



**NEWARK &  
SHERWOOD**  
DISTRICT COUNCIL

*Castle House  
Great North Road  
Newark  
NG24 1BY*

*Tel: 01636 650000*

[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

**Friday, 20 September 2019**

**Chairman: Councillor T Wendels**  
**Vice-Chairman: Councillor R Holloway**

**Members of the Committee:**

**Councillor Mrs K Arnold**  
**Councillor M Brock**  
**Councillor Mrs B Brooks**  
**Councillor Mrs I Brown**  
**Councillor M Brown**  
**Councillor S Carlton**  
**Councillor L Dales**  
**Councillor L Goff**  
**Councillor J Lee**  
**Councillor Mrs S Saddington**

**Substitute Members:**

**Councillor Mrs G Dawn**  
**Councillor P Harris**  
**Councillor Mrs L Hurst**  
**Councillor N Mitchell**  
**Councillor P Peacock**  
**Councillor Mrs S Michael**

**MEETING: Homes & Communities Committee**  
**DATE: Monday, 30 September 2019 at 6.00 pm**  
**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, Notts NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

**If you have any queries please contact Helen Brandham on [helen.brandham@newark-sherwooddc.gov.uk](mailto:helen.brandham@newark-sherwooddc.gov.uk) 01636 655248.**



## AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers and as to the Party Whip	
3. Declaration of any Intention to Record the Meeting	
4. Minutes of meeting held on 10 June 2019	4 - 10
<b>Part 1 - Items for Decision</b>	
5. Update on Flood Prevention Schemes	11 - 16
6. Modern Slavery and Human Trafficking Statement	17 - 24
7. Temporary Accommodation - Development Appraisal	25 - 28
8. Social Housing Regulator	29 - 35
<b>Part 2 - Items for Information</b>	
9. Newark and Sherwood Homes - Gas Servicing	36 - 40
10. Homes & Communities Forward Plan - October 2019 to September 2020	41 - 42
<b>Confidential &amp; Exempt Items</b>	
11. Exclusion of the Press and Public	
<p>To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	
12. Temporary Accommodation - Development Appraisal (Exempt Appendices)	43 - 92

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Homes & Communities Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Monday, 10 June 2019 at 6.00 pm.

PRESENT: Councillor T Wendels (Chairman)  
Councillor R Holloway (Vice-Chairman)

Councillor Mrs K Arnold, Councillor M Brock, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor M Brown, Councillor S Carlton, Councillor L Dales, Councillor L Goff, Councillor J Lee and Councillor Mrs S Saddington

ALSO IN ATTENDANCE: Councillor Mrs L Hurst, Councillor P Peacock and Councillor Mrs P Rainbow

Prior to the commencement of the meeting the Chairman, Councillor T. Wendels, thanked the previous Committee Chairman, Councillor R.B. Laughton, for the work he had undertaken as Chairman of the Committee over the previous 6 years, stating that he had left an outstanding legacy.

1 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

2 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED that there would be an audio recording of the meeting undertaken by the Council.

3 MINUTES OF PREVIOUS MEETING HELD ON 11 MARCH 2019

AGREED (unanimously) that the Minutes of the meeting held on 11 March 2019 be approved as a correct record and signed by the Chairman.

4 PRESENTATION BY INSPECTOR HEATHER SUTTON (ATTENDANCE IS SUBJECT TO AVAILABILITY)

Inspector Heather Sutton was unable to attend the meeting in person but had submitted a written report which was circulated to all Members present.

In considering the report a Member queried why a knife arch was deployed in Newark on 25 May if, as the report inferred, there was no knife crime in the area. The Business Manager – Public Protection, who had held discussions with Inspector Sutton, advised that nationally knife crime continued to be an issue but that at present the Newark & Sherwood area were the lowest in the county. The knife arch and stop and search held on 25 May was to highlight and demonstrate the proactive approach taken to potential knife crime in the area. The above action was part of a night time economy event held jointly by the Council and the Police.

A Member referred to the recent Police action on drugs and the use of sniffer dogs, stating that when she attended neighbourhood meetings with the Police they inferred that they had little interest in low level drug crime. The Business Manager confirmed that the Police focussed more resource on dealers and suppliers but did continue to make efforts to try to tackle local low level drug abuse. Again, he confirmed that the action referred to was part of the aforementioned night time economy event.

A Member of the Committee commented that he hoped to be able to hold community events at Chatham Court and Cleveland Square in an attempt to ascertain what was needed by the community and how things could be put in place to help.

AGREED (unanimously) that the written report by Inspector Heather Sutton be noted.

## 5 COUNCIL HOUSING ALLOCATION SCHEME - ANNUAL UPDATE

The Committee considered the report of the Director – Communities & Environment which updated Members on applications to the Council's Housing Allocations Scheme and sought approval for some minor amendments to the Scheme. The report provided information on banding and lettings data and online registration. The proposed minor amendments were listed at paragraph 4 of the report.

In considering the report a Member of the Committee referred to an email he had received querying why more 4/5 bedroomed homes were not being built. The Senior Housing Options Officer advised that the findings of previous housing needs assessments had found that smaller homes were required.

A Member referred to the number of empty properties throughout the district which included flats above shops and whether any work could be carried out to bring them back into use. The Assistant Director – Housing Management & Responsible Repairs for N&SH acknowledged this concern but advised this report focussed on the allocation of social house. The Business Manager – Public Protection advised that long term empty properties were usually referred to Environmental Health due to them being in a poor state of disrepair. He added that there were numerous reasons they remained empty and that efforts were made to bring them back into use, however, there were very few meaningful powers local authorities had to encourage private owners to bring their properties back into use.

A Member of the Committee referred to the online registration and sought assurances that an application to join the housing register could still be done in paper format, noting that not all members of the public had access to a computer. In response, the Assistant Director acknowledged the comment and provided assurances that a paper application would be accepted.

AGREED (unanimously) that:

- (a) the contents of the report, which provided an annual update on the Council's Housing Allocation Scheme, be noted;
- (b) the proposed minor amendments and draft Scheme be approved;  
and

- (c) delegated authority be given to the Director – Communities & Environment, following consultation with the Chairman and Vice-Chairman of the Homes & Communities Committee, to approve any further minor amendments required, that do not require formal consultation, to ensure the Scheme continues to adhere to statutory requirements.

## 6 DISTRICT WIDE HOUSING ASSESSMENT

The Committee considered the report of the Director – Growth & Regeneration which sought approval to commission a new district wide housing assessment in order to provide an up-to-date evaluation of housing need, the wider housing market and affordability across all tenures. The report set out the background to the statutory requirement on strategic housing authorities to undertake regular assessments of future housing requirements within the district and the common themes within the assessments. Paragraph 4 of the report was in relation to the new housing assessment with the methodology being listed in paragraph 4.3.

AGREED (with 10 votes for and 1 abstention) that the commissioning of a new district wide housing assessment based on the collection of primary research and secondary data, with the budget provision for this detailed in paragraph 8.1 of the report, be approved.

*(Councillor Lee was absent from the room when the vote was taken)*

## 7 RESHAPING THE COMMUNITY SAFETY PARTNERSHIP AND SETTING NEW PRIORITIES

The Committee considered the report of the Director – Communities & Environment which set out the purpose, legislation and duties around Community Safety, the existing structure of the Bassetlaw and Newark & Sherwood Community Safety Partnership (CSP) and the proposed changes that aimed to improve the functioning of the CSP. The report provided background information as to the existing structure and priorities; governance and priorities; and funding. Paragraph 4 of the report set out the proposals for change and the revised priorities for the CSP with the rationale behind each being tabled in paragraph 4.7.

A Member of the Committee queried the omission of drug abuse from the list of priorities for the CPS and whether it could be included. The Business Manager – Public Protection advised that he would take the comments back to the CSP and acknowledged that drug abuse certainly drove many of the priorities listed in paragraph 4.6 of the report.

Whilst acknowledging that resources were in decline, a Member queried whether any information was available as to the actual cost of dealing with persistent problem individuals. She commented that working families often struggled to access help yet resources were spent on an individual case. The Business Manager advised that he would make enquiries as to the costs referred to. The Member suggested that at some point the individual in question should have a phased withdrawal of the assistance given to them.

AGREED (unanimously) that:

- (a) the Joint Strategic Group of the Community Safety Partnership move to a quarterly cycle;
- (b) it be noted that the Leader of the Council is the Council's elected representative on the Group;
- (c) the priorities for the Community Safety Partnership be endorsed; and
- (d) the Newark & Sherwood Complex Needs Outreach Worker be funded for the remainder of the year from the Community Safety Partnership reserve.

8 UPDATE ON THE BETTER CARE FUND

The Committee considered the report of the Director – Communities & Environment which updated Members on the schemes that had been delivered from funding within the district's allocation of the Better Care Fund (BCF). The report provided information as to the background of the BCF and that it is allocated for the statutory delivery of Disabled Facilities Grants across the district. The BCF governance arrangements and the terms of reference were listed in paragraph 3.0 of the report with details of the delivery of local schemes being listed in paragraph 4.0.

