

Borough Council of  
**King's Lynn &  
West Norfolk**



# **CABINET**

## **Agenda**

**TUESDAY, 4 SEPTEMBER 2012  
at 5.30pm**

in the

**Committee Suite  
King's Court  
Chapel Street  
King's Lynn**



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Borough Council of  
**King's Lynn &  
West Norfolk**



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**CABINET AGENDA**

**DATE: CABINET – TUESDAY, 4 SEPTEMBER 2012**

**VENUE: COMMITTEE SUITE, KING'S COURT, CHAPEL STREET, KING'S LYNN**

**TIME: 5.30 pm**

**1. MINUTES**

To approve the Minutes of the Meetings held on 31 July and 21 August 2012.

**2. APOLOGIES**

To receive apologies for absence.

**3. URGENT BUSINESS**

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

**4. DECLARATION OF INTEREST**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

**5. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

**6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

**7. CALLED IN MATTERS**

To report on any Cabinet decisions called in.

**8. FORWARD DECISIONS LIST**

A copy of the Forward Decisions List is attached (Page 8)

**9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES**

To receive any comments and recommendations from other Council bodies some of which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Resources and Performance Panel and Audit Committee –28 August 2012
- Regeneration, Community and Environment Panel - 29 August 2012

**10. REPORTS**

**1) Regeneration and Economic Development Policy (Page 10)**

This report outlines a proposed structure and mechanism for the development of borough council regeneration and economic development policy. It sets out the rationale and key principles underlying this proposal and the next steps.

**2) Outsourced Payroll Contract (Page 18)**

In 2006 the Council took the decision to outsource payroll processing. Following a full OJEU tendering exercise the

contract was awarded to Bedford Borough Council with effect from 1<sup>st</sup> April 2007. The contract for this service terminates on 31<sup>st</sup> March 2013 and therefore it is necessary to re-tender the provision of this service. The new contract will commence on 1<sup>st</sup> April 2013.

A detailed project timetable has been developed to ensure that the new payroll arrangements will be in place and fully tested prior to the 'go live' date of 1<sup>st</sup> April 2013. This is essential to ensure that the service, and any potential change in supplier, is delivered seamlessly.

This report outlines the re-tendering exercise and key decisions that will be made during the process.

### **3) Revisions to the Private Sector Housing Investment Policy (Page 25)**

This report details a number of proposed changes to the grants and loans that the Council makes available for adapting the homes of disabled people and essential housing repairs for vulnerable households.

The Disabled Facilities Grant (DFG) involves a very prescribed and time consuming process. A new grant is proposed as an alternative to the DFG regime (in some but not all cases). The introduction of a new grant called 'ADAPT' will remove any unnecessary bureaucracy and as a consequence increase the speed at which the applications can be approved and delivered.

The other changes proposed in this report involve targeting existing resources to ensure the most vulnerable are assisted in circumstances where housing conditions represent a hazard to health.

### **4) HMO and Other Privately Rented Homes – Amenity Standards (Page 57)**

This report proposes a set of common standards in respect of the regulation of houses in multiple occupation (HMOs), and other privately rented dwellings. It focuses on standards of HMOs as they clearly represent the highest risk of harm if not properly managed and maintained. These common standards complement the Council's existing HMO Licensing Policy agreed in April 2006. Housing authorities have a duty to ensure that the HMOs within their areas meet certain minimum standards. National standards have been produced with a requirement that they are considered and interpreted locally. The document represents a set of standards appropriate to this area.

## **5) Localism Act Housing Reforms – The Council’s Tenancy Strategy (Page 81)**

All registered providers of social housing must give regard to the Local Authority Tenancy Strategy appropriate to the areas where they manage stock. It is therefore important that registered providers locally are given some direction to guide their policies, and this document provides a starting point for that. It may be appropriate to refine this document as more information on flexible tenancies and affordable rents emerge.

The Tenancy Strategy proposed sets out in very broad terms the Councils approach to a number of new housing reforms contained within the Localism Act 2011. Whilst the Local Authority Tenancy Strategy is not statutorily required until Jan 2013 it is important that the Councils direction on these matters is understood as soon as possible as some of the new flexibilities are likely to be used by registered providers of social housing operating in the area from April 2012.

## **6) Reconstitution of the King’s Lynn Internal Drainage Board (Page 94)**

The King’s Lynn Internal Drainage Board have decided to reduce their overall membership from 31 to 21. The knock on effect for the Borough is a reduction from 15 Members to 10. The appointments are made at the Full Council meeting so the recommendations will be made to Council.

## **7) Community Governance Review – next stage (page 96)**

The second consultation period (as per the Terms of Reference) closed on 20 July 2012, with residents and interested organisations having had the opportunity to comment further on the decisions made by Council at its meeting on 21 June regarding the suggestions put forward from three Parish Councils for amendments to parish boundaries.

## **EXCLUSION OF THE PRESS AND PUBLIC**

To consider passing the following resolution:

“That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.”

## **8) King's Lynn Enterprise and Innovation Centre (Page 105)**

This report outlines the proposal to build an Enterprise and Innovation Centre in King's Lynn. It sets out the rationale, funding structure and delivery mechanism for the construction and operation of the centre. The recommendations ask for an "in principle" agreement for the allocation of the funding in order to permit negotiations to continue.

To: Members of the Cabinet  
Councillors N J Daubney (Chairman), A Beales, Lord Howard,  
A Lawrence, B Long, Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

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King's Lynn PE30 1EX  
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**FORWARD DECISIONS LIST**

	<b>Officer</b>	<b>Portfolio Responsible</b>
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**18 September 2012 (Accounts)**

Statement of Accounts 2011/12	Deputy Chief Executive	Leader
Annual Governance Statement	Exec Dir Central Services	Leader
Report of the Mart Task Group	Exec Dir Leisure and Public Space	Health and Wellbeing

**2 October 2012**

Town Centre Expansion – Heads of Terms	Exec Dir Regen and Planning	Regeneration
Staff Pay settlement 2013/14	Exec Dir Central Services	Leader
Asset Management - Downham Market – Potential Sale of Land	Dep Chief Exec	Regeneration
Hunstanton Sailing Club Extension and Refurbishment Project Funding	Exec Dir Regen and Planning	Regeneration
King's Lynn Ferry	Exec Dir Regen and Planning	Regeneration
Townscape Heritage Initiative	Exec Dir Regen and Planning	Regeneration

**30 October 2012**

Local Authority Leisure Trust – Project Plan and Follow Up report	Chief Executive	Leader/ Assets
Payroll Tender Outcome	Exec Dir Central Services	Leader
Review of Statement of Principles – Gambling Act 2005	Exec Dir Environmental Health & Housing	Community
Holiday Caravan Sites/Touring Caravan Sites/Residential Caravan Sites – Licensing Procedures & Standard Conditions	Exec Dir Environmental Health & Housing	Community
Materials Recycling Facility (MURF) Contract	Exec Dir Leisure and Public Space	Dep Leader
Black Bin Recycling Contract	Exec Dir Leisure and Public Space	Dep Leader
Contract Standing Orders – amendments	Deputy Chief Executive	Leader
Local Council Tax Support Scheme – end of consultation period	Deputy Chief Executive	Leader

**4 December 2012**

Social Housing Allocation Policy Review	Exec Dir Environmental Health & Housing	Community
Contract for Floor Printers/Copiers	Deputy Chief	Leader



	Executive	
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**Forthcoming Items, as yet unprogrammed**

Major Housing Development – King’s Lynn	Exec Dir Regen and Planning	Regeneration
Revised KLATS & KL Car Parking Strategy	Exec Dir Regeneration & Development	Regeneration / Health & Wellbeing
Community Cohesion Strategy	Chief Executive	Community
Town Centre Plan	Exec Dir Regeneration & Development	Regeneration
Care and Repair Framework Agreement	Exec Dir Environmental Health & Housing	Community
Revised Procurement Strategy	Deputy Chief Executive	Leader & Special Projects

## REPORT TO CABINET

Open/ Any especially affected Wards	Would any decisions proposed :			
	(a) Be entirely within cabinet's powers to decide YES			
	(b) Need to be recommendations to Council NO			
	(c) Be partly for recommendations to Council and partly within Cabinets powers – NO			
Lead Member: Cllr Alistair Beales E-mail:		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ostap Paparega E-mail: Ostap.paparega@west-norfolk.gov.uk Direct Dial: 01553 616890		Other Officers consulted: Ray Harding, Chief Executive Geoff Hall, Executive Director Development & Regeneration		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 4 September 2012

### 1 REGENERATION AND ECONOMIC DEVELOPMENT POLICY

#### **Summary**

This report outlines a proposed structure and mechanism for the development of borough council regeneration and economic development policy. It sets out the rationale and key principles underlying this proposal and the next steps.

#### **Recommendation**

1. That Cabinet be invited to appoint a 9 Member Task Group to consider regeneration and economic development policy and the associated delivery framework (9 Members – 6 Con, 2 Lab, 1 Ind/Gr or Lib Dem)
2. That Cabinet agrees the attached Terms of Reference for the Member Task Group.

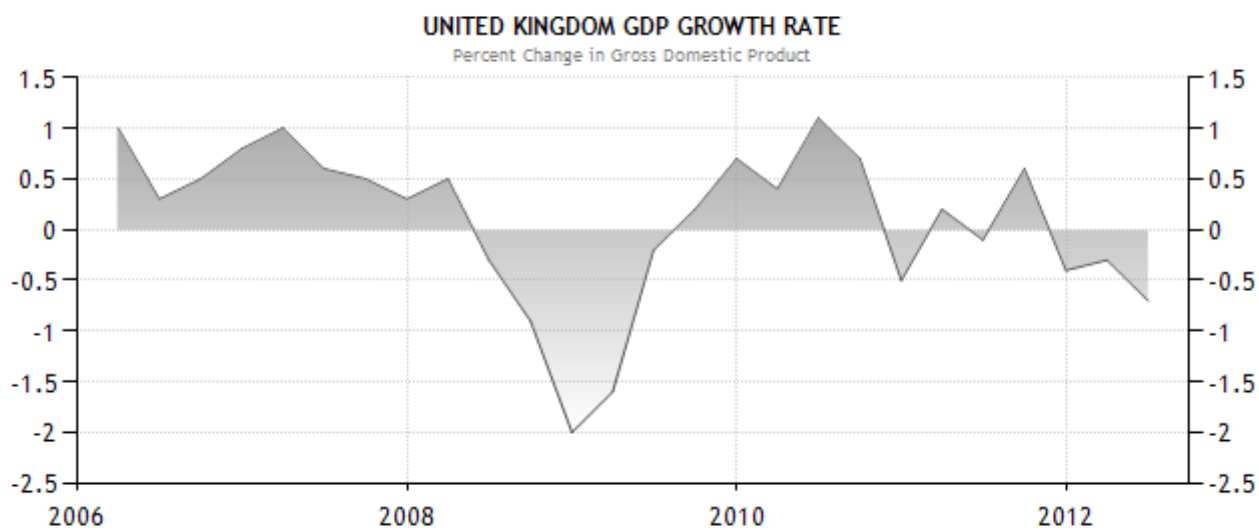
#### **Reason for Decision**

The current Urban Development Strategy was developed in 2006 and based on a set of economic and financial premises, which are no longer valid as a result of the 2008 economic recession. The recession has brought up a series of financial and economic challenges at national and local level for both the private and public sectors. In light of these challenges, the borough council needs to reconsider existing regeneration and economic development policy and its delivery approach to address the new economic, financial and social circumstances.

## 1. BACKGROUND

1.1 The Urban Regeneration Strategy (2006) set out the strategy for developing the town centre and its fringes over a 20 year period. It was prepared at the peak of UK economic growth, dominated by a strong housing market and funding availability on both the demand and supply side.

1.2 Since 2008, the UK economy has experienced a much slower growth rate as a result of recession, with severe implications in terms of availability of development funding, investment readiness and approach to risk and reward sharing. The chart below tracks UK's GDP growth rate from January 2006 to August 2012.



SOURCE: WWW.TRADINGECONOMICS.COM | UK OFFICE FOR NATIONAL STATISTICS

### National policy context

1.3 In 2010, the coalition government has introduced the localism agenda, which emphasizes local authorities' role in encouraging business investment, locally driven growth and a focused intervention on regeneration that enables growth and targeted investment.

1.4 The economic development institutional landscape has changed as well, with the abolition of regional development agencies and the creation of business led local enterprise partnerships (LEPs). LEPs and local councils are seen as key to driving local economic growth and the borough council has acknowledged that by becoming a member of the New Anglia LEP and Greater Cambridge Greater Peterborough LEP.

1.5 In 2010 Business Link, the national enterprise advisory service, has been closed down and replaced by an online platform. The closure has reduced dramatically the number of one-to-one business advise sessions available for would be entrepreneurs and small businesses.

## **Local economic context**

1.6 The performance of King's Lynn & West Norfolk economy is assessed through a series of composite measures benchmarked against districts nationally.

1.7 In terms of key local economic indicators, King's Lynn & West Norfolk is ranked:

- 266 out of 408 districts on the economic productivity score, placing it in the bottom 40% of districts nationally
- 354 out of 408 districts on the overall industrial structure score, indicating a knowledge economy that performs in the bottom 20% of districts nationally
- 361 out of 376 districts on the business and enterprise score, indicating an enterprise culture that performs in the bottom 20% of districts nationally
- 334 out of 407 districts on the skills and qualifications score, indicating a resident workforce that performs in the bottom 20% of districts by national standards, in terms of human capital. In addition, West Norfolk is one of the coldest national 'cold spots' for participation in higher education.

1.8 In light of these challenging findings, the borough council's Regeneration and Economic Development Service aims to stimulate local economic growth through delivery of key projects and interventions against the following four main priority areas and their associated objectives:

1. Improving business performance:
  - a. Developing existing business base & stimulate entrepreneurial activity
  - b. Supporting business formation & survival
  - c. Tackling barriers to business growth
2. Stimulating growth and investment:
  - a. Attracting inward investment
  - b. Developing and promoting sites & premises
  - c. Developing and promoting a King's Lynn brand based on its key competitive advantage / unique selling points
3. Improving quality of life through place making:
  - a. Masterplanning and regenerating key sites in the borough
  - b. Broadening and strengthening the town centre offer to ensure its vibrancy and vitality
  - c. Improving the quality of public realm and gateways
4. Connecting skills to jobs

- a. Identifying skills shortages and retention issues
- b. Raising education provision and improving attainment
- c. Raising aspiration and awareness of opportunities

## 2. PROGRESS

2.1 Since the adoption of the Urban Regeneration Strategy (2006), the borough council and its partners have delivered a number of key developments, as outlined below:

- Nar Ouse Regeneration Area (NORA):
  - Land assembly, decontamination and remediation of 120 acres of former industrial derelict land, which is now available for residential and commercial development
  - Delivery of key community facilities such as St Michael's School, South Lynn Community Centre and the multi-use games area
  - Delivery of 100 housing units (by Morston Assets)
  - Redevelopment of the former Lorry Park by a private sector developer who secured planning consent for the construction of a hotel and restaurant / pub
- Waterfront Regeneration
  - Land assembly
  - Demolition and site clearance
  - Delivery of the offline water storage facility, which will service the NORA residential and employment land
  - Delivery of the CIF II bus route to ease congestion and remove the traffic cap on NORA
- Improvements to the Southgate roundabout to improve traffic flows and ease congestion
- Improving skills and attainment
  - Considerable financial contribution to the College of West Anglia's (CoWA) new technology block
  - Working with ten high schools, a number of primary schools in West Norfolk and CoWA on a programme to improve attainment
  - Raising the profile of Anglia Ruskin University locally
- Inward investment and business support
  - Setting up a dedicated inward investment website
  - Working with UK Trade & Investment and the two LEPs to promote King's Lynn as a good place to invest and do business
  - Participating in the Hanse Economic Area Project to explore market opportunities and growth potential through international business cooperation
  - Setting up the Business Forum as a platform of engagement with local businesses

- Undertaking an annual Business Needs Survey to capture the needs and priorities of local businesses and identify barriers to growth
- Between 2009-2011 the borough council funded enterprise advice which resulted in the creation of 32 businesses and 34 jobs

2.2 These achievements, especially in terms of brownfield remediation and land assembly, pave the way for future residential and commercial development with the associated benefits of attracting investment and creating private sector jobs in the borough.

### **3. REGENERATION DELIVERY FRAMEWORK**

3.1 The new national economic environment and policy context requires a different approach for the delivery of regeneration and economic development locally. This report outlines a number of general principles, which will form the basis of a working framework for the Member Task Group:

- Strategic overview – the general approach would be pragmatic and market based with the new National Planning Policy Framework (NPPF) providing planning guidance and safeguards in terms of proposed site developments in the borough. Some exceptional areas such as the principal gateways into King’s Lynn and the waterfront will be considered separately with a design brief worked up for those areas
- Council intervention – the Council may decide to use its resources to intervene in certain areas where the private market would not deliver suitable outcomes
- Public finance – any finance used to intervene needs to seek and achieve a return on capital (even if long term)
- Project delivery – given scarcity of resources project proposals and initiatives (whether residential, commercial or mixed use) need to be prioritised in relation to the wider development and investment context

3.2 It is proposed that the general principles outlined above will form the basis of a new regeneration delivery framework to be taken forward by a Member Task Group, which will fully develop it and use it to prioritise and recommend project delivery to Cabinet and Council. The proposed Terms of Reference for the Task Group are attached to the report.

## **4 POLICY IMPLICATIONS**

4.1 This report proposes the replacement of the Urban Development Strategy (2006) and its associated documents with a new Regeneration Delivery Framework, which will be used by a Member Task Group to prioritise and recommend project delivery in the borough.

