

To: Councillor James (Chair);
Councillors Debs Absolom, Davies, Dennis,
Kelly Edwards, Ennis, Grashoff, Hacker,
McDonald, McGonigle, O'Connell, Steele,
Terry, Tickner and Rose Williams.

6 March 2018

Your contact is: Amy Bryan - Committee Services

**NOTICE OF MEETING - HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE -
14 MARCH 2018**

A meeting of the Housing, Neighbourhoods and Leisure Committee will be held on **Wednesday 14 March 2018 at 6.30pm** in the Council Chamber, Civic Offices, Bridge Street, Reading.

AGENDA

	WARDS AFFECTED	PAGE NO
1. DECLARATIONS OF INTEREST Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		-
2. MINUTES OF THE MEETING OF THE HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE HELD ON 15 NOVEMBER 2017		1
3. PETITIONS Petitions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been received by Head of Legal & Democratic Services no later than four clear working days before the meeting.		-

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	WARDS AFFECTED	PAGE NO
<p>4. QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS</p> <p>Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.</p>		-
<p>5. DECISION BOOK REFERENCES</p> <p>To consider any requests received by the Monitoring Officer pursuant to Standing Order 42, for consideration of matters falling within the Committee's Powers & Duties which have been the subject of Decision Book reports.</p>		-
<p>6. READING FESTIVAL</p> <p>To receive a presentation on the 2017 Reading Festival.</p>	BOROUGHWIDE	-
<p>7. CAPITAL IMPROVEMENTS PROGRAMME FOR LEISURE, PARKS AND OPEN SPACES 2018-2020</p> <p>This report sets out new capital projects for leisure, parks and open-spaces starting in 2018.</p>	BOROUGHWIDE	11
<p>8. WASTE MINIMISATION UPDATE</p> <p>This report updates the Committee on the current position of the Waste Minimisation Strategy 2015-2020 Action Plan, most notably the introduction of the facility to recycle plastic pots, tubs and trays (PTT) in February 2018.</p> <p>The Committee will also receive a presentation on Plastics.</p>	BOROUGHWIDE	20
<p>9. PUBLIC SPACE PROTECTION ORDERS: CONSULTATION REPORT AND RECOMMENDATIONS</p> <p>This report informs the Committee of the outcome of the consultation on the proposed introduction of a Public Space Protection Order (PSPO) in Reading. The report makes a recommendation on the number and nature of restrictions to be included within a PSPO, in the context of consultation feedback.</p>	BOROUGHWIDE	25

	WARDS AFFECTED	PAGE NO
10. PRIVATE SECTOR HOUSING AND CIVIL PENALTIES	BOROUGHWIDE	48
<p>This report provides the Committee with an update following the Housing and Planning Act 2016 and the use of Civil Penalties. The report also sets out details of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.</p>		
11. PROGRAMME OF WORKS TO COUNCIL STOCK 2018-2019	BOROUGHWIDE	95
<p>This report provides the Committee with the key achievements over the past financial year and sets out the work programme for the Council's housing stock for the next financial year.</p>		
12. UPDATE ON HOUSING FIRE SAFETY CONSIDERATIONS	BOROUGHWIDE	106
<p>This report provides the Committee with an update on the findings and recommendations from FireSkills, the external qualified Fire Engineer that carried out a review of fire safety practices in respect of the management and maintenance of Council housing stock.</p>		
13. HOUSING SERVICES FOR OLDER PEOPLE	BOROUGHWIDE	120
<p>This report sets out the proposals to reconfigure the way that housing services for older people are delivered so that they are available for more residents, prioritised for those in most need and so as to develop resilience to current and future social and demographic pressures.</p>		
14. CONTRACT AWARD - MEASURED TERM CONTRACT FOR GAS CENTRAL HEATING INSTALLATIONS 2017/18 - 2022/23	BOROUGHWIDE	127
<p>This report seeks approval for the award of a 'Measured Term' Contract for the provision of gas boiler and full central heating system installations and servicing. This contract relates to the repair and maintenance of the Council's Housing Stock.</p>		
15. CONTRACT AWARD - MEASURED TERM CONTRACT FOR BATHROOM REPLACEMENT WORKS 2017/18 - 2020/21	BOROUGHWIDE	130
<p>This report seeks approval for the award of a 'Measured Term' Contract for the replacement of bathrooms to Reading Borough Council's Housing Stock.</p>		

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**HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE
15 NOVEMBER 2017**

Present: Councillor James (Chair);
Councillors Debs Absolom, Davies, Dennis, Kelly Edwards, Ennis,
Grashoff, Hacker, McGonigle, Steele, Terry and Tickner.

Apologies: Councillor McDonald, O'Connell and Rose Williams.

8. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of 5 July 2017 were confirmed as a correct record and signed by the Chair.

9. PETITION REQUESTING THE REMOVAL OF COMMUNAL BINS AT AMITY STREET AND CHOLMELEY ROAD

The Director of Environment and Neighbourhood Services submitted a report informing the Committee about the receipt of a petition from some residents living in part of Amity Street and Cholmeley Road.

The petition, containing 21 signatures, read as follows:

"Petition regarding residential waste for 22-32 Amity Street/83-101 Cholmeley Road. Use of two large communal bins (1100 litre) outside 32 Amity Street is an unacceptable solution for the residents. It is unhygienic, smells terribly, attracts vermin and has created a focal point for fly-tipping from the Newtown area. The council are not taking it upon themselves to manage tidiness and cleanliness of the site and the bins and fly-tipping are causing obstacles for pedestrians and a traffic hazard at the road junction. We the undersigned request the bins are permanently removed and we return to a regular bag collection."

The report stated that the properties at 83 to 101 Cholmeley Road and 22 to 34 Amity Street fronted directly on to the street, consequently, residents were not able to store wheelie bins at the front of their properties. Residents previously presented their residual waste in sacks on the pavement for weekly collection on a designated collection day. Following the receipt of a petition from residents and an informal consultation an on-street 1100l bin scheme was designed and installed in 2015 and the bins were collected weekly. A second petition had now been received requesting that the bins be removed and that the previous sack collection be reinstated because of concerns over smells, vermin and fly-tipping.

At the invitation of the Chair, lead petitioner, Karen Hodgson, addressed the Committee.

Resolved -

- (1) That the receipt of the petition be noted;
- (2) That an informal consultation be carried out by officers of residents in 22 - 34 Amity Street and the section of Cholmeley Road between numbers 83 and 101 asking residents whether they wanted to retain the current on-street bin or to return to a weekly sack collection;

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- (3) That the results of the informal consultation be reported to a future meeting of the Committee;
- (4) That the lead petitioner be informed accordingly.

10. QUESTIONS FROM COUNCILLORS

Questions on the following matters were submitted by Councillors:

<u>Questioner</u>	<u>Subject</u>	<u>Reply</u>
Councillor Dennis	Rough Sleeping	CLlr Ennis
Councillor McGonigle	Land for Retirement Properties	CLlr Ennis
Councillor McGonigle	Use of Glyphates	CLlr Terry

(The full text of the questions and reply was made available on the Reading Borough Council website.)

11. TENANT PARTICIPATION IN COUNCIL HOUSING

The Director of Environment and Neighbourhood Services submitted a report outlining the approach that the Housing Service had taken to involve tenants in improving and shaping the service. The aim of tenant involvement was to work in partnership with tenants to develop and influence how services were delivered in order to continuously improve and drive up standards and thereby increase tenant satisfaction.

The report stated that the Housing Service had a flexible approach to tenant involvement providing a range of both formal and informal opportunities for tenants to participate. Tenants were able to opt in or opt out of opportunities as they arose. Following a review of tenant participation earlier this year involving the Tenant Scrutiny Panel (TACT) the refreshed strategy for tenant involvement included:

- Offering tenant participation opportunities that ranged from one off or short-term limited involvement such as focus groups or task and finish groups to ongoing commitments such as the Tenant Scrutiny Panel
- Holding an annual tenant consultation day
- Using impact assessment techniques and reality checking such as mystery shopping
- Evaluating the connection between what tenants said and what the Housing Service had done to assess the overall outcomes of service improvement and reporting back through a variety of methods including newsletters, website and the annual report
- Exploring the use of social media and electronic forms of engagement

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In addition to methods of direct tenant involvement, the Housing Service also sought to identify the needs and aspirations of tenants through the use of customer intelligence:

- A comprehensive survey of tenants and residents (STAR) which identified trends in satisfaction
- Gathering equality and diversity statistics through customer contact points such as tenancy sign up, verification, exit surveys and logging a complaint to help determine whether the processes created unintended barriers to service for key groups
- Tenant complaints analysis to identify trends in dissatisfaction and help to solve the systemic problems for all tenants as well as addressing individual tenant complaints
- Carrying out a tenant census, enabling the Housing Service to better understand the profile of tenants.

The Committee received a presentation from Veronica Klopper and Pat Watson, members of the Tenant Scrutiny Panel TACT (Tenants and Council Together).

The Committee also received a presentation from Ruby Mann and Chris Matta, members of the Building Cleaning Tenant Group.

Resolved - That the Housing Service's approach to tenant involvement be noted.

12. HOME IMPROVEMENT SERVICES

The Director of Environment and Neighbourhood Services submitted a report on the position since the Home Improvement Service had been taken in-house in June 2016.

The report stated that Home Improvement Agencies were small, locally based not for profit organisations that helped vulnerable residents who were older, disabled or on low incomes to repair, improve, maintain or adapt their homes to meet their specific needs. The Council had supported the provision of Home Improvement Services in Reading since 1996 and Aster Living had been commissioned to provide a Home Improvement Service in November 2013 for a period of three years with an option to extend. The contract was for the provision of services to Reading, Wokingham and West Berkshire Councils. In October 2014 Aster Living were issued with a Default Notice as a result of failing to meet the performance level set out in the contract. The service was then closely monitored and improvements were made however, Aster chose to end the contract early in June 2016. In view of the short timescale for procurement of a new contract, the three local authorities decided it would be more cost effective and provide a better service to residents for each authority to bring the work in-house.

The report stated that in June 2016 the Council undertook to provide the Core Agency Services and the Minor Adaptions work but the Handy Person Service was commissioned externally. When the Council took over the Home Improvement Agency contract there had been a backlog of 83 jobs outstanding. 81 of these jobs

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had now been completed and the other two jobs were currently in progress. In addition, there were 13 Home Improvement Grant cases outstanding, 11 of which had now been completed. The average time taken to complete major adaptations had fallen significantly since bringing the work in-house from 45 weeks to 27 weeks for private sector adaptations and from 45 weeks to 24 weeks for Council properties. Initial customer feedback via the Occupational Therapist Team confirmed that customers were happy with the current service. Further detailed consultation with Council tenants who have received major adaptations to their home would take place later in the year. The results of surveys that had been undertaken by the Private Sector Housing Team and the Housing Property Services Team were included in the report.

Resolved - That the work undertaken to date and the improved outcomes for users of the service further to bringing Home Improvement Services in-house to be delivered directly by the local authority be noted.

13. HOUSING SERVICE RESPONSE TO THE BENEFIT CAP

The Director of Environment and Neighbourhood Services submitted a report detailing the work of the Housing Services Welfare Reform team in response to the reduction in the Benefit Cap.

The report stated that the Benefit Cap was first introduced in August 2013 setting the maximum benefit entitlement to any household at £26,000 per year for couples and families and £18,200 per year for single claimants. In November 2016 this cap was reduced to £20,000 per year for couples and families and £13,400 for single claimants for households outside of London. The Council was highlighted as one of the largest affected Local Authorities and the Housing service had identified that the reduction in the cap would pose two potentially significant risks. The first being an increase in homelessness due to those households affected not having the ability to pay their rent. The second being an increase in Social Landlords' rent arrears. To mitigate these risks a bid was made for grant funding from the Department for Work and Pensions (DWP) for £45,874 which was match-funded by Housing to create three posts (one Senior Welfare Reform Officer and two Benefit Cap Coordinators) to create the Welfare Reform Team.

The report explained that all households identified by the DWP were written to, offering support prior to the new lower cap being introduced. Those households that were already subject to the original cap were also telephoned to advise them that the team could support them prior to their benefits being capped further. For any households that had not been spoken to directly, the Welfare Reform Team had carried out a home visit to ensure every effort had been made to offer support to those affected. When the new lower cap was fully rolled out in Reading on 19 December 2016 there were 338 households affected. This number was far lower than expected, partly due to the team starting to work with households prior to the cap being applied, but mainly due to the way that the cap was applied meaning that some households that had a recent change in circumstances were excluded from the initial implementation of the cap but were slowly picked up by the system and had the cap applied over the following months. As newly affected households had the cap applied, the Housing Benefit team notified the Welfare Reform Team who then began to work with the household if they were not already working with them.

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The Welfare Reform Team liaised closely with other teams across the Council. The team also worked closely with many different external partners including Reading Job Centre with officers co-located in the Job Centre one day per week. The team had worked hard to build partnerships with many different support organisations that catered to the individual needs of clients, including one with a recruitment agency that not only provided free CV and Interview Skill sessions for those households affected by the cap but also regularly sent the team job opportunities for clients.

Between October 2016 and the end of September 2017 the team had 1,692 contacts with clients, made 719 referrals to other support agencies, helped 382 households out of the cap of which 189 households have now gained employment. To date only three households had been capped again after initially finding employment, showing that the majority of those who had moved into employment had gained long-term sustainable employment. As of 26 October 2017 there were 281 households who were currently capped. The amount of benefits lost to the cap per household per week varied from £0.08 up to £313.93, with the average loss of £56 per week per household.

Resolved - That work of the Housing Services Welfare Reform Team and the outcomes for the affected households be noted.

14. UPDATED ON FIRE SAFETY CONSIDERATIONS POST GRENFELL TOWER

The Director of Environment and Neighbourhood Services submitted a report which set out the Council's response following the Grenfell Tower fire in Kensington on 14 June 2017. This included action taken in relation to the Council's own housing stock, other corporate buildings and schools, as well as wider work in partnership with the Royal Berkshire Fire and Rescue Service in respect of privately owned high rise residential blocks within the Borough boundaries.

In summary the Council had taken the following action post the Grenfell Tower incident:

- Published information on the Council's website in respect of the Council's own housing stock and advice to residents more widely;
- Internally reviewed the fire safety measures and systems in place in relation to the Council's own housing - with a focus on high rise flatted blocks;
- Despite the Council's seven high rise housing blocks differing in design to Grenfell Tower, the Council had appointed an external qualified Fire Engineer (FireSkills) to carry out a review of fire safety practices;
- The structure and first safety practices of other corporate buildings and schools had been reviewed;
- Fire Risk Assessment re-inspections of other Council buildings had been commissioned for Priority 1 and 2 buildings and these were currently being undertaken; school re-inspections would be actioned later in 2017 following completion of the current programme of site works;
- An internal Council Officer group had been set up to manage subsequent phases of work given the medium to longer term implications of the Grenfell Tower fire incident;
- Across tenures, a total of 88 residential buildings over 10 meters in height had

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been identified in Reading and the Royal Berkshire Fire and Rescue Services (RBFRS) had visited all of these to review fire safety including an assessment of the external materials used on each block. Where there was a concern over the cladding used, the owner had been asked to send material for testing by the Building Research Establishment (BRE);

- Officers had been in close liaison with RBFRS since the Grenfell Tower incident and a County-wide Steering group had been convened by RBFRS with representatives of the six Unitary Authorities to agree a programme of joint work cross tenure to ensure that residential high rise (and other) buildings cross tenure were safe.

Resolved - That the action taken and planned following the Grenfell Tower fire, as detailed in the report, be noted.

15. PRIVATE RENTED SECTOR CHARTER

Further to Minute 20 of the meeting held on 16 November 2016, the Director of Environment and Neighbourhood Services submitted a report which provided an update on the progress made in delivering the Private Rented Sector (PRS) Charter action points. The PRS Charter aimed to build a common understanding of values, standards and requirements for the private rented sector and it further demonstrated the Council's and partners' commitment to improving the sector. The PRS Charter was developed around 'providing a home for those most in need', as outlined in the Council's Corporate Plan 2015-2018.

The report set out a table which showed progress against the action points in the Charter. The key piece of work highlighted for this year's work programme was the Reading Rent with Confidence Scheme. The purpose of the scheme was to differentiate landlord/letting sub sectors. The Scheme had been designed to rate Landlords, Letting and Managing Agents based on the criteria they had achieved. The criteria were divided into 3 tiers of (1) bronze, (2) silver and (3) gold each reflecting the different levels of private rented sector standards required with bronze being the basic standard required of all private rented properties and the other 2 standards built in this. Membership of the scheme was purely voluntary but early indications showed interest from across the sector to be part of the scheme.

The report also set out the proposed work for the next 12 months.

Resolved - That the progress made against the action points of the Private Rented Sector Charter and the next steps outlined in the report be noted.

16. ABBEY QUARTER PRESENTATION

Matthew Williams, Museum Manager, gave a presentation on the Abbey Quarter Project.

Matthew explained that the Abbey ruins had closed in 2009 after condition surveys found that they were unsafe to the public due to deteriorating condition. In 2010 the Council looked to conceive a project for the wider abbey quarter area and in 2015 secured £1.77million of lottery funding with match funding from section 106

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contributions to create a £3.15million project to restore the abbey ruins, abbey gate and interpretation and public participation activities. The Abbey ruins were due to reopen in Summer 2018.

Matthew stated that Reading Museum was leading on the Abbey Quarter project. The museum attracted over 111,000 visitors a year and 15,000 school children visited every year. The museum had a new blog which informed people about the history of the area and what work was currently taking place. Matthew talked about the three areas of Abbey Quarter project which were conservation, interpretation and volunteering.

Matthew stated that Reading was in the UK's top 16% of local authorities for quality of heritage and Reading was the resting place of a King of England, had over 800 listed buildings and two scheduled ancient monuments. Matthew explained that Reading Abbey had been founded in 1121 by King Henry I and became one of the largest and best known abbeys in medieval Europe. Queen Elizabeth I lived at the Abbey and Jane Austin had attended school at the Abbey Gateway. The Abbey site was one of the largest scheduled ancient monuments in the country. Matthew added that the conservation work was ongoing but work had been completed on the south transept including the founder's chapel, and the chapter house. The masons were currently working on the refectory and the dormitory.

Resolved - That Matthew be thanked for his presentation.

17. CULTURAL DEVELOPMENT UPDATE

The Director of Environment and Neighbourhood Services submitted a report which provided an update on two key developments relating to cultural services and activities. The report focused on progress in taking forward Reading's successful bid to the 'Great Places Scheme' (including a reconfiguration of the Cultural Partnership) and the delivery plans being developed by the Museum of English Rural Life (MERL) and Reading Museum consequent on being jointly awarded National Portfolio Organisation (NPO) status by Arts Council England (ACE). Attached to the report at Appendix 1 was the Cultural Partnership revised membership and draft Terms of Reference and at Appendix 2 the Great Place Scheme Project Management Structure.

The Committee had already endorsed the work that had been undertaken to secure the Great Place Scheme grant and had supported the proposals for the Council and its partners (Reading UK and Reading University) to take forward implementation. The report (in section 4.1) provided an update on progress since the July Committee meeting with considerable focus on the reconfiguration of the Cultural Partnership that had taken place and which was also a key recommendation from the Peer Review of cultural services earlier this year. The Cultural Partnership would keep its membership and activities under review and remain flexible to accommodate changes should these be needed. It was also proposed that the Committee fulfilled a scrutiny role with regard to the work of the Cultural Partnership and, as a minimum, received an annual report and update on the Partnerships work.

The report stated that led by MERL, the Museums were currently developing a Business Plan linked to their NPO funding from ACE which would commence in April 2018 and continue through to March 2022. An annual delivery plan would need to be

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produced and agreed by ACE for each year of funding. This provided scope to amend proposals and activities as joint working developed over the four year period. The University would be the Accountable Body and would be required to enter into a Partnership or Collaboration Agreement with the Council so that both organisations had a formal commitment both to delivery and to meeting the grant conditions specified by ACE. This agreement was currently in draft format and would need to be signed and submitted to ACE along with the Delivery Plan in February 2018.

Resolved -

- (1) That the progress being made in taking forward Reading's Great Place Scheme as set out in section 4.1 of the report, be noted;**
- (2) That the Committee scrutinise the work of the Cultural Partnership and as a minimum receive an annual report on its work;**
- (3) That the Council enter into a Partnership with Reading University, as required by Arts Council England, in order to establish Reading Museum and the Museum of English Rural Life as a joint National Portfolio Organisation;**
- (4) That the signing of the Partnership Agreement with Reading University be delegated to the Head of Legal and Democratic Services in consultation with the Lead Councillor for Culture, Sport and Consumer Services, the Director of Environment and Neighbourhood Services and the Director of Finance.**

18. ANTISOCIAL BEHAVIOUR STRATEGY

The Director of Environment and Neighbourhood Services submitted a report that provided a short update on antisocial behaviour (ASB) in Reading and identified the need to convert the current Designated Public Place Order (DPPO (Street drinking restriction)), into a Public Space Protection Order (PSPO) and made recommendations on a number of restrictions to be included within a new order for consultation.

The report stated that the nature of Anti-Social Behaviour being dealt with by the Council's Anti-Social Behaviour team had changed. Whilst in the main the number of calls for service was still primarily from victims of ASB directed at them (Personal ASB), there had been some areas of Situational ASB that had increased disproportionately.

Public Space Protection Orders (PSPOs) had been introduced under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with a particular nuisance or problem in a specific area that was detrimental to the local community's quality of life. PSPOs had replaced powers to make Gating Orders, Designated Public Place Orders (street drinking restriction powers) and Dog Control Orders. In Reading, there were currently one Gating Order, one Dog Control Order (Borough Wide) and three Designated Public Place Orders in place. These current orders automatically converted into PSPOs in October 2017. However, in the context of the changing nature of anti-social behaviour in the public realm, it was appropriate to both review the necessity of the current provisions and assess the need to introduce new PSPOs to

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include conditions to tackle a wider variety of anti-social behaviour in Reading. There were four options available:

1. Allow current converted orders to remain.
2. Allow current converted orders to remain and bring in additional new PSPOs to address other issues.
3. Discharge current orders and bring in new PSPOs to incorporate the dog control measures, street drinking and other ASB issues causing problems in Reading.
4. Discharge current orders and have no measures in place.

It was recommended that option 3 be taken forward and that additional restrictions (as set out in section 5.4 of the report) regarding begging, busking, dog control, drug activity, street drinking, litter, motorbike nuisance and mooring were consulted on.

Resolved -

- (1) That the update on Anti-Social Behaviour in Reading be noted;**
- (2) That option 3 as set out in paragraph 5.3 of the report, to discharge current orders and bring in new PSPOs to incorporate the dog control measures, street drinking and other ASB issues causing problems in Reading, be taken forward;**
- (3) That a consultation on the additional restrictions identified in paragraph 5.4 of the report be carried out;**
- (4) That, following the consultation, a report be submitted to the Committee detailing the consultation feedback and making recommendations on implementing any new restrictions.**

19. WASTE MINIMISATION STRATEGY 2015-2020 - HALF YEARLY UPDATE

The Director of Environment and Neighbourhood Services submitted a report that provided an update on the progress achieved in the first two quarters of the third year of the Waste Minimisation Strategy 2015-2020 Action Plan. The Council had adopted the Waste Minimisation Strategy 2015 - 2020 in March 2015 demonstrating its commitment to promoting waste minimisation through reuse, recycling and composting, to minimise disposal and to achieving the EU Directive target recycling rate of 50% by 2020. Reading currently sent 19% of its municipal waste to landfill with 81% being recycled, composted or sent for Energy from Waste. The current recycling rate for Reading was 32.6% compared to the national rate of 43.9%.

The report stated that reductions in staff numbers and work programmes which were now focussed on delivering savings and service efficiencies had had an adverse impact on some aspects of the work to deliver the strategy over the past 12 months. As a result, many of the elements of the strategy had not been progressed and would not be in the short term. The main pressures on the service, in summary, were:

- The introduction of the chargeable green waste service.
- Introduction of the waste collection service standard.

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- Dealing with an increase in fly-tipping.
- Work with Housing colleagues to address waste collection from Council housing blocks.
- Increasing numbers of new properties, in particular flats in the town centre.
- Loss of experienced staff.

The report stated that the re3 Joint Waste Disposal Board had adopted a new strategy in 2016/17 in response to changes in government funding as a result of the central government austerity programme and the requirement of the Revised EU Waste Framework Directive (2008) which set the 50% target for reuse and recycling to be reached by 2020. The Reading Borough Council and re3 strategies were aligned in March 2017. The re3 Joint Waste Disposal Board adopted its strategy in May 2016.

The report stated that the Council and re3 strategies had been aligned to focus on the two fundamental goals of reducing costs in a time of austerity and improving re-use and recycling rates. Collaborative work with the Council's re3 partners, Bracknell Forest and Wokingham Borough Councils was continuing through the three officer working groups which examined specific waste minimisation themes and shared good practice with reducing resource. The re3 Councils' Shared Marketing and Communications Strategy 2017-2018 would be the basis of communications over the coming year, supplemented by the Council's own social media campaigns.

A full year summary of the progress towards meeting the objectives set out in the Action Plan would be presented to the Committee in March 2018. However, the results for the key indicators of the strategy for Quarters 1 and 2 of Year 3 (2017/18) were set out in the report.

Resolved -

- (1) That the progress to date of the Waste Minimisation Strategy Action Plan be noted;
- (2) That the third annual progress report be submitted to the Committee in March 2018;
- (3) That the Head of Transport and Streetcare, in consultation with the Lead Councillor for Neighbourhoods, be delegated authority to make amendments to the action plan as required.

(The meeting started at 6.30pm and closed at 8.55pm).

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	7
TITLE:	CAPITAL IMPROVEMENTS PROGRAMME FOR LEISURE, PARKS AND OPEN SPACES 2018-2020		
LEAD COUNCILLOR:	COUNCILLOR HACKER	PORTFOLIO:	CULTURE, SPORT AND CONSUMER SERVICES
SERVICE:	ECONOMIC AND CULTURAL DEVELOPMENT	WARDS:	BOROUGHWIDE
LEAD OFFICER:	LYNNE REYNOLDS	TEL:	0118 937 3276
JOB TITLE:	POLICY AND PROJECT OFFICER	E-MAIL:	Lynne.reynolds@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the request for scheme and spending approval for new capital projects for leisure, parks and open-spaces starting in 2018 to the estimated value of £786,700. These schemes will be funded from Section 106 receipts from developers that are secured through the process of granting planning permission.
- 1.2 A summary of the new capital projects is outlined in paragraph 4.3. A more detailed description of the individual projects is attached at Appendix 1. These improvements contribute to the delivery of the Corporate Plan 2018-21 by implementing a programme of parks and open spaces improvements across the Borough. This programme contributes to several corporate priorities, enhances Reading's environment and improves the quality of life for residents and visitors.
- 1.3 The Council's approved Capital Programme refers to funds in 2018/19 of £350k with an in year (2017/18) allocation of £317k. The £786,700 referred to in this report updates on these figures to take into account additional Section 106 funds that have subsequently been received.

2. RECOMMENDED ACTION

- 2.1 That scheme and spending approval is given for the Capital Projects outlined in paragraph 4.3 and detailed in Appendix 1.

2.2 That the Director of Environment and Neighbourhood Services in consultation with the Lead Councillor for Culture, Sport and Consumer Services and Head of Finance, be given delegated authority to finalise details of individual schemes and programmes within the overall approval given.

3. POLICY CONTEXT

3.1 Reading's Core Strategy Document (January 2008 with Adoptions January 2015) has a number of specific open-space and recreation policies including:

- "To protect existing valuable areas of open space and recreation facilities in contributing to the character and biodiversity of the Borough and the quality of life of its residents"
- "To make provision for the improvement of existing open space and recreation facilities to serve the population of new development, to contribute to the aim of a green city, and to preserve areas of 'naturalness' as an important aspect of the urban area"

3.2 The Open Spaces Strategy (March 2007) affirms the importance of Reading's parks and open spaces and states that the Council will "Make improvements to the quality and facilities of existing public open space."

4. THE PROPOSAL

Current Position

4.1 Following the 2011 assessment of parks infrastructure, a prioritised programme of improvement work was developed. The factors considered during the assessment included:

- Condition
- Pressure on existing facilities and increased demand from new housing
- Service deficits
- Accessibility
- Economic sustainability.

4.2 An assessment of available funding at the time and geographic fettering of Section 106 receipts was undertaken and cross-referenced with identified needs to produce an improvement programme. This was approved by Cabinet in March 2012. In June 2013 a further improvement programme was approved by Policy Committee, and in July 2014 and November 2015 additional programmes of improvement work were approved at Housing, Neighbourhoods and Leisure Committee. Most of these schemes have been completed and some are still ongoing as outlined in paragraph 4.6.

Options Proposed

- 4.3 The proposed leisure capital programme for 2018-2020 for which spending and scheme approval is being sought is tabled below. This programme lists the schemes in alphabetical order and indicates the contributions currently available and earmarked to fund each scheme. Appendix 1 provides a more detailed description of the individual schemes.

PROPOSED LEISURE INFRASTRUCTURE IMPROVEMENTS

2018-2020 Schemes	Estimated Cost £,000	Ward	Likely Commencement
Arthur Newbery Park	£26,500	Kentwood	Summer 2018
Balmore Walk	£6,900	Thames	Winter 2018
Blagrave Rec Ground - Play Area	£4,500	Tilehurst	Summer 2018
Cintra Park - Play and Sports Area	£70,000	Redlands	Summer 2018
Clayfield Copse	£1,800	Peppard	Spring 2018
Eldon Square	£7,800	Redlands	Spring 2019
Fobney Island Tree Work	£33,300	Whitley	Ongoing
Forbury Gardens	£50,000	Abbey	Ongoing
Katesgrove School Play Area	£19,500	Katesgrove	Completed
Kensington Road Recreation Ground	£5,000	Battle	Spring 2019
Longbarn Lane Recreation Ground	£4,900	Katesgrove	Autumn 2019
Palmer Park	£116,200	Park	To be agreed
Prospect Park Sports Pitches/Courts	£77,200	Southcote	Summer 2018
Rabson's Recreation Ground Play Area	£14,800	Church	Summer 2018
Robert Hewett Recreation Ground	£10,600	Minster	Summer 2018
Thames Parks	£294,100	Abbey, Caversham & Thames	Ongoing
Victoria Recreation Ground	£43,600	Abbey	Summer 2019
ESTIMATED TOTAL:	£786,700		

- 4.4 The overall cost of a completed scheme may exceed the estimated value identified above in some cases and therefore schemes will be phased to align with available funding.

- 4.5 The timetabling for the commencement of the individual schemes may be subject to change. In some cases schemes are weather dependent and in others delivery timescales may also be affected by the availability of contractors.

Other Options Considered

- 4.6 The terms and conditions of the individual legal agreements are closely fettered and this therefore limits choices on where funding can be spent.

4.7 Ongoing Schemes

Of the leisure schemes previously approved at Policy Committee in June 2013 and at Housing, Neighbourhoods and Leisure Committee (HNLC) in July 2014 and November 2015, a number are still ongoing. These include:

- Lousehill Copse (Policy Committee - June 2013)
Work to improve footpath surfaces is ongoing.
- Thames Parks (HNLC - July 2014 and November 2015)
Work is ongoing as part of the continued implementation of the Thames Parks Plan.
- Victoria Recreation Ground (HNLC - November 2015)
The work has been delayed until the completion of the school work (relating to the new Civitas Academy School) within the park.

4.8 Future Schemes

Looking ahead, there are a number of outline proposals being developed for future implementation. These will be subject to receipt of funding and will address the impact of nearby developments. Examples of proposals include:

- Coley Recreation Ground
Possible extension to the play area. New trim trail/outdoor gym facilities and associated infrastructure.
Estimated cost: £100,000
- Whitley Wood Recreation Ground
New outdoor sports facilities along with associated infrastructure.
Estimated cost: £132,000

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 Improving the quality of open-space and recreational facilities is about both Reading as a place and delivering a better quality of life for residents. The

delivery of open-space and recreational facilities contributes to achieving the following Corporate Priorities:

- *Keeping the Town clean, safe green and active;*
- *Providing the best life through education, early help and healthy living;*
- *Providing infrastructure to support the economy.*

5.2 Better quality open-spaces and related facilities have the potential to increase participation in sports and physical activity with a direct impact on health and well-being of the population thereby contributing to improving achievement against the desired outcomes of the Public Health Outcomes Framework.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Where appropriate, consultation and engagement with local communities and interest groups will be undertaken as part of the development of detailed proposals and prior to implementation.

6.2 Ward Councillors will be consulted on all projects within their Ward.

7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief. Approval of the decisions to carry out any of the improvement work will not have a differential impact on any of the above.

7.2 An Equality Impact Assessment is not relevant to the decision in this instance.

8. LEGAL IMPLICATIONS

8.1 The funding of the capital schemes will require the appropriate use of Section 106 receipts, in strict accordance with the terms of the individual legal agreements.

9. FINANCIAL IMPLICATIONS

9.1 These capital schemes will be funded through Section 106 receipts.

9.2 The phasing of capital expenditure will be subject to confirmation of individual scheme project plans once tenders/quotations have been finalised so that all costs are contained within the s106 resources available.

- 9.3 Any ongoing operational revenue costs associated with individual programmes and schemes will be met from within existing approved budgets.

10. BACKGROUND PAPERS

- 10.1 Core Strategy Document
- 10.2 Open Spaces Strategy
- 10.3 Report to Policy Committee June 2013
- 10.4 Report to Housing, Neighbourhoods and Leisure Committee July 2014
- 10.5 Report to Housing, Neighbourhoods and Leisure Committee November 2015

APPENDIX 1

Outlined below is a brief description of the schemes identified in the table in paragraph 4.3 of this report:

ARTHUR NEWBERY PARK (£26,500)

Originally known as Hare Moor, this 26 acre site was gifted by Arthur Newbery to the mayor of Reading as an open space for the people of Reading in 1932. It is one of Reading's oldest parks and was once part of Kentwood Common. The park slopes steeply down to the north with far stretching views across the valley and River Thames. There is a large and well used children's play area in the hollow in the centre of the park. Additional equipment is needed to cater for the increased use arising from new developments in the locality.

BALMORE WALK (£6,900)

This site is both a through route used by commuters and school children as an off road route to school. It is also a very popular park for dog walking. The area makes a significant contribution to the townscape because of its elevated position and proximity to central Caversham. There is an opportunity to plant and establish trees to replace old and ailing trees before they fail.

BLAGRAVE RECREATION GROUND PLAY AREA (£4,500)

This medium sized site is a popular and well used local facility in the centre of Tilehurst village, next to Park Lane School. The recreation ground is managed by Reading Borough Council as Trustees for the Blagrove Recreation Ground. There are two separate play areas within the park which cater for differing age groups. The funding will be used to contribute towards new self-closing access gates safety surfacing.

CINTRA PARK PLAYGROUND AND SPORTS AREA (£70,000)

Situated a short distance to the south and east of the town centre, this park serves a large populated area, including local schools and community groups. The park has undergone a number of improvements over the last five years including landscaping, completion of a perimeter path and new outdoor fitness stations. The playground and sports area are now in need of investment.

CLAYFIELD COPSE (£1,800)

Clayfield Copse became Reading's first Local Nature Reserve in 1991. The ancient woodland was once part of the Caversham House Estate whose landscapes were designed by Capability Brown. It is a much valued local amenity and many dog owners drive to the site to walk. The funding will be used on new tree planting to replace dead and fallen trees and improvements to the car park.

ELDON SQUARE (ALSO KNOWN AS KING GEORGE V MEMORIAL GARDENS) (£7,800)

Eldon Square was Reading's first conservation area, designated in 1972. The Gardens, which are listed, are situated within the town centre area and are surrounded on three sides by Bath stone detached and semi-detached buildings. They are completely enclosed by Grade II listed railings and contain mature trees, shrubs and a large statue of the first Marquess of Reading who died in 1935. The Gardens are very well used by local residents, including students. Landscape

improvements are required to increase security along with low level additional planting.

FOBNEY ISLAND TREE WORK (£33,300)

Tree work, including coppicing, to improve access to Fobney Island Nature Reserve and its river habitat is ongoing.

FORBURY GARDENS (£50,000)

Capital investment is needed periodically at Forbury Gardens for the Council to meet its contractual obligation to keep the site for 25 years to the high standard to which it was restored in 2004. The fountain has been damaged and the sump and pond need cleaning. The pond also requires re-lining. Repeated damage is being done to the lawns with park users walking across the bull-nosed grass areas at path junctions. Where low fencing was installed, this problem does not occur. Matching low fencing needs to be installed, in a double line of granite setts, at the junction nearest the café where there is constant pedestrian traffic. The stone pillars at the main entrance require specialist stone and flint work and modifications are needed to protect these pillars into the future.

KATESGROVE SCHOOL PLAY AREA (£19,500)

This popular dual use facility is particularly heavily used. Throughout the term time, the school has exclusive use of the play area. During the evenings, weekends and holiday periods, the play area and adjacent hard court area is available for public use. New safety surfacing has recently been installed in the play area.

KENSINGTON ROAD RECREATION GROUND (£5,000)

This popular park has undergone a number of improvements in recent years including an extension to the play area, a new ballcourt, fitness stations and a perimeter path. Further infrastructure improvements including new furniture and boundary enhancements are required.

Longbarn Lane Recreation Ground (£4,900)

Situated to the south of the town, this recreation ground serves a population of higher than average deprivation. The surrounding area consists of high density housing and higher than average levels of anti-social behaviour amongst young people. The site has a history of abuse and any new infrastructure needs to be particularly robust. New furniture is required.

PALMER PARK (£116,200)

As Reading's second largest park and serving one of the most densely settled areas of the town, there is constant pressure to improve/extend facilities to meet the growing demand from users. Investment options will be developed with the proposals to invest in the Council's indoor sports facilities in mind, and the impact these may have on the open space.

PROSPECT PARK SPORTS PITCHES/COURTS (£77,200)

The sports pitches that double up as tennis courts at Prospect Park and which opened in 2007 have reached the end of their life and are in need of refurbishment. Last year the five 3G artificial courts (on the opposite side of the

main drive) were refurbished as they too, had been open for 10 years and had reached the end of their life.

RABSON'S RECREATION GROUND - PLAY AREA (£14,800)

In 2010 the playground underwent a complete refurbishment and extension. It is now the largest and most well used in the south Reading area. This small pot of funding will enable improvements to the retaining log feature in the play area.

ROBERT HEWETT RECREATION GROUND (£10,600)

This popular park along the Tilehurst Road is particularly well used by families. Since its refurbishment in 2009 it has attracted large numbers of children with their parents/carers. The internal path network needs resurfacing in places where the roots from some of the mature trees are breaking up the tarmac. In addition new railings along the front of the recreation ground are needed.

THAMES PARKS (£294,100)

The Thames Parks provide the largest single area of publicly accessible open space in the Borough - approximately 80 hectares - which border the River Thames as it flows through Reading. The Thames Parks Plan (adopted in March 2005) provides a strategy for the management of these riverside parks and identifies investment needs for the individual parks. As in previous reports, the ongoing implementation of the Thames Parks Plan remains a priority.

It is recommended that these funds are used to continue to implement the Plan including replacing the house footprint at Caversham Court.

VICTORIA RECREATION GROUND (£43,600)

Adjacent to the new Civitas Primary Academy, this valued open space is in need of significant landscaping and additional seating.

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	8
TITLE:	WASTE MINIMISATION UPDATE		
LEAD COUNCILLOR:	COUNCILLOR LIZ TERRY	PORTFOLIO:	NEIGHBOURHOODS
SERVICE:	TRANSPORTATION AND STREETCARE	WARDS:	BOROUGHWIDE
LEAD OFFICER:	DAVID MOORE	TEL:	(0118) 937 2676
JOB TITLE:	NEIGHBOURHOOD SERVICES MANAGER	E-MAIL:	David.moore2@reading.gov.uk

1 PURPOSE AND SUMMARY OF REPORT

- 1.1 This report updates Members on the current position of the Waste Minimisation Strategy 2015 - 2020 Action Plan, most notably the introduction of the facility to recycle plastic pots, tubs and trays (PTT) in February 2018.
- 1.2 The Council adopted the *Waste Minimisation Strategy 2015 - 2020* in March 2015, demonstrating its commitment to promoting waste minimisation through reuse, recycling and composting, to minimise disposal and to achieving the EU Directive target recycling rate of 50% by 2020. Reading currently sends 19.55% of its municipal waste to landfill with 80.45% being recycled, composted or sent for Energy from Waste. The current recycling rate for Reading is 31.46% compared to the national rate of 45.2%.

2. RECOMMENDATION(S)

- 2.1 That Members note the progress to date of the Waste Minimisation Strategy and the current work streams.
- 2.2 That subsequent Waste Strategy update reports are presented annually to the Committee at its July meeting rather than in March.
- 2.3 That Members delegate authority to the Head of Transportation & Streetcare in consultation with the lead member to make amendments to the action plan as required.

3. POLICY CONTEXT

- 3.1 One of the service priorities of the Council's Corporate Plan 2016 -2019 is 'Keeping the town, clean, safe, green and active', to ensure the council retains and attracts residents and businesses and remains an attractive place to live, work and visit'. One means of delivering this priority is to reduce the volume of waste sent to landfill and improve recycling rates through the implementation of the Waste Minimisation Strategy.
- 3.2 The EU Waste Framework Directive 2008 sets a new recycling and re-use target of 50% for certain waste materials from households and other origins similar to households to be achieved by 2020. This target has been transcribed into UK law and will remain after Brexit.
- 3.3 On 15th March 2015, HNL Committee adopted the *Waste Minimisation Strategy 2015 -2020*, which set out an approach for working with residents, stakeholders and partners to improve the way waste is managed with a growing population and limited resources. The strategy was subject to a four week web based consultation.
- 3.4 The re3 Joint Waste Disposal Board adopted a new strategy for 2016/17 in response to changes in government funding as a result of the central government austerity programme and the requirement to reach the EU 50% recycling target by 2020. The Reading Borough Council and re3 strategies were aligned in March 2017. The re3 Joint Waste Disposal Board adopted its strategy in May 2016.

4. THE PROPOSAL

The RBC Strategy and Appendices can be found at:

http://www.reading.gov.uk/media/4418/Waste-Minimisation-Strategy-2015---2020/pdf/HNL_15th_March_WMStrategy_Revision_Appendix_B.pdf

4.1 Strategy Position

The Council continues to recognise the vital importance of achieving the 50% recycling target in 2020 whilst controlling costs in waste collection and disposal. Achieving this target is a significant challenge, but the recent introduction of the recycling of pots tubs and trays (PTT) at the kerbside and the work to fully introduce all elements of the revised service standard, demonstrate the Council's commitment to reach the target.

re3 is currently updating its strategy and as a result the Council's Waste Minimisation Strategy and activities will be reviewed and updated to ensure work is focussed and co-ordinated in the short term. The revised Strategy for Reading will be reported to the HNL Committee at its meeting in July 2018.

4.2 The key themes of the revised RBC Waste Minimisation Strategy will be:

1. Full introduction of the Waste Service standard.

2. Waste collection service development.
3. Introduction of food waste collection.
4. Diversion of recyclable material from the residual bin to the recycling bin.
5. Communications campaigns.
6. Direct contact with residents, businesses and landlords.

The revised Strategy action plan will set out the actions related to each theme and performance will be monitored regularly.

4.3 New waste collection service standards

New waste collection service standards were introduced in February 2017 however there are 5 ongoing elements of work which are summarised below. All 5 are focussed on; improving the way waste is collected, increasing recycling rates, identifying means of changing behaviour and getting the right waste in the right bin:

- Houses of Multiple Occupation - Working to reduce the amount of waste collected from HMO's.
- Bagged Waste Trial - Changing the way bagged waste is presented and collected.
- One bin policy - removing excess unauthorised bins.
- Work with the Housing Department - improving the quality and volume of recycled material from flats.
- Continually Contaminated Recycling Bins

The results of the trial around continually contaminated recycling bins are significant and are highlighted below.

4.3.1 Continually Contaminated Recycling Bins

The trial results demonstrate the importance of direct contact with residents in order to change recycling behaviour. Initially 109 properties in the sample area had bins which were contaminated to such a degree that they would not be collected by crews. Following the issue of letters, information and a door-knocking exercise it was necessary to issue second warning letters to 43 of the original 109 properties. Of these 43 properties 17 had their bins removed due to continued contamination and 10 properties were issued with recycling boxes.

The work, whilst limited in scope, demonstrates the value of the door-knocking methodology and regular contact with residents. The next step is to apply this methodology Boroughwide and to use the same process to influence behaviour to divert recyclables from the grey bin to the red recycling bin. This will be a key aim of the revised Strategy.

4.4 Pots, Tubs and Trays Recycling.

The introduction of recycling of pots, tubs, trays, tetra-paks and foil from the 12th February 2018 is a major step towards increasing the recycling rate in the re3 area. The work has been promoted by the re3 Joint Waste Board and delivered by the re3 management team over the past 18 months. The changes will be monitored through the usual waste data flow statistical process and performance data will be reported going forward.

The project demonstrates the importance of co-ordination and working with re3 to introduce new waste collection streams at the kerbside. The Council has the capacity to review and develop its collection activities and liaison with re3 is essential to achieve this.

4.5 Waste Collection Service Development

The Waste Collection Service Development is a major on-going piece of work which began in December 2017 and is due to be completed by May 2018. It is re-evaluating every element of the waste operations service, including the domestic waste collection service, food waste collection, and commercial waste development. The results of the review will inform the new waste minimisation strategy and the direction of the waste service in the short and medium term.

4.6 Green Waste.

The chargeable green waste collection service was established in April 2017 and had 15,200 subscribers in its first year of operation compared to 16,700 subscribers prior to the introduction of the charge. The revenue for the first year to date is £710,000.

The renewals process for the second year started on the 1st February 2018 and by the 28th February 6300 subscribers had renewed their subscription.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Waste Minimisation Strategy will contribute to the council's Corporate Plan 2016 -2019 objective of 'Keeping the Town Clean, Safe, Green and Active'.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The Waste Minimisation Strategy was subject to a public consultation via the website and any further significant changes to the waste service will be subject to further web based consultation as required.

7. LEGAL IMPLICATIONS

- 7.1 The Council has duties under various UK and EU legislation to deliver waste collection and disposal services, principally the Environmental Protection Act 1990 and the revised EU waste framework directive 2008.

8. EQUALITY IMPACT ASSESSMENT

8.1 In addition to the Human Rights Act 1998 the Council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:-

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 An equality impact assessment is not required at this stage. However, as individual elements of the action plan are developed individual equality impact assessments will be undertaken.

9. FINANCIAL IMPLICATIONS

9.1 The development of the Waste Minimisation Strategy is funded from existing budgets. One of the main aims of the Reading Borough Council and re3 strategies is to reduce the cost of the collection and disposal of waste and to deliver savings. Every aspect of the revised strategy is focussed on reducing landfill and increasing recycling, both of which reduce costs.

10. BACKGROUND PAPERS

10.1 RBC Corporate Plan.

10.2 HNL Committee November 2017

10.3 HNL Committee July 2017

10.4 HNL Committee March 2017

10.5 HNL Committee November 2016

10.6 HNL Committee July 2016

10.7 HNL Committee March 2015

10.8 HNL Committee November 2013

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOODS SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	9
TITLE:	PUBLIC SPACE PROTECTION ORDERS: CONSULTATION REPORT AND RECOMMENDATIONS		
LEAD COUNCILLOR:	CLLR TERRY	PORTFOLIO:	NEIGHBOURHOODS
SERVICE:	HOUSING AND NEIGHBOURHOOD SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	ANTHONY BRAIN	TEL:	0118 9373179
JOB TITLE:	COMMUNITY SAFETY AND ENABLEMENT MANAGER	E-MAIL:	Anthony.Brain@reading.gov.uk

1. PURPOSE OF REPORT

- 1.1 The report outlines the outcome of the consultation on the proposed introduction of a Public Space Protection Order (PSPO) in Reading.
- 1.2 The report makes recommendations on the number and nature of restrictions to be included within a PSPO, in the context of consultation feedback.
- 1.3 Appendices:
 - Appendix A - Consultation Questions
 - Appendix B - Summary of consultation results

2. RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhoods and Leisure Committee note the outcome of the consultation.
- 2.2 That Housing, Neighbourhoods and Leisure Committee agree the restrictions to be introduced as part of the PSPO as set out in paragraphs 4.5 - 4.13.

3. POLICY CONTEXT

3.1 Public Space Protection Orders (PSPOs) were introduced under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life.

3.2 PSPOs have replaced powers to make Gating Orders, Designated Public Place Orders (street drinking restriction powers) and Dog Control Orders. In Reading, there are currently the following orders in place:

- 1 x Gating Order
- 1 x Dog Control Order (Borough Wide)
- 3 x Designated Public Place Orders

3.3 These orders automatically converted into PSPOs in October 2017. However, in the context of the changing nature of anti-social behaviour in the public realm, Housing, Neighbourhoods and Leisure Committee agreed on the 15th November 2017 to consult on the need to introduce a new PSPO to include conditions to tackle a wider variety of anti-social behaviour in Reading. These were:

- Begging
- Busking
- Dog Control
- Drug activity
- Public Urination and defecation
- Street Drinking
- Littering
- Motor bike nuisance
- Mooring Restriction

4. CONSULTATION, EVIDENCE OF NEED AND RECOMMENDATION

4.1 The consultation ran between 1st December 2017 and 22nd January 2018 and was carried out online, face to face and via drop-in sessions. There were 685 responses to the consultation. Of those who responded 72% lived within the borough and a further 16% worked in Reading. Only 3% were visitors to the town.

4.2 A number of key consultees were identified both internally and externally. These are listed below:

Table 1: Consultees

Internal	External
RBC Parks	Thames Valley Police
Environmental Protection	Office of the Police and Crime Commissioner
Licencing	South Oxfordshire District Council
Housing	West Berkshire Borough Council
Street Care	Wokingham Borough Council
Parking Services	Neighbourhood Action Groups
Births, Deaths and Marriages	Business Improvement District
Highways	IriS (Substance Misuse commissioned service provider)
	St Mungos (commissioned street outreach service)
	Launchpad
	Street Pastors (Reading)
	Environment Agency
	Liberty
	Dogs Trust
	Kennel Club
	British Transport Police
	Reading UK CIC
	British Bargee Association

4.3 Overall the consultation feedback was in favour of the PSPO restrictions, with most people believing that these should generally cover the whole of the borough. There were some variations between restrictions which was expected. These variations are considered in more detail below.

4.4 In addition to the consultation a number of organisations' data was reviewed to identify the levels of calls for service in order to evidence the need for a restriction. However, the nature of the behaviour that impacts on the public realm means that much of the behaviour goes unreported. Therefore this information is used to compliment the consultation findings where it is available.

4.5 Begging Restriction

The following restrictions were consulted on:

1. No person shall aggressively beg. Aggressively begging includes begging near a cash machine or begging in a manner reasonably perceived to be intimidating or aggressive.
2. No person shall make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods - including the placing of hats or containers.
3. No person shall sell any magazine which is already a free publication in Reading Town Centre. This restriction would not apply to anyone selling the Big Issue and who is officially "badged" to do so.

Evidence of need

Of those who responded to the consultation, 70% believed begging to be a fairly or very big problem within Reading, with 23% stating it is not a big

problem. Only 4% felt this was not a problem in Reading at all. 80% of all respondents supported the inclusion of begging restrictions in the order. However, analysis of the feedback identified that there were some concerns raised about the second restriction. Some who supported the overall objective felt this element was harsh.

Begging is not always reported to the police or the local authority as many people feel it is too trivial or that there is very little that can be done. This means that the quantitative measures based on the number of actual incidents is likely to be an under estimated. Despite this there were on average 8 incidents a month reported through the Reading Business Against Crime (RBAC) reporting system in the last year and 23 Reports to the police for the period March and October 2017. Reading UK CIC has reported that begging is one of the biggest concerns for their members.

In the recent community safety survey carried out on behalf of the Safer Neighbourhood Forums, begging was highlighted as being one of the top four biggest concerns for residents across Reading. This may reflect the visible impact of begging when residents use the town centre and other shopping areas.

Comments from the consultation:

"I absolutely support this proposal. During the daytime begging is prevalent in the town centre; particularly the 'commuters walk' from the station and through the centre. It does seem to be more passive and polite during the day. However, as we enter the night time economy, begging is far more aggressive and intimidating; I'm often approached directly and up front as it gets past 6pm."

"The begging in the town centre has really got out of hand and whilst I can empathise with some I can also empathise with the people that are being taken advantage of. Some of the beggars (certainly not all) can be very aggressive and intimidating and it also encourages drug dealers to blatantly sell their wares in town in front of young children."

"I fully agree with point 1 and 3. However, people who are sitting down and asking for money are not aggressive at all. They clearly need help."

Recommendation

The general support for the introduction of the restriction matched by high levels of concern by both residents and businesses confirms the need to introduce a restriction as part of the PSPO. The consultation did highlight some public concerns around the second restriction meeting the definition of aggressive begging and a majority of respondents supported implementing the restriction as drafted. This restriction does, however, enable an additional opportunity for partners to engage with more entrenched and persistent beggars in an assertive way, with an aim of enabling and encouraging those who are begging to access the support services Reading has to offer and to exit a life on the street. Partnership work is not centred on enforcement but takes a holistic approach that is geared to helping the street population to access both accommodation and support.

It is recommended the restrictions as above are included in the order and cover the whole of the borough.

4.6 Busking Restrictions:

The following restriction was consulted on:

1. No person shall perform any type of street entertainment (also known as busking, which includes amplified or unamplified music and singing) that may cause a nuisance to nearby premises or members of the public within Reading Town Centre. This includes obstructing the highway or shop entrances, using street furniture including public seats, lamp posts, statues and railings, unless registered to do so by Reading UK CIC.

Evidence of need

Of those who responded to the consultation 70% believed this was **not** a big problem or a problem at all. This compared to 24% stating it was a very or fairly big problem. Further analysis of the comments showed that many of those who did not support these restrictions did support a licencing scheme of some kind and objected to amplified music where this was causing a nuisance. The Business Improvement District (BID) stated that amplified music impacted their members, not only shop staff but also the offices above ground level.

Reports of complaints against busking are relatively low. Where they are reported it is normally dealt with as noise nuisance. Intervention options through this process are limited as there is a need to show an ongoing problem from the same individual.

Comments from the consultation:

"I think busking can bring tourists into town and give a little bit of character."

"You had a permit scheme for many years that worked very well. It was run by Reading CIC... Control busking but don't ban it entirely. It is very popular, that's why you have so many buskers because so many people give them money."

"Busking can be pleasant and provides a positive atmosphere if not amplified greatly"

Recommendation

Where busking is causing nuisance there needs to be some effective means of managing it. This was reflected in some of the comments from the consultation, who whilst supporting busking did believe that should be some form of licencing in place. Our current voluntary licensing scheme is not working because there is no sanction against those unlicensed buskers or those who choose to busk in an anti-social way. To reflect the feedback from the

consultation and current limitations a revised restriction is being recommended.

It is recommended that the amended restriction set out below is included in the order and covers the whole of the borough:

1. No person shall perform any type of street entertainment (also known as busking) unless licenced to do so by Reading UK CIC and compliant with the conditions of the licence.

4.7 Dog Control Restriction:

The following restrictions were consulted on:

Any person in charge of a dog within the restricted area shall be in breach of the order if they:

1. Allow a dog to foul in a public place and then fail to remove the waste and dispose of it in an appropriate receptacle.
2. Do not comply with a direction given to him/her by an authorised officer of the authority to put and keep the dog on a fixed lead unless a) he/she has reasonable excuse for failing to do so; or b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so; c) an authorised officer of the authority may only give a direction under this order to put and keep a dog on a fixed lead if such a restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person (on any land to which this order applies) or the worrying or disturbance of any animal or bird.
3. A person must not take more than four (4) dogs at the same time onto the land detailed, unless - (a) s/he has a reasonable excuse for failing to do so; or (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Evidence of need

Between May 2015 and May 2017 there were a total of 1,634 reports of dog fouling to the local authority. This data supports the findings of the consultation.

The majority of people who responded to the consultation said that one or more of these issues was a problem in Reading - 83% felt it was a fairly big or very big problem. 88% agreed with the restrictions consulted upon and the same percentage felt the restrictions should cover the whole of the borough. However, comments from individuals suggested that the greatest support was around the dog fouling element, and questioned the need to control or restrict the number of dogs a person can walk (which would impact on professional dog walkers). Local Authority enforcement officers felt that those controlling more than four dogs would find it difficult to monitor and pick up any dog mess. Comments from the consultation:

"I often take my daughters to school and there is dog mess on the pavement. People should be responsible dog owners."

"The first two bullet points are fair, but the restriction of the number of dogs allowed to be walked at one time by a single person seems rather unfair to professional dog walkers. As long as the dogs are kept under control I see no real reason for an upper limit."

Recommendation

The consultation found that many believed that the restriction on the number of dogs any one person could walk at a time was not necessary. There is also little quantitative evidence to suggest that walking more than four dogs is a problem in Reading, therefore it is recommended that this element of the restriction is removed.

It is recommended that the amended restrictions set out below are included in the order and cover the whole of the borough:

Any person in charge of a dog within the restricted area shall be in breach of the order if they:

1. Allow a dog to foul in a public place and then fail to remove the waste and dispose of it in an appropriate receptacle.
2. Do not comply with a direction given to him/her by an authorised officer of the authority to put and keep the dog on a fixed lead unless a) he/she has reasonable excuse for failing to do so; or b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so; c) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a fixed lead if such a restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person (on any land to which this order applies) or the worrying or disturbance of any animal or bird.

4.8 Drug Activity Restriction:

The following restrictions were consulted on:

1. No person shall ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances in a public place.

Intoxicating Substances is given the following definition: any psychoactive substances i.e. substances with the capacity to stimulate or depress the central nervous system, excluding alcohol. Alcohol would be covered separately in the Street Drinking Restriction (see below).

Evidence of need

Of those who responded to the consultation nearly 80% said this was either a very big or fairly big problem in Reading, with 90% of people supporting the

restrictions. 97% believed this needed to cover the whole of the borough. Many also comment that they had personally seen or been affected by the issue. Comments made during the consultation highlighted some concerns that the wording of the restriction was ambiguous and might include e-cigarettes etc.

Between March and Oct 2017 there were 89 reports of drug taking and drug paraphernalia to the police.

In the recent community safety survey carried out on behalf of the Safer Neighbourhood Forums, drug taking and dealing was highlighted as being one of the top four biggest concerns for residents, this supports the borough wide need for the restriction.

As above, enforcement activity does not take place in isolation - partners seek to link individuals into specialist support services in the town.

Comments from the consultation:

"Because my family and I have had a person injecting drugs in full view of public and children (in Newtown) on a consistent basis - Police have been dealing with this particular person."

"It is distressing to witness this."

"We as a business are constantly have to clear up needles by certain buildings in Reading and it's just so dangerous and awful. and unfortunately with this type of activity you also get crime, and we constantly have to invest in more CCTV etc"

"It is illegal and unsafe for children as drug users left needles behind."

"Again, 'criminalising' people is not the answer. Moving them on is not the answer. Supporting them to change is the answer but that takes money and we are no longer in a position to support people."

Recommendation

The consultation and evidence has clearly demonstrated the need for a restriction around drug activity to be included within the PSPO. However, there were concerns regarding ambiguity within the wording consulted on. As a result the wording of the restriction has been changed to reflect this.

It is recommended that the amended restrictions set out below are included in the order and cover the whole of the borough:

1. No person shall ingest, inhale, inject, smoke, or otherwise use illegal drugs or psychoactive substances (formally known as legal highs), in a public place.

4.9 Public Urination and Defecation:

The following restriction was consulted upon.

1. No person shall urinate or defecate in a public place.

Evidence of need

Just over half of those who responded to the consultation felt this was a very or fairly big problem in Reading. Nearly 96% supported the restrictions set out within the consultation and of these 96% stated this should be borough wide. Of the small percentage of respondents who did not support the restriction, many stated that this was due to the *“inadequate provision of public toilets”* and would have supported the restriction otherwise.

Between March and October 2017 there were a total of 19 reports of public urination to the police and three to the local authorities ASB Team. Whilst levels of reporting are relatively low it is likely that much of this activity goes unreported, especially where this is linked to the night-time economy.

Comments from the consultation:

“I have witnessed multiple people using the streets / alleys of the town centre as a toilet in the evenings, usually weekends. I believe we should provide more public toilet space though so people have no excuse. Some side streets / back alleys smell awful when you walk past them from all the people using them for toilet spaces”

“The car park where I live is also used as a toilet and the residents have to pay to clean up their mess”

Recommendation

The consultation supports the need for a restriction around public urination and defecation to be included within the PSPO.

It is recommended the restrictions as above are included in the order and cover the whole of the borough.

4.10 Street Drinking:

The following restriction was consulted on:

1. No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by an authorised officer to prevent public nuisance or disorder.

Exemptions shall apply in cases where for the avoidance of doubt the consumption of alcohol is on premises or public space licenced under the Licensing Act 2003

Evidence of need

Around 65% of those who responded believed street drinking to be a very or fairly big problem in Reading and only 4% said it was not a problem at all. 92% agreed with the proposed restriction and 88% believed it should be introduced

borough wide. Comments from the consultation indicated the wider impact this can have with many people feeling intimidated by those street drinking.

Between March and October 2017 there were a total of 55 reports of street drinking to the police. This restriction is already in place as part of the previous Designated Public Space Order and the police have confirmed that the power offers them alternative options where arrest may not be appropriate.

Comments from the consultation:

"Often see people wandering around early in the morning drinking cans of cider. It doesn't make the town feel safe when people can be drunk at an early hour"

"Its intimidating - people are unpredictable when they have had a drink."

"I've been injured by these people arguing and been drawn in. Needs to stop."

"Yes and no....you need to link up with IRiS. Whilst it is not ideal to have street drinkers, if they are alcohol dependent then removing the alcohol could place their lives in danger from potentially fatal seizures."

Recommendation

The consultation both with residents and partners supports the continued restriction of the drinking of alcohol where this has or is likely to contribute to public nuisance or disorder.

It is recommended that the restriction as set out above is included in the order and covers the whole of the borough.

4.11 Litter Restriction:

The following restriction was consulted upon.

1. No person shall, for any duration of time, leave unattended in a public area any personal effects or belongings or any other material or paraphernalia including anything that may be considered discarded or waste material.

Evidence of need

74% of those who responded to the consultation believed littering to be a fairly or very big problem in Reading with only just over 2% stating it was not a problem at all. 90% supported the proposed condition within the PSPO, with nearly 90% believing this should cover the whole borough. Some of those who answered made a link between littering and homelessness as picked up in the comments below.

Comments from the consultation:

"I'm frequently picking up used needles, sleeping bags, duvets, clothes, toiletries, all stored around my premises."

"If you are attempting to take away possessions of homeless people, which I believe is the purpose of the question, then no. This sadly is their entire life and a means of keeping relatively warm. Criminalising homelessness has to stop."

"People should put litter in bins provided. I see so much litter just dumped by people and it makes the environment horrible."

Recommendation

The consultation, whilst clearly supportive of the introduction of this restriction as part of the PSPO, did raise concerns that it unduly effected Reading's homelessness population. It is acknowledged that there is already a substantial amount of cross agency work and communication in support of Reading's street population and that this will safeguard against any negative impact. Processes are already in place to identify the owner of items left on the street prior to removal; this includes discussion with support agencies.

It is recommended that the restriction set out as above is included in the order and covers the whole of the borough.

4.12 Motorbike Nuisance Restriction:

The following restriction was consulted on:

1. The effect of the Order is to prohibit the use of a mechanically propelled vehicle, intended or adapted for use on the road, in a way that has caused or may be capable of causing nuisance and annoyance anywhere on public land within the restricted area.

Evidence of need

39% of those who responded to the consultation believed this to be a very or fairly big problem for Reading with 12% believing it was not a problem at all. 92% agreed with the restrictions that were being consulted on and 90% believed that this should be introduced borough wide.

Between March and October 2017 there were 87 reports of motorbike nuisance to the police. During the consultation with partners it was identified that there are a number of areas that are particularly affected by this behaviour, which may reflect the lower number of people who believed this was a problem.

Partners highlighted that there were already a number of powers available to the police to tackle this type of nuisance.

Comments from the consultation:

"We have had incidents of youths riding these bikes in our area it's very unsafe for pedestrians especially children"

"Rose kiln lane has a motorbike epidemic especially late at night or early morning (11 pm-4am) with overly loud and obnoxious motor engine noise. This should fix that."

"Although I support this motion I am not aware of any specific problem"

Recommendation

Whilst a majority supported the proposed restrictions, only around 40% of those who responded to the consultation believed this to be a serious problem in Reading. On reflection and further discussion with partners, the inclusion of the restrictions in the PSPO would not provide any additional benefit not conferred by the range of powers already available to the Police. The challenges presented by this type of ASB are not due to an absence of appropriate powers. There are challenges both with identifying individuals on vehicles which do not carry license plates and issues associated with safely giving chase. It is therefore recommended that this restriction is not included within the order as it is not considered.

4.13 Mooring Restriction:

The following restriction was consulted on:

1. No person shall moor any boat or amphibious craft to any land without the consent of the landowner, or managing authority, or breach any condition imposed by the land owner or managing authority.

Evidence of need

Only 17% believed this was **not** a problem for Reading, whilst only 14% believed it to be a problem. Many of those who responded to the consultation had no view on this issue. This may reflect that the impact is limited to those who live along or use the river. Despite this 77% still said they supported the restriction being proposed, with 74% of those believing it should cover the whole borough.

The local authority has recently introduced a pilot enforcement scheme to control mooring on local authority controlled land.

Comments:

"Not affected me at all"

"There are mooring areas in RDG - but like parking spaces people take advantage."

"Moorings are abused along stretches of the Thames & Kennet and need to be regularised to prevent rubbish dumping and ASB."

Recommendation

Whilst accepting that illegal mooring and the associated ASB impacts on those living on or around the river, the numbers of those reporting it as a problem was low. Alongside this the local authority has already introduced an enforcement scheme to restrict this activity and prevent illegal mooring and the abuse of the temporary moorings available in the town (overstaying inhibits leisure use of these). The enforcement action being taken has begun to

reduce the impact of ASB that can be associated with some illegal mooring. Further enforcement is being considered where this is still a problem. After consultation with partner agencies it was felt that the current enforcement powers through this scheme should be sufficient. We will however continue to review the effectiveness of the current enforcement scheme.

It is recommended that this restriction is not included within the order.

5 RESOURCE IMPLICATIONS

5.1 Whilst having an order in place will deter some ASB, there will be a need to enforce the restrictions. Following discussion with both Reading Borough Council services and the Police, and based on current delegated authorities, the main responsibilities for enforcing the restrictions would be as follows:

- Begging Restriction - Thames Valley Police
- Busking Restriction - Environmental Protection/Streetcare (RBC)
- Dog Control Restriction - Environmental Protection (RBC)
- Drug Activity Restriction - Thames Valley Police
- Street Drinking - Thames Valley Police
- Litter Restriction - Streetcare (RBC)

5.2 These new restrictions would be introduced at a time when both the Local Authority and the Police have reducing numbers of officers in a position to enforce them. The consultation with partners identified that it will not be possible to enforce all of the restrictions all of the time. It will be necessary to prioritise enforcement based on severity and need, whilst acknowledging that failing to enforce the orders may result in complaints from the public.

5.3 There will also be a requirement for the Local Authority's Legal Service to take action against non-payment of fines or persistent breaching of the restrictions. Other areas have not had a major problem with non-payment of fines. Oxford, who have had a similar PSPO in place since February 2016, have so far not had any non-payment of fines.

6 LEGAL

6.1 The Council may make a Public Spaces Protection Order where it is satisfied on reasonable grounds that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or that it is likely that activities will be carried on in a public place and that they will have a detrimental effect. In addition, the Council must be satisfied that the effect of the activities is persistent or continuing, that the activities are unreasonable, and that the effect justifies the restrictions imposed by the notice. The order may prohibit specified things being done, and/or require specified things to be done by persons carrying on specified activities.

7. FINANCIAL IMPLICATIONS

7.1 Other than the cost identified under section 5 above, the main cost involved in the introduction would be associated with the production and fitting of the

signage for the orders within the restricted areas. It is estimated that the cost of this signage will be around £5,000, however until the PSPO has been fully agreed by my HNL Committee, including the area any new order will cover it is difficult to put an exact figure to this cost. Cost could be met from within the current Safer Communities capital budget.

8. COMMUNITY ENGAGEMENT AND INFORMATION

- 8.1 A consultation was carried out between 1st December 2017 and 22nd January 2018 and was carried out both online, face to face and via drop in sessions. There were 685 replies to the consultation.

9. EQUALITIES ASSESSMENT

- 9.1 A pre-equalities impact assessment did not identify that the introduction of the PSPO would adversely impact on any of the groups covered by the equalities act.
- 9.2 The removal of the mooring restriction means that the bargee community will not be directly impacted by the PSPO.
- 9.3 It was identified that some of those begging or street drinking may have mental health concerns. A case management group of officers from the Police, Council and support services meet on a two weekly basis to discuss vulnerable individuals amongst the street population. The support needs of each individual are considered including their housing situation, physical and mental health needs. An appropriate plan is put in place to seek to move people off the streets and into accommodation and support. Where engagement with the large number of local support services fails, enforcement action may be taken as determined by the panel. This approach balances the needs of the individual, principally substance misuse, physical and mental health concerns, with the need to tackle anti-social behaviour, respond effectively to complaints from the public and take action against illegal activities. None of the people case managed by the panel is a child. Any child identified would be dealt with under the Police and Council's safeguarding policies.

10. CONTRIBUTION TO STRATEGIC AIMS

- 10.1 The introduction of any PSPO will contribute towards the following strategic aims:
1. Safeguarding and protecting those that are most vulnerable;
 2. Keeping the town clean, safe, green and active.

12. BACKGROUND PAPERS

- 12.1 Report to Housing, Neighbourhood and Leisure Committee: Anti-Social Behaviour and Public Space Protection Orders dated 15th November 2017.

Appendix A - Consultation Questions

Introduction

What is your name? (Responses can be provided anonymously)

Name

What is your email address? (Only provide if you wish to receive feedback on the outcome of the consultation)

Email

What is your organisation? (if applicable)

Organisation

About you

Please select all that apply:

- I live in the Reading Borough Area
- I live outside the Reading Borough Area
- I work in the Reading Borough Area
- I am a visitor to the Reading Borough Area

Thinking about the town of Reading overall how much of a problem do you think each of the following are? (please tick)

	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	No opinion
Aggressive Begging					
Nuisance Busking					
Drug taking					
Dog Control & Dog Fouling					
Public urination & defecation					
Street drinking					
Litter relating to personal belongings					
Motorbike nuisance					
Illegal Mooring					

Begging Restriction

We are proposing the following conditions to tackle aggressive begging in Reading:

- No person shall aggressively beg. Aggressively begging includes begging near a cash machine or begging in a manner reasonably perceived to be intimidating or aggressive.
- No person shall make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods - including the placing of hats or containers.
- No person shall sell any magazine which is already a free publication in Reading Town Centre. This restriction would not apply to anyone selling the Big Issue and who is officially "badged" to do so.

Do you support the proposed conditions?

Please select only one item

Yes No

Please give your reasons why:

Do you think these conditions should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Busking Restriction

We are proposing the following condition to tackle nuisance busking in Reading:

- No person shall perform any type of street entertainment (also known as busking, which includes amplified or unamplified music & singing) that may cause a nuisance to nearby premises or members of the public within Reading Town Centre. This includes obstructing the highway or shop entrances, using street furniture including public seats, lamp posts, statues and railings, unless registered to do so by Reading UK CIC.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Dog Control Restrictions

We are proposing the following conditions to tackle dog control issues and dog fouling in Reading:

Any person in charge of a dog within the restricted area shall be in breach of the order if they:

- Allow a dog to foul in a public place and then fail to remove the waste and dispose of it in an appropriate receptacle.
- Do not comply with a direction given to him/her by an authorised officer of the authority to put and keep the dog on a fixed lead unless a) he/she has reasonable excuse for failing to do so; or b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so; c) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a fixed lead if such a restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person (on any land to which this order applies) or the worrying or disturbance of any animal or bird.
- A person must not take more than four (4) dogs at the same time onto the land detailed, unless - (a) s/he has a reasonable excuse for failing to do so; or (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Drug Activity Restriction

We are proposing the following condition to tackle drug related activity in Reading:

- No person shall ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances in a public place.

(Intoxicating Substances is given the following definition: any Psychoactive Substances i.e. substances with the capacity to stimulate or depress the central nervous system, excluding alcohol. Alcohol would be covered separately in the Street Drinking Restriction)

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Public Urination and Defecation Restriction

We are proposing the following condition to tackle public urination and defecation:

- No person shall urinate or defecate in a public place.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Street Drinking Restriction

We are proposing the following condition to tackle street drinking in Reading:

- No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by an authorised officer in order to prevent public nuisance or disorder.

Exemptions shall apply in cases where for the avoidance of doubt the consumption of alcohol is on premises or public space licensed under the Licensing Act 2003.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Litter Restriction

We are proposing the following condition to tackle littering associated with personal belongings in Reading:

- No person shall, for any duration of time, leave unattended in a public area any personal effects or belongings or any other material or paraphernalia including anything that may be considered discarded or waste material.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Motorbike Nuisance Restriction

We are proposing the following condition to tackle motorbike nuisance in Reading:

- The effect of the Order is to prohibit the use of a mechanically propelled vehicle, intended or adapted for use on roads, in a way that has caused or may be capable of causing a nuisance and annoyance anywhere on public land within the Restricted Area.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Illegal Mooring Restriction

We are proposing the following condition to tackle illegal mooring in Reading:

- No person shall moor any boat or amphibious craft to any land without the consent of the land owner, or managing authority, or breach any conditions imposed by the land owner or managing authority,

Note: There is currently a pilot scheme to manage mooring on local authority land. The PSPO restriction will be reviewed if the pilot is successful.

Do you support the proposed condition?

Please select only one item

Yes No

Please give your reasons why:

Do you think this condition should cover the whole borough?

Please select only one item

Yes No

If you answered no, please specify ward (s), Road Name (s) or parks/open space(s) which you think the conditions should cover:

Appendix B - PSPO Consultation results.

Total number of respondents: 685

Introduction question responses:

About You:

Total number of responses: 683

Option	Total responses	Percentage
I live in the Reading Borough Area	494	72.12%
I live outside the Reading Borough Area	109	15.91%
I working in the Reading Borough Area	305	44.53%
I am a visitor to the Reading Borough Area	21	3.07%
Not answered	2	0.29%

N.B. This was a multiple response question.

Thinking about the town of Reading, Overall, how much of a problem to you think each of the following are:

Total number of responses: 683

	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	No opinion	Not answered
Begging total	241	241	160	31	6	6
Begging %	35.18%	35.18%	23.36%	4.526%	0.8759%	0.8759%
Nuisance busking total	56	115	300	186	18	10
Nuisance busking %	8.175%	16.79	43.80%	27.15	2.628%	1.460%
Drug taking total	296	243	79	19	40	8
Drug taking %	43.21%	35.47%	11.53%	2.774%	5.839%	1.168%
Dog control & fouling total	100	189	284	71	34	7
Dog control & fouling %	14.60%	27.59%	41.46%	10.36%	4.964%	1.022%
Public urination & defecation total	125	217	239	50	48	6
Public urination & defecation %	18.25%	31.68%	34.89%	7.299%	7.007%	0.8759%
Street Drinking total	188	256	166	43	24	8
Street Drinking %	27.45%	37.37%	24.23%	6.277%	3.504%	1.168%

Litter relating to personal belongings total	263	232	128	30	25	7
Litter relating to personal belongings %	38.39%	33.87%	18.69%	4.380%	3.650%	1.022%
Motorbike nuisance total	101	163	242	94	77	8
Motorbike nuisance %	14.74%	23.80%	35.33%	13.72%	11.24%	1.168%
Illegal mooring total	36	62	156	128	294	8
Illegal mooring %	5.255%	9.051%	22.77%	18.69%	42.92%	1.314%

	Do you agree with the proposed condition Total			Do you agree with the proposed condition %			Do you think the conditions cover the whole borough Total			Do you think the conditions cover the whole borough &		
	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
Begging	542	140	3	79.12	20.44	0.4380	554	119	12	80.88	17.37	1.752
Nuisance busking	416	261	8	60.73	38.10	1.168	427	221	37	62.34	32.26	5.401
Drug taking	617	59	9	90.07	8.613	1.314	613	52	20	89.49	7.591	2.920
Dog control & fouling	620	58	7	90.51	8.467	1.022	606	62	17	88.47	0.051	2.482
Public urination/defecation	624	56	5	91.09	8.175	0.7299	604	56	25	88.18	8.175	3.560
Litter relating to personal belongings	593	83	9	86.57	12.12	1.314	568	87	30	82.92	12.70	4.380
Motorbike nuisance	612	61	12	89.34	8.905	1.752	596	59	30	87.01	8.613	4.380
Illegal mooring	495	132	58	72.26	19.27	8.467	484	115	86	70.66	16.79	12.55

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOODS

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	10
TITLE:	PRIVATE SECTOR HOUSING AND CIVIL PENALTIES		
LEAD COUNCILLOR:	COUNCILLOR JOHN ENNIS	PORTFOLIO:	HOUSING
SERVICE:	REGULATORY SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	YASMIN AHMAD	TEL:	0118 9372466
JOB TITLE:	PRIVATE SECTOR HOUSING TEAM MANAGER	E-MAIL:	yasmin.ahmad@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 In April 2017, the Housing Act 2004 was amended by the Housing and Planning Act 2016 (the "Act") and guidance which followed in 2017. The purpose of the 2016 Act was to introduce a number of measures to tackle criminal (rogue) landlords and agents. These include Civil Penalties of up to £30,000 as an alternative to prosecutions, Rent Repayment Orders and the Government intends this year to introduce Banning Orders, a Rogue Landlords database and likely an extension of mandatory HMO Licensing.
- 1.2 The use of Civil Penalties gives the Council an additional tool to tackle landlords and agents who rent out sub-standard properties in the Private Rented Sector (PRS). Unlike prosecutions where the Council may recover its costs but does not receive any income from the fine, fines are re-invested in to private sector housing enforcement. The Government anticipates the process for Civil Penalty Notices (CPNs) will be faster than the prosecution process however, the same burden of proof is required.
- 1.3 This report further sets out details of the The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, which places a duty on landlords to fit smoke and carbon monoxide alarms in private rented properties, the penalty for non-compliance can be a charge of up to £5,000.
- 1.4 This report seeks delegations to authorise officers to carry out these functions and approval to amend policy and introduce a charging scheme.

2. RECOMMENDED ACTION

- 2.1 That the scheme of delegations relating to Section 128 and Schedule 9 of the Housing & Planning Act 2016 and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be approved and the Head of Planning, Development and Regulatory Services be delegated authority to implement the scheme to issue Civil Penalties and Penalty Charges.
- 2.2 That the Head of Planning, Development and Regulatory Services, in consultation with the Head of Legal and Democratic Services, be authorised to discharge the Council's

duties and powers under the Housing and Planning Act 2016 and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 along with subsequent Regulations and Orders as well as policies and procedures related to this legislation.

- 2.2 That the updated Policy for Housing Standards Regulations be approved, which includes the enforcement powers introduced in the Housing and Planning Act 2016 and the Smoke and Carbon Monoxide (England) Regulations 2015.
- 2.3 That the proposed charging process for Civil Penalty Notices detailed in the Policy for Housing Standards Regulation (Appendix 1 pages 16-22), be approved.
- 2.4 That the Statement of Principles for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 detailed in the Policy for Housing Standards Regulation (Appendix 1 pages 23-26), be approved.
- 2.5 That the revenue arising from Civil Penalties and Rent Repayment Orders be reinvested in the Private Sector Housing Team as part of Regulatory Services to continue improving the Private Rented Sector as detailed in Regulation 4 of the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017.

3. POLICY CONTEXT

- 3.1 The Council has a statutory duty to enforce standards within the housing stock of the Borough. This duty is discharged through the Private Sector Housing Team within Regulatory Services.
- 3.2 The majority of landlords and letting agents are law abiding and offer good quality accommodation. However, there are a minority of landlords/agents against whom enforcement action is necessary.
- 3.3 Where hazards and deficiencies are found there are a number of enforcement tools available including improvement notices, prohibition orders, emergency remedial action, along with the licensing regime for Houses in Multiple Occupation (HMO's) provided by the Housing Act 2004 and the Management Regulations for HMOs. A criminal offence is created when one of these is breached or not complied with and at that point a prosecution is considered having regard to the Council's enforcement policy and Regulators Code.

4. THE PROPOSAL

- 4.1 At the point when Civil Penalties were issued through the Housing and Planning Act, Ministers were very clear that they expected these powers to be used robustly as a way of clamping down on criminal landlords
- 4.2 In the House of Commons Marcus Jones MP (Parliamentary under Secretary of State for the Department for Communities and Local Government) stated

"[it is necessary] to clamp down on rogue landlords, so the civil penalty [has been increased] up to a maximum of £30,000"

"It is important [to] raise the level of civil penalties to £30,000 because a smaller fine may not be significant enough for landlords who flout the law to think seriously about their behaviour and provide good quality, private sector rented accommodation for their tenants".

- 4.3 It is the responsibility of each local authority to decide on the level of the financial penalty and the penalty must be relevant to the offence committed. This means that there will be variations in the penalties and as a result a single fee cannot be set. When deciding on issuing a civil penalty the Council must refer to its local enforcement policy and any relevant government guidance. In particular the factors set out in 3.5 of the Government's Guidance on Civil Penalties under the Housing and Planning Act 2016 which are:
- 4.4.1 The severity of the offence
 - 4.4.2 Culpability and track record of the offender
 - 4.4.3 The harm caused to the tenant
 - 4.4.4 Punishment of the offender
 - 4.4.5 Deterring the offender from repeating the offence
 - 4.4.6 Deterring others from committing similar offences
 - 4.4.7 Removing any financial benefit the offender may have obtained as a result of committing the offence
 - 4.4.8 Assessment of assets and income
- 4.4 Government have not set out detailed guidance on how any Civil Penalty Notices (CPN) charge should be applied and therefore Local Authorities have introduced a fee matrix. This matrix penalises the worst or repeat offenders with the maximum penalty based on specified criteria. The Housing Standards Regulations Policy has been updated to reflect the use of Civil Penalties and also the use of the matrix (pages 16-22 of the policy)
- 4.5 The matrix has been benchmarked against other Council's charges. Officer time will be added to this based on the actual Officer time spent investigating the Offence(s).
- 4.6 Officers are seeking approval to implement the powers enacted under the Housing & Planning Act 2016 and changes to the Housing Standards Regulation Policy to enable the introduction of a charging matrix to ensure consistency and demonstrate on appeal (if necessary) that proper consideration has been given to the severity of the offence.
- 5.0 Smoke and Carbon Monoxide (England) Regulations 2015
- 5.1 All tenants should have a safe place to live and in 2015 the Government introduced the Smoke and Carbon Monoxide (England) Regulations to protect private rented sector tenants from death or injury in the home caused by smoke and carbon monoxide poisoning.
- 5.2 In order for these regulations to be effective there is a process for ensuring compliance and the local authority is the enforcing authority.
- 5.3 If a local authority has reasonable grounds to believe a landlord is in breach of their duties, the authority must serve a remedial notice on the relevant landlord indicating which property it relates to, the reason it is being issued and what action the landlord needs to take next. 'Reasonable grounds' would include being informed by a tenant, letting agent or fire service that the required alarms are not installed.
- 5.4 The landlord has 28 days beginning with the day on which the remedial notice is served to comply with the notice. If a landlord does not prove they have taken all reasonable steps to comply, then the local authority can carry out the works in default for example installing a required alarm, repairing and installed alarm or checking the installed alarm is in working order.
- 5.5 The Council will then impose a penalty charge up to a maximum of £5,000. In doing this the Local Authority must have regard to the Statement of Principles it has published and which is in place when the breach occurred. Officers recommend for a first offence a penalty charge of £2,500 is issued and for any subsequent offences the maximum £5,000 should be imposed. This is to protect the health and safety of the tenants as non-compliance with the

regulations can have serious consequences for tenants in the event of a fire and it further needs to act as a deterrent for non-compliance. By charging a lower fine in the first instance, Officers feel a balance is struck between the need for a deterrent and taking a proportionate approach to first time offenders.

5.6 Officers are seeking approval to implement the powers enacted under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and the Statement of Principles detailed in the Housing Standards Regulation Policy (pages 23-26) to enable the introduction of a penalty charge.

5.9 Other Options Considered

5.10 The introduction of these new powers will add to and enhance the existing enforcement powers the Council has. For example the Council has the option to take prosecution action against the worst offenders, whilst the new powers enable a more rapid and visible sanction to deal with those who have breached legislation. For this reason and those detailed in the main body of the report, adopting the provisions set out in this report is the most appropriate option.

5.11 The Smoke and Carbon Monoxide (England) Regulations allows for a fine of up to £5,000 and following consideration Officer recommendation is to issue a fine of £2,500 for a first offence rather than the full £5,000 which will be imposed if there are any further breaches of these Regulations. As with the Housing and Planning Act these powers enable Officers to provide a quick and visible sanction.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 In relation to the Council's Corporate Plan the following themes are appropriate:

5.2 Providing homes for those most in need - the regulations in both pieces of legislation enhances the Council ability to deal with criminal landlords and agents and thereby improving housing conditions along with contributing to the health, safety and welfare of residents by driving up physical and management standards in the Private Rented Sector.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Neither the Housing and Planning Act 2016 or the Smoke and Carbon Monoxide (England) Regulations 2015 require any consultation prior to introducing the powers detailed in the report.

6.2 Publicity will be carried out both in the form of press releases and newsletters in line with the introduction of these powers.

7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 No group will be adversely affected by the introduction of these schemes.

8. LEGAL IMPLICATIONS

- 8.1 Section 128 and Schedule 9 of the Housing and Planning Act 2016 allows for financial penalties to be imposed as an alternative to prosecutions. Schedule 9 amends the Housing Act 2004. The offences this relates to are detailed on page 17 of the Housing Standards Regulations Policy
- 8.2 The Act further sets out a number of additional steps that the Local Authority can take in tackling criminal landlords and agents - Banning Orders, Rent Repayment Orders and Rogue Landlords database.
- 8.3 The procedure for imposing a Civil Penalty is detailed in Schedule 13a of the Housing Act 2004 and summarised in the DCLG Guidance and included in the Housing Standards Regulation Policy. There is no scope for the Council to deviate from this process.
- 8.4 A landlord or agent receiving a Civil Penalty Notice may appeal to the First Tier Property Tribunal against the decision to impose a penalty or the amount of the penalty. If an appeal is made the final notice is suspended until the appeal is determined or withdrawn.
- 8.5 Where the landlord or agent fails to pay the civil penalty, the local authority should refer the case to the County Court for an Order of that Court and if necessary use the County Courts Bailiffs to enforce the order and recover the debt.
- 8.6 If a landlord receives a Civil Penalty that can be taken into account when considering if the landlord is a 'fit and proper' person to be the licence holder of a HMO or any other property subject to licensing.
- 8.7 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require landlords who let property under a tenancy to:
- 8.7.1 Provide a smoke alarm on each storey of the premises where there is a room used wholly or partly used as living accommodation
- 8.7.1 Provide a Carbon Monoxide alarm in any room of the property which is used wholly or partly as living accommodation and which contains a solid fuel burning appliance
- 8.7.3 Ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy. Landlords are not responsible for testing alarms during the course of the tenancy. Guidance recommends that tenants should take responsibility for their own safety by testing alarms regularly.
- 8.8 A fee of up to £5,000 can be imposed
- 8.9 Where a local authority intends to impose a penalty, it must give written notice of its intention to do so - a 'penalty charge notice'. This must set out the reasons for the penalty, the amount, and state that the landlord must either pay the penalty charge or request a review within the specified period. There is no other provision made in the regulations for enforcement authorities to redeem costs for any remedial works carried out. Collection of the civil penalty fine is the only method.
- 8.10 If a landlord does not agree with a penalty charge notice, they can make a written request to the local authority for it to be reviewed. On receiving a request for a review, the authority must consider any representations made by the landlord, decide whether to confirm, vary or withdraw the notice, and serve a notice of its decision. If the Council decides to confirm or vary the penalty charge notice, it must inform the landlord it can appeal to the First Tier Property Tribunal

8.11 The burden of proof remains the same as for a prosecution

9. FINANCIAL IMPLICATIONS

9.1 The regulations advise that any income derived from the penalty notices can be retained within the service area to enhance the statutory function in relation to enforcement action in the private rented sector.

9.2 An estimate of income has been detailed in the table below, however it is important to recognise the purpose of enforcement is to create change and reduce the number of criminal landlords/agents in the Borough. As with any new scheme it is difficult to anticipate what the outcomes will be and this will be reviewed once the scheme has been fully implemented. Any income derived from the fines will be reinvested in enforcement work to improve the sector

9.3 The financial implications arising from the proposals set out in this report are set out below:-

Revenue Implications

	2017/18 £000	2018/19 £000	2019/20 £000
Employee costs (see note1)			
Other running costs			
Capital financings costs			
Expenditure			
Income from:			
Fees and charges (see note2)			
Grant funding (specify)			
Other income (CPN's and Penalty Charges from implementing the legislation)	£20,000	£25,000	£25,000
Total Income:	£20,000	£25,000	£25,000
Net Cost(+)/saving (-)			

Note: £5,000 of the income will be set aside to support training, IT, and legal advice

9.4 Risk Assessment

9.5 The key risk from the adoption of these powers will be landlords/agents appealing to the First Tier Property Tribunal. The risk can be mitigated by ensuring Officers work with colleagues in legal services on potential appeal cases. All cases have to be up to the criminal standard and robust enough to be presented at Tribunal should this occur. As this is a new area for all councils, as the scheme unfolds, training will be provided to Officers around best practice and consistency with other councils. Procedures will be updated and fines reviewed taking into account decisions made by the First Tier Property Tribunal.

9.6 An additional risk will be landlords/agents not paying the fines which will result in legal action having to be taken to recover the debt which can take the form of a County Court judgement, a charging order or an enforced sale. This will require specialist support from legal services and debt recovery team.

10. BACKGROUND PAPERS

- 10.1 Department for Communities and Local Government - Civil Penalties under the Housing & Planning Act
- 10.2 Statutory Instrument - The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Policy for Housing Standards Regulation including Houses in Multiple Occupation.



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Policy for Housing Standards Regulation including Houses in Multiple Occupation.

1. Introduction

1.1 The Housing Act 2004 ('the Act') outlines the way the council regulates standards in private rented housing. The Act replaced the Housing Act 1985 fitness standard with a system of assessing the hazards affecting occupiers. It also introduced mandatory licensing of certain houses in multiple occupation (HMO) see 3.2 below for definition. These changes came into force on 6th April 2006.

1.2 The council aims to ensure that private rented sector accommodation meets a minimum decent standard to protect the health and safety of tenants. The availability of HMO lettings is important in order to sustain affordable housing.

1.3 This policy sets out the way Reading implements the requirements of the Housing Act 2004 in relation to HMO licensing and health and safety hazards. It also outlines how the Council intends to use the discretionary powers in the Act to ensure fair and equitable enforcement.

2. The Wider Picture

2.1 This policy is written in the context of the Council's Corporate Objectives including:

- Decent and affordable housing
- Cleaner and Greener Reading

<http://www.reading.gov.uk/councilanddemocracy/GeneralL.asp?id=SX9452-A7832CF4>

2.2 According to the 2012 House Condition Survey 28.5% of households live in the Private Rented Sector with 10% of the properties being classified as HMO's.

2.3 The 2012 House Conditions Survey showed that private sector house conditions has improved since the previous survey in 2006 with a reduction in non-decent homes from 20,500 to 12,200 dwellings with 10% presenting a Category 1 hazard. Housing conditions are poorer in the private rented sector than that in any other type of tenure in the borough. The Council will continue to implement measures to ensure homes are decent and enforcement of the Housing Act 2004 will support this.

General Obligations

The Housing Act 2004 imposes certain general obligations on the Council, including:

- Duty to arrange for inspections to be carried out to determine whether any hazards exist in dwellings and their severity;
- To take appropriate enforcement action to protect residents from serious hazards; and
- To implement an HMO licensing regime and to process applications for HMO licensing.

-

Housing enforcement legislation

Housing Act 2004

Part 1 of the Act describes the actions the Council must take in relation to reports of hazards in residential properties. These actions include:

- carrying out assessments using the Housing Health and Safety Rating System (“HHSRS”) to determine whether any category 1 or category 2 hazards exist;
- Taking the appropriate enforcement action to protect residents from harm.

Under the Part 1 of the Act, the Council’s enforcement options include:

- Serving an improvement notice require remedial action to be carried out within a certain time;
- Making a prohibition order that places restrictions on the use of a residential premises; and
- Serving a hazard awareness notice that, while not requiring remedial action to be carried, formally brings the existence of the hazard to the attention of the responsible person.

In cases where there is a category 1 hazard and an imminent risk of serious harm exists, the Council also has the following options available:

- To carry out emergency remedial action to deal with the hazard. The costs of the work are recoverable from the responsible person; and
- To make an emergency prohibition order that places immediate restrictions on the use of a residential premise.

Mandatory HMO Licensing is detailed in Part 2 of the Act, and places an obligation for all local authorities to set up a scheme to licence those HMOs that fall within the scope of mandatory licensing.

Housing Act 1985 (as amended)

Where category 1 hazards exist, the Housing Act 1985 may be used to declare clearance areas or to make demolition orders.

Local Government (Miscellaneous Provisions) Act 1976

Enables the service of a requisition for information notice that requires the recipient to disclose their interest in a particular property and also that of any other person who they believe may have an interest.

Prevention of Damage by Pest Act 1949.

Enables the service of notices to deal with infestations of rats or mice. It also allows the service of notices to enforce the removal of articles (such as food) or harborage that may encourage rat or mouse activity.

Public Health Act 1961

Sections 16-18 - provides emergency powers to deal with blocked drains.

Public Health Act 1936

- Section 45 - provides for the service of a notice to repair and/ or cleanse a defective water closet that is in such condition as to be prejudicial to health or a nuisance.
- Section 50 - provides the Council with a power to deal with overflowing/leaking cesspools.
- Section 83 - places duties on the Council to deal with premises that are filthy, unwholesome and/or verminous.

Building Act 1984

- Section 59 - provides powers to deal with defective drainage including gutters and down pipes.
- Section 64 - provides a duty to serve a notice requiring the provision of water closets in a dwelling where insufficient facilities exist and
- Section 63 covers water closets, drains and soil pipes improperly constructed or repaired and in such a state as to be prejudicial to health or a nuisance.
- Section 76 - affords a quicker response to dealing with premises that are prejudicial to health or a nuisance than is afforded through the use of Section 80 of the Environmental Protection Act 1990.
- Section 79 - covers ruinous or dilapidated buildings and neglected sites.

Environmental Protection Act 1990

Part 3 allows the Council to take enforcement action in relation to premises that are in such condition as to be prejudicial to health.

Housing and Planning Act 2016

- Section 126 and Schedule 9 allows financial penalties to be imposed as an alternative to prosecutions.
- Schedule 9 amends the Housing Act 2004 and details the specified offences for which financial penalties can be imposed as follows:
 1. Failure to comply with an improvement notice (section 30)
 2. Failure to licence or be licensed in respect of houses in multiple occupation (section 72)
 3. Failure to comply with licensing under Part 3 of the Act (section 95) - this relates to selective licensing
 4. Failure to comply with an overcrowding notice (section 139)

5. Failure to comply with Management Regulations in respect of a House in Multiple Occupation (section 234)

The Management of Houses in Multiple Occupation (England) Regulations 2006 (“the HMO Management Regulations”)

- These regulations require persons managing an HMO to undertake procedures to ensure the HMO remains a safe and healthy environment for residents. There is a corresponding set of regulations for buildings known as section 257 HMOs, which are the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Smoke and Carbon Monoxide Alarms (England) Regulations 2015

- These Regulations impose duties on landlords of residential properties in England to ensure properties have smoke and carbon monoxide alarms fitted. Failure to fit these will result in the Council issuing a Penalty Charge of up to a maximum of £5,000

3. HMO Licensing

3.1 The aim of HMO licensing is to ensure the poorest and highest risk properties in the private rental market meet the legal standards and are properly managed.

3.2 An HMO is a building occupied by more than two persons forming more than one household and includes houses containing bedsits, hostels and shared houses. The Housing Act 2004 generally defines households as families, including single persons and cohabiting couples (whether or not of opposite sex). This has clarified past confusion and means that shared houses will always

be HMOs. Reading has over 3,500 HMOs of which around 1,000 are currently licensed.

3.3 HMOs currently covered by mandatory licensing are those which are three or more stories in which there are five or more occupiers.

Social housing and HMOs owned by the police, health authorities, universities and some other listed organisations are exempt.

3.4 The Council may grant a licence where it is satisfied:

- the house is reasonably suitable for occupation as an HMO;
- the management arrangements are satisfactory;
- and the proposed licence holder and manager are fit and proper persons.
- and the proposed licence holder is the most appropriate person to hold the licence.

A member of the Private Sector Housing Team will visit before licensing an HMO, to assess compliance with the licensing requirements and the number of people the HMO should be licensed for.

3.5 The Council is required to assess whether the proposed licence holder, any proposed manager and any person associated with them or formerly associated with them are fit and proper people to hold a licence or manage an HMO. In reaching its decision the Council must have regard, amongst other things, to evidence showing that the person:

- has no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- has no unspent convictions relating to unlawful discrimination on grounds of sex, race, or disability
- has no unspent convictions relating to housing or landlord and tenant law
- has no unspent convictions for breaches of planning, compulsory purchase, environmental protection or other legislation enforced by local authorities

- has not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the act within the last five years
- has not been in control of a property subject to an Interim Management Order (IMO) or Final Management Order (FMO) or had work in default carried out by a local authority.

Each application will be judged on its own merits, and proposed licence holders will be given the opportunity to make a self-declaration of fitness. Where consultation or previous history indicates that this self-declaration is insufficient, further investigation may be required.

3.6 Licences will be valid for five years in most cases and will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities. Officers aim to issue draft licences within 12 weeks of a full application. However, during periods where there are high numbers of applications received, processing of licence applications will take longer.

3.7 The following mandatory conditions must be applied to all licences:

- to provide copies of gas safety certificates annually where gas appliances are present
- to keep electrical appliances and furniture safe
- to keep smoke alarms in working order
- to provide tenants with a written tenancy agreement.

The Council also has discretion to impose other conditions (see under Policy 8 below). A draft licence must be served on all relevant persons, allowing at least fourteen days for representations before granting the actual licence.

3.8 The licence holder must deal with all Category 1 hazards within the time frame specified by the Council. If they do not, then the Council is expected to use their enforcement powers to improve the property.

3.9 The Council may serve a Temporary Exemption Notice (“TEN”) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances. Where a licensable HMO is not licensed, the landlord cannot evict an occupier under section 21 of the Housing Act 1988 until the HMO is licensed, unless a TEN is in force.

3.10 Appeals against licensing decisions can be brought to the First-tier Tribunal - Property Chamber (Residential Property), including refusals to grant a licence, licence conditions that have been imposed and the maximum number of permitted occupiers. Where a landlord fails to licence an HMO or breaches any of the conditions without reasonable excuse, they will commit a criminal offence.

3.11 Where there is no prospect of an HMO being licensed, the Act requires that the Council use its interim management powers. This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the Council also having the power to grant tenancies. The Council will put into place a mechanism to ensure the most appropriate management of such properties.

3.12 If the Council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the licence conditions or the licence holder or managers are no longer deemed to be fit and proper persons,

the licence can be revoked and the licence holder may be liable for prosecution. The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at a later time.

3.13 The Council has the power to set up additional local area HMO licensing schemes, to enable those HMOs considered to be poorly managed to be licensed.

3.14 Many HMOs in Reading will not be licensable under the mandatory scheme. These include certain houses containing self-contained flats and smaller HMOs. These HMOs are regulated by the Management of Houses in Multiple Occupation (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. They will need to be free of category 1 hazards, which applies to all dwellings irrespective of whether they are an HMO.

4. Licensing exemptions

The Act and the regulations made under it exclude certain types of buildings as HMOs for all purposes except enforcement under Part 1.. The following types of buildings will presently not need to be licensed:

- those managed or owned by a public body such as the police, the NHS, the Council or an RSL;
- where the residential accommodation is ancillary to the main use of the building e.g. religious establishments etc.;
- those entirely occupied by freeholders or long leaseholders and their households;
- those occupied by no more than two households each of which comprise of a single person;

- those owned or managed by educational establishments and occupied principally by full time students, e.g. halls of residence.
- those regulated elsewhere e.g. care homes, bail hostels, etc.
- those that are owner-occupied and have no more than two lodgers residing within them.

5. Housing Health and Safety Rating System and Enforcement Regime

5.1 The Housing Health and Safety Rating System is the method prescribed for determining whether a hazard exist in a residential premises.

The HHSRS involves the assessment of 29 potential hazards (see appendix A) and scoring of their severity to decide whether improvements are needed. If more serious hazards (known as category 1 hazards) are found, the Council has a duty to take the most appropriate form of enforcement action. If less serious hazards (known as category 2 hazards) are found, the Council has a discretionary power to require action. Where a fire hazard is identified in an HMO or the common parts of buildings containing flats, the Council will consult the Royal Berkshire Fire and Rescue Service on works required before taking enforcement action.

5.2 An improvement notice will normally be the most appropriate remedy for most hazards; repair or renewal is generally cost-effective because of the high value of property in Reading. A Prohibition Order, however, may sometimes be required on part of or all of a dwelling, for example where there is inadequate natural lighting or there is no fire escape from the top floor. In certain circumstances, the Council may serve suspended notices, which may come into action at a future time or be triggered when a set of specified circumstances arises.

In some circumstances where an imminent risk of serious harm to occupiers exists, it is not appropriate to serve an improvement notice or to make a prohibition order, as these take at least four weeks to come into force. In such circumstances, the Council will consider undertaking emergency remedial action or, in extreme cases, making an emergency prohibition order to immediately place restrictions on the occupancy of the premises in question.

6. Enforcement Policies

Policy 1 - Fair and Consistent Enforcement

This enforcement policy helps to promote an efficient and effective approach to regulatory inspection and enforcement, and aims to improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code. In certain instances, we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that a decision to depart from the Code will be properly reasoned, based on material evidence and documented. The current corporate enforcement policy is available at:

<http://www.reading.gov.uk/Documents/consultation/Corporateenforcementpolicy200206.pdf>

The Council believes that enforcement alone is unlikely to have much effect on improving standards. However, where landlords do not co-operate, and there are inadequate safeguards for occupiers, enforcement action will be taken.

Investigations may be initiated upon:

- receipt of a service request by a customer;
- receipt of a referral from a partner agency;
- receipt of a complaint from a Justice of the Peace;

- a licence application; or
- where an assessment of risk indicates a property is sub-standard.

Enforcement action may be taken:

- where there has been non-compliance with a statutory notice; where a contravention of the Act or Regulations has been identified
- or where the dwelling does not meet the Decent Home Standard and is occupied by a vulnerable person.

In the case of a service request from a tenant about conditions, the Council normally expects the tenant to have informed the landlord of the problem and allowed time for remedial action before contacting the service for assistance.

Before serving a notice, where the Council are able to contact them using reasonable effort, officers will discuss why they intend to take that particular course of action with the landlord and tenant.

In addition to carrying out the requirements of the Housing Act 2004, in private sector homes the Council has a duty to investigate complaints of statutory nuisance, defective sanitary appliances and drainage and other related matters and serve notice where required. Officers also have the power to make a compulsory purchase order to acquire property for housing purposes. This action is only taken where all other means of bringing a property back to use have been explored and the financial implications are fully understood.

Where a landlord has not complied with a notice, the Council will either prosecute or consider issuing a civil penalty where this option is available. The Council may also choose to carry out the work in the owner's default, reclaiming the full costs associated with this. Formal court proceedings will normally be completed before works in default are performed, unless the

Service Manager considers that there is an urgent need for the works to be carried out to protect the health and safety of the tenant.

The Council believes it is the responsibility of HMO managers to comply with the HMO management regulations. Where there has been a breach of the HMO management regulations, the Council will normally allow an opportunity for remedial action to be completed. In all cases, however, the Council will consider whether prosecution or the issuing of a civil penalty is proportionate, even in cases of first time offences.

Policy 2 - Housing and Planning Act 2016 - Civil Penalties

The Housing Act 2004 was amended by the Housing and Planning Act 2016 with Part of the Act being concerned with criminal landlords and letting agents. The Act introduced the following:

- The power to impose civil penalties up to a maximum of £30,000;
- Extension of Rent Repayment Orders (RRO) to cover a wider range of offences;
- Banning Orders for the worst offenders
- Database of Rogue Landlords/letting agents

A civil penalty can be imposed as an alternative to prosecution for some offences. The legislation does not allow the Council to issue a civil penalty as well as prosecute for the same offence. Prior to issuing a civil penalty, Enforcement Officers will need to look at the response from the landlord/agent to taking remedial action, along with repetition, severity or the overall impact of the offence on the tenants and others. The decision on whether to prosecute or issue a civil penalty will be decided on a case by case basis.

The same criminal burden of proof is imposed in deciding a civil penalty as for a prosecution. Where a civil penalty is issued a landlord can appeal this to the

First-Tier Tribunal and the Council would have to be able to prove beyond reasonable doubt that an offence has been committed.

Civil penalties can be served for the following types of offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Failure to licence or be licensed in respect of HMOs(section 72);
- Failure to comply with licensing under Part 3 of the Act (section 95)
 - this relates to selective licensing which we do not operate in Reading;
- Failure to comply with an overcrowding notice (section 139); and
- Failure to comply with Management Regulations in respect of a House in Multiple Occupation (section 234).

The Council's powers to carry out works in default under the Housing Act 2004 are not affected by the civil penalties provision.

A civil penalty can be issued for each separate breach of the Houses in Multiple Occupation management regulations. This is because Section 234(3) of the Housing Act 2004 provides that a person commits an offence if he fails to comply with any regulation. Each failure to comply with the regulations constitutes a separate offence for which a civil penalty can be imposed.

Where both an Agent and Landlord can be prosecuted for failing to obtain a licence for a licensable HMO or any other offence, then a civil penalty can be imposed on both as an alternative to prosecutions. The amount of the civil penalty may differ depending on the individual circumstances of the case.

Where a person has received two civil penalties under this legislation in any 12 month period, irrespective of the locality to which the offences were committed, the Council will consider making an entry on the national database

of Rogue Landlords and property agents when this becomes available for Local Authority use.

Through the use of civil penalties (and rent repayment orders), the Council will seek to criminal landlords from profiteering from poor and illegal practices. It will also demonstrate the Council's on-going commitment to ensuring it is these criminal landlords rather than the responsible landlords who pay for the cost of housing enforcement. As the Council is allowed to retain the income received from civil penalties this will be reinvested into carrying out further enforcement work in order to continue improving the Private Rented Sector.

Banning Orders

Section 15(1) of the Housing and Planning Act 2016 provides the power for Local Authorities in England to apply for a banning order against a person who has been convicted of a banning order offence. These offences could include failure to carry out work required by the Council to prevent health and safety risks to tenants, threatening tenants with violence or illegally evicting them. It is anticipated that banning orders will come into force in April 2018

A banning order under the Act will prevent a person from:

- Letting any dwelling;
- Engaging in Letting Agency work;
- Engaging in Property Management Work; and
- Doing two or more of these activities.

A banning order is limited to England and must specify the duration of the order and it must last for at least 12 months. A breach of a banning order, upon summary conviction, is punishable by either a fine, or imprisonment for a period not exceeding 51 weeks or both.

Civil Penalty Notice Fee Matrix

The table below provides guidance on the level of the fine most likely to be appropriate.

In consideration of the level of the fine the Council has to take into account any assets and income of the landlord or agent, not just rental income.

To provide some clarity for both officers and landlords/agents the asset assessment has been based on the number of properties either being managed or owned by the landlord or agent. The officer time will be charged in addition to the fees detailed in the table and these will be based on the time the officer has spent investigating the offence/s.

In setting the final penalty the Council will take into account aggravating and mitigating circumstances. For example, aggravating circumstances would include intimidation of occupiers and/or officers, obstruction of officers in the course of their duties and repeated courses of offending or offending across a number of properties. Examples of mitigating circumstances include where there is sufficient evidence to show a high fine would cause distress to the dependents of the landlord/agent, where rapid action was taken to carry out remedial works

Determining the Offence category - Culpability

Deliberate - An intentional breach by a landlord or property agent or flagrant disregard for the law. For example: failure to comply with a notice or wilful failure to license a HMO or to comply with the HMO management regulations,

Reckless - Offences that, while not committed deliberately, result from a clear lack of concern or wilful blindness as to whether an offence will be committed.

Negligent - The failure of the landlord or letting agent to take reasonable care to put in place and enforce proper systems for avoiding the offence.

Low or no culpability - The offence committed has some fault on the part of the landlord or property agent but there are other circumstances, for example obstruction by the tenant to allow a contractor access for repairs, or damage caused by tenant negligence.

Determining the level of the fine - Severity

Level One - Major Impact - Serious and substantial risk, including imminent risk, to the health and safety of the occupiers and/or community as a result of the offence, with potentially life threatening results or severe consequences such as the loss of major limbs. Housing defects that may present such a risk maybe associated with electrical hazards, carbon monoxide exposure, fire safety risks, risk of explosion or structural collapse, exposure to asbestos or radiation. This is not an exhaustive list and also includes property management failings that could lead to a major risk to the occupiers/neighbours and/or community. Where the risk has been realised the fine is likely to be greater or there may be a decision to prosecute as an alternative.

Level Two - Serious Impact - Serious risks to the health and safety of the occupiers and/or immediate neighbours, leading to serious injury or disease requiring prolonged treatment and/or hospital admission. Housing defects that may present such a risk maybe associated with falls, lack of heating, collision and entrapment, any other hazards or management issues that could lead to a serious risk to the occupiers and immediate neighbours.

Level Three - Minor Impact - Risk of injury or disease to the occupiers resulting in treatment by a GP or walk-in clinic. Examples of housing defects that could present such a risk include damp, mould or hygiene issues and any other hazards or management issues that could lead to a risk to the occupiers.

A person who has been served with a civil penalty has the right to appeal to the First Tier Property Tribunal which will involve a hearing of the Council's decision to impose the penalty. The Tribunal has the power to confirm, vary (increase or reduce) or cancel the civil penalty imposed by the Council. The Tribunal can also dismiss an appeal if it concludes the appeal is frivolous, is an abuse of process or vexatious, or that it has no reasonable prospect of success.

The Council intends to defend its decision to issue civil penalties which will involve not only officer time but also specialist legal support. As a result the Council will seek to recover its legal costs in the event it should be required to defend its decision at the Tribunal.

Civil Penalties - Guidance on the level of fines

Type of Landlord/Agent	Category of Offence	Starting Point for level one - Major Impact	Starting Point for level two - Serious Impact	Starting Point for level three - Minor Impact
Landlord/Agent with 1-2 properties	Deliberate	£5,000	£3,500	£2,000
	Reckless	£2,500	£1,750	£1,000
	Negligent	£1,000	£800	£400
	Low Culpability	£500	£400	£200
Landlord/Agent with 3-5 properties	Deliberate	£15,000	£10,000	£5,000
	Reckless	£7,500	£5,000	£2,500
	Negligent	£3,750	£2,500	£1,250
	Low Culpability	£1,500	£1,250	£750
Landlord/Agent with 6+ properties	Deliberate	£25,000	£20,000	£15,000
	Reckless	£17,500	£15,000	£10,000
	Negligent	£10,000	£8,000	£5,000
	Low Culpability	£5,000	£4,000	£2,500

Policy 3 - Statement of Principles

Smoke and Carbon Monoxide Alarms (England) Regulations 2015

Background

The regulations require Local Authorities to prepare and publish a Statement of Principles which it proposes to follow in determining the amount of a penalty charge.

This Statement details the principles that Reading Borough Council (the Council) will apply when requiring a landlord (this includes agents) to pay a financial penalty for breach of the regulations.

The Requirements under the Regulations

The Smoke and Carbon Monoxide Alarms (England) Regulations 2015 (the Regulations) require landlords who let properties under a tenancy to provide and undertake the following:

1. A smoke alarm is fitted to each storey of a property where a room is wholly or partly used as living accommodation.
2. A Carbon Monoxide Alarm is fitted in any room of the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
3. Checks are made either by the landlord or on behalf of the landlord at the start of each new tenancy to ensure the alarms required are in proper working order.

For the purposes of the legislation, living accommodation is a room that is used for the primary purposes of living, or is a room in which a person spends a significant amount of time, and a bathroom or lavatory is classed within this definition. A tenancy begins on the day, under the terms of the tenancy, when a tenant is able to take possession of the property.

Enforcement

In the circumstances where the Council has reasonable grounds to believe that:

1. The smoke or carbon monoxide alarms required by the regulations have either not been fitted or there are insufficient numbers; or
2. The smoke or carbon monoxide alarms were not in proper working order at the start of the tenancy or licence;

The Council will within 21 days serve on the landlord (this includes agents if they are the immediate landlord) a Remedial Notice detailing the action to be taken to comply with the Regulations.

If the Council is satisfied that the Landlord has not complied with the Remedial Notice within the 28 days given to do so then the Landlord will be served with a Penalty Charge by means of a Penalty Charge Notice and the Council will undertake the remedial work with the consent of the occupier.

The Penalty Charge

A penalty charge must be set at a level that is proportionate to the risk posed by non-compliance with the requirements of the Regulations and which will deter non-compliance. It should also eliminate any gain or benefit from non-compliance of the Regulations and cover the costs incurred by the Council in administering and implementing the legislation.

Reading Borough Council will impose a penalty charge of £2,500 for a first offence and any subsequent offences will be levied at £5,000 which is the maximum amount that can be imposed under these Regulations. These fines are considered proportionate for non-compliance with the Remedial Notice for the following reasons:

1. Fire and Carbon Monoxide are two of the 29 hazards prescribed by the Housing Health and Safety Rating System and often result in death and serious injury without the appropriate early warning measures in place such as smoke and carbon monoxide alarms;
2. The penalties detailed in this Statement of Principles reflects the seriousness of matter and are at a level to deter non-compliance;
3. The provision of smoke and carbon monoxide alarms does not place an excessive burden on a landlord. The cost of the alarms is low and in many cases they can be self-installed without the need for a professional contractor. The impact on occupiers, damage to property and financial costs resulting from a fire or carbon monoxide poisoning event far outweighs the cost of installing alarms.
4. The landlord will have been given ample opportunity with the issue of the Remedial Notice to carry out the necessary works and it is only a failure on their part to do so that will result in a Penalty Charge being issued.

On issuing the Penalty Charge the Landlord has 30 days from the date the Penalty Charge is issued to pay the fine imposed.

Appeals in relation to the Penalty Charge Notice

The landlord has a right to seek a review of the penalty charge notice by writing to the Council (details on the Notice) within 28 days of the Notice being issued.

On consideration of any representation and evidence, the penalty charge notice can be confirmed, varied or withdrawn. This decision is confirmed by issuing a decision notice on the landlord. If varied or confirmed, the notice shall state a further appeal can be made to a First Tier Property Tribunal and details given.

The Council intends to defend its decision to issue a penalty charge which will not only involve officer time but also specialist legal support. As a result the Council will seek to recover its legal costs in the event it should be required to defend its decision at the Tribunal

Recovery of Penalty Charge

The Council may recover the penalty charge as laid out in the regulations. Due to costs incurred by the Council, any penalty charge notice shall be pursued for payment.

Review of Statement

This Statement of Principles shall be reviewed and amended to reflect any change in legislation, corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation and in the public interest.

Policy 4 - Owner-Occupied Dwellings

Other than in exceptional cases, the Council expects owner-occupiers, including long leaseholders, to take their own action to remedy problems of disrepair or nuisance.

Owner-occupiers are in a stronger position to invoke their lease or their statutory rights, whereas short-term tenants of private landlords put themselves at the risk of losing their homes as a result of invoking their rights. Grants, loans and other forms of assistance are available to some owner-occupiers for repairs, heating improvements and security works as outlined in the Council's Private Sector Renewal Policy.

The majority of enforcement work is carried out in dwellings owned by private landlords or housing associations. As the Council enforces the above statutes, the Private Sector Housing Team has no powers to deal with council owned dwellings.

Policy 5 - Empty Homes

The Council will use its powers in line with the Empty Homes Strategy.

The strategy can be found at: www.reading.gov.uk/emptyhomes

Policy 6 - Partnership Working

The Private Sector Housing Team will ensure that partnership links are developed and maintained. Partners assist in ensuring consistent and targeted enforcement.

External partners includes, the Royal Berkshire Fire and Rescue Service (RBFRS), the University of Reading, Thames Valley University, Thames Valley Police, the Primary Care Trust and members of the Landlord Accreditation Scheme.

7. HMO Licensing Policies

Policy 3 - Encouraging Applications

The council will encourage landlords to apply for licences using a variety of methods.

The Council will:

- publicise the need to licence HMOs
- involve landlords and letting agents through information sessions
- liaise with The University of Reading and Reading College.
- send letters and reminders to landlords
- providing discounts to landlords currently accredited through the Landlord Accreditation Scheme
- provide application forms and develop on-line versions
- set up a voicemail system for enquiries
- where resources permit offer a service assisting applicants with completion of forms and measuring rooms, (additional charges will be made to enable the council to resource this, as set out in the fee's & charges scheme).
- send letters warning of prosecution

Policy 4 - Fees For Licences

The Council will charge a differentiated fee structure based on the level of work the council is required to undertake. Lower rates apply where landlords are part of the Landlord Accreditation Scheme

The fees will be set to cover the Council's costs of licensing HMOs and are likely to be comparable to fees being charged by other authorities. There is no cap on fees, but the Council must be able to justify its charges. The discounts aim to reward the more responsible landlords by offering discounts for accredited membership of certain schemes.

Fees will be reviewed periodically, and any increases will be publicised on the Council's website and in writing to landlords.

Policy 5 - Rent Repayment Orders

Rent Repayment Orders were introduced as part of the Housing Act 2004 to recover Housing Benefit/Universal Credit that was paid to landlords convicted of running unlicensed properties. The Housing and Planning Act places a new obligation on local Authorities to give consideration to seeking a RRO following conviction for certain offences and increases the number of offences this relates to. The offences include:

- Using violence for securing entry;
- Eviction or harassment of occupiers;
- Failure to comply with an Improvement Notice;
- Failure to comply with a Prohibition Order;
- Failure to licence or be licensed in respect of a HMO;
- Failure to licence or be licensed in respect of a Selective Licensing Scheme; or
- Breach of a Banning Order.

Where a landlord is convicted the Council intends to make an application to The First Tier Property Tribunal for a Rent Repayment Order (RRO).

The Council intends to use its powers under the Act to seek RROs for repayment of up to twelve months' housing benefit/Universal Credit for the period since the landlord was required to licence the HMO. In respect of private tenants, in cases where the council prosecute the landlord for failure to licence the HMO, the Council will advise tenants on how to obtain a RRO.

Policy 6 - HMO Standards

The council will determine the number of people an HMO is licensed for in accordance with compliance with the relevant adopted standards and national guidance detailing room sizes and kitchen and bathroom facilities.

Applications will need to include dimensions of rooms and details of the kitchen and bathroom facilities to enable assessment of the number of occupiers permitted in the licence.

The Council will determine the suitability of occupation of a licensable HMO based on the properties current rather than future suitability.

Suitability will be based on processing the licence application and inspection of the accommodation.

Policy 7 - Management Arrangements

The council will expect the licensee to have satisfactory arrangements and funding in place for the management of the HMO.

Satisfactory arrangements for management will include:

- a reliable contact for tenants to report defects, including in emergencies, who will arrange for repairs to be carried out within a reasonable period
- where the manager of the HMO is not the owner, the manager must have the authority to fund urgent repairs, when the owner's approval cannot be obtained
- arrangements in place for periodic inspections to identify where repair or maintenance is needed

A Management Pack for landlords of HMOs has been produced by the Council to assist in meeting this requirement.

Where a landlord fails to demonstrate adequate management arrangements or has previous history indicative of poor management, the Council may limit the duration of a licence below 5 years.

Any steps to reduce the term of the licence below the standard 5 years will be fully justified by the officer issuing the licence. Where a licence holder breaches the condition of a licence, in cases where long timescales have been specified (e.g. installation of amenities or wash hand basins), the Council will instigate formal enforcement proceedings.

Licence holders are responsible for complying with the conditions of their licence. Adequate timescales for completion of works will be given.

Policy 8 - Discretionary Licence Conditions

In addition to the mandatory licensing conditions (see 3.7 above), the council will apply certain discretionary conditions where relevant to all licences.

These will include:

- the HMO will comply with the statutory Management Regulations within three months or sooner if a serious breach is identified. These regulations require HMOs to be kept in a reasonable state of repair, all installations and appliances (including those for fire safety) to be in good working order and the common parts to be kept clean and in a reasonable state of decoration;
- to provide copies of reports of fire detection, alarm system and emergency lighting to the council on request;
- the name, address and telephone number for licensee or manager is to be displayed in the common parts of the HMO;
- a copy of a valid gas safety certificate to be displayed in the common parts;
- a copy of the licence to be displayed in the common parts;
- that tenancy agreements must set out how owners or managers intend to deal with antisocial behaviour from tenants or visitors; and
- that any anti-social behaviour arising in the HMO is dealt with under the terms of any tenancy agreement.

The Council may apply other conditions to individual licences with respect to the use, management and occupation of the HMO, where appropriate and may seek evidence of compliance with conditions at any time. Licences may also be time limited based on the proposed licence holders history of management, compliance and fit and proper person status.

Policy 9 - Temporary Exemption Notices

The council will not routinely grant more than one three month Temporary Exemption Notice (TEN).

A TEN will be served where an owner of a licensable HMO states in writing that he/she is taking steps to make an HMO non-licensable and states that the HMO will not be licensable within three months. The council does not wish these notices to be used routinely, and therefore a second notice will only be acceptable in exceptional and unforeseen circumstances agreed by the service manager.

Policy 10 - Interim and Final Management Orders

The council will only use these powers in exceptional circumstances.

Where there is no prospect of a HMO being licensed, the Act requires the council to make an Interim Management Order. This enables the Council or a partner to take over the management of an HMO and become responsible for running the property and collecting rent up to a year. In extreme cases this can be extended as a Final Management Order, with the council having powers to grant tenancies. The Residential Property Tribunal will be responsible for authorising any such order.

Policy 11 - Discretionary HMO Licensing

The council will review the need for additional and selective licensing scheme.

The mandatory scheme aims to tackle the highest risk properties and this will require significant resources. It is therefore intended to keep under review the need for further discretionary schemes, and put into place a system for the collation of evidence to support any such scheme.

Policy 12 - Bed and Breakfast Hotels

The Council will declare bed and breakfast hotels as HMOs where 25% of the total number of sleeping rooms are regularly occupied for 30 days or more by persons in receipt of Housing Benefit, or are paying a weekly or monthly rent, as opposed to overnight charges

The council believes that where this accommodation is used as a main residence, the same standards as for other HMOs should be met. People who use a hotel as a main residence are likely to be either homeless or placed there by a local authority or their home will be in another country.

8. Health and Safety Rating System Policies

Section 9 of the Act provides for guidance to be given to local authorities on the exercising of their powers of inspection, assessment and enforcement. The Housing Health and Safety Rating System (England) Regulations 2005 will provide such guidance and the council will have regard to this.

Policy 13 - Category 2 Hazards

The Council will only deal with category 2 hazards in exceptional circumstances.

The Council has discretionary powers to deal with category 2 hazards. It is not necessary or appropriate for us to deal with them in all circumstances. The Council will however take relevant action to reduce the hazard(s) to an acceptable risk. Each case will be considered on an individual basis and may take into account the following:

- vulnerability of the current occupants;
- the nature of the risk;
- the number of risks found; and
- and locally evidenced issues identified in the stock condition survey such as excess cold.

Where a category 2 hazard is identified in relation to fire safety in HMOs and the officer concludes a legal notice is to be served.

Policy 14 - Improvement Notices

Where an Improvement Notice is served, the Council will require sufficient works to abate the hazard for five years.

The law prescribes that the minimum works must abate the hazard. The Council will require works of a reasonable duration to prevent recurrence. The Council considers five years to be reasonable.

Policy 15 - Charges for Enforcement

The Housing Act 2004 does not set a maximum charge for enforcement. The Act provides a power to the council to charge for certain enforcement activities, which are outlined below:

- serving an improvement notice;
- making a prohibition order;
- serving a hazard awareness notice;
- taking emergency remedial action;
- making an emergency prohibition order;
- making a demolition order; or
- reviewing a suspended improvement notice or prohibition order.

The Council will charge based on the amount of work undertaken by officers in performing their enforcement functions.

9. Appeals

A landlord may appeal to the First Tier Property Tribunal in certain cases, such as:

- where it is believed a legal notice has been served on them incorrectly or where they believed that works were over specified or;
- where it is believed that a licence has been refused without adequate justification

Appeals are made to the First Tier Property Tribunal, which is an independent body. Appeal panels consist of three people, a legal expert, a technical expert and a lay member.

The function of the Tribunal is to consider the appeal and it may rule in favour of accepting the appeal, dismiss the appeal or vary the requirements of a notice or order.

The Tribunal is also responsible for authorising Rent Repayment Orders on behalf of the council, and where an application is made, authorising Interim and Final Management Orders.

10. Complaints

The Council has an established corporate complaints procedure for dealing with matters other than an appeal (see appeals above). All Council offices have copies of a leaflet explaining how to make a complaint.

A complaint should be linked to the Council's systems and procedures and may be about delay, lack of response, discourtesy or any item that leaves cause for dissatisfaction with the Council's conduct.

11. Policy Revision

Minor changes to policy delivery may be required from time to time. The Head of Planning, Development and Regulatory Services has delegated authority to make changes, which do not affect the broad thrust of policy direction. This will enable changes to policy delivery to be accommodated and best practice to be included without a formal re-adoption process.

Appendix A

Housing Health And Safety Rating System

	Hazard	Description
1	Damp and Mould Growth	Exposure to house dust mites, mould or fungal growths resulting from dampness or high humidity
2	Excess Cold	A temperature, which is less than 18 degrees centigrade.
3	Excess Heat	A temperature, which is more than 25 degrees centigrade.
4	Asbestos and MMF	Exposure to asbestos fibres or manufactured mineral fibres.
5	Biocides	Exposure to chemicals used to treat timber and mould growth.
6	Carbon Monoxide and Fuel Combustion Products	Exposure to carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke
7	Lead	The ingestion of lead.
8	Radiation	Exposure to radon gas
9	Uncombusted Fuel Gas -	Exposure to uncombusted fuel gas.
10	Volatile Organic Compounds	Exposure to volatile organic compounds that are gaseous at room temperature.
11	Crowding and Space	A lack of adequate space for living and sleeping.
12	Entry by Intruders	Difficulties in keeping the dwelling or HMO secure against unauthorised entry
13	Lighting	A lack of adequate lighting.
14	Noise	Exposure to noise.

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|----|--|--|
| 15 | Domestic Hygiene, Pests and Refuge | <p>a) Poor design, layout or construction such that the dwelling or HMO cannot readily be kept clean.</p> <p>b) Exposure to pests.</p> <p>c) An adequate provision for the hygienic storage and disposal of household waste.</p> |
| 16 | Food Safety | An inadequate provision of facilities for the storage, preparation and cooking of food. |
| 17 | Personal Hygiene, Sanitation and Drainage | <p>a) Facilities for maintaining good personal hygiene;</p> <p>b) Sanitation and drainage.</p> |
| 18 | Water Supply | An inadequate supply of water for drinking and other domestic purposes. |
| 19 | Falls Associated with Baths | Falls associated with baths, showers or other washing facilities. |
| 20 | Falls on Level Surfaces etc | Falls on any level surface or falls between surfaces where the change in level is not more than 300 millimeters. |
| 21 | Falls Associated with Stairs etc | Falls on stairs, steps or ramps where the change in level is more than 300 millimeters. |
| 22 | Falls between Levels | Falls between levels where the difference in levels is more than 300 millimeters. |
| 23 | Electrical Hazards | Exposure to electricity. |
| 24 | Fire | Exposure to uncontrolled fire. |
| 25 | Flames, Hot Surfaces etc | <p>Contact with:</p> <p>a) Controlled fire or flames;</p> <p>b) Hot objects, liquid or vapours.</p> |
| 26 | Collision and Entrapment | Collision with or entrapment of body parts in doors, windows or other architectural features. |
| 27 | Explosions | An explosion at, or near, the dwelling or HMO. |

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|----|---|---|
| 28 | Position of amenities etc | The position and location of amenities, fittings and equipment. |
| 29 | Structural Collapse and Falling Elements | The collapse of the whole or part of the dwelling or HMO. |

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	11
TITLE:	PROGRAMME OF WORKS TO COUNCIL STOCK 2018/2019		
LEAD COUNCILLOR:	CLLR JOHN ENNIS	PORTFOLIO:	HOUSING
SERVICE:	HOUSING	WARDS:	ALL
LEAD OFFICER:	PAUL TAYLOR	TEL:	0118 9372285
JOB TITLE:	HOUSING STOCK REGENERATION MANAGER	E-MAIL:	paul.taylor@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Reading Borough Council's Housing Property Services manages the day to day repairs, planned maintenance, cyclical repairs and void works to approximately 5,600 Council homes.
- 1.2 This report highlights key achievements over the past financial year and sets out the work programme for the Council's housing stock for the next financial year.
- 1.3 A further linked report on this agenda provides an update to Committee on the independent review of fire safety practices in respect of the management and maintenance of Council housing stock. This sets out recommendations in respect of additional fire precautions to improve the fire safety standard in high rise and other blocks, in the context of recent incidents nationally and the learning from those.

2. RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhoods and Leisure Committee note the improvements implemented in the past financial year and the planned programme of works to Council stock for 2018/19.

3. POLICY CONTEXT

- 3.1 Housing Property Services has a responsibility to ensure that the housing stock is well maintained in accordance with the Decent Homes Standard and that Council homes are safe and healthy places to live.
- 3.2 In addition the service continues to pursue a programme to improve the thermal efficiency of its stock so that homes can be heated efficiently and cost effectively, thus reducing their carbon footprint and reducing fuel poverty. Beyond bricks and mortar the service also works to improve the wider environment on housing estates to meet the needs and aspirations of tenants.

3.4 Repairs and maintenance of the stock are delivered predominantly by an in-house workforce. Some works are sub contracted through the use of measured term contracts to allow for fluctuations in volumes, specialist work or where it is more cost effective to do so.

4. KEY IMPROVEMENTS 2017/18

4.1 Key improvements delivered by the Housing Property Services Team in 2017/18 include:

- Consolidating the work from the Home Improvement Agency contract, clearing the backlog on jobs and significantly reducing the turnaround time on completing major adaptations
- Completing the refurbishment of the second of five blocks of flats as part of the Hexham Road refurbishment project
- Developing an innovative scheme of 28 units of modular temporary accommodation at Lowfield Road for homeless families
- Housing stock was benchmarked as the most energy efficient within our peer group of 20 similar social housing providers by Housemark, an independent benchmarking organisation.

5. WORKS PROGRAMME 2018/19

5.1 The detail of the planned works programme for the following year is set out in Appendix 1. The table below summarises the budgets associated with the different elements of the programme:

<u>Works to Council Housing Stock 2018/19 Budget</u>	
	£'000
<u>Responsive Repairs</u>	
Responsive Repairs	2,300
Garage Repairs	50
Estate Maintenance	100
Temporary Accommodation Repairs	120
Voids (includes £400k Capital work)	1,250
<u>Planned Programmes</u>	
Tenants' Improvement Fund	100
Gas Servicing and Domestic Legionella Checks	320
Essential Cyclical	325
Pensioner Decorations	175
Common Areas	160
Garages Planned Maintenance	60
Electrical Checks	110
External Repairs and Decorations	1,000
<u>Major Capital Works</u>	
Special adaptations	500
Roofs	200

Structural Works	160
Rewiring	440
Smoke detector replacement / CO detectors	155
Windows and Doors	520
Central Heating and Boilers	1,000
Fire Protection works (*see 5.2)	980
Insulation	40
Kitchens & Bathrooms	1,800
Door Entry Systems	30
Communal Lighting	200
Asbestos / legionella	400
Decent Neighbourhoods Works	250
Hexham Road Flats	1,200
Coley mains water (*see 5.3)	200
Lifts	230
Storage heaters	260
Major Repairs	460
Communal Flooring	100
Feasibility	25
Contingencies	400
	£15.620m

5.2 A further linked report on this agenda provides an update to Committee on the independent review of fire safety practices in respect of the management and maintenance of Council housing stock. This sets out recommendations in respect of additional fire precautions to improve the fire safety standard in high rise and other blocks, in the context of recent incidents nationally and the learning from those. A provision of £5.5m has been made within the Council's capital programme and the HRA business plan to fund these works, with spend profiled over 5 years. Anticipated additional expenditure of £900,000 of this provision has been included in the capital works programme for the next financial year.

5.3 It should be noted that in addition to the provision within the 18/19 budget, £600,000 will be carried forward from 17/18 for the Coley water mains works. Provision for the first phase of sprinkler installation in 2018/19 is included in the £900,000 referred to above.

6. CONTRIBUTION TO STRATEGIC AIMS

6.1 The works programme will contribute to the following service priorities set out in the Council's Corporate Plan 2015-18:

- Safeguarding and protecting those that are most vulnerable; and
- Providing homes for those in most need.

6.2 New heating systems, insulation, new windows and doors contribute to the sustainability of the housing stock, helping to develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley and promoting equality, social inclusion and a safe and healthy environment for all.

6.3 SAP rating is a measure of energy efficiency of the Council's housing stock - Reading is in the top quartile when compared to our peer group. The Council also compares performance in terms of 'non-decent' homes and again performs well with only 0.2% of our stock classed as non-decent last year (see 8.1 below).

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 The Tenant Improvement Fund budget is used by RBC tenant groups to provide local improvements to housing estates areas. This has been used to improve lighting, notice boards and mobility access, as well as to add security features, tarmac paths and improved signs. It has also been spent on new drying and bin areas for flats. This budget is marketed as "tenant choice" at the request of resident groups and managed by the Tenant Services team.

7.2 Tenants also scrutinise the performance of the Council Housing Service and are currently reviewing fire safety practice with a particular focus on communication with tenants. The standard of these reviews is very high and they contribute to and help to performance improvement of the service.

7. EQUALITY IMPACT ASSESSMENT

7.1 There is no requirement for an equality impact assessment associated with this report.

8. LEGAL IMPLICATIONS

8.1 The 2006 Decent Homes Standard is a government-set standard for council housing. The standard describes a decent home as one that is fit to live in, in a reasonable state of repair, having reasonably modern facilities and services, and being insulated to a reasonable standard and weatherproof. The standard was updated in 2006 to include the Housing Health and Safety Rating System (HHSRS).

8.2 In addition work outlined in this report is covered by the following legislation:

- Landlord & Tenant Act 1985
- Housing Act 2004
- Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
- Defective Premises Act 1972
- Commonhold & Leasehold Reform Act 2002
- Gas Safety (Installation and Use) Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Building Regulations Act 1984
- Health and Safety at Work Act 1974, Sections 2, 3 and 4
- Equality Act 2010
- HCA - The Regulatory Framework for Social Housing in England from April 2012

8.3 Within this legal framework, programmes are aimed at ensuring the quality of accommodation, meeting the 2006 Decent Homes Standard (or standards of design and quality that applied when the home was built if higher than the Decent Homes Standard) and providing a cost effective repairs and maintenance service that meets applicable statutory requirements that provide for the health and safety of the occupants in their homes.

9. FINANCIAL IMPLICATIONS

- 9.1 The budget for the works programme 2018-19 is £15,535,000 (including provision in-year for additional recommended fire safety works as detailed above) and is funded through the Housing Revenue Account. The budget is set as part of the Council's annual budget setting programme.
- 9.2 The Housing Revenue Account (HRA) deals with council housing finance. The main income is housing rent, and all expenditure related to council housing is charged to this account. The Housing Revenue Account is 'ring-fenced' (separate) from other Council activity (this is accounted for through the 'General Fund' account).
- 9.3 The Council regularly updates and revises assumptions in a 30 year business plan for the HRA. This includes a comprehensive 30 year programme for replacing major components of homes (roofs, windows/doors, kitchens, bathrooms etc.) and maintaining them to decent homes standards.

10. BACKGROUND PAPERS

- 10.1 Appendix 1 - Works to Council Housing Stock 2018-19

APPENDIX 1

WORKS TO COUNCIL STOCK 2018-2019

RESPONSIVE REPAIRS

1. Day to Day Repairs £2,300,000

Benchmarking costs against other social providers (with similar size and type of stock) shows that repair costs have remained comparatively low, this can be attributed to an investment in planned and replacement programmes over many years.

Repairs are delivered predominantly by an in-house workforce, with some works (to allow for fluctuations in volumes) and specialist services delivered externally. Factors that influence service costs include:

 - Continued standardisation of parts to reduce costs
 - Improvements in IT/asset management systems - this has improved data and allows more in-depth repairs/cost analysis
 - Control of high cost jobs and the development of new programmes of work to redirect investment to planned work
 - Batched works to reduce cost - e.g. batched gutter cleaning works to reduce use of scaffolding cost
 - Use of new types of scaffold system which are quicker and easier to use and more cost effective
 - Additional and improved Health and Safety provision and monitoring, and training on legislation
 - Improved specifications for work
 - Improved customer feedback mechanisms
 - Extended guarantees on boilers
 - Increased budget on door replacements to reduce carpentry costs

2. Responsive Garage Repairs £50,000

This budget is for the provision of day-to-day repairs to the 1,060 garages which the Council owns.

3. Estate Maintenance £100,000

A Tenant Services controlled budget to attend to day-to-day estate management issues.

4. Temporary Accommodation £120,000

A budget used for the repair and maintenance of temporary accommodation properties. In recent years the budget has decreased by £20,000, as anticipated extra repairs at Jimmy Green Court and 2 Wensley Road (since their refurbishment) have not materialised in the volume we expected.

5. Voids £1,250,000

The cost to repair homes between tenancies to an approved standard prior to letting is met from this budget. The budget has been reduced this year by £150,000 to £1.2m to reflect recent trends. This reflects the aim of keeping a good balance between expenditure, re-let times and re-let standards. This budget anticipates no change in specification.

PLANNED PROGRAMMES

6 Tenants Improvement Fund (Tenant's Choice) £100,000

This budget is directed by tenants groups to provide local improvements to council estates. Previously this has been used to improve lighting, notice boards and mobility access, as well as to add security features, tarmac paths and improved signs. It has also been spent on drying and bin areas in the borough. This budget is marketed as "tenant choice" at the request of resident groups and managed by the Tenant Services team.

7. Gas Servicing £320,000

Checks are carried within 12 months and at change of tenancy. Improvements have been made at gaining entry and access and the target of 100% compliancy remains intact for this key safety indicator.

8. Essential Cyclical Inspections £325,000

This budget has increased by £30,000 to reflect anticipated needs and covers work in the following areas:

- Basic lift maintenance and safety certification
- Warden call system maintenance
- Fire alarms, dry risers
- Fire extinguisher maintenance
- Checks and repairs to door entry systems
- Burglar alarms
- Communal lights maintenance
- Communal TV Aerials maintenance
- CCTV

Increases this year reflect additional maintenance at Cedar Court.

9. Pensioner Decorations £175,000

This is a three year cyclical programme. The town is divided into three geographic areas. This year the area of town covered by this programme includes Tilehurst, Dee Park, Southcote, Coley, and Woodley. Work is carried out by outside contractors. 347 addresses will be visited.

To be eligible, customers must be of pensionable age or receive a disability benefit and have no resource to an able bodied person who can do the work for them. The service is only provided where the condition of the existing decoration is poor.

10. Common Areas £160,000

A seven year cyclical programme is set, whilst maintaining additional budget for highly trafficked or vandalised areas in exceptional cases.

11. Planned Maintenance to Garages £60,000

Garage maintenance is done on a seven year cycle of planned maintenance. This budget is to keep garage sites in a lettable condition to maintain the revenue stream and the asset. Over the last decade investment in garages has much improved the appearance of estates and removed areas of neglect. Numbers of garages have fallen in recent years as sites are redeveloped or land is included in regeneration projects (such as at Dee Park).

This year, Coley, Whitley Street and Park Ward benefit.

12. Periodic Electrical Checks £110,000

An electrical check was, until recently, carried out every ten years or at a change of tenancy. Good practice has been reviewed at national level and now suggests checks should be made every 5 years. The electrical checks programme has been upgraded to move towards this and it is intended that the target of a 5 year programme will be met in two years' time. The data collected from the electrical checks is used to inform the rewiring programme and to upgrade and renew smoke detectors.

13. External Repairs and Decoration £1,000,000

Typically this includes a repair package, looking at the outside fabric of the homes and carrying out suitable improvements or repairs to:

- Roofs, down pipes and gutters and vent pipes
- Brickwork
- Windows and doors
- Porches, sheds
- Repairs to kitchens

An external painting programme follows the repair programme. Painting is subject to weather conditions and stops during the winter period.

Work is carried out on a rolling 7 year cycle, which this year is planned to cover Orts road estate, Park, Wensley estate and part of Southcote.

MAJOR / CAPITAL REPAIRS

14. Special Adaptations £500,000

The purpose of this budget is to provide adaptations to properties in order to improve living conditions for customers with disability or mobility needs. The majority of the budget is spent on adapting bathrooms. This work was previously undertaken by Aster Living, but has now been successfully brought in house and enabled more adaptations to be done to meet the needs of tenants.

15. Roofs £200,000

This budget is for:

- Structural repairs and monitoring and tree control.
- £15,000 gully cleaning of accessible housing surface water gullies
- Roof replacements

Component lifetimes in the assessment of a decent home suggest that roof coverings should be considered old at 50 years of age for houses and bungalows and 30 years of age for flats. Reading has for many years had a 7 year cyclical planned programme repairing all roofs as part of the external repairs and decorations contracts and as a result of this strong maintenance programme the level of disrepair to roofs is low.

Over the next two years the priorities are;

- Provide lasting repairs to valleys or chimney flashings where they repeatedly fail on Wates flats.
- Focus on flat roofs that show high repair costs, specific 3 storey blocks with high and repeated repair costs from localised roof areas, e.g. 125 Basingstoke Road.

16. **Structural Works** **£160,000**

This budget is for:

- Structural repairs and monitoring and tree control.
- £15,000 Gully cleaning of accessible housing surface water gullies
- Various properties continue to be monitored and structural repairs remain at a low level
- Repairs to beams in crosswall properties

17. **Rewires** **£440,000**

Condition rather than age drives the rewiring budget. The need for full rewires has decreased. The focus has switched to upgrading systems. Rewires tend to be partial, focusing on circuit board replacement and socket upgrades. Selection for these upgrades is on the recommendation of the electrician's team (following electrical checks) rather than from general building surveys. Electric checks are done either as planned checks or checks at change of tenancy.

18. **Smoke Detector replacement** **£155,000**

Smoke detector replacement is generated from electrical checks, decent homes checks, gas service checks and specific checks of electrically heated homes.

The specification has been extended to include extra heat detectors and carbon monoxide detectors. The budget has been expanded to match this change.

Additional capital spend to support one off upgrades to fire safety systems is covered below (following an independent expert review in the wake of the Grenfell Tower fire). Once completed this will increase the number of smoke detectors and will therefore add to the scale of the maintenance programme.

19. **Window and Doors Replacements** **Windows £420,000 / Doors £100,000**

Half of all carpentry repair costs relate to doors. 2018 continues an extensive door replacement programme, looking at 180 doors. Each door is individually surveyed. This year's programme will replace the windows in 72 Wates flats in Southcote and repairs and decorations to the exterior.

20. **Boilers and heating** **£1,000,000**

High investment in past years has made a considerable saving in repair costs and improvements in energy efficiency. An extended parts and labour guarantee of 10 years was negotiated on new boilers. The replacement of boilers is fixed on a 15-year plan and full systems every 30 to 40 years. The budget initially focused on boilers but in the last three years has covered full systems.

21. **Fire Protection Works** **£980,000**

Provision for fire protection works includes the start of a two year programme to upgrade fire alarm systems at a number of sheltered units. This year systems will be replaced at Weirside Court and St Stephens Court.

In addition, provision of £5.5m over 5 years has been made to further improve fire safety across the Council's high rise and other identified flatted block types. £900k of this provision has been included for 2018/19. This will fund a range of works including the first phase of installation of sprinklers in Coley high rise flats and upgrading smoke detector systems in sheltered housing and other specified blocks.

22. **Insulation** **£40,000**

Loft and cavity insulation remain the most cost effective measures that can be applied to the housing stock to reduce the carbon footprint. Of the 3,000 lofts in the housing stock most properties have over 200mm loft insulation fitted. Lofts that are not fully insulated are mainly inaccessible due to storage or boarding. Almost all cavity walls are insulated. In the benchmarking group where we are compared to 25 similar organisations we have the most energy efficient housing stock. Well insulated homes help address fuel poverty in council homes.

23. **Kitchens and Bathrooms** **£1,800,000**

Kitchens and bathrooms will be replaced across all areas of the borough based on the condition of existing facilities (and their age). In the last 7 years half of all kitchens (2,889) and over a third of all bathrooms (1,983) have been replaced.

There are 1,165 kitchens and 842 bathrooms that will require replacement in the next five years. New kitchens take account of the size and range of tenant's 'white goods' and are individually designed to accommodate these (space permitting). The kitchen specification use thicker carcasses, hinges that open doors 180 degrees and metal draw runners that are designed to last. The specification on standard bathrooms includes lever taps and offers shower facilities and an upgraded appearance of sanitary-ware.

24. **Door Entry Systems** **£30,000**

This budget upgrades and replaces older door entry systems rather than fitting new systems. Addresses are not pre-decided. The programme responds to systems that become inoperable and irreparable as the year progresses.

25. **Communal Lighting** **£200,000**

Investment in communal lighting results in substantial returns both in terms of the energy saved and in a reduction of the number of electrical repairs to failing lights and fittings. In the last four years lighting has been replaced in most blocks of flats. Lights dim to a tenth of their energy output and only fully activate when they detect movement. They are fully guaranteed for 5 years and are LED low energy fittings. This saves on both repair and energy costs.

In October 2017, 2,046 flats had communal corridor areas that benefitted from this programme and a further 582 are planned. 25% of all electrical repairs in 2010 related to communal lighting repairs. This figure fell to 9% in 2016 and continues to fall. External flood lighting is also upgraded to LED lighting using this budget. In some communal areas electric bills have more than halved following this programme.

26. **Asbestos and Legionella** **£400,000**

Asbestos surveys occur before many programmes of work can take place. The whole property is surveyed.

27. **Decent Neighbourhood Funding** **£250,000**

This budget is designed to fund minor works that improve the neighbourhood and communal areas for tenants. Strong investment choices follow from developing clearer plans for neighbourhood renewal and improvement. With this in mind, full surveys of all blocks and communal areas have been commissioned and a dedicated officer has the responsibility for checking safety in communal space and advising of any required works. The need for drying areas, paths, lighting, landscape and boundaries are also considered. Within communal areas - entry doors, door closers, mat wells, stairs and balustrades, finishes, stores, security and refuse disposal are also considered. The Stock Survey team work closely with Tenant Services and Building Maintenance to develop a detailed improvement programme.

28. **Hexham Road Estate Flats** **£ 1,200,000**

This budget is for a flagship project over five years to greatly improve the four storey block properties at Hexham Road Estate. This affects 135 flats in total and each year work is carried out on a block of 27 flats. Two blocks are now complete and work on the third block is now underway at Kielder Court. In 2018/19 work will begin on Redesdale Court.

29. **Coley Water Main** **£200,000**

This budget is to fund the programme of work to replace the water mains in Coley high rise. The work is being carried out to reduce leaks from the existing failing system and to achieve compliance with recent regulations. The programme will take 3 years and will cost circa £1.8 million in total.

30. **Lifts** **£230,000**

An extensive survey of lifts was undertaken 5 years ago to provide better long-term investment planning. Surveys continue to be undertaken and the provision of alternative lifts in sheltered blocks has done much to improve the welfare needs of customers should an individual lift fail. This year work will focus on lifts at Weirside Court, Christchurch Court and St Stephens Court

31. **Storage Heaters** **£260,000**

This budget is to fit new heating systems and replace older type storage heaters with gas central heating or other improved heating. The programme should allow better heating control and reduce any damp conditions.

32. **Major Repairs** **£460,000**

Major repairs are batched together for increased efficiencies. Work includes a variety of projects such as replacing fencing, flooring, damp treatments etc.

33. **Communal Flooring** **£100,000**

£70,000 of the budget is earmarked to provide new flooring, replacing badly damaged flooring or concrete finished. This investment is a response to customer feedback from a tenant survey which highlighted the appearance of communal areas as an area of concern for tenants.

34. **Feasibility** **£25,000**

£25,000 is earmarked for remodelling / development projects.

35. **Contingencies** **£400,000**

This budget covers unforeseen events.

READING BOROUGH COUNCIL

REPORT BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	12
TITLE:	AN UPDATE ON HOUSING FIRE SAFETY CONSIDERATIONS		
LEAD COUNCILLOR:	CLLR ENNIS	PORTFOLIO:	HOUSING
SERVICE:	HOUSING	WARDS:	BOROUGHWIDE
LEAD OFFICER:	SARAH GEE	TEL:	0118 937 2973 (x72973)
JOB TITLE:	HEAD OF HOUSING AND NEIGHBOURHOOD SERVICES	E-MAIL:	Sarah.gee@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 In November 2017, HNL Committee received a report which set out the Council's response following the Grenfell Tower fire in Kensington on 14th June. This included action taken in relation to the Authority's own housing stock, other corporate buildings and schools, as well as wider work in partnership with the Royal Berkshire Fire and Rescue Service in respect of privately owned high rise residential blocks within the Borough boundaries.
- 1.2 The November report advised that the Housing Service had appointed an external, qualified Fire Engineer (FireSkills) to carry out a review of fire safety practices in respect of the management and maintenance of Council housing stock. This review has now been completed and the report provides an update on findings and recommendations from FireSkills.
- 1.3 The report also includes a brief update on joint work between the Council and Royal Berkshire Fire and Rescue Service (RBFRS) in respect of cross tenure high rise residential buildings.
- 1.4 Finally, the Policy section of the report outlines the key interim findings from the independent review of building regulations and fire safety led by Dame Judith Hackett. The interim report 'Building a Safer Future' was published in December 2017.
- 1.5 Appendix 1: FireSkills report - Review of Reading Borough Council Fire Safety Management Procedures.

2. RECOMMENDED ACTIONS

- 2.1 That Committee note the findings and recommendations of the external review of fire safety in Council housing stock.

3. POLICY CONTEXT/BACKGROUND

Independent Review of Building Regulations and Fire Safety

3.1 In the early hours of 14 June 2017, a fire spread through Grenfell Tower, a 24 storey block of flats in Kensington causing significant loss of life. The fire appeared to be accelerated by the building's exterior cladding system, leading to a national programme of extensive testing of the cladding on other high-rise buildings. This revealed widespread use of aluminium composite materials which did not meet the limited combustibility requirements of building regulations guidance, and raised concerns for the safety of others.

3.2 Further concerns soon came to light about the adequacy of the structural design of other cladding systems and the discovery of structural safety issues in other blocks in Glasgow, Camden and Southwark. The Government asked Dame Judith Hackitt to conduct an Independent Review of Building Regulations and Fire Safety with a particular focus on their application to high-rise residential buildings. This is not intended to investigate the specific circumstances surrounding the Grenfell Tower fire. In December 2017 an interim report 'Building a Safer Future' was published -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668831/Independent_Review_of_Building_Regulations_and_Fire_Safety_web_accessible.pdf

3.3 The report summaries learning to date, and sets the direction of travel for the next phase of work which is due to conclude and report in Spring this year. The work of the review to date has found that the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose and that this applies throughout the life cycle of a building, both during construction and occupation. The key reasons for this cited in the report are:

- a. Current regulations and guidance are too complex and unclear. This can lead to confusion and misinterpretation in their application to high-rise and complex buildings.
- b. Clarity of roles and responsibilities is poor.
- c. The means of assessing and ensuring the competency of key people throughout the system is inadequate with often no differentiation in competency requirements for those working on high-rise and complex buildings.
- d. Compliance, enforcement and sanctions processes are too weak. What is being designed is not what is being built and there is a lack of robust change control. The lack of meaningful sanctions does not drive the right behaviours.
- e. The route for residents to escalate concerns is unclear and inadequate.

3.4 Initial recommendations flow from these findings. The report highlights the need to maintain and improve the safety of existing high rise and complex buildings throughout their life cycle, as new building technology becomes available:

'There is a responsibility to give due consideration to what it is reasonable and practicable to do to upgrade and improve the fire safety of existing facilities throughout their lifespan, not merely to ensure that they do not deteriorate beyond how they were originally designed and built.' And *'Changes to the regulatory regime will help, but on their own will not be sufficient unless we can change the culture away from one of doing the minimum required for compliance'*.

3.5 The report calls for sufficient layers of protection to ensure that building safety does not rely heavily on compartmentation as there is a high risk residents' own actions or of maintenance work carried out breaching compartmentation. There are a range of fire protection measures that can be retrofitted to or amended in existing buildings. The report is clear that rather than prescribe one measure over others, it should be for

building owners and landlords, with the right expert advice and the involvement of residents, to demonstrate that appropriate risk mitigation measures are in place.

(Some stakeholders) 'think that there is one 'fix' typified by the 'if we just do this one thing, it will all be better' response. Some of this is driven by vested interest, but also by a desire to 'do something' quickly. I believe we must be very wary of this type of thinking, and the evidence tells me that this is not what residents want.'

- 3.6 The report notes that there should be a clear, quick and effective route established for residents' concerns on fire safety to be raised and addressed with an external enforcement body such as the fire service, to provide a safety net for when landlords do not have effective systems in place. The results of regular surveys of building integrity must be shared with the residents and they should be consulted about plans to modify buildings. It is also important for residents to understand the various layers of protection which are fundamental to fire safety.

Public Inquiry: Grenfell Tower

- 3.7 In September 2017 an independent public inquiry into the Grenfell Tower fire commenced, chaired by Sir Martin Moore-Bick. It is expected to report by Easter 2018. The Inquiry's Terms of Reference have been published online here:

<https://www.grenfelltowerinquiry.org.uk/news/prime-minister-announces-inquiry-terms-reference/>

- 3.8 In summary, the inquiry will examine the circumstances surrounding the fire at Grenfell Tower and will report back to Government. The scope includes consideration of the causes of the fire and how it spread; the design and construction of the building and the decisions relating to its modification, refurbishment and management; the scope and adequacy of regulations, legislation, guidance and industry practice relating to high-rise residential buildings and compliance with these in respect of Grenfell Tower; the systems for responding to concerns raised by residents; fire safety measures in place at Grenfell Tower; the response of the Fire Brigade to the fire; and the response of central and local government in the days immediately following the fire.

Local Authority Housing Stock - Fire Safety Review

- 3.9 As part of its housing stock, Reading Borough Council has three 15-storey blocks of flats in Coley and four 8-storey blocks in Granville Road, Southcote - none of these have panel or cladding systems similar to Grenfell Tower or to those which have been tested by the Building Research Establishment (BRE).
- 3.10 The Council has taken swift action to review its fire safety measures in relation to its own high rise housing blocks and to provide residents with a level of reassurance around fire safety measures in place as previously reported to Committee in November.
- 3.11 Despite the Council's blocks differing in design to Grenfell Tower, the Council also appointed an external qualified Fire Engineer to carry out a review of our practice in the areas of management, fire safety measures and safety advice to tenants in high rise and some other flatted blocks. This included undertaking 'Type 4' (intrusive) Fire Risk Assessments (FRAs) of sample blocks, to include communal areas and an appropriate number of flats in each block, to ascertain the general condition of the stock. Intrusive assessments involve destructive exposure or opening up parts of the construction to provide greater assurance about the degree of fire 'compartmentation'. This report sets out the findings from the review and recommendations will inform the Council's planned works programme for our housing stock.
- 3.12 Key objectives included:-

- To specifically comment on fire compartmentation including service (utility/telecoms) penetrations through communal areas and into flats.
 - To assess emergency lighting provisions and existing alarm systems and comment on their adequacy.
 - To inspect the external render systems and provide an independent view on fire risk to the structure and residents within the blocks.
 - To comment of the existing means of escape given the distance and direction of travel.
 - To comment on the existing stay put policy and whether this remains appropriate.
 - Taking into account the construction of the block and existing safety measures make recommendations on the need for sprinkler systems or other additional safety measures in both communal areas and flats.
 - To comment if smoke extraction systems should be installed in the two staircases for the 15 storey high rise blocks.
- 3.13 The review was commissioned to include high rise blocks; flat types where full height composite windows are positioned directly above each other to identify if this poses an additional risk; Wates 3 storey blocks given their interior room configuration requiring exit through a living space; and the Hexham Rd blocks which are undergoing sequential refurbishment (both 'before' and 'after').

4 CURRENT POSITION

Fire Safety Review of Council Housing

Methodology

- 4.1 The FireSkills review has been completed. FireSkills are a small specialist firm, incorporating fire risk assessors and ex fire fighters, who can inspect and make recommendations from both a fire fighting and fire prevention perspective. The assessor undertaking the review was a qualified fire safety engineer.
- 4.2 FireSkills approach was to undertake a sample of fire risk assessments on 8 specific blocks and compare these with previously undertaken risk assessments. From this they could identify how well previous risk assessments had been carried out, the level of any outstanding works previously identified and the current condition of the blocks. In addition they were asked to make any recommendations they felt appropriate.
- 4.3 An assessment of fire safety management and procedures involved a review of fire risk assessments for the blocks inspected as above; a review of policy documentation and interviews with a number of managers and staff in relevant roles.

General Findings:

- 4.4 FireSkills found that the risk categories allocated to each building were suitable and inspection frequencies were in line with LGA recommendations; FRAs for all blocks are now up to date. The Council needs to ensure that planned maintenance programmes clearly identify where the need for a new FRAs might be triggered. The format of the FRA reports produced were appropriate and the format used represents current best practice - they have noted that there is no specific domestic dwelling template and have suggested we may wish to develop one.
- 4.5 FireSkills noted that RBC's fire risk assessors were adequately trained and noted that 'it was obvious that assessors have a very good knowledge of the buildings and the fire precautions present'. FireSkills have suggested that periodic training and professional development be maintained specifically on residential property assessment. Assessors

need to ensure that FRAs take into account any changing regulation and best practice guidance as this evolves which might necessitate or suggest a change to the fire safety strategy for a block.

- 4.6 FireSkills noted that the FRA's undertaken by RBC had been undertaken to a good standard with a high degree of detail and that 'fire precautions present demonstrated an ongoing drive to improve the level of safety in the blocks'. A comprehensive defect reporting system ensures that safety issues found or reported by residents are dealt with in a timely way.
- 4.7 FireSkills have stated that RBC have a comprehensive policy and guidance document which they felt could be developed further to encompass the whole fire risk assessment and fire safety management function - this could then be used for in-house training and development.
- 4.8 Routine sample auditing of the quality of FRAs by a fire safety specialist is recommended - by an in-house role if possible or externally if sufficient expertise is not available internally. The FireSkills review has sampled and provided assurance in respect of FRAs across high rise and other selected flatted blocks as a baseline.
- 4.9 FireSkills found that "*RBC have implemented a detailed and effective management policy for the provision of fire safety to its social housing stock.*" Staff are adequately trained, have a good understanding of their responsibilities and have good written documentation. None of the recommendations are considered to be urgent.

Fire Safety Measures

- 4.10 FireSkills were also asked for a professional view on whether additional fire precautions were advised in any of the building types surveyed, to improve the fire safety standard in the context of recent incidents nationally and the learning from those. Overall FireSkills noted that the Council's Housing Service has a 'forward facing and proactive fire safety strategy' and whilst the Council is fully compliant with current legislation, FireSkills have recommended that the Council consider implementing a number of additional measures. These include range of measures but principally:
 - a. The installation of new fire suppression sprinkler system to the 15 storey blocks in Coley. This will be procured imminently as part of the project to replace the existing water storage facility, water supply mains and distribution pipework at the Coley High Rise Flats.
 - b. Additional smoke and/or heat detectors for some block types, for example where access/exit is via a lounge and in properties with 'stacked windows'.
 - c. In blocks where the flat front doors open directly onto the enclosed escape staircase, installation of communal smoke detector systems is advised at each landing level.
 - d. Further to work already underway for Coley high rise blocks, the inspection of flat front doors to check smoke seals and fire resistance is advised for some blocks.
 - e. In terms of the Council's sheltered accommodation, whilst outside of scope and not inspected, FireSkills would recommend ensuring that a smoke detector or heat detector is allowed in all habitable rooms as well as the main exit corridor of the flat. In addition where residents are immobile and unable to self-evacuate, consideration should be given to installing a single unit misting system.
- 4.11 The Council will need to monitor and take on board any future recommendations regarding external cladding. However, the cladding to the 15 storey Coley blocks is already reaching the end of its design life. There is no current requirement to remove such cladding. However, in terms of proactively maintaining stock, minimising future repair liabilities and optimising safety, it would be beneficial if over the next few years this could be stripped and replaced with an alternative cladding system that does not

utilise a polystyrene based insulation board as this is classed as 'fire retardant' rather than 'fire resistant'. Given the costs of scaffolding buildings of this height it would be most cost-effective to complete works at the same time as window replacement scheduled for 3 years' time. This work cannot be completed simultaneously with the water mains works and sprinkler installation and would follow-on.

- 4.12 FireSkills have not recommended retro-fitting sprinklers in the 8-storey Granville Rd blocks - most flats have external balconies and a smaller number open onto a corridor which is open to the elements. FireSkills Fire Safety Engineer did not consider that fitting sprinklers would improve fire safety in these blocks having reviewed all measures in place.
- 4.13 FireSkills have not indicated that the stay put policy is of concern and therefore there is no proposal to move to an exit policy for any of our blocks.

Cross Tenure Residential Buildings

- 4.14 Since the November HNL Committee meeting it has been confirmed that there are three privately owned blocks within the Reading Borough Council administrative area which have Aluminium Composite Material cladding that does not meet the relevant requirements of the Building Regulations Guidance. In all three cases, Reading Borough Council is working in partnership with Royal Berkshire Fire and Rescue Service to ensure that the owners of these buildings have implemented interim mitigating safety measures to ensure the safety of residents until remedial works are completed. All three buildings identified to date as having ACM have been visited and assessed by the fire and rescue service. The timescales for the removal of the cladding are being discussed with the buildings' owners.
- St Lawrence House, Abbey Square, RG1 3AG - The property is owned by Southern Housing Group. Officers have been in liaison with the owners who have put a number of initial measures in place to safeguard residents, in line with DCLG advice. RBFRS are fully engaged.
 - Queens Court, Queens Walk RG1 7PT The property was formerly an office building which has been recently converted and extended to provide student accommodation. The building has a current Fire Risk Assessment which was completed in July 2017. The building is fitted with a high level of fire detection meaning that any fire starting within the building would be detected at an early stage. They currently operate a phased evacuation with those closest to the fire being evacuated first followed by the remainder of the building.
 - Hanover House, 202 Kings Road, RG1 4NN - In order to safeguard residents a number of initial actions have been taken following a meeting with RBFRS and RBC Housing officers. These measures are in line with DCLG advice and include the closure of the undercroft car park.
- 4.15 The Council has agreed a memorandum of understanding with RBFRS to, in partnership, re-inspect all high rise residential properties in the Borough in order to ensure appropriate standards of fire safety and other safety provisions are provided and maintained. Additional resources have been added to the Council's private sector housing team to support this work which will also be supported by building control expertise.

5 PROPOSAL

- 5.1 The Housing Service have already implemented a number of system improvements in respect of fire safety as previously reported. The recommendations and advice from this external review will now be incorporated into a live service action plan and have informed the programme of planned maintenance to the Council's housing stock. Work is underway to cost, schedule and plan procurement of works to further improve fire safety in the Council's housing flatted blocks.

6 COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Tenant involvement is a priority for the service. Findings of the review will be presented to tenant representatives. Tenants and leaseholders will be consulted and advised of works planned as required at a local block level.
- 6.2 A tenant Scrutiny Panel are carrying out their own review of fire safety. The scope of the review is:
- a. To investigate RBC's approach to fire prevention in high risk blocks of flats and the actions that RBC would take in the event of fire
 - b. To investigate the quality of information provided to tenants and whether tenants feel able to communicate concerns to RBC and confident that their concerns will be listened to and acted upon.
- 6.3 The tenant scrutiny exercise will include a desk-top review, tenant call for evidence, interviews with staff, shadowing staff on block inspections, a frontline staff focus group, mystery shopping and inspections of communal areas/blocks/flats. The findings will be disseminated on the website, through Housing News and the Annual Report to Tenants. The review is expected to conclude in early April.

7 CONTRIBUTION TO STRATEGIC AIMS

- 7.1 This report supports the following objectives in the corporate plan:
- Safeguarding and protecting most vulnerable
 - Providing homes for those in most need
 - Keeping the town clean, safe, green and active

8 EQUALITY IMPACT ASSESSMENT

- 8.1 Not applicable to this report.

9 LEGAL IMPLICATIONS

- 9.1 There are several important pieces of legislation which impact on fire safety within dwellings, principally:
- Building Regulations 2010 Part B.
 - Housing Act 2004.
 - The Regulatory Reform (Fire Safety) Order 2005.
- 9.2 Further, the LGA published guidance in 2012 'Fire safety in purpose builds blocks of flats' which is referred to above in the report. A more detailed exposition of legislation was provided in the November 2017 report to HNL Committee.

10 FINANCIAL IMPLICATIONS

- 10.1 There are a number of potential financial liabilities arising in respect of Local authority housing following the Grenfell Tower fire which are being factored into financial planning.
- 10.2 Costs have been estimated for works to Council housing stock which are advised as a result of the external review. Provision of circa £5.52m has been made in the capital programme and in the HRA Business Plan. This is profiled as follows (£,000's):

2018/19	2019/20	2020/21	2021/22	2022/23
£900k	£800k	£700k	£1.56m	£1.56m

- 10.3 The impact of works which might be mandated through changing regulation to the Council's own housing/other residential stock cannot be anticipated. However, the expert review in respect of Council homes and the additional measures proposed should go some considerable way to meeting current best practice, taking a proportionate but proactive approach to safety. The requirement for future works to improve fire safety will be further informed by the recommendations arising from the national review/public inquiry and emerging industry advice.

11. BACKGROUND PAPERS

- 11.1 HNL Committee 15th November 2017 - An Update on Fire Safety Considerations Post Grenfell Tower.

Reference: TF1004 Date: 19 October 2017 Version: 1.2

Technical Note: Review of Reading Borough Council Fire Safety Management Procedures

	<p>Prepared by: Mr R Hedger</p> <p>BSC (Hons), MIFireE Fire Safety Engineer</p> <p>Signature: </p>
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Version and review history table

Version	Date	Action
1.0	19/10/2017	Document issued
1.2	26/02/2018	Minor amendments to text following review of version 1.0

NOTE:

This report should not be manipulated, changed or presented without the consent of FireSkills Ltd



1 Introduction

This technical note has been produced in response to a request for an assessment of the fire safety management and procedures in place in respect of the management of fire safety in the Reading Borough Council (RBC) social housing stock.

The following questions were addressed as part of this review:

- Is the guidance used by RBC suitable and fit for purpose?
- Is the current prioritisation system suitable?
- Are inspection frequencies suitable?
- Is the current system and content of training for nominated employees suitable?
- Is the current system of Senior Manager audit of quality suitable?
- Do the fire risk assessments produced by the systems and procedures appear to be suitable and sufficient?

2 Process

The review of fire safety management has involved a number of activities, the first of which was an assessment of the current fire precautions in the 8 properties identified as representing the highest potential risk to life should a fire break out.

A selection of the existing fire risk assessments for these buildings was then scrutinised to identify the scope and level of detail attained by the current processes.

A meeting was held with Mr Matt Finch, the nominated competent person responsible for the documentation of the fire arrangements and procedures. At this meeting, the corporate code of practice: *CORP 012*, procedure document: *Fire Safety Review Inspections* were viewed and discussed, along with details of review prioritisation, staff training, document storage, defect reporting and management and quality assurance.

Finally, a number of meetings were held with the Council's fire risk assessors, the housing management team and the senior management team to discuss the processes, funding availability and proposed course of action.

3 Findings

3.1 Guidance

The primary guidance document used for assessing fire risks is the *LGA: Fire safety in purpose-built blocks of flats*.

This document has been specifically written to inform the management of fire precautions in blocks of flats built to previous standards, and to identify situations where it may be necessary to upgrade what



was previously accepted, in order to achieve a suitable level of safety from fire. The guidance is extremely thorough, identifying not only issues arising from changes to regulation and assessment of safe conditions which have occurred over the years, but also identifying a comprehensive range of potential issues arising from poorly controlled alterations and the hazards these might lead to. As such, within the boundaries of the situations covered by the guidance, it is suitable for the task.

However, although the document raises the issue of external thermal cladding systems and the potential for external fire spread as a result of the use of flammable materials in their construction, the guidance on actions to be taken to assess this risk, and to mitigate the risk if identified, is limited to the seeking of advice from an expert. The risks posed by cladding systems incorporating combustible materials in their construction, and the actions to be taken if they are found to be present, are rapidly evolving due to recent high-profile fire incidents in high rise buildings and further investigation and remedial actions are likely to be required as a result of new guidance from Central Government, or changes to current legislation. This situation should be closely monitored to ensure that any new guidance can be rapidly identified and implemented.

3.2 Prioritisation and inspection frequency

General guidance is given within the LGA document on routine review periods for fire risk assessments, however terms such as 'high risk' or 'low risk modern low rise' are given. Assessment of which category an individual building falls into is the responsibility of the managing organisation.

Table 1 of the RBC Procedure document: 'Fire Safety Review Inspections' clearly specifies which buildings are considered to fall within each category of risk, and the review periods for each building type. The allocation of risk categories appears to be suitable, with a clear rationale for assigning higher risk to a number of buildings which might otherwise be categorised at a lower risk.

The identified inspection frequencies for each risk category are in line with the LGA guidance for FRA review and for full re-evaluation of the fire risks present.

In addition to the regular reviews and re-evaluations of the fire risk assessment, the RBC policy is for dedicated Block Maintenance Officers (BMO) to carry out regular Fire Safety Reviews. The RBC policy document provides a comprehensive description of the procedures for the BMO to follow, along with proforma schedules to work through and for reporting and recording of issues.

Fire Safety Block Inspections are carried out monthly, 3monthly or 6 monthly, dependant on the risk category of the building and complements the fire risk assessment and review process, ensuring that fire safety issues will be identified within a reasonable timeframe.



3.3 Training

In-house fire risk assessors have received accredited training in fire risk assessment. The past training was provided by Vulcan Fire Training Ltd, however I understand that the training provider is to be changed for future courses.

This training is aimed specifically at developing competence at fire risk assessment, and as initial training is suitable, however, for assessors to develop and maintain competence, it is necessary to both exercise the knowledge and to maintain currency by undertaking follow on training and CPD events.

As the majority of premises requiring fire risk assessment are multiple dwelling residential buildings, it would be appropriate for fire risk assessors to receive ongoing training in subjects pertinent specifically to this building type.

A very comprehensive policy and guidance document has been produced, aimed at the Building Maintenance Officers and their duties to carry out regular fire safety reviews. Ideally, this policy and guidance should be extended to encompass the whole fire risk assessment and fire safety management function, to the same level of detail. This would then form the basis of in-house training and development for all those involved in the fire safety management process, and ensure a consistent approach.

3.4 FRA quality and scope

The fire risk assessments sampled have been completed using a PAS 79 based template. This is the nationally recommended standard, however it is designed for application to workplaces where occupants are predominantly employees and under the direct control of the responsible person. There are a number of situation in purely residential buildings which do not fit well into the PAS 79 template and a significant number of headings which are not applicable in the majority of buildings. As such, it may be worth considering developing or acquiring a template more suited to the building stock type. However, in the absence of a more suitable template being available, the PAS 79 version represents current best practice.

The sampled fire risk assessments were completed to a high level of detail and to a good standard, with the overall fire strategies for the buildings appearing to be suitable and sufficient. The notes on issues found, or on fire precautions present were sufficient to indicate where work was required, and the fire precautions present demonstrated an ongoing drive to improve the level of safety present in the blocks.

A comprehensive defect reporting and maintenance service is in place to ensure that any fire safety issues found by BMOs or reported by residents are recorded and dealt with. Expected time scales for the remedying of identified risks are given in the guidance provided.

It was obvious from the fire risk assessments sampled that the assessors responsible have a very good knowledge of the buildings and the fire precautions present. The only possible improvement would be to record the current accepted fire strategy for each building, as a description of the various fire precautions



and escape routes, to inform the observations and judgements of either new or external fire risk assessors.

Discussions with Mr Matt Finch indicated that the number of trained fire risk assessors has recently increased. This has the potential to lead to several improvements. There will be greater resilience within the team; discussion of observed conditions and issues will assist in development and competence throughout the team; having more assessors will allow for rotation of assessors through the building stock and help to prevent complacency.

3.5 FRA audit and quality assurance

The method of quality assurance of the fire risk assessments appears to be the examination of a sample of those completed by senior Housing Property Service managers.

While this will encourage the meeting of targets for the maintenance and review of assessments, unless there is a considerable level of fire safety competence held by members of the senior management team, there will be no assessment of the quality or suitability of fire precautions provided.

To demonstrate supervision of the technical standards, sample auditing of the quality and standard of fire risk assessment should be undertaken, in line with the full re-evaluation program, by a fire safety specialist. This review has sampled and provided assurance in respect of fire risk assessments across high rise and other selected flatted blocks. The specialist should ideally be taken from in-house staff if possible, however an external contractor should be used if no suitably qualified and experienced employee is available.

Ideally, the assessment should involve viewing the building directly and comparing it to the recorded fire precautions, and be matched to the full re-assessment program, thus ensuring that the standard to be maintained over a period of several years by the review and Fire Safety Review Inspection processes, is likely to be compliant from the beginning of that period.

4 Conclusion

Reading Borough Council has implemented a detailed and effective management policy for the provision of fire safety to its social housing stock.

Those responsible for the specification, management and maintenance of the fire precautions receive adequate training and have a good knowledge of their responsibilities, backed up by some good written policies. Provision of a wider range of policy and guidance could lead to increased consistency and resilience, however the existing measures are being thoroughly and conscientiously applied to a good standard.



