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14 June 2021

To: Chair – Councillor Grenville Chamberlain
Vice-Chair – Councillor Judith Rippeth
Members of the Scrutiny and Overview Committee – Councillors
Anna Bradnam, Dr. Martin Cahn, Nigel Cathcart, Sarah Cheung Johnson,
Graham Cone, Dr. Claire Daunton, Peter Fane, Sally Ann Hart,
Geoff Harvey, Steve Hunt, Dr. Aidan Van de Weyer and
Dr. Richard Williams

Quorum: 5

Substitutes:	Councillors Heather Williams, Mark Howell, Sue Ellington, Bunty Waters, Gavin Clayton, Henry Batchelor, Alex Malyon, Jose Hales, Dr. Ian Sollom and Paul Bearpark
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There is a pre-meeting session at 4pm the day before the meeting, for members of the Committee only, to plan their lines of enquiry.

Dear Councillor

You are invited to attend the next meeting of **Scrutiny and Overview Committee**, which will be held in the **Council Chamber - South Cambs Hall** on **Tuesday, 22 June 2021** at **5.20 p.m. (but see important information below)**.

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully

Liz Watts

Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. If you have any specific needs, please let us know, and we will do what we can to help you.

Agenda

Pages

Important information for members of the public

Following the end of temporary legislation allowing for public meetings to be conducted entirely virtually, it is now possible for public speakers to attend a meeting and speak in person. However, because we still need to follow government advice on indoor gatherings and social distancing, the seating available for members of the public will be severely restricted. We therefore would urge you to observe proceedings or participate remotely if possible. If you feel you really need to be present in person, please contact Democratic Services and request a place. Seats might only become available when other people leave the meeting.

1. **Chair's Announcements**
2. **Apologies**
To receive apologies for absence from committee members.
3. **Declarations of Interest**
4. **Minutes of Previous Meeting** **1 - 4**
To authorise the Chairman to sign the Minutes of the meeting held on 20 April 2021 as a correct record.
5. **Public Questions**
To answer any questions asked by the public. The Council's scheme for public speaking at remote meetings may be inspected here:

[Public Questions at Remote Meetings guidance](#)
6. **Private Sector Housing Policy** **5 - 72**
7. **Quarter 4 Performance Report** **73 - 102**
8. **Work Programme** **103 -
112**

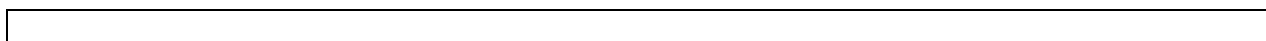
For the committee to consider its work programme. This is attached with the Council's Notice of forthcoming Key and Non-Key Decisions. When considering items to add to its work programme, the committee is requested to refer to the attached Scrutiny Prioritisation Tool.

9. **To Note the Dates of Future Meetings**

The next two scheduled Scrutiny & Overview Committee meetings are at 5.20pm on

- Tuesday 27 July 2021
- Tuesday 14 September 2021

There is an Extraordinary meeting of the Scrutiny & Overview Committee on Tuesday 21 September 2021 to consider the next stage in the preparation of the Greater Cambridge Joint Local Plan.



Guidance Notes For Visitors to South Cambridgeshire Hall

Notes to help those people visiting the South Cambridgeshire District Council offices

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

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Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. We allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one is allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. You are not allowed to bring food or drink into the meeting room.

**Protocol for attendance at physical meetings held during COVID-19
continued restrictions**

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Agenda Item 4

South Cambridgeshire District Council

Minutes of a meeting of the Scrutiny and Overview Committee held on
Tuesday, 20 April 2021 at 5.20 p.m.

PRESENT: Councillor Grenville Chamberlain – Chair
Councillor Judith Rippeth – Vice-Chair

Councillors: Anna Bradnam Dr. Martin Cahn
Sarah Cheung Johnson Graham Cone
Dr. Claire Daunton Peter Fane
Jose Hales Geoff Harvey
Steve Hunt Dr. Richard Williams

Officers in attendance for all or part of the meeting:

Sharon Brown (Assistant Director (Planning Delivery)), Stephen Kelly (Joint Director of Planning and Economic Development), Rory McKenna (Monitoring Officer), Ian Senior (Democratic Services Officer), Jonathan Tully (Head of Internal Audit), Victoria Wallace (Scrutiny and Governance Adviser) and Liz Watts (Chief Executive)

Councillors Dr. Tumi Hawkins and Bridget Smith (Leader of the Council) were in attendance, by invitation.

1. Apologies

Councillor Nigel Cathcart sent apologies for absence.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Previous Meeting

The Scrutiny and Overview Committee authorised the Chair to sign, as a correct record, the Minutes of the meeting held on 25 February 2021.

4. Public Questions

Daniel Fulton attended the meeting. Following a short introduction summarising its context, he asked the following question:

“When reporting the council’s planning performance statistics to the Ministry of Housing, Communities and Local Government, why did the council decide not to follow the reporting criteria and definitions published by the Secretary of State and approved by both houses of Parliament?”

In reply, Councillor Dr. Tumi Hawkins (Lead Cabinet Member for Planning Policy and Delivery) said that the Local Planning Authority’s submission had been made

in accordance with the up-to-date standards required by the MHCLG's Live Tables, which provided the source data for the Government's designation criteria. She acknowledged that there were two Government publications which were not entirely consistent with each other but said that South Cambridgeshire District Council was following guidance issued by the Planning Advisory Service. Nevertheless, the Council had revised its reporting methods in January 2021. Councillor Hawkins concluded by saying that the Greater Cambridge Planning Service had already addressed the comments and recommendations contained in the Internal Audit report.

5. Extensions of Time (Planning) update

The Scrutiny and Overview Committee considered a report, from the Head of Shared Internal Audit, with an appended report summarising a review of Planning Performance.

Internal Audit had been asked to complete a review of Planning Performance and data from Quarter 2 of 2020. The aim was to review the calculation process, and the supporting evidence used to complete the returns made to the Ministry of Housing, Communities and Local Government. Internal Audit also highlighted opportunities to improve internal controls and processes. Councillor Dr, Tumi Hawkins (Lead Cabinet Member for Planning Policy and Delivery) emphasised that, in principle, Extension of Time agreements were an acceptable tool in terms of planning delivery.

Councillor Steve Hunt welcomed the apparent performance improvement but suggested that, in the longer term, it might be easier to demonstrate performance by adopting a Customer Relationship Management (CRM) system.

Referring to the ambiguity between the so-called Live Tables and guidance issued by the Planning Advisory Service, Councillor Dr. Martin Cahn said that it was important to understand how the Ministry of Housing, Communities and Local Government (MHCLG) interpreted the statistics submitted by South Cambridgeshire District Council (via the Greater Cambridge Planning Service (GCPS)). The MHCLG should be urged to clarify against which standard performance should be measured to ensure consistency and comparison of like with like.

The Head of Shared Internal Audit summarised the Internal Audit report and the process followed in preparing it.

The Joint Director of Planning and Economic Development said there was no evidence to suggest that the methodology adopted by GCPS was flawed. He pointed out the data in the Live Tables and the Government's designation criteria were matters of record and suggested that both those factors were more significant than assessing South Cambridgeshire District Council's performance relative to other local planning authorities. Officers were ascertaining the reasons for Extensions of Time and, where necessary, would update returns submitted to MHCLG. However, he was confident that Extensions of Time had no actual impact on performance. The Committee was assured that designation would not be

triggered automatically.

In response to Councillor Graham Cone, the Lead Cabinet Member for Planning Policy and Delivery said that planning officers were now seeking Extensions of Time, when needed, prior to statutory determination dates.

The Scrutiny and Overview Committee considered a report, from the Head of Shared Internal Audit, with an appended report summarising a review of Planning Performance.

Councillor Jose Hales welcomed the report and, in thanking the Lead Cabinet Member for Planning Policy and Delivery, Joint Director of Planning and Economic Development and Head of Shared Internal Audit, he asked that the Committee's appreciation be passed on to all those involved.

Picking up on a point made by Councillor Fane, Councillor Dr. Richard Williams noted that 57% of the Extensions of Time agreed during the period under review had been made after the statutory deadline. He referred to a statement in the officer report that Extensions of time should be agreed as soon as possible and be the exception. Councillor Dr. Williams pointed out that 'should' does not mean 'must' and wondered when the exception became the norm. The Lead Cabinet Member for Planning Policy and Delivery replied saying that the aim of agreeing Extensions of Time as soon as possible was laudable in principle but circumstances had to be considered – the period under review had been challenging because of the Covid-19 pandemic.

The Joint Director of Planning and Economic Development reiterated the challenge facing officers during Quarter 2 of 2020. Nevertheless, several measures had been taken because of the Internal Audit review. These included the production of a procedure note on agreeing extensions of time and making sure that the planning system highlighted for ease of reference those cases where Extensions of Time had been agreed. The Joint Director of Planning and Economic Development said that he preferred the use of Extension of Time agreements as opposed to rigidly sticking to statutory deadlines, which might result in applications being refused because of them not being acceptable.

Councillor Anna Bradnam commended officers for attempting to maximise the opportunity for applicants to make applications as acceptable in planning terms as possible, citing this as evidence of officers being thorough in seeking to grant high quality planning permissions.

Comparison with the performance of other local planning authorities was not appropriate in the opinion of Councillor Geoff Harvey. He said that, given all that had been said during the meeting, it was inevitable that some applications would exceed statutory deadlines for determination.

The Lead Cabinet Member for Planning Policy and Delivery assured the Committee that planning officers were keen to get planning applications processed as quickly as possible so would never seek Extensions of Time that were longer than necessary.

Councillor Bridget Smith (Leader of the Council) thanked the Head of Shared Internal Audit for an outstanding and reassuring report. The period under review had coincided with the first period of lockdown necessitated by the Covid-19 pandemic. Councillor Smith appreciated how challenging that had been for planning officers to whom she paid special credit. Those officers must not take the blame for missed determination deadlines when planning agents had submitted poor applications and inadequate information.

Winding up the debate, the Chair thanked the Joint Director of Planning and Economic Development, Assistant Director (Delivery), Head of Shared Internal Audit and Councillor Dr. Tumi Hawkins for giving evidence to the Scrutiny and Overview Committee.

6. Work Programme

The Scrutiny and Overview Committee received and noted its updated work programme for 2021-2022.

7. To Note the Dates of Future Meetings

The next Scrutiny and Overview Committee meeting was scheduled to take place on Tuesday 18 May 2021 at 5.20pm. However, the Chair said that there remained uncertainty as to when the next Committee meeting would take place: the legislative provision allowing Committees to meet virtually was due to expire on 6 May 2021 (subject to an Action brought by the Association of Democratic Services Officers and by Lawyers in Local Government), This matter would be heard in the High Court on 21 April 2021 but, pending Judgment, officers were investigating other ways of conducting meetings safely in view of the ongoing Covid-19 pandemic.

8. Victoria Wallace - Scrutiny and Governance Adviser

This had been Victoria Wallace's last appearance at a meeting of the Scrutiny and Overview Committee prior to her taking up her new duties with the National Health Service.

Councillor Grenville Chamberlain led tributes from the chair. He said that it had been a great pleasure to work with such a supportive and delightful officer. He conveyed his sincere thanks and wished Victoria Wallace all the very best in her new role.

The Meeting ended at 6.45 p.m.

Agenda Item 6



South
Cambridgeshire
District Council

Report to:	Scrutiny and Overview Committee 22 June 2021
Lead Cabinet Member:	Councillor Brian Milnes Environmental Health and Licensing
Lead Officer:	Trevor Nicoll (supported by Lesley Beevers)

Private Sector Housing Policy

Executive Summary

1. The Private Sector Housing policy brings together the actions that will be taken by Environmental Health Practitioners to ensure that housing within the Private Sector Housing sector reaches the required standards as set out in Housing and other Acts that we can use. The policy is a new policy and formalises the approach already taken by the EHPs in Waste and Environment. The Minister of Housing, Communities and Local Government has published the following document 'Rogue Landlord Enforcement: Guidance for Local Authorities'. This document covers the expectation that Local Authorities will use the powers that we have been given to tackle substandard conditions in the private rented sector and it is landlords that manage properties that do not meet this requirement that enforcement action will be targeted towards. It also states that we should have clear policies and procedures on how we are going to do this. This policy will ensure that we are following best practice.

The document will enable landlords and letting agents to understand how the council may use the powers we have.

The powers that we use can be used on all tenure types, so in certain circumstances they can be used with homes that are owner occupied or have social landlords.

This policy deals with the practical application of enforcement procedures that will be used to achieve housing and environmental standards. The main objective of any enforcement action is to ensure that noncompliance in the housing market is addressed in the most effective way to ensure that compliance is achieved for the benefit of all. The three key principles we apply to any enforcement are: Consistency; proportionality and openness, and by following this policy we will ensure that these principles are adhered to.

Housing have been consulted on the policy as South Cambridgeshire District Council are responsible for our own housing stock.

Key Decision

2. Yes - The policy is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more Wards.

Recommendations

3. It is recommended that the policies are approved

Reasons for Recommendations

4. The policy is needed to ensure that we deal with private sector housing issue in a fair and consistent manner and incorporate guidance from Government departments.

Details

5. These policies cover, how the council will deal with substandard conditions in the private rented sector and how we undertake houses in multiple occupation (HMO) licensing; and how we will determine the level of civil penalty that can be imposed on a landlord or letting agent as an alternative to prosecution for specific offences under the Housing Act 2004.

Private Sector Enforcement Policy (Environmental Health: Enforcement and Licencing)

6. This policy covers:
How we will carry out enforcement. This will be done in a consistent, proportionate and open way.
We will work in partnership with other agencies and, when necessary, we will share data with these agencies.
If there appears to be a safeguarding issue this will be reported to the relevant agency.
We will use a wide range of enforcement methods, from written warnings to banning orders.
We will always take a proportionate approach to enforcement and the options available are detailed in the policy.
The policy also covers the process involved for HMOs and covers stages from licence application to determining the licence and what is expected of licence holders through the term of the licence.

Civil Penalties Procedures and Guidance.

7. The methodology in this document is based on the model developed by Nottingham City Council. The methodology has been tried and tested and gives a consistent approach on how we will determine the level of any civil penalty.

Implications

8. This policy ensures that we are not open to challenge on how we deal with complaints about the private rented sector and helps to protect tenants by ensuring that they live in properties that reach the relevant standards for habitation. It makes it clear to landlords and tenants how we will process complaints and any action that we may take. These actions are in line with the Housing Acts and ministerial guidance.

Financial

9. The service was recently restructured, this means that we now have the appropriate officer numbers to fulfil the duties within this policy. Due to the restructure there are no financial implications.

Legal

10. This policy ensures that we comply with our statutory requirements.

Alignment with Council Priority Areas

A modern and caring Council

11. Implementing this policy will ensure that we provide customers with high quality service, it will also build on what we are good at and generate our own income. The policy also ensures that decisions are made in a transparent, open and inclusive way. This policy also ensures that we protect our residents by dealing with complaints and taking appropriate action to ensure that their rented property reaches the required standards.

Background Papers

Appendices

Appendix A: Private Sector Housing Policy (Environmental Health: Enforcement and Licencing)

Appendix B: Civil Penalties Procedure and Guidance

Report Author:

Lesley Beevers – Service Manager, Environment (People Protection and Planning)
Telephone: (01954) 713134

Appendix A - Draft Private Sector Housing Policy (Environmental Health: Enforcement and Licencing)



**South
Cambridgeshire
District Council**

Private Sector Housing Policy

Produced by Waste & Environmental Health Services

V 04/06/2021

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Section 1

Introduction and Purpose

The aim of this policy document is to set out how the council will deal with sub-standard conditions in the private rented sector. The Private Sector Housing Enforcement Team is part of the Environment – People and Protection team and comes under the Shared Waste and Environment Service. Publication of this policy will enable landlords and letting agents to understand how the council may use its powers.

It should be noted that these powers are “tenure blind”, so if necessary, in extreme cases could also be used in connection with homes that are owner occupied or have social landlords

Within the council this policy will ensure that decisions are properly made taking into account relevant factors. It will help enable consistency in the way decisions are made.

The council recognises that the great majority of landlords and letting agents provide satisfactory accommodation.

This policy is part of the council’s corporate priority to be **A modern and caring Council** – to provide our customers with high-quality services, reduce costs, (...) and make decisions in a transparent, open and inclusive way.

Government expects local authorities to use the powers they have been given:

“The vast majority of landlords are responsible and law-abiding, and many care deeply about providing the highest standards in the properties that they rent. But, sadly, there remains a small minority of criminal landlords who choose not to comply with the law, and whose tenants suffer unacceptable conditions as a result. The government is committed to clamping down on these rogue landlords and forcing them to improve the condition of their properties or leave the sector completely. This is why we have taken some important steps to strengthen the tools local authorities have to keep driving these improvements. We have introduced civil penalties, rent repayment orders, the rogue landlords database, and a mandatory licensing scheme that captures more houses in multiple occupation (HMOs) than ever before.”

Mrs Heather Wheeler MP Parliamentary Under Secretary of State Minister for Housing and Homelessness, 2019.

Government advice on the use of enforcement powers is that –
Local authorities should have clear policies and procedures on enforcement, and

these should be reviewed in light of intelligence gathered.

These policies and procedures should be made publicly available for landlords and tenants to access, especially if the enforcement action is to hold up in the event of a legal challenge. Under the Regulatory Reform Act 2006, when developing policies and operational guidance local authorities must have regard to the Regulators' Code. Under the Code local authorities should base their regulatory activities on risk and take an evidence based approach to determining priority risks in their area of responsibility.

Local authorities should allocate resources where they would be most effective in addressing those priority risks. Enforcement policies should follow the principles of enforcement: proportionate, consistent, targeted, transparent and accountable. Clear policies and procedures of enforcement can lead to the following outcomes for local authorities:

- Successful enforcement and prosecution: Determining the scale of the penalty applied to a rogue landlord, and supporting this decision with evidence, is the responsibility of the local authority. Having clear and defined policies for how the scale of the offence is determined provides the court with confidence in the authority's approach, and is more likely to lead to a successful enforcement or prosecution.
- Sustainable change: Developing a transparent policy on enforcement, which outlines consequences for landlords who flout their responsibilities, will make clear to landlords the authority's expectations of them, and should deter non-compliant activity in the future.

Principles to consider when developing policies and procedures:

- Assess legislation: Determine the legislation that grants local authorities' powers to act against rogue landlords, and which powers are most relevant.
- Consult: Engage with a range of relevant bodies for their advice to produce effective policies.
- Clarify: Clarifying the consequences for types of rogue landlord behaviour will support officers in taking appropriate and proportionate action. Developing a framework to help officers choose the right response to each type of case has been a clear objective for successful local authorities when establishing policies and procedures.
- Utilise full range of powers: Local authorities have been most successful when making use of the full range of powers and tools available. The powers are intended to provide options to deal with cases of varying severity. The most effective local authorities have used the full range of powers to adopt an escalating approach with repeat offenders, as well as those who don't engage with initial interventions.

Taken from:

Rogue Landlord Enforcement Guidance for Local Authorities

April 2019 Ministry of Housing, Communities and Local Government

When considering taking enforcement action under the Housing Act 2004 and housing related legislation the Council shall have regard to this policy

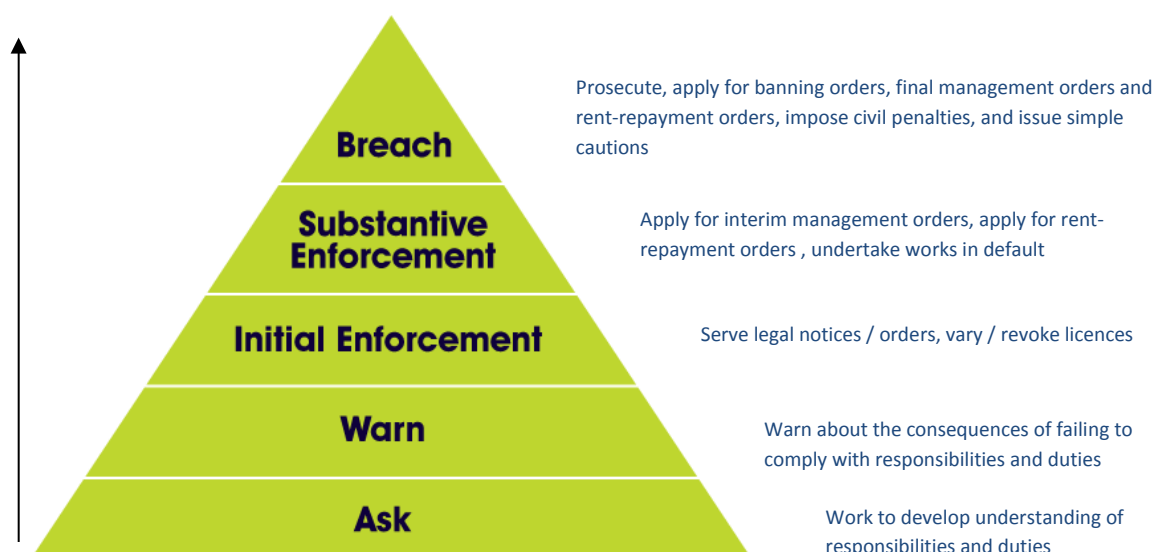
The Council's enforcement policy has been developed in line with the principles of the Regulators Code, published by the Department for Business Innovation and Skills, 2014, available at: [Regulators code](#)

This document contains both policy and guidance. Where a section states that it is policy, it should be read as such. Where a section does not state that it is policy, it should be read as guidance.