## **5 FINANCIAL IMPLICATIONS**

5.1 No direct financial implications. Future work arising from this report and the Member Task Group will be undertaken in-house.

## **6 STATUTORY CONSIDERATION**

No statutory implications

## **7 RISK ASSESSMENT**

7.1 There is a risk arising from the council not adopting a new regeneration delivery framework and relying on an outdated strategy to decide its priorities, projects and areas of intervention, which would fail to address the new economic, financial and social challenges brought about by the 2008 economic recession.

## **8 EQUALITY IMPLICATIONS**

All equal opportunity matters will be addressed through the Member Task Group.

## **9 BACKGROUND PAPERS**

Urban Development Strategy (2006)  
King's Lynn Marina Masterplan (2007)

## Regeneration and Economic Development Policy Task Group

### Terms of Reference

1. To consider and review the available data in order to establish the local economic context for West Norfolk and consider the views of “key players” in the local economy, such as the West Norfolk Chamber of the Norfolk Chamber of Commerce, King’s Lynn Town Centre Partnership, and equivalent business groups in Downham Market and Hunstanton, together with any invited West Norfolk business leaders.
  
2. Give consideration to the four main priority areas of the Council’s Regeneration and Economic Development Service as set out below:
  - Improving business performance:
    - Developing existing business base & stimulate entrepreneurial activity
    - Supporting business formation & survival
    - Tackling barriers to business growth
  
  - Stimulating growth and investment:
    - Attracting inward investment
    - Developing and promoting sites & premises
    - Developing and promoting a King’s Lynn brand based on its key competitive advantage / unique selling points
  
  - Improving quality of life through place making:
    - Master planning and regenerating key sites in the borough
    - Broadening and strengthening the town centre offer to ensure its vibrancy and vitality
    - Improving the quality of public realm and gateways
  
  - Connecting skills to jobs
    - Identifying skills shortages and retention issues
    - Raising education provision and improving attainment
    - Raising aspiration and awareness of opportunities
  
3. Review progress achieved to date to meet these objectives.
  
4. Based upon the four general principles (set out below), forming the basis of the Council’s new regeneration delivery framework make proposals to the Cabinet for a prioritised programme of work for the Council’s Regeneration and Economic Development Service.
  - Strategic overview – the general approach would be pragmatic and market based with the new National Planning Policy Framework (NPPF) providing planning guidance and safeguards in terms of proposed site developments in the borough. Some exceptional areas



such as the principal gateways into King's Lynn and the waterfront will be considered separately with a design brief worked up for those areas

- Council intervention – the Council may decide to use its resources to intervene in certain areas where the private market would not deliver suitable outcomes
- Public finance – any finance used to intervene needs to seek and achieve a return on capital (even if long term)
- Project delivery – given scarcity of resources project proposals and initiatives (whether residential, commercial or mixed use) need to be prioritised in relation to the wider development and investment context

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational	(a) Be entirely within cabinet's powers to decide YES (b) Need to be recommendations to Council NO (c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Nick Daubney E-mail: nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Becky Box, Personnel Services Manager E-mail: becky.box@west-norfolk.gov.uk Direct Dial: 01553 616502		Other Officers consulted: Management Team, Executive Director Finance & Resources, Procurement Officer, Executive Director Central Services, Legal Services Manager, Democratic Services Manager		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 4<sup>th</sup> September 2012

## 2 OUTSOURCED PAYROLL CONTRACT

### Summary

In 2006 the Council took the decision to outsource payroll processing. Following a full OJEU tendering exercise the contract was awarded to Bedford Borough Council with effect from 1<sup>st</sup> April 2007. The contract for this service terminates on 31<sup>st</sup> March 2013 and therefore it is necessary to re-tender the provision of this service. The new contract will commence on 1<sup>st</sup> April 2013.

A detailed project timetable has been developed to ensure that the new payroll arrangements will be in place and fully tested prior to the 'go live' date of 1<sup>st</sup> April 2013. This is essential to ensure that the service, and any potential change in supplier, is delivered seamlessly.

This report outlines the re-tendering exercise and key decisions that will be made during the process.

### Recommendation

**That Cabinet note the steps involved in the tender process and that a report will be submitted to the October Cabinet meeting on the outcome of the tender process.**

### Reason for Decision

In accordance with the Council's contract standing orders, as the total value of the outsourced payroll contract exceeds £250,000 it will be necessary to obtain Cabinet approval for the successful provider once identified through the

tendering exercise.

The timetable for the project means that the successful supplier will be determined during the week of 15<sup>th</sup> October 2012. It is intended that this decision will be reported to Cabinet on 30<sup>th</sup> October to seek approval to award the contract to the successful organisation. This timescale is necessary to allow sufficient time after the award of the contract for necessary work to be completed by 1<sup>st</sup> April 2013.

This report is therefore presented at this meeting to give Cabinet advance notification of the tender process to ensure that Members are satisfied that the process being followed is thoroughly and in accordance with contract standing orders, prior to the decision on the successful supplier being made.

## **1. Background**

1.1 In July 2006 Cabinet considered a report outlining a review of Payroll and Personnel Services, following the merger of these teams a few months earlier. This review considered how the two functions were provided at that time, and how technology and changes to working practices could be utilised to maximise service delivery going forward.

1.2 One of the key outcomes of this report was the decision to outsource payroll provision. The main reasons for this decision were:

- to achieve revenue and capital savings
- to develop partnership working arrangements with an external supplier
- to minimise the risks associated with retaining a small, highly specialist team delivering payroll services in-house

1.3 Following Cabinet's decision, a full OJEU tendering exercise was completed resulting in the decision to award the contract to Bedford Borough Council. The Council continued to process payroll internally up to and including 31<sup>st</sup> March 2007, since when this service has been provided by Bedford. The current contract expires on 31<sup>st</sup> March 2013.

1.4 The outsourcing arrangements have worked very well over the 6 year period of the contract. Excellent working relationships have been developed with Bedford Borough Council which has delivered the service to a high standard, as indicated by their performance against the performance indicators that have been monitored and audits that have been undertaken during the contract period. The Council therefore wishes to continue outsourcing this area of work and a retendering exercise is required to procure a supplier for payroll processing for the next 5 – 7 years.

## 2. Re-Tender Timetable

2.1 The outline timetable for the re-tender exercise is as follows:

<b>Week Commencing</b>	<b>Activity</b>
4 <sup>th</sup> June	Tender advertised
9 <sup>th</sup> July	Last day for return of PQQ
30 <sup>th</sup> July	Dispatch of formal invitations to tender to shortlisted organisations
10 <sup>th</sup> September	Deadline for submission of tenders
17 <sup>th</sup> September	Analysis of tenders and shortlisting of best companies
24 <sup>th</sup> September	Issue invitations to shortlisted companies
8 <sup>th</sup> October	System presentations/discussion with best companies
15 <sup>th</sup> October	Selection of successful company
22 <sup>nd</sup> October	Notification of decision/10 day standstill period
29 <sup>th</sup> October	Attend Cabinet 30/10/12 to approve awarding of contract
5 <sup>th</sup> November	Supplier to undertake site visits in preparation for system development
3 <sup>rd</sup> December	Commencement of data transfer to new supplier
7 <sup>th</sup> January	Commencement of system testing and in-house running by provider
4 <sup>th</sup> February	Commencement of 1st parallel run
4 <sup>th</sup> March	Commencement of 2 <sup>nd</sup> parallel run
1 <sup>st</sup> April 2013	New provider fully implemented and 'go live'

## 3. Steps Completed To Date

3.1 The payroll contract was advertised in accordance with Contract Standing Orders on 8<sup>th</sup> June 2012, being advertised on the Council's web-site and on the 'Contracts Finder' web-site.

3.2 As required by CSO's a pre-qualification questionnaire (PQQ) must be used for contracts of this value to ensure potential suppliers meet certain minimum standards. A specific PQQ was therefore developed to enable candidate organisations to satisfy the Council that they:

- a) are in a secure financial position
- b) comply with Health & Safety legislation
- c) comply with the HMRC's payroll standard
- d) can comply with the required timescales
- e) have the relevant experience and can provide satisfactory references
- f) have the technical expertise and software necessary to fulfill the contract

3.3 Detailed criteria was developed to assess the timescales, relevant experience and technical capability sections of the questionnaire. For each question within these areas a points system was used to compare the

responses received to the range of points the Council would expect to see covered. All organisations were then assessed using the same system to ensure consistency of approach.

3.4 The following provides an overview of the criteria assessed under these headings:

Timescales: ability to meet the Council's timescale, provision of a project/implementation plan to demonstrate that the timescales could be met, content of the project/implementation plan (ie. do the steps outlined correspond to our requirements and expectations), details of the resources the supplier will allocate to the project to ensure effective implementation (for example, job titles, description of job roles), details of additional resources that can be called upon if required at critical stages of the implementation, confirmation that the supplier has experience of handling the transfer of data from a former outsourced provider and the provision of a case study to evidence this experience (ideally using a local authority example)

Relevant Experience: experience of providing outsourced payroll services, particularly within the public sector and number of contracts won in the previous five years, experience of processing local government pensions, provision of three relevant and appropriate references (relevant in terms of contract size/value, type of organization and the range of services included within the contract)

Technical: Details of software to be used to provide the service and details of plans to develop/improve the software used or justification as to why the software uses remains fit for purpose. Confirmation that the software used can meet two major forthcoming changes in payroll processing which this Council will have to respond to in the next two years, confirmation that the software used is compatible with modern HR and financial systems and examples of HR and financial systems that the software used has interfaced with. Confirmation that the software used is able to deliver a range of specific technical requirements held by this Council (for example, the ability to process locally agreed pay rates, ability to process Elected Member allowances, ability to receive and import information from Excel spreadsheets)

3.5 Over 30 requests were received for the Pre-Qualification Questionnaire and background information on the contract, resulting in 13 completed PQQ's being received. These 13 PQQ's have been assessed using the above mentioned criteria, resulting in six companies being invited to tender for the contract.

3.6 Invitations to tender, including a detailed specification clearly describing the Council's requirements for the outsourced payroll service, were

sent to the six shortlisted companies during week commencing 30<sup>th</sup> July. The deadline for submission of tenders is Wednesday 12<sup>th</sup> September.

#### **4. Next Steps**

4.1 Once the tenders have been received it will be necessary to review them in detail. The invitation to tender includes details of the contract award criteria, including precise weightings. The criteria used will be as follows:

- 1) Resources Supporting the Contract (5%) - to include: qualifications and experience of payroll staff, helpdesk arrangements and business continuity arrangements
- 2) Outputs and Self Service Facilities (5%) – to include: examples of payslips and reports and sample self service screens
- 3) Operational Performance (20%) – to include: assessment of references, response to questions on key performance indicators and operational requirements
- 4) Software functionality and technical data requirements (30%) – to include: details of system functionality and ability to process a range of specific pay related elements (eg. car allowances, sick pay, maternity pay)
- 5) System compliance (5%) – to include: data protection and data security requirements
- 6) Cost (35%)

4.2 It is likely that the assessment of the tenders will result in some potential suppliers being shortlisted. These suppliers will be invited to present their proposals to relevant Officers during the week commencing 8<sup>th</sup> October 2012.

4.3 References will also be sought for those companies invited to tender, and the responses to these requests will be used as part of the assessment process. The references will be tailored to specifically seek feedback on the potential suppliers performance, both during the implementation stage of the contract and in relation to the day to day running of the service. This will include seeking feedback on key performance indicators such as error rates, accuracy and ability to meet deadlines.

4.4 The assessment of the tenders, references and information obtained from the presentations will then be used to determine the successful supplier. This decision will be made during the week commencing 15<sup>th</sup> October 2012 and will be communicated to all relevant parties at this point. In accordance with Contract Standing Orders, a 10 day 'stand still' period must be provided between communicating the contract award decision and the successful contractor signing the contract, in order to allow the decision to be challenged by unsuccessful candidates.

4.5 In addition, because the total value of the outsourced payroll contract exceeds £250,000 it will be necessary for the contract awarded to the successful supplier to be approved by Cabinet once identified through the tendering exercise. The outcome of the tendering exercise will therefore be

reported to Cabinet on 30<sup>th</sup> October 2012 to seek approval to award the contract to the successful candidate.

## **5. Policy Implications**

5.1 The procedures outlined above are consistent with the Council's contract standing orders for contracts of a value exceeding £100,000. The re-tendering exercise supports the previous Cabinet decision to outsource this service and continues the Council's policy of considering alternative means of service delivery.

## **6. Financial Implications**

6.1 There are no direct financial implications arising from this report. Budget provision is made for the payroll service according to the price paid under the current contract. The new contract will be subject to competition but costs will not be known until a successful tender is evaluated and accepted. Cost is a key consideration in the contract award criteria.

6.2 The alternative to continuing the outsourced arrangements is to bring the service back in-house. The Council does not currently have the software or resources to deliver this service in-house and thus this alternative option would incur considerable additional cost. In addition, the time scale required to procure and implement a payroll system would leave the Council vulnerable to having no payroll provision in April 2013.

## **7. Staffing Implications**

7.1 None in the medium and long term. Implementation of the contract will have some impact on the capacity of the Personnel Services team between November 2012 and March 2013 as some team members will be required to participate in the project to implement the new supplier, including the testing of data transferred, checking of parallel runs, establishment of rules and reports etc, to ensure that the service continues to run effectively.

## **8. Statutory Considerations**

8.1 Checks have been undertaken to ensure that the software used by any potential payroll supplier meets current and forthcoming statutory requirements.

## **9. Equality Impact Assessments (EIA's)**

Not applicable

## **10. Risk Management**

10.1 The most significant risk to this project is the failure of the successful supplier to be fully implemented by the April 2013 payroll deadline. Failure to meet this date will mean the Council is unable to pay employees and Elected Members in April 2013. Steps have been taken to avoid this possibility by seeking evidence and assurances of the potential suppliers ability to meet the required timescale at the PQQ stage. Further evidence of potential suppliers ability to deliver to deadline will be sought via references for those organisations invited to tender. Once the contract has been awarded, procedures will be put in place to carefully and regularly monitor implementation progress.

## **11. Background Papers**

None.



## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory/	(a) Be entirely within cabinet's powers to decide NO		
	Operational	(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Adrian Lawrence E-mail:		Other Cabinet Members consulted: REC Panel		
		Other Members consulted: Lorraine Gore		
Lead Officer: Duncan Hall E-mail: Duncan.hall@west-norfolk.gov.uk Direct Dial:01553 616445		Other Officers consulted: Clare Hanna		
Financial Implications NO – see comment	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 4<sup>th</sup> September 2012

### 3 REVISIONS TO THE PRIVATE SECTOR HOUSING INVESTMENT POLICY

#### **Summary**

This report details a number of proposed changes to the grants and loans that the Council makes available for adapting the homes of disabled people and essential housing repairs for vulnerable households.

The Disabled Facilities Grant (DFG) involves a very prescribed and time consuming process. A new grant is proposed as an alternative to the DFG regime (in some but not all cases). The introduction of a new grant called 'ADAPT' will remove any unnecessary bureaucracy and as a consequence increase the speed at which the applications can be approved and delivered.

The other changes proposed in this report involve targeting existing resources to ensure the most vulnerable are assisted in circumstances where housing conditions represent a hazard to health.

#### **Recommendation**

To support the introduction of the ADAPT grant for all applications for adaptations under £6, 000, where the applicant is not subject to a means-test, and to accept the changes to the grants and loan assistance as documented within the revised Private Sector Housing Investment Policy attached in **Appendix A**.

#### **Reason for Decision**

The proposed changes will help improve the service delivered to the public,

and improve the existing way of working.

## **1 Background**

- 1.1 This report provides a summary of proposed changes resulting from a review of the Housing Private Sector Investment Policy which was last reviewed and amended in July 2011 and in light of further developments regarding the delivery of Mandatory Disabled Facilities Grants across the county. The Policy focus remains the delivery of the mandatory assistance provided by way of the mandatory Disabled Facilities Grants. The policy outlines the ways in which the Council will assist house-holders with acute housing repair issues. The assistance is primarily based on a self funding approach.
- 1.2 The Policy is required in order to meet the requirements of the Regulatory Reform (Housing Assistance) (England & Wales) Order (RRO) 2002 (The Order). Article 3 of this Order specifies that local authorities may provide directly or indirectly, assistance to any person for various purposes, including those of enabling them to adapt or improve living accommodation or to repair living accommodation.
- 1.3 Article 4 of the Order provides that before exercising the power conferred by Article 3 the Local Housing Authority must have adopted a Policy for the provision of such assistance, publicised the Policy and made the Policy available in certain specified ways.

## **2. Disabled Facilities Grants**

- 2.1 The Housing Grants, Construction and Regeneration Act 1996 came into effect on the 17<sup>th</sup> December 1996. This set out the law relating to Disabled Facilities Grants (DFG) and provides a framework identifying who can apply for a DFG, who can benefit from a DFG, the purposes for which a DFG can be given, provision for means testing, maximum values for DFGs, arrangements for awarding, re calculating and paying grants and grant conditions.
- 2.2 Currently most funding for disabled adaptations is delivered via the mandatory Disabled Facilities Grant (DFG) system as contained within the Housing Grants, Construction and Regeneration Act 1996.
- 2.3 The mandatory DFG process is a prescribed process which is bureaucratic and inflexible and as this process operates across a number of agencies the timeline for completion of adaptations can be lengthy.
- 2.4 Currently all DFGs are processed by the Home Improvement Agency (HIA) 'Care & Repair West Norfolk' and a fee of 10% is levied against all grants for this service.

2.5 Referrals for a mandatory DFG are primarily made by Norfolk County Council Social Services acting as the 'welfare authority' and these are submitted directly to Care & Repair West Norfolk for processing.

