General Enhancements projects (£0.22M) and Communal Central Heating (£0.203M).

11. Energy Conservation has delivered a positive outturn variance of £0.364M, due to our change in methodology as part of our new Repairs Delivery Model (RDM) where we have taken a different approach to planned replacement works. By taking the demand led approach this has ensured that the right properties are getting the works undertaken when they are needed. We also reviewed our survey regime, which has delivered some cost savings, whilst still achieving an up to date high specification product. This has not hampered our install rate: the Council has still achieved the targeted number of installations for the financial year.

12. Central Heating Installation has delivered a positive outturn variance of £0.293M; this is again a result of our change in methodology, where we have adopted a demand led approach. We have also reviewed our approach to the work that has been undertaken in resident homes: carrying out a broader and more in-depth survey has led to less work required to the property to enable safe, effective & efficient heating. Even with this saving we have still managed to achieve our targeted installations for the year: 250 homes received a new heating installation.

13. Estates & Green Space Improvements have resulted in a positive outturn variance of £0.277M. This is partially the result of a delay in procurement at Meadow Way. The schemes at Morcom Road and Southwood Road have been delayed due to two consultations being required. The second consultation delivered a range of suggested proposals and the projects can be delivered in 2019/20. The works at Trident Drive have been delayed due to some difficulty in agreeing the project scope. A range of projects including Dylan Court, Manning Court and Clarence/Meadow Way were completed during 2018/19.
14. Sheltered Housing Refurbishment projects have resulted in a positive outturn of £0.256M. These initiatives were delayed to allow re-engagement with customers to ensure the planned works met with their requirements. Refurbishment contractors are currently on site at Gale Court, Manor Court, Finch Crescent, Baker Street and Bedford Street, and will complete their works in 2019/20. The General Enhancements outturn was £0.327M, an adverse variance of £0.22M, due to an increased volume of plasticisation being completed: this reduces future costs on external decorations to Council properties due to lower maintenance requirements.

15. Communal Central Heating has delivered an adverse variance of £0.203M as a result of the RDM. For the communal heating workstream this led to undertaking an enhanced survey regime to all of our sites. From this, it was highlighted that work was needed to be undertaken to enable us to provide efficient, effective and reliable heating to a number of sites. By undertaking this work early, it will reduce our long-term maintenance, as the number of repairs will reduce. The new heating will also provide a reduction in energy usage as the sites have modern boilers with more efficient and dynamic control systems.

FUTURE INVESTMENT

16. Future Investment has a positive provision outturn variance of £0.788M after slippage of £5.206M, which is comprised of: All Saints View (ASV) (£2.588M), The Brook (£1.477M), Potton Road (£0.597M), and Croft Green (£0.544M).

17. ASV (formerly known as Houghton Regis Central) is a site comprising the vacant former Co-Op site, the Grade II listed Red House and Red House Court in Houghton Regis town centre. The project will involve re-development in two stages, with construction initially taking place on the Co-Op site to allow the current Red House Court residents to move to new apartments. This would enable Red House Court to be demolished, to provide homes and new facilities on the existing site. The scheme will comprise 168 independent living apartments on a mixed tenure basis together with 8 re-ablement suites and a number of commercial units.

18. The scheme received planning consent in November 2016. Galliford Try are the main contractor. The contract sign off was delayed due to clarifications on the tender submission and agreeing the final contract terms. The expenditure outturn was therefore significantly below the budget as a result of the delayed start on site. The contractor began work on site in February 2019, therefore the Council was able to draw down Homes England funding of £2.072M, equivalent to the expenditure for the year. Slippage from 2018/19 is £2.588M.

19. The Brook, in Houghton Regis, is a greenfield site that was identified as a suitable location to deliver a Transitional Accommodation (TA) scheme. There has been a delay in the project plan due to the re-design required to the scheme to obtain planning approval. The decision was taken (considering staff resource, design risk to the Council, planning implications and required re-design), that the most suitable way to progress the project was to procure a full multi-disciplinary design team to produce the re-design and take the scheme through all of the RIBA plan stages. This changed the procurement strategy to a traditional “fully designed” route as opposed to a “design and build” model.
Obtaining approvals for this and the required procurement processes and timescales resulted in a delay to the project programme, but the project completion is broadly in line with the previously issued programme of works.

20. A new Project Board structure and project governance was set up to enable clear sign off and approval requirements. The design team has now been appointed and are attending regular meetings to progress the scheme. A planning application was submitted in December 2018 with planning approval forecast for the first quarter of 2019/20. The outturn of £0.07M is entirely comprised of design and consultancy fees; with slippage of £1.477M to 2019/20.