Section 2

Summary of enforcement policy

The Private Sector Housing Enforcement Team is part of the Environment – People and Protection team and comes under the Shared Waste and Environment Service. The team operates a 5 stage model of enforcement (shown below) which recognises that the majority of issues the Council deals with can be resolved through advice and warnings. As the degree and level of enforcement activity increases, the number of cases reduces.



Where, for example, issues present an immediate risk to health or there is a history of non-compliance, we reserve the option to move directly to the higher stages of the enforcement model.

We deal with a range of activity under the Housing Act 2004 and associated legislation, including the licensing of properties within the housing market: the key areas of licensing activity are set out below. This is not a definitive list but it gives an overview of how the Council will seek to work with landlords. The Council will seek to ensure it recovers appropriate costs from those landlords who are not being proactive in managing their properties or are letting unsafe houses.

For example the Council may charge for any follow up inspections required where landlords fail to comply with their licence conditions or where the Council has to take other enforcement action.

This policy deals with the practical application of enforcement procedures that will be used to achieve compliance with housing and environmental standards. The range of legislation enforced by Environment (People and Protection) can be found in Appendix 1.

How will the Council carry out investigations?

The main objective of enforcement action is to ensure that non-compliance in the local housing market is addressed in the most effective way to ensure that compliance is achieved for the benefit of all. We will target our proactive and reactive inspections and compliance work on those premises, nuisances and other public health issues through an intelligence led risk based approach.

The three key principles we will apply to our enforcement activity are;

- Consistency
- Proportionality
- Openness

Consistency: this means taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity, as officers will use their professional curiosity to take into account many factors such as the level of risk, culpability, any history of non-compliance and the attitude and actions of those involved. However, whilst enforcement decisions will be individually tailored to the circumstances in making these decisions officers will be guided by current procedures and best practice.

Proportionality: this means that enforcement action taken will be proportional to the risks and the severity of the breach of the law involved. This will ensure that the most serious risks are targeted first. Where there is a history of multiple low / medium risk issues affecting residents and / or neighbourhoods these may also be prioritised.

Openness: this means explaining our actions clearly in plain language and discussing compliance failures or problems with anyone experiencing difficulties. A clear distinction will be made between legal requirements and advice or guidance.

We will endeavour to provide general information, advice and guidance to make it easier for landlords to understand and meet their regulatory obligations. Such information will be provided via the Council's website.

Where appropriate, landlords will be consulted on the works required to remove health and safety hazards and a reasonable time will be given to complete the works depending on the risk. However, where this is not achieved and a formal notice is served these time periods will be contained within the notice. We will also take action to deal with, pest infestations, accumulations of rubbish, ASB and crime relating to poor tenancy management where it is appropriate to do so.

Serious hazards, nuisances and other public health matters which are not dealt with by the responsible person will result in a statutory notice or other enforcement action. Service of a notice will incur a cost to the recipient where legislation allows.

Working in partnership

The service supports the delivery of safer neighbourhoods. It works in partnership and will share data with organisations in accordance with data protection legislation for the purpose of the protection of safety, prevention and detection of crime and ASB, problem solving and preventing harm to health. Where it is appropriate and the right thing to do the service shall share and receive information from organisations including, but not limited to:

- Police
- Social care
- Health service
- HMRC
- Revenue benefits
- Universities and student unions
- Fire Service

Regard will always be had to the requirements of the Data Protection legislation; appendix 2 gives details of the Data Protection Statement currently in place.

Safeguarding

Where the Council is carrying out its compliance and enforcement work and we become aware of issues relating to the safeguarding of children and vulnerable adults we have a duty to make the appropriate referrals to ensure the welfare of those persons at risk are protected.

The Council policy on safeguarding can be found at: [Safeguarding policy](#)

A similar approach will be taken will be taken with other statutory responsibilities of the council such as prevent or crime and disorder.

What types of enforcement action will the Council use?

In ensuring that the main objective of enforcement action is achieved, the Council will consider all appropriate enforcement actions available to it. Appropriate enforcement action that can be taken includes but is not limited to:

- Written warnings;
- Statutory notices or orders under part 1 of the Housing Act 2004 and other relevant legislation;
- Works in default;
- Revoking or varying licences;
- Rent repayment orders;
- Simple cautions;
- Civil penalty notice;
- Criminal proceedings (e.g. prosecution);
- Interim or final management orders;
- Banning Orders.

One or more of the above actions may be taken simultaneously depending on the circumstances of the case.

Notice of entry

Where a complaint of housing disrepair is received and an inspection is required, a notice of entry is required to be served under section 239 of the Housing Act 2004. This informs all relevant interested parties of the Council intended inspection

If the complaint is of an urgent nature and the Council intend to use its emergency powers this will negate the need for the service of a section 239 notice.

Where the Council are unable to gain access using a notice of entry or such notice would defeat the object of entry the Council are able to make application to the Magistrates Court for a warrant to enter.

It may also be necessary for notice of entry to be served under other associated legislation and these pieces of legislation also provide for an application to magistrates court for a warrant of entry.

Statutory notices or orders under part 1 of the Housing Act 2004

The Council must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under any of the provisions in Part 1 of the Housing Act 2004. When Council officers inspect a dwelling they will look for any risk of harm to an actual or potential occupier of a dwelling, which results from any deficiency that can give rise to a hazard. Officers will use the formal scoring system within Housing Health and Safety Rating System (HHSRS) to demonstrate the seriousness of hazards that can cause harm in dwellings.

Where the rating shows that the hazard falls within Category 1, the Council is under a duty to take appropriate enforcement action. Where the rating shows the hazard falls within Category 2, whilst the Council is not under a duty to take action it may still

do so where it is deemed necessary and proportionate to the hazard. The forms of appropriate enforcement action that can be taken as follows:

For Category 1 Hazards Only:

- Emergency remedial action under (Housing Act 2004, Section 40)
- Emergency prohibition order (Housing Act 2004, Section 43)

For Category 1 or Category 2 Hazards:

- Improvement notice (Housing Act 2004, Section 11 & Section 12)
- Prohibition order (Housing Act 2004, Section 20 & Section 21)
- Hazard awareness notice (Housing Act 2004, Section 28 & Section 29)
- Demolition order (Housing Act 1985, Section 265(1) & Section 265(2))
- Declaring the area in which the premises concerned are situated to be a clearance area (Housing Act 1985, Section 289(2))

Statutory notices served under other associated legislation

Although housing issues will primarily be dealt with under the Housing Act 2004 as detailed above there may be circumstances that other legislation is more appropriate.

A few examples are detailed below:

- Environmental Protection Act 1990: we will use this where a property defect is considered prejudicial to health or causing a nuisance
- Building Act 1984: we will use this to tackle drainage issues and dangerous buildings or building elements
- Public Health Acts 1936 and 1961: we will use this to tackle drainage issues and filthy and verminous premises
- Prevention of Damage by Pests Act 1949: we will use this to require works necessary where there is a potential for an infestation
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015: we will use this where there is a lack of smoke alarm or where there is no carbon monoxide detector in a room with a solid fuel burning appliance.
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020: we use these regulations if necessary to ensure that electrical installations are safe
- Community Protection Notices: we will use these where ASB is associated with the property.

The main list of other legislation the Council may use is detailed in Appendix 1.

Works in Default

Where landlords fail to comply with a notice which requires works to be completed, the Council may carry out those works instead; these are known as 'works in default'.

Revoking / Varying a Licence

Where a property is licenced under Part 2 or Part 3 of the Housing Act 2004, the Council has the power to revoke or vary the licence.

Licences can be revoked where any term of the licence has been breached or where other offences have been committed which mean that the persons involved are no longer fit and proper persons for the purposes of housing licensing.

Licence can also be revoked by the agreement of the licence holder for example where the property is sold or where the licence holder wishes to relinquish the licence.

Licences can be varied where there has been a change of circumstances at the property and this includes the discovery of breaches or offences committed by persons involved with the licence or management of the property.

Where a licence holder is made the subject of a Banning Order under Section 16 of the Housing and Planning Act 2016, the Council is under a duty to revoke any licences they hold. This part of the Housing and Planning Act is not yet in force.

Civil Penalties

The following section on civil penalties is policy and was written in accordance with Section 3.3 of the 'Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities' ("the DCLG Guidance"), published by the Department for Communities and Local Government.

The power to impose civil penalties as an alternative to prosecution, for specific offences under the Housing Act 2004, was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016. The offences for which a civil penalty can be imposed are as follows:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of HMOs (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an overcrowding notice (section 139);
- Failure to comply with management regulations in respect of HMOs (section 234).
- Failure to comply with a remedial action notice issued under the Electrical

Safety Standards in the Private Rented Sector (England) Regulations 2020

The same criminal standard of proof is required for a civil penalty as for a criminal prosecution. Prosecution may be the most appropriate option where an offender has committed similar offences in the past. However, that does not mean that the council will not use civil penalties in cases where serious offences have been committed.

A Civil penalty can be imposed for up to £30,000 per offence and each individual breach of the management regulations (section 234) is treated as a separate offence. The exact amount of any civil penalty will be calculated in accordance with the Council's 'Civil Penalties Enforcement Guidance' document.

The council will consider its enforcement options on a case by case basis and may decide that a significant financial penalty (or penalties if there have been several breaches), rather than prosecution is the most appropriate and effective sanction.

Where the Council is satisfied that there is sufficient evidence to provide a realistic prospect of conviction in respect of the serious offence/s but that it is not considered in the public interest to seek to remove the landlord from the market by way of a banning order, the Council will consider imposing a civil penalty as an alternative to prosecution.

Prior to imposing a civil penalty, the Council will serve a notice of intent and this will give the recipient an opportunity to make representations against the proposed civil penalty.

Rent Repayment Orders

Where housing benefit has been paid to a landlord and the Council is satisfied that the landlord has committed one or more specific offences, the Council can apply for a Rent Repayment Order. Where the landlord is convicted of one of the relevant offences, the Council is under a duty to consider applying for a Rent Repayment Order. The specific offences for which an order can be sought are as follows:

- Failure to comply with an Improvement Notice (Housing Act 2004, Section 30)
- Failure to comply with a Prohibition Order (Housing Act 2004, Section 32)
- Offences in relation to licensing of HMO's (Housing Act 2004, Section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (Housing Act 2004, Section 95)
- Breach of a Banning Order (Housing and Planning Act 2016, Section 21)
- Using violence to secure entry to a property (Criminal Law Act 1977, Section 6)
- Illegal eviction or harassment of the occupiers (Protection from Eviction Act 1977, Section 1)

The Council will usually apply for the full amount that can be recovered and lesser amounts will only be sought in exceptional circumstances.

Any applications for Rent Repayment Orders will be made in accordance with the Council's 'Rent Repayment Orders Guidance' document, available on our website.

Simple Cautions

A simple caution may be offered as an alternative to prosecution where the Council is satisfied that there is sufficient evidence to provide a realistic prospect of conviction in respect of the offence/s and that the public interest would be satisfied by offering a simple caution in respect of the breaches of licence conditions rather than prosecute.

A simple caution must not be offered to a person who has not made a clear and reliable admission to committing the offence/s. Before the simple caution is administered officers shall ensure the Landlord has made an admission of guilt, understands the implications of accepting a simple caution and consents to accept it.

Prosecutions

Prosecution will be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction and where a prosecution is required in the public interest. When deciding whether to prosecute the Council has regard to its Enforcement Policy and the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Interim or Final Management Orders

The Council is under a duty to apply for an interim management order where a property requires a licence, or will after the current one is revoked, but there is no reasonable prospect of it becoming licenced or there are significant health and safety concerns at the property. An interim management order can be made for up to 12 months.

Where an interim management order is coming to an end and the criteria for applying for the order still apply, the Council can apply for a final management order, which can be made for up to 5 years.

Whilst a management order is in place, the Council, or an agent appointed by the Council, will be responsible for managing the property and carrying out any works that are required. The Council will receive the rental income and deduct any relevant expenditure from this amount before transferring the excess, if any remains, to the landlord.

Banning Orders

Where a landlord has been successfully prosecuted for a banning order offence, the Council can apply to the First-Tier Tribunal (Property Chamber) for a banning order against the landlord. A banning order will last for at least 12 months and means that the subject of the order cannot:

- Let housing in England;
- Engage in English letting agency work;
- Engage in English property management work;

- Hold a license under Part 2 or Part 3 of the Housing Act 2004.

“Banning order offence” refers to an offence of a description specified in regulations made by the Secretary of State.

Other powers available to the Council

It is also recognised that there may be circumstances where shared or complimentary enforcement action may be taken. This may include, but is not limited to:

- Harassment and illegal / retaliatory eviction
- Redress scheme
- Fraud
- Tenancy law
- Anti-social behaviour
- Proceeds of crime
- Planning breaches

How will the Council choose which type of enforcement action to take?

In accordance with the ‘5 Stage Model’, the Council will normally try to address offences or hazards by first ‘asking’ the landlord to comply with their duties and responsibilities and ‘warning’ them about the consequences of failing to comply. This would usually be done by a formal warning letter laying out legal requirements in a schedule of works. This would allow a responsible landlord to work with the Council to resolve any issues.

Initial Enforcement

The Council will use initial enforcement where ‘ask and warn’ has failed or there is a history of non compliance can choose instead to move straight to ‘initial enforcement’ where there is an imminent risk to the health, safety and welfare of the tenants or where the council believes something is prejudicial to health or dangerous. This may take account of:

- Number and nature of hazards
- Nature of management regulation breaches
- Nature of licensing contraventions
- Presence of imminent risk
- Are works to remove or reduce works practical
- Are costs to remove or reduce the hazards reasonable
- Compliance history
- Views of all parties (landlord, managing agent, tenant and any other relevant agencies)

- Impact on neighbourhood
- Impact of homelessness where necessary

The council **may** move straight to enforcement in certain circumstances, those being:

- Two investigations/complaints which result in an inspection and warning letter
- One investigations/complaints which result in formal enforcement action
- One substantiated complaint to the department of illegal eviction
- Three complaints where notice to quit is served on the tenants after our involvement
- Additionally, in other circumstances that we deem appropriate and individually justified.

Where one of the above criteria are met, the council will no longer approach that landlords properties by making an attempt to resolve the matter using ask and warn, and following the inspection of the property, where works are identified, the council will move straight to initial enforcement action under the appropriate legislation.

Substantive Enforcement

Where a landlord has failed to comply with their legal duties and responsibilities, after initial enforcement action has been taken or where the circumstances warrant it the Council will consider the most appropriate type of action from those listed on page 7. Circumstances that may warrant ‘substantive enforcement’ action may include:

- the landlord has not complied with initial enforcement;
- has a history of failing to comply with their legal duties and responsibilities;
- there are imminent risks to health and safety in relation to the property, or;
- the offence or hazard is deemed serious enough to warrant a substantive action as a first response.

The Council may take into consideration aggravating factors, but is not limited to, the following when determining which course of substantive action to take:

- the seriousness of the failing;
- the culpability of the offender;
- the harm caused or risked being caused by the failing;
- the vulnerability and number of victims;
- the number of properties;
- the length of time the offender has been a landlord;
- the tenants behaviour;
- the landlord’s willingness to engage and rectify the issue;
- the landlord’s previous history of compliance or non-compliance;
- our confidence in management of the property;
- whether there was any financial gain as a result of the non-compliance.

Where an offence is serious enough or where the landlord has a history of non-compliance, or has failed to respond to initial and/or substantive enforcement action the Council may determine that there is a public interest to take the highest level of enforcement action available which can include; civil penalties, prosecution, simple caution, banning orders (when they come into force) and interim/final management orders.

To reduce the likelihood of retaliatory eviction, initial enforcement action will continue until the property is brought up to a satisfactory condition, whether or not the original tenant remains in the property.

Charging for enforcement activity

There will be a charge for Notices served and Orders made under Part 1 of the Housing Act 2004, The Council will charge up to £250 if a notice or order is served/made under Part 1. A charging notice will be served on the responsible party; this is served under section 49 of the Housing Act 2004.

If there is an appeal against the notice then the charge will not be applied until the appeal is resolved and subject to the notice being confirmed by the tribunal.

There is no right of appeal against a charging notice; only to the notice or order to which the charge relates.

Where works in default are carried out, an administrative charge of either 25% of works cost or £25, whichever is the greater amount, will be added to the total amount to be recovered.

These charging systems are currently under review and may change in the future.

Land Charges

Certain legal notices served will be registered as a part 1 land charge which will not be removed from the register until it is complied with.

Where works are completed by the Council (as emergency or in default) or a charge is made for the service of notice these notices will be registered as a part 2 land charge, which will not be removed from the register until payment is received. Land charges will show up on a general land search (for example when searches are made by a purchaser's solicitor if a property is being sold).

Housing disrepair procedure

When the council receives general housing complaints and referrals from other agencies the information received about the property will be used to determine the

level of risk posed to the occupant and cases will then be categorised on a risk based assessment. Residents can expect a call within two working days so this information can be gathered.

In designating categories, consideration will be given to the amount of disrepair, the ownership of the property (history of non-compliance), the occupation of the property (presence of vulnerable persons) and any other relevant factors that may highlight additional risk.

Low risk cases

A standard 'low risk' advice letter will be sent to the tenants and landlord within 10 working days. This letter will advise residents that the council will be dealing with their case in writing. The sort of cases that will be designated low risk are those where:

- there is little or no health risk posed to the occupants
- there are no vulnerable occupants present
- we would be unlikely to be able to take enforcement action
- both parties are likely to be able to resolve the issue informally

Examples of cases that might be classed as low risk are where the occupants are outside of vulnerable ages and where there are no health problems or disabilities.

Examples of disrepair that would be classified as low risk would include low level mould due to condensation or complaints that the kitchen or bathroom facilities are outdated rather than insufficient.

Complaints against responsible RSL's will be referred back to them as they would be expected to have their own effective procedures for dealing with disrepair.

In these cases the tenants will be offered advice generally involving how to write to their landlord detailing their complaint. Standard letters templates may be provided as required.

An advice leaflet on how to tackle condensation may be provided. A letter will be sent to the landlord advising them that the council has received a complaint, it will remind them about their legal responsibilities, and asking them to inspect their property and carry out any necessary repairs.

Residents will receive a call back after 3 months to establish if problems are resolved. Where a low risk situation deteriorates it will be re-assessed and if it is determined that it has got worse then it may be re-designated as medium risk.

Medium risk cases

A standard 'medium risk' advice letter will be sent to tenants and the landlord within

10 working days. This letter will advise residents that the council will be dealing with their case in writing.

The sort of cases that will be designated medium risk are those where:

- there is not an unreasonable level of health risk posed to the occupants
- there are no vulnerable occupants present
- the council would be likely to follow an 'advise and warn' route initially

Examples of cases that might be classed as medium risk are cases where the occupants are outside of vulnerable ages and where there are no health problems or disabilities.

Examples of disrepair that would be classified as medium risk would include water leaks, wear and tear to carpets/flooring in low risk locations, intermittent heating in summer, missing CO detectors.

Complaints against responsible RSL's will be referred back to them as they would be expected to have their own effective procedures for dealing with disrepair.

The tenants will be offered advice, on how to write to their landlord detailing their complaint a standard letters template may be provided if required.

The council may offer advice on other organisations that may be able to offer them support; for example Shelter that will detail their rights as tenants.

The letter sent to the landlord will set out their legal responsibilities, urging them to carry out the repairs, and advising them of our intent to follow the matter up in 3 months.

These complaints will receive a follow up after 3 months. Cases that are completely unresolved with no action will be elevated to high risk at this point. Cases where repairs are underway will be marked for follow up in another 3 months. Where a medium risk situation deteriorates it will be re-assessed and if it is determined that it has got worse than it may be re-designated as high risk.

High risk cases

High risk case will be sent a notice of entry under section 239 with a covering letter to the tenant and landlord within 10 working days. These properties will be inspected and rated under Housing Health and Safety Rating System.