2.6 Currently it is forecast that circa £800k will be spent in the current financial year on Mandatory Disabled Facilities Grants.

### **3. The Norfolk DFG Project**

3.1 The Norfolk DFG project was first commissioned in 2010 and is aimed at improving the delivery of housing adaptations and equipment to disabled people living in Norfolk. It was recognised for several years that the service is not as responsive and equitable across the county as it could be. Initial research identified pockets of good practice however the service was not consistent across the authority areas which resulted in much frustration and delay. The Norfolk DFG project is aimed at improving the service across the county by delivering adaptations in a more streamlined and sustainable way.

3.2 The new model of working involves the use of co-located integrated teams from different organisations working together. Within West Norfolk this would involve co locating an Occupational Therapist and an Assistant Practitioner within Care and Repair West Norfolk. The intention of bringing the roles together is to provide a seamless "start to finish" service. This new way of working should provide a better service for the applicants, their families and carers as it will provide a single point of contact throughout the process.

3.4 The project will also encourage new ways of procuring adaptations across the county which will result in more cost efficient adaptations, better quality assurance, more confidence in delivery and a reduced timescale. The development of a dedicated framework contract is currently underway within Care and Repair West Norfolk and this is a key element of the package of improvements proposed in West Norfolk.

3.5 The project has also highlighted the importance of successfully maintaining a register of adapted properties and promotes improvements in respect to adapted property allocations. This would enable people to move into more suitable homes as opposed to carrying out substantive adaptations to their existing property.

3.6 In summary the Norfolk DFG protocol will involve the co location of welfare authority staff within the Home Improvement Agency. In addition the simplification of processes can help eliminate much of the frustration and misunderstanding currently experienced by clients and their families. Issues should be resolved quickly which will increase the efficiency of the process generally and enable officers to deliver appropriate adaptations more efficiently.

- 3.7 There have been delays in the delivery of the Norfolk DFG project and Phase 1 is yet to commence. King's Lynn is in the 2<sup>nd</sup> phase of the roll out and it is expected to commence early 2013.

#### **4. The Proposed Adapt Grant**

- 4.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provided housing authorities wide ranging powers to develop discretionary, locally based, programmes to deliver forms of assistance, and in 2008/2009 the scope for the use of DFG funding was widened to support any local authority expenditure incurred under the RRO. This has enabled local authorities to use specific DFG funding for wider purposes which may be more appropriate for individuals.
- 4.2 The removal of the restrictive ring fence on funding was aimed at helping to improve the delivery and the bureaucracy involved in the DFG application process helping to speed up the process and enable local authorities to develop a simplified system for delivering small scale adaptations more quickly.
- 4.3 Taking advantage of these freedoms to create bespoke local solutions it is proposed that a new form of grant be created (Adapt) to deliver the largest proportion of mandatory adaptations. Adapt will be a simplified grant that will fall outside the prescribed DFG process thus improving the client experience whilst delivering improved efficiencies across both the Housing Authority and Care & Repair West Norfolk.
- 4.4 The vast majority of applicants for adaptations are in receipt of some form of income related benefit which 'passports' them through the process without the requirement for a 'means test' as prescribed under the legislation. On average 94% of all DFG applications are pass ported and do not require any financial assessment or means test.
- 4.5 It is proposed that the discretionary 'Adapt' grant will be available where the cost of the adaptations fall below £6,000 and where the applicants are pass ported. On average over the last three years those referrals assessed to fall below the £6k threshold equated to circa 61%\* of all referrals. These referrals mainly relate to stair lifts, level access showers and the provision of access ramping adaptations.  
Of these a number would have been subject to means testing and adjusted equates to 55%. All cases above £6k and where means testing is applicable will be processed via the full DFG procedure.
- 4.6 It is proposed that the Adapt grant will also be available to fund the provision of equipment or to facilitate relocation to a more suitable property where appropriate, thus reducing the financial burden associated with substantive adaptations. The use of equipment as alternative to an adaptation can save a significant amount of money in certain circumstances.

- 4.7 Adapt grants will only be provided when supported by a valid referral either from Social Services or directly from a client and will only cover those adaptations deemed necessary, appropriate, reasonable and practicable in line with The Housing Grants, Construction and Regeneration Act 1996.
- 4.8 Following receipt of the referral from Social Services (or directly) the application would be processed either by way of an Adapt grant or via the DFG application process. The Adapt grant would be a simpler process including simplified paperwork including accompanying application forms.
- 4.9 Following the application an Occupational Therapist / Assistant Practitioner will determine the clinical need and whether adaptations or alternatively whether equipment is required. They will liaise with other medical professionals where necessary and visit jointly with a Client Officer / Technical Officer (within Care and Repair). It is envisaged that this type of joined up working will significantly decrease the number of visits made to the applicant's property prior to the provision of any assistance.
- 4.10 During the visit the Technical Officer will determine the necessary works and where it is deemed the works will cost less than £6,000 an application for the Adapt grant would be provided at the end of the assessment. This determination will be greatly assisted by the introduction of the framework contract where a schedule of rates will be adopted for most adaptation works. This will allow a works cost assessment to be completed quickly. The HIA will continue to act as agents on behalf of the clients dealing with all relevant compliance matters and liaising with contractors and/or equipment providers as necessary.

## **5. Adapt Grant**

- 5.3 The Adapt grant application will not be requesting Proof of Title or Security of Tenure Certificates, however in tenanted properties; where physical adaptations are required, permission from the landlord of the property will be required as part of the application form. This will eliminate delays incurred waiting for legal certification. The onus is placed on the owner or applicant to provide the information and tenants will be required to get permission from their landlords for all works.
- 5.4 In order to overcome further risk we will be including a declaration within the application form that states that the disabled person for whose benefit the works are to be done, intends to live in the property for at least five years. It will also state that the Authority may seek to reclaim any grant paid if the disabled person moves within 5 years of the certified date, unless their move is due to ill-health or other relevant circumstances. The certified date is when the Authority certifies that the works are completed.

- 5.5 In relation to all other approvals such as lenders approvals or where there are specific covenants in relation to the properties the applicant will be responsible for ensuring that the relevant approvals have been sought. This will be included within the application form where the applicant will be required to sign to the effect that all necessary approvals have been obtained.
- 5.7 There may be circumstances where the works necessary exceed the original specification and consequentially exceed £6,000. In circumstances where this occurs existing practice is that the contractors advise the HIA immediately and in agreement with the Senior Housing Standards Officer/ Principal Housing Standards Officer the most appropriate course of action is determined. This will continue.
- 5.8 The £6,000 threshold will include all fees and disbursements in all cases.
- 5.9 Land charges will not be applied in respect to Adapt grants. It is likely that the average percentage of DFG referrals that will be processed via the Adapt route will be around 55% (based upon last three years referrals).

Other minor changes to the assistance offered is summarised below;

#### **6.1 Home Repair Assistance**

- 6.2 This assistance for owner occupiers will continue to be provided to address the mitigation of significant hazards as defined via the Housing Health and Safety Rating System under the Housing Act 2004.
- 6.3 Assistance will be focused towards those deemed most vulnerable and therefore will be limited to those defined as vulnerable under the governments definition but will now also limit eligibility to those clients in receipt of means tested benefits.
- 6.4 Assistance will only be provided where clients do not have access to any other forms of private finance and will continue to be limited to those owner occupiers who have resided at their property, as a main residence for a period of at least 3 years prior to the application.
- 6.5 The previous financial support was offered by way of a grant up to £2k and thereafter a loan secured by way of a land charge up to a maximum of £30k. It is proposed that this assistance will be limited to a grant of up to £250 with all other assistance provided by way of a loan secured via a land charge upon the property.
- 6.6 The 5 year occupancy condition will still apply and should the property be sold or transferred within 5 years from the certified date (date of completion of the works) then an additional 15% charge will be applied.

6.7 It is also proposed that assistance will only be provided where there is adequate equity at the time of application to cover the value of the assistance and the additional 15% charge.

## **7. Emergency Repair Grant**

7.1 This form of assistance will remain to assist owner occupiers to address the mitigation of significant hazards as defined via the Housing Health and Safety Rating System under the Housing Act 2004.

7.2 Assistance will be focused towards those deemed most vulnerable and therefore will be limited to those defined as vulnerable under the governments definition but will now also limit eligibility to those clients in receipt of means tested benefits.

7.3 Works will be limited to very minor temporary repairs to alleviate the most significant hazards, or where the repair would alleviate the need for an application for Home Repair Assistance.

7.4 Assistance will be offered by way of a grant and the maximum allowable for works cost will be £250 including vat, fees and disbursements in line with the existing limit. The grant maximum however will be £500 to cover the minimum grant processing fee of £250 for Care & Repair West Norfolk.

## **8. Additional Adaptation Assistance**

8.1 Additional Adaptation Assistance (AAA) was introduced in 2008 and replaced the Non-Mandatory Disabled Facilities Grant. This assistance was aimed at funding measures associated with adapting the home of a disabled person, where the nature of the works falls outside the work funded by the mandatory DFG or if works under the DFG exceed the grant maxima of £30k (a top up).

8.2 This form of assistance has been available where the application is supported by an Occupational Therapist and where the client has no access to private sources of finance and where funding is not available from other statutory bodies or agencies.

8.3 AAA has also been available to provide assistance in respect to relocation costs where relocation to a more appropriate adapted property was viable and would also provide funding for equipment where necessary to prevent the need for more costly permanent adaptations.

8.4 Funding has been provided by way of a grant up to a maximum of £2k and up to £30k by way of a loan secured via a local land charge.

8.5 It is proposed that the provision of equipment and relocation contributions be provided by way of the new Adapt grant and that AAA

be limited to providing top up assistance to owner occupiers via a loan secured through a local land charge.

- 8.6 The AAA assistance will be limited to a maximum of £15k including vat, fees and disbursements in all cases and will be limited to those considered most vulnerable and in receipt of means tested benefits.
- 8.7 Assistance will only be provided where the client has no access to private sources of finance and where funding is not available from other statutory bodies or agencies.
- 8.8 It is also proposed that assistance will only be provided where there is adequate equity at the time of application to cover the value of the assistance and the additional 15% charge.
- 8.9 A minimum ownership and occupancy period for eligibility will not apply however there will be a 5 year occupancy condition attached and should the property be sold or transferred within 5 years from the certified date then an additional 15% charge will apply.

## **9. Careline Grant**

- 9.1 The Careline Grant is aimed at funding measures to assist vulnerable households to live safely and independently in their own homes and includes the provision of Careline alarms and other relevant assistive technologies.
- 9.2 Previously the grant maximum was £500 however it is thought appropriate to reduce the maximum amount available to each household to £300.
- 9.3 Careline Grant eligibility will also be restricted to those clients in receipt of means tested benefits. These measures will help maintain the budget and still allow the Council to assist the most vulnerable clients.

## **10. Safe & Secure Grant**

- 10.1 The Safe & Secure Grant is primarily for the funding of measures to improve the safety and security of eligible households.
- 10.2 Works included the installation of door and window locks, key safes and security lighting etc.
- 10.3 It is proposed that in line with the Careline Grant, this assistance be provided to those clients most vulnerable and in receipt of means tested benefits so as to maintain this diminishing budget.
- 10.4 It is also proposed that the grant be titled the Safety & Security Grant and that the proposed scope of works be widened to include additional measures aimed at improving the safety of the most vulnerable clients.



Works would include for example, but not exclusively, repairs to toilets and baths, installation of handrails and safety rails and minor works to aid the discharge from hospital

## **11 Policy Implications**

- 11.1 The new adapt grant could be seen as an operational change rather than a policy change because there is no intention to reduce the level of assistance or restrict the eligibility of assistance to those with adaptation requirements. The change is proposed to improve the speed of the process and allow a more flexible use of existing resources.
- 11.2 The other changes to the policy are concerned with tightening eligibility to ensure that existing resources are used most effectively.

## **12 Financial Implications**

- 12.1 The financial implications of the revisions to the Private Sector Housing Investment Policy as detailed in the report can be met within the existing capital budget. It is anticipated that the overall capital budget 2012-2015 for housing assistance can be reduced by £200,000 following the policy changes. The capital budget will be amended as part of the review of the full capital programme to be reported to Cabinet at the meeting on 30 October 2012.

## **13 Staffing Implications**

- 13.1 There are no staffing implications to the proposed changes.

## **14 Statutory Considerations**

- 14.1 It is a statutory requirement of housing authorities to deliver disabled housing adaptations. There are risks associated with poor performance and this report details some operational and policy changes that will help improve the process. These changes form part of on-going work that includes improvements to procurement, and co-working along-side Occupational therapists' to improve the process and address the future challenges of delivery in an ageing community.

## **15 Equality Impact Assessment (EIA)**

- 15.1 An EIA pre-screening report is attached in **Appendix B**.

## **16 Risk Management**

- 16.1 The introduction of a more streamlined process will inherently carry a greater risk, as there is a reduced level of information to be gathered and checks to be made. The proposed new process incorporates

mitigation measures including a declaration as detailed in the report. Fundamentally however, the changes proposed aim to improve the time taken to deliver adaptations and reduce the risks associated with undue delay.

## **17 Background Papers**

Appendix A – Private Sector Housing Investment Policy (published document)

Appendix B - Equalities Impact Assessment – Pre-screening report

Borough Council of  
**King's Lynn &  
West Norfolk**



# Private Sector Housing Investment Policy

July 2012

DRAFT V4

## Contact:

Housing Standards  
Borough Council of King's  
Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX



## 1.0 Introduction

- 1.1 This policy is required in order to meet the requirements of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (The Order). Article 3 of this Order specifies that Local Authorities may provide, directly or indirectly, assistance to any person for various purposes including those of enabling them to adapt or improve living accommodation or to repair living accommodation.
- 1.2 Article 4 of the Order provides that before exercising the power conferred by article 3 the Local Housing Authority must have adopted a policy for the provision of such assistance, publicised the policy and made the policy available in certain specified ways.
- 1.3 This Policy has been developed in line with Key Priority 3 of the Housing Strategy and needs to be seen in the context of these strategies and their objectives.
- 1.4 The Council is required to publish under the Order a policy that sets out its approach to the provision of assistance. A key element of such a policy is how the Council deals with its mandatory responsibilities including the delivery of adaptations under the Housing Grants, Construction and Regeneration Act 1996 (HGCR).
- 1.5 In addition to the above there is a mandatory duty to take action in relation to serious (category 1) hazards identified under the Housing Health and Safety Rating System (HHSRS). The Council's obligations and powers in relation to this are contained within the Housing Act 2004. In dealing with serious hazards affecting the most vulnerable of households the Council's approach has been to offer assistance to the household to remedy the problem and in line with criteria contained within the policy.
- 1.6 An initial version of this policy was approved by Full Council in 2009, this was subsequently amended on the 31 May 2011.
- 1.7 This policy will be subject to review on a bi-annual basis or as deemed necessary for example, to reflect changes in legislation or broader strategic objectives.

## 2.0 Policy Aims

- 2.1 To bring together in one policy all forms of grant and other assistance this policy deals with the Council's approach to delivering both mandatory and discretionary Grants and Loans to assist vulnerable occupiers to remain in their own home and to enable vulnerable owner occupiers to maintain their property. This function is broadly divided into two areas, that of Disabled Facilities Grants (DFGs) and then other forms of assistance.
- 2.2 The Council has a mandatory duty to provide DFGs under the national Disabled Facilities Grant Programme. This new policy reflects the "Package of changes to modernise the programme" published by the Government in February 2008. The Council aims to ensure an effective delivery of the DFG programme, with a consistency of service across all tenures.
- 2.3 The DFG programme also includes the option of funding in part the relocation of a household where this is shown to be more cost effective than carrying out an adaptation to their existing home. In addition the council will consider the option of providing equipment where a client is not eligible for Social Services assistance (which would normally include provision of equipment). This would apply where it is established that the client could utilise equipment and such provision would be more cost effective than the option of having an adaptation carried out to the home.
- 2.4 Secondly the policy also deals with the discretionary range of support made under the Order, to assist the most vulnerable households to live in private sector housing safely. The policy aims to ensure those vulnerable households in greatest need in the borough have a home that is free from undue risks to their health & safety and that they feel safe and secure.
- 2.5 The Council will help those households seeking help and assistance to access forms of private finance. However for those households unable to access private finance and who therefore can not help themselves the Council will continue to provide assistance for essential repairs.
- 2.6 In accordance with the Circular 05/2003 Chapter 4 the Council will consider exceptional cases (see page 18).

- 2.7 There may also be other potential streams of funding available and it is the intention that households be guided by Care & Repair (the Councils' Home Improvement Agency) to access the most appropriate source of funding for their particular circumstances. In delivering this assistance the Council will be clear it is not in a position to provide financial advice and does not intend to do so. Households will be advised wherever appropriate to seek advice from an independent financial advisor.

### **3.0 National Policy Context**

- 3.1 The national policy context is given in more detail in the Private Sector Housing Strategy. In summary it is drawn from:

Lifetime Homes, Lifetime Neighbourhoods: A National strategy for Housing in an Ageing Society.

Disabled Facilities Grant – The package of changes to modernise the programme (CLG). See more detail below.

Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Loans (see page 61 Lifetime Homes).

ODPM Circular 05/2003.

Housing Act 2004 – Housing Health and Safety Rating System.

- 3.2 DFGs & the package of changes to modernise the programme (CLG)

This policy reflects the package of changes published by the government in 2008.