21. The development at Potton Road in Wrestlingworth will be a Rural Exception Site, which would not obtain planning permission for housing without meeting an identified affordable housing need. The scheme will deliver a mix of shared ownership and affordable rented units. Procurement for a designer has been completed. The outturn is £0.045M, with slippage of £0.597M into 2019/20. Croft Green in Dunstable is to be refurbished to provide 6 units (four 1 beds and two 2 beds). The tender has been awarded and the contractor has started on site. There is a provisional outturn of £0.094M in 2018/19. Project practical completion is expected in August 2019, accounting for the slippage of £0.488M from the 2018/19 capital programme. There is an additional unit spread over two floors that has been reconfigured to provide 2 guest suites, and a ground floor office for Council staff.

22. The Stock Remodelling 2018/19 programme has funded enabling and design work at The Red House. The continuing works to The Red House are to ensure this important Grade II listed building is protected. This budget was also used to fund preparatory works at The Birches in Shefford, and construction costs at Puddlehill (formerly known as the Vicarage) in Houghton Regis. Puddlehill will be extended to deliver an additional 8 self contained bedrooms to provide homes for 16 to 25 year olds who require supported TA and will include remodelling of the separate existing 5 bedroom house. Work on site commenced in December 2018. The provisional outturn for Stock Remodelling is £0.33M.

23. There is an adverse variance of £0.846M relating to New Build & Acquisitions, delivering a projected outturn of £12.659M. This offsets other identified underspends within various site development and remodelling project codes. The budget has been used to continue the approach of reducing GF expenditure by purchasing properties for use as TA. Of the 39 purchases in the current year, 2 are former hotels which will be converted into an 18 unit and 17 unit homeless hostel. Another is a site comprising 8 one bed flats, which required only limited refurbishment. These purchases will in total deliver 97 units, which will be used for transitional accommodation, reducing cost to the GF. There are a number of purchases going through legal process with LGSS Law and work is continuing to identify, appraise, survey and offer on suitable properties at pace for the MTFP budget provision for 2019/20.
24. The Housing Service has created an Intensive Property Management Team (within the HRA) that will manage all the properties and rooms that are used for TA on a ‘hotel-style’ basis, in part to maximise income; but more importantly, to avoid cost at the level seen in neighbouring Local Authorities. Over time, it is envisaged that this provision will increase to circa 250 units (homes, single rooms, shared accommodation). The use of this circa 250 units will function flexibly, as both TA and accommodation based supported housing, the main aim being to avoid cost to the system. Whilst management and maintenance costs are significantly higher for this type of accommodation, the greater concentration of tenancies will also generate additional income for the HRA. More importantly, this approach directly facilitates the Housing GF efficiencies, to reduce TA Budget provision over a three-year period.

25. In 2017 a former care home previously known as Greenacre was transferred from the GF into the HRA. During 2018/19 a further care home, The Birches in Shefford, was transferred to the HRA at a value of £1.15M. The Birches will provide 17 units, comprising of a variety of flats, micro flats and mobility standard units all with shared lounge and kitchen. As this will be an internal transfer it will be funded by Reserves rather than the HRA Capital programme.

HRA EFFICIENCY PROGRAMME

26. The Housing Service has been using Housemark to provide a benchmarking service. The analysis provided has assisted in identifying the areas where HRA expenditure is high relative to other stock retained authorities. Benchmarking has indicated, for example, that we should institute the Repairs Delivery Model (RDM), the result of which has been the achievement of in year savings and further proposals for HRA efficiencies going forward.

27. The HRA revenue budget for 2018/19 was reduced by £1.681M, as part of the Council’s efficiency programme. HRA efficiency target comprised mainly of increased growth of rental and service charge income from acquired properties (£1.2M) and increased Supported Housing service charge income (£0.150M). The remaining £0.331M was made up of: savings related to Business Process Review and Management rationalisation, changes to the RDM and contract management and reduced communications costs from the use of new media.

28. The overall efficiency target for 2018/19 was achieved with the exception of the £1.2M income efficiency where there is a £0.686M outturn adverse variance due to delays in purchasing properties and the time required for refurbishment and conversion.
29. Table 4 shows a breakdown of the HRA debt position at March.

<table>
<thead>
<tr>
<th>Debt Analysis - Tenant Arrears</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of debt</td>
</tr>
<tr>
<td>Current Tenant</td>
</tr>
<tr>
<td>Former Tenant</td>
</tr>
<tr>
<td>Current Tenant</td>
</tr>
<tr>
<td>Former Tenant</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Debt Analysis - Other Arrears</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of debt</td>
</tr>
<tr>
<td>Misc recoveries</td>
</tr>
<tr>
<td>Shops</td>
</tr>
<tr>
<td>Void recoveries</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

30. Total tenant debt amounted to £1.129M compared to £1.143M at the end of quarter 3 2018. Current Tenant Arrears (CTA) are £0.445M or 1.46% (£0.461M or 1.52% at the end of quarter 3) of the annual rent debit of £30.479M, against a target of 1.8%, whilst Former Tenant Arrears (FTA) are at 2.2% with a balance of £0.684M against a target of 1.75% (2.4% with a balance of £0.682M at the end of quarter 3). £0.041M tenant debt was written off in 2018/19. Housing Benefit payments account for 50.23% of rent and service charge income received.