The sort of cases that will be designated high risk are those where:

- there is a high level of health risk posed to the occupants
- there are vulnerable occupants present
- there are multiple deficiencies in multiple locations

- there is prior history of non-compliance with the landlord

Examples of cases that might be designated as high risk are cases where the occupants are of vulnerable ages and where there are health problems or disabilities.

Examples of disrepair that would be classified as high risk would include intermittent heating in winter, no heating in summer, disrepair to door or ground floor windows, lack of basic kitchen or bathroom facilities, major trip hazards, missing stair handrails, no/defective smoke detection in a family house, unstable structures and service cut off.

Urgent risk cases

Urgent risk cases will aim to be contacted and inspected within 24 hours. The sort of cases that will be designated high risk are those where:

- there is an imminent risk posed to the occupants

Examples of disrepair that would be classified as posing an imminent risk would include no heating in winter, no hot water, disrepair to a final exit door that means property can't be secured, no kitchen, sewage leak, collapsed flooring, dangerous electrics no/defective fire detection in an HMO or risk of structural collapse.

Any properties that are licenced under part 2 or part 3 of the Housing Act 2004 will be assessed for compliance of the licence conditions and HMO Management Regulations if applicable.

Cross Council working

It is recognised that sometimes other teams may already be working with either a tenant or a landlord (for example, through the Council's Housing Advice Service). In these cases, all council teams will work collaboratively to help prevent homelessness and reduce the use of temporary accommodation. This may therefore be an additional factor in determining which level of action should be taken.

Tenure

Owner Occupied Properties

There may be occasions where it is brought to the attention of the council that there is an owner-occupied property in disrepair. We have a duty under the Housing Act 2004 to review housing conditions and inspect residential premises where we have been made aware of the potential for category 1 or 2 hazards exist. In these circumstances we would always seek to work with the owner occupier to reach a mutually agreeable outcome.

Council homes

South Cambridgeshire District Council owns and manages properties and has full landlord responsibilities for these homes. The Council's Housing Services Team has its own procedures for dealing with complaints about housing disrepair in one of its properties.

The Council has no powers of enforcement to take action on properties managed by itself. For these reasons the Environmental health team do not deal with complaints in relation to the council's landlord function. Tenants of these properties are advised to follow South Cambridgeshire Homes' formal complaints procedure.

Council owned housing companies

In addition to its landlord function, the council has set up specialist housing companies (notably South Cambs Ltd trading as Ermine Street Housing and Shire Homes Ltd). These companies are separate entities in their own right, and, in theory, could be subject to enforcement action from the Environmental Health Team. However, in practice it is expected that colleagues would work to together to resolve any issues that arise.

Housing Associations / Registered Social Landlords

The council will seek to deal with registered social landlords (RSLs) in a proportionate manner initially classing complaint against RSLs as low risk.

However, where there are vulnerable occupants or history of compliance has indicated that the RSL is not taking a responsible approach to complaints then we will inspect and take enforcement action in line with the 5 stage model of enforcement.

Other aspects of Housing work

Hoarding

Hoarding situations may be brought to our attention in both the private rented and owner-occupied sector. The Council's priority would always be to protect the interests of any vulnerable occupants and work with them engaging other agencies where appropriate to avoid the need for enforcement action. However, there may be circumstances where nuisance is being caused to neighbouring properties and we are under duty to take enforcement action.

Drainage

The Council will serve notices under relevant legislation requiring CCTV surveys to be carried out of drains relating to both owner occupied and private rented properties where necessary. This may be in relation to pest control referrals as well as drain disrepair issues.

Nuisance

The council has a duty to investigate complaints of statutory nuisance. This may involve issues such as odours and/or water penetration between neighbouring properties where they are significant and persisting.

Overcrowding and Immigration

Where residents believe their property is overcrowded then the Council will assess the property and the current occupation based on information provided to determine if it is statutorily overcrowded. Where this is found to be the case an inspection will be completed to confirm this.

Where a resident requires the overcrowding inspection because they need it for immigration or UK Visa purposes then an inspection will be completed to determine if the property is suitable for the total number of potential occupants. This is a chargeable service which currently stands at £95. A report will be provided detailing the results of the inspection.

Caravan Parks

Caravan Parks/Mobile home sites/ Residential Park Home sites are required to be licensed and be periodically inspected by the Council. Where breaches of licence conditions are found enforcement action will be taken in line with the five stage model of enforcement.

Section 3

Housing licensing

The Council undertakes HMO licensing (mandatory licensing) under the Housing Act 2004.

Licence applications

The responsible person should ensure they apply in good time and do not delay their application; doing so may lead to investigations into the operation of an unlicensed property. The responsible person is the person having control of or managing the property that is required to be licenced.

We aim to determine if a licence application is duly made within 10 working days. Where an application is missing information that is required for the application to be considered duly made, a single opportunity will be offered to supply the missing information. Where this information is still not supplied, the application will be returned to the applicant.

An application will only be considered to be duly made once all the necessary sections have been properly completed and all the necessary information and documentation has been provided. Failing to submit a duly made application may lead to further investigations and potentially enforcement action for operating an unlicensed property.

The content of the duly made application will be reviewed and where there are any questions or concerns about the suitability of the property or the management arrangements, further investigations will be undertaken. This may include, but is not limited to, an inspection of the property prior to the licence being determined.

The council will aim to determine (grant or refuse) any applications within 2 months of a duly made application.

Determining the licence

The Council will grant a licence where it is satisfied that the statutory requirements of the relevant Part of the Housing Act 2004 have been met.

Where the Council has concerns and is not fully satisfied that the licence holder, manager or any other relevant person meet the necessary provisions within the legislation, the Council may choose to:

- Propose to grant a licence for a shorter term.
- Propose to refuse the licence.
- Carry out an initial inspection. The inspecting officer will carry out a thorough inspection of the property and will not be limited to only assessing it against any relevant licensing requirements. Other aspects of the inspection will include, but are not limited to, assessing hazards under Part 1 of the Housing Act 2004 and breaches of the HMO Management Regulations under section 234 of the Housing Act 2004.

Licences may be considered for refusal or issued for a shorter term in the following circumstances:

Not fit and Proper	The applicant is not deemed fit and proper, based on information contained within the application or otherwise known about the applicant.
Enforcement & Prosecutions	Proposed licence holder or manager has been prosecuted, accepted a simple caution or had a civil penalty imposed on them, in the past 5 years for a housing related offence.
Non-compliant Notices	Proposed licence holder or manager has failed to comply with a relevant notice in the past 3 years. This includes notices which may have been served under the Housing Act 2004, Building Act 1984, Environmental Protection Act 1990, Prevention of Damage by Pests Act 1949 and other relevant legal notices.
Absent or 'unsatisfactory' certificates	No or unsatisfactory gas or electric certificates supplied. No Energy Performance Certificate supplied.
Refused licences	Applications for Licences have been refused in the last 2 years.
No Plans	Absent or inadequate floor plans (e.g. insufficient information provided on the plans such as: no measurements, no kitchen / bathroom facilities information, smoke alarms not labelled, rooms not labelled etc.)
Non-compliance previous licence conditions	Failed to comply with previous licence conditions.

Licence revoked	<p>Previous licences revoked, within last 2 years, due to non-compliance with conditions or because one or more of the persons involved was no longer fit and proper.</p>
Other significant issues	<p>Any other significant issue identified and evidenced that is of such concern that it would not be appropriate to issue a licence to a proposed licence holder (within legislative requirements). These people, companies etc. will be reviewed on a regular basis.</p> <p>It may include the following:</p> <ul style="list-style-type: none"> Not fit and proper (identified from another source) Evidence of associates not being fit and proper Person / company under investigation for contraventions under relevant legislation. Consistent / repetitive interventions by the Council or other partners. E.g. ASB / police intervention Planning permission not applied for Planning permission refused Evidence of insufficient funds to maintain property Managing Agent not part of a redress scheme Proposed licence holder based abroad and insufficient ability to manage the property Landlords / companies ‘of interest’ to be drawn from Planning, Building Control, Council Tax, Revenue and Benefits, Debtors, Trading Standards, Office of Fair Trading, other Councils, accreditation partners, Gangmaster and Labour Abuse Authority, Police, Fire and Rescue Service, Housing Aid, Law Centre and any other partners

During the term of the licence

It is expected that licence holders will ensure properties are well managed, safe and comply with all relevant conditions. The licence fee covers an inspection of a proportion of licensed properties to check on compliance during the scheme. The number checked will partly be dependent on the application content and the outcome of any initial inspection. If a licence holder has failed to comply with any conditions and further work is required, the Council may charge for a re-inspection.

Where the Council is made aware of: any issues related to the property, licence holder or manager; any potential breaches of licence conditions; or any other issues that may arise, the Council may investigate to determine the facts and what enforcement action, if any, should be taken.

The Council will notify the tenant when a licence is issued and during the term of the licence to ask them to contact the Council if there are any problems at the property. The Council may develop further opportunities for tenant engagement and monitoring satisfaction.

Querying a licence decision

The licensing process includes a period of time for relevant persons to make representations to the Council against any of the following:

- proposed licence conditions;
- a proposal to refuse to grant a licence;
- a proposal to revoke a licence, or;
- a proposal to vary a licence.

Where representations are made to the Council, the content of those representations, as well as the basis for the original decision, will be reviewed by an appropriate officer other than the officer who made the original decision. Any representations will be considered on a case by case basis but further guidance on what may be appropriate to include in representations is shown below and organised by decision type.

Proposed Refusal – Proposed licence holder or manager are not fit & proper

The relevant person(s) will need to provide evidence showing that they or their associates are fit and proper person(s). Guidance on fit and proper persons will be issued by the Council.

Proposed Refusal - The application is unsatisfactory

The relevant person(s) will need to provide the missing information or documentation and outline how they will improve the way they manage their properties and/or respond to requests for information from the Council. Any information or documentation that is provided should be given promptly and must be of an acceptable standard and quality to enable the Council to make a final decision without any further information.

Proposed Refusal - Not the most appropriate person to hold the licence

The proposed licence holder will need to demonstrate that they are in receipt of the rack rent and can exercise sufficient control over the property. Where multiple persons meet this description, the proposed licence holder will need to demonstrate why they are the most appropriate person, of those available, to hold the licence.

Proposed Refusal - Unsatisfactory management arrangements

The following factors may be considered:

- Are the proposed licence holder or manager active members of a landlord organisation or in the process of becoming so?
- Have the proposed licence holder or manager completed relevant training or are they willing to attend such training?
- Have there been any further contraventions over period of the licence?
- Is there evidence of improved management at the property?
- Have certificates been provided promptly (within 7 days of request)?
- Have supporting documents been provided promptly (within 7 days of request)?
- Have the relevant Council arrangements been complied with (e.g. planning permission, the Article 4 Direction, HMO amenity guidance)?
- Have the proposed licence holder and manager met all legal requirements and not just those under the Housing Act 2004 (e.g. redress scheme, deposit protection, EPC, right to rent)?
- Does the licence holder have detailed written policy plans for dealing with complaints, anti-social behaviour and repairs and maintenance?
- Does the licence holder or manager have written records of their past inspections, including notes of any issues found and the action taken to address them, and details of their planned inspection program?
- Has the licence holder or manager provided the tenants with the necessary information packs?

Unlicensed properties

It is expected that landlords will apply to licence those properties which require a licence.

Where applications are not made, the Council will carry out investigations into those properties which it believes should be licensed but are not.

Failing to licence a property is an offence and can lead to prosecutions, civil penalties, and other substantive enforcement actions. It may also affect any decision regarding existing or future licences.

Media Publicity

Action taken to ensure compliance with legal requirements will be published on the council's website.

Media coverage will normally be sought in the following cases:

- The offence is widespread in the area and coverage will assist in securing compliance by others;
- To draw attention to particular issue or set of hazards;
- The offence is serious and/or was committed wilfully and the Council wishes to draw attention to their willingness to take a hard line in such cases;
- Coverage is otherwise in the public interest;
- A press release will be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors, as well as the wider environment.

Complaints

In the event that an individual or company is not satisfied with the service or does not agree with the action taken by the investigating officer, they should first contact the Principal Environmental Health Officer. A response to the complaint would be expected within 10 working days; if we are unable to respond within 10 working days we will respond and let you know when you can expect a response.

If this does not resolve the complaint the Council also has a [formal complaints](#) system.

NB This does not have any bearing on any right of appeal that may exist in relation to the various legal enforcement actions taken by the Council.

This policy will be monitored and reviewed by a suitable management team. This guide will be reviewed annually to take into consideration relevant changes to legislation or other guidance that may affect it.

Appendix 1 – List of legislation

Antisocial Behaviour Act 2003

Antisocial Behaviour, Crime and Policing Act 2014

Building Act 1984

Caravan Sites Act 1968

Caravan Sites and Control of Development Act 1960

Clean Neighbourhoods and Environment Act 2005

Crime Justice and Public Order Act 1994

Environmental Protection Act 1990

Housing Act 1957, 1985 and 1996

Housing Act 2004

Housing and Planning Act 2016

Housing (Grants, Construction and Regeneration) Act 1969

Local Government (Miscellaneous Provisions) Act 1976 and 1982

Prevention of Damage by Pests Act 1949

Protection from Eviction Act 1977

Public Health Act 1936 and 1961

Smoke Alarm and Carbon Monoxide Alarm Regulations 2015

The Management of Houses in Multiple Occupation (England) Regulations 2006

The Enterprise and Regulatory Reform Act 2013, s83,84 and 85

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc.) (England) Order 2014

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

This list is not exclusive but gives a list of the main pieces of legislation used at the time this policy has been prepared.

Appendix 2 – Data Protection Statement

Data Protection Statement

South Cambridgeshire Council (the Council) as the data controller takes its responsibilities seriously under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 to ensure that any personal data it collects and uses is done so fairly, lawfully, proportionately, correctly and safely.

For information about what is personal data please see the Information Commissioner's Office website: <https://ico.org.uk/>

Processing includes the collection, use, sharing and retention of personal data. The personal data you provide will be processed in connection with the administration of housing licensing, compliance, reactive and proactive safer housing activities or in pursuance of any other legitimate interest held by the Council including (but not limited to) Benefits and Council Tax, to verify data accuracy, and social care services.

The Council will share your personal data with other public bodies, agencies and organisations e.g. the Department for Work and Pensions, other Councils, HM Revenues and Customs, the Police, as well as utility companies, credit reference agencies and service providers/ contractors and/or partner bodies, where the disclosure of such information is either:

- a) necessary for the purposes of the prevention and/or detection of crime;
and/or
- b) is otherwise necessary to comply with any legal obligation.
- c) necessary for the purposes of confirming accreditation status.

Information processed by the Council for the purposes of obtaining a licence will form part of the full Register of Licences, which is open to public inspection by appointment, terms and conditions apply. The organisation or department requesting this information will be required to submit a formal written request for this information.

The Council undertakes Data Matching to ensure data quality and integrity and to comply with legal requirements placed upon the Council.

The Council publishes HMO data on an open register [HMO register](#)

The personal data provided will not be retained for longer than necessary.

The Council's Privacy Notice is available to view at [Privacy Notice](#)

South Cambridgeshire District Council
Private Sector Housing Enforcement Policy
V4 04.06.21



**South
Cambridgeshire
District Council**

Appendix B - Civil Penalties Procedure & Guidance Housing and Planning Act 2016

Shared Waste & Environment (May 2021)

This approach to calculating civil penalties is based on the model developed by Nottingham City Council.

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Section 1: Introduction and Overview

1.1 Purpose

This document sets out the procedure for determining the amounts for civil penalties that can be imposed on a landlord or letting agent as an alternative to prosecution for specific offences under the Housing Act 2004 within the South Cambridgeshire District.

This document is intended to work in accordance with the ‘South Cambridgeshire District Council Private Sector Housing Enforcement Policy 2021, as published by the South Cambridgeshire District Council.

Section 2 was created in accordance with Section 3.5 of the ‘Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities’ (“the DCLG Guidance”), published by the Department for Communities and Local Government.

In this document, the term “landlord” is used to refer to the “owner”, “person having control”, “person managing” or “licence holder”, as defined under the Housing Act 2004 (“the 2004 Act”). The term “Landlord” will also be used to refer to tenants of houses in multiple occupation who have committed offences under section 234 of the Housing Act 2004. The term “the Council” is used to refer to South Cambridgeshire District

Council in its capacity as the Local Housing Authority.

1.2 What is a civil penalty?

A civil penalty is a financial penalty of up to £30,000 which can be imposed on a landlord as an alternative to prosecution for specific offences under the 2004 Act. The amount of penalty is determined by the Council having regard to the individual circumstances in each case; section 2 sets out how the Council will determine the appropriate level of civil penalty.

The Council considers that the most likely recipients of civil penalty notices will be those persons who are involved in the owning or managing private rented properties. However, the Council does have the power to impose them on tenants of Houses in Multiple Occupation, for offences under section 234 of the Housing Act 2004 and will consider doing so where it is deemed appropriate.

1.3 What offences can civil penalties be imposed for?

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the 2004 Act:

- Failure to comply with an Improvement Notice (section 30).
- Offences in relation to licensing of HMOs (section 72).
- Offences in relation to licensing of houses under Part 3 of the Act (section 95).
- Contravention of an overcrowding notice (section 139).
- Failure to comply with management regulations in respect of HMOs (section 234).
- Failure to comply with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

1.4 What is the legal basis for imposing a civil penalty?

Section 126 and Schedule 9 of the Housing and Planning Act 2016 (“the 2016 Act”) enables the Council to impose a civil penalty as an alternative to prosecution for specific offences under the 2004 Act.

1.5 What is the burden of proof for a civil penalty?

The same criminal standard of proof is required for a civil penalty as for a criminal

prosecution. This means that before a civil penalty can be imposed, the Council must be satisfied beyond reasonable doubt that the landlord committed the offence(s) and that if the matter were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

In determining whether there is enough evidence to secure a conviction, the Council will have regard to the Crown Prosecution Service Code for Crown Prosecutors, published by the Director of Public Prosecutions. The finding that there is a realistic prospect of conviction is based on an objective assessment of the evidence, including whether the evidence is admissible, reliable and credible and the impact of any defence.

See appendix III for an excerpt from the Crown Prosecution Service Code for Crown Prosecutors on the Evidential Stage of the Full Code Test for criminal prosecutions.

1.6 What must be done before a Civil Penalty can be considered?

The Council must be satisfied that there is enough evidence to provide a realistic prospect of conviction against the landlord and that the public interest will be properly served by imposing a civil penalty. The following questions should be considered:

- Does the Council have enough evidence to prove beyond reasonable doubt that the offence was committed by the landlord in question?
- Is the public interest properly served by imposing a Civil Penalty on the landlord in respect of the offence?
- Has the evidence been reviewed by the appropriate senior colleague at the Council?
- Has the evidence been reviewed by the Council's legal services?
- Are there any reasons why a prosecution may be more appropriate than a civil penalty? I.e. the offence is particularly serious, and the landlord has committed similar offences in the past and/or a banning order should be considered.

See appendix II for an excerpt from the Crown Prosecution Service Code for Crown Prosecutors on the Public Interest Stage of the Full Code Test for criminal prosecutions.

1.7 The Totality Principle

Where several offences have been committed and a civil penalty could be imposed for each one, consideration will be given to whether it is just and proportionate to impose a penalty for each offence.

When calculating the penalty amounts for multiple offences there will inevitably be a cumulative effect and consideration will be given to ensure that the total amount of the

civil penalties being imposed is proportionate to the offences involved.

Decisions as to whether to impose civil penalties for each offence, and if not, which offences should be subject to penalties will be taken in discussion with the Council's Service Manager (People, Protection and Planning). Where a single more serious offence can be considered to encompass several less serious offences, this offence will normally be considered as the basis for the civil penalty.

Section 2: Determining the Civil Penalty Amount

2.1 Overview

The Council has the power to impose a civil penalty of up to £30,000. This section sets out how the Council will determine the appropriate level of civil penalty in each case. The actual amount levied in each case should reflect the severity of the offence and take into account the landlord's income and track record.

The civil penalty will be made up of two distinct components.

The first is the penalty calculation; this is where the severity of the offence, the landlord's track record and the landlord's income are considered.

The second considers the amount of financial benefit, if any, that the landlord obtained from committing the offence.

These two components are added together to determine the final penalty amount that will be imposed on the landlord.

This process is broken down into four main stages:

- **Stage 1** determines the penalty band for the offence. Each penalty band has a starting amount and a maximum amount.
- **Stage 2** determines how much will be added to the penalty amount as a result of the landlord's income and track record.
- **Stage 3** is where the figures from stage 2 are added to the penalty band from stage 1. The total amount at this stage cannot go above the maximum amount for the particular penalty band.
- **Stage 4** considers any financial benefit that the landlord may have obtained from committing the offence. This amount will be added to the figure from stage 3.