These changes included:

- Raising the maximum grant limit to £30,000
- Amending the mean test
- Including access to a garden where appropriate
- Relaxing the ring-fence around the DFG
- Applying property charges
- Incorporation of Local Area Agreements

- 3.3 There are clear indications about the changing profile of the population and with an increasingly ageing population the policy aims to ensure that we continue to look at ways of making existing resources go further. Demands for assistance could well increase so it is important to make the best use of available resources and this means we will concentrate our efforts towards the most vulnerable clients.

## 4.0 Policy Principles and Objectives

- 4.1 The Council will ensure that the available capital resources are focussed on meeting the needs of the most vulnerable.
- 4.2 This focus needs to be seen in the context of greater demands on the DFG resources, and increasing pressures on some of the most vulnerable households relating to the costs of maintaining and heating a home.

## 5.0 Objectives

The key objectives of the policy will be:

- 1) **To help enable disabled people and people with mobility issues to live independently in their own homes**
- 2) **To tackle housing conditions that represent a hazard to the health and wellbeing of the occupier, focusing on the needs of the most vulnerable of households.**

5.1 Objective 1 above relates to the mandatory duty to carry out works under the Disabled Facilities Grant programme.

5.2 Objective 2 deals with action that will be taken to address Category 1 or 2 hazards (as defined by the Housing Act 2004).

**Where discretionary funding remains available the council will also aim to:**

- 3) **Support the provision of measures that will help vulnerable households feel safe and secure in their own homes, and contribute towards maintaining independent living.**

5.3 Objective 3 above relates to other defects or deficiencies identified (excluding those in 5.2) where other forms of assistance may be available.

5.4 A degree of flexibility is required to meet changing needs but these will be taken in priority order according to our statutory duties:

**Priority 1:** Statutory DFG must have first call on available funding

**Priority 2:** Addressing Category 1 and high Category 2 hazards

**Priority 3:** Other assistance as defined elsewhere within this policy

5.5 These priorities will ensure available resources are targeted to ensure that the Council adequately meets its statutory obligations in respect to meeting the needs of the most vulnerable.

## **6.0 Resourcing Principles**

- 6.1 In determining funding assistance, other than where it is mandatory in the case of a DFG, assistance will generally not be offered when there is an alternative funding solution. For example where there is a dedicated government grant or assistance available through other agencies or where private finance is available.
- 6.4 Other than mandatory DFG provision, assistance will only be considered under this policy where the householder is not able to secure funding in line with 6.1 and should assistance be sought in respect to disrepair, this assistance will only be available to directly address defects identified as being category 1 and/or high category 2 hazards (see 5.2 above).

## **7.0 Innovative Schemes / Area Based Initiatives**

- 7.1 In implementing this policy, a pro-active approach will be taken to ensure that resources are targeted where they are most needed, and that the available resources are committed.
- 7.2 Using evidence of need, and utilising available capital resources, and ad-hoc funding opportunities schemes and initiatives will be developed to help direct support to those in greatest need, in line with the aims and objectives of this policy. Where necessary there will be planned promotion and publicity of any such schemes.
- 7.3 From time to time funds will be available that can be used to support project based work. In determining the scope of any project, or any bid for resources meeting the aims and objectives of this policy will be an overriding factor.

## **8.0 The Role of Care & Repair West Norfolk**

- 8.1 Care and Repair West Norfolk, the Council's Home Improvement Agency (HIA) will administer the assistance and any financial support available. Care & Repair will facilitate works connected with adaptations and repairs where appropriate, but beyond this will provide a comprehensive and holistic service in respect to assisting those who need further help with living safely and independently.

## **9.0 External Finance**

- 9.1 Where householders are assisted in securing external finance to rectify defects or make improvements to their home, as the finance is not provided by the Council, the scope of work and other arrangements fall outside of this policy. However through Care & Repair, the Council will ensure that the householder is directed to engage the services of an independent financial adviser where necessary.



## Forms of assistance available

### 10.0 Home Repair Assistance (HRA)

#### 10.1 Purpose:

The purpose of this financial support is primarily to fund works that help to alleviate the most significant hazards within domestic dwellings that have the potential to impact on the health of the most vulnerable residents. Where this assistance is self financed or externally funded the householder will largely have the choice as to the extent of the works but will be guided toward alleviating all serious and potentially serious hazards in the home.

Where no external funding solution is available the Council will consider funding any necessary works by way of a loan (subject to conditions). The scope of the works will be limited to those required to alleviate category 1 hazards and high category 2 hazards as defined under the HHSRS.

#### 11.2 Eligibility:

In respect of loan assistance provided by the Council - eligibility will be on the basis of owner-occupiers who have owned and occupied their property for more than three [3] years, and are in receipt of one of the means tested benefits listed within the 'government defined vulnerable' benefits (Appendix 1).

#### 11.3 Qualifying works:

Under the HHSRS, some properties may, by design, because of the prevailing methods used at the time of construction, have elements that will contribute to a category 1 hazard. For example a property built with solid walls, single glazed sash windows and poor loft insulation, will almost certainly demonstrate a category 1 hazard for Excess Cold. Local authority funding will not be available to remedy this kind of hazard, it will only be available to repair any particular element that contributes to a hazard and is in a state of significant disrepair.

#### 11.4 The type and level of financial support:

All assistance will be provided by way of a loan (subject to conditions) for works valued between £250 and a maximum of £15,000 (including all fees and VAT at the prevailing rate).

Works below £250 will be addressed by way of an Emergency Repair Grant as detailed on page 11 of this Policy.

The assistance provided is secured by way of a charge on the property via the local land charges register.

The assistance becomes repayable when the occupancy condition is breached or on the sale or transfer of the property. Should the aforementioned occur within five [5] years of completion of the works an additional 15% becomes repayable.

Upon the assistance becoming repayable the Council will consider;

- i) the extent to which the recipient of the assistance would suffer financial hardship were they to be required to repay all or any of the assistance provided
- ii) and all other circumstances as deemed relevant

## 12.0 Safety and Security Grant

### 12.1 Purpose:

To help fund measures that improve the safety and security of eligible households.

### 12.2 Eligibility:

Available to Government defined vulnerable households where the applicant is an owner-occupier, 60yrs or over (or under 60yrs and suffering from long term ill health or disability) and are in receipt of one of the means tested benefits listed within the 'government defined vulnerable' benefits (Appendix 1).

### 12.3 Qualifying works:

Works such as, but not exclusively:

- Window Locks
- Door Locks
- Security Bolts
- Door Viewers
- Kick Panels
- Security Lighting
- Key Safes
- Smoke detection
- Access to sanitation including (but not exclusively)
  - Repairs to toilets
  - Unblocking drains
- Access to washing including (but not exclusively)
  - Repairs to taps, showers and baths
  - Plumbing to washing machines
- Access to cooking and potable water including (but not exclusively)
  - Repairs to kitchen taps and sinks
- Access to lighting and heating including (but not exclusively)
  - Like for like replacement of light fittings
  - Like for like replacement of switches and sockets
  - Draught excluders and minor repairs to central heating (please note that C&R are not NICEIC or Gas Safe registered)
- Falls prevention including (but not exclusively)
  - Installation of grab rails, hand rails, half steps and ramps
  - Repairs to pathways and the removal of trip hazards
  - Disabled adaptations
- Work to assist discharge from hospital
- Small scale works to ensure that the property remains weather proof including (but not exclusively)
- Minor repairs to doors windows and gutters

#### **12.4 The type and level of financial support:**

Measures funded by way of a grant (subject to conditions)

Maximum grant level £250 per household inclusive of all fees.

### **13.0 Careline Grant**

#### **13.1 Purpose of grant**

To help vulnerable households live safely and independently in their own homes.

The maximum grant available per any one [1] measure is £300 for works carried out via the Home Improvement Agency, Care and Repair West Norfolk.

#### **13.2 Eligibility:**

Available to Government defined vulnerable households where the applicant is 60yrs or over (or under 60yrs and suffering from long term ill health or disability) and are in receipt of one of the means tested benefits listed within the 'government defined vulnerable' benefits (Appendix 1).

#### **13.3 Qualifying works:**

Works such as, but not exclusively;

- Careline Alarms (including associated installation works)
- Assistive Technologies (linked via the alarm unit)

#### **13.4 The type and level of financial support:**

Measures funded by way of a grant (subject to conditions)

Maximum grant level is £300 per household

## **14.0 Emergency Repair Grant**

### **14.1 Purpose of grant:**

To help vulnerable households with emergency repairs to alleviate the most significant hazards.

### **14.2 Eligibility:**

Owner-Occupiers who have owned and occupied their property for more than three [3] years and are in receipt of one of the means tested benefits listed within the 'government defined vulnerable' benefits (Appendix 1).

### **14.3 Qualifying works:**

Emergency works and temporary repairs to alleviate the most significant hazards, or where the repair would alleviate the need for an application to be made for Home Repair Assistance. Examples of eligible works (but not exclusively):

- Temporary repairs to a roof to prevent water ingress
- Temporary repairs to windows/doors to make them safe or weather tight
- Installation of an RCD to make older wiring safe prior to full re-wiring
- Repair to boiler or installation of an immersion heater so as to provide some heating or hot water prior to the completion of heating system works by another agency, but the wait for such works is excessive under the circumstances.

### **14.4 The type and level of financial support:**

Measures funded by way of a grant (subject to conditions).

The maximum grant level for works is £250 (including VAT at the prevailing rate) excluding Care and Repair fees (£250).

## **15.0 Disabled Facilities Grant (DFG)**

The DFG programme remains the primary vehicle for facilitating a national service for the provision of disabled adaptations to the home environment.

The DFG process is a nationally prescribed process, it requires multi-agency working that covers identifying needs and assessing practical changes to meet those needs.

Using the inherent freedoms now available in both funding and regulatory fields the way the Council meets its obligations regarding the provision of adaptations is changing. This policy now includes a new form of discretionary funding called the 'Adapt' grant which will become the primary vehicle for the delivery of adaptations within the Borough. The Adapt grant process will be more streamlined than the national DFG process and will make the application and delivery process more efficient.

Approximately 60% of all DFG's cost less than £6,000 and are mainly for a limited range of adaptations such as stair lifts, level access showers or external ramps. The vast majority of applicants are in receipt of some form of income or disability related benefit which therefore passports them through the process without requiring a means test (see Appendix 2).

'Adapt' is a discretionary grant available where the necessary works (including all fees) will cost below £6,000 and it will be available to all passported applicants. All applicants who are in receipt of a relevant benefit or in the case of applications for children and young persons are passported and excluded from the national 'means test'. In all other circumstances applicants will go through the mandatory DFG process.

'Adapt' also provides a vehicle for the provision of equipment in lieu of major adaptations as well as a method of assisting with the relocation of clients where more appropriate adapted properties are available. These additional measures will also ensure that resources are used in the most efficient way.

The Council has produced a Guidance Document to provide a more detailed explanation of the DFG process.

### **Disabled Facilities Grant**

#### **15.1 Purpose of grant:**

Enable disabled people and people with mobility issues to live independently in their own homes.

#### **15.2 Eligibility:**

The DFG is available to home-owners, private and social rented tenants to help pay for adaptations to their homes so they can live as comfortably and independently as possible.

### **15.3 Qualifying works:**

The Housing Grants, Construction and Regeneration Act 1996 lays down the legal framework for the DFG, and sets out the qualifying work, also see the Council's General Guidance regarding the award of Disabled Facilities Grants.

In general the grant can be used to fund a range of measures providing access to the property and the basic facilities within it. Commonly it will provide the following:-

- Bathroom adaptation including level access showers
- Stair lifts and the provision of ramps
- Kitchen modifications
- Extensions to provide access to any of the above

Other qualifying works are specified in the Housing Grants Construction and Regeneration Act 1996, the 'Package of changes to modernise the programme' published in 2008 and any subsequent amendments.

### **15.4 The type and level of financial support:**

Measures funded by way of a grant (subject to conditions)

Maximum grant limit is presently £30,000. This may be subject to change during the life of the policy, where this occurs the legal grant maxima will be applied. Where the costs of adaptation works are in excess of this limit any eligible applicant will be referred to Norfolk County Council Social Services. The County Council's current policy is to fund by way of a 'top up' grant any gap in the funding to cover the costs in full. Funding could be available under the Additional Adaptations Assistance section of this policy (see below) in the event County Council are not able to offer this funding and the client does not have access to any other external sources of funding (subject to conditions).

### **15.5 Means Test**

Applicants for DFG assistance are subject to a statutory means test, for full details of this see Appendix 2.

The means test is not applied in the case of applications relating to disabled children.

## 15.6 Property Charges

Where the applicant has an owners interest and in the event of a grant exceeding £6,000, it is a condition of the grant that the Council may demand the repayment by the recipient of such part of the grant that exceeds £6,000 (but may not demand an amount in excess of £10,000) if –

- a. the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- b. the Council, having considered—
  - i) the extent to which the recipient of the assistance would suffer financial hardship were they to be required to repay all or any of the assistance provided
  - ii) and all other circumstances as deemed relevant



## **16.0 Adapt Grant**

### **16.1 Purpose:**

To enable disabled people and people with mobility issues to live independently in their own home and/or to provide equipment in lieu of adaptations where appropriate. To also facilitate relocation to more appropriate accommodation where appropriate.

### **16.2 Eligibility:**

Adapt is available to home-owners, private and social rented tenants (subject to conditions).

### **16.3 Qualifying Works (but not exclusively):**

Those works as defined under the Housing Grants Construction and Regeneration Act 1996 and as defined in 15.3 above.

Equipment where there is a need as identified by an Occupational Therapist.

Assistance with relocation (subject to conditions) to a more appropriate property where the cost of such relocation would be less than the provision of adaptations to the existing property.

### **16.4 The type and level of financial support:**

Assistance provided by way of a grant (subject to conditions) up to a value of £6,000 (including all fees and VAT at the prevailing rate).

## **17.0 Additional Adaptation Assistance (AAA)**

### **17.1 Purpose:**

To provide assistance to help fund measures associated with adapting the home of a disabled person, where the nature of the work falls outside work funded by the mandatory DFG programme or if works associated with an adaptation under the DFG exceed the funding limit of £30,000. Adaptations must be supported and recommended by an Occupational Therapist.

Available by way of a loan where the client has no access to private sources of funding, or funding from other statutory agencies.

### **17.2 Eligibility:**

Available to owner occupiers (subject to conditions) who are in receipt of one of the means tested benefits listed within the 'government defined vulnerable' benefits (Appendix 1).

### **17.3 Qualifying Works (but not exclusively):**

Top up assistance where works qualifying under the DFG programme exceed the maximum statutory DFG limit (£30,000) and there are no other sources of external funding available.

The costs associated with the provision of a shed for the purpose of housing a mobility scooter, and works to create appropriate, but reasonable access arrangements to it.

The cost of adaptations to help a disabled person work from home where there is an identifiable need.

### **17.4 The type and level of financial support:**

Assistance provided by way of a Loan (subject to conditions) up to a value of £15,000 (including all fees and VAT).

The assistance provided is secured by way of a charge on the property via a local land charge.

The assistance becomes repayable when the occupancy condition is breached or on the sale or transfer of the property and should the aforementioned occur within five [5] years of completion of the works an additional 15% becomes repayable.

Upon the assistance becoming repayable the Council will consider ;

- iii) the extent to which the recipient of the assistance would suffer financial hardship were they to be required to repay all or any of the assistance provided
- iv) and all other circumstances as deemed relevant

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## **Appeals and Exceptional Cases**

Any person aggrieved by the way this policy is administered in an individual case has the right of appeal to the Executive Director of Housing and Environmental Health in the first instance.

An appeal should be in writing and sent to:

Executive Director of Housing and Environmental Health  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

The appeal must set out the grounds on which the appeal is based. An appeal will not be considered simply on the grounds that the appellant does not agree with the policy, although any complaint about the general policy will be dealt with by a written response. Further complaints can be addressed through the corporate complaints procedure.

An appeal will therefore only be considered on the grounds that either the adopted policy has not been applied correctly; or that the potential application for assistance is so exceptional that it justifies consideration by the Council outside the normal policy.

The Executive Director of Housing and Environmental Health will give a full written response to all appeals. It is not possible to set out the detailed criteria that may comprise exceptional circumstances or the type or amount of assistance that the Council may offer. Each appeal will be treated on the individual circumstances of the case and will be judged against the particular financial circumstances of the applicant, the strategic objectives of the Council, other options available to the applicant, the resources available to the Council and the long term public benefit.

Where a case for assistance is so exceptional that it justifies consideration by the Council outside the normal policy, this may be approved following consideration by the Housing Standards Section.

Any complaint about the outcome of an appeal can be addressed through the corporate complaints procedure. Details will be included in the decision letter for all appeals.

## Appendix 1

For clarity as to the definition of vulnerable households the following applies;

### **Government Defined Vulnerable (Discretionary Assistance)**

Householders aged 60 or over in receipt of one or more of the following benefits:

- Income Support
- Council Tax Benefit (excluding discounts)
- Housing Benefit (Careline only)
- Income Based Job Seekers Allowance
- Guaranteed Pension Credit
- Income-related Employment and Support Allowance

Or

Householders with a child under 16, or pregnant women with a maternity certificate MAT-B1, in receipt of one or more of the following benefits:

- Income Support
- Council Tax Benefit (excluding discounts)
- Income Based Job Seekers Allowance
- Guaranteed Pension Credit
- Income – related Employment and Support Allowance

Or

Householders in receipt of one or more of the following benefits:

- Working Tax Credit (with an income of less than £16,040, which must include a disability element)
- Child Tax Credit (with an income of less than £16,040)
- Housing Benefit (which must include a disability premium) (Careline only)
- Income Support (which must include a disability premium)
- Council Tax Benefit (excluding discounts)

Those benefits which are not means tested (not eligible for discretionary assistance) are;

- War Disablement Pension
- Industrial Injuries Disablement Benefit
- Constant Attendance Allowance

During the life of this policy further welfare reform is planned by Government and therefore this policy may change or be amended to reflect such changes or to target resources more appropriately.