In considering the report a Member queried whether it was the case that if an adaptation was carried out at the property it resulted in it being ineligible for a 'Right to Buy' application. The Business Manager – Public Protection advised that the properties covered in the BCF were in private ownership. The Business Manager – Housing Strategy & Development advised that adaptations in Council owned properties did not automatically result in them being ineligible for 'Right to Buy'. He added that he would provide Members with the information as to the relevant criteria. The Chairman suggested that this could be an item for inclusion on the Committee's Forward Plan.

In response to how a householder would know about the scheme, the Business Manager – Public Protection advised that NSDC administered the grant following a referral from the Occupational Therapist at Nottinghamshire County Council. They would first review the property before making their referral.

9 APPOINTMENT OF MEMBERS TO WORKING PARTIES/TASK & FINISH GROUPS

The Committee considered the report to appoint two Members to the Local Development Framework (LDF) Task Group established by the Economic Development Committee.

AGREED (with 11 votes for with 1 vote against) that Councillor Mrs Rhona Holloway and Councillor John Lee be appointed to the LDF Task Group.

10 AFFORDABLE HOUSING DELIVERY 2018/2019

The Committee considered the report of the Director – Growth & Regeneration which sought to provide Members with the details on affordable housing delivery across the district for the 2018/19 financial year, together with a guide on future anticipated delivery, together with progress on the delivery of the approved 5 year Council housing development programme, details of which were provided in paragraph 3.0 of the report.

A Member of the Committee queried whether there was any further information available since the report had been written in relation to the proposed development at Fernwood. The Business Manager – Housing Strategy & Development confirmed that no further information was available, adding that it would be on a new housing development site.

The issue of empty properties was again raised with the Member querying whether it was possible to exercise Compulsory Purchase Orders to bring empty properties back into occupation. The Business Manager advised that the Council undertook some work on this issue in previous years and that information on the findings of that could be provided. He added that the process was costly and lengthy and was not currently a priority for the Council.

In relation to a query about progress on the Extra Care Scheme in Boughton, the Business Manager advised that the scheme was ready to be progressed and was awaiting the final financial approval from the Policy & Finance Committee. Once received, the commencement of the scheme would be imminent.

AGREED (unanimously) that the affordable housing delivery in 2018/2019, future anticipated delivery and progress with the Council's five year development programme be noted.

11 CORPORATE SAFEGUARDING ANNUAL UPDATE

The Committee considered the report of the Business Manager – Public Protection which provided Members with an update on the corporate safeguarding matters and to provide assurance that the Council's activity was in line with its safeguarding responsibilities, policies and procedures. The report set out internal structure changes to safeguarding responsibilities, noting that the Director – Communities & Environment would take on the Corporate Lead for the Council, the Business Manager – Public Protection becoming the Lead Safeguarding Officer and the Chairman of the Homes & Communities Committee becoming the lead elected Member. Paragraph 3.0 of the report set out details of the Nottinghamshire Safeguarding Children's Board, giving information as to the Strategic Leadership Team and its remit.

A Member of the Committee commented that he would wish to see face to face safeguarding training being offered to all elected Members and not those just newly elected to the Council. The Business Manager confirmed that face to face training was also available to existing Members.

AGREED (unanimously) that the report be noted.



12 ROUGH SLEEPERS - SUCCESSFUL BID

The Committee considered the report of the Director – Communities & Environment which provided Members with information as to the successful outcome of two county-wide funding bids submitted under the Government’s Rough Sleepers Initiative. Paragraph 3.0 of the report set out the amount of funding received, who the funding was for and what the next steps were.

A Member of the Committee queried whether it was possible to provide a shelter all year round and not just at set times when the temperature dropped to a certain level. The Business Manager – Housing, Health & Community Relations advised that discussions were being held with the Salvation Army with a view to the provision of a winter shelter.

The issue of accommodation provided to families when a relationship had broken down was raised with a Member stating that it resulted in fathers not being given appropriate accommodation in order for them to maintain a relationship with their child(ren). The Business Manager agreed that parental responsibility was a complex issue and advised that further information on the implementation of this under the Council’s Housing Allocations Scheme could be provided if required. The Member stated that she would welcome future updates on the matter.

AGREED (unanimously) that the report be noted.

13 WARM HOMES FUND - SUCCESSFUL BID

The Committee considered the report of the Director – Communities & Environment which updated Members on the outcome of the Warm Homes Fund (WHF) bid and the revised project delivery arrangements following the Committee’s support for the Scheme. The report set out the background to the bid and the outcome thereof together with the anticipated benefits/risks and the next steps to be taken.

AGREED (unanimously) that the report be noted.

14 URGENCY ITEM - HOME ENERGY CONSERVATION REPORT - BI-ANNUAL REPORT

AGREED (unanimously) that the Urgency Item – Minute of Decision in relation to the approval of the content of the Home Energy Conservation Act (HECA) draft report for 2019-21 be noted.

15 FORWARD PLAN FOR 1 JUNE 2019 TO 31 MAY 2020

AGREED (unanimously) that the following items be included on the Homes & Communities Forward Plan:

Councillor T. Wendels  
Review of Disabled Facilities Grant – Better Care Fund

Councillor J. Lee  
Empty Homes  
Homeless Strategy

Councillor Mrs I. Brown  
Review of the Housing Allocation Scheme and Parental Responsibility  
Criteria

Meeting closed at 7.20 pm.

Chairman

**HOMES & COMMUNITIES COMMITTEE**  
**30 SEPTEMBER 2019**

**AN UPDATE ON FLOOD PREVENTION SCHEMES IN NEWARK & SHERWOOD**

**1.0 Purpose of Report**

- 1.1 This report updates Members on the current position of proposed flood alleviation schemes within the Newark & Sherwood area.

**2.0 Background Information**

- 2.1 There are a number of flood prevention schemes across the district that are at various stages of development. The details below provide an update to Members of the progress of these schemes.

- 2.2 **Lowdham** - The Environment Agency are continuing to develop the outline business case for a flood alleviation scheme to protect Lowdham with a view to submitting their business case for funding. The EA recently gathered improved topographical information that highlighted difficulties with the proposal to drain floodwater away from the village. The option to divert flood flows via culverts underneath the A6097 and A612 will now not be possible without the aid of a syphon and other earthworks. The construction of a syphon will be a technical challenge and have maintenance and health and safety risks that increase the cost of the scheme. The consultants, Jacobs, have estimated that this additional cost may be in excess of £1m, to a scheme estimated to be £6.5m.

Preliminary results from the Natural Flood Management (NFM) project in the upper Cocker Beck catchment encouraged the consultants to review further upper catchment storage options. An initial technical investigation has identified that several potential storage areas in the catchment, on land upstream of Lowdham, would be effective at reducing flood risk in Lowdham itself. The investigation has identified that the cumulative effect of these storage areas will remove the need to divert flood waters in Lowdham, and also reduce the amount of defence construction downstream of Southwell Road, in Lowdham itself.

The EA are working with the consultants to identify the best locations for the storage areas, and to undertake ground investigation works to support future designs of the areas. The storage areas will not be permanently wetted areas and will only operate during periods of high flows, like those experienced recently in Lowdham. The EA plan to engage with landowners early in this process, to identify the best locations for any new flood storage areas. As the timescales for this work become clearer, we will communicate these with the relevant partners, along with design details as they begin to emerge.

Discussions with partners will continue to ensure that all sources of flood risk are captured and brought into the design of the preferred flood risk reduction option. The EA have committed to continue to explore all opportunities to work closely together, with partners, to deliver schemes efficiently and minimise disruption to the village.

- 2.3 **Thurgarton** - The Internal Drainage Board are continuing to pursue cost effective options for the catchment prior to seeking funding.