Stage 1: Determining the Penalty Band

2.2 Stage 1 Overview

This stage considers the landlord's culpability for the offence and the seriousness of harm risked to the tenants or visitors to the property.

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations and/or their actions were deliberate. Landlords are running a business and are expected to be aware of their legal obligations. There are four steps to this process and each step is set out below.

2.3 Step 1: Culpability

Table 1 sets out the four levels of culpability that will be considered: each level has accompanying examples of the behaviours that could constitute that particular level. The behaviour of the landlord should be compared to this table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord's culpability may vary between offences.

Table 1 - Levels of Culpability

Very high	<ul style="list-style-type: none">• Deliberate breach of or flagrant disregard for the law
High	<ul style="list-style-type: none">• Offender fell far short of their legal duties, for example, by:<ul style="list-style-type: none">- failing to put in place measures that are recognised legal requirements or regulations;- ignoring warnings raised by the local Council, tenants or others;- failing to make appropriate changes after being made aware of risks, breaches or offences;- allowing risks, breaches or offences to continue over a long period of time.• Serious and/or systemic failure by the person or organisation to comply with legal duties.
Medium	<ul style="list-style-type: none">• Offender fell short of their legal duties in a manner that falls between descriptions in 'high' and 'low' culpability categories.• Systems were in place to manage risk or comply with legal duties, but these were not sufficiently adhered to or implemented.
Low	<ul style="list-style-type: none">• Offender did not fall far short of their legal duties, for example, because:<ul style="list-style-type: none">- significant efforts were made to address the risk, breaches or offences, although they were inadequate on this occasion.- they have offered a reasonable defence for why they

were unaware of the risk, breach or offence.

- Failings were minor and occurred as an isolated incident

2.4 Assessing a landlord's culpability

When assessing culpability, consider all the evidence gathered as part of the investigation into the offence and identify any aggravating or mitigating factors which may be relevant to the assessment of culpability.

Aggravating factors could include:

- Previous convictions for similar offence/s, having regard to the time elapsed since the conviction
- Motivated by financial gain
- Public figure or member of recognised landlord or letting agency association or accreditation scheme who should have been aware of their actions
- Experienced landlord or letting agent with a portfolio of properties failing to comply with their obligations
- Failure to deal with obvious threats to health, e.g. failure to maintain fire alarm systems
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of letting substandard accommodation i.e. record of having to take enforcement action previously whether complied with or not
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Evidence of threatening behaviour/harassment of the tenant.

Section 2.12 below provides further guidance regarding when it is appropriate to consider past enforcement action taken against the landlord.

Mitigating factors could include:

- First offence where there are no aggravating factors, e.g. public figure or member of recognised good practice body
- Cooperation with the investigation e.g. turns up for the Police and Criminal Evidence Act 1984 (PACE) interview
- Voluntary steps taken to address issues e.g. submits a prompt licence application
- Willingness to undertake training
- Level of tenant culpability
- Willingness to join recognised landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental

- health, unforeseen health issues, emergency health concerns
- Vulnerable individual(s) (owners not tenants) where their vulnerability is linked to the commission of the offence
- Good character i.e. no previous convictions and/or exemplary conduct

Using these factors, consider each category of culpability in the table 1 and identify the one that the landlord’s behaviour falls within; where a landlord’s behaviour could meet more than one of the categories, choose the highest one of those met.

2.5 Step 2: Seriousness of Harm Risked

Table 2 separates the seriousness of harm risked into three levels and each one has an accompanying description to illustrate what would constitute that level of harm risked.

The harm risked by the offence should be compared to the table to determine the appropriate level. This exercise will be repeated for each offence that is being considered as the seriousness of harm risked can vary between offences.

When using the table to determine the appropriate level, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the offence. This means that even if some harm has already come to tenants or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred.

Table 2 - Seriousness of Harm Risked

Level A	The sum of the seriousness of harm risked that would meet the guidance for Class I and Class II harm outcomes in the Housing Health and Safety Rating System ¹ is 5% or more and there are relevant matters that increase the likelihood of harm occurring
Level B	The seriousness of harm risked would meet the guidance for Class III and Class IV harm outcomes and the sum of the spread of harm outcomes for Class I and Class II in the ‘Housing Health and Safety Rating System’ is less than 5%.
Level C	All other cases not falling within Level A or Level B (e.g. where an offence occurred but the level of harm to the tenants or visitors does not meet the descriptions for Level A or Level B).

Further information about the classes of harm and relevant matters for each hazard under the Housing Health and Safety Rating System can be found in appendix I.

¹ Office of the Deputy Prime Minister: London (2006), *Housing Health and Safety Rating System Operating Guidance*, page 47

2.6 Step 3: Penalty Levels

Using the already determined level of culpability and the seriousness of harm risked, find the appropriate penalty level (1 – 5+) in Table 3.

Table 3 - Penalty Levels

Seriousness of Harm Risked	Culpability-Very high	Culpability-High	Culpability-Medium	Culpability-Low
Level A	5+	5	4	3
Level B	5	4	3	2
Level C	4	3	2	1

2.7 Step 4: Penalty Bands

Compare the penalty level from Step 3 to table 4 and this will give the penalty band for the offence. This penalty band determines both the starting amount and the upper limit for the penalty calculation.

Table 4 – Penalty Bands

Penalty Level	Penalty Band
1	£600 - £1200
2	£1200 - £3000
3	£3000 - £6000
4	£6000 - £15,000
5 / 5+	£15,000 - £30,000

Stage 2: Considering the landlord's income and track record

2.8 Stage 2 Overview

There are two elements to consider in stage 2: the landlord's income and the landlord's track record. Each of these will affect the penalty calculation and further details are set out below.

2.9 The landlord's Finances

The Council is permitted to consider all a landlord's income and assets when calculating a civil penalty.

The council may use its legal powers to require landlords to provide details of their finances.

Any failure to provide financial information when requested may mean that the council imposes the maximum financial penalty based on the severity of the offence.

The council also reserves the right to use investigation services such as the National Anti-Fraud Network to investigate landlords' finances.

For penalties that fall within bands 5 and 5+, a financial investigation of the landlord will be usually carried out and all sources of income received by the landlord can be considered as 'relevant income' for the purpose calculating the civil penalty. Specifically, the average weekly income of the landlord for the 12 months preceding the date of the offence will be used.

For penalties that fall within bands 1 to 4, the landlord's income will still be considered but the 'relevant income' will normally be limited to the income that the landlord received in relation to the property where the offence occurred.

For property owners, this will be the weekly rental income, as declared on the tenancy agreements, for the property where offence occurred and at the time the offence occurred.

For property agents, the relevant income will be any fees they received for the management of the property, as stated on the management contract between the agent and the other parties to the contract. Where the fees include VAT or any other charges, the gross amount of the fees will be used.

IMPORTANT: although the Council will not normally consider carrying out a full financial investigation where the offence falls within penalty bands 1 to 4, the Council does reserve the right to do so where it considers it reasonable and proportionate to the circumstances.

2.10 How is the increase as a result of the landlord's income calculated?

This is a two-step process with step 1 determining what counts as relevant weekly income and step 2 determining what percentage of this relevant weekly income should be added to the penalty amount. These steps are set out in more detail below.

Step 1 - take the penalty band, as determined in Stage 1, and compare it to Table 5: this will state what can be considered as relevant weekly income for the offence.

Table 5 - Defining relevant weekly income

Penalty Level	Relevant Weekly Income
1	Gross rental income or management fees for the property where the offence occurred
2	Gross rental income or management fees for the property where the offence occurred
3	Gross rental income or management fees for the property where the offence occurred
4	Gross rental income or management fees for the property where the offence occurred
5 / 5+	All income for the offender (carry out a financial assessment)

Step 2 - take the penalty band, as determined in Stage 1, and compare it to Table 6. This will give the percentage of the landlord's relevant weekly income to be added to the civil penalty.

Table 6 - % of relevant weekly income

Penalty Level	% of Relevant Weekly Income
1	50% of relevant weekly income
2	100% of relevant weekly income
3	150% of relevant weekly income
4	250% of relevant weekly income
5	400% of relevant weekly income
5+	600% of relevant weekly income

2.11 What if tenancy agreements or management contracts are not available?

Tenancy agreements and property management contracts can be requested using the Council's existing powers and this should be done where copies are not already available.

In cases where the landlord is not forthcoming with this information or documentation, the council may levy the maximum penalty level and it will be for the landlord to make representations against this estimated figure if they deem it to be too high.

Representations against estimated incomes will only be accepted where enough evidence of the landlord's income is provided to support these claims. Estimates of average weekly income will be calculated on a case by case basis, but they will generally, be based on an assessment of similar sized rental properties in the same area as the property to which the offence relates.

IMPORTANT – the Council will not normally consider a landlord's assets but does reserve the right to consider assets in any cases where the Council considers it reasonable and proportionate to do so. Each of these cases will be dealt with on a case by case basis.

2.12 The Landlord's track record

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations; as such, the track record of the landlord will be an important factor in determining the final amount of the civil penalty that is imposed. Below are questions that must be asked for each landlord that will receive a civil penalty.

- 1) Has the landlord had any relevant¹ notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years? If so, how many times have they been subject to such enforcement action in that timeframe?
- 2) Has the landlord had any civil penalties imposed on them in the last 2 years? If so, how many civil penalties have been imposed on them in that timeframe?
- 3) Has the landlord accepted any cautions for relevant¹ offences in the last 2 years? If so, how many cautions for relevant offences¹ have they accepted in that timeframe?
- 4) Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?
- 5) Has the landlord breached any relevant² notices, which resulted in works in default

being carried out, in the last 2 years? If so, how many times have works in default been carried out under such circumstances in that timeframe?

- 6) Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?
- 7) Has the landlord been prosecuted for any relevant³ offences in the last 2 years? If so, how many times have such prosecutions taken place in that timeframe?
- 8) Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?
- 9) Has the Landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?

¹ any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

² any notices served under any legislation relating to housing, public health or environmental health.

³ any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

IMPORTANT – question 1 refers to all relevant notices served during the two years: this means that where the offence is failure to comply with an improvement notice, that notice should also be included in the answer to the question.

2.13 How is the increase as a result of the Landlord's track record calculated?

Table 7 – Weightings

Category	Weighting
Category 1 (<i>Least serious</i>)	1
Category 2 (<i>Moderately Serious</i>)	5
Category 3 (<i>Very Serious</i>)	10
Category 4 (<i>Most serious</i>)	20

Each of the questions will be placed into one of four categories, based on the seriousness of the offence or enforcement action to which the question refers. Each category of question is given a weighting that increases with the seriousness of the category. Table 7 shows the four categories and the weighting which is applied to each one.

Any questions where the answer is 'no' will have a weighting of zero but 'yes' answers

will accrue the weighting for that particular question. E.g. the weighting for a question is 10 and the answer to that question is 'yes' so the score for that particular question will be 10.

For those questions where the number of occasions is relevant, the total weighting for a 'yes' answer will be the weighting for that question multiplied by the number of occasions. E.g. if a question has a weighting of 5 and the landlord has committed the offence 3 times, this will give a total score of 15 for the question. Table 8 shows the category which each of the questions falls within and the subsequent weighting that is applied as a result.

Table 8 - Questions & Weightings

Questions	Weighting for a 'Yes' answer	Multiplied by the number of occasions?
Has the landlord had any relevant ¹ notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years?	1	Yes
Has the landlord had any civil penalties imposed on them in the last 2 years?	5	Yes
Has the landlord accepted any cautions for relevant ¹ offences in the last 2 years?	10	Yes
Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?	5	No
Has the landlord breached any relevant ² notices, which resulted in works in default being carried out, in the last 2 years?	10	Yes
Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?	10	No
Has the landlord been prosecuted for any relevant ³ offences in the last 2 years?	20	Yes
Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?	20	No
Has the landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?	20	No

¹ any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

² any notices served under any legislation relating to housing, public health or environmental health.

³ any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

Table 9 - % Increase

Score	%
0	0%
01-Feb	5%
03-Apr	10%
05-Jun	15%
07-Aug	20%
09-Oct	25%
11-Dec	30%
13-14	35%
15-16	40%
17-18	45%
19-20	50%
21-22	55%
23-24	60%
25-26	65%
27-28	70%
29-30	75%
31-32	80%
33-34	85%
35-36	90%
37-38	95%
39+	100%

Once all the questions have been answered, the weighting for each is totaled and compared to Table 9: this gives the percentage increase that will be applied to the penalty amount. The increase will be a percentage of the starting amount for the penalty band that the offence falls within. E.g. the total score for the questions is 23 and so the corresponding percentage increase in Table 9 will be 60%.

IMPORTANT - the penalty calculation will never be increased past the upper limit of the Penalty Band determined in Step 4 of this procedure (set out in Table 4 on page 7 of this procedure). However, where the landlord has a history of non-compliance, it is appropriate to factor this into your assessment of their overall culpability. This could affect your initial assessment of the appropriate penalty level and lead to a higher penalty band being used as the starting point.

Stage 3: Adding Income and Track Records Amounts to the Penalty Band

2.14 Stage 3 Overview

Stage 1 gives the penalty band for the offence and this determines the starting amount and the upper limit for the penalty calculation. Stage 2 gives the amount that should be added as a result of the landlord's income and the amount that should be added as a result of the landlord's track record.

2.15 How are the figures from stage 1 and stage 2 combined?

To get the amount of the penalty calculation, the two figures from Stage 2 should be added to the starting amount for the penalty band. E.g. if the increase for income is £500 and the increase due to the landlord's track record is £1000, these two figures are added to the starting amount for the penalty to get the penalty calculation amount.

If the amount calculated, by adding the figures for the landlord's income and track record, is less than the upper limit for the penalty band, then this is the amount that will be used. However, if the amount calculated is greater than the upper limit for the penalty band, then the upper limit will be used instead.

Stage 4: Financial Benefit Obtained from Committing the Offence

2.16 Stage 4 Overview

A guiding principle of civil penalties is that they should remove any financial benefit that the landlord may have obtained as a result of committing the offence. This means that the amount of the civil penalty imposed should never be less than it would have reasonably cost the landlord to comply in the first place.

2.17 How is the financial benefit determined?

Calculating the amount of financial benefit obtained will need to be done on a case by case basis but the table below gives some examples of potential financial benefit for each of the offences.

Offence	Examples of potential financial benefit
Failure to comply with an Improvement Notice (section 30)	The cost of any works that were required to comply with the improvement notice but which have not been removed by works in default.
Offences in relation to licensing of HMOs (section 72)	Rental income whilst the HMO was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.

Offences in relation to licensing of houses under Part 3 of the Act (section 95)	Rental income whilst the property was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.
Offence of contravention of an overcrowding notice (section 139)	Rental income whilst the property is being occupied in contravention of the overcrowding notice.
Failure to comply with management regulations in respect of HMOs (section 234)	The cost of any works that are required to avoid breaching the regulations.

When calculating the cost of any works this may be based on the retail cost of suitable materials available locally that meet the council's specifications unless more detailed quotations for the works concerned at the property in question are available. The council may also include the cost of labour.

2.18 How is financial benefit added to the penalty amount?

The Council will need to be able to prove that financial benefit was obtained before it can be included in the civil penalty calculation. However, where it can be proven, the amount obtained should be added to the penalty calculation amount from Stage 3 and this will give the final civil penalty amount that will be imposed on the landlord.

IMPORTANT – where the landlord has obtained financial benefit in the form of rental income and this full amount has been added to the total penalty, it will be appropriate to take this into consideration when deciding whether or not to pursue a Rent Repayment Order. For more information on Rent Repayment Orders, see the Council's Enforcement Policy.

Section 3: Imposing a Civil Penalty

3.1 Where is the process for civil penalties set out?

Schedule 9 of the Housing and Planning Act 2016 sets out the process which must be followed when imposing a civil penalty.

3.2 Notice of Intent

Before imposing a civil penalty on a landlord, the Council must serve a 'notice of intent' on the landlord in question. This notice must be served within 6 months of the last day on which the Council has evidence of the offence occurring. This notice must contain the following information:

- The amount of the proposed civil penalty.

- The reasons for proposing to impose a civil penalty, and.
- Information about the Landlord's right to make representations to the Council.

3.3 Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an appropriate senior colleague.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements etc.) to show that the calculation of the penalty amount is incorrect. Where no such supporting evidence is provided, the representation against the amount will not be accepted.

Written responses will be provided to all representations made by the recipients of a notice of intent. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the Council considers it necessary.

3.4 Final Notice

Once the representation period has ended, the Council must decide, taking into consideration any representations that were made, whether to impose a civil penalty and the final amount of the civil penalty. The final amount of a civil penalty can be a lower amount than was proposed in the notice of intent, but it cannot be a greater amount.

The imposing of a civil penalty involves serving a final notice and this notice must contain the following information:

- The amount of the financial penalty.
- The reasons for imposing the penalty.
- Information about how to pay the penalty.
- The period for payment of the penalty.
- Information about rights of appeal, and.
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

3.5 Withdrawing or amending Notices

At any time, the Council may withdraw a notice of intent or a final notice or reduce the amount of a civil penalty. This is done by giving notice in writing to the person on whom the notice was served.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the Council can still pursue a prosecution against the landlord for the conduct for which the penalty was originally imposed. Each case will be considered on a case by case basis.

3.6 Appeals to the Tribunal

If a civil penalty is imposed on a landlord, that Landlord can appeal to the First-tier Tribunal (“the Tribunal”) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. Where an appeal has been made, this suspends the civil penalty until the appeal is determined or withdrawn.

3.7 Payment of a Civil Penalty

A civil penalty must be paid within 28 days, beginning with the day after that on which the final notice was given (“the 28-day payment period”), unless that notice is suspended due to an appeal. Details of how to pay the penalty will be provided on the final notice.

3.8 Other consequences of having a Civil Penalty imposed

Where a civil penalty has been imposed on a landlord, this will form a part of our consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the Housing Act 2004.

Whilst a civil penalty will not automatically preclude us from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person’s involvement in the property will be considered.

Where a landlord has two civil penalties imposed on them in a 12-month period, each for a banning order offence, the Council will include their details on the Database of Rogue Landlords and Property Agents.

“Banning order offence” means an offence of a description specified in regulations made by the Secretary of State under Section 14(3) of the Housing and Planning Act 2016.

3.9 Recovering an unpaid Civil Penalty

It is the policy of the Council to consider all legal options available for the collection of unpaid civil penalties and to pursue unpaid penalties in all cases through the county courts. Some of the orders available to the Council through the county courts are as follows:

- A Warrant of Control for amounts up to £5,000.
- A Third-Party Debt Order;
- A Charging Order, and.
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the order is over £1,000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the county court. Inclusion on this Register may make it more difficult for the Landlord to get financial credit.

3.10 Income from Civil Penalties

Any income from Civil Penalties is retained by the Local Housing Authority (in this case the Council) which imposed the penalty. The Council must spend any income from Civil Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

Section 4: worked example

4.1 Worked Example 1

Landlord A owns and operates an unlicensed HMO. Landlord A has been made aware of the need to apply for an HMO licence but has failed to do so and has continued to operate unlicensed for the past 6 months. The rental income received by Landlord A during this 6-month period is £7500. This is not the first time that Landlord A has been the subject of enforcement action, having previously been cautioned for operating another unlicensed HMO a year ago and being served improvement notices on two separate occasions in the last 12 months. Both notices were complied with.

Offence: Operating an unlicensed HMO

Culpability: 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

Justification: Landlord A is aware of requirement to licence the property and the

consequences of not doing so but has chosen not to comply anyway.

Seriousness of harm risked: 'Level C'

(All other cases not falling within Level A or Level B)

Justification: the specific offence of operating an unlicensed HMO does not implicitly mean that there are any defects or deficiencies in the property. As such, the seriousness of harm risked would not meet the descriptions of 'Level A' or 'Level B'.

Penalty band: 4 - £6,000 to £15,000 (*'Very High' culpability and 'Level C' harm*)

Increase due to the landlord's track record: £1,800

(30% of the starting point for the penalty)

Justification: in the last two years, Landlord A has accepted 1 caution for a relevant offence and has been served 2 relevant notices, under Part 1 of the Housing Act 2004. This gives us a score of 12 and an increase of 30% of the penalty amount. This is an increase of £1,800.

Increase due to the landlord's income: £721.15

(250% of weekly rental income from the property where the offence occurred)

Justification: the penalty band is 4 and Landlord A is the owner of the property where the offence occurred. As such, the relevant income for consideration is the weekly rental income for the property and 250% of this will be added to the penalty amount. In this case, the relevant weekly income is £288.46 and so £721.15 will be added.

Penalty calculation amount: £8521.15 ($£6000 + £1800 + £721.15 = £8521.15$).