## **Appendix 2**

### **Means Test**

The Means Test is as defined and set out in the Housing Grants, Construction and Regeneration Act 1996, The Housing Renewal Grants Regulations 1996 and the Housing Renewal Grants (Amendment) (England) Regulations 2008 No. 1190.

DRAFT V4

**Private Sector Investment Policy  
Pre-Screening Equality Impact  
Assessment**

Borough Council of  
**King's Lynn &  
West Norfolk**



Question	Answer	Decision	Comments
1. Does this policy/service impact on internal/external customers differently <b>according to their different equality communities</b> , for example, because they have particular needs, experiences or priorities?	Yes / No	No - impact assessment not required	
2. Is there any reason to believe that staff or customers could be affected differently by the proposed policy/service <b>according to their equality community</b> , for example in terms of access to a service, or the ability to take advantage of proposed opportunities?	Yes / No	No	The main change is the introduction of a new application process for adaptations under a value of £6,000, which will run alongside the current DFG process.
3. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No	No	
4. Could this policy/service be perceived as impacting on communities differently?	Yes / No	No	
5. Is this policy/service rigidly constrained by statutory obligations?	Yes / No	No	It is not rigidly restrained as the RRO 2002 provides local authorities the opportunity to devise their own forms of financial assistance as long as they are included within the policy.

<b>6. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</b>	Yes / No		No
<b>Assessment completed by:</b> <b>Name: Clare Hanna</b> <b>Job title: Principal Officer (Housing Standards)</b>	<b>Date: 01/08/2012</b>		



## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory	(a) Be entirely within cabinet's powers to decide NO		
	Operational	(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted: REC Panel		
Lead Officer: Duncan Hall E-mail: Duncan.hall@west-norfolk.gov.uk Direct Dial: 01553 616445		Other Officers consulted: Clare Hanna		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES

Date of meeting: 4<sup>th</sup> September 2012

### 4 HMO AND OTHER PRIVATELY RENTED HOMES: AMENITY STANDARDS

#### **Summary**

This report proposes a set of common standards in respect of the regulation of houses in multiple occupation (HMOs), and other privately rented dwellings. It focuses on standards of HMOs as they clearly represent the highest risk of harm if not properly managed and maintained. These common standards complement the Council's existing HMO Licensing Policy agreed in April 2006. Housing authorities have a duty to ensure that the HMOs within their areas meet certain minimum standards. National standards have been produced with a requirement that they are considered and interpreted locally. The document represents a set of standards appropriate to this area.

#### **Recommendation**

To adopt a common set of amenity standards to be applied to HMOs and other privately rented homes across King's Lynn and West Norfolk.

#### **Reason for Decision**

The amenity standards for HMOs and other privately rented homes were last reviewed in 1997 and require updating.

#### **Background**

- 1.1 A House in Multiple Occupation (HMO) as defined by the Housing Act 2004, is a building occupied by more than one household, and

includes houses containing bedsits, shared houses and some buildings converted into self contained flats.

- 1.2 The availability of accommodation in HMOs is important as a source of affordable accommodation for single persons and those on low incomes. Statistically, the greatest risks and worst living conditions are to be found in HMOs. The most common problems with multiple occupancy relate to inadequate fire escape provision, overcrowding, lack of amenities, and poor management practices.
- 1.3 Failure to address inadequate standards within HMOs may lead to an increase in the occurrence of serious hazards and consequentially an increased risk of harm.
- 1.4 The Housing Act 2004 enables local authorities to improve conditions within HMOs by identifying and remedying hazards and abating overcrowding. It also places a duty upon the Council to license certain types of HMO and to include within those licenses minimum prescribed standards.
- 1.5 A HMO license may include such conditions as the Borough Council considers appropriate. These include conditions covering the management, use and occupation of the house or required improvements, alterations or repairs such as structural works.
- 1.6 Section 65 (3) of the Housing Act 2004 provides for Local Authorities to prescribe amenity standards in relation to space, the number, type and quality of bathrooms, toilets, washbasins, showers, areas for cooking, food storage and preparation, in addition to other facilities or equipment.
- 1.7 A common set of amenity standards have been produced by housing standards. These will inform landlords, tenants and enforcement officers of the suitability for occupation of a HMO for a particular maximum number of people or households.

## **2. HMOs in the King's Lynn and West Norfolk**

- 2.1 Currently 211 HMOs have been identified within Kings Lynn and West Norfolk. There are 74 licensed HMOs within the Borough and 9 potential HMOs that require investigation and assessment.
- 2.2 In 2013 many of the HMO licenses will be due for renewal. Adoption of this common set of amenity standards will provide a solid basis for the determination of HMO license conditions in relation to the number of bedrooms and number of occupants

## **3. Purpose**

- 3.1 The Housing Act 2004 introduced a new licensing regime for Houses in Multiple Occupation with prescribed conditions and standards of management to be applied.

- 3.2 The legislation regarding HMOs is particularly complex and reliant upon interpretation of the regulations governing management and amenity provision. The Housing Standards section has undertaken a review of the legislation and examples of good practice in order to devise a set of common standards for adoption locally.
- 3.4 In devising these standards there has been consultation with officer groups from Breckland and Great Yarmouth ensuring a level of consistency with local authorities that deal with some of the same kind of issues. The National Landlords Association and the Eastern Landlords Association have been consulted.
- 3.5 As a result much clearer guidance on how standards for HMOs are interpreted locally have been produced in the document “Amenity Standards for HMOs in King’s Lynn and West Norfolk” - **appendix A**.
- 3.6 The amenity standards confirm requirements in relation to space standards, washing facilities; kitchens; heating and clear guidance on how the general requirements can be met. The amenity standards will be used as a basis for determining the maximum number of bedrooms and maximum number of occupants within a particular HMO and will inform conditions on a HMO license.
- 3.7 The intention is that these standards will be introduced as the minimum standards unless particular circumstances make them impracticable and when assessed using the Housing Health and Safety Rating System they result in a low score.
- 3.8 They contain guidance considered appropriate to ensure that the properties provide a decent standard of accommodation for the tenants and are to be treated as the recommended minimum. This covers lighting; ventilation; energy efficiency; electricity safety; gas safety and general management.
- 3.9 In addition the amenity standards provide advice on the Housing Health and Safety Rating System (HHSRS). The procedure was introduced by the Housing Act 2004 and is a risk assessment of housing conditions that may affect the health and safety of occupiers of residential accommodation.
- 3.10 Although the amenity standards are not directly enforceable within non licensable HMOs, it is our intention that the standards will be used as a guideline for the standards required in non-licensed HMOs and private rented properties.

## **4 Policy Implications**

- 4.1 The amenity standards set out in the document in **Appendix A** complement the existing HMO Licensing Policy 2006.

## **5 Statutory Considerations**

- 5.1 There is a statutory requirement to license certain categories of HMO. There are wider statutory requirements generally regarding the regulation of rented accommodation. The amenity standards are an important reference point for the delivery of such regulatory activities.

## **6 Equality Impact Assessment (EIA)**

- 6.1 An EIA pre-screening assessment is contained in **Appendix B**

## **7 Risk Management**

- 7.1 The management of HMOs is an activity which reduces risks to both tenants of HMOs and to the wider community. The adoption of standards that are consistent with others used across Norfolk and surrounding areas including Fenland and Boston improves regional consistency and reduces the potential for challenge.

### **Background Papers**

**Appendix A – Housing Amenity Standards**

**Appendix B – Equalities Impact Assessment pre-screening report**



# Amenity Standards for Privately Rented Dwellings

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## Introduction

*Amenity Standards* is a term used to describe the facilities, fixtures and fittings within a privately rented property, which contribute to its safety, comfort and convenience.

The Borough Council of King's Lynn and West Norfolk (hereafter called the Council) has a commitment to work with owners, landlords, managing agents and tenants to improve the standards of housing within the private rented sector. In an era where the local demand for social housing outstrips the supply, it is becoming increasingly important that private housing provides a healthy and safe alternative.

This document has been developed by the Council as a guide detailing the minimum amenity standards required within houses in multiple occupation (HMOs) in the borough whilst also providing guidance on acceptable standards for single family dwellings. We acknowledge that every property is unique so it is not always practicable to adhere to these standards. Where this is the case, the Council will make assessments on an individual basis and advise landlords accordingly.

These standards have been drawn from legislation, government guidance and good practice. Definitive interpretation of the legislative requirements can only be made by the relevant court of law or Residential Property Tribunal (RPT). The Council aims to update the information in this document as and when new legislation and guidance is laid down by Government. These standards may be subject to change dependant on new legislative requirements or current regulations and codes of practice being superseded or revised, or, as otherwise deemed appropriate.

For fire standards, please refer to the Council's document "*Fire Safety in HMOs*".

**Please ensure that you have planning permission and are complying with Building Regulations before converting or making alterations to a property.**

## The Housing Health and Safety Hazard Rating System

The HHSRS was introduced with the Housing Act 2004 as a risk based approach to inspecting and assessing dwellings. The underlying principle is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. A dwelling should be designed, constructed and maintained to be free from unnecessary and avoidable hazards. The HHSRS is used to assess hazards in all types of accommodation including HMOs and private rented single family dwellings please see pages 5 and 6 for a list of the hazards assessed under the HHSRS.

Usually on the request of a tenant, the inspecting Housing Standards Officer will conduct an HHSRS inspection with the aim of identifying any deficiencies within the dwelling. A deficiency is defined as being the failure of a particular element to meet the ideal or optimum standard as best to prevent or minimise a hazard. Such a failure could be inherent, such as a result of the original design, construction or manufacture, or it could be a result of deterioration, disrepair or a lack of maintenance.

Once the deficiencies within a dwelling have been identified a health and safety risk assessment will be made. This is based on the risk to the most vulnerable potential occupant of that dwelling irrespective of the current occupants, if any, in the premises at the time of the inspection. The assessment will result in the hazards being given a score. The scores reflect both the likelihood of harm being caused to occupiers by the deficiency and the severity of the health impact. Those scores will determine the band into which the hazards will fall. The regulations prescribe that hazards falling within bands A to C are Category 1 Hazards, ( the greatest risk and/or worst health effects ), while those within bands D to J are Category 2 Hazards. The HHSRS relates poor housing conditions to the kinds of harm attributable to such conditions - it does not try to assess a specific health outcome in relation to the current occupant.

The Housing Act 2004 places a duty on the Council to ensure that all Category 1 Hazards are eradicated. The Council will therefore actively seek to ensure the necessary works to remediate all Category 1 Hazards are carried out within a reasonable time frame. This will be carried out either by obtaining acceptable assurances from the landlord that the work will be undertaken and/or by the serving of the most appropriate formal enforcement notice.

The Council will also aim to address significant Category 2 Hazards, particularly if there are several at a property either by obtaining acceptable assurances from the

landlord that the work will be carried out, and/or by the serving of a formal enforcement notice.

### **A summary of the 29 Hazard Categories and Matters that would affect the result of a HHSRS assessment**

- 1. Damp and mould growth (VG Under 14s)** Covers threat to health associated with increased prevalence of house dust mites, mould, fungal growth resulting from dampness.  
**Matters:** Energy efficiency, ventilation, clothes drying facilities, rising and penetrating dampness.
- 2. Excess cold (VG 65 and over)** Covers threat to health from sub-optimal indoor temperatures.  
**Matters:** Thermal insulation, dampness, heating, ventilation, draughts.
- 3. Excess heat (VG 65 and over)** Covers threat from excessively high indoor air temperatures.  
**Matters:** Thermal insulation (particularly attics), dwelling orientation, heating controls, ventilation.
- 4. Asbestos and MMF (no VG)** Covers presence of, and exposure to, asbestos fibres and MMF.  
**Matters:** Construction date (1920 to 1979), presence and condition of asbestos, presence of MMF.
- 5. Biocides (no VG)** Covers threat to health from chemicals used to treat timber and mould growth.  
**Matters:** Use of biocides in living areas, misuse of biocides.
- 6. CO and fuel combustion products (VG 65 and over)** Covers hazards resulting from the presence of excess CO, NO<sub>2</sub>, SO<sub>2</sub> and smoke within the dwelling's atmosphere.  
**Matters:** Presence of flueless burning appliances, inadequate ventilation and provision of flues.
- 7. Lead (VG under 3s)** Covers threats to health from ingestion of lead.  
**Matters:** pre 1970 construction, presence of old paintwork, lead pipework & plumbo-solvent water.
- 8. Radiation (VG 60-64 with lifetime exposure to radon)** Covers threat to health from radon gas and its daughters. Also covers EMFs and disrepair to microwave ovens.  
**Matters:** Affected Area; construction of ground floor, ventilation, private water supply.
- 9. Uncombusted fuel gas (no VG)** Threat of asphyxiation from an escape of fuel gas into dwelling.  
**Matters:** Defects to gas installations or appliances, siting of appliances, supply from unauthorised supplier and presence of gas detector.
- 10. VOCs (no VG)** Covers threat to health from diverse group of organic compounds including formaldehyde (gaseous at room temp).  
**Matters:** Use of VOC emitting materials or treatments within property and ventilation provision.
- 11. Crowding and space (no VG)** Covers hazards associated with lack of space within dwelling for living, sleeping and normal family life.  
**Matters:** Lack of adequate living area or kitchen. Lack of separate personal washing area and WC in a proper compartment. Number, size and location of bedrooms and Recreational space.
- 12. Entry by Intruders (no VG)** Covers difficulties in keeping a dwelling secure against unauthorised entry and the maintenance of defensible space.  
**Matters:** Local crime statistics, defensible space, external lighting, housing layout. Construction and repair of doors and windows. Presence of door viewers, locks/chains, burglar alarms.
- 13 Lighting (no VG)** Covers threats to physical and mental health associated with inadequate light.  
**Matters:** Size, shape and position of windows. Provision and control of artificial lighting, obstruction of windows, outlook from living room windows.
- 14. Noise (no VG)** Covers threat to health resulting from exposure to noise inside dwelling.  
**Matters:** Location of dwelling in noisy environment. Internal and external insulation. Disrepair of doors/windows. Noisy equipment and overly powerful door closers.



- 15. Domestic Hygiene, pests and refuse (no VG)** Covers hazards arising from poor design, layout and construction such that dwelling cannot be kept pest free and/or clean.  
**Matters:** Internal and external disrepair (e.g. to walls/ceilings, airbricks and roof), unprotected ventilators, defective water seals to WCs basins and/or drainage inlets. Lack of refuse storage.
- 16. Food safety (no VG)** Covers threats of infection resulting from inadequacies in storage, preparation areas and cooking of food.  
**Matters:** poor provision or disrepair of storage facilities, kitchen amenities and cooking facilities.
- 17. Personal hygiene, sanitation & drainage (VG under 5s)** Covers threats to infection and mental health associated with personal hygiene, sanitation and drainage facilities.  
**Matters:** Inadequate provision, siting, or disrepair of baths, whbs and WCs. Adequacy of foul and surface water drainage. Design/construction of WC compartment and proximity to whb. Poor lighting.
- 18. Water supply (no VG)** Quality and adequacy of the supply of water for domestic purposes  
**Matters:** Presence of water supply. Water pressure and temperature. Disrepair and contamination to pipework and storage tanks.
- 19. Falls associated with baths etc (VG 60 and over)** Falls associated with a bath or shower.  
**Matters:** Friction quality of surface of amenity, siting of taps and light switches, presence of handles and grab rails, adequacy of functional space adjacent to appliances, presence of sharp edges.
- 20. Falls on the level (VG 60 and over)** Covers falls on any level surface and falls associated with trip steps, thresholds and ramps where change in level is less than 300mm.  
**Matters:** Disrepair to floors, paths and yards. Adequacy of surface water drainage and lighting.
- 21. Falls associated with steps and stairs (VG 60 and over)** Any fall associated with steps, stairs and ramps where the change of level is greater than 300mm. Covers internal and external stairs.  
**Matters:** Tread/ Riser lengths. Disrepair to stairs including openings of 100mm+, frictional quality of step surface, hand rails, guarding, lighting and the presence of hard surfaces and projections.
- 22. Falls between levels (VG under 5s)** Covers falls from one level to another, inside or outside a dwelling, where the difference in level is more than 300mm.  
**Matters:** Low window cill heights. Presence of opening limiters/safety catches. Height /distance of fall. Disrepair to windows, guarding and presence of non-safety glass therein.
- 23. Electrical hazards (VG under 5s)** Hazards from shocks and burns resulting from electricity.  
**Matters:** Disrepair of electrical installation. No. socket outlets. Lack of earthing. Presence of water.
- 24. Fire (VG 60 and over)** Covers threats from exposure to uncontrolled fire and smoke.  
**Matters:** Means of escape from fire and other fire precautions.
- 25. Flames, hot surfaces etc. (VG under 5s)** Burns and scalds caused by hot flames, liquids etc.  
**Matters:** Kitchen layout. Unguarded open flames and unprotected hot surfaces. Excessively hot water to bath (46 degrees C+) or kitchen sink (60 degrees C+)
- 26. Collision and entrapment (VG under 5s and under 16s for collision due to low headroom)** Includes risks of physical injury from trapping limbs or fingers in doors or windows, for example, or colliding with objects such as doors, low ceilings and walls.  
**Matters:** Door and window design defects and disrepair and low headroom (under 1.9m)
- 27. Explosions (no VG)** Blast of an explosion and from any resulting collapse of the building.  
**Matters:** Defects to gas appliances and installations, inappropriate siting of LPG and ventilation.
- 28. Position and operability of amenities etc. (VG 60 and over)** Physical strain associated with functional space and other features of a dwelling.  
**Matters:** Inappropriate positioning of whb/bath/WC, cooking facilities, worktop, window controls or siting of electrical switches/sockets.
- 29. Structural collapse and falling elements (no VG)** Whole dwelling collapse or of an element

or part of the fabric being displaced.