- 2.4 **Gunthorpe** - The County Council is working with the Environment Agency (who have the lead role) to develop proposals to protect the village from flooding. A technical report into the options is expected in 2019, however the economic benefits that would be achieved by reducing flood risk in the village, means that there is an expected shortfall, between scheme costs and available Flood Defence Grant-in-Aid funding
- 2.5 **Girton** - The County Council is working with the Environment Agency to explore the possibility of developing a deliverable scheme to protect this village which suffers from main river flooding.
- 2.6 **Sutton on Trent** - Following severe flooding in 2018 the district Council along with the County Council and the Internal Drainage Board have worked together to understand the causes of the flooding and ways to reduce the risk of future occurrences. The Internal Drainage Board and NCC Highways have carried out some repairs and improvements to their assets and both are currently looking at ways of improving the performance of their assets to further reduce the risk of future events. NCC, the Parish Council and the Internal Drainage Board are working together on progressing all options.
- 2.7 **Southwell** - In December 2017 The County Council submitted two business cases to the Department for Environment, Food & Rural Affairs, one for Natural Flood Management (NFM) and the other a more traditional engineering proposal to construct new flood defences for the town. In February 2018 £4.4 million was secured in Flood Defence Grant-in-Aid from Central Government for the engineering scheme and £350k of Local Levy funding for the Natural Flood Management scheme.
- 2.8 As part of securing the Flood Defence Grant-in-Aid and Local Levy further partnership contributions were secured including £600k investment from the County Council, £220k from Newark & Sherwood District Council, £120K Southwell Town Council, £25k Southwell Flood Forum, an additional £300k Local Levy for the flood mitigation scheme and £233k Renew and Repair grant funds. Project management is overseen by the Project Board, chaired by the Service Director for Place Communities. The Board consists of representatives from NCC, Via, Newark & Sherwood DC and the Southwell Flood Action Group.
- 2.9 The flood defence proposals have two key elements: hard engineering solutions and Property Flood Resilience (PFR) measures. Development of detailed design for the hard engineering proposals is currently progressing with Via and has a scheduled construction start date of autumn 2019 with completion in 20/21. A contract to deliver the PFR works has been awarded to Whitehouse Construction using the Environment Agency's PFR Framework. The contract covers customer engagement, PFR survey, design and installation. Two well attended drop in session for affected residents were undertaken in May. Survey appointments are being made and the works are scheduled for completion by December 2019. There are 145 properties currently registered to have PFR measures installed.
- 2.10 The NFM proposals look to enhance the level of flood protection to the catchment utilising measures such as the installation of leaky dams, changing of farming techniques and renaturalisation of watercourses. Part of this work includes the retrofitting of sustainable drainage features at Lowes Wong School. In addition to protecting properties affected by flooding from the site we will work with the school to educate the children on this

sustainable approach to water management and their understanding of the environment. The preliminary design is being finalised for the Lowes Wong site and the schools are both happy with the proposed layout and excited to see the proposals progress. Site works are now taking place with an aim to complete the works by October 2019.

## 2.11 Summary

Since 2015/16, the Council has received the following Grant money:

Severe Weather Recovery Grant (DCLG)	150,000
Govt Dept for Food & Rural Affairs	233,421
Council's Own Funding set aside	500,000
	<b>883,421</b>

The table below shows how that money has been spent, or is committed and what is left uncommitted at this time.

Area	Actual Spend	Committed	Uncommitted
Girton	10,000	140,000	
Southwell		453,421	
Lowdham		200,000	
Uncommitted			220,000
<b>Total</b>	<b>10,000</b>	<b>793,421</b>	<b>220,000</b>

## 2.12 Town and Parish Emergency Resilience Stores

Members will recall that in June and July of 2007, abnormal incidents of intense rainfall occurred causing significant flash flooding to the Southwest of England, the North Midlands and Yorkshire, affecting 48,000 homes and 7,000 businesses. In Newark and Sherwood District some 70 parishes were affected by flooding and the Council opened and maintained an emergency control room which dealt with over 4000 calls in 7 days of operation.

2.13 One of the district Council's responses to this was to provide and stock Emergency Residence Stores located in Towns and Parishes across the district. There are 24 such stores within the district. They are located in the following areas.

**Balderton**  
**Bleasby**  
**Bulcote**  
**Carlton on Trent**  
**Caunton**  
**Collingham**  
**Eakring**  
**East Stoke & Thorpe**  
**Egmanton**  
**Girton & Meering**  
**Gunthorpe**  
**Holme**  
**Hoveringham**  
**Laxton & Moorhouse**  
**Lowdham**

**North Muskham  
Norwell  
Oxton  
Rolleston  
Southwell  
South Muskham & Little Carlton  
Sutton on Trent  
Thurgarton  
Weston**

- 2.14 The stores were stocked with a range of equipment equipped to help in the case of an emergency flooding situation. The contents of the stores are set out in **Appendix One**.
- 2.15 The heavy rain this year resulted in many of the stores being used and this has prompted the question from a number of parishes as to who is responsible for the restocking of the stores.
- 2.16 It would appear that at the time of setting up and stocking the Stores there was no formal decision as to who would take responsibility for financing the restocking of the stores. It is only now that the stores are running low that the question has arisen. When consideration is given to the contents of the stores the only item that is in effective disposable and will require regular restocking are the dambuilder sacs(sandbags).
- 2.17 Every store was initially provided with 200 sacs. The cost of providing 200 new sacs is £700 plus carriage. A range of options for restocking the stores is set out below.

### **3.0 Proposals**

- 3.1 It is proposed that Officers continue to work with the relevant partners, particularly the County Council, the Environment Agency and the Trent Valley Drainage Board and continue to attend the Southwell Project Board meetings.
- 3.2 The proposed options for restocking the resilience stores are:
1. The Town and Parish councils have full responsibility for restocking their own stores.
  2. The Town and Parish councils have full financial responsibility for restocking their own stores but the district procures the products so as to retain some consistency in the quality of the sacs.
  3. The District Council, as a gesture of goodwill, provides one replacement of 200 sacs to each parish (a total of c£16,000 phased to meet requirements) and from then it becomes the responsibility of the town and parish to restock.
  4. The district councils takes full responsibility for restocking the own stores. This could be done on a phased basis with a number of stores being offered the restock each year. The ones that have depleted stocks would be dealt with first. It is estimated that 100 sacs (enough to completely restock 5 stores would be £3,500. A smaller (£1,500) amount could then be set aside each year to contribute to a repairs and renewal fund for stocking future stores.

#### **4.0 Equalities Implications**

4.1 The benefits from these schemes will assist all members of the communities identified.

#### **5.0 Financial Implications (FIN19-20/7709)**

5.1 The table at paragraph 2.11 shows the amounts spent and committed. The committed amounts were approved and added to the Capital Programme with a view to spending within the current financial year. This may need to be re-phased following recent conversations, but is fully financed by grant and the Council's own funds already set aside.

5.2 There is £220,000 uncommitted at this stage.

5.3 If option 3 is chosen, the costs of replenishing 200 sacs per Parish, the costs could be met from the Emergency Planning reserve.

5.4 If option 4 were chosen, the initial outlay could be met from the Emergency Planning reserve, with the ongoing increase added to the revenue budget.

5.5 Any budgetary implications will be brought back to this committee and reported to Policy & Finance Committee as part of the budget cycle.

#### **6.0 Community Plan – Alignment to Objectives**

6.1 Objective 9: Improve the health and wellbeing of local residents, with a particular focus on narrowing the gap in healthy life expectancy and other health outcomes (Directorate Communities and Environment)

Flooding can have a serious impact on both the physical wellbeing of residents but more importantly on the mental wellbeing of individuals. Having a property flooded is a very stressful occurrence and any schemes that reduce this should be a positive impact on the health of our residents.

#### **7.0 RECOMMENDATIONS that:**

**(a) the current situation is noted along with the current financial contributions for these schemes; and**

**(b) the preferred option for restocking the resilience stores is identified and approved.**

#### **Reason for Recommendations**

**To provide an update for Members on the various flood alleviation schemes across the district and to confirm the responsibility for restocking emergency resilience stores.**

Background Papers - Nil

For further information please contact Alan Batty ext 5467 .

Matthew Finch  
Director - Environment & Communities

**RESILIENCE STORE EQUIPMENT LIST**

6 sets hi vis jackets:                    Large  
6 sets hi vis trousers:                    1 Medium / 5 Large  
6 pairs wellies:                            size 10 x3 / size 11 x3  
6 safety helmets  
6 pairs coated latex gloves  
4 torches  
2 sandbag trolleys  
2 sandbag shovels  
200 Dambuilder sacs



**HOMES & COMMUNITIES COMMITTEE**  
**30 SEPTEMBER 2019**

**MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT**

**1.0 Purpose of Report**

1.1 To propose a Modern Slavery & Human Trafficking Statement for adoption by the Council.

**2.0 Background Information**

**2.1 Introduction**

2.1.1 The Modern Slavery Act 2015 came into force on 29 October 2015. Section 54 of the Act requires organisations that supply goods or services and have a consolidated global turnover of £36 million per annum or more to prepare a slavery and human trafficking statement for each financial year. All bodies corporate and partnerships that meet the turnover requirement will be caught, regardless of where they are incorporated, if they carry on any part of their business in the UK. Notably, organisations which primarily pursue a charitable or educational aim have not been excluded from the requirements.

2.1.2 Whilst the Act does not state that local authorities specifically are included in those organisations legally required to publish a statement, the Council has elected to do so as a matter of good practice.

**2.2 Requirements**

2.2.1 The Act states that the Slavery & Human Trafficking Statement, which must be approved by the organisation's management body and signed by a director, may contain information on the following key areas:

- the organisation's structure;
- the business's policies on modern slavery;
- the availability to staff of training on modern slavery;
- the organisation's principle risks related to modern slavery and its methods of evaluating those risks; and
- key performance indicators (KPIs) to assist the assessment of the steps the organisation puts in place to ensure that its business and supply chains are free of modern slavery.