Financial benefit obtained from committing the offence: £7,500

Justification: Landlord A has received £7,500 in rental income from the property during the time that it has been unlicensed and so this can be considered the financial benefit received from committing the offence.

Final amount of the civil penalty: £16,021.15 ($£8521.15 + £7500 = £16021.15$).

This is capped to £15,000 as the top of the band.

4.2 Worked Example 2

Landlord B owns and manages a single-family dwelling. During an inspection, a category 1 hazard (falls on stairs) and multiple category 2 hazards were identified at the property. The stairs were in an extremely dangerous condition but could be made safe easily. An improvement notice was served on Landlord B and some of the works to reduce the category 2 hazards were carried out but the remainder of the works on the notice were not. Works in default were carried out at the property with a total cost of £2,000. Landlord B was also prosecuted 18 months ago for failing to comply with an improvement notice. A financial investigation into Landlord B found that they have received an annual income of £50,000.

Offence: Failing to comply with an improvement notice.

Culpability: 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

Justification: Landlord B was aware of the need to comply with the Improvement Notice as some of the works were completed. Landlord B is also aware of the consequences of failing to comply with the notice as previous enforcement action has been taken against them for this reason.

Seriousness of harm risked: 'Level A'

Justification: The condition of the staircase creates a Category 1 hazard and if someone were to trip or fall on the stairs, there is an 8.6% risk that they will end up with harm outcomes that meet the descriptions of Class 1 and Class 2 harm outcomes under the Housing Health & Safety Rating System. This means that the seriousness of harm risked meets the description of 'Level A'.

Penalty band: 5+ - £15,000 to £30,000 (*'Very High' culpability and 'Level A' harm*)

Increase due to the landlord's track record: £12,000

(*80% of the starting point for the penalty*)

Justification: in the last two years, Landlord B has been prosecuted for a relevant offence, has been served 1 relevant notice under Part 1 of the Housing Act 2004, and has been subject to works in default. This gives us a score of 31 for his track record and an increase of 80% of the penalty amount. This is an increase of £12,000.

Increase due to the landlord's income: £5,769.23

(*600% of the Landlord's average weekly income*)

Justification: the penalty band is 5+ and so a financial investigation was carried out to identify all of Landlord B's income. The investigation found they received a total annual income of £50,000 and 600% of their average weekly income will be added to the penalty amount. In this case, the average weekly income is £961.54 and so £5769.23 will be added.

Penalty calculation amount: £30,000 ($£15000 + £12000 + £5769.23 = £32,769.23$)

Financial benefit obtained from committing the offence: **None**

Justification: works in default were carried out at the property and the cost of these works, plus an administration fee, were charged to Landlord B. As such, it cannot be said that Landlord B obtained financial benefit from committing the offence.

Final amount of the civil penalty: **£30,000**

($£15000 + £12000 + £5769.23 = £32,769.23$ - *civil penalties are capped at £30,000*).

4.3 Worked Example 3

Landlord C is the appointed manager of a three-bedroom licensed HMO. The company is paid £90 per month to manage the property on behalf of the owner. During a compliance inspection, it was found that they had neglected to display any of the manager's details anywhere in the property. They were warned about this one year ago and stated that they were aware of the requirement but an oversight meant that they missed this property when displaying details. They have not been the subject of any formal enforcement action in the last 2 years and the property was otherwise in a satisfactory condition.

Offence: Failure to comply with management regulations in respect of Houses in Multiple Occupation.

Culpability: 'Low' (*Failings were minor and occurred as an isolated incident*)

Justification: the company does not have a history of non-compliance and the breach was fairly minor and easily rectified.

Seriousness of harm risked: 'Level C'

(*All other cases not falling within Level A or Level B*)

Justification: The seriousness of harm risked to the tenants was low and so it would not meet the descriptions of harm found in 'Level A' or 'Level B'.

Penalty band: 1 - £600 to £1,200 (*'Low' culpability and 'Level C' harm*)

Increase due to the landlord's track record: **None**

Justification: in the last two years, Landlord C has not been the subject of any formal enforcement action and so there is no increase in the penalty amount due to their track record.

Increase due to the landlord's income: £10.39 (*50% of weekly rental income from the property where the offence occurred*)

Justification: the penalty band is 1 and Landlord C is the manager of the property where the offence occurred. As such, the relevant income for consideration is the weekly management fees received for the property and 50% of this will be added to the penalty amount. In this case, the relevant weekly income is £20.77 and so £10.39 will be added.

Initial penalty calculation amount: £610.39 ($£600 + £10.39 = £610.39$)

Financial benefit obtained from committing the offence: **None**

Justification: the cost of displaying Landlord C's management details would be negligible and so it would not be reasonable to claim that financial benefit was obtained from committing the offence.

Final amount of the civil penalty: £610.39 (£600.00 + £10.39 = £610.39).

Appendix I – Classes of Harm (HHSRS)

When determining the seriousness of harm risked at Step 2 of this procedure regard will be had to the Housing Health and Safety Rating System Operating Guidance that sets out the health (harm) outcomes and relevant matters for each of the 29 hazards identified.

The seriousness of harm risked will be assessed based on the most relevant hazard. For example, the seriousness of harm arising from a breach of a HMO Management Regulation requiring the maintenance of fire precautions would take into account the class I and II health outcomes identified in the Fire hazard described in the HHSRS Operating Guidance.

Where several hazards arise from the same offence or offences which are the subject of a civil penalty, the most serious health outcome will be used to determine the seriousness of harm risked at Step 2 of this procedure.

When determining that the level of harm is “Level A” for the purposes of calculating a Civil Penalty under this procedure regard should also be had to the “relevant matters” for each hazard as set out in the HHSRS Operating Guidance. Where relevant matters were present in the subject property that would increase the likelihood of harm in addition to the total class I and II harm outcomes being more than 5% this will confirm the assessment of “Level A” as being the appropriate level of harm. In the absence of any of the relevant matters being identified that would increase the likelihood of harm the appropriate level of harm may be assessed as “Level B” for the purposes of this procedure.

The following is an extract from the Housing Health and Safety Rating System Operating Guidance (page 47 - 48), published by the Office of the Deputy Prime Minister (2006).

“Examples for the Four HHSRS Classes of Harm

The Classes of Harm used for the HHSRS are based on the top four Classes of Harm as identified in A Risk Assessment Procedure for Health and Safety in Buildings (2000) BRE. While this work identified seven Classes of Harm, only the top four are used for the purposes of the HHSRS as these are harms of sufficient severity that they will either prove fatal or require medical attention and, therefore, are likely to be recorded in hospital admissions or GP records.

Work on developing and refining the Statistical Evidence supporting the Rating System involved classifying a more comprehensive list of harm outcomes.

The examples given below are intended for guidance only. It should be noted that some of the harm outcomes may appear in more than one Class depending on the severity of the condition. For example, respiratory disease will be in Class II or III depending on the severity and duration.

Class I

This Class covers the most extreme harm outcomes including: Death from any cause; Lung cancer; Mesothelioma and other malignant lung tumours; Permanent paralysis below the neck; Regular severe pneumonia; Permanent loss of consciousness; 80% burn injuries.

Class II

This Class covers severe harm outcomes, including: Cardio-respiratory disease; Asthma; Non-malignant respiratory diseases; Lead poisoning; Anaphylactic shock; Cryptosporidiosis; Legionnaires disease; Myocardial infarction; Mild stroke; Chronic confusion; Regular severe fever; Loss of a hand or foot; Serious fractures; Serious burns; Loss of consciousness for days.

Class III

This Class covers serious harm outcomes, including: Eye disorders; Rhinitis; Hypertension; Sleep disturbance; Neuro-psychological impairment; Sick building syndrome; Regular and persistent dermatitis, including contact dermatitis; Allergy; Gastro-enteritis; Diarrhea; Vomiting; Chronic severe stress; Mild heart attack; Malignant but treatable skin cancer; Loss of a finger; Fractured skull and severe concussion; Serious puncture wounds to head or body; Severe burns to hands; Serious strain or sprain injuries; Regular and severe migraine.

Class IV

This Class includes moderate harm outcomes which are still significant enough to warrant medical attention. Examples are: Pleural plaques; Occasional severe discomfort; Benign tumours; Occasional mild pneumonia; Broken finger; Slight concussion; Moderate cuts to face or body; Severe bruising to body; Regular serious coughs or colds.”

Appendix II – Public Interest Stage of the Full Code Test

The following is an extract from pages 8-11 of The Code for Crown Prosecutors (October 2018, 8th Edition) issued by the Director of Public Prosecutions (DPP) under section 10 of the Prosecution of Offences Act 1985.

The Public Interest Stage

4.9. In every case where there is enough evidence to justify a prosecution or to offer an out-of-court disposal, prosecutors must go on to consider whether a prosecution is required in the public interest.

4.10. It has never been the rule that a prosecution will automatically take place once the evidential stage is met. A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour. In some cases, the prosecutor may be satisfied that the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by an out-of-court disposal rather than bringing a

prosecution.

4.11. When deciding the public interest, prosecutors should consider each of the questions set out below in paragraphs 4.14 a) to g) so as to identify and determine the relevant public interest factors tending for and against prosecution. These factors, together with any public interest factors set out in relevant guidance or policy issued by the DPP, should enable prosecutors to form an overall assessment of the public interest.

4.12. The explanatory text below each question in paragraphs 4.14 a) to g) provides guidance to prosecutors when addressing each particular question and determining whether it identifies public interest factors for or against prosecution. The questions identified are not exhaustive, and not all the questions may be relevant in every case. The weight to be attached to each of the questions, and the factors identified, will also vary according to the facts and merits of each case.

4.13. It is quite possible that one public interest factor alone may outweigh a number of other factors which tend in the opposite direction. Although there may be public interest factors tending against prosecution in a particular case, prosecutors should consider whether nonetheless a prosecution should go ahead, and those factors put to the court for consideration when sentence is passed.

4.14. Prosecutors should consider each of the following questions:

a) How serious is the offence committed?

- The more serious the offence, the more likely it is that a prosecution is required.
- When assessing the seriousness of an offence, prosecutors should include in their consideration the suspect's culpability and the harm caused, by asking themselves the questions at b) and c).

b) What is the level of culpability of the suspect?

- The greater the suspect's level of culpability, the more likely it is that a prosecution is required.

- Culpability is likely to be determined by:

i. the suspect's level of involvement;

ii. the extent to which the offending was premeditated and/or planned;

iii. the extent to which the suspect has benefitted from criminal conduct;

iv. whether the suspect has previous criminal convictions and/or out-of-court disposals and any offending whilst on bail or whilst subject to a court order;

v. whether the offending was or is likely to be continued, repeated or escalated;

vi. the suspect's age and maturity (see paragraph d below).

- A suspect is likely to have a much lower level of culpability if the suspect has been compelled, coerced or exploited, particularly if they are the victim of a crime that is linked to their offending.

- Prosecutors should also have regard to whether the suspect is, or was at the time of the offence, affected by any significant mental or physical ill health or disability, as in some circumstances this may mean that it is less likely that a prosecution is required. However, prosecutors will also need to consider how serious the offence was, whether the suspect is likely to re-offend and the need to safeguard the public or those providing care to such persons.

c) What are the circumstances of and the harm caused to the victim?

- The circumstances of the victim are highly relevant. The more vulnerable the victim's situation, or the greater the perceived vulnerability of the victim, the more likely it is that a prosecution is required.

- This includes where a position of trust or authority exists between the suspect and victim.

- A prosecution is also more likely if the offence has been committed against a victim who was at the time a person serving the public.

- It is more likely that prosecution is required if the offence was motivated by any form of prejudice against the victim's actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the suspect targeted or exploited the victim, or demonstrated hostility towards the victim, based on any of those characteristics.

- Prosecutors also need to consider if a prosecution is likely to have an adverse effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence, the availability of special measures and the possibility of a prosecution without the participation of the victim.

- Prosecutors should take into account the views expressed by the victim about the impact that the offence has had. In appropriate cases, this may also include the views of the victim's family.

- However, the CPS does not act for victims or their families in the same way as solicitors act for their clients, and prosecutors must form an overall view of the public interest.

d) What was the suspect's age and maturity at the time of the offence?

- The criminal justice system treats children and young people differently from adults and significant weight must be attached to the age of the suspect if they are a child or young person under 18.

- The best interests and welfare of the child or young person must be considered, including whether a prosecution is likely to have an adverse impact on their future

prospects that is disproportionate to the seriousness of the offending.

- Prosecutors must have regard to the principal aim of the youth justice system, which is to prevent offending by children and young people. Prosecutors must also have regard to the obligations arising under the United Nations 1989 Convention on the Rights of the Child.

- Prosecutors should consider the suspect's maturity, as well as their chronological age, as young adults will continue to mature into their mid-twenties.

- As a starting point, the younger the suspect, the less likely it is that a prosecution is required.

- However, there may be circumstances which mean that, notwithstanding the fact that the suspect is under 18 or lacks maturity, a prosecution is in the public interest. These include where:

- i. the offence committed is serious;

- ii. the suspect's past record suggests that there are no suitable alternatives to prosecution; and

- iii. the absence of an admission means that out-of-court disposals that might have addressed the offending behaviour are not available.

e) What is the impact on the community?

- The greater the impact of the offending on the community, the more likely it is that a prosecution is required.

- The prevalence of an offence in a community may cause particular harm to that community, increasing the seriousness of the offending.

- Community is not restricted to communities defined by location and may relate to a group of people who share certain characteristics, experiences or backgrounds, including an occupational group.

- Evidence of impact on a community may be obtained by way of a Community Impact Statement.

f) Is prosecution a proportionate response?

- In considering whether prosecution is proportionate to the likely outcome, the following may be relevant:

- i. The cost to the CPS and the wider criminal justice system, especially where it could be regarded as excessive when weighed against any likely penalty. Prosecutors should not decide the public interest on the basis of this factor alone. It is essential that regard is also given to the public interest factors identified when considering the other questions in paragraphs 4.14 a) to g), but cost can be a relevant factor when making an overall assessment of the public interest.

ii. Cases should be prosecuted in accordance with principles of effective case management. For example, in a case involving multiple suspects, prosecution might be reserved for the main participants in order to avoid excessively long and complex proceedings.

g) Do sources of information require protecting?

- In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that could harm sources of information, ongoing investigations, international relations or national security. It is essential that such cases are kept under continuing review.

Appendix III – The Evidential Stage of the Full Code Test

The following is an extract from pages 7-8 of The Code for Crown Prosecutors (October 2018, 8th Edition) issued by the Director of Public Prosecutions (DPP) under section 10 of the Prosecution of Offences Act 1985.

The Evidential Stage

4.6. Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge*. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

4.7. The finding that there is a realistic prospect of conviction is based on the prosecutor's objective assessment of the evidence, including the impact of any defence and any other information that the suspect has put forward or on which they might rely. It means that an objective, impartial and reasonable jury or bench of magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a different test from the one that the criminal courts themselves must apply. A court may only convict if it is sure that the defendant is guilty.

4.8. When deciding whether there is sufficient evidence to prosecute, prosecutors should ask themselves the following:

* For the purposes of the Code for Crown Prosecutors, "conviction" includes a finding that "the person did the act or made the omission" in circumstances where the person is likely to be found not guilty on the grounds of insanity.

Can the evidence be used in court?

Prosecutors should consider whether there is any question over the admissibility of certain evidence. In doing so, prosecutors should assess:

- the likelihood of that evidence being held as inadmissible by the court; and
- the importance of that evidence in relation to the evidence as a whole.

Is the evidence reliable?

Prosecutors should consider whether there are any reasons to question the reliability of the evidence, including its accuracy or integrity.

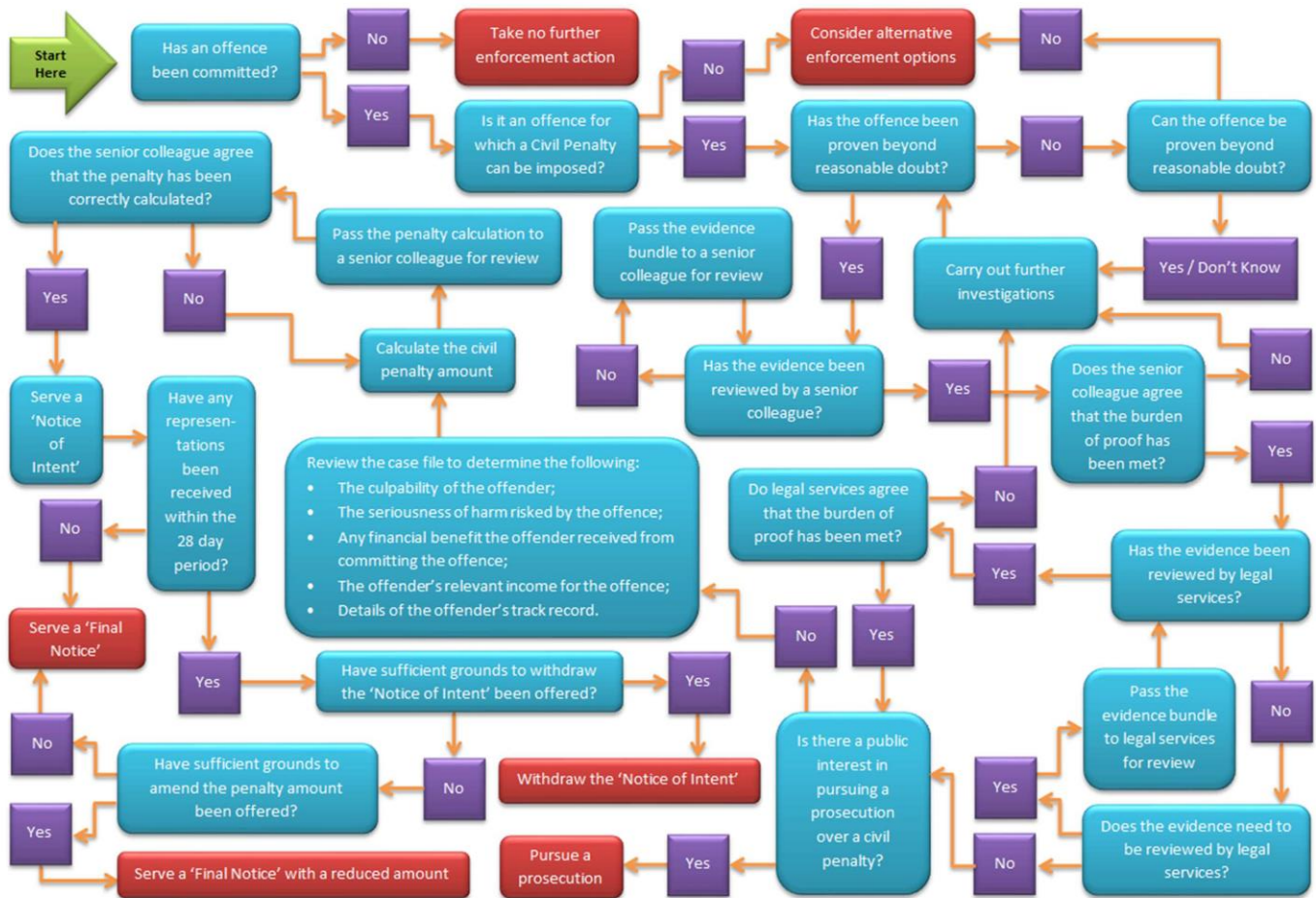
Is the evidence credible?

Prosecutors should consider whether there are any reasons to doubt the credibility of the evidence.

Is there any other material that might affect the sufficiency of evidence?

Prosecutors must consider at this stage and throughout the case whether there is any material that may affect the assessment of the sufficiency of evidence, including examined and unexamined material in the possession of the police, and material that may be obtained through further reasonable lines of inquiry.

Appendix IV – Process flow chart



South Cambridgeshire District Council
Civil Penalties Enforcement Policy & Guidance
Version 4

With acknowledgement to:
Nottingham City Council, Community Protection, NG2 3NG

(May 2021)

Agenda Item 7



Report to:	Scrutiny and Overview Committee	22 June 2021
Lead Cabinet Member:	Cllr Neil Gough	
Lead Officer:	Jeff Membro (Head of Transformation)	

2020-21 Quarter Four Performance Report

Executive Summary

1. This report presents Cabinet with the Council's Quarter Four (Q4) position regarding its operational Key Performance Indicators (KPIs) and 2020-25 Business Plan actions, for consideration, comment and onward submission to Cabinet.
2. These performance reporting arrangements allow performance monitoring and management to take place by providing opportunity to examine quality of service provision and progress against Business Plan actions and timescales, to identify any areas of concern and decide on the appropriate action.
3. This is not a key decision.

Key Decision

1. No

Recommendations

4. Scrutiny and Overview Committee is invited to:
 - a) Review the KPI results and comments at **Appendix A** and progress against Business Plan actions at **Appendix B**, recommending, where appropriate, any actions required to address issues identified for consideration by Cabinet.