**Matters:** Structural instability. Open jointed brickwork, loose cladding, coping stones, roof coverings etc Insecure rainwater goods or frames/hinges to doors/windows. Defective floors/ceilings and walls.

## The Management of Houses in Multiple Occupation (England) Regulations

The HMO Management Regulations stipulate standards that apply to HMOs and should be read in conjunction with this document. If the Management Regulations and amenity standards within this document are not met, it may be necessary for the Council to undertake an HHSRS inspection (please see pages 4, 5 and 6).

### Overcrowding

The number of occupiers in any dwelling should be such that normal day to day activities can be carried out safely, without stress and in comfort. The numbers that can reasonably be accommodated in any given circumstance will depend on the number, location and spatial provision of kitchens, bedrooms and bathrooms/WCs.

Please refer to the individual sections for further guidance. Permitted numbers of occupants living in HMOs are specified in sections 1 and 2.

Limits on the numbers of people allowed to sleep in any dwelling are set by legislation contained in the Housing Act 1985. This relates to the number and sizes of rooms available for sleeping in and will be determined on an individual basis. The age and sex of individual occupiers is also taken into account.

There is a hazard of **crowding and space** included in the Housing Health and Safety Hazard Rating under the Housing Act 2004 and relates to the whole dwelling's use for normal activities and not specifically related to the rooms being slept in.

Please note that no persons of the opposite sex who are aged 10 and over should have to share a room unless they are living together as partners and both are above the age of consent or are lawfully married, co-habiting or in a civil partnership.

Overcrowding Notices and Prohibition Notices can be served if a property is overcrowded. We can specify the permitted number of occupants in a house.

## Section 1: Houses in Multiple Occupation (HMOs)

An HMO can comprise of bedsits where unrelated individuals share an amenity (bathroom and/or kitchen) or have their own bedrooms and who share the remainder of the house. A building that has been converted into self-contained flats but does not meet the requirements of the 1991 Building Regulations (or the current Building Regulations at the time of conversion, if converted since 1991) and where more than a third are occupied by short term tenants, will also be an HMO (section 257).

### Shared washing and toilet facilities:

Table 1: Schedule of amenity standards- number of persons sharing washing facilities

Number of Occupants	Amenity Provision
1-4 persons	Ideally there is a wash hand basin (whb) with appropriate splash back in each unit of living accommodation; plus 1 bathroom and 1 water closet (WC) with a whb (the bathroom and WC may be combined);
5 persons	Where reasonably practical there should be a wash hand basin (whb) with appropriate splashback in each unit, plus <b>1 bathroom</b> (which may contain a WC); <b>and</b> <b>1 separate WC</b> with whb (but the WC can be contained within a second bathroom).
6-10 persons	Where reasonably practical there should be a wash hand basin (WHB) with appropriate splashback in each unit, plus <b>2 bathrooms; and</b> <b>2 separate WCs</b> with whbs ( <b>one of the WCs can be contained within one of the bathrooms</b> ).
11-15 persons	Where reasonably practical there must be a wash hand basin (whb) with appropriate splashback in each unit of living accommodation; plus <b>3 bathrooms; and</b> <b>3 separate WCs</b> with whbs ( <b>but two of the WCs can be contained within 2 of the bathrooms</b> ).
16+ persons	Full consultation with the Local Authority is required.

- Hot water to be delivered via a boiler, immersion heater, fixed gas appliance. Electric showers and wash hand basins can be instantaneously heated.
- All bathrooms and toilets must be fit for purpose, with enough space for undressing and towelling dry;
- A bathroom to be shared by 2 households or more should be accessible from a common area and have a lockable door;

## Shared Kitchens

Some of the individual units of living accommodation/bedsits in a bedsit style/shared house HMO, do not contain facilities for the cooking of food. The equivalent of one traditionally fitted kitchen is required for 5 people, larger kitchens with further facilities may be suitable for more than 5.

**Table 2: Kitchen facilities**

Facility	Minimum Standard	Up to and Including 5- persons	More than 5- persons
<p><b>Kitchen sink 500mm x 600mm (wash hand basin not acceptable)</b> To be connected to the drainage system via a suitable trap.</p>	<p>A fixed impervious sink with a drainer, with 2 course splashback. It should be provided with an adequate and wholesome supply of cold water, and a constant supply of hot water.</p>	<p><b>1 sink</b> for up to 5 occupants</p>	<p><b>1 extra sink</b> per 4 occupants and part of thereafter. If a dishwasher is provided, this can be equivalent to a further sink.</p>
<p><b>Cookers</b></p>	<p>A cooker should comprise of an electric or gas hob with 4 rings, an oven and grill. It is not, under normal circumstances, sufficient to just provide a microwave.</p>	<p><b>a 4 ring cooker</b> for up to 5 occupants, either served by a gas or electric point.</p>	<p><b>1 extra cooker</b> per 4 occupants and part of there after. A microwave = 2 rings. 2 microwaves = a second cooker.</p>
<p><b>Electric sockets</b></p>	<p>30 amp supply if there is an electric cooker.</p> <p>Points should be set at a convenient height and in a safe position.</p>	<p><b>4 double outlet sockets.</b></p> <p>Additional dedicated sockets are required for a cooker, refrigerator and any washing machine.</p>	<p>An additional double for each two persons over five sharing;</p>
<p><b>Work tops for food preparation</b></p>	<p>Work tops should be secure, in good repair, fixed and of an impervious material.</p>	<p>500mm (length) x standard depth per user to a minimum requirement of 2.5m length, approximately.</p>	<p>Additional 500mm length per user, approximately.</p>
<p><b>Cupboards for the storage of kitchen and cooking utensils;</b> (NB the space below the sink is not included).</p>	<p>A floor based food storage cupboard 500mm wide and standard depth and height or a wall mounted food storage cupboard 1000mm wide and standard depth and height should be provided per person</p>		<p>Capacity to be increased proportionately for each additional occupant</p>

**Table 2 (Continued).**

Facility	Minimum standard	Up to and Including 5-persons	More than 5-persons
<p><b>Refrigerators with an adequate freezer compartment.</b> Where the freezer compartment is not adequate, a separate freezer is required</p>	<p>A large standard combined fridge/freezer (where each occupant can have at least one shelf in the fridge and some freezer space)</p>	<p>A large standard combined fridge/freezer (where each occupant can have at least one shelf in the fridge and some freezer space)</p>	<p>Additional fridge freezer capacity to be increased proportionately, for each additional occupant.</p>
<p><b>Appropriate refuse disposal facilities</b></p>	<p>The refuse should not stored so that it attracts pests or obstructs the means of escape in case of fire.            A sufficient number of refuse receptacles must be provided for the storage of refuse awaiting collection both internally and externally.            Currently the Council operates a three-colour bin system – a green bin for recyclable material, and a grey/black bin for general household waste, a brown bin for green waste is optional and can be obtained from the council at an additional. Cost.            All bins must be regularly cleaned, have working lids and used correctly by the tenant. Information if required can be obtained from the Council also in Latvian, Lithuanian, Polish, Portuguese, and Russian, via Intrans.   <a href="http://www.west-norfolk.gov.uk/environment/recycling">http://www.west-norfolk.gov.uk/environment/recycling</a></p>		
<p><b>Appropriate extractor fans</b></p>	<p>Electrical extraction in accordance with Approved Document F under Building Regulations 2010.</p>		
<p><b>Fire blanket and 2kg CO<sub>2</sub> or dry powder extinguisher</b></p>	<p>To be supplied and sited in accordance with fire safety guidance.</p>		
<p><b>Appropriate fire doors</b></p>	<p>To be supplied and sited in accordance with fire safety guidance.</p>		
<p><b>Appropriate surface finishes</b></p>	<p>Kitchen floors must be water resistant, smooth, continuous and free from any cracks or crevices as to facilitate easy cleaning (e.g.: ceramic or vinyl floor tiles or linoleum flooring);            Kitchen walls adjacent to cookers, sinks and food preparation areas shall be provided with impervious splash backs, Ceilings shall be in good repair.</p>		

All kitchens should be suitably located, ideally not more than one floor away from the living and sleeping accommodation, and should not compromise an escape route.

## Kitchen facilities for exclusive use of an individual letting/bedsit

Where individual bedsit rooms are large enough to accommodate a kitchenette or multi-room bedsits, or where a room is of adequate size to accommodate a separate kitchen for the exclusive use of the occupant(s) of a bedsit:

**Table 3: Kitchen facilities for individual units of accommodation:**

Facility	Minimum Standard	Each Unit
<b>Sinks</b>	A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and a constant supply of hot water	One per each unit
<b>Cookers</b>	A cooker with at least two rings (for one occupant) with an oven and grill	One per each unit
<b>Electrical sockets</b>	Points should be set at a convenient height and safe position	4 double outlet sockets
<b>A worktop for the preparation of food</b>	The worktop should be secure, fixed and of impervious material	Minimum size 5-600mm x 1000mm
<b>A cupboard for the storage of kitchen utensils and crockery, etc.</b>	Floor or wall mounted. The cupboard space below the sink is disregarded	A floor based storage cupboard of 500mm wide and standard depth and height or a wall mounted food storage cupboard of 1000mm wide and standard depth and height
<b>A refrigerator</b>	A standard refrigerator	A standard refrigerator

- Please refer to the Council's guide *Fire Safety in HMOs* for further guidance on fire safety requirements. NB Bedrooms cannot be sited off or through kitchens.

## Kitchen facilities for an HMO which provides food

3 meals provided - one kitchen with a full set of facilities (see Table 2) for every **15** occupants

2 meals provided - one kitchen with a full set of facilities for every **10** occupants

1 meal provided - one kitchen with a full set of facilities for every **7** occupants

## Minimum room sizes for all types of HMO accommodation

### Minimum bedroom sizes:

Room use	Room size per number of occupants			
	1	2 (a couple)	2 (unrelated)	3 or more (unrelated)
<b>Bedroom only</b> (where a separate kitchen and shared living space is provided elsewhere in the HMO)	6.5m <sup>2</sup>	10m <sup>2</sup>	12m <sup>2</sup>	15m <sup>2</sup> For every additional person an additional 3m <sup>2</sup> is required
<b>Combined bedroom and living room</b> (where a separate kitchen is provided elsewhere in the HMO).	9m <sup>2</sup>	14m <sup>2</sup>	16m <sup>2</sup>	Where there are 3 or more people sharing bedroom a separate living areas are required
<b>Combined bedroom, living room &amp; kitchen</b>	13m <sup>2</sup>	19m <sup>2</sup>	21m <sup>2</sup>	

### Minimum room sizes for communal use rooms:

For rooms shared by tenants (not living as a single family) in HMO style accommodation:

Shared room	Permitted number of occupants				
	1-3	4	5	6	7 - 10
<b>Kitchen</b>	5.0m <sup>2</sup>	6.0m <sup>2</sup>	7.0m <sup>2</sup>	9.0m <sup>2</sup>	11.0m <sup>2</sup>
<b>Total communal living space*</b>	13.5m <sup>2</sup>	17.0m <sup>2</sup>	18.0m <sup>2</sup>	20.0m <sup>2</sup>	27.5m <sup>2</sup>

\*This area is inclusive of a kitchen, but the kitchen must be of the minimum size specified for the number of occupants, and include all the requirements and usable space, as previously stated.

## Bed & Breakfast/Hostel style accommodation

NB Kitchens used for the preparation of communal foods to be in accordance with the requirements under current Food Hygiene Regulations.

Shared room	Permitted number of occupants				
	1 -3	4	5	6	7
Dining/Kitchen	10.0m <sup>2</sup>	11.5m <sup>2</sup>	11.5m <sup>2</sup>	11.5m <sup>2</sup>	12.5m <sup>2</sup>
Combined lounge/dining room, minimum of 3.5 m <sup>2</sup> per person	8.5m <sup>2</sup>	11.0m <sup>2</sup>	11.0m <sup>2</sup>	11.0m <sup>2</sup>	27.5m <sup>2</sup> §

## Fire Safety

See the Council's guide *Fire Safety in HMOs* for guidance.

## Gardens

All communal garden/ yard spaces associated with the HMO are the responsibility of the landlord to maintain and should be tidy and free from trip hazards.

## Security

In HMO accommodation used as safe refuges for persons escaping domestic violence there should be a secure door entry system and where possible a safe outside smoking area that complies with current legislation.

## Children and young persons under 16

HMO accommodation is not suitable for children or young persons under the age of 16. However, under exceptional circumstances where this cannot be avoided, such as when families are put into temporary accommodation to prevent homelessness, there should be the provision of an indoor safe play area that is located away from sleeping accommodation and cooking areas.



## Section 2: Single family homes

These are dwellings rented out to a single family and where no amenities (kitchen, bathroom) are shared with another household. This includes people that are married or living together as a couple (including those persons in same-sex relationships). “*Family*” means parents, grandparents, children, step-children, foster children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces and cousins.

Single family dwellings should be free from Category 1 hazards or high Category 2 hazards as determined by the Housing Health and Safety Rating System. (Please see detail on page 5 and 6).

### Fire safety

Newbuild properties and loft conversions require smoke alarms although they are not a legal requirement in existing single family dwellings. But if a suitable system were provided, it would alert occupiers to the presence of a fire in its early stages. Kitchens should always, where practicable, have a close fitting door.

Two storeys – **Grade F** system - one or more battery-powered smoke alarms (usually in the entrance hall and first floor landing).

Three storeys or more – an LD3 Grade D system. This ensures early warning of fire to those furthest from the exit.

**Grade D** - Mains powered interlinked detectors each with an integral standby supply (battery back up); **LD3** - The detectors are to be in all circulation spaces that form part of the escape route (typically in corridors and landings).

**Fire blanket** - it is good practice to provide a wall-mounted fire blanket, suitably located near but not over, a cooker/microwave. This is not a legal requirement.

**Extinguisher** – it is good practice to provide a small fire extinguisher in the kitchen, but this is also not a legal requirement.

# General information

## Electrical safety

As of 2012 the Electrical Installation Condition Report (EICR) has replaced the previous Periodic Inspection Report (PIR). When an electrician has inspected and tested the circuits, he will issue a 'Satisfactory' Certificate. If the property does not meet current requirements, an 'Unsatisfactory' Report will be issued to the landlord. A list of remedial works will need to be undertaken before a 'Satisfactory' Certificate is issued. The Borough Council would require that Code 1 (danger present), 2 (potentially dangerous) are rectified within a reasonable time limit.

## Houses in Multiple Occupation

To comply with the Management Regulations, a landlord must ensure that the fixed electrical system is inspected and tested every 5 years, by a person qualified to undertake such inspection and testing. If a written request is made by the Borough Council, the landlord must, within 7 days, make the latest PIR/EICR available.

## Single Family Dwellings

Although not a legal requirement, the Electrical Safety Council recommends that a periodic inspection be carried out every 5 years, or at a change of tenancy. If the Borough Council has concerns about the safety of the installation, the Borough Council may request that a new EICR be provided by the landlord.

## Portable appliance testing (PAT testing)

Any electrical equipment that is provided by the landlord for the tenant must be safe and conform to the Electrical Equipment (Safety) Regs 1994 and the Plugs and Sockets etc. (Safety) Regulations 1994. Preferably the appliance should have the CE mark, and be British Standard kitemarked or have the 'BEAB Approved' mark. Reasonable steps must be taken to ensure the ongoing safety of the equipment. For some items, this may be achieved by a visual check, for others by portable appliance inspection and testing although this is not a legal requirement. This applies to fridges, freezers, cookers, vacuum cleaners and any other portable electrical items or electrical appliances supplied as part of the fixtures and fittings of the property. Also included are any electrical appliances that have been left in the property by previous tenants and made available for use by current or future tenants.

If undertaken, PAT testing should be carried out by a competent person, and records maintained of the inspection and testing results. Copies of Certificates issued by the competent person should be displayed in a suitable location in the property, or given directly to the occupiers. Frequency of testing will depend on whether the appliance is Class I (earthed) or Class II (double or reinforced insulation). Equipment should be tested at the beginning of a new tenancy, or regularly during a longer tenancy. Manufacturer's instructions for use of equipment should be available to tenants.

### **Minor Domestic Electrical Installation Works Certificate**

In order to comply with Part P of the Building Regulations, any electrical installation fitted in a room where water is present, such as a kitchen or bathroom, requires a minor domestic electrical installation works certificate.

In certain circumstances electrical fuse boxes/meters that open out on to the means of escape in an HMO need to be enclosed by 30 minute fire resistant material. Consultation with the Council is advised.

### **Plug sockets**

Modern day living has a heavy reliance on electrical appliances. This can lead to the extensive use of multi-plug adaptors and extension leads in rooms where there is an insufficient number of plug outlets. Trailing extension leads can be dangerous and overload sockets which may cause fires, damage to property, injury, or death. It is therefore recommended that all rooms are furnished with an adequate number of plug sockets. The Borough Council may require further provision if an excessive number of extension leads are found to be in use. Housing Standards Officers will refer to the British Standard 7671 2008 IEE Wiring Regulations 17th Edition and the following guide from the National Housing Federation/ Joseph Rowntree Trust when determining the minimum number of sockets required.

<b>Room</b>	<b>Minimum provision</b>
Living room	3 double outlet sockets
Kitchen	4 double outlet sockets
Dining Room	2 double outlet sockets
Bedroom	2 double outlet sockets (per bedroom)
Bathroom	1 shaver socket (per bathroom)
Hall	1 double outlet socket

Please note that Bedsitting rooms in HMOs will need more sockets than a normal bedroom. It is recommended that a minimum of 4 double outlet plug sockets are provided per bedsit.