2.2.2 Section 54 of the Act requires organisations to be transparent about the steps taken both in their own businesses and their supply chains to prevent slavery and human trafficking. If an organisation has taken no such steps, it must publish a statement to this effect.

2.2.3 Annex E of the Government's guidance suggests that organisations should re-evaluate their existing internal KPIs and performance incentives to ensure that these do not create a slavery risk (for example, where KPIs focus on increasing production or shipment 'turn-around' times). It encourages each organisation to ensure that its slavery and human trafficking statement is kept under review so that it is constantly evolving alongside the organisation's activities.

## 2.3 Timescales

2.3.1 The guidance states that an organisation should seek to publish its statement as soon as reasonably practicable, preferably within six months before the end of their financial year. Organisations are required to publish their slavery and human trafficking statements on their websites and include links to their statements in prominent places on their homepages.

2.3.2 There is no requirement for organisations to include the statement in their annual reports and accounts.

## 2.4 Compliance

2.4.1 The Secretary of State can enforce the duty to prepare a slavery and human trafficking statement by using injunction proceedings. In reality, consumer pressure and pressure from organisations higher up in a supply chain that are required to comply or are coming under pressure from their own clients or customers to comply will inform organisations' decisions to comply with the Act. Investors and funders may also require compliance. Reputational and corporate social responsibility concerns are further likely to influence an organisation's approach.

## 3.0 Proposals

3.1 On 19 July 2019 a proposed Statement was submitted to the Council's Senior Leadership Team (SLT) for consideration. The document had been put together in consultation with the relevant internal stakeholders and SLT were asked to consider the statement and make any amendments required prior to referring through to this committee for its formal adoption and implementation.

3.2 Having considered the content of the document amendments were made and the final version was agreed (see Appendix 1), subject to Member consideration and feedback.

## 4.0 Equalities Implications

4.1 The proposed policy statement has been developed with due regard to equalities matters and to assist the Council to ensure that individuals with protected characteristics and those who are more vulnerable members of the community are appropriately supported.

## 5.0 Financial Implications

5.1 There are no financial implications arising from the proposals set out within the report.

## 6.0 Community Plan – Alignment to Objectives

6.1 A key objective included within the Community Plan is to reduce crime and anti-social behaviour and increase feelings of safety in our communities. The adoption of a Modern Slavery and Human Trafficking Statement demonstrates the Council's commitment to reduce crime in this area and in turn will help contribute to the achievement of this objective.

## 7.0 Comments of Director

7.1 Commentary is included within the main body of the report.

## 8.0 **RECOMMENDATION**

**That Members consider the content of the proposed Human Trafficking and Modern Slavery and to provide feedback on the same prior to formal adoption by the Council.**

### Reason for Recommendation

To enable the Council to demonstrate its commitment, as far as is reasonable possible to eradicating human trafficking and modern slavery.

### Background Papers

Nil

For further information please contact Tracey Piper on Ext 5219

**Karen White**  
**Director - Governance & Organisational Development**

**MODERN SLAVERY & HUMAN TRAFFICKING STATEMENT**

**1. Introduction**

- 1.1 Newark and Sherwood District Council (NSDC) is committed to preventing slavery and human trafficking in the delivery of its services and corporate activities. The Council recognises that slavery and human trafficking remain a hidden blight on our society, that it has a responsibility to be alert to the risks and to strive to ensure that its supply chains are free from slavery and human trafficking.
- 1.2 This Modern Slavery and Human Trafficking Statement details the steps the Council has taken to understand potential modern slavery risks related to its business and to put in place measures to ensure that these offences are not committed in its own business or its supply chains.
- 1.3 This Statement relates to all activities carried out by NSDC. It will be reviewed on an annual basis and a new updated Statement, acknowledging any further actions that may have been taken, will be published by the end of June in each subsequent year.

**2. The Modern Slavery Act 2015**

- 2.1 The Modern Slavery Act 2015 (the Act) consolidates various offences relating to human trafficking and slavery. Broadly speaking this means that:
- 'slavery' is where ownership is exercised over a person;
  - 'servitude' involves coercion to oblige a person to provide services;
  - 'forced and compulsory labour' is where a person works or provides services on a non-voluntary basis under the threat of a penalty;
  - 'human trafficking' involves arranging or facilitating the travel of a person with a view to exploiting them.
- 2.2 Section 52 of the Act imposes a duty on public authorities, including district councils, to notify the Secretary of State of suspected victims of slavery or human trafficking.
- 2.3 Section 54 of the Act imposes a legal duty on commercial organisations, which supply goods and/or services from or to the UK and have a global turnover of more than £36 million, to publish a slavery and human trafficking statement each financial year.
- 2.4 NSDC engages in commercial activities by providing services (both statutory and discretionary). Its annual turnover is in excess of £36 million. Whilst the Act does not state that local authorities specifically are included in those organisations legally required to publish a statement, NSDC has elected to do so as a matter of good practice. The Council is keen to raise awareness of slavery and human trafficking and as a large scale local employer and provider of services, it is seen as imperative that the Authority makes its position of zero tolerance in respect of slavery and trafficking clear and unequivocal.

### **3. Standards**

3.1 The Council will meet the following standards and also expects those with whom it does business, to meet them to:

- Support every individual's human right to live free from abuse, servitude and inhumane treatment;
- Promote ethical business and operational practices in corporate activity and services delivered;
- Take appropriate steps to ensure, as far as is reasonable possible, that slavery and human trafficking is not taking part in any of its business or supply chains;
- Take reports of witnessed, suspected or disclosed concerns of slavery and human trafficking seriously and ensure that such reports are shared with appropriate law enforcement and other partner agencies in order that they can be fully investigated;
- Take appropriate action to address actual instances of slavery and human trafficking brought to the Council's attention and to take all reasonable steps to support and protect its victims.

### **4. Organisational Structure**

4.1 The Council is a second tier local authority situated in the county of Nottinghamshire, providing a wide range of statutory and discretionary services delivered both directly by itself, and through partnership working with other agencies and commissioned work with external contractors.

4.2 Council's Constitution and details of the structure are both available on its website [www.newark-sherwooddc.gov.uk/](http://www.newark-sherwooddc.gov.uk/)

### **5. Supply Chains**

5.1 As part of its procurement processes, NSDC requires that all suppliers of goods and services comply with all applicable laws, statutes, regulations and codes including the Modern Slavery Act 2015. Suppliers are also expected to publish a Slavery and Human Trafficking Statement (where applicable). Contract terms and conditions set out the requirements of suppliers and sub-contractors in relation to ensuring there is no slavery or human trafficking in their businesses.

5.2 NSDC also requires its suppliers and sub-contractors engaged in 'regulated activity' involving children and adults at risk to have safeguarding policies, procedures and training in place and to comply with the reporting procedures in the Council's Adult and Children's Safeguarding Policies.

### **6. Policies and Plans**

6.1 NSDC has a range of policies and plans in place that reflect its commitment to acting ethically and with integrity to prevent slavery and human trafficking in its operations. These include:

6.1.1 **The Community Plan 2019-2023** – a key Objective is that we reduce crime and anti-social behaviour and increase feelings of safety in our communities. In working towards this Objective, NSDC is working, individually and with partner agencies, to reduce crime and anti-social behaviour; using statutory powers to improve public safety, for example, enforcement of licensing requirements; raising awareness of services available; and encouraging victims to report incidents to access the support they need.

- 6.1.2 **Safeguarding Policies** – The Council’s Children and Adults Safeguarding policy sets out the steps the Authority is taking to safeguard and protect the welfare of children and adults at risk who come into contact with or use its services and activities. The policy includes the Council’s responsibilities in respect of modern slavery and human trafficking and its legal obligation to notify the Home Office of suspected victims of these offences. We have a statutory duty to work in partnership with a number of agencies to identify, refer and respond to suspected abuse and to provide additional support.
- 6.1.3 **Whistleblowing Policy** – NSDC encourages all its employees, Councillors, contractors, their agents and/or subcontractors, consultants, suppliers and service providers to report concerns about any aspect of service provision, conduct of officers and others acting on behalf of the Council. The Whistleblowing Policy is intended to make it easier to disclose information without fear of discrimination and victimisation.
- 6.1.4 **Code of Conduct** – NSDC makes clear to all its employees that there are expected standards of behaviour to which they must adhere when they are representing and acting on its behalf. Employee conduct and behaviour that fails to meet these standards is fully investigated and appropriate action taken.
- 6.1.5 **Recruitment and Selection Policy** – This sets out procedures followed to vet new employees to ensure that confirmation of their identities and qualifications is obtained. To comply with the Immigration, Asylum and Nationality Act 2006, prospective employees are asked to supply evidence of their eligibility to work in the United Kingdom. References are sought and followed up for all employees and relevant checks, for example Disclosure and Barring Service (DBS) checks, are carried out where relevant to the position. NSDC uses a specified and reputable vendor neutral platform to source agency workers. The provider has a Modern Slavery and Human Trafficking Statement and all contracts with third party providers include the following clause: *Suppliers will also not engage in any practices or policies that result in involuntary labour such as slavery, indentured or bonded labour, child labour, and prison labour. Our suppliers must confirm compliance with the local laws applicable to their operations, including any slavery and human trafficking laws.*
- 6.1.6 **Anti-Money Laundering Policy** – This sets out the Council’s commitment to the prevention, detection and reporting of money laundering.
- 6.1.7 **Commissioning and Procurement Policies** – These policies set out the strategic aims and principles of procurement activity, including the principles that the Council follows in the acquisition of goods, works and services from suppliers. NSDC is committed to ensuring that its suppliers adhere to the highest standards of ethics. Suppliers are required to demonstrate that they provide safe working conditions where necessary, treat workers with dignity and respect, and act ethically and within the law in their use of labour. The Council works with suppliers to ensure that they meet the standards of the code and improve their worker's working conditions. However, serious violations of the organisation's supplier code of conduct will lead to the termination of the business relationship.
- 6.1.8 **Dignity at Work Policy** – This policy provides a framework for the Council’s approach to the wide ranging equality and diversity agenda.