Reasons for Recommendations

5. These recommendations are required to enable senior management and members to understand the organisation's performance. The information included within performance reports contributes to the evidence base for the

ongoing review of priorities and enables, where appropriate, redirection of resources to reflect emerging priorities and address areas of concern.

Details

Key Performance Indicator (KPI) report (Appendix A)

6. This report presents Operational Key Performance Indicator (OKPI) results that are aligned to high-level, business-as-usual activities that underpin the successful delivery of the Council's services.
7. The data in **Appendix A** shows actual performance against target and intervention levels and accompanying comments, as provided by performance indicator owners. The Council uses a 'traffic light' system to denote performance, whereby:
 - **Green** signifies performance targets which have been met or surpassed;
 - **Amber** denotes performance below target but above intervention level. It is the responsibility of service managers to monitor such performance closely, putting in place remedial actions to raise standards as required.
 - **Red** denotes performance below the intervention level. This represents underperformance of concern, and should prompt interventions and may involve the reallocation of resources or proposals to redesign how services are provided.

Business Plan Action Update Report

8. **Appendix B** provides updates in relation to the 2020-25 Business Plan actions and timescales.
9. Following request from a 'traffic light' system is now being applied to this element of the performance report whereby:
 - **Green** signifies delivered or expected to be delivered by target timescale;
 - **Amber** signifies delayed, but on track for revised delivery date
 - **Red** signifies not going to be delivered or delivery plan needed

Implications

2. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

There are no significant implications beyond those raised within the comments section of the Key Performance Indicator report at **Appendix A** and the Business Plan Update Report at **Appendix B**.

Consultation responses

10. All performance indicator results, and commentaries are provided by or at the instruction of performance indicator owners. Business Plan updates have been provided by Heads of Service and have been subject to discussion at Corporate Management Team.

Alignment with Council Priority Areas

11. The KPI report (**Appendix A**) allows business-as-usual performance to be monitored and managed across the Council's range of activities, whilst the Business Plan Update report (**Appendix B**) provides a view of progress towards each of the actions and timelines outlined within the within the 2020-25 Business Plan priority areas, as detailed below:

- Growing local businesses and economies
- Housing that is truly affordable for everyone to live in
- Being green to our core
- A modern and caring Council

Background Papers

South Cambridgeshire District Council Business Plan 2020-25

Appendices

Appendix A: Key Performance Indicator Report

Appendix B: Business Plan Update Report

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Key Performance Indicator and Owner, organised by Directorate and Service Area

Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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Benefits

FS112 Average number of days to process new HB/CTS claims

Dawn Graham

Month	Actual	Target	Intervention
Jan	13	15	20
Feb	14	15	20
Mar	19	15	20

New claim processing days were higher than target for March for several reasons, including system downtime during year end processes; IT downtime affecting two members of staff within the team; focus on processing of Discretionary Housing Payments (DHP) to ensure budget was used by end of March; large number of change of circumstances; staff leave over the Easter period; three members of staff seconded to support Covid-19 work - most hours covered but not all due to availability of Revenues and Benefits trained staff;

Despite the increase in March, performance across the year was 13 days, which is better than target.

FS113 Average number of days to process HB/CTS change events

Dawn Graham

Month	Actual	Target	Intervention
Jan	10	10	15
Feb	7	10	15
Mar	9	10	15

Finance

FS109 % undisputed invoices paid in 30 days

Peter Maddock

Month	Actual	Target	Intervention
Jan	99.06	98.5	96.5
Feb	97.95	98.5	96.5
Mar	98.76	98.5	96.5

Revenues

FS102 % Housing Rent collected

Katie Kelly

Line chart not included for this PI as scale means that actual is indistinguishable from target.

Month	Actual	Target	Intervention	Comments
Jan	97.06	97.3	95.35	Despite recovery action being placed on hold for a large proportion of the year, and the implementation of a new Housing system, rents performance has remained strong, albeit falling just short of target.
Feb	97.27	97.9	95.94	
Mar	97.81	98.0	96.00	

FS104 % NNDR collected (year to date)

Katie Kelly

Line chart not included for this PI as scale means that actual is indistinguishable from target.

Month	Actual	Target	Intervention	Comments
Jan	93.70	95.5	93.59	In-year NNDR collection at the end of the year fell 0.93% off target. However, 2019/20 saw an in-year collection rate of 99.4%, so this represents a reduction of 1.2% on the previous year, or around £950k. Work continues to collect any unpaid balances alongside the NNDR due for the new financial year.
Feb	96.20	98.4	96.43	
Mar	98.17	98.4	96.43	

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

FS105 % Council Tax collected (year to date)

Katie Kelly

Line chart not included for this PI as scale means that actual is indistinguishable from target.

Jan	97.20	97.8	95.84
Feb	98.50	98.6	96.63
Mar	99.05	99.1	97.10

In-year Council Tax collection at the end of the year fell 0.05% off target. However, 2019/20 saw an in-year collection rate of 99.26%, so this represents a reduction of 0.2% on the previous year, or around £250k. Work continues to collect any unpaid balances alongside the Council Tax due for the new financial year.

Report continues on the following page.

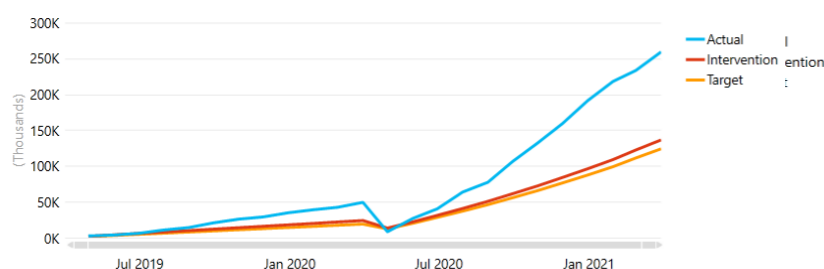
Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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Housing Advice

AH212 £s spent on Bed and Breakfast accommodation (year to date)

Sue Carter



Jan	217965	99031	108934
Feb	233316	111243	122367
Mar	259262	124066	136473

High B&B costs are indicative of the need to house rough sleepers throughout the Covid-19 pandemic. The Council has fulfilled these duties and this is the main factor in its increased B&B expenditure. Some of the additional Covid related expenditure has been offset from central government funding.

The majority of those in B&B are single people either with complex needs or who would normally be able to stay short term with friends and family, but this is not available due to Covid related restrictions.

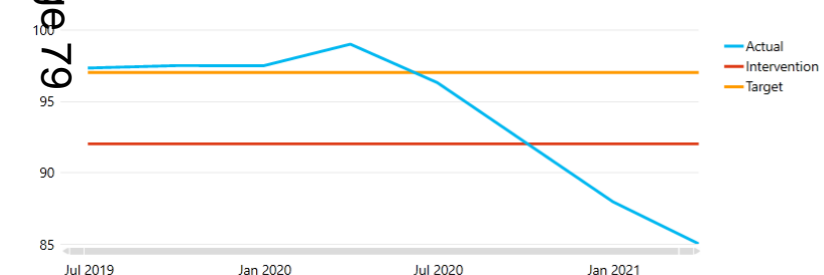
Property allocations through the housing register are now increasing as housing providers return to business as usual. The supply of accommodation for single people has continued to grow via the HMO pilot managed by Shire Homes. Without this option the number accommodated in B&B would be higher.

B&B numbers will continue to be dependent on external factors, particularly regarding future lockdown scenarios, and it is not possible to guarantee when a reduction will occur. Housing Advice and Options continue to explore options to increase the accommodation and support available to rough sleepers, including the submission of funding bids to MHCHLG where appropriate.

Housing and Property Services

AH204 % tenants satisfied with responsive repairs

Geoff Clark



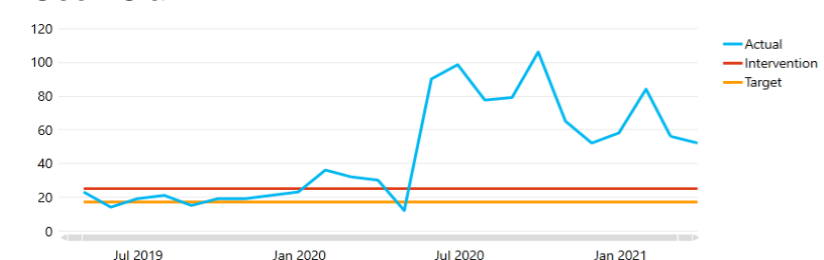
Dec	87.95	97	92
Mar	85.00	97	92

During March there were 216 satisfied responses out of 254 received (a 21% response rate). Survey questions are sent via text messages due to Covid. Previous surveys were undertaken using handheld devices on doorsteps and it is thought that the change in survey method has influenced the decrease in satisfaction rates since this took place.

However, discussions are taking place with the Council's Repairs and Maintenance and Heating Contractors, who are taking action to address and fill roles that became vacant earlier in the year. Performance is being closely monitored to ascertain whether this has led to improved results.

AH211 Average days to re-let all housing stock

Geoff Clark



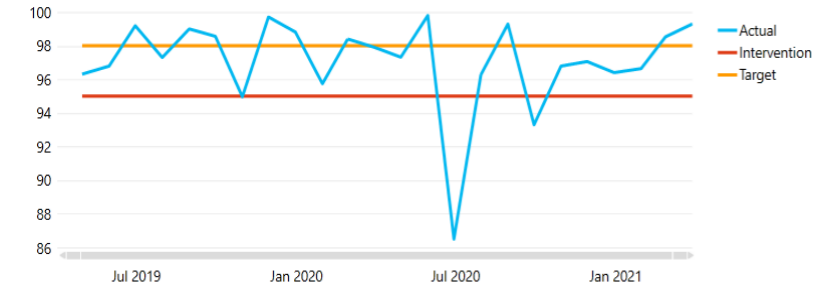
Jan	84	17	25
Feb	56	17	25
Mar	52	17	25

As detailed in relation to AH204 above, the Council's Repairs and Maintenance and Heating Contractors, are taking action to address and fill roles that became vacant earlier in the year. These vacancies have limited the reduction that has taken place in the time taken to re-let housing stock, following the increase that took place as a result of Covid and subsequent safety measures. Performance is being closely monitored and managed to ensure that this action has the desired effect in terms of reducing timescales and improving performance over coming months.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

SH332 % emergency repairs in 24 hours

Geoff Clark



Jan	96.64	98	95
Feb	98.53	98	95
Mar	99.30	98	95

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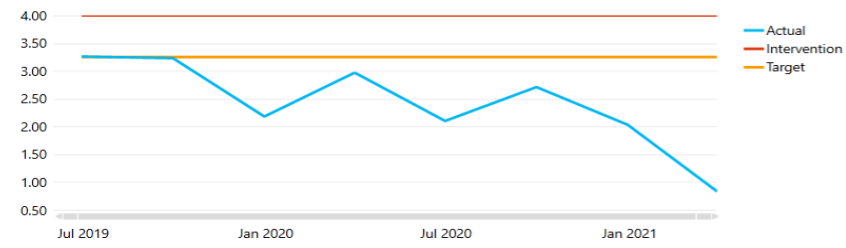
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Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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HR

FS117 Staff turnover (non-cumulative)

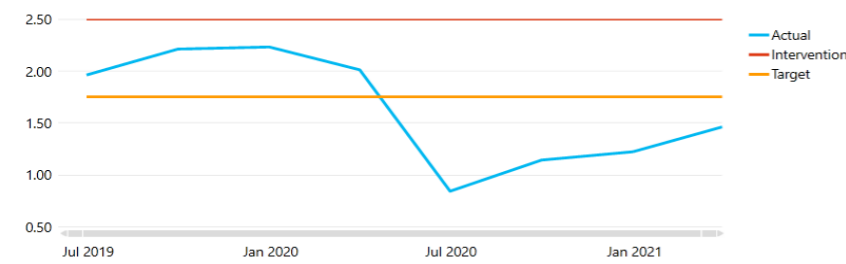
Susan Gardner Craig



Dec	2.03	3.25	4
Mar	0.83	3.25	4

FS125 Staff sickness days per FTE excluding SSWS (non-cumulative)

Susan Gardner Craig



Dec	1.22	1.75	2.5
Mar	1.46	1.75	2.5

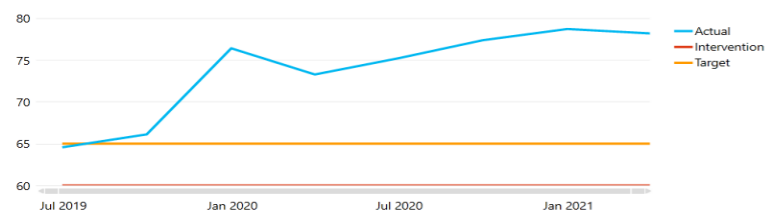
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Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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Dev. Management

PN510 % of major applications determined within 13 weeks or agreed timeline (designation period cumulative)

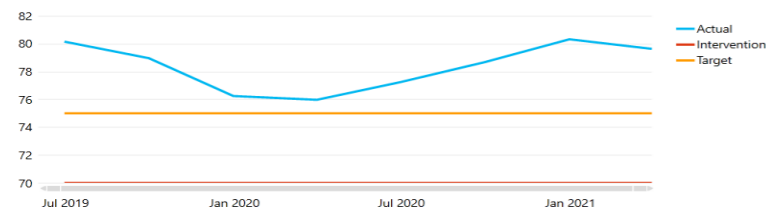
Sharon Brown



Dec	78.71	65	60
Mar	78.18	65	60

PN511 % of non-major applications determined within 8 weeks or agreed timeline (desig. period cumulative)

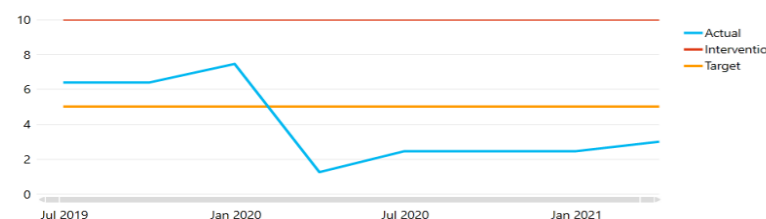
Sharon Brown



Dec	80.32	75	70
Mar	79.63	75	70

PN512 % of appeals against major planning permissions refusal allowed (designation period cumulative)

Sharon Brown

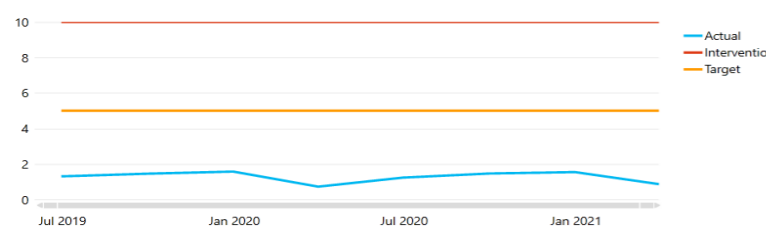


Dec	2.44	5	10
Mar	2.99	5	10

March's result marks the beginning of the Apr 2019 - Dec 2021 designation assessment period, in line with MHCLG performance monitoring arrangements.

PN513 % of appeals against non-major planning permission refusal allowed (designation period cumulative)

Sharon Brown



Dec	1.54	5	10
Mar	0.86	5	10

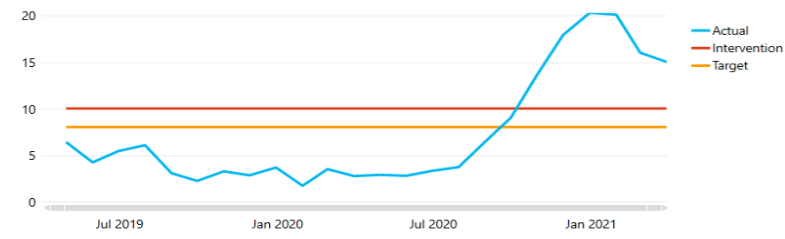
March's result marks the beginning of the Apr 2019 - Dec 2021 designation assessment period, in line with MHCLG performance monitoring arrangements.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

Land Charges

SX025 Average Land Charges search response days

Charlene Harper



Jan	20	8	10
Feb	16	8	10
Mar	15	8	10

High numbers of search requests have continued to be received, driven by the temporary change in stamp duty rules. In Dec additional resources were allocated to the team. The backlog of personal searches has since reduced and Feb and Mar results have also decreased, albeit remaining above intervention level.

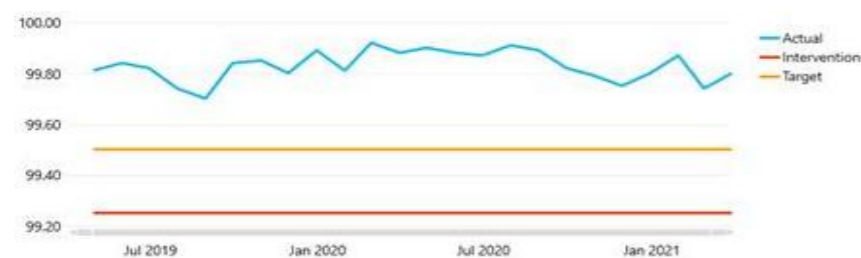
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Key Performance Indicator and Owner, organised by Directorate and Service Area **Actual** **Target** **Intervention** **Comments**

Shared Waste Service

ES408 % of bins collected on schedule (SSWS)

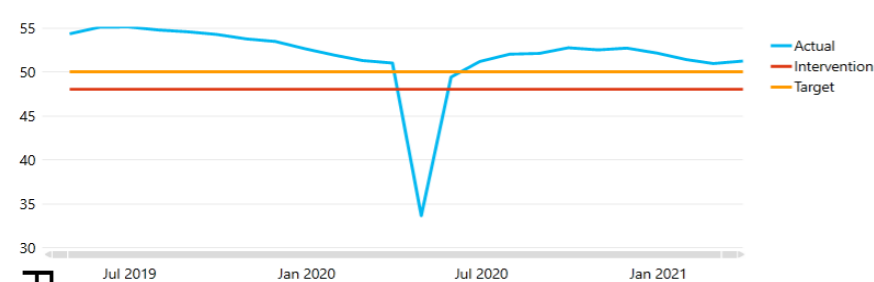
Trevor Nicoll



Jan	99.87	99.5	99.25
Feb	99.74	99.5	99.25
Mar	99.80	99.5	99.25

ES418 % of household waste sent for reuse, recycling and composting (cumulative)

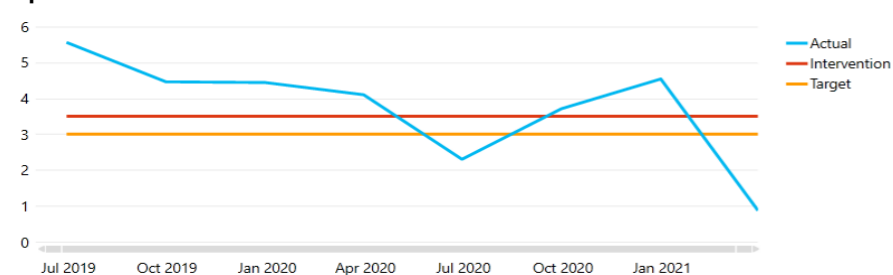
Trevor Nicoll



Jan	51.38	50	48
Feb	50.93	50	48
Mar	51.22	50	48

SP786a Staff sickness days per FTE - SSWS

Trevor Nicoll



Dec	4.54	3	3.5
Mar	0.87	3	3.5

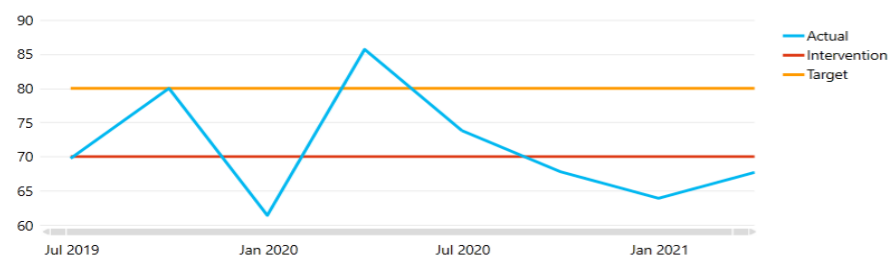
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Key Performance Indicator and Owner, organised by Directorate and Service Area **Actual** **Target** **Intervention** **Comments**

Complaints

CC305 % of formal complaints resolved within timescale (all SCDC)

Jeff Membery



Dec	63.9	80	70
Mar	67.7	80	70

44 of the 65 complaints responses sent in Q4 were within target timescale (10 working days for stage 1 and 20 working days for stage 2 complaints).

