

RECOMMENDATIONS TO COUNCIL ON 22 FEBRUARY 2018 FROM CABINET ON 6 FEBRUARY 2018

CAB118: CAPITAL PROGRAMME 2018/23

The Director Finance Services presented a report which set out the following:

- revised the 2017/2018 projections for spending on the capital programme
- set out an estimate of capital resources that would be available for 2017-2022
- detailed new capital bids that were recommended to be included in the capital programme for the period 2018-2022
- outlined provisional figures for capital expenditure for the period 2017-2022
- detailed recommendations in respect of land disposals.

Under Standing Order 34, Councillor D Pope addressed the Cabinet with a number of questions which were responded to as follows:

- Was there reassurance that the properties in the NORA phases would not be handed over to a housing association, to which Councillor Long confirmed that was not the intention, and the new housing company was being set up in order to hold those properties for rent should they not be sold.
- It was confirmed that when projects from the capital programme slipped the funding allocated moved with them to the next year.
- Infrastructure being funded by Business Rates which may not be in existence in 25 years – the risks associated with the Business Rates system were set out in the report but it was an informed projection.
- Officers undertook to check on whether a decision had been releases on the Growth Deal from the LEP.
- Was the projected income from the Major Housing scheme achievable, to which it was confirmed that the Corporate Project officer had a comprehensive list of properties and prices which were available for sale and he was optimistic that they would be met, but there was always the risk of the housing market slowing down, however the Council had the new Housing Company to let any properties which didn't sell so giving income sufficient to cover the Council's borrowing costs.
- Would any decisions taken on the additional delegation regarding disposal of land be able to be scrutinised. Councillor Long explained that the proposal enabled the Council to act quickly with property transactions if necessary, preventing the loss of a deal due to the potential lengthy timeframes. Councillor Beales confirmed that those decisions could be reviewed by the Panels.
- Why was the Council leasing equipment, to which the Director Finance Services explained that the options available were all considered and the most cost effective option was taken in each individual case.

RECOMMENDED: 1) That the amendments to capital schemes and resources for the 2017-2022 capital programme as detailed in the report be approved.
2) That that new capital bids to be funded from available capital resources be approved and included in the capital programme 2018-2022 as detailed in the report.

3) That delegated authority be given to the Property Services Manager in consultation with the Leader, relevant Portfolio Holder and the Executive Director – Finance Services in respect of the disposal of surplus land as detailed in section 7 of the report.

Reason for Decision

To report amendments, rephrasing and resources to the 2017-2022 Capital Programme

CAB119: CIVIL PENALTIES AND RENT REPAYMENT ORDERS - HOUSING AND PLANNING ACT 2016, HOUSING ACT 2004

Councillor Lawrence presented the report which explained that the Housing and Planning Act 2016 introduced powers for the Council, as a local housing authority, to impose civil penalties as an alternative to prosecution for certain housing offences and extended the scope of rent repayment orders. The report outlined these powers and set out proposals to use them as part of the Council's regulatory role.

The Housing Services Manager confirmed that the evidence gathered for this process had to comply with the same burden of proof as for a prosecution and could be applied to agents and landlords.

Under Standing Order 34, Councillor J Collop addressed the Cabinet, making reference to the fact that so many Houses in Multiple Occupation (HMOs) were not registered. He raised concern about the fact that licenses may not have been obtained, and landlords may be contravening overcrowding notice, and the potential for landlords to transfer properties to other people to prevent notices.

Councillor Long explained that the proposal did not only relate to HMOs but to any rented property.

Councillor Lawrence reminded members that the proposal was another option available for housing standards, and that if information came forward on unregistered HMOs or overcrowding it would be investigated. There was a matrix set out in the report to follow in the process, but it did not prevent taking cases to court if necessary.

In response to Councillor Collop's question on whether the original person would be liable for a penalty if the property had been passed on, he refused to receive an answer from Officers as requested by the portfolio holder and left the meeting. The Housing Services Manager explained that there would be occasions where it was important to prosecute, and there were no upper limit on fines issued from a prosecution. He confirmed that properties would be passed on to others, and officers would have to investigate the case, and would be interested to hear of any such incidences. He made reference to the nationwide Rogue Landlords Register which would feature any landlord who was fined twice or more under this legislation.

The Chief Executive set out that the process was not to be soft on landlords but enabled officer to work speedily and not be held up by the courts system.

Councillor Beales asked how the burden of proof was achieved, the Housing Services Manager explained that internal procedures would be in place to reflect checks and balances and liaison would take place with Legal, caselaw examined, and the process would be kept under review.

Councillor Long reminded Members that the process was another tool to try to keep people safe and give a mechanism for a penalty with the burden falling onto those who were doing wrong.

RECOMMENDED: 1) That the Policy Statement in relation to civil penalties be approved as an alternative to prosecution for certain housing offences (by virtue of the Housing and Planning Act 2016) as detailed in the report and Appendix A of the report.

2) That the use of rent repayment orders (Housing Act 2004 and Housing and Planning Act 2016) as detailed in the report be approved.

3) That the Corporate Enforcement Policy be amended to incorporate these changes

4) That a Housing Regulation Policy incorporating Council decisions and the use of all housing duties and powers be brought forward in due course

5) That delegated authority be granted to the Chief Executive in conjunction with the Portfolio Holder for Community responsibility to agree any necessary changes to the approach used in the exercise of these powers – within the constraints of the Housing and Planning Act 2016.

Reason for Decision

To note the new powers placed upon the Council and adopt a Policy in relation to the power to impose penalty charges and rent repayment orders. The new powers in relation to penalty charges offer an alternative to lengthy and expensive prosecutions.