## **7. Due Diligence**

- 7.1 The Council's approach to commissioning and procurement requires suppliers of goods and services to implement due diligence procedures in relation to slavery and human trafficking with their own suppliers, sub-contractors and other participants in their supply chain. For organisations with a turnover below £36 million, suppliers will be asked to confirm their acceptance of this Modern Slavery and Human Trafficking Statement.
- 7.2 As part of the Council's commitment to identify and mitigate risk, all business units work together and alongside partner agencies to:
- Identify and assess potential risk areas in their business affairs;
  - Mitigate the risk of slavery and human trafficking through robust checks and balances;
  - Monitor and review any potential risk areas identified;
  - Protect whistle blowers.

## **8. Training**

- 8.1 The Council has made considerable efforts to ensure that initiatives to raise awareness of slavery and human trafficking, and services available to assist victims have been prioritised. We provide face to face Safeguarding and domestic violence awareness training for all new starters and this includes a section on Modern Slavery. Once staff have attended this, those with computer access are sent online modules on Safeguarding, Domestic violence, and Modern Slavery.
- 8.2 For those employees who attended face to face training some time ago the Safeguarding and Modern Slavery modules are emailed out to them periodically as a refresher.
- 8.3 Where employees do not have computer access we have given an undertaking to provide face to face training at regular intervals throughout the year.

## **9. Targeted Activity**

- 9.1 The Council has a strong history of working in partnership with other local authorities, both at county and district level, partner agencies, local charities and community groups including Nottinghamshire's Serious Organised Crime Group. The Council's Public Protection Business Unit contains the operational teams delivering activities locally both in respect of responding to issues reported on a daily basis and creating and coordinating medium and longer-term projects that aim to reduce crime and improve public safety by gathering intelligence on disruptive activity where appropriate.
- 9.2 The Council also attends and supports the MARAC (Multi Agency Risk Assessment Conference) which is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. Where these groups identify potential abuse or slavery, the necessary enforcement agencies are informed and referrals are made to local and national support agencies.

9.3 The Council’s Corporate Safeguarding Group will review all safeguarding referrals made and identify cases of modern day slavery by ensuring that all the appropriate referrals are made. The Group will provide advice and guidance to all appropriate staff on the signs and indicators of where modern day slavery may be present.

**10. Monitoring our Effectiveness**

10.1 The Council will regularly review and monitor the measures being implemented to address slavery and human trafficking and to safeguard against such activity in any part of its business or supply chains by:

- i) Tasking the Corporate Safeguarding Group to develop/implement an action plan aligned (where appropriate) to delivery of objectives included within the Community Plan as well as normal day to day council activities;
- ii) Including slavery and human trafficking as a standing agenda item on the Corporate Safeguarding Group;
- iii) Recording the number of employees provided with training on modern slavery and human trafficking;
- iv) Carrying out an annual review to identify any deficiencies within our policies and practices and taking appropriate action to rectify these to strengthen our ability to address slavery and human trafficking;
- v) Carrying out periodic internal audits to ensure compliance with the policy.

10.2 This Statement together with the action plan will be reviewed annually to monitor their effectiveness.

Signed .....

**John Robinson, Chief Executive**

Date .....



## HOMES & COMMUNITIES COMMITTEE

30 SEPTEMBER 2019

### TEMPORARY ACCOMMODATION – DEVELOPMENT APPRAISAL

#### **1.0 Purpose of Report**

1.1 To provide Members with an update on the progress to appraise the development of a new replacement temporary accommodation facility and seek approval to progress onto detailed design stage to be presented to the Committee at its meeting in March 2020.

#### **2.0 Background Information**

2.1 As part of the Housing Act 1996 the Council is under a statutory duty to provide temporary accommodation for all homeless applicants who meet the required criteria. Presently, this is delivered through the temporary accommodation provisions at Seven Hills, Quibells Lane, Newark and Wellow Green, Newark Road, Ollerton.

2.2 Due to the changing makeup of household sizes this has meant that the provision at Seven Hills is no longer fit for purpose, primarily because it does not provide the necessary flexibility of room sizes and configurations to best meet the needs of homeless households placed in this accommodation.

2.3 Despite the past investment and suggested further works required to remodel the scheme, it is recommended that, in order to provide fit-for-purpose accommodation that will better meet current and future demand and provide long term value for money, the current provision be replaced with a new facility.

2.4 The provision of a new facility is a key project that is included in the Newark & Sherwood Homelessness Prevention and Rough Sleeper Strategy 2019-2024 (informed by a Homelessness Review carried out in 2018, under the terms of the Homelessness Act 2002 and the Homelessness Reduction Act 2017) and within the Council's Community Plan 2019-2023.

2.5 Homeless figures continue to rise nationally and locally as does the use of temporary accommodation. In 2017/18 Newark & Sherwood experienced an increase in usage of temporary accommodation of 22% compared to the previous year. A report was presented to Homes & Communities on 11 March 2019 with a more detailed breakdown of homelessness figures and trends.

#### Project Objectives

2.6 The initial Project Initiation Document, which was compiled to ensure the Council provides fit for purpose and cost effective temporary accommodation solutions for homeless households owed a statutory accommodation duty whilst making best use of Council assets and strategic sites set out the following objectives:

- To respond to the impact of the Homelessness Reduction Act 2017 implementation, increased demand for temporary accommodation and changes to household types.;
- To address provision/usage of temporary accommodation that is no longer fit for purpose;

- To make best use of a strategic site allocated for housing at Quibells Lane;
- To make best of council assets and address affordable warmth concerns at Wellow Green *(to be considered in a separate report to members)*;
- To explore/maximize capital funding opportunities (LGA, MHCLG and Homes England) ;
- Explore opportunities in relation to income management and a revised operating model.

## 2.7 Options

As reported to Homes and Communities Committee on 11 March 2019, three options have been considered in respect of the current provision at Seven Hills, Quibells Lane:

- **Option 1:** Stay the same. This would see continued usage of the current provision, which has 12 decommissioned units, does not meet local need/household size and is not considered fit for purpose. This option therefore presents risks of legal challenge on suitability grounds and does not deliver the project objectives.
- **Option 2:** Reconfiguration. The estimated capital investment required to carry out remodeling works to provide 11 x bedsits and 9 x 2 roomed units is approximately £329,000. This is not considered to meet the project objectives either as it does not make best use of Council assets and the strategic site that is allocated for additional housing at Quibells Lane.
- **Option 3:** A new temporary accommodation facility – is the preferred option as detailed in the development appraisal. (The development appraisal attached at **Appendix A** is an exempt document at Item No. 12 on the Agenda.)

## 3.0 Proposal: Option 3 - A New Temporary Accommodation Facility

- 3.1 Members will be aware from the previous report presented in March 2019 that the Council's successful bid to the LGA Housing Advisor Fund secured 20 days consultancy support from Neil Moorland Consultants Ltd to work with the Project Team and produce the attached development appraisal. To support and inform this work, particularly the objective to make best use of the remainder site for additional housing, HTA Design LLP were commissioned to carry out a capacity study. (The capacity study attached at **Appendix B** is an exempt document at Item 12 on the Agenda.)
- 3.2 This report recommends to Members that Option 3 be progressed onto detailed design. This would require procurement of a multi-disciplinary design and construction service. The cost of this consultancy can be capitalised into the capital budget.
- 3.3 The cost to progress Option 3 to the next stage is estimated to be approximately £280,000, using a traditional design and procurement route, with the total cost of a new facility coming to £3.6m as set out in the financial appraisal below. It should be noted that at this viability stage. The high level budget figures (provided in **Appendix C** attached as an exempt document at Item 12 on the Agenda) have not been competitively tendered.
- 3.4 The capital costs identified are calculated without any grant funding. Further to discussions with Homes England it has been indicated that the development of new temporary accommodation scheme would be eligible for housing grant through the Affordable Homes Programme, subject to a successful bid. In terms of context to potential grant levels, the Council has achieved a grant rate of up to £40,000 per unit for phases 1 and 2 of the Council's housing development programme (which could total £800,000.00), these figures are only indicative at this stage and would be subject to a successful bid.