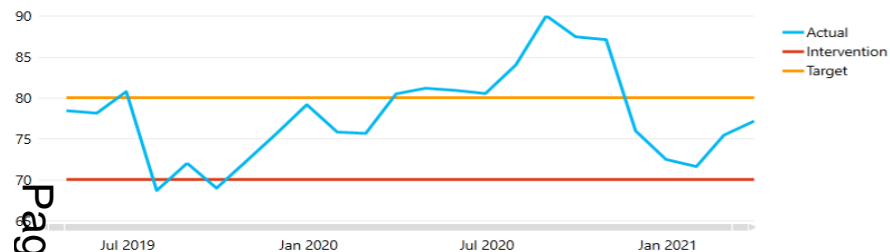
10 of 10 (100%) responses were sent within timescale in Corporate Services and Finance, 18 of 22 (81.8%) in Housing, 13 of 19 (68.4%) within Shared Waste and Environment, and 3 of 14 (21.4%) in the Greater Cambridge Planning Service.

An action plan for the improvement of complaints handling performance has been created in Q4 and is now being implemented. This has led to an immediate reduction in the backlog of Planning complaints and is expected to lead to an increase in overall performance levels from Q1 onwards.

Contact Centre

CC302 % calls to the Contact Centre resolved first time

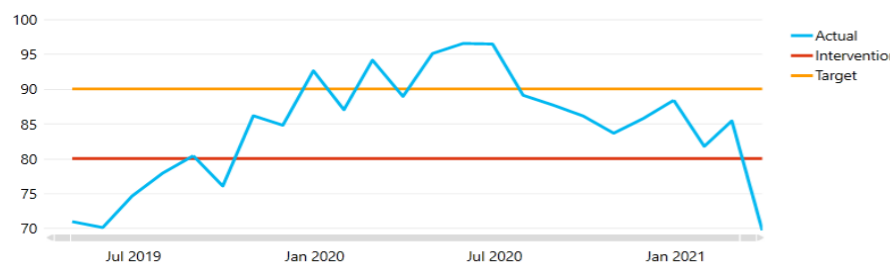
Jeff Membery



Jan	71.58	80	70
Feb	75.42	80	70
Mar	77.15	80	70

CC303 % of calls to the Contact Centre that are handled (answered)

Jeff Membery



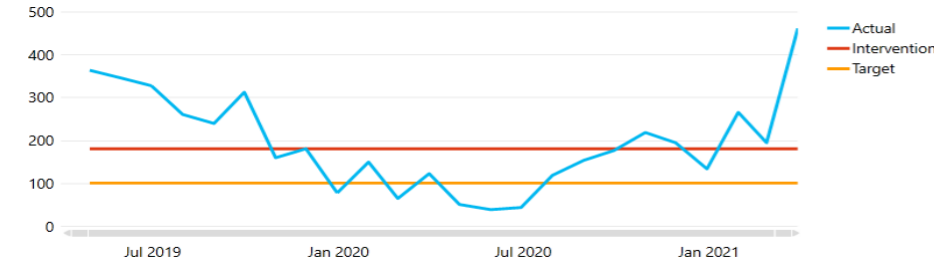
Jan	81.75	90	80
Feb	85.42	90	80
Mar	69.65	90	80

March and April are always demanding times for our contact team as well as call volumes being high – over 1000 calls a day received on a number of occasions in March and April – many of the enquiries we received have been complex, with officers needing to give detailed advice.

SCDC are committed to providing a great service to our residents and businesses, and we have now recruited 5 people to our contact centre and are looking to introduce other options for people to contact us. This will include introducing a new telephone system for our contact centre, increasing self-service options on the website and introducing webchat. We have also started to investigate how we can use artificial intelligence to provide a service where people need to contact us outside of normal office hours.

CC307 Average call answer time (seconds)

Jeff Membro



Jan	265	100	180	Please see previous comment.
Feb	194	100	180	
Mar	461	100	180	

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

Notes:

Measures include a completion date by quarter of the financial year (Quarter 1 – April to June; Quarter 2 – July to September; Quarter 3 – October to December; Quarter 4 – January to March).

*** RAG Ratings are applied on the following basis:**

Green = Delivered or expected to be delivered by target timescale; Amber = Delayed but on track for revised delivery date; Red = Not going to be delivered or delivery plan needed

Summary:

29 (60.4%) Green actions
19 (39.6%) Amber actions
0 (0%) Red actions

A) Growing local businesses and economies

4 Green actions, 4 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
A1) Create a business team with a single point of contact for business enquiries when they involve more than one team	<ul style="list-style-type: none"> Establish of a Business Team (quarter 2) 	<ul style="list-style-type: none"> The team of 4 is now fully in place and acting as a central conduit for all business-related queries. This action will evolve in the 2021-22 revision of the Business Plan Action Plan to focus on helping businesses to survive, adapt and grow as the national and local situation develops. 	

Appendix B – Business Plan Actions Update Report



<p>A2) Help start-ups and home-based businesses to find workspace</p>	<ul style="list-style-type: none"> Complete a feasibility study looking at how South Cambs Hall can be used to provide workspace for businesses, including start-ups (quarter 2) 	<ul style="list-style-type: none"> Feasibility study is underway, however there are delays due to Covid-19 related issues. Significant building works are commencing in relation to Greening South Cambs Hall project (see action C3) which will also affect the assessment. This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
<p>A2) Help start-ups and home-based businesses to find workspace</p>	<ul style="list-style-type: none"> Provide a new space for up to 5 growing small business (quarter 4) 	<ul style="list-style-type: none"> Feasibility study is underway, however there are delays due to Covid-19 related issues. Significant building works are commencing in relation to Greening South Cambs Hall project (see action C3) which will also affect the assessment. This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
<p>A3) Deliver support to start-ups and small businesses that is not available elsewhere to help them grow, create new local jobs and deal with the impacts of Brexit</p>	<ul style="list-style-type: none"> Hold 8 business support workshops (quarter 4) 	<ul style="list-style-type: none"> 7 business webinars have been held covering a range of subjects, and another 7 are planned for the upcoming months. This measure will continue to feature alongside a new measure, to develop an innovations and start-ups fund within the 2021-22 revision of the Business Plan Action Plan 	



<p>A3) Deliver support to start-ups and small businesses that is not available elsewhere to help them grow, create new local jobs and deal with the impacts of Brexit</p>	<ul style="list-style-type: none"> • Provide business support advice to 100 businesses (quarter 4) 	<ul style="list-style-type: none"> • Target exceeded, with contact and advice provided to well over 2,000 businesses throughout the Covid-19 pandemic. • Over £30million of government grants distributed to support businesses through the Pandemic. • This measure will continue to feature alongside a new measure, to develop an innovations and start-ups fund within the 2021-22 revision of the Business Plan Action Plan 	
<p>A4) Promote the area and Enterprise Zones to retain businesses and attract new ones which will protect and create local jobs</p>	<ul style="list-style-type: none"> • Complete strategy and begin actively promoting Enterprise Zones to secure new businesses locating there (quarter 3) 	<ul style="list-style-type: none"> • The new business support team will assist with marketing requirements and business engagement relating to Cambourne and Northstowe Enterprise Zones in particular. • The completion of a strategy for and promotion of Northstowe Enterprise Zone will be carried forward into the 2021-22 revision of the Business Plan Action Plan. 	
<p>A4) Promote the area and Enterprise Zones to retain businesses and attract new ones which will protect and create local jobs</p>	<ul style="list-style-type: none"> • 500 additional jobs created on Enterprise Zones by end of 2024/25 financial year 	<ul style="list-style-type: none"> • Longer term target that will continue to feature in the 2021-22 revision of the Business Plan Action Plan 	
<p>A5) Identify gaps in the land and premises available for</p>	<ul style="list-style-type: none"> • Complete employment land and premises study (quarter 2) 	<ul style="list-style-type: none"> • Report and stakeholder sessions have been completed as an input to the Housing and Employment Land Availability Assessment 	

businesses as an input to our new Local Plan		(HELAA) part of the emerging Greater Cambridge Local Plan. <ul style="list-style-type: none"> The measure relating to this action in the 2021-22 revision of the Business Plan Action Plan will focus on the development of the HELAA as part of the emerging Greater Cambridge Local Plan. 	
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B) Housing that is truly affordable for everyone to live in

8 Green actions, 4 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
B1) Increase the number of Council homes built each year to support people on lower incomes. These will include high energy standards and renewable energy.	<ul style="list-style-type: none"> Complete 50 new Council homes in 2020-21 (quarter 4) as part of doubling the number being built by 2024 	<ul style="list-style-type: none"> Target exceeded - 71 new Council homes (10 at Great Abington, 9 at Foxton, 4 at West Wickham, 5 at Teversham, 11 at Toft and 32 at Hardwick), remaining on track to double the number of homes we will build each year by 2024. Target will increase to 60 New Homes Completed within the 2021-22 revision of the Business Plan Action Plan 	

Appendix B – Business Plan Actions Update Report



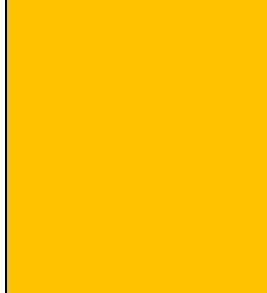
<p>B2) Work with local people to set out where and how new homes and communities will be built across the Greater Cambridge area</p>	<ul style="list-style-type: none"> • Produce a report assessing feedback provided by local people from the first Local Plan consultation. This will inform the next steps in the Local Plan process (quarter 1) 	<ul style="list-style-type: none"> • Completed. • Action retained in 2021-22 revision of the Business Plan Action Plan reflects ongoing Local Planning processes. 	
<p>B2) Work with local people to set out where and how new homes and communities will be built across the Greater Cambridge area</p>	<ul style="list-style-type: none"> • Complete and publish a North East Cambridge draft Area Action Plan for consultation (quarter 2) 	<ul style="list-style-type: none"> • Completed. • Action retained in 2021-22 revision of the Business Plan Action Plan reflects ongoing Local Planning processes. 	
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> • Establish liaison meetings in Sawston and Duxford/Hinxton (and other locations if required) in 2020/21 	<ul style="list-style-type: none"> • Completed • Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan. 	
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> • Continue to carry out liaison meetings in Cottenham 	<ul style="list-style-type: none"> • Completed • Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan. 	

Appendix B – Business Plan Actions Update Report



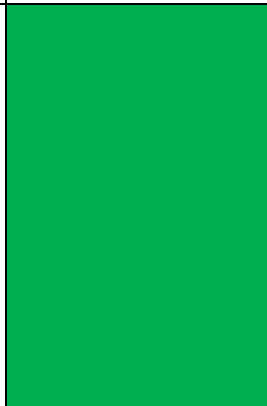
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> Continue to carryout community forums in Northstowe, Waterbeach, North-West Cambridge, and Cambridge East. 	<ul style="list-style-type: none"> Completed Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan. 	
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> Establish new community forums covering Bourn and Cambourne West, and North-East Cambridge in 2020/21 	<ul style="list-style-type: none"> Completed Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan. 	
<p>B4) Improve the energy efficiency of existing Council housing to reduce carbon impact and running costs</p>	<ul style="list-style-type: none"> Carry out an audit of energy efficiency of existing housing stock relative to zero carbon target (quarter 1) 	<ul style="list-style-type: none"> Energy audit completed specifying a number of works to be taken forward to increase energy efficiency. A pilot ‘Net-zero’ project is taking place in collaboration with partners to identify and monitor the impact of measures installed by the Council, as well as those to be installed by other landlords. This measure will be updated in the 2021-22 revision of the Business Plan Action Plan to focus on a Stock Condition Survey. 	

<p>B4) Improve the energy efficiency of existing Council housing to reduce carbon impact and running costs</p>	<ul style="list-style-type: none"> • Approve a work programme for insulation measures over the next four years to narrow the gap on the zero-carbon target (quarter 4) 	<ul style="list-style-type: none"> • An Asset Management Plan will shortly be published setting out how we will improve the efficiency of our poorest-performing properties. This will focus on insulation. • A pilot ‘Net-zero’ project is taking place and will inform further suitable energy efficiency measures to take forward over the next four years. • This measure will be updated in the 2021-22 revision of the Business Plan Action Plan to focus on approval of an insulation work programme over the next four year, and the completion of the Asset Management Plan. 	
<p>B5) Deliver a new sports pavilion, community centre and civic hub (containing health, library and community facilities) at Northstowe</p>	<ul style="list-style-type: none"> • Submit planning permission for the new sports pavilion (quarter 3) 	<ul style="list-style-type: none"> • Sports pavilion site investigation completed, pre-application submitted, and comments received. Presentation made to the Northstowe Community Forum and application to be submitted by end of 2021-22 Q1 • This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
<p>B5) Deliver a new sports pavilion, community centre and civic hub (containing health, library and community facilities) at Northstowe</p>	<ul style="list-style-type: none"> • Complete local engagement to understand what the community wants in the new community centre (quarter 4) 	<ul style="list-style-type: none"> • To appoint Client Advisor (covering community engagement and design) by end of Q2 • This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	

<p>B5) Deliver a new sports pavilion, community centre and civic hub (containing health, library and community facilities) at Northstowe</p>	<ul style="list-style-type: none"> Award design contract for a new Civic Hub (quarter 4) 	<ul style="list-style-type: none"> Delay to award of design contract for Civic Hub due to Covid-19 and requirement of County Public Health and CCG/NHS input. This measure will progress to focus on the submission of planning permission for the new Civic Hub in the 2021-22 revision of the Business Plan Action Plan 	
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C) Being green to our core

9 Green actions, 9 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
<p>C1) In response to the global climate crisis we will continue to work towards a zero-carbon future by 2050</p>	<ul style="list-style-type: none"> Complete a zero-carbon strategy for the district to inform an action plan (quarter 3) 	<ul style="list-style-type: none"> Zero Carbon Strategy was adopted by Council in May and an action plan has been developed. 2021-22 measures will focus on delivery of several actions in line with the Zero Carbon Strategy, including taking opportunities to reduce our own carbon emissions, the development of low carbon planning policies for adoption in the Local Plan, EV charging point provision and green energy investment opportunities. 	



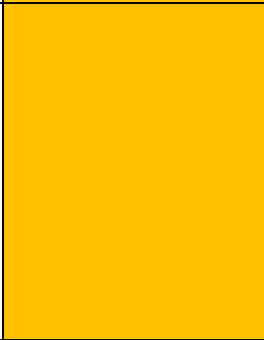
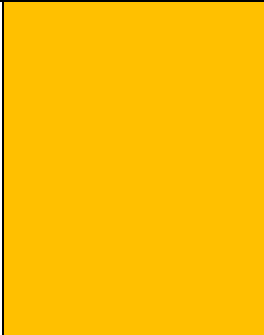


<p>C1) In response to the global climate crisis we will continue to work towards a zero-carbon future by 2050</p>	<ul style="list-style-type: none"> • Agree action plan to reduce the Council’s emissions for all our buildings and operations (quarter 1) 	<ul style="list-style-type: none"> • Completed. • 2021-22 measures will focus on the delivery of a number of actions in line with the Zero Carbon Strategy, including taking opportunities to reduce our own carbon emissions. 	
<p>C2) Work with partners to protect and enhance the environment with the aim of doubling nature</p>	<ul style="list-style-type: none"> • Hold a local Climate Summit (quarter 3) 	<ul style="list-style-type: none"> • A season of online Climate & Environment events in February and March, attracting almost 1,900 views across 6 events (as of 22/04/21). • Doubling Nature Strategy produced and approved • 2021-22 measures will focus on the delivery of several actions in line with the Doubling Nature Strategy, including taking opportunities to enhance nature on our own estate, the development of planning policies that contribute towards the doubling of nature for adoption in the Local Plan, a survey of all trees on Council-owned land and delivery of ‘6 Free Trees’ initiative. 	
<p>C3) Retrofit our Cambourne office with renewable energy generation and energy efficiency measures</p>	<ul style="list-style-type: none"> • Complete retrofit of Cambourne office (quarter 4) 	<ul style="list-style-type: none"> • Project start was delayed. A new programme has been approved and work is now underway to deliver in 2021-22. • This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan, and supplemented with a measure to 	

		undertake energy and generation audits of other Council-owned commercial properties.	
C3) Retrofit our Cambourne office with renewable energy generation and energy efficiency measures	<ul style="list-style-type: none"> Reduce mains gas and electricity demands from our Cambourne office by over 50% per year (from March 2021 onwards compared to baseline in 2019). 	<ul style="list-style-type: none"> Project start was delayed. A new programme has been approved and work is now underway to deliver electricity and gas savings. This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
C3) Retrofit our Cambourne office with renewable energy generation and energy efficiency measures	<ul style="list-style-type: none"> Reduce carbon emissions from our Cambourne office by 49% per year (from March 2021 onwards compared to baseline in 2019). 	<ul style="list-style-type: none"> Project start was delayed. A new programme has been approved and work is now underway to deliver emissions savings. This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
C4) Trial electric recycling and waste vehicles, including the investigation of on-site solar panel energy generation	<ul style="list-style-type: none"> One electric bin lorry and two small vans operating to assess feasibility (quarter 3) 	<ul style="list-style-type: none"> The service took delivery of first electric vehicle in Q3. Performance of the vehicles is being monitored. This measure will progress to the next phase of work to convert fleet to electric, including preparation work for electric refuse collection fleet. 	
C4) Trial electric recycling and waste vehicles, including the investigation of on-site solar panel energy generation	<ul style="list-style-type: none"> Prepare a business case on further investment in alternative fuel bin lorries and power generation for 2021-22 budget setting 	<ul style="list-style-type: none"> The service took delivery of first electric vehicle in Q3. Performance of the vehicles is being monitored. Plans made to procure 5 electric refuse collection vehicles to replace diesel versions 	



		<ul style="list-style-type: none"> This measure will progress to the next phase of transition to electric recycling and waste vehicles. 	
C5) Support Parish Council and community group projects to reduce reliance on fossil fuels and move toward the zero-carbon target	<ul style="list-style-type: none"> Provide £100,000 to community and voluntary groups through the Zero Carbon Communities grant and support programme. 	<ul style="list-style-type: none"> 17 awards are processed using £97,300 of the funding available. This measure will continue with a third round of grant funding, and offer support through network offering workshops, web-based resources and e-bulletins and nature recovery initiatives. 	
C6) Upgrade our stock of 1,800 streetlights to LED, which will reduce energy consumption and save Parish Councils money	<ul style="list-style-type: none"> Completion of lighting upgrade to LED (quarter 4) 	<ul style="list-style-type: none"> Planned completion for all non-ornamental lights due March 2021. This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan 	
C6) Upgrade our stock of 1,800 streetlights to LED, which will reduce energy consumption and save Parish Councils money	<ul style="list-style-type: none"> Achieve 60% reduction in energy consumption of streetlighting for Parish Councils (quarter 4) 	<ul style="list-style-type: none"> Completed. 	
C7) Agree and deliver our strategy and actions needed to protect and improve the air quality of our district	<ul style="list-style-type: none"> Strategy and action plan revised (quarter 1) 	<ul style="list-style-type: none"> Revised strategy and action plan have been delayed as a result of Covid-19 impacts on resources and time. This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan 	

<p>C7) Agree and deliver our strategy and actions needed to protect and improve the air quality of our district</p>	<ul style="list-style-type: none"> • Air quality monitor in place to gather data at one new location (quarter 1) 	<ul style="list-style-type: none"> • Completed - a new air quality monitor has been installed at Harston. • This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan 	
<p>C7) Agree and deliver our strategy and actions needed to protect and improve the air quality of our district</p>	<ul style="list-style-type: none"> • Complete a review of how and where we monitor air quality (quarter 2) 	<ul style="list-style-type: none"> • Revised strategy and action plan have been delayed as a result of Covid-19 impacts on resources and time. • This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan 	
<p>C8) Improve recycling and reduce waste at community events</p>	<ul style="list-style-type: none"> • Publish a resource toolkit for community groups and parish councils (quarter 1) 	<ul style="list-style-type: none"> • We have worked to produce the resource for community groups and parish councils, but the release date needs to be reviewed and rescheduled for post-Covid-19 to ensure greatest impact. • This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
<p>C8) Improve recycling and reduce waste at community events</p>	<ul style="list-style-type: none"> • Equipment and information kit to minimise and separate recycling at community events available (quarter 1) 	<ul style="list-style-type: none"> • We have worked to produce the resource for community groups and parish councils, but the release date needs to be reviewed and rescheduled for post-Covid-19 to ensure greatest impact. • This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	

<p>C9) Run an information campaign to help reduce the amount of food waste in the black bin</p>	<ul style="list-style-type: none"> • Cut the amount of food waste in the black bin by 200 tonnes per month (quarter 4) 	<ul style="list-style-type: none"> • A communications programme has been undertaken to help residents reduce their food waste. This has reinforced the national ‘love food hate waste’ campaign and National Food waste action week in March. • A waste analysis will be undertaken in autumn to determine if this has achieved the 200 tonnes per month reduction district wide. In the meantime, round specific tonnages are being analysis to quantify the impacts of new food waste collections at a local level. • This measure will continue within the 2021-22 Business Plan, which includes an extended weekly food waste collection trial, in line with Environmental Bill and National Waste Strategy. 	
<p>C10) Deter fly-tipping at locations where it happens frequently</p>	<ul style="list-style-type: none"> • Agree fly-tipping hotspots and action plans to address this at each one (quarter 2) 	<ul style="list-style-type: none"> • Street scene and enforcement officers have worked closely to identify locations and develop an operational plan. • A review of the service and has been implemented and a new Streets Operations Team Leader post has been filled (due to start June 2021). The service has also recruited a Streetscene Enforcement Officer who will now work together in further developing our approach to fly-tipping hot spots. • A waste prevention and reduction campaign is due to take place in 2021-22 	

D) A modern and caring Council

8 Green actions, 2 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
D1) Make sure that the Council is structured and appropriately resourced to deliver the ambitions of our communities	<ul style="list-style-type: none"> Review all service areas (quarter 4) 	<ul style="list-style-type: none"> Transformation Team in place to carry out service reviews and Revenues and Benefits and Planning service reviews are in progress. Reviews to be thorough rather than light touch. In addition to the service reviews, 21-22 measures will include the review of employment policies relating to recruitment and retention 	
D2) Review recruitment processes to attract and retain the best talent and ensure that we are an employer of choice for people with disabilities	<ul style="list-style-type: none"> Complete and analyse an annual staff satisfaction survey and review our benefits package (quarter 4) 	<ul style="list-style-type: none"> Annual staff satisfaction survey completed in Oct/Nov 2020. Results have been analysed and are being considered by Leadership Team. 21-22 measures are more broadly focused on all under-represented groups, in addition to disabled persons. 	
D2) Review recruitment processes to attract and retain the best talent and ensure that we are an employer of choice for people with disabilities	<ul style="list-style-type: none"> Successfully fill at least 70% of jobs advertised through first round of recruitment 	<ul style="list-style-type: none"> New employee benefits portal and employee assistance helpline launched in April 2020. Target of 70% recruitment has been achieved 21-22 measures will include a review of the Apprenticeship Strategy for existing staff and new staff to include under-represented groups and care leavers. 	

Appendix B – Business Plan Actions Update Report



<p>D2) Review recruitment processes to attract and retain the best talent and ensure that we are an employer of choice for people with disabilities</p>	<ul style="list-style-type: none"> • Increase the number of job applications from people disabilities from 2019-20 levels 	<ul style="list-style-type: none"> • Disability Confident Level 2 accreditation has been achieved. • Application levels to be reviewed once data is available through new HR system. • 21-22 measures will be extended to increase the number of job applications from people from under represented groups from 19-20 level. 	
<p>D3) Generate income through delivering the Council's investment strategy</p>	<ul style="list-style-type: none"> • 25% of our income is generated from investments and other commercial activities by end of 2023-24 financial year 	<ul style="list-style-type: none"> • It is expected that this target will be met earlier than target, in 2021-22. • This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan 	
<p>D4) Make it easier for customers to access and carry out transactions online</p>	<ul style="list-style-type: none"> • Double number of households registered for a OneVu account – 9% registered at December 2019 (quarter 4) 	<ul style="list-style-type: none"> • Achieved. 22,764 accounts have been registered compared with 68,510 households equating to 33% of South Cambs households with OneVu accounts. • Measures for 21-22 will make an additional 10 services available for self-service, and a portal for businesses to access online services. 	
<p>D4) Make it easier for customers to access and carry out transactions online</p>	<ul style="list-style-type: none"> • Reduce the number of calls per household by 5% - compared to 2019-20 levels (quarter 4) 	<ul style="list-style-type: none"> • Achieved. 142,173 calls were received in 2020-21 compared with 169,740 in 2019-20, equating to a 27,567 or a 16% reduction. 	
<p>D5) Council and committee meetings will be run paper-free wherever possible</p>	<ul style="list-style-type: none"> • Paper free cabinet meetings to be held (quarter 2) 	<ul style="list-style-type: none"> • Complete 	



<p>D5) Council and committee meetings will be run paper-free wherever possible</p>	<ul style="list-style-type: none"> Members to be provided with an option for paper-free Council and committee meetings (quarter 4) 	<ul style="list-style-type: none"> Electronic agenda packs in place of paper agenda packs have been trialled for Cabinet in Q3 for all Cabinet Members. This measure will focus on providing Councillors the option for paper-free meetings in the 2021-22 revision of the Business Plan Action Plan 	
<p>D6) Increase the number of villages covered by mobile warden schemes to help people to live in their homes for longer</p>	<ul style="list-style-type: none"> At least 3 new mobile warden schemes set up (quarter 3) 	<ul style="list-style-type: none"> Target exceeded, with 7 new schemes up and running, increasing coverage to a further 20 villages. Investigating options to broaden the reach of existing schemes. This action will be broadened out in the 2021-22 revision of the Business Plan Action Plan to include tackle a broader range of issues that are affecting our local communities. Measures will include a council support package to help communities identify and address issues; agreement of flood plans with our 13 of the most impacted communities; support for 150 new clients through housing departments visiting support service; additional lifeline service for 100 users and £500,000 disabled facilities grant to allow people to live independently. 	

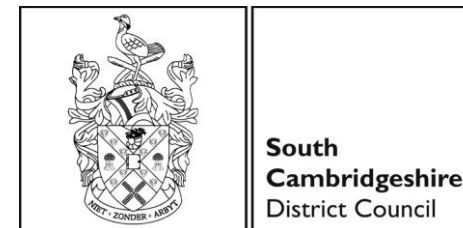
Scrutiny and Overview Committee Work Programme 2021-22

Meeting date	Potential Agenda item (subject to prioritisation by Chair and Vice Chair)	Task and Finish/Working Groups
Every meeting	Selected Key Decision items prior to Cabinet Selected Non-Key Decision items prior to Cabinet Work programme Feedback from task and finish groups	
	There are currently no specific items to show in this programme	

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NOTICE OF KEY AND NON KEY DECISIONS

To be taken under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from Start/Valid/Date



Notice is hereby given of:

- Key and Non Key decisions that will be taken by Cabinet, individual Lead Cabinet Members or Officers
- Confidential or exempt executive decisions that will be taken in a meeting from which the public will be excluded (for whole or part)

A Key Decision is a decision by the Cabinet, or an individual Cabinet Member or officer, which is likely to either incur significant* expenditure or make significant savings, or to have a significant impact on those living or working in 2 or more wards.

*A decision to:

1. Incur expenditure or savings in excess of £200,000; or
2. Acquire or dispose of land or property with a value in excess of £1,000,000 shall be treated as significant for these purposes. However, a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.

A notice / agenda, together with reports and supporting documents for each meeting will be published at least five working days before the date of the meeting. In order to enquire about the availability of documents and subject to any restriction on their disclosure, copies may be requested from Democratic Services, South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA. Agenda and documents may be accessed electronically at www.scambs.gov.uk

Formal notice is hereby given under the above Regulations that, where indicated (in column 4), part of the meetings listed in this notice may be held in private because the agenda and reports for the meeting will contain confidential or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. See overleaf for the relevant paragraphs.

*If you have any queries relating to this Notice, please contact
Patrick Adams on 01954 713408 or by e-mailing Patrick.Adams@scambs.gov.uk*

**Paragraphs of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended)
(Reason for a report to be considered in private)**

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an Order or Direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

The Decision Makers referred to in this document are as follows:

Cabinet

Councillor Bridget Smith
Councillor Neil Gough
Councillor John Batchelor
Councillor Bill Handley
Councillor Tumi Hawkins
Councillor Peter McDonald
Councillor Brian Milnes
Councillor John Williams

Leader of the Council
Deputy Leader, Strategic Planning & Transport and Transformation & Projects
Housing
Community Resilience and Health & Wellbeing
Planning Policy and Delivery
Business Recovery
Environmental Services and Licensing
Finance

Key and non-key decisions expected to be made from 1 July 2021

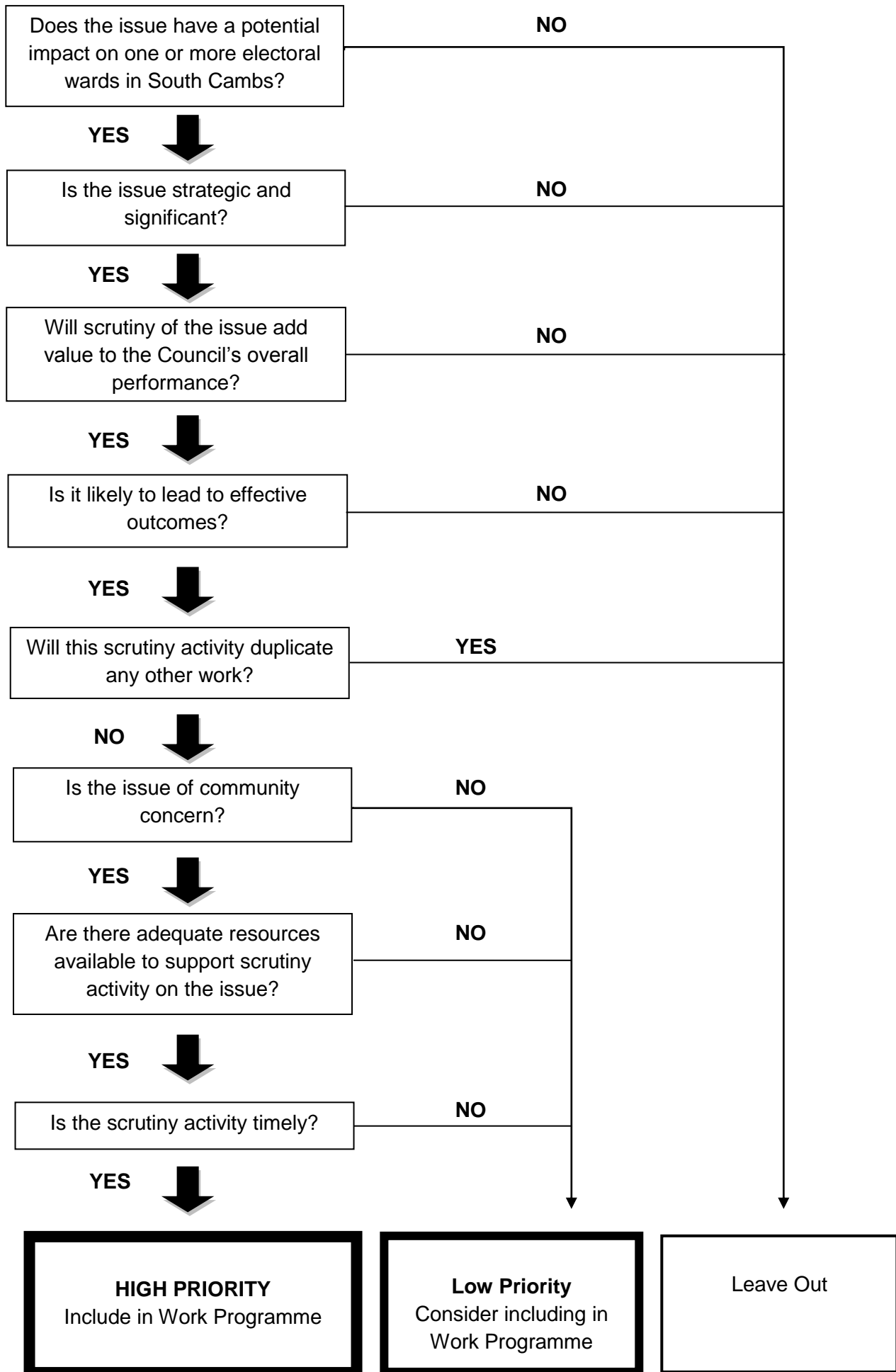
Decision to be made	Description of Decision	Decision Maker	Date of Meeting	Reason for Report to be considered in Private	Portfolio Holder and Contact Officer	Documents submitted to the decision maker
Biodiversity Supplementary Planning Document Key	We require Cabinet to approve this document so that it can be taken through the consultation process, improved through that effort, and brought back to Cabinet later in the year for adoption.	Cabinet	05 July 2021		Lead Cabinet member for Planning John Cornell, Natural Environment Team Leader	
Private Sector Housing Policy (Environmental Health:Enforcement and Licensing) Key	To approve the Private Sector Housing Policy to ensure the council deals with private sector housing issues in a fair and consistent manner and incorporate guidance from Government departments.	Cabinet	05 July 2021		Lead Cabinet member for Environmental Services and Licensing Lesley Beevers, Environmental Health Officer	Report (publication expected 18 June 2021)
Review of the	To implement	Cabinet	05 July 2021		Lead Cabinet	Report

Design Review Service Non-Key	changes to the Design Review Service (Design Enabling Panel at South Cambridgeshire District Council and the Conservation Panel at Cambridge City Council), taking account of the findings and recommendations of the independent expert commissioned to review the panels.				member for Planning Joanne Preston, Principal Urban Designer	(publication expected 18 June 2021)
Conservation Area Work Programme, including approach to Longstanton Conservation Area Key	To consider the criteria and approach for a rolling programme of Conservation Area appraisals and management plans and based on this, to consider whether the Longstanton Conservation Area should be reviewed at this	Cabinet	05 July 2021		Lead Cabinet member for Planning Jane Green, Built and Natural Environment Manager	Report (publication expected 18 June 2021)

	time.					
Making of Foxton Neighbourhood Plan Non-Key	Adoption of neighbourhood plan after successful referendum.	Council	22 July 2021		Lead Cabinet member for Planning Alison Talkington, Senior Planning Policy Officer	Report (publication date tbc)
Waterbeach Neighbourhood Plan Non-Key	Adoption of neighbourhood plan after successful referendum.	Council	22 July 2021		Lead Cabinet member for Planning Alison Talkington, Senior Planning Policy Officer	Report (publication date tbc)
Ermine Street Housing Business Plan Non-Key	To approve the Ermine Street Housing Business Plan.	Cabinet Council	22 March 2021 22 July 2021		Lead Cabinet member for Housing	Report (publication expected 12 March 2021) Report (publication expected 7 April 2021)
Little Shelford Village Design Guide Supplementary Planning	A draft little Shelford Village Design Guide SPD has been prepared by the local community. The	Cabinet	01 September 2021		Lead Cabinet member for Planning Alison Talkington,	

Document (SPD) Non-Key	Council has been asked to take it through the relevant processes to enable it to become an SPD.				Senior Planning Policy Officer, Hana Loftus, Special Projects Officer	
Naming report on new town at Waterbeach Non-Key	Cabinet will be asked to agree the name of the new town at Waterbeach after being presented with a summary report by the developers following a period of consultation.	Cabinet	30 July 2021		Lead Cabinet Member for Community Resilience and Health & Wellbeing Ryan Coetsee, Project Officer	

Scrutiny Work Programme Prioritisation Tool



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Agenda Annex

South Cambridgeshire District Council

Protocol for attendance at physical meetings held during COVID-19 continued restrictions

1. General

The Government “roadmap” to coming out of COVID-19 restrictions indicated a possible date of 21 June 2021 for easing all restrictions. A delay of a month has been announced, and current restrictions on gatherings will continue. The provisions of this protocol will therefore continue to apply until the restrictions are lifted.

Meetings of the Council, its Committees and the Cabinet will be held in person, in compliance with legislation and the Council’s Constitution.

The risks associated with COVID-19 mean the Chief Executive is obliged to require attendees at meetings to comply with safety measures.

The safety measures which have been put in place are based on risk assessment of the venue in which meetings will be held, and with regard to government guidance.

The Chief Executive has consulted with the Chair and Leader of the Council in order to ensure that access to meetings continues to be fully upheld, whilst protecting those whose presence is necessary.

Attendance by decision-makers

Members of the decision-making body must attend the meeting in person if they intend to vote on decisions. The quorum of a meeting is based on physical attendance in the place in which the meeting is held.

Attendance by others

For meetings held in the Council Chamber, all other participants can join the meeting remotely and contribute directly to the meeting. This means:

- Members of the public, agents and applicants, and parish or town council representatives who have registered to speak on planning applications can do so by joining the meeting online
- Ward Members wishing to speak on an application may do so by addressing the meeting online
- Officers may present reports to the meeting online

For anyone other than the Members who are voting in a meeting, this method of participation in a meeting is strongly recommended, rather than attending in person.

Accessing the webcast

Anyone may watch and listen to the meeting remotely by means of the live webcast. This method of observing the meeting is strongly recommended, rather than attending in person.

Safety measures which will apply to meetings

Public attendance

Participation for members of the public is strongly encouraged to be by means of online access, as set out above. However, for those who do attend in person, it is important to be aware of the following provisions which will apply.

Seating for members of the public will generally be restricted to no more than 4 places at meetings held in the Council Chamber.

A queue system will be operated so that attendees who are present for a particular application or item on the agenda will only be able to enter the Council Chamber when that item is considered. Until that point any attendees will need to wait outside the Council Chamber in a queue, which would be subject to social distancing.

No refreshments will be available at South Cambridgeshire Hall, so any attendees will need to bring their own and food must be eaten outside in their car.

Public Health Guidance

South Cambridgeshire District Council has had regard to the following guidance and is implementing appropriate measures to follow this guidance. The Chair of the meeting and officers arranging meetings have been made aware of the hazards and appropriate risk mitigation from the risk assessment carried out.

1) Reduce the number and/or the duration of interactions between people

- Only absolutely necessary participants should physically attend meetings. Consider the number of Members and officers required to be physically present to carry out essential business/be quorate
- Until full easing of the roadmap (Step 4), the meeting should facilitate remote access for the public where possible.
- The venue needs to enable all attendees to maintain social distancing (2m, or 1m with risk mitigation where 2m is not viable), if the Risk Assessment shows this is not possible – hire a larger venue. For any venue, consider:
 - Using screens or barriers to separate people from each other
 - Members to sit side-to-side rather than face-to-face whenever possible
- Keep the meeting as short as possible, consider
 - Only dealing with essential business
 - Standing orders on duration of speaking, right to reply etc.
- For communal areas make sure there is an efficient flow in/out of the venue/Council Chamber for officers and members, ensure any queueing is outside, safe and indoor interactions are limited
- For areas where regular meetings take place, using floor signage to help people maintain social distancing.

2) Controlling the source of the virus and exposure through face coverings

- Face coverings control the source of the virus and provide some protection against exposure to virus particles.
- Members and officers are also strongly encouraged to wear a face covering in enclosed public spaces where social distancing may be difficult and where you come into contact with people you do not normally meet.

3) Reducing small aerosol transmission by effective ventilation

- Ideally the room should be well ventilated. The Council Chamber has very limited ventilation. However, the benefits of the hybrid technology mean that fewer people need to be present in person, and steps have been taken to advise members to use their substitute options where possible to ensure as many members in the room have received their vaccination. This decision is up to members, and was agreed by the group leaders.
- Guidance is available from: <https://www.gov.uk/government/publications/covid-19-ventilation-of-indoor-spaces-to-stop-the-spread-of-coronavirus/ventilation-of-indoor-spaces-to-stop-the-spread-of-coronavirus-covid-19>

4) Reducing transmission from hands and surface

- Avoid transmission during meetings, for example avoiding sharing pens, documents and other objects.
- Good hand hygiene thorough hand washing and provision of hand sanitiser both in the venue and the meeting room itself for officers and Members (and public after 21st June).
- Frequent, focused cleaning of high hand-touch surfaces at venue including communal areas and items such as microphones/electronic voting system.
- Follow the HSE deep and periodic [cleaning guidance](#) for workplaces and gov.uk advice on cleaning after a confirmed case. If the Council Chamber/meeting room is currently used by an alternative service, contingency plans should be in place to ensure there is sufficient time for cleaning if there is a confirmed case identified just before the day of the meeting.
- Cleaning after somebody with symptoms/confirmed coronavirus – if the Council Chamber/Venue has had some one with symptoms/confirmed coronavirus in it in the day prior to the meeting day – the expectation is that it will be cleaned according to this guidance <https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings>.

5) High adherence to testing and self-solation

- It is recommended that staff, members and any members of the public who choose to attend in person should have two negative rapid tests in the run up to the day of the meeting through options such as [Pharmacy collect](#).
- All attendees should be reminded if they have Covid-19 symptoms or are a contact of someone with confirmed Covid-19 they should not attend the meeting and should remain home to isolate.

6) Support changes in behaviours through clear communication and training

- There are going to be many differences to usual way Council meetings are run for both officers and members and the public. Clear communication and training will be required to help support the necessary changes in behaviour.

Liz Watts, Chief Executive

14 June 2021

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