## Gas Safety

To comply with the Gas Safety (Installation and Use) Regulations 1998 landlords of rented properties must obtain an annual Gas Safety Certificate (Regulation 36(3)). It is also a requirement to have any gas boiler, fitting and flue inspected and maintained in good order (Regulation 36(2)). If manufacturer's instructions are unavailable, it is recommended that maintaining/servicing is annual unless advised otherwise by a Gas Safe registered engineer. All repair works to any gas appliance must be conducted by an engineer recognised by the Gas Safe register, approved under Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998.

The Gas Safety certificate issued must be retained by the landlord for a minimum period of two years. As civil action (by tenants) can occur up to 7 years after an event, it is recommended to retain certificates for longer. A copy of the certificate must also be issued to the tenant within 28 days of the test, or to any new tenant. If occupants are short term, such as in a hostel, leave on display in the property.

A landlord of a HMO must make the latest gas safety certificate available to the Council within **7 days** on receipt of a written request from the Council. The Health and Safety Executive enforces the Gas Safety (Installation and Use) Regulations 1998.

As of 1<sup>st</sup> January 2013, inspection hatches are required in properties where the flue is concealed *within a void*. Landlords were given 2 years to fit these inspection hatches and in the interim period, **CO alarms must be installed**.

Suitable and sufficient permanent ventilation should be provided in any room that contains a gas heating appliance unless it is room sealed and below 14kW.

## Heating

Dwellings should be provided with adequate thermal insulation and a suitable and effective means of space heating so that it can be economically maintained at a reasonable temperature.

### Efficient heating is defined as:

- Any programmable gas or oil central heating system;
- Electric storage heaters linked to an Economy 7 (or 10) tariff;
- Under floor heating, warm air systems;
- Programmable LPG/ solid-fuel central heating system;
- Any efficient heating systems which may be developed in the future.

Installation of new heating systems may require Building Regulations permission unless installed by an appropriately qualified and registered contractor.

- All heaters must be securely fixed in position and fully controllable by the tenant;
- Electric storage heaters must be hard-wired into a dedicated and adequately rated fused control switch;
- All habitable rooms and bathrooms should have a heating provision capable of raising the temperature of the room to 21°C and maintaining that temperature when the outside temperature is -1°C;
- Communal areas should have a heating provision capable of raising the temperature of the areas to 18°C and maintaining that temperature when the outside temperature is -1°C;
- Portable appliances such as electric fires, convector or fan heaters, paraffin oil and LPG (bottled gas) should not be provided by the landlord. Tenants should not be put in the position to need to use a supplementary heating system in order to raise the temperature to a satisfactory level.

## HMOs

Each unit of living accommodation in a HMO should be provided with efficient heating and adequate thermal insulation. Where the cost of heating is not met by the landlord, effective space heating systems should be as energy efficient as possible, appropriate for the building type and controllable by the occupiers. Whilst the expenditure on heating costs is at the occupier's discretion, they should have access to the cheapest form of tariff. For example if electric storage heaters are provided they should be capable of being operated on Economy 7 or 10 tariffs. It should be possible for individual units to be economically maintained at a reasonable temperature.

## Ventilation

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20<sup>th</sup> of the floor area.

All kitchens, bathrooms and w.c. compartments shall be ventilated directly to the external air, either by a window, the opening being equivalent to not less than 1/20<sup>th</sup> of the floor area of the room, or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient. Where damp or mould is an issue, provision of a humidistat controlled extractor can be part of a condensation control strategy.

## Energy efficiency guidance

- Loft spaces must have a minimum of 100mm glass fibre insulation or equivalent. We would encourage that the depth be raised to 270mm depth of glass fibre insulation or equivalent. Please ensure that there is adequate ventilation in the loft space to prevent condensation. Water pipes, tanks and immersion heaters should also be insulated to prevent freezing in winter;
- Windows, front and rear doors to the main HMO building should be of sound construction, and maintained to be draught-proof and weather-tight;
- Where appropriate, landlords should consider insulating the wall cavity of the building.

## Energy Performance Certificates

Rented family dwellings require Energy Performance Certificates (EPC), as do shared houses rented on a joint tenancy. It is likely that other categories of HMOs will require them in the future, any changes will be publicised by the government.

## Ceiling heights

All habitable rooms, kitchens, bathrooms, and w.c. compartments shall have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, where the floor area where the ceiling height is less than 1.53m, will be disregarded.

## Furniture & Furnishings (Fire)(Safety) Regulations 1988, amended 1989, 1993, 2010

Upholstered furniture and soft furnishings (beds, mattresses, pillows and cushions) provided by the landlord (including any furniture that has been left in the property by previous tenants for the use of the current or future tenants) must be compliant with the Regulations. The enforcing agency is Trading Standards.

## Noise Complaints

Please ensure that your tenants do not cause nuisance to the neighbours. Further information is available on our website.

[www.west-norfolk.gov.uk/pdf/710-562%20How%20to%20prevent%20noise%20nuisance.pdf](http://www.west-norfolk.gov.uk/pdf/710-562%20How%20to%20prevent%20noise%20nuisance.pdf)

**Amenity Standards**  
**Pre-Screening Equality Impact**  
**Assessment**

Borough Council of  
**King's Lynn &**  
**West Norfolk**



Question	Answer	Decision	Comments
<p><b>1.</b> Does this policy/service impact on internal/external customers differently <b>according to their different equality communities</b>, for example, because they have particular needs, experiences or priorities?</p>	Yes / No	No - impact assessment not required	This involves the adoption of minimum amenity standards to ensure the most vulnerable people within the Private rented sector are provided with healthy, safe and warm living environment
<p><b>2.</b> Is there any reason to believe that staff or customers could be affected differently by the proposed policy/service <b>according to their equality community</b>, for example in terms of access to a service, or the ability to take advantage of proposed opportunities?</p>	Yes / No	No	
<p><b>3.</b> Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	Yes / No	No	
<p><b>4.</b> Could this policy/service be perceived as impacting on communities differently?</p>	Yes / No	No	
<p><b>5.</b> Is this policy/service rigidly constrained by statutory obligations?</p>	Yes / No	No	
<p><b>6.</b> Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	Yes / No	No	This is designed to help the most disadvantaged people within the private rented sector but will not

			differentiate between different community groups
<b>Assessment completed by:</b> <b>Name: Clare Hanna</b> <b>Job title: Principal Officer (Housing Standards)</b>		<b>Date: 01/08/2012</b>	



## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory	(a) Be entirely within cabinet's powers to decide NO (b) Need to be recommendations to Council YES  (c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted: REC Panel		
Lead Officer: Duncan Hall E-mail: Duncan.hall@west-norfolk.gov.uk Direct Dial:01553 616445		Other Officers consulted: Management Team		
Financial Implications <b>NO</b>	Policy/Personnel Implications <b>YES</b>	Statutory Implications <b>YES</b>	Equal Impact Assessment <b>YES</b> If YES: Full Assessment	Risk Management Implications <b>YES</b>

Date of meeting: 4<sup>th</sup> September 2012

### **5 LOCALISM ACT HOUSING REFORMS – THE COUNCILS TENANCY STRATEGY**

#### **Summary**

All registered providers of social housing must give regard to the Local Authority Tenancy Strategy appropriate to the areas where they manage stock. It is therefore important that registered providers locally are given some direction to guide their policies, and this document provides a starting point for that. It may be appropriate to refine this document as more information on flexible tenancies and affordable rents emerge.

The Tenancy Strategy proposed sets out in very broad terms the Councils approach to a number of new housing reforms contained within the Localism Act 2011. Whilst the Local Authority Tenancy Strategy is not statutorily required until Jan 2013 it is important that the Councils direction on these matters is understood as soon as possible as some of the new flexibilities are likely to be used by registered providers of social housing operating in the area from April 2012.

#### **Recommendation**

**Following presentation and detailed discussion at the Regeneration Environment and Community Panel, and a two month consultation exercise it is recommended that the Strategy document attached as an appendix to the report be adopted.**

#### **Reason for Decision**

It is a mandatory provision of the Localism Act 2011 for a local housing authority to publish a Tenancy Strategy.

## **1 Background**

1.1 The Localism Act 2011 provides that:

A local housing authority in England must prepare and publish a strategy (a “tenancy strategy”) setting out the matters to which the registered providers of social housing for its district are to have regard regarding formulating policies relating to: -

- (a) The kinds of tenancies they grant,
- (b) The circumstances in which they will grant a tenancy of a particular kind,
- (c) Where they grant tenancies for a term certain, the lengths of the terms, and
- (d) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.”

This requirement is part of a set of wider reforms to national housing policy and gives registered providers of social housing the option of:

- letting properties on fixed term tenancies, and
- charging Affordable Rents (up to 80% of market rents).

1.2 The purpose of the Tenancy Strategy is to set out the Council’s expectations for the types of tenancy that registered providers of social housing will use when letting accommodation. It should be noted that the registered providers of social housing are only required to ‘have regard’ to an authority’s Tenancy Strategy when formulating its own tenancy policies for the district area concerned.

1.3 Registered providers of social housing should be actively informed of the direction provided by the Strategy, be able to evidence that they have considered the content, (even if they choose not to follow it), and consider the Strategy every time they review their policies.

1.4 It is important that registered providers have direction from the Council to guide their policies for housing stock in this area. The Strategy provides a starting point for that guiding direction, and sets out some key principles. Whilst the Council’s strategy document is not statutorily required until January 2013, it is important that the Council’s direction on these matters is understood as soon as possible, as new fixed tenancies are likely to be used from April 2012 onwards.

## **2 Consultation**

2.1 On 28<sup>th</sup> March 2012 REC panel agreed that the attached draft could go out to full consultation. The consultation period commenced on 10<sup>th</sup> April 2012 for just over two months ending on 22<sup>nd</sup> June 2012.

2.2 The draft strategy was published on the Councils website and a copy was sent to all members and stakeholders organisations including local registered providers of social housing and housing support providers.

2.3 A relatively small number of responses were received, the majority of these were positive and most contact made was connected with seeking clarification rather than proposing any changes to the Strategy. Some comments received expressed concern about possible confusion that may arise if providers adopt different approaches.

### **3 Registered Providers**

3.1 At present a small number of providers operating in the Borough are considering using fixed term tenancies and are currently drafting tenancy policies. Although none of these have been formally adopted it is likely that some drafts will emerge in the forthcoming months. It is expected that all registered providers will give regard to the Tenancy Strategy when formulating their own tenancy policies.

### **4 Conclusion**

4.1 The Tenancy Strategy will not only fulfil a statutory requirement but will also give guidance to registered providers operating in the area on the Councils principles and expectations in relation to the three specific topic areas and is expected to sit along side the Councils Housing Allocation Policy, and Homelessness Prevention Strategy. In light of the responses received during the consultation period, and following the minor amendments that were made in response to the comments received at REC panel in March, no further changes to the Strategy have been made.

### **5 Policy Implications**

5.1 It should be noted that whilst this document if adopted will represent the Council's approach and provide guidance to registered providers of social housing it will be the policies and approach of each provider that will determine the extent to how the new flexibilities are used and whom they will affect. The matter of using the private rented sector to discharge homelessness duty covered in the Strategy represents a policy change that directly changes the Councils approach in this area of work. Some concerns raised on this matter nationally and at the REC panel meeting in March 2012 will be addressed by the control and review mechanisms detailed. Changes brought about by the Localism Act affecting the allocation of social housing are being considered in a policy review currently being undertaken. A report will be presented to Cabinet in December.

### **6 Statutory Considerations**

6.1 There is a statutory requirement under the Localism Act to complete a Tenancy Strategy.

## **7 Equality Impact Assessment (EIA)**

7.1 A pre-screening report and full report is attached in **appendix B**. The strategy provides guidance to registered providers on monitoring the impact of new rents and the use of flexible tenancies. It also provides guidance and justification on using lifetime tenancies for particular groups of households. The Council has no control or regulatory role relating to the individual approach of different registered providers of social housing, however as there is a requirement for providers to have regard to the Tenancy Strategy the indirect impact (including any disproportionate impacts in minority/ equality communities) of the Council's approach should be assessed.

## **8 Risk Management**

8.1 Failure to publish a strategy could lead to confusion from registered providers of social housing over how to manage the use of flexible tenancies in this area and would be in breach of a statutory requirement. The risks and mitigation measures associated with using the private rented sector to discharge homelessness duty have been detailed in the Tenancy Strategy.

## **9 Background Papers**

**Appendix A** Tenancy Strategy

**Appendix B** Equalities Impact Assessment

## **Appendix A**

### **Tenancy Strategy**

#### **1. Introduction**

1.1 Under the Localism Act 2011 the Council has a duty to prepare a tenancy strategy. The local authority tenancy strategy is intended primarily to guide choices around the use of fixed term tenancies that have been introduced as part of a package of housing reforms.

1.2 This document sets out in very broad terms the Council's approach to a number of new housing reforms contained within the Act. The Council welcomes the new flexibilities created by the Act which will help in its work, particularly in relation to ensuring the best use of existing social housing stock and preventing homelessness. Clearly, one of the most significant reforms relates to the introduction of fixed term tenancies. The reason for introducing fixed term tenancies (to be used in most circumstances) is to ensure that social housing is used to benefit those in most need, and is not used beyond the time it is no longer needed.

1.3 From April 2012 all registered providers of social housing can choose to introduce fixed term tenancies. Whilst the local authority tenancy strategy is not statutorily required until January 2013, it is important that the Council's direction on these matters is understood as soon as possible, as new flexible tenancies are likely to be used from April 2012 onwards.

1.4 RPs must have regard to the local authority tenancy strategy appropriate to the area(s) where they manage housing stock.

'To have regard' is not defined in statute but case law suggests that it means more than a tick box exercise; registered providers should:

- Be actively informed of the direction provided by the tenancy strategy, and
- Be able to evidence that they have considered the content, even if they choose not to follow it, and
- Consider the tenancy strategy every time they review their policies.

1.5 It is important that RPs have something to guide their policies for housing stock in this area. This document provides a starting point for that guiding direction, and sets out some key principles. It may be appropriate to refine the document as more is understood about the impact of flexible tenancies (and affordable rents) in due course.

## **2. Scope**

2.1 This document covers the Council's approach to the following matters:

- 'Affordable rent' tenure
- Fixed term tenancies
- To use the private rented sector to discharge the homelessness accommodation duty

2.2 In addition to these matters the Localism Act has introduced greater freedoms for local authorities to determine which categories of applicant should qualify for social housing. Council's are now able to close the housing register to some categories of applicant. This document does not cover this area of the Council's work, and any proposed changes to the existing social housing allocations policy (Homechoice) will be considered separately.

## **3. Affordable Rent**

3.1 The Council does not believe it has a role in determining the rents set by independent RPs. The Council does however expect that when setting rent RPs will give regard to the affordability of its rented homes to existing and potential tenants. The Councils expectation is that account will be taken particularly of the impact on households where no housing benefit or only part housing benefit is received. It is important that social housing should continue to provide an important role for households who can not afford to pay a market price for the accommodation they require.

3.2 The Council will expect RPs to monitor and analyse any impacts of the affordable rent regime, and share (with the Council and other stakeholders) the findings of these activities. The importance of the opportunity to reviewing the impact of affordable rent is particularly important in the context of current welfare reform legislation. In the same way, the Council will have an expectation that information on the impact of flexible tenure will be collected, analysed and fed back.

3.3 The following table shows for comparison purposes only average levels of social rent, affordable rent, and market rent in the Borough. The figure in each category is an average of the figures supplied by four Registered Providers. The social and affordable rents charged vary amongst Providers whilst market rents can vary depending on location and condition of property.

Property Type	Market Rent	80% of Market Rent i.e. Affordable Rent	RP Social Rent - average (inc service charges)	Difference (+/-) between average RP Social Rent and Affordable Rent
1 Bed	£94.61	£75.68	£72.85	£2.83
2 Bed Flat	£108.91	£87.15	£81.06	£6.09
2 Bed House	£119.76	£95.84	£81.29	£14.55
3 Bed House	£135.30	£108.22	£90.03	£18.19
4 Bed House	£159.81	£127.83	£98.50	£29.33
5 Bed House	£175.27	£140.22	£107.98	£32.24

#### 4. Fixed term tenancies

4.1 From the 1<sup>st</sup> April 2012 revised regulatory standards come into effect and the main tenure reform provisions of the Localism Bill come into force. These changes will allow housing associations to offer fixed term tenancies both on social rent and affordable rent properties.

4.2 The Council has to ensure that the new flexibilities are fully utilised to ensure that social housing is available to those who most need it, particularly the vulnerable and to families facing homelessness. The Council acknowledges that the new flexibilities present potential opportunities and threats. For example, the Council may find that its ability to help those in greatest housing need improves, but that higher turnover of housing stock may have in some situations a negative impact on community cohesion.

4.3 It is important that one of the key benefits of social housing namely 'stability', and the assurances that it offers vulnerable households in crisis, is not eroded. It is therefore intended that RPs of social housing give regard to the Council's principles and expectations in relation to the use of fixed term tenancies.

#### 4.4 Key principles

- Policies should have regard to the Council's key priority of reducing and preventing homelessness. The Council would not support for example an approach that would see someone becoming homeless and in priority need as a result a fixed term tenancy being terminated.
- If a tenants circumstances changed to the extent that they no longer needed social housing, a tenancy would be terminated with appropriate help offered to tenants to help them consider their options.
- That the landlord would consider a tenant at review (at the end of a fixed term) for another tenancy or other affordable housing product(s), if the tenant could (even if their circumstances had improved) not afford a market price for their housing requirements.

#### **4.5 The tenancy policy of registered providers (RPs) of social housing**

RPs need to set out their approach to using flexible tenancies in a published tenancy policy, which should include the following:-

- The type of tenancies they will grant
- Where they grant tenancies for a fixed term, the length of those terms
- The circumstances in which they will grant tenancies of a particular type
- Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period
- The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property
- Their policy on appeals which clearly sets out the way in which a tenant or a prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term. This should also set out the arrangements for vulnerable client groups to ensure that all communication is appropriate to their needs.
- Providers must ensure that all appeals are dealt with in accordance with the procedures set out in Statutory Instrument 2012/695 Flexible Tenancies (Review Procedures) Regulations 2012.
- Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, households with children, including through the provision of tenancies which provide a reasonable degree of stability
- The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy
- Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

4.6 The Council will take an interest in the outcomes of the changes relating to use of flexible tenancies.

#### **4.7 The Council's expectations of Registered Providers**

The Council expects RP's to give regard to the points set out below:

- To use 5 years as the minimum term for most fixed term tenancies.
- In exceptional circumstances a shorter term tenancy could be appropriate, but where a tenancy is less than 5years it must not be for less than 2 years. The 'exceptional' circumstances should be set out in the RPs own Tenancy Policy.



- Expect RPs to continue their existing approach to introductory tenancies
- Providers of specialist older people's supported housing are expected to use lifetime tenancies.
- Those receiving long-term support that is related to their housing to receive lifetime tenancies, or longer fixed term tenancies, depending on their needs.
- RPs to give consideration to the need for stability for households with school age children and consider fixed term tenancy durations and reviews to avoid unnecessary disruption to school careers.
- RPs to carry out an assessment of the housing options for any potential tenant who would require a major adaptation to ensure the sustainability of the tenancy granted and the best outcomes for the tenant.
- Effort is made to create and to maintain sustainable communities – areas where longer tenancy terms may be appropriate could be new communities in a regeneration context, or areas of historically high turnover

## **5 Tenancy review**

5.1 The Council's expectation is that partner RPs will ensure a meaningful and transparent tenancy review process is undertaken. It is envisaged that matters such as changes in personal circumstances including changes in income, employment, training or education are considered by RPs at review. It is important that the landlord sets out reasons for the decision that is taken. A reasonable level of advice or signposting assistance is provided in respect of alternative accommodation. In circumstances where a tenancy is being terminated, it is expected that the landlord explores where possible a change of tenure that would allow the tenant to remain in their home e.g. switching to affordable rent or shared ownership, where the tenant is eligible and it is considered appropriate to do so. If none of these options are viable or appropriate and the tenant is unable to afford market accommodation the tenant may seek to join the housing register where they will be prioritised according to their circumstances.

5.2 The Council recognise that a mechanism to facilitate such offers i.e. tenure change will need to be discussed and agreed with Providers to ensure that the current system of choice is not compromised.

5.3 The Council would expect landlords to undertake such reviews in a timely way to give enough time for tenants to consider their options and make preparations for securing new accommodation where appropriate.

5.4 At the end of a fixed term tenancy the Council would expect one of the following outcomes for a tenant:

- To remain in social housing, either in their existing home or in another social home (either at a Social Rent or Affordable Rent)
- To move into the private rented sector

- To move into home ownership, either via a low-cost home ownership route or otherwise
- Advice and information - When a provider decides not to reissue a tenancy at the end of the agreed term, the provider must give notice of this decision 6 months before the end of the tenancy, and must provide adequate advice and assistance for tenants to help them find suitable alternative accommodation. At a minimum this should include advice on all available housing options and sign posting to relevant agencies.

## **6 Using private rented sector homes to discharge the Homelessness duty**

6.1 Under provisions of the Localism Act the Council is now able to discharge its duty to re-house homeless households by offering suitable accommodation in the private rented sector, provided that the tenancy is offered for a minimum of 12 months. Previously an offer to such a household could only be made with the agreement of the household.

6.2 The Council supports the changes as they will potentially help minimise the need for temporary accommodation and ensure that households are re-housed quickly. Whilst welcoming the changes it is acknowledged that homes in the private rented sector vary significantly in terms of the state of repair, range of amenities, and the quality of management practices. The Council will ensure that homes made available to homeless households will meet minimum standards and be satisfied that any accommodation will be suitable and appropriate for at least 12 months.

6.3 The Council will work with partners to develop effective ways of securing privately rented homes to make available to homeless households. One way the Council is already doing this is working with an independent housing charity that is offering 5 to 7 year leasing arrangements to private landlords, and making homes available to homeless households nominated by the Council. In the case of placing any vulnerable households in the private rented sector, appropriate risk assessments will be undertaken as well as referrals where appropriate to housing/ tenancy support providers. Financial tests to ensure sustainability / affordability of the accommodation will also be undertaken.

6.4 The Council will review the outcome of tenancies offered in the private rented sector, and undertake an analysis of the difference the additional freedom has made in reducing the need / time spent in temporary accommodation (and any associated costs), and any impacts on repeat homelessness. It will also be necessary to give regard to any impacts that result from changes to housing benefit, to ensure that any offer of accommodation is affordable and sustainable.

## **Full Impact Assessment Tenancy Strategy**

**Date: 4 September, 2012**

**Prepared by: Duncan Hall, Environmental Health and Housing**

### **1. What is the service area(s) and who is the lead officer?**

#### **Executive Director: Andy Piper**

Currently local registered providers (RPs) of social housing grant for new tenants full assured tenancies that have no fixed term, and that area effectively 'life time' tenancies. The Tenancy Strategy deals with new flexibilities for RPs created through social housing reforms that can be used to grant fixed term tenancies. The aim of this national housing policy change is to make sure social housing is used for those in most need.

### **2. What change are you proposing?**

The Tenancy Strategy provides guidance to partner RPs operating in The Borough on the use of the new flexibilities. The Councils guidance does not have to be followed by RPs but they must have regard to it when formulating their own policies.

### **3. How will this change help the council achieve its corporate objectives (and therefore your service objectives)?**

The Strategy helps in ensuring that the best use is made of existing housing stock.

### **4. What is your evidence of need for change?**

There is a statutory requirement for all housing authorities to consult and publish a Tenancy Strategy.

## 5. What is the impact of your proposal?

In endorsing the use of flexible tenancies the Council acknowledges there could be a variety of different impacts on service users and communities. It is possible that some households could be affected in a disproportionate way by the changes.

Tenants with learning difficulties, mental health problems, and physical disabilities could potentially face anxiety caused by the uncertainty of fixed term tenancies. Older people could be confused by the review processes and criteria established by RPs, and concerned over any uncertainty about the need to move on.

## 6. How will you monitor the impact of change?

- Examine the Tenancy Policy of each RP at look at any potential disproportionate impacts on vulnerable households
- Monitor by way of an agreed mechanism the outcomes of using fixed term tenancies for identified vulnerable groups
- Work with RPs to monitor any impacts on community cohesion

## 7. How will this change deliver improved value for money and/or release efficiency savings?

The changes will mean that better use is made of social housing, ensuring that more is available to be occupied by those in most need. This will help The Council meet its statutory housing and homelessness obligations.

## 8. What geographical area does this change impact upon?

All areas affected

**9. What impact will this change have on different groups of the population?**

As previously described the changes could have disproportionate impacts on disabled and vulnerable households. It could impact on feelings of security and well-being amongst certain groups.

**10. Are there any implications for other service areas?**

There could be implications for other areas of the Council's work, particularly in respect of housing adaptations in social housing through the Disabled Facilities Grant Programme.

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr N Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Officers consulted: Chief Executive		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications No	EIA required NO	Risk Management Implications NO

Date of meeting: 4 September 2012

### 6 RECONSTITUTION OF THE KING'S LYNN INTERNAL DRAINAGE BOARD

#### Summary

The King's Lynn Internal Drainage Board have decided to reduce their overall membership from 31 to 21. The knock on effect for the Borough is a reduction from 15 Members to 10. The appointments are made at the Full Council meeting so the recommendations will be made to Council.

#### Recommendation

1) That the Council's Membership of the King's Lynn Internal Drainage Board be reduced from 15 to 10 members and those members be decided at the Council meeting on 27 September 2012.

#### Reason for Decision

To comply with the re-constitution requirements of the King's Lynn IDB.

### 1 Background

At a Special Meeting of the King's Lynn Internal Drainage Board on 6 July 2012 it agreed to reduce its overall membership from 31 to 21 with immediate effect. It is therefore requesting that the Council reduces the number of nominations it makes to the Board from 15 to 10 members. They will continue with the current Membership until the Council re-appoints its new membership.

The Borough will also be entitled to jointly appoint 1 member with Fenland DC and South Holland DC. This is currently a member from Fenland DC who wishes to remain on the Board.

## **2 Current Membership.**

The Council's current membership of the Board, as appointed in June 2011 is as follows:

Hon Ald J Ansell  
M Chenery  
P Cousins  
C Crofts  
R Groom  
D Harwood  
Lord Howard  
D Johnson  
M Langwade  
E Nockolds  
Mr Iain Smith  
V Spikings  
B Long  
D Whitby  
A Wright

The Board are currently investigating with DEFRA the use of substitute Members. This will be reported on once they have received Defra's advice.

## **5 Financial Implications**

None

## **6 Statutory Consideration**

None

## **7 Risk Implications**

None

## **8 Access To Information**

Request from KLIDB

## REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide NO		
Gaywood North Bank South Wootton North Wootton Valley Hill Spellowfields Walpole		(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616246		Other Officers consulted:		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 4 September 2012

### 7 COMMUNITY GOVERNANCE REVIEW

#### Summary

The second consultation period (as per the Terms of Reference) closed on 20 July 2012, with residents and interested organisations having had the opportunity to comment further on the decisions made by Council at its meeting on 21 June regarding the suggestions put forward from three Parish Councils for amendments to parish boundaries.

#### RECOMMENDATION

**To agree the draft proposals with the exception of the Castle Rising/Congham proposal.**

#### Reason for Decision

So that Community Governance reflects the identities and interests of the community and is effective and convenient.



## **1. Background**

Council agreed on 29 March 2012, to conduct a Community Governance Review based on three Parish Council requests that had been received for amendments to parish boundaries. At the close of the first consultation period draft proposals were considered and agreed by Council on 21 June.

## **2. Proposed Parish Boundary changes**

A further consultation period ended on 20 July and subsequent comments are attached at Appendix A in respect of the Castle Rising/Congham Parish Boundary and Walpole Cross Keys.

## **3. Policy Implications**

A precedent will be set.

## **4. Financial Implications**

There are minor financial implications to carry out the work involved.

## **5. Staffing Implications**

There are no staffing implications

## **6. Statutory Consideration**

In undertaking this review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the guidance on community governance reviews published by the Department of Communities and Local Government and the Electoral Commission in April 2008.

Under the Local Government Commission for England (Transfer of Functions) Order 2001 any amendments to Borough Council Wards/County Electoral Divisions are a matter for the Local Government Boundary Commission for England and the Electoral Commission.

## **7. Equality Impact Assessments (EIA's)**

An equalities impact assessment was not considered necessary in the context of this report.

## **8. Risk Assessment**

There are no immediate risks identified in the proposed works.

## **Background Papers**

Cabinet Report – Community Governance Review – 7 September 2010

Cabinet Report – Community Governance Review – 6 March 2012

Cabinet Report – Community Governance Review – 6 June 2012

### Timetable

<b>Action</b>	<b>When</b>
Terms of reference drafted	31 January 2012
Terms of reference agreed by Cabinet	6 March 2012
Terms of Reference agreed by Council and published	29 March 2012
First consultation period commences	16 April 2012
First consultation period closes	4 May 2012
Draft proposals prepared	21 May 2012
Draft proposals are agreed by Cabinet and recommended to Council	6 June 2012
Draft proposals are agreed by Council	21 June 2012
Second consultation period commences	2 July 2012
Second consultation period closes	20 July 2012
Final proposals prepared	6 August 2012
Final proposals are recommended by Cabinet	4 September 2012
Final proposals are agreed by Council	27 September 2012
Final recommendations are published	By 1 October 2012
Electoral matters are referred to Electoral Commission/Local Government Boundary Commission for England if required	By 1 October 2012
Electoral Commission/Local Government Boundary Commission for England response	By 30 November 2012
Review Orders made	30 January 2013
Changes take effect	30 April 2013

Dear Lord Howard

Thank you for your email, the contents of which will go forward to the next stage of the process.

Kind regards.

Mary Colangelo  
Electoral Services Manager  
Electoral Registration  
Central Services  
Borough Council of King's Lynn and West Norfolk  
Direct Dial: (01553) 616281  
Fax: (01553) 691663  
E-mail: [mary.colangelo@west-norfolk.gov.uk](mailto:mary.colangelo@west-norfolk.gov.uk)

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**From:** Cllr Greville Howard  
**Sent:** 20 July 2012 12:48  
**To:** Mary Colangelo  
**Subject:** RE: Community Governance Review

Dear Mary,

When the discussion takes place as to whether Short Trees Farm should be included in the Parish of Castle Rising or Congham please could the following be borne in mind.

1. The farming activities of Short Trees Farm are carried out within the Parish of Castle Rising.
2. Following geographical features would include Short Trees Farm within the Parish of Castle Rising.
3. The residents of Short Trees Farm are strongly orientated to Castle Rising:
  - Mr Richard Shipp is Treasurer of the Hospital of the Holy & Undivided Trinity.
  - He is on the Parish Council of Castle Rising.
  - He is a Churchwarden of St Lawrence Church, Castle Rising.
  - Mrs Vanessa Shipp sings in the choir of St Lawrence Church.
  - Both Mr & Mrs Shipp are on the Parochial Church Council.

I hope you will see from these reasons that it is more appropriate that Short Trees Farm is within the Parish of Castle Rising.

Yours sincerely,

Lord Howard

**Mary Colangelo**

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**From:** Sarah Thorpe [clerk@walpolecrosskeys.co.uk]  
**Sent:** 17 July 2012 15:12  
**To:** Mary Colangelo  
**Subject:** RE: Community Governance Review

## WALPOLE CROSS KEYS PARISH COUNCIL



---

Clerk: Miss Sarah Thorpe  
[clerk@walpolecrosskeys.co.uk](mailto:clerk@walpolecrosskeys.co.uk)

88 Smeeth Road  
Marshland St. James,  
Wisbech, Cambs.  
PE14 8JF



01945 430930

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Chair: John R Fox

---

17th July 2012

Mary Colangelo  
Electoral Services Manager  
BCKLWN

Dear Mrs Colangelo,

Thank you for your email regarding the Boundary change that we requested.

We are pleased to note that this review is still continuing and has now reached the second consultation period.

We wish to confirm that Walpole Cross Keys Parish Council still fully supports the change.

Yours sincerely,

Sarah Thorpe  
Clerk to the Council

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**From:** Mary Colangelo [mailto:Mary.Colangelo@West-Norfolk.gcsx.gov.uk]  
**Sent:** 27 June 2012 12:15  
**To:** clerk@walpolecrosskeys.co.uk  
**Subject:** Community Governance Review

Ms Thorpe,

Please find attached a letter regarding the above.

Regards

**Dominique Petchey AEA (Cert)**  
**Assistant Electoral Officer**  
**Electoral Registration**  
Central Services  
Borough Council of King's Lynn and West Norfolk  
Direct Dial: (01553) 616280  
Fax: (01553) 691663

**Mary Colangelo**

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**From:** Mary Colangelo  
**Sent:** 02 July 2012 13:50  
**To:** Cllr Greville Howard  
**Subject:** Community Governance Review

Dear Lord Howard

Thank you for your letter in respect of the above.

And yes, with the next period closing on 20 July.

Mary Colangelo  
Electoral Services Manager  
Electoral Registration  
Central Services  
Borough Council of King's Lynn and West Norfolk  
Direct Dial: (01553) 616281  
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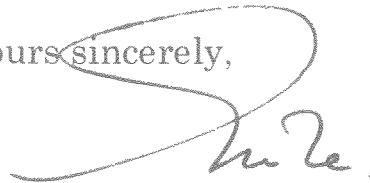
29<sup>th</sup> June 2012

Mrs Mary Colangelo  
Borough Council of Kings Lynn &  
West Norfolk  
Chapel Street  
Kings Lynn  
Norfolk

Dear Mrs Colangelo,

Thank you for your letter about the moving of parish boundaries. Will there be any opportunity for the Castle Rising Parish Council to make representations, when the second consultation period begins on 2<sup>nd</sup> July, in support of the proposals for map 4?

Yours sincerely,



Lord Howard

## Mary Colangelo

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**From:** Cllr Mike Tilbury  
**Sent:** 27 June 2012 20:35  
**To:** Mary Colangelo  
**Cc:** 'Kate Sayer'  
**Subject:** RE: Community Governance Review

I am content with the recommendation made in respect of Short Trees Farm. No justification was put forward for the proposed change and I am glad that the Borough Council is now not proposing any change.

Best wishes  
J M Tilbury

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**From:** Mary Colangelo  
**Sent:** 27 June 2012 11:59  
**To:** Cllr Mike Tilbury  
**Subject:** Community Governance Review

Councillor Tilbury,

Please find attached a letter regarding the above.

Regards

**Dominique Petchey AEA (Cert)**  
**Assistant Electoral Officer**  
**Electoral Registration**  
**Central Services**  
**Borough Council of King's Lynn and West Norfolk**  
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**From:** Debbie Ess  
**Sent:** 25 June 2012 13:35  
**To:** Mary Colangelo  
**Subject:** FW: Cllr Tilbury