### Future Operating Model

- 3.5 It is recommended within the development appraisal that the Council source additional support to review and amend the operating model for the new temporary accommodation facility. In particular a review of the occupational agreements, rent model, support models, measuring and evidence impact of the service provision and resident engagement. It is therefore proposed that this be incorporated into the specification for appointing a multi-disciplinary design team with a funding contribution being made from the Council's Homelessness Reserve, if required.

### Additional Housing

- 3.6 From the capacity study undertaken by HTA it shows that the site has capacity to deliver 6 additional units. The area of land the units sit on is within the ownership of the Housing Revenue Account (HRA).
- 3.7 If delivered as affordable housing units these can be captured within the later phases of approved 5 year HRA Council housing development programme, where capital finance has already been committed and therefore there would not be a requirement for additional finance through the temporary accommodation project.
- 3.8 The Seven Hills hostel and land surrounding it (in the Council's and Severn Trents ownership) is an allocated site in the Council's 'Allocations & Development Management Development Plan Document' for residential development providing around 86 dwellings - Policy NUA/Ho/2 Newark Urban Area - Housing Site 2. Whilst the site allocation policy does not explicitly require replacement provision of the hostel to occur elsewhere, this is implicitly reflected through the indicative level of development identified for the site. The principle of the six additional units would be consistent with the allocation of the site for housing, however should the emerging hostel scheme be pursued then it is unlikely that the remaining allocation would be able to support a level of development which approaches the 86 dwellings currently identified in the Plan. It is also at this stage unclear whether the new hostel units would be able to be counted as 'housing' for the purposes of maintaining a five year housing land supply. However this does not necessarily represent an unresolvable constraint from a planning perspective, with there being clear social benefits associated with the redevelopment and providing that the remaining Severn Trent land could be delivered independently. The ongoing review of the Allocations & Development Management DPD also offers the opportunity to amend the site allocation policy to better reflect the emerging hostel proposals. This review process will be progressed over the next year to year and a half.
- 3.9 It should also be noted that an alternative design layout, to maximise the sites potential in respect of additional housing whilst protecting the integrity and design of a new temporary accommodation facility, is currently being considered by the Council and HTA.

### **4.0 Equalities Implications**

- 4.1 An Equality Impact Assessment (EIA) to fully assess any equalities implications will be considered as part of the detailed designs and recommendations that are put forward for committee's consideration.

## **5.0 Financial Implications – FIN19-20/2736**

5.1 At this stage in the process, the only confirmed funding is the agreed £1m Capital Programme Funding in 2019/20 and £2m in 2020/21. Other sources of external funding (LGA, MHCLG, Homes England) are being explored at the present time. Additional capital costs above this amount will need to be funded from external provision.

## **6.0 Community Plan – Alignment to Objectives**

6.1 In progressing Option 3 and including the delivery additional units of accommodation at this site it is expected that this would contribute to Objective 4 and 8 of the Community Plan:

- Accelerate the supply of new homes including associated facilities
- Reduce levels of deprivation in target area and remove barriers to social mobility across the district.

## **7.0 RECOMMENDATIONS that Homes & Communities Committee:**

- (a) agree that the proposed option: Option 3 – a new temporary accommodation facility, is to be taken forward onto detailed design stage to be presented to Committee in March 2020;**
- (b) agree £280,000 be committed for this project from the £1m allocated in the Council's Capital Programme for 2019/20 approved by Full Council on 7 March 2019 to enable the Council to procure and appoint a multi-disciplinary design and construction service; and**
- (c) note that alternative design options will continue to explore opportunities for additional affordable housing provision on site.**

### Reason for Recommendations

To ensure this project progresses with Member support to enable the Council to provide appropriate temporary accommodation to discharge its statutory homeless duties.

### Background Papers

Homes and Communities Committee 11 March 2019 – Temporary Accommodation Project Update.

Policy and Finance Committee 21 February 2019, approved by Full Council 7 March 2019.

For further information on the content of this report please contact Leanne Monger - Business Manager – Housing, Health & Community Relations on ext. 5545.

Matt Finch  
Director - Communities & Environment

**HOMES & COMMUNITIES COMMITTEE**  
**26 SEPTEMBER 2019**

**REGULATOR OF SOCIAL HOUSING**

**1.0 Purpose of Report**

- 1.1 To provide the Committee with information on the role of the Regulator of Social Housing and pending changes around consumer regulation.

**2.0 Background Information**

- 2.1 Set against the 'Housing Management Review' report presented to Policy & Finance Committee on 26 September 2019 and the report to be discussed at this Committee meeting titled 'Newark & Sherwood Homes – Gas Servicing', the information provided in the following sections will provide Members with a remainder on the role of the Regulator of Social Housing (RSH).
- 2.2 The council as the landlord of the housing stock (*Housing Revenue Account*) is responsible for compliance with the standards prescribed by the Regulator, even where the housing function or service has been delegated to an Arms Length Management Organisation (ALMO). This is also the same for all council tenant complaints referred to the Housing Ombudsman.
- 2.3 The Council must ensure full compliance with all regulatory requirements and the following sections provides an overview for Members on this particular matter.

**3.0 Regulation of Social Housing**

***Regulator of Social Housing***

- 3.1 The RSH regulates registered providers (RPs) of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.
- 3.2 Registered providers of social housing include not-for-profit organisations such as housing associations and cooperatives, local authorities and for-profit providers.
- 3.3 The objectives of the Regulator are set out in the Housing and Regeneration Act 2008 (as amended). They undertake economic regulation, focusing on governance, financial viability and value for money that maintains lender confidence and protects the taxpayer. They also set consumer standards and may take action if these standards are breached, where there is a significant risk of serious detriment to tenants or potential tenants.
- 3.4 The Regulators role is to:
- a) Register and de-register providers of social housing subject to them meeting the eligibility requirements and registration criteria.
  - b) Gather intelligence to inform their assessment of a RP by reviewing submitted quarterly survey returns; carrying out annual stability checks of an RPs business plan and annual accounts; and undertaking periodic in depth assessments using a risk-based approach to assess providers' financial strength, risk profile, approach to value for money and their quality of governance.

- c) Assess and grade, through published Regulatory judgements, how well RPs are managing their risks.
- d) Investigate cases where a provider is susceptible to issues crystallising, and carry out enforcement to secure solutions.
- e) Identify and communicate emerging trends and risks at a sector and sub-sector level and maintain confidence of stakeholders, such as lenders.

3.5 The Regulators fundamental objectives, set by Parliament, cover the following:

**Economic**

- a) To ensure that providers of social housing, who are registered with us, are financially viable and properly managed and perform their functions efficiently, effectively and economically
- b) To support provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing)
- c) To ensure that value for money is obtained from public investment in housing
- d) To avoid the imposition of an unreasonable burden (directly or indirectly) on public funds.
- e) To guard against the misuse of public funds.

**Consumer**

- a) To support the provision of social housing that is well-managed and of appropriate quality
- b) To ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection
- c) To ensure that tenants of social housing have the opportunity to be involved in its management and hold their landlords to account
- d) To encourage RPs to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.

3.6 They also have a statutory duty to perform their functions in a way that minimises interference and is proportionate, consistent, transparent and accountable. The Regulator is accountable to Parliament for the discharge of the fundamental objectives. While the Regulator’s Chair of the Board is accountable to the Secretary of State for Housing, Communities and Local Government, the Chief Executive, as accounting officer, has a separate direct line of accountability to Parliament as well.

3.7 The prescribed **Economic Standards** are not applicable to local authorities, but the **Consumer Standards** are applicable to all local authorities who have retained their housing stock (*Housing Revenue Account*), managed directly or through an ALMO/housing management company.

3.8 There are four **Consumer Standards** covering:

**1. Tenant Involvement and Empowerment**

- Customer service, choice and complaints
- Involvement and empowerment
- Understanding and responding to the diverse needs of tenants

## 2. Home Standard

- Quality of accommodation
- Repairs and Maintenance

## 3. Tenancy Standard

- Allocations and mutual exchange
- Tenure

## 4. Neighbourhood and Community Standard

- Neighbourhood management
- Local area co-operation
- Anti-social behaviour

3.9 Consumer standards have been set so that tenants, landlords and stakeholders know the outcomes that are expected and to enable tenants to hold landlords to account effectively.

3.10 Presently, the Regulator has no role in monitoring a providers' performance or routine compliance with the consumer standards and will only intervene where failure of the standard could lead to risk of serious harm to tenants or potential tenants (known as the serious detriment test). The main sources of intelligence about potential cases of serious detriment will be information referred to the Regulator by third parties or directly by the Provider itself.