While a number of recommendations are made below, none of these are considered to be urgent, and none of the situations commented on constitute a failure to meet the requirements of the Regulatory Reform (Fire Safety) Order 2005.

5 Recommendations

- Further investigation and remedial actions may be required as a result of new guidance from Central Government, or changes to current legislation concerning external thermal cladding systems. This situation should be closely monitored to ensure that any new guidance can be rapidly identified and implemented.
- Reading Borough Council fire risk assessors should receive ongoing training and CPD specifically aimed at developing their knowledge of the issues surrounding fire risk assessment in residential buildings.
- The policy and guidance already produced covering fire safety review inspections, should be extended to encompass the whole fire risk assessment and fire safety management function, to the same level of detail.
- Consider the use of a fire risk assessment template specific to residential buildings as opposed to the industry standard that covers both residential and commercial.
- Consider producing a fire strategy description for each building, to document the accepted fire precautions on the premises.
- Sample auditing of the quality and standard of fire risk assessment should be undertaken, in line with the full re-evaluation program, by a fire safety specialist. Ideally this should be taken from in-house staff if possible, however an external contractor should be used if no suitably qualified and experienced employee is available.



READING BOROUGH COUNCIL

REPORT BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	13
TITLE:	HOUSING SERVICES FOR OLDER PEOPLE		
LEAD COUNCILLOR:	CLLR JOHN ENNIS	PORTFOLIO:	HOUSING
SERVICE:	HOUSING	WARDS:	BOROUGHWIDE
LEAD OFFICER:	ZELDA WOLFLE	TEL:	0118 937 2285
JOB TITLE:	HOUSING OPERATIONS MANAGER	E-MAIL:	zelda.wolfle@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out proposals to reconfigure the way that housing services for older people are delivered so that they are available for more residents, prioritised for those in most need and so as to develop resilience to current and future social and demographic pressures.
- 1.2 In the reports *Homelessness: Update on Demand Pressure and Actions to Mitigate and Meeting Housing Need for Households Affected by the Benefit Cap* to HNL in November 2017, details were given of the increasing pressures on the Council's housing services and the need to continue to innovate and adapt to mitigate these.
- 1.3 In addition to these national housing pressures, local demographic changes are also anticipated. The Office for National Statistics (ONS) projects that the number of over-65s living in the Reading Borough Council area will have increased by a third by 2030 and the number of over-80s increased by almost half. As the older population grows it is also becoming a much more diverse group; assumptions about individuals because of their age are likely to be confounded by a broad range of needs and aspirations.
- 1.4 Key aspects of these proposals in response to changing needs include:
 - i. Increasing the support available to the Council's sheltered housing tenants
 - ii. Implementing a 'hub and spoke' model of support provided from sheltered housing hubs on an outreach basis, so that it is also available to older people with support needs in the wider tenant community (in Council homes)
 - iii. Reducing the age limit for sheltered housing and de-designating the Council's other age-restricted properties so that allocations can be based on the individual household need for each type of accommodation.
- 1.5 A consultation has been carried out with sheltered housing tenants (and applicants) and a summary report of findings is attached at **Appendix One**. An Equality Impact Assessment is attached at **Appendix Two**.

2. RECOMMENDED ACTION

2.1 That members note the proposals set out in Section 5 of this report and approve:

- a) A reduction in the age limit for sheltered housing from 60 to 55, which alongside detailed housing assessments with prospective tenants will enable appropriate lettings to be made to those in most need;
- b) Remove the age criteria that are attached to some Council homes and amend the Allocations Scheme, introducing options designed to promote sustainable communities whilst maintaining a fair system of allocating new tenancies.

3. POLICY CONTEXT

- 3.1 Reading Borough Council's Allocations Scheme sets out the rules about who can apply for social housing within Reading Borough and how the Council manages and allocates social housing via Homechoice at Reading.
- 3.2 The Allocations Scheme permits for allocations of age-designated properties to tenants below the set age requirement where the housing officer consults with tenants in a block in assessing the suitability of each applicant.
- 3.3 Under the Care Act 2014, local authorities were given new duties to provide or arrange services that help prevent people developing needs for care and support (or delay people deteriorating such that they would need ongoing care and support).

4. CURRENT POSITION

Sheltered Housing

- 4.1 Reading Borough Council's sheltered housing offers older people the support to live independently with access to round-the-clock emergency assistance, plus onsite facilities and social activities. The Council is Reading's largest provider of sheltered housing with nearly 300 units of accommodation, typically designed or adapted to provide added security and accessibility for older and frailer tenants. In addition the Council manages 40 units of extra care housing at Cedar Court.
- 4.2 Sheltered housing applicants are visited at home for an assessment to determine their need for this type of supported accommodation. There were 168 households referred for sheltered housing assessments in 2016/17, up from 160 in 15/16 and 88 in 14/15. Demand is greater than supply: Reading Borough Council had an average of 36 sheltered housing vacancies per year over the last three years.
- 4.3 The growth in the number of older people seeking housing with support is likely to continue. The ONS projects that Reading's population of over-65 will increase from 2014 to 2030 by 34% and 51% by 2035. And the number of over-80s is set to increase by 49% by 2030 and 68% (to 9,600) by 2035.
- 4.4 The ONS addresses the potential impact of this in its report *Insights into Loneliness, Older People and Well-being* (October 2015), identifying over-80s as at particular risk of loneliness with a considerable impact on their well-being. Housing tenure type is identified as a particular risk factor and those that report the highest levels of loneliness are social housing tenants, followed by those renting privately. It concludes that particular consideration is required by support services to minimise some of the impact that risk factors of loneliness have: particularly bereavement, poor health and housing tenure.

- 4.5 As the size of the older population increases and becomes more diverse, services must be equipped to support a broader range of needs. Case reviews identify a number of sheltered housing residents with more complex needs, such as mental health concerns, problems with drug and alcohol use and displaying antisocial behaviour. A small number of residents with such needs can result in a requirement for a significant level of resource and expertise to effectively support them. Close partnership work between Housing Services and Adult Social Care is needed to do this and on-going work between these services has identified some gaps which the proposed sheltered housing reshape seeks to help address.
- 4.6 Over the course of the past year officers have completed a programme of activities to consult on and review the way the Council delivers its sheltered housing services so that they are up to date and prepared for the future. This has included a digitisation project designed to increase service efficiency and improved flexibility to adapt to tenants' needs. Paper-based records and processes have been digitised and by making full use of the Council's ICT systems and hardware, the important landlord and monitoring functions within sheltered housing have been streamlined. Improved weekend working arrangements have significantly reduced staff overtime commitments and associated costs.
- 4.7 A sheltered housing consultation was carried out throughout the summer of 2017 and the full report is available at Appendix A. All current tenants and recent applicants on the housing register waiting for sheltered housing were invited to 'recruitment' events at each of the sheltered housing units. Tenant volunteers worked alongside housing officers to encourage and assist as many people as possible to engage with the consultation questions. The events were lively and well attended and also gave housing applicants the opportunity to meet current tenants and experience the type of accommodation and support available in sheltered housing.
- 4.8 One of the key topics for the consultation was the criteria for sheltered housing; unlike most providers in Reading the Council has set a lower age limit of 60 (as opposed to 55). As a result of this a small number of people whose health or other needs would be best met by this type of accommodation have to wait or seek less suitable housing and support. Current thinking in the sector is that needs-based allocations are more appropriate than attaching strict age criteria; and whilst most suitable applicants are likely to be in their sixties or over, some will be younger. The consultation gave tenants the opportunity to have their say on these and other issues that might influence their communities.
- 4.9 176 responses were submitted, 85% from current sheltered housing tenants and 15% from applicants:
- The majority of tenants were supportive of a reduction in the age limit for sheltered housing from 60 to 55, if the same assessment process were applied.
 - The support service is the most important factor for people in choosing to move into sheltered housing and is also the feature that current tenants would be most likely to tell other people is the most important benefit of sheltered housing.
 - Over a third of sheltered housing tenants reported feeling lonely often or some of the time.
 - Only a fifth of respondents said they had used the internet.
 - Just over half of tenants attend sheltered housing's activities and events often or some of the time. There were many suggestions for what else people would like to see offered and these are detailed in Appendix A
 - The majority of housing applicants said that if they could access the kind of support available in sheltered accommodation they could continue living at home independently for longer.

- 4.10 The topic of broadening the sheltered offer was also discussed at the August Tenant Consultation Day. In particular the suggestion of offering the type of support available in sheltered housing to older Council housing tenants more widely was met with strong support.

Age designated properties

- 4.11 Distinct from sheltered housing, the Council has set age designations on a number of its properties. Nearly 1,000 general needs homes (predominantly in blocks of one-bedroom flats) have such restrictions; about a third are reserved for people aged over 50 and the majority of the rest for over 60s. Like all Council tenants those living in age designated properties can benefit from the Council's social landlord services, however, there is no cohort-specific support and activity programme or management service in place such as in sheltered housing.
- 4.12 These designations were set over twenty years ago and were not formally documented at the time. Officers consider it most likely that they had been introduced as an attempt to address problems with neighbour disputes (for example because of noise or lifestyle differences) between older tenants and newer, younger tenants.
- 4.13 Whilst the Council recognises that incompatibilities may still arise between different tenants, practice has developed so that segregating residents in general needs properties solely based on age is not considered a practical or effective way of addressing these. It could unfairly discriminate against younger tenants seeking an affordable place to live and introduce tenants who although they qualify by age have no priority for housing or due to historical issues are not compatible with the tenants already in residence. The Council has effective services in place to support tenants and address any issues or neighbourhood disputes but these are better managed if this is taken into account at the point when an allocation is made to an appropriate property.
- 4.14 Significantly the contemporary context is a housing affordability crisis in Reading, with over 250 households in temporary and emergency accommodation, including more than 20 households looking for one bedroom properties. Age restrictions have resulted in a significant inadvertent impact on the way Council properties are allocated: because these age designations do not match the most pressing demand pressures, many are allocated to applicants assessed as having no priority for housing.
- 4.15 Many age designated blocks already have people aged below the designation living in them because of tenancy successions and tenants who live together with younger partners. Some have been sold through the right to buy and therefore the Council no longer has any influence over the age of the occupants in these homes. Likewise, a number have eventually been let to younger tenants because no one of the specified age has expressed an interest when the property was advertised.
- 4.16 Where there is a need to actively promote community cohesion and sustainability within neighbourhoods through tenancy allocation decisions, local lettings policies offer a more equitable and versatile alternative to age restrictions. Additional terms, for example checking for any incidents of antisocial behaviour, can be added and subsequently reviewed where appropriate. With a changing demographic, age alone is not an indication as to whether a tenant will be the perpetrator of anti-social behaviour or neighbour nuisance.
- 4.17 The Council's Allocations Scheme currently requires a process where to allocate a property in an age-designated block to a younger applicant, the housing officer consults with tenants in a block in assessing the suitability of each applicant based

solely on age. An amendment to the Scheme would allow a consistent approach on which types of lettings are appropriate to be made prior to the re-let process. This could take in a range of factors such as no history of anti-social behaviour, no history of noise nuisance etc. so that in the future all eligible applicants have an opportunity to express an interest and are not excluded on the basis of age alone. In this way the most appropriate allocation can be made.

5 OPTIONS PROPOSED

- 5.1 Introduce a new offer of outreach support from sheltered housing on a hub and spoke basis. This would be available to older people living in Council housing in the wider community, including where the provision of support may avoid or delay the need for care or accommodation-based services. The objective is to support those who don't currently meet the threshold for adult social care services to remain living independently in their own homes for longer or through the process of applying for alternative accommodation (including sheltered housing) and providing advice to prevent homelessness. The service would work with older people who have had sheltered housing assessments and are Council tenants (including those living in properties that are currently age-designated) who would benefit from sheltered support. This 'hub and spoke' model would also:
- Promote sheltered housing as a venue for other services to hold activities, information and education sessions
 - Invite support customers to join in the events and activities at their local sheltered housing and to use their communal facilities.
- 5.2 Reduce the lower age limit for sheltered housing from 60 to 55. Continue with detailed community assessments that focus on the need for and suitability of sheltered housing as well as hub and spoke support, so that the correct services can be provided for people as they are required.
- 5.3 Replace age-designations with local lettings policies, making properties available to those in most need. Amend the Council's Allocations Scheme to substitute ad hoc 'sensitive lettings' with the following broader principles:
- Where specific properties are especially suited for people who are frail or have limited mobility (for example, level access or with adapted facilities) let on the basis of need for this type of accommodation. Whilst this is likely to be predominantly older, frailer, people it will not exclude younger applicants with an accessibility need.
 - Where blocks of homes have been designated as for over 60s/50s and properties have been consistently let to over 60s/50s, replace the age restriction with a local lettings policy reducing the risk of incompatibility with new tenants.
 - Where blocks of flats already have a number of tenants of all ages despite the age-designation and this has not resulted in any housing management concerns, remove the age designation.
- 5.4 Reshape the sheltered housing service to:
- Create distinct landlord and support functions, enabling more support time with tenants and increasing the offer of support out into the community.
 - Introduce new person-centred and action-based support plans and develop staff specialisms to enable effective housing-related support with older people with mental health concerns for example, or drug and alcohol problems.
 - Broaden the activities programme, including personalised activities packages for those experiencing or at risk of loneliness or isolation and addressing the current low level of digital inclusion, working in partnership with voluntary sector organisations.

- Create a dedicated function to foster closer working relationships with adult social care services on an early intervention and prevention basis, linking these services across the well-being agenda.

6. CONTRIBUTION TO STRATEGIC AIMS

- 6.1 These proposals will contribute to the following service priorities set out in the Council's Corporate Plan 2015-18:
- Safeguarding and protecting those that are most vulnerable; and
 - Providing homes for those in most need.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 7.2 The sheltered housing consultation ran from 7 June to 31 August 2017 and 176 tenants and applicants took part. The target audience's specific needs were central to the consultation methodology. Events were advertised within sheltered housing and invites were sent to all tenants and everyone on the housing register who had been assessed for sheltered housing in the last year or earlier if they were still actively bidding.
- 7.3 Officers identified anyone who might need additional help and tenant volunteers worked alongside to encourage and assist people to fully engage with each topic. The full results of the consultation are available at Appendix One and have shaped the proposals in this report.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 An Equality Impact Assessment has been carried out and is available at Appendix B. The EIA found that these proposals would have a differential impact on older and younger people due to their age but that this would be a positive one.

8. LEGAL IMPLICATIONS

- 8.1 Section 167(8) of Part VI Housing Act 1996 requires that a local housing authority shall not allocate accommodation except in accordance with their allocation scheme. s167 (2e) of Part VI Housing Act 1996 provides that a Local authority's allocation scheme may contain a provision about the allocation of particular housing accommodation, subject to the scheme complying with its obligation to ensure that certain applicants are secured reasonable preference. In this case, if the proposal was agreed in relation to lowering the age limit for sheltered accommodation from 60 years to 55 years, this

would not cause a change to the provision of reasonable preference to be given to applicable applicants and would not have direct legal implications in respect of the allocation scheme in this regard”

- 8.2 Section 167(7) of Part VI Housing Act 1996 requires the local housing authority, before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, to (a) send a copy of the draft scheme or proposed alteration to every registered social landlord with which they have a nomination agreement; and (b) afford them a reasonable opportunity to comment. In this case, this is not a major alteration so this obligation does not arise.

9. FINANCIAL IMPLICATIONS

- 9.1 The Housing Revenue Account (HRA) deals with council housing finance. The main income is housing rent, and all expenditure related to council housing (such as dealing with lettings; managing, maintaining and repairing the stock; collecting rent) is charged to this account. The Housing Revenue Account is ‘ring-fenced’ (separate) from other Council activity (this is accounted for through the ‘General Fund’ account). The Council’s Sheltered Housing is funded through the HRA. Outreach support can therefore legitimately be provided to older, Council housing tenants living in general needs stock. However, support to older people/sheltered housing applicants in other tenures would need to be funded through some supplementary source. Group activities in sheltered housing could reasonably be attended by a wider cohort.
- 9.2 The proposed changes to the sheltered housing service will involve a net increase of 1.6 x FTE posts which can be managed within the current sheltered housing budget within the HRA by reducing the level of overtime and making use of an under utilised supplies budget. The increased staffing and proposed changes will deliver the benefits detailed within the report - increasing support levels to reflect changing needs; providing preventative support to older tenants in general needs Council stock to sustain independent living and inform housing choices; and therefore reducing wider whole system costs.

10. BACKGROUND PAPERS

- 10.1 “Homelessness: Update on Demand Pressure and Actions to Mitigate” and “Meeting Housing Need for Households Affected by the Benefit Cap” reports to Housing, Neighbourhoods and Leisure Committee, 16 November 2016. Reading Borough Council’s Housing Allocations Scheme (January 2016).

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	14
TITLE:	CONTRACT AWARD - MEASURED TERM CONTRACT FOR GAS CENTRAL HEATING INSTALLATIONS 2017/18-2022/23		
LEAD COUNCILLOR:	COUNCILLOR ENNIS	PORTFOLIO:	HOUSING
SERVICE:	HOUSING	WARDS:	ALL
LEAD OFFICER:	LEISA PATEMAN	TEL:	0118 9373343 / 73343
JOB TITLE:	PRINCIPAL BUILDING SURVEYOR	E-MAIL:	Leisa.pateman@reading.gov.uk

1. PURPOSE OF THE REPORT AND EXECUTIVE SUMMARY

- 1.1 The report seeks approval for the award of a 'Measured Term' Contract (MTC) for the provision of gas boiler and full central heating system installations and servicing. This contract relates to the repair and maintenance of the Council's Housing Stock.
- 1.2 The contract will be split between two contractors. No volume of expenditure is guaranteed under these contracts as annual expenditure will depend on the actual level of work that is required to be sub-contracted during the course of the year. However, based on expenditure records, typically the total expenditure is estimated to be circa £1m per annum, (£500,000 per annum per contractor).

2. RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhoods & Leisure Committee provide delegated authority to the Head of Housing and Neighbourhood Services in consultation with the Lead Councillor for Housing to award a Measured Term Contract for Gas Central Heating installations to Correct Contract Services Ltd and AP Faulkner (Heating) Ltd for a period of 3 years with an option to extend for 2 further consecutive years in accordance with the Public Contract Regulations 2015.

3. MEASURED TERM CONTRACTS FOR WORKS TO COUNCIL HOUSING STOCK

- 3.1 Reading Borough Council's Housing Property Services manage the day to day repairs, planned maintenance and voids repair works to approximately 5,600 Council properties which are let throughout the borough.
- 3.2 Housing Property Services does not have the capability to undertake heating system and boiler replacements in-house, it has been proven through previous competitions that specialised contractors are able to undertake the work in a more efficient way, for lower cost.
- 3.3 Housing Property Services have invited tenders for gas boiler and full central heating system installations, servicing and renewable technologies. Tenders have been evaluated on both a price and quality element.
- 3.4 This MTC has been tendered against Housing Property Services Schedule of Rates, which are based on the National Housing Federation rates. Included in these are costs for boiler, pipework and radiator etc. install. These individual rates are combined into a typical heating system install composite rate and tenderers are invited to submit their price in the form of a percentage increase or decrease against the published rates for work items. Due to the value of works, two contractors will be awarded a contract to undertake the works.
- 3.5 The quality element was evaluated using the answers to questions set out in the tender document about how the contractors would approach certain aspects of the contract should they be successful. These are scored against model answers.

4. CONTRIBUTION TO STRATEGIC AIMS

- 4.1 The contract will support the achievement of the Council's strategic aims of 'providing homes for those in most need' and 'remaining financially sustainable to deliver service priorities' by using a cost effective means of delivering improvements to the Council's Housing Stock.
- 4.2 Tenderers are advised that the Council's current Low Wage policy expects the payment of the Living Wage rate set independently by the Living Wage Foundation and updated annually in the first week of November each year. All providers appointed are expected to pay a Living Wage in accordance with this policy to all staff working on Reading Borough Council contracts. The UK Living Wage for employees outside of London is currently (November 2017) £8.75 per hour.

5. COMMUNITY ENGAGEMENT AND INFORMATION

5.1 Not applicable

6. EQUALITY IMPACT ASSESSMENT

6.1 An Equalities Impact Assessment is not required for this contract.

7. LEGAL IMPLICATIONS

7.1 The Measured Term Contracts will be awarded using the Joint Contracts Tribunal "Measured Term Contract - 2011".

8 FINANCIAL IMPLICATIONS

8.1 No volume of expenditure is guaranteed under these contracts as annual expenditure will depend on the actual level of work that is required to be sub contracted during the course of the year. However, based on expenditure records, typically the total expenditure on each contract across its 5 year lifespan is expected to be as follows:

- Contractor 1 MTC - £2,500,000 (£500K per annum)
- Contractor 2 MTC - £2,500,000 (£500K per annum)

8.2 The budget for these contracts is included within the existing Housing Revenue Account repairs and maintenance budgets and provided for in the 30 year Business Plan.

9.0 BACKGROUND PAPERS

9.1 None applicable.

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	14 MARCH 2018	AGENDA ITEM:	15
TITLE:	CONTRACT AWARD - MEASURED TERM CONTRACT FOR BATHROOM REPLACEMENT WORKS 2017/18-2020/21		
LEAD COUNCILLOR:	COUNCILLOR ENNIS	PORTFOLIO:	HOUSING
SERVICE:	HOUSING	WARDS:	ALL
LEAD OFFICER:	SHARON POVEY	TEL:	0118 9373087
JOB TITLE:	BUILDING SURVEYOR	E-MAIL:	Sharon.povey@reading.gov.uk

1. PURPOSE OF THE REPORT AND EXECUTIVE SUMMARY

- 1.1 The report seeks approval for the award of a Measured Term Contract (MTC) for the replacement of bathrooms to Reading Borough Council's Housing Stock.
- 1.2 The contract will be split between three contractors. No volume of expenditure is guaranteed under these contracts as annual expenditure will depend on the actual level of work that is required to be sub-contracted during the course of the year. However, based on expenditure records, typically the total expenditure is estimated to be circa £450,000 per annum (£1.8m across the life of the contract).

2. RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhoods & Leisure Committee provide delegated authority to the Head of Housing and Neighbourhood Services in consultation with the Lead Councillor for Housing to award a Measured Term Contract for Bathroom Replacement Works to Build Trust Ltd, ENGIE Regeneration Ltd trading as Keepmoat Regeneration and Pilon Ltd. The MTC will be for a period of 4 years in accordance with the Public Contracts Regulations 2015.

3. MEASURED TERM CONTRACTS (MTC) FOR WORKS TO COUNCIL HOUSING STOCK

- 3.1 Reading Borough Council's Housing Property Services manage the day to day repairs, planned maintenance and voids repair works to approximately 5,600 Council properties which are let throughout the borough.
- 3.2 Housing Property Services employ an in-house team to undertake Kitchen and Bathroom refurbishment, the works budget for which is currently £1.65m per year. The in house team is capable of delivering £1.2m of work with the current resources and the remainder is sub-contracted out through the use of MTC's. This measure is necessary to manage peaks in workload at times when there is insufficient capacity within the in-house team.
- 3.3 Housing Property Services have invited tenders for a bathroom replacement contract. Tenders have been evaluated on both a price and quality element.
- 3.4 The price element is evaluated on the basis of a package of bathroom types i.e. bathroom with integral w.c.; bathroom with separate w.c.; cloakroom w.c. and combinations of rooms with and without redecorations being included. For evaluation purposes, the tender included a mix of the above types to give an indicative contract value.
- 3.3 The quality element was evaluated using the answers to questions set out in the tender document about how the contractors would approach certain aspects of the contract should they be successful. These are scored against model answers.
- 3.5 The contract will be split between three contractors and will cover general needs and specialist housing, as well as works for Homes for Reading the Council's wholly owned housing company.

4. CONTRIBUTION TO STRATEGIC AIMS

- 4.1 The contract will support the achievement of the Council's strategic aims of 'providing homes for those in most need' and 'remaining financially sustainable to deliver service priorities' by using a cost effective means of delivering improvements to the Council's Housing Stock.
- 4.2 Tenderers are advised that the Council's current Low Wage policy expects the payment of the Living Wage rate set independently by the Living Wage Foundation and updated annually in the first week of November each year. All contractors appointed are expected to pay a living wage in accordance with this policy to all staff working on Reading Borough Council contracts. The UK Living Wage for employees outside of London is currently (November 2017) £8.75 per hour.

5. COMMUNITY ENGAGEMENT AND INFORMATION

5.1 Not applicable

6. EQUALITY IMPACT ASSESSMENT

6.1 An Equalities Impact Assessment is not required for this contract.

7. LEGAL IMPLICATIONS

7.1 The Measured Term Contracts will be awarded using the Joint Contracts Tribunal "Measured Term Contract - 2011".

8 FINANCIAL IMPLICATIONS

8.1 No volume of expenditure is guaranteed under these contracts as annual expenditure will depend on the actual level of work that is required to be sub contracted during the course of the year. However, it is anticipated that around £450,000 worth of bathroom replacements will be completed per year, a total value of £1.8m across the 4 year life of the contract.

8.2 The budget for these contracts is included within the existing Housing Revenue Account repairs and maintenance budgets and provided for in the 30 year Business Plan.

9.0 BACKGROUND PAPERS

9.1 None applicable.