31. There are currently £0.066M of non tenant arrears (£0.065M at the end of quarter 3), which comprise the following: rents at shops owned by the HRA, service charges and property damage relating to existing and former tenants.

**PROMPT PAYMENT INDICATOR**

32. The performance target for payment to suppliers, where there is no dispute over the amount invoiced, is 90% of invoices paid within 30 days of invoice receipt date. The HRA performance for March was 94% of 346 invoices (84% of 369 invoices in at the end of quarter 3). Work is ongoing to create ‘end to end’ system integration between the SAP financial system and the QL Housing system, using an interface, so as to improve performance overall. This project is progressing well and has significantly improved timescales for making payment.
HRA CAPITAL RECEIPTS

33. New Right to Buy (RtB) discounts and proposals for re-investing the capital receipts came into effect from April 2012, which increased the maximum discount available to tenants from £0.034M to their current level of £0.081M. During 2018/19, 47 RtB applications were received with 23 properties being sold, compared to 58 Applications and 33 sales in 2017/18, resulting in a retained capital receipts balance of £2.693M.

34. At the end of 2018/19 the Council has a balance of £10.838M of useable capital receipts, before funding of the HRA Capital Programme (balance bought forward from 2017/18 £8.145M), of which £3.038M is reserved for investment in new social housing. The Council has entered into an agreement with the Secretary of State to invest these receipts in new social housing. The use of these receipts is restricted to schemes that do not receive Homes England (formerly the Homes and Communities Agency - HCA) funding.

35. The retained receipt from RtB sales can represent no more than 30% of the cost of the replacement properties. Since the agreement was signed in 2012, £19.093M has been spent on replacement properties up to 31 March 2019. The Council is committed to spend a further £10.127M on replacement properties by 31 March 2022. The HRA’s Capital Budget proposals for the period of the Medium Term Financial Plan (MTFP) propose significant investment in New Build & Acquisitions (in excess of £32M by 31 March 2022).

36. Current projections suggest RtB sales will not have a negative impact on the Business Plan, particularly if the number of new build properties exceeds the properties sold. However, if annual RtB sales were to make up a significant percentage of the Housing Stock, such that it diminished by 10% (equivalent to circa 500 properties) or more over the period to 31 March 2022, then this would pose a threat to the surpluses predicted in both the medium and longer term. If additional sales continue to represent a small percentage of the Council’s stock, so there is no material impact on the Business Plan, there is a significant benefit as retained receipts will provide the Council with additional funds for reinvestment.

37. As at 1 April 2018 the balance of HRA Usable Capital receipts was £8.145M. £2.693M of RtB receipts have been retained in the current year, to deliver a subtotal of £10.838M. Usable receipts of £10M was used to part fund the Capital programme, so the balance carried forward is £0.838M.

RESERVES

38. The total reserves available as at year end 2017/18 were £28.970M, comprising £2M in HRA Balances, £20.5M in the Independent Living Development Reserve (ILDR), £6.141M in the Strategic Reserve, £0.129M in the Life Cycle Reserve and £0.200M in the Major Repairs Reserve (MRR). A new Reserve has been created at the end of 2017/18, for Life Cycle costs at Priory View. Leaseholders make a monthly contribution to capital replacement works, but as the building was completed in 2016 these costs are unlikely to materialise for a number of years, so a Reserve is required.
This is often referred to as a “Sinking Fund” and enables leaseholder contributions to be set aside to be matched against costs in future years.

39. As part of the MTFP, approval has been granted for the transfer of The Birches in Shefford and The Moorings in Leighton Buzzard into the HRA. The buildings have been transferred to the HRA at a cost of £1.625M. This cost will be financed from the Strategic Reserve, so the total contribution from that Reserve will be £6.509M, comprised of £4.884M contribution to the Capital programme and £1.625M to finance the transfer of assets from the GF.

40. In October 2018 the Government announced the scrapping of the HRA Debt Cap, allowing Council’s to borrow above their Self Financing Debt settlement figure for the purpose of building new affordable housing. As part of the 2019/20 MTFP process, and to demonstrate the Council’s commitment to increase the supply of affordable housing, the will Council continue its approach of purchasing properties on the open market, with £12M identified for this purpose in the HRA Capital programme for 2019/20.

41. To facilitate this expenditure, it is proposed that £5M of borrowing is taken out to part fund expenditure at ASV in 2019/20, reducing the required balance in the ILDR. The profile of spend at ASV has been adjusted over the MTFP to reflect the revised timescale agreed with the contractor, further reducing the balance required in the ILDR for 2019/20. A transfer of £11.912M took place from the ILDR to the Strategic Reserve at year end, so that the balance carried forward in that Reserve is sufficient to fund the £12M of purchases, along with the funding of other HRA Capital programmes.

42. The provisional outturn position shows a year end balance in Reserves of £29.334M. HRA Balances are to remain at a contingency level of £2M, with the ILDR reducing to £8.588M, the Strategic Reserve increasing to £18.348M, the LifeCycle Reserve increasing to £0.198M, and the MRR remaining at £0.2M. This equates to an outturn contribution to Reserves of £6.873M, offset by spend from Reserves of £6.509M to result in a net increase of £0.364M.

43. An Investment Strategy has been formulated, that sets out proposals for the use of the Reserves that are forecast to materialise in the short to medium term. This strategy is referred to in the HRA Budget Report that has been approved by Council in February 2018, and continues to be refined as part of the Council’s Medium Term Financial Plan.
### Table 5 - Reserves

<table>
<thead>
<tr>
<th>Description</th>
<th>Opening Balance 2018/19</th>
<th>Spend against reserves</th>
<th>Transfer of reserves</th>
<th>Transfer to Reserves</th>
<th>Closing Balance 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>HRA Balances</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
</tr>
<tr>
<td>Independent Living Development Reserve</td>
<td>2,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,000</td>
</tr>
<tr>
<td>Strategic Reserve</td>
<td>20,500</td>
<td>0</td>
<td>(11,912)</td>
<td>-</td>
<td>8,588</td>
</tr>
<tr>
<td>Life Cycle Reserve</td>
<td>6,141</td>
<td>(6,509)</td>
<td>11,912</td>
<td>6,804</td>
<td>18,348</td>
</tr>
<tr>
<td>Major Repairs (HRA)</td>
<td>129</td>
<td>-</td>
<td>-</td>
<td>69</td>
<td>198</td>
</tr>
<tr>
<td>Major Repairs (HRA)</td>
<td>200</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>200</td>
</tr>
<tr>
<td>Total</td>
<td>28,970</td>
<td>(6,509)</td>
<td>-</td>
<td>6,873</td>
<td>29,334</td>
</tr>
</tbody>
</table>
21. Performance Monitoring - Quarter 4

To receive the quarter 4 performance monitoring report.
2018/19 Quarter 4 Performance Report

Report of Cllr Richard Wenham, Deputy Leader and Executive Member for Corporate Resources (richard.wenham@centralbedfordshire.gov.uk)

Advising Officer: Charles Warboys, Director of Resources (Charles.Warboys@centralbedfordshire.gov.uk)

This report relates to a non-Key Decision

Purpose of this report

1. To report Quarter 4 2018/19 performance for Central Bedfordshire Council’s Medium Term Plan (MTP) indicator set.

RECOMMENDATIONS

The Executive is asked to:

1. Note performance against the indicators currently being used to help support the monitoring of progress against the Medium Term Plan priorities, and to ask officers to further investigate and resolve underperforming indicators as appropriate.

2. Since the Council was created in 2009, it has endeavoured to strengthen Central Bedfordshire as a great place to live and work. This means delivering great value and services to residents, making sure that both businesses and individuals have great prospects for the future, in terms of education, skills and employment, and enhancing Central Bedfordshire as a place.

3. In 2015, the Council updated its plans for delivering its ambitions. This culminated in The Five Year Plan 2015-2020 being adopted by Council in November 2015, based on six key priorities:

   - Enhancing Central Bedfordshire
   - Delivering Great Resident Services
   - Improving Education and Skills
   - Protecting the Vulnerable; Improving Well-being
   - A More Efficient and Responsive Council
   - Creating Stronger Communities

4. This report represents the Quarter 4 2018/19 view of the Council’s suite of key indicators, which are reported together with the previous year’s performance.
5. Performance data and additional commentary is also available through the Central Bedfordshire Performance Portal at: http://centralbedfordshireperformance.inphase.com

Quarter 4 2018/19 Summary

6. The Council has identified 46 key performance indicators, four of which are in development.

7. Data on these indicators is collected at a variety of intervals (some annually, others on a quarterly or monthly basis) and in each case the most recent available data is included.

8. The appendix to this report includes the latest available data for all indicators.

9. Where specific targets have been agreed for key indicators, the performance is highlighted by direction of travel arrows, which show if things have improved or deteriorated.

10. Additionally, performance is highlighted by a Red/Ambert/Green system where targets have been set, with green symbolising a positive position and red symbolising a negative position.

11. Some data is subject to future revisions.

Overall Performance Against Targets and Direction of Travel

Quarter 3 2018/19 to Quarter 4 2018/19

12. Of those measures that currently have targets set:

- 9 are reporting as green
- 8 are reporting as amber
- 5 are reporting as red

This compares to reporting in Quarter 3 2018/19 of:

- 7 reported as green
- 11 reported as amber
- 4 reported as red

13. Of those measures that currently have a Direction of Travel (DoT) set:

- 17 are reporting DoT in a positive direction
- 3 are reporting DoT as neither positive nor negative
- 17 are reporting DoT in a negative direction

This compares to reporting in Quarter 3 2018/19 of:

- 15 were reporting DoT in a positive direction
- 3 were reporting DoT as neither positive nor negative
- 19 were reporting DoT in a negative direction
14. Quarter 4 2018/19 saw an increase in the number of measures reporting as Green from seven to nine when compared with Quarter 3 2018/19. At the same time, there was also a slight increase in the number of measures reporting as Red from four to five, whilst measures reporting as Amber decreased from eleven to eight.

15. Since Quarter 3 2018/19, the net movement is positive with two more measures reporting DoT in a ‘positive’ direction and two fewer in a ‘negative’ direction. Measures reporting as neither positive nor negative remained constant at three.

Commentary is provided later in this report to explain performance for measures reporting new data.

**Charts illustrating quarterly comparison of performance**

**Quarter 4 2017/18 to Quarter 4 2018/19**

16. Annual comparisons of performance provide a longer view of progress and remove seasonal variations.

17. Comparing back to Quarter 4 2017/18, there has been a slight increase in both the number of indicators reporting as Green (from eight to nine) and the indicators reporting Red (from four to five). At the same time the number of indicators reporting as Amber decreased from eleven to eight. One measure that reported a target in Quarter 4 2017/18 has no target assigned for Quarter 4 2018/19.

Commentary is provided later in this report to explain performance for measures reporting new data.

18. Comparing back to Quarter 4 2017/18, four additional measures are reporting DoT in a ‘negative’ direction. There has been a decrease of one measure reporting in a ‘positive’ direction and a decrease of one measure reporting as neither positive nor negative. Two additional measures are now reporting a Direction of Travel.

Commentary is provided later in this report to explain performance against Direction of Travel.
19. **People in employment aged 16 to 64 (% above national average)**  
**Target: 5% above national average**  
The Central Bedfordshire Employment Rate for 16-64 years old was 81.4% in September 2018. This is 6.1 percentage points above the National Rate (1.1 percentage points above target).

20. **New Homes Completions.**  
**Target: 1,600 by end March 2019**  
January to March 2019 saw an additional 500 new homes completed in Central Bedfordshire. This takes the total for 2018/19 to 2,102. There are also an additional 1,541 homes under construction.

21. **Town Centre Vacancy Rates.**  
**No Target**  
Only 5.36% of Central Bedfordshire’s Town Centre Units are now vacant; this is an encouraging decrease from the 6.07% reported in November 2018. There are 5 vacant units in Ampthill, 4 in Biggleswade (-1), 26 in Dunstable (-5), 1 in Flitwick, 8 in Leighton Buzzard (+2), 4 in Sandy, 1 in Shefford and none in either Arlesey, Houghton Regis or Stotfold. The Council will continue to support businesses through the use of our own assets and packages of support.

**Delivering Great Residents Services**

22. **Kg/household of black bin waste**  
**Target: 143 kg**  
The latest data reported for the period June to September 2018 shows each household produced an average of 140kg of black bin waste. This is the same as for same period in 2017/18. However, the period April to June 2018 showed a 10kg increase so overall the annual outturn is expected to be higher than 2017/18, a trend seen by most of our neighbouring authorities and those in the eastern region. This is likely to be due to increased consumption resulting in additional waste, the redevelopment of our Household Waste Recycling Centres encouraging use and some resident’s not fully utilising their kerbside recycling, food waste and green waste collection schemes. Separate food waste collection will be rolled out in the south of the area next year which should improve this indicator, alongside ongoing communications to encourage a change in waste management behaviour.
23. **Leisure facility usage rates**  
**Target:** 401,500 visitors  
Overall the leisure centres have been performing well in participation across the facilities, although, during this most recent quarter (January to March 2019) some of the centre usage has gone down. Flitwick is slightly below previous usage and Tiddenfoot leisure centre has also seen a decline in participation. Stevenage Leisure Limited are currently investigating the reasons for the decline to ensure measures can be put into place to address any short falls.

**Improving Education and Skills**

24. **% of schools rated Good or Outstanding**  
**Target:** 90%  
Performance as at the end of March 2019 has remained stable at 88%. Advisors continue to work with all schools of concern, which includes all schools graded less than 'good' to improve their overall performance and therefore inspection outcomes when they are next inspected. Advisors have also successfully supported schools to retain good and outstanding grades.

25. **% of young people aged 16-17 who are in education, employment or training (EET)**  
**Target:** 96%  
The 3 month average between December and February shows that 94.9% of young people were engaged in Education, Employment or Training. This was slightly higher than the national average (94.5%) and slightly lower than our statistical neighbour average (95%). Central Bedfordshire ranked 74th across all authorities nationally and rose to the second quartile.

**Protecting the Vulnerable; Improving Wellbeing**

26. **Children’s Safeguarding - Referrals as a percentage of the child population. No Target**  
Although the overall number of Referrals to Social Care fell by 269 (14.8%) over the year, the rate per month has stabilised over the last few months, so performance is expected to remain relatively consistent going forward.

27. **Percentage of referrals of children leading to the provision of a social care service.**  
**Target:** 99.7%  
Performance has improved since Q3 (October to December) from 96.8% to 97.6%. All referrals that do not lead to the provision of a Social Care Service remain under review to ensure appropriate safeguarding decisions are made.

28. **% of care leavers at age 17-21 who are engaged in education, training or employment.**  
**Target:** 67%  
Performance has remained slightly behind target at 63.2% due to the level of complexity of issues for a few Care Leavers. However, performance continues to be above the national average.
29. **Proportion of adults subject to a safeguarding enquiry of those known to adult social care.**

   **No Target**

   As at March 2019, of the 6,820 adults known to Adult Social Care, 201 were subject to a safeguarding enquiry. This is a slight increase on the previous quarter (October to December).

30. **Total non-elective admissions in to hospital (general & acute), all-age, per 100,000 population.**

   **Target: 2,519 per 100,000 population**

   Performance from October to December 2018 did not meet the target of 2,519 per 100,000 at 3,288. For Central Bedfordshire as an authority without an acute trust within its boundary, the monitoring of non-elective admissions is challenging, as residents travel to a number of different hospitals out of area. A remote monitoring system has gone live within a number of Central Bedfordshire care homes. This and other initiatives, including complex care support, are helping to reduce the number of avoidable callouts and subsequent admissions from care homes. In addition, a number of care homes have begun using gait analysis tools to assess individual resident fall risks and help reduce the likelihood of falls.

31. **Average age of customers admitted to a residential care home (65+).**

   **No Target**

   The average age of admissions to residential care from January to March was 84.1, consistent with the previous quarter (October to December).

32. **Delivery of new dwellings suitable for older people.**

   **No Target: to be confirmed**

   No additional dwellings were completed between January and March 2019. Work has started on site on Houghton Regis Central (now named All Saints View) to deliver a 168 apartment scheme for older people.

**A More Efficient and Responsive Council**

33. **Time taken to process Housing Benefit, new claims & change events.**

   **Target: 8.6 days**

   The benefits speed of processing for January to March 2019 was 11.2 days against a target of 8.6 days. This was a slight improvement of 0.7 days in the overall time taken to process benefits compared to the same period in 2017/18. Performance has improved during each quarter of 2018/19.

34. **Call wait times average (seconds).**

   **Target: 180 seconds**

   Performance continues to remain good at an average of 64 seconds this quarter (January to March 2019). This is due to the developments of Interactive Voice Response (IVR) delivered earlier in the year.

35. **Number of web visitors.**

   **No Target**

   Web visitors from January to March 2019 were up by 6% compared to the same period in 2018. As reported last quarter (October and December 2018), the general trend we are seeing is increased visitor numbers across the whole site, although there were some small spikes for key projects e.g. A421 and M1-A6 road.
Creating Stronger Communities

36. **Number of volunteers engaged within the community (currently the village care schemes).**
   **Target: 917 volunteers**
   There has been an increase from 917 to 932 in the number of volunteers involved in Good Neighbour Schemes between October and December 2018. The number of Good Neighbour Schemes established and operating is not likely to increase in the immediate future as most communities have a scheme. The focus for the future is maintaining support to existing schemes and to encourage them to take on a greater diversity of tasks, linking to social prescribing and other networks.

37. **Number of customers supported within the community (currently by the village care schemes).**
   **Target: 849 customers**
   There has been an increase of 8% in the total number of customers requesting support between October and December 2018, from 849 to 917.

Council Priorities

38. The measures selected for the reporting of performance reflect the Council’s priorities. Measures are reported under the headings in Central Bedfordshire Council’s Five Year Plan.

Corporate Implications

   **Legal Implications**

39. None directly, however any areas of ongoing underperformance would reflect a risk to both service delivery and the reputation of the Council.

**Financial Implications**

40. None directly, although the Medium Term Plan indicator set provides a view of the value for money delivered by the Council.

**Equalities Implications**

41. This report highlights performance against a range of indicators which measure how the Council is delivering against its Medium Term Plan priorities. It identifies specific areas of underperformance which can be highlighted for further analysis. Whilst many of the indicators deal with information important in assessing equality, it is reported at the headline level in this report.

42. To meet the Council’s stated intention of tackling inequalities and delivering services so that people whose circumstances make them vulnerable are not disadvantaged, performance data for indicators in this set is supported by more detailed performance data analysis at the service level and this is used to support the completion of equality impact assessments. These impact assessments provide information on the underlying patterns and trends for different sections of the community and identify areas where further action is required to improve outcomes for vulnerable groups.
Public Health
43. The Medium Term Plan indicator set includes measures on premature deaths and use of leisure centres.

Sustainability
44. A broad range of indicators relating to sustainability including those covering employment, library usage, active recreation and waste are included in the Medium Term Plan indicator set.

Community Safety
45. The measures included cover perception of safety both during the day and at night.

Risk Management
46. Effective monitoring of performance indicators mitigates the risk of failing to deliver the Council’s priorities, reputational risks and the risk of failing to deliver statutory responsibilities.

Appendix 1
47. Arrows in the scorecard show the performance ‘direction of travel’ and the RAG symbols show whether or not agreed targets are being met.
### Enhancing Central Bedfordshire

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Performance will be reported</th>
<th>Last Reported</th>
<th>Latest Data</th>
<th>DoT</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Central Bedfordshire residents satisfied with the local area as a place to live</td>
<td>Resident’s Survey</td>
<td>Sep 18</td>
<td>87%</td>
<td>n/a</td>
<td>★</td>
</tr>
<tr>
<td>% feel safe when outside in their local area during the day</td>
<td>Resident’s Survey</td>
<td>Sep 18</td>
<td>94%</td>
<td>n/a</td>
<td>★</td>
</tr>
<tr>
<td>% feel safe when outside in their local area after dark</td>
<td>Resident’s Survey</td>
<td>Sep 18</td>
<td>72%</td>
<td>n/a</td>
<td>★</td>
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<tr>
<td>Number of new jobs</td>
<td>Annual (Dec)</td>
<td>Dec 17</td>
<td>-3,103</td>
<td>▼</td>
<td>▲</td>
</tr>
<tr>
<td>People in employment aged 16 to 64 (% above national average)</td>
<td>Quarterly</td>
<td>Sep 18</td>
<td>6.1%</td>
<td>▼</td>
<td>★</td>
</tr>
<tr>
<td>Average Earnings for Workers</td>
<td>Annual (April)</td>
<td>Apr 18</td>
<td>£546.1</td>
<td>▲</td>
<td>n/a</td>
</tr>
<tr>
<td>New Homes completions (cumulative)</td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>2,102</td>
<td></td>
<td>★</td>
</tr>
<tr>
<td>Town Centre Vacancy Rates</td>
<td>Quarterly</td>
<td>Feb 19</td>
<td>5.4%</td>
<td>▲</td>
<td>n/a</td>
</tr>
</tbody>
</table>

### Delivering Great Resident Services

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Performance will be reported</th>
<th>Last Reported</th>
<th>Latest Data</th>
<th>DoT</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perception of Council - Good quality services</td>
<td>Resident’s Survey</td>
<td>Sep 18</td>
<td>68%</td>
<td>▼</td>
<td>n/a</td>
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<tr>
<td>Percentage of Central Bedfordshire residents satisfied with living environment</td>
<td>Resident’s Survey</td>
<td>Sep 18</td>
<td>82%</td>
<td>▼</td>
<td>n/a</td>
</tr>
<tr>
<td>Kg/household of black bin waste</td>
<td>Quarterly</td>
<td>Sep 18</td>
<td>140</td>
<td>▲</td>
<td>★</td>
</tr>
<tr>
<td>Satisfaction with highways maintenance</td>
<td>Annual (April)</td>
<td>Apr 18</td>
<td>48.0%</td>
<td>▼</td>
<td>★</td>
</tr>
<tr>
<td>CBC’s relative position for condition of roads (principal)</td>
<td>Annual (March)</td>
<td>Mar 17</td>
<td>98%</td>
<td>▼</td>
<td>★</td>
</tr>
<tr>
<td>CBC’s relative position for condition of roads (non-principal)</td>
<td>Annual (March)</td>
<td>Mar 17</td>
<td>97%</td>
<td>▼</td>
<td>★</td>
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<tr>
<td>Leisure facility usage rates</td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>427,098</td>
<td>▲</td>
<td>▲</td>
</tr>
<tr>
<td>Libraries facility usage rates</td>
<td>Annual (March)</td>
<td>Mar 18</td>
<td>822,408</td>
<td>▼</td>
<td>n/a</td>
</tr>
<tr>
<td>Customer Services - numbers of service failures reported</td>
<td>Quarterly</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### Improving Education and Skills

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Performance will be reported</th>
<th>Last Reported</th>
<th>Latest Data</th>
<th>DoT</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>School readiness % of children achieving a good level of development at the Early Years Foundation</td>
<td>Annual (Sept)</td>
<td>Sep 18</td>
<td>73.2%</td>
<td>▲</td>
<td>○</td>
</tr>
<tr>
<td>Attainment 8 - ranking</td>
<td>Annual (Dec)</td>
<td>Dec 18</td>
<td>94%</td>
<td>▼</td>
<td>▲</td>
</tr>
<tr>
<td>% of Schools rated Good or Outstanding (Quarterly)</td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>88%</td>
<td>▲</td>
<td>○</td>
</tr>
<tr>
<td>% of young people aged 16-17 who are in education, employment or training (EET)</td>
<td>Annual (Feb)</td>
<td>Feb 19</td>
<td>94.9%</td>
<td>▲</td>
<td>○</td>
</tr>
<tr>
<td>Employer Skills Gaps</td>
<td>Annual (Dec)</td>
<td>Dec 17</td>
<td>27%</td>
<td>▼</td>
<td>n/a</td>
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<tr>
<td>Protecting the Vulnerable; improving well-being</td>
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<td></td>
<td></td>
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<tr>
<td>------------------------------------------------</td>
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</tr>
<tr>
<td><em>Children’s Safeguarding - Referrals as a percentage of the child population</em></td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>2.5%</td>
<td>↑</td>
<td>n/a</td>
</tr>
<tr>
<td><em>Percentage of referrals of children leading to the provision of a social care service</em></td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>97.6%</td>
<td>↑</td>
<td>n/a</td>
</tr>
<tr>
<td><em>LAC - School attendance (when entering care and registered at school)</em></td>
<td>Annual (July)</td>
<td>Jul 17</td>
<td>97.1%</td>
<td>↑</td>
<td>n/a</td>
</tr>
<tr>
<td><em>% of care leavers at age 17-21 who are engaged in education, training or employment</em></td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>63.2%</td>
<td>↓</td>
<td>n/a</td>
</tr>
<tr>
<td><em>Proportion of adults subject to a safeguarding enquiry of those known to adult social care</em></td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>2.90%</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><em>Total non-elective admissions in to hospital (general &amp; acute), all-age, per 100,000 population</em></td>
<td>Quarterly</td>
<td>Dec 18</td>
<td>3,288</td>
<td>↓</td>
<td>▲</td>
</tr>
<tr>
<td><em>Avoiding admissions to Care Homes</em></td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>84.1</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><em>Delivery of new dwellings suitable for older people</em></td>
<td>Quarterly</td>
<td>Mar 19</td>
<td>229</td>
<td>n/a</td>
<td>No target set</td>
</tr>
<tr>
<td><em>Premature Deaths (per 100,000)</em></td>
<td>Annual (Dec)</td>
<td>Dec 17</td>
<td>271</td>
<td>↑</td>
<td>n/a</td>
</tr>
<tr>
<td><em>Hate Crime incidents reported</em></td>
<td>Quarterly</td>
<td>Mar 18</td>
<td>51</td>
<td>↓</td>
<td>n/a</td>
</tr>
<tr>
<td><em>No. of Domestic Abuse incidents reported</em></td>
<td>Quarterly</td>
<td>Mar 18</td>
<td>1,032</td>
<td>↑</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A more efficient and responsive Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Perception of the Council Value for money</em></td>
</tr>
<tr>
<td><em>Perception that Council acts on the concerns of residents</em></td>
</tr>
<tr>
<td><em>Time taken to process Housing Benefit, new claims &amp; change events - Days</em></td>
</tr>
<tr>
<td><em>Call wait times average - (seconds)</em></td>
</tr>
<tr>
<td><em>Number of web visitors - Quarterly</em></td>
</tr>
<tr>
<td><em>Repeat issues (2nd calls or more to contact centre)</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Creating stronger communities</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Perception that people can influence decisions in their own area</em></td>
</tr>
<tr>
<td><em>Perception that people in the local area pull together to improve the local area</em></td>
</tr>
<tr>
<td><em>Percentage that volunteer</em></td>
</tr>
<tr>
<td><em>Number of volunteers engaged within the community (currently the village care schemes)</em></td>
</tr>
<tr>
<td><em>Number of customers supported within the community (currently by the village care schemes)</em></td>
</tr>
<tr>
<td><em>Town and parish survey satisfaction</em></td>
</tr>
</tbody>
</table>
22. Exclusion of Press and Public

To consider whether to pass a resolution under section 100A of the Local Government ACT 1972 to exclude the Press and Public from the meeting for the following items of business on the grounds that the consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.
Exempt Report
23. Disposal of Land and Change to Promotion Agreement - EXEMPT

To set out the options and seek authority to delegate the decision to the Director of Community Services, in consultation with the Director of Resources, Executive Member for Assets and Housing Delivery and the Corporate Resources to approve the arrangements.
Exempt Appendices
24. Dunstable Town Regeneration - EXEMPT

To receive the exempt Appendix A.
25. Identification of Sites for the Delivery of Housing by the Council - EXEMPT

To receive the exempt Appendix B.

Document is Restricted
26. A6-M1 Link Road and Land North of Luton - EXEMPT

To receive the exempt Appendices.

Document is Restricted