### ***Consumer Standards compliance***

3.11 On 17 May 2019, the RHS wrote to the Chief Executives of all stock owning local authorities highlighting issues around compliance with the Home Standard in respect of health and safety requirements.

3.12 The RSH letter follows the issuing of two regulatory notices to local authorities regarding failure to comply with regulatory requirements relating to fire safety assessments.

3.13 The letter is an important reminder to the council of the requirements on local authority landlords to comply with all aspects of the consumer standards:

*'Boards and councillors must ensure that they have proper oversight of all health and safety issues (including gas safety, fire safety, asbestos and legionella). Contracting out delivery of services does not contract out responsibility to meet the requirements of legislation or standards, so providers need systems to give boards assurance of compliance.'*

### ***Consumer Regulation Review***

3.14 The Regulator has also recently published its Consumer Regulation Review for 2018-19 and key messages from the report include:

- All registered providers have an obligation to act to ensure the homes where their tenants live are safe, and must meet the full range of statutory health and safety obligations. This requires registered providers to have robust reporting and assurance arrangements in place for effective oversight of compliance by boards and councillors.
- Effective assurance relies on good quality data, and maintaining compliance requires effective systems.

- Registered providers should understand and be able to demonstrate compliance across all aspects of the consumer standards, including how they engage with their tenants, how they deal with neighbourhood issues, and how they allocate their properties.
- Delivering compliance with the consumer standards depends on good governance, and on an organisation's culture.
- The quality of relationship with tenants underpins registered providers' ability to meet their objectives. The effectiveness of registered providers' complaints handling affects the level of trust and confidence tenants have in their landlord.
- Transparency with the Regulator is essential. Co-regulation requires registered providers to be transparent with the Regulator, and a failure to do so can indicate broader governance concerns.

#### **4.0 Social Housing Green Paper**

4.1 The Government published its Social Housing Green Paper 'A New Deal for Social Housing' in August 2018. The contents of which draws extensively from a Government listening exercise in which ministers heard the views of social housing tenants across the country, and touches on issues exposed following the Grenfell Tower fire. It also draws on external research and intelligence.

4.2 The Green Paper sets out five core themes:

- Ensuring homes are safe and decent
- Effective resolution of complaints
- Empowering residents and **strengthening the regulator**
- Tackling stigma and celebrating thriving communities
- Expanding supply and supporting home ownership.

4.3 This report will focus only on the Government's intention in the Green Paper to increase consumer regulation and identify that delivering good quality and safe social homes with the right services from landlords relies on a robust regulatory framework. It has been almost eight years since the last review of social housing regulation and the proposals in this green paper present the opportunity for a fresh look at the framework.

4.4 Proposals in the Green Paper around regulation include:

- Enabling the regulator to take a more proactive approach to enforcing the 'consumer standards' (*covering tenant involvement and empowerment, homes, tenancies and neighbourhoods and communities*).
- Giving the regulator more powers to scrutinise the performance of local authority landlords, with one proposal to publish performance in the form of league tables to enable comparison between landlords.
- Considering options to give tenants a voice on policy issues at a national level, including perhaps establishing a representative body.
- Looking at a variety of options to promote more community ownership, or community leadership of social landlords.



4.5 A ***‘Review of social housing regulation: call for evidence’*** was also published at the same time of the Green Paper to focus specifically on the regulatory framework for social housing to ensure that it remains fit for purpose, reflects changes in the sector and drives a focus on delivering a good service for residents.

4.6 The review covered three objectives:

- To rebalance the relationship between social housing landlords and residents, setting out the level of service residents should expect and clarifying how they can hold their landlord to account when they are not delivering;
- To ensure private registered providers of social housing are well governed and financially viable – reflecting the changing business models and levels of risk in the sector; and
- To make sure the Regulator of Social Housing (“the Regulator”) has effective powers to deliver the first two objectives and there are clear lines of accountability between the Regulator and Parliament.

4.7 The Green Paper also raises the matter of **Complaints resolution** and proposes a number of possible options to improve the way that complaints about social landlords are handled, including:

- Looking at ways to speed up landlords’ internal complaints processes, for example by asking the regulator to set out some suggested timings in a code of practice
- Exploring ways to improve the use of mediation in landlord/tenant disputes
- Looking at ways to raise awareness among tenants of their rights and the options available to them to make a complaint about their landlord
- Reforming or removing the requirement that complainants go through a ‘designated person’ (an MP, councillor or tenant panel) or wait eight weeks before they can contact the Ombudsman with a complaint.

4.8 In terms of the next steps of implementing the proposals of the Social Housing Green Paper, the Government in May announced that a timetable of activity would be published in September. To date there have been no further announcements. Once the proposed changes on regulation have been published a further report will then be presented to the Committee to assess the impact of these.

## **5.0 Housing Ombudsman**

5.1 As referenced at paragraph 2.2 the Council, as the landlord of the housing stock, is responsible for all complaints referred to the Housing Ombudsman.

5.2 The Housing Ombudsman consulted on and then published its new [three-year corporate plan](#) in August 2019. Key drivers for the plan included an average 17% year-on-year increasing demand for the Ombudsman’s services since 2013, coupled with the raised national profile of social housing and customer redress since the Grenfell Tower tragedy.

5.3 The Plan reinforces the role of the Ombudsman to:

*‘Resolve disputes involving members of the scheme, including making awards of compensation or other remedies, where appropriate, as well as to support effective landlord-tenant dispute resolution by others’.*

5.4 The Plan aims to reflect the key demands of tenants and landlords, delivering faster and effective redress, hearing residents’ voices and ensuring greater transparency. To meet this the Ombudsman is proposing to make changes to its operating model in order to support landlords to help dispute resolution at a local level.

5.5 The overall aim of the plan is *‘Making a difference – on individual complaints and across the sector’* with four new objectives to:

1. Deliver a fair and impartial service, resolving complaints at the earliest opportunity
2. Promote positive change in the sector
3. Provide a service that is professional, accessible and simple to use
4. Ensure our service is open and transparent

5.6 At a local level, the last complaint received by the Ombudsman from a Council tenant (*relating to the housing management service provided by Newark and Sherwood Homes*) was in 2011 and the outcome of the investigations found that there were no findings of maladministration.

5.7 Officers will continue to monitor developments from the Ombudsman as it implements the three year Plan, including the review of its operating model and discussions with Ministry of Housing, Communities and Local Government on the complaints scheme, both due by April 2020.

5.8 Newark & Sherwood Homes now intend to review their complaints handling procedure against the objectives and priorities within the Housing Ombudsman plan and then make any changes as necessary in consultation with tenants.

## **6.0 Proposals**

6.1 The Committee should note and consider the council’s responsibilities to the Regulator of Social Housing and Housing Ombudsman as set out in the paragraphs above.

6.2 There are further matters for the council to consider, as landlord of the housing stock, around compliance, health & safety (including building safety) and regulation, which will feature in the Committee’s Forward Plan.

## **7.0 Equalities Implications**

7.1 There are no equality implications arising directly from this report.

## **8.0 Community Plan – Alignment to Objectives**

8.1 There are no direct links to the objectives of the Community Plan as the matters raised in this report deal with the council’s statutory housing responsibilities as landlord of the stock (*Housing Revenue Account*).

**9.0 RECOMMENDATIONS that:**

- a) the Committee note and consider the Council's responsibilities as landlord of the housing stock to the Regulator of Social Housing and Housing Ombudsman; and
- b) Committee approve that further statutory housing matters relating to compliance, health & safety (including building safety) and regulation are added to the Forward Plan.

Reason for Recommendations

To keep the Committee informed on the council's statutory housing responsibilities as landlord of the stock (*Housing Revenue Account*.)

**Background Papers**

<https://www.gov.uk/government/organisations/regulator-of-social-housing>

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

<https://www.gov.uk/government/consultations/a-new-deal-for-social-housing>

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2019/06/Housing-Ombudsman-Corporate-plan-19-22-consultation-report-.pdf>

For further information please contact Rob Main (Ext: 5930) Business Manager - Housing Strategy & Development.

**Karen White**

**Director - Governance & Organisational Development**

## **HOMES & COMMUNITIES COMMITTEE**

**30 SEPTEMBER 2019**

### **NEWARK AND SHERWOOD HOMES – GAS SERVICING**

#### **1.0 Purpose of Report**

- 1.1 To inform the Committee of two instances that have occurred in recent months regarding failures to undertake timely gas servicing to a number of the Council's properties and give assurance about the action that has been taken to remedy the situation.

#### **2.0 Background Information**

- 2.1 Newark and Sherwood Homes (the Company), as part of its management of the Council's housing stock, is required to carry out annual gas servicing to all properties with a gas supply. This is a legal requirement.
- 2.2 The Company recently made the Council aware of two instances identifying a failure to undertake timely gas servicing.

#### **3.0 Details of Gas Servicing Breaches and Actions Taken**

- 3.1 The first breach was reported to the Council by the Company in April 2019 when we were made aware of the outturn performance in relation to gas servicing for 2018/19 whereby 38 properties did not have a valid Gas Safety Certificate. The Company has had a contract, in place since 2015, with Sure Group to deliver gas servicing to a programme of properties. Twice a year during the annual programme the Company extracted a list of those properties, with a gas supply requiring a service, from its asset database system and forwarded them to the contractor to deliver the services at the properties advised. The error was caused by a data reconciliation exercise which meant that a number of properties requiring a gas safety inspection were not included in the original data extract provided to the servicing contractor. Upon identifying this error, additional processes were immediately put in place to expedite the completion of the gas service for the properties. The existence of the problem, the causes for it and the actions taken to remedy the situation and prevent future occurrence were reported through to the Council's officers and the Company's Board.
- 3.2 A second occurrence of a breach in the system was brought to the Council's attention in July. On this occasion, internal Company checks in June 2019 had identified that it had not received certificates for properties expected to have certificates issued during April and May 2019. This involved some 622 properties. Urgent steps have been taken by the Company to complete the gas checks and obtain certificates for the overdue properties. The table below sets out the detail of the actions taken by the Company to address this matter.

**N.B. It is important to note that, as of 15 August, ALL outstanding properties had been serviced and certificates completed. Of the 622 and 38 units combined, 20 properties had remedial repairs identified during the service that were addressed immediately including, where appropriate, the isolation of the system.**

Action		Status
1	New, specific, experienced staff put in place to manage the missed services and ongoing programme.	Completed – all 622 properties identified without a gas certificate, inspected and certificated by <b>15 August 2019</b> .
2	Formal management investigation undertaken to identify, and address any issues, processes or procedures requiring change to ensure future compliance and eliminate risk of future of breach occurrence.	Completed and submitted to Company's Board for consideration.
3	Identify and address any contractor failure and actions concerning any breach.	Contractor advised of areas of failure. Legal advice sought on possible damages following breach of contract.
4	Commissioning of an independent expert to review Gas Servicing	Review completed. Recommendations accepted and actions in place to address the recommendations.
5	Independent review and report of the Company's assurance mechanisms proposed.	Audit Committee agreed to engage Anthony Collins (Company's retained legal advisors) Meeting between AC and Chair of Audit Committee held 24 July. Currently awaiting scope from AC.
6	Removal of previously assigned surveyor and allocation of new surveyor to gas servicing contract management.	Completed
7	Management responsibility for the gas servicing programme temporarily assigned to the Development Manager.	Completed
8	Guidance provided to involved staff on the requirements in highlighting and addressing issues relating to legal compliance	Completed
9	Additional reporting and performance management meetings with the Executive Director	Completed
10	Briefing for all technical staff on their responsibilities relating to property compliance.	Completed
11	Identification and delivery of	Additional training on asset management system

	additional training for staff.	delivered on 18 <sup>th</sup> July. 3 Further training sessions arranged to increase knowledge levels through August and September
12	Confirm individual's technical qualifications are in place and appropriate for their role.	Completed – All technical staff holding appropriate technical qualifications
13	Review of all 2018/2019 gas certificates.	Approximately half of the certificates from the 2017/2018 programme have been reviewed to date. No further issues have been identified. This review will continue through August and early September.
14	An independent database is being operated alongside the asset database system to allow for reconciliation.	Completed
15	System review with software provider (Civica) to identify and correct any system and or data discrepancies.	Completed
16	Consideration of additional / replacement systems to support delivery of gas servicing contract.	Completed - The current gas servicing contract expires at the end of September 2019. Following a comprehensive tender process (inclusive of tenant input), the Company has let a new contract on revised terms to a new provider.
17	Enhanced contractor management processes including daily exchange and reconciliation of data and fortnightly meetings.	Completed
18	Consideration and determination of reporting requirement to HSE.	Completed – report made on 26 June 2019. No further contact received from the HSE.
19	Change in structure and content of fortnightly contractors meetings.	Completed
20	Commissioning of Internal Audit to undertake an audit of the gas servicing programme to include systems and processes.	Internal Audit commissioned – Audit will be completed in late September/October 2019.
21	Process commenced to validate data within the property compliance report.	Completed
22	Monthly reporting to Board through the information system, detailing any property which has exceeded the 12	Completed

month for which its gas servicing certificate is valid and the actions undertaken to obtain either a valid certificate or disconnection.
--

#### **4.0 Referral to the Social Housing Regulator**

4.1 It should be noted that both the Council and the Company viewed these failures as serious and concerning. As demonstrated in the table set out above, an immediate and fully resourced action plan has been put in place by the Company to address the problems in terms of the properties having the necessary gas checks/servicing and certification. An in-depth investigation by the Company has been undertaken, with the support of council officers, to ascertain precisely how the defaults occurred, and any further actions that are required to processes and systems to ensure no repetition occurs. The Council and the Company are working closely together to ensure that it is robust, thorough and completed in a timely manner, and overseen by the Company's Board. Any relevant issues will be brought to the attention of the Committee to give assurance to the Council as the owner and landlord of these properties regarding our health and safety obligations in this regard. The safety and wellbeing of our tenants and residents are absolutely paramount considerations.

4.2 Mindful of the Council's health and safety obligations, a decision was taken to make a self-referral to the Regulator of Social Housing reporting the instances of the gas servicing breaches to them. This was sent on 24 June and included provision of information around the two instances, including details of the risk profile of the stock and tenants covered by the 622 and 38 units (i.e. number of tenants affected and how many were considered to be vulnerable), and the actions being taken to immediately undertake the outstanding servicing and measures being put in place to ensure that there was no repeat. The Regulator wrote to the Council on 2 August to confirm that they had completed their consideration of the referral, found no breach of their consumer standards in this case, and that they would be taking no further action.

#### **5.0 Equalities Implications**

5.1 A risk profile of the tenants in those properties affected by the delayed gas servicing was drawn up identifying those with vulnerability such as age, infirmity, health needs, disability etc. (i.e. persons with protected characteristics) and this was taken into account in prioritising the schedule of gas servicing checks that were overdue.

#### **6.0 Financial Implications**

6.1 All measures and actions taken by the Company to address the overdue gas servicing inspections and work have been contained within the existing agreed management fee between the Company and the Council.

#### **7.0 Community Plan – Alignment to Objectives**

7.1 Whilst the subject matter of this report does not align directly to any of the specific objectives contained within the Community Plan, it does relate to improving service delivery and our performance in delivering those services to our residents.

**8.0 RECOMMENDATIONS that:**

- (a) the actions taken by the Company to identify and rectify the cause of the failure to complete a number of gas safety checks in accordance with required times scales be noted; and**
- (b) the completion of all required gas safety checks and future assurance actions put in place by the Company be noted.**

Reason for Recommendations

To provide assurance in relation to the completion of gas servicing following the identification of properties without a valid certificate.

Background Papers

Letter to Social Housing Regulator dated 24 June 2019

Letter received from Social Housing Regulator dated 2 August 2019

For further information please contact Karen White on Ext5240

Karen White

Director – Governance & Organisational Development



**Forward Plan of Homes & Communities Committee Decisions from 1 October 2019 to 30 September 2020**

This document records some of the items that will be submitted to the Homes & Communities Committee over the course of the next twelve months.

These committee meetings are open to the press and public.

Agenda papers for Homes & Communities Committee meetings are published on the Council's website 5 days before the meeting <http://www.newark-sherwooddc.gov.uk/agendas/>. Any items marked confidential or exempt will not be available for public inspection.

Meeting Date	Subject for Decision and Brief Description	Contact Officer Details
25.11.19	Update on Fire Safety Joint Working Agreement	<a href="mailto:sheridan.stock@newark-sherwooddc.gov.uk">sheridan.stock@newark-sherwooddc.gov.uk</a>
25.11.19	Sherwood & Newark Citizens Advice – Annual Report	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
25.11.19	NSH Annual Performance Review & Tenants Panel Report	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
25.11.19	Community Engagement Strategy	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
25.11.19	Syrian Resettlement Update & Post 2020	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
25.11.19	A closer look at the Housing Allocation Scheme and parental responsibility criteria - <i>added at the request of the Committee 10 June</i>	
20.01.19	NSH Annual Delivery Plan	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
20.01.19	DFG's in Council Stock and Right to Buy – <i>added at the request of the Committee 10 June</i>	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
20.01.19	Empty Homes– <i>added at the request of the Committee 10 June</i>	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
16.03.20	Annual Rough Sleeper Count and Severe Weather Emergency Provision	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
16.03.20	Housing Allocations Scheme - Annual Update	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
16.03.20	Homelessness Prevention and Rough Sleeper Strategy – progress against action plan, update on initiatives and review of HR Act	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
16.03.20	Findings of the District Wide Housing Study	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
16.03.20	Temporary Accommodation – Development Appraisal Update	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted