

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

30 October 2015

To: MEMBERS OF THE HOUSING AND ENVIRONMENT SERVICES
ADVISORY BOARD
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Environment Services Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 9th November, 2015 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

- | | | |
|----|--------------------------|-------|
| 1. | Apologies for absence | 5 - 6 |
| 2. | Declarations of interest | 7 - 8 |

- | | | |
|----|---|---------|
| 3. | Minutes | 9 - 14 |
| | To confirm as a correct record the Notes of the meeting of the Housing and Environment Services Advisory Board held on 20 July 2015 | |
| 4. | Presentation: Kent Resource Partnership | 15 - 16 |
| | - Presentation by Paul Vanston, Partnership Manager | |

Matters for recommendation to the Cabinet

- | | | |
|----|--|---------|
| 5. | Review of Housing, Environmental Health and Waste and Street Scene Services Fees and Charges | 17 - 26 |
| 6. | Recycling Site Collection Vehicles | 27 - 30 |
| 7. | Update on the Work of the Environmental Health Teams | 31 - 36 |
| 8. | Syrian Refugees | 37 - 42 |
| 9. | Legislative Changes in the Private Rented Sector from 1 October 2015 | 43 - 48 |

Matters submitted for Information

- | | | |
|-----|------------------------------------|---------|
| 10. | Housing Service Update | 49 - 64 |
| 11. | Kent Resource Partnership - Update | 65 - 68 |
| 12. | Urgent Items | 69 - 70 |

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

- | | | |
|-----|-------------------------------|---------|
| 13. | Exclusion of Press and Public | 71 - 72 |
|-----|-------------------------------|---------|

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

- | | | |
|-----|--------------|---------|
| 14. | Urgent Items | 73 - 74 |
|-----|--------------|---------|

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M O Davis (Chairman)
Cllr Ms J A Atkinson (Vice-Chairman)

Cllr M A C Balfour
Cllr V M C Branson
Cllr D J Cure
Cllr R W Dalton
Cllr Mrs S M Hall
Cllr S M Hammond
Cllr D Keeley

Cllr D Markham
Cllr Mrs A S Oakley
Cllr L J O'Toole
Cllr S C Perry
Cllr M R Rhodes
Cllr T B Shaw
Cllr Ms S V Spence

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND ENVIRONMENT SERVICES ADVISORY BOARD

Monday, 20th July, 2015

Present: Cllr M O Davis (Chairman), Cllr M A C Balfour, Cllr D J Cure, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr D Keeley, Cllr D Markham, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr S C Perry, Cllr T B Shaw and Cllr Ms S V Spence

Councillors P F Bolt, Mrs J A Anderson, N J Heslop, Mrs P A Bates, T Bishop, B J Luker, M Parry-Waller and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Ms J A Atkinson, V M C Branson, R W Dalton and M R Rhodes

PART 1 - PUBLIC

HE 15/8 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, Councillor N Heslop referred to a potential interest in any items that might have implications for the Bridge Trust on the grounds that he was a member of its Board.

HE 15/9 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Environment Services Advisory Board held on 1 June 2015 be approved as a correct record and signed by the Chairman.

HE 15/10 EXTRA CARE ACCOMMODATION

The Head of Strategic Commissioning at Kent County Council (Christy Holden) presented details related to its Social Care Accommodation Strategy, which identified how the provision, demand and aspiration for housing, care and support services would be met for adult social care across the County. The ambition was for people to remain living independently in their own home receiving the right care and support. However, if that option was no longer suitable the right accommodation solutions had to be in the right places across the county.

A presentation raising awareness about Extra Care Housing provided by the Development Director at Orbit Housing (Maggie McCann) and the Development Manager at Orbit Housing for Extra Care Housing (Lorraine Mansfield) detailed what extra care was and the wider, positive benefits to health and wellbeing as a result of independent living and an integrated approach to social care. It was noted that Orbit Housing

had delivered extra care housing across a number of its operating areas with the most recent in Deal.

Schemes were designed specifically for the over 55s to enable independent living in a safe and secure environment in a self-contained unit benefiting from a range of communal facilities, access to care and support 24 hours a day, 7 days a week. To strengthen close links with the local community some facilities would be open to the public including restaurant, coffee shop, hairdressers and internet availability. Shared Ownership and Help to Buy options were also available.

In response to concerns raised by Members regarding funding contributions it was explained that there would be no additional financial burdens on district and borough councils as schemes were funded by Central Government. Additionally, a fixed cost care package was offered tailored to an individual's requirements and level of support. This had the potential to create savings on the overall social care budget as the County Council were paying a combined cost of accommodation and care in one place rather than a split price for the two elements.

MATTERS FOR RECOMMENDATION TO THE CABINET

HE 15/11 'LOVE WHERE YOU LIVE' CAMPAIGN

Decision Notice D150056MEM

The report gave details of the past successes and future initiatives involved in the Love Where You Live campaign which was launched in 2011 in partnership with Keep Britain Tidy. The Cleaner Borough Campaign Action Plan for 2015/16 was also presented for consideration.

Particular reference was made to the Love Kent Hate Litter campaign which would run from 13 July to 13 September 2015. It was reported that further community initiatives and events had been confirmed in addition to those set out in Annex 1 to the report.

The Street Monitor Scheme and Guidance Booklet had been revised and provided details of online report forms, email contacts and telephone numbers for the various agencies concerned. It also gave guidance on the most common issues raised by residents. The longer term ambition was for this booklet to be available on the website with live links to online report forms.

RECOMMENDED: That the projects and progress across a wide range of Cleaner Borough Campaign and Love Where You Live initiatives be noted and endorsed.

HE 15/12 STREET SCENE ACTION PLAN

Decision Notice D150057MEM

The report provided an update on progress with a range of 'street scene' initiatives and projects currently being implemented within the Borough. The annex to the report showed progress in respect of the on-going Street Scene Action Plan.

Reference was made to the measures being taken to implement a programme of signage cleaning within the Borough, including signs on Borough Council owned land, street signs and those welcoming the public to the Borough. In addition, the Borough Council would work with colleagues in Kent County Council Highways to notify and carry out cleansing of their road signs.

Finally, in response to questions raised by Members the Leader reiterated that the Borough Council remained committed to Haysden and Leybourne Lakes Country Parks and that significant activity of both these facilities would be reported to the Communities Advisory Board when appropriate.

RECOMMENDED: That the approach outlined in the report be endorsed and the projects and progress against a wide range of street scene related initiatives be noted.

MATTERS SUBMITTED FOR INFORMATION

HE 15/13 HOUSING SERVICES UPDATE

The report of the Director of Planning, Housing and Environmental Health advised of key issues following the parliamentary elections of 7 May 2015. The Queens Speech, presented to Parliament on 27 May 2015, outlined forthcoming legislation and a number of proposals would have implications for the Housing Service and other key areas of the Borough Council's responsibilities, including Planning, Community Development and Financial Services.

Measures related to housing and welfare reform were summarised in the report with particular reference given to the removal of housing benefit entitlement for 18-21 year olds, freezing working age benefits for a further two years, further reduction to the benefit cap of £20k for families and £13,400 per annum for single person households and the pay to stay proposal for higher earning tenants. It was predicted that these changes would significantly impact on low income working families and those affected by the benefit cap in terms of affordability of housing.

In addition, it was reported that social housing rents would be reduced by 1% year on year for four years from 2016. Whilst this measure was

good news for tenants it would impact significantly on the forecasted rental incomes for social housing providers. This reduction in rental income had the potential to negatively impact on current and future affordable housing development programmes. The full implications of which would emerge over time.

Officers would provide further updates to future meetings of the Advisory Board as the policy detail emerged and the implications became clearer.

In response to concerns raised regarding disabled facilities grant and potential delays in securing funding, Members were assured that the service processes were being reviewed to improve any backlog. Further information on any Kent County Council Occupational Therapist backlog would be shared once it was available.

Members expressed concern around the Right to Build and the Right To Buy initiatives due to the potential increased demand for housing development and a shortfall in housing stock.

HE 15/14 WASTE AND STREET SCENE SERVICES UPDATE

The report of the Director of Street Scene, Leisure and Technical Services detailed arrangements for refuse, recycling, street cleansing and public convenience cleansing over the Christmas 2015/16 holiday period and these were noted by Members.

In addition, an update on a number of projects and initiatives within the service was provided. Attention was drawn to the Borough Council's successful bid for funding for the WEEE Saturday Service which enabled this to be maintained until the end of September 2016.

Alternative arrangements for the provision of a recycling bank following the closure of Homebase in Tonbridge were being explored.

MATTERS FOR CONSIDERATION IN PRIVATE

HE 15/15 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE CABINET

HE 15/16 PAPER SUPPLY CONTRACT

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Decision Notice D150078MEM

The report sought endorsement of the Borough Council's supply contract arrangements for the material collected from the kerbside paper recycling service.

RECOMMENDED: That

- (1) the approach set out in the report be noted and the paper supply arrangements with Veolia up until February 2019 be endorsed; and
- (2) the Principal Solicitor be authorised to complete a sale contract with Veolia on the terms indicated in the report.

The meeting ended at 9.20 pm

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Agenda Item 4

- Presentation on the Kent Resource Partnership (KRP) by Paul Vanston, Partnership Manager

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

**Joint Report of the Director of Street Scene, Leisure and Technical Services,
Director of Planning, Housing and Environmental Health and Director of Finance
and Transformation.**

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF HOUSING, ENVIRONMENTAL HEALTH AND WASTE & STREET SCENE SERVICES FEES AND CHARGES

Summary

This report sets out the proposed fees and charges for the provision of services in respect of Housing Licensing, food certificates, contaminated land monitoring, Private Water Supplies, pest control, stray dog redemption fees, household bulky refuse and “Missed” Refuse collections from April 2016.

1.1 Introduction

1.1.1 In bringing forward the charging proposals for 2016/17 consideration has been given to a range of factors, including the Council’s overall financial position, market position, trading patterns, the current rate of inflation, competing facilities and customer feedback.

1.1.2 The proposed charges for 2016/17 have also taken into account the set of guiding principles for the setting of fees and charges approved by Members of the Finance, Innovation and Property Advisory Board and reproduced below for the benefit of the Board:

- 1) Fees and charges should reflect the Council's key priorities and other corporate aims and priorities recognising there may be trade-offs as these are not mutually exclusive.
- 2) Fees and charges should have due regard to the Council's Medium Term Financial Strategy.
- 3) If there is to be a subsidy from the council tax payer to the service user this should be a conscious choice.
- 4) The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its key priorities and other corporate aims and priorities.

- 5) Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body).
- 6) Fees and charges should not be used to provide a subsidy from the council tax payer to commercial operators.
- 7) There should be consistency between charges for similar services.
- 8) Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.

1.2 Condemned Food Certificates

1.2.1 This is a service available to food businesses in the borough which properly controls the safe surrender and disposal of food deemed by environmental health staff as unfit for human consumption. The service continues to reflect legislative requirements for stricter controls and is based on total cost recovery. The proposed charges, as set out below, continue to reflect this approach and to reflect the Council's Budget Strategy.

1.2.2 Recent years have seen a significant decline in the number of certificates requested. The lower income rate is reflected in the revised and estimated revenue budgets.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
For each Condemned Food Certificate issued	£130 for first hour plus £130 for each additional hour plus VAT	£135 for first hour plus £135 for each additional hour plus VAT	£135

For comparable purposes, Dartford charge £160.00 + VAT minimum charge for maximum of 2 hours. Sevenoaks District Council has not been required to issue any for a number of years. Gravesham charge £100 + £25 per hour and any part of, for officer time. Our current charges are reasonable and appropriate and no changes are proposed this year.

1.3 Exported Food Certificates

1.3.1 This is a service provided by the Council for food exporters who export food outside the European Union. In this instance, authorising officers of the Borough Council certify that the food products being exported have been manufactured and held under hygienic conditions in accordance with the requirements of Regulation (EC) 852/2004 and The Food Safety & Hygiene (England) Regulations 2013. The premises are subject to regular inspection by Food and Safety Officers.

- 1.3.2 This year has seen an increase, to 20, in the number of Exported Food Certificates requested and it is anticipated this higher level of demand will be maintained. The current charge per certificate is £130 and while we would normally expect to increase that charge year on year, following concerns expressed about the cost of the Certificates by a small company in Tonbridge a review has been undertaken.
- 1.3.3 It is interesting to note the variation in the percentage of each sales invoice that the cost of our Certificates represents. In the case of one Company this represents between 0.2% and 4.7% of the value of each sale; whereas for the Tonbridge Company it has represented between 8.9% and 74% of the sale value. At the current level of charge this Company believe that it is unsustainable for them to continue exporting whilst covering the costs of these Certificates.
- 1.3.4 Within Kent authorities that have provided details of their charges Dover charge £50.00, Maidstone charge £121.80 + VAT. Sevenoaks District Council and Gravesham Borough Council have not been required to issue any for a number of years.
- 1.3.5 It is evident that throughout the Country there is a wide variation on the fees set for providing this service. Gloucester City Council make a charge of £26.79 per certificate; Liverpool £71.00 and East Riding £70.00.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
For each Exported Food Certificate issued	£130 plus VAT per certificate	£45 plus VAT per certificate.	£900

- 1.3.6 Having explored a range of options on charging we are proposing a charge of £45 per certificate which is based on cost recovery. We acknowledge that this represents a significant reduction on previous charges, but reflects our priority for supporting local business development, including their ability to competitively access export markets.

1.4 Contaminated Land

- 1.4.1 The Environmental Protection Act 1990 Part 2A requires local authorities to implement a system for the identification and remediation of land where contamination is causing a risk to human health or the wider environment because of historic or current uses.
- 1.4.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £50 per hour in responding to these requests for information

- 1.4.3 Guidance from the Information Commissioner advises that local authorities can make a reasonable charge. We have assumed that a reasonable charge includes the hourly rate of the officer responsible for providing information, on-costs and an administration charge.
- 1.4.4 The fee has been derived based upon comparison with other Kent local authorities. Sevenoaks charge £50, Maidstone BC; Thanet DC, Swale BC and Gravesham BC currently charge between £36 and £75 per hour. There is no maximum fee under the legislation.
- 1.4.5 Income for the first two quarters of this year is £1,150 with annual income estimated at £2,000. It is anticipated that the figures will remain steady (based on the current year) until there is an increase in such transactions.
- 1.4.6 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Responding to requests for information relating to contaminated land	£50.00 per hour (1 hour minimum charge)	£52.00 per hour (1 hour minimum charge)	£2,000

1.5 Private Water Supplies

- 1.5.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.5.2 In a report to this Board on 28 February, 2011 it was agreed to introduce a charge to recover the cost of officer's time. In addition, owners of private water supplies and private distribution networks will be charged for the cost of sample analysis.
- 1.5.3 We have reviewed the cost of providing this service and propose to apply a small increase to £47 per hour, plus the cost of sample analysis.
- 1.5.4 The fee has been derived based upon comparison with other Kent local authorities. Tunbridge Wells BC, Sevenoaks DC (£35), Medway, Dartford and Gravesham BC currently charge between £35 and £60 per hour. These charges are subject to a maximum limit which is set out under the Private Water Supplies (PWS) Regulations 2009.
- 1.5.5 As each private water supply is very different, the officer time for each visit/ risk assessment is difficult to quantify. The projected income for the year is based upon the officer's projected workload for the year, approximately 35 hours.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Carrying out sampling and risk assessment of private water supplies	£45.00 per hour (1 hour minimum charge) plus VAT	£47.00 per hour (1 hour minimum charge) plus VAT	£1,650

1.6 House in Multiple Occupation (HMO) and Caravan Site Licensing

- 1.6.1 The Housing Act 2004 introduced a licensing regime for HMOs of three storeys or more; occupied by five or more persons living in two or more single households. There are currently 12 properties licensed by the Council.
- 1.6.2 The aim of licensing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.
- 1.6.3 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the local authority. The licence is held on a public register maintained by the local authority.
- 1.6.4 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used, the proposed revised charges are detailed in the table below:

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
New HMO licence application fee	£390	£480	£480 for one new licence application
Renewal of a HMO licence application	£270	£360	£2,160 for six licence renewals due in this period.

- 1.6.5 The charge for a new HMO licence application fee is comparable to our neighbouring Kent authorities of Maidstone at £435, Tunbridge Wells at £400 and Sevenoaks at £593. Over the five year period the fee of £480 equates to a cost of £96 per annum and £8 per month.

1.6.6 The charge for the renewal of a HMO licence application is slightly lower than our neighbouring authorities of Maidstone at £385 and £400 for Tunbridge Wells. This lower cost is attributed to it being less administratively burdensome to check licence details and determine priority for inspection. This data is already available and it is the case of checking the layout and amenities of the property have not changed since the last application.

1.7 Caravan Site Licensing

1.7.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.

1.7.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.

1.7.3 A report was taken to Members in November 2014 where it was agreed that the application fee for the processing of a new caravan site licence was £335 and for the transfer of a caravan site licence was £110 for residential mobile (park) home sites. Since the introduction 1 new site license has been issued and three licenses transferred.

1.7.4 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges are shown in the table below:

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
New caravan site licence application fee	£335	£350	£350 for one new licence application
Transfer of a caravan site licence	£110	£125	£375 based on the transfer of three caravan site licences in the period Nov 2014 to date.

1.8 Pest Control

- 1.8.1 The Council has a statutory duty to inspect the borough for the incidence of rats and mice and to take action where an infestation is found. This function is supported by statutory powers to serve notice on owners of land to take action to destroy rats and mice and/or prevent conditions likely to provide harbourage for pests.
- 1.8.2 The pest control service was reviewed and retendered in 2012 as a joint contract with Tunbridge Wells Borough Council. The current service provides a free treatment of rats, mice, cockroaches and bedbugs to those on Council Tax support only.
- 1.8.3 In all other cases, customers may be referred to Monitor Environmental Services to carry out a charged treatment. Alternatively, customers may arrange treatment direct with their own pest control company.
- 1.8.4 Numbers of service requests from those on Council Tax support are very small, with an estimated overall cost to the Council of £3,000 per annum. Having only recently reviewed the service provision, in the interests of public health and with very small numbers of service requests, it is not considered appropriate to change this arrangement.

1.9 Stray Dog Redemption Fees

- 1.9.1 The Environmental Protection Act 1990 prescribes that a person claiming to be the owner of a dog seized as a stray by the Council shall not be entitled to the return of the dog unless all the expenses incurred by reason of its detention, and such further amount as is for the time being prescribed, are met. The Environmental Protection (Stray Dogs) Regulations 1992 set down a prescribed redemption fee of £25 and provides for local authorities to recover their other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs.
- 1.9.2 Where a dog is taken to kennels we charge the owner for the other reasonable expenses, associated with the costs of providing our Dog Warden contract and admin costs. This is presently set at £54. The total fee charged by the Council is therefore £79. We recommend that the administration fee be increased this year to £55 with no formal waiver or discount, but we will continue to exercise discretion to allow payment by instalments. The proposed total charge of £80 is still within the range of those of neighbouring councils as below (2015/16 prices for illustration):

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
£ 60 (including statutory fee, but not including kennelling fees).	£ 83 (including statutory fee, but not including kennelling fees).	£75 within office hours. £110 out of office hours (including statutory fee, but not including kennelling fees).

- 1.9.3 At present, where the Dog Warden returns a stray dog to the owner without the need for kennelling, a charge is made at the prescribed fee of £25. This rate was introduced, after agreement by this Board, in July 2009.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£1,025
Stray Dog Redemption Fee - Kennelling required	£79 (including statutory fee, but not including kennelling fees).	£80 (including statutory fee, but not including kennelling fees).	£9,120 (£114 additional income)

1.10 Household Bulky Refuse Collection Service

- 1.10.1 This service provides for the collection of up to six items of household waste which will not otherwise fit within the wheeled bin. The current charge is £48.20. The contractor charges the Council for each collection. The Council may then pass on our costs to the householder including our handling costs.
- 1.10.2 The Council's policy is to waive recharge of the costs where the person requesting the service is in receipt of Council Tax support. In order to encourage residents to look at more sustainable disposal options the free service is limited to one every three months.
- 1.10.3 We have reviewed the administration costs and feel that from April 2016, a charge of £50.00 should apply for each service request which allows for the collection of up to six items.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
Household Bulky Refuse Collection	£48.20	£50.00	£47,650 (£1715 additional income)

- 1.10.4 The proposed charge of £50.00 for six items is within the range of those of neighbouring councils who tend to charge per item (2015/16 charges for illustration):

Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
1-4 Items: £22.50 5-8 Items: £32.50	5-10 Items: £50	£30 per item.

- 1.10.5 Although Councils are not able to make a profit from the collection of a “prescribed” household waste (such as our bulky collection service), the legislation does allow us to recover the associated collection costs (together with reasonable administration costs). Having reviewed these charges over recent years, it is felt that our proposed charge for 2016/17 is in keeping with this principle, with minimal scope to increase further.
- 1.10.6 This service does not include fridge and freezer collections which are currently free of charge to all residents. A review of other authorities suggests that as we are now out of step on this particular issue, it is now considered time to review our arrangements and introduce a charge for this service. As there are a number of operational and contractual implications regarding the collection arrangements, it is the intention to review these with Veolia and report back to the next meeting of this Advisory Board in February 2016 with a detailed proposal for implementation from 1st April 2016.

1.11 “Missed” Refuse collection

- 1.11.1 On occasion the Waste Services team receive requests from customers to empty wheeled bins where the customer has not placed their bin out and “missed” the collection. In general, where it is the resident’s error the contractor is not obliged to return. On these occasions the team are often asked by the customer if they can pay for a “one off” return collection.
- 1.11.2 A collection charge of £15 to cover these circumstances was introduced in April 2015 and covers the contractor cost and includes a small administration fee.
- 1.11.3 This service charge was reviewed after six months and there have been no concerns raised by customers. Although very low numbers, this does allow our Waste Services staff to consider an alternative solution when discussing a “missed bin” or “bin not put out by the resident”.
- 1.11.4 It is proposed to increase this charge to £16.00 in April 2016 to cover inflation increase in contractor charges and a small administration fee.

Service	Current Charge	Recommended Charge	Income Full Year 2016/17
“Missed” Refuse Collection Charge	£15.00	£16.00	£576 (£36 additional income)

1.12 Legal Implications

1.12.1 The Council has lawful authority to set fees which allow recovery of its reasonable costs.

1.13 Financial and Value for Money Considerations

1.13.1 The increase in fees proposed is intended to ensure that the income derived covers the costs to the Council in providing a service.

1.14 Risk Assessment

1.14.1 A decision is required now on the proposed fee structure for these activities to ensure that the Council has timely and up-to-date arrangements in place to administer service requests when received

1.15 Equality Impact Assessment

1.15.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.16 Recommendations

1.16.1 Cabinet is **RECOMMENDED to APPROVE** the scale of charges for mandatory HMO licensing, caravan site licensing, condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse collection and "Missed" refuse collection charges with effect from 1 April 2016 as detailed in the above report.

1.16.2 Cabinet is **RECOMMENDED to APPROVE** the introduction of a new charge for fridge and freezer collections, with a report to the next meeting of this Advisory Board on the proposed charges.

Background papers:

Nil

contact: Dennis Gardner
Jane Heeley
Satnam Kaur

Steve Humphreys
Director of Planning, Housing and
Environmental Health

Robert Styles
Director of Street Scene, Leisure and
Technical Services

Sharon Shelton
Director of Finance & Transformation

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

Report of the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 RECYCLING SITE COLLECTION VEHICLES

Summary

This report provides details of our current arrangements for collecting glass and cans at recycling sites and outlines a proposed approach to extend the life of the existing collection vehicles in liaison with Tunbridge Wells Borough Council.

1.1 Background

- 1.1.1 In partnership with Tunbridge Wells Borough Council, this Council jointly owns and operates two recycling vehicles for the collection of glass and cans from around 100 recycling sites across the two authorities. The vehicles are operated under contract with Veolia, who provide the drivers and servicing schedule.
- 1.1.2 The income from the sale of materials is offset against the operating and servicing charges and the net costs are shared equally between authorities. Both Councils then claim their separate recycling credit payments for the materials recycled.
- 1.1.3 When the vehicles were purchased in January 2008 and February 2009 they were initially costed on an eight year life and provision was made for their replacement within the capital renewals budgets for 2015/16 and 2016/17 respectively.
- 1.1.4 Following the Scrutiny Review of capital renewals provision in 2014, this was subsequently deferred to 2016/17 and 2017/18 respectively.

1.2 Current Position

- 1.2.2 Following the recent removal of two very high volume recycling sites at Sainsbury's Tunbridge Wells and Sainsbury's Aylesford, the opportunity has been taken to review the recycling site servicing schedules. As a result, we have reduced our contract with Veolia from 10 days to 7 days scheduled vehicle use across the two authorities. Although there has been an overall financial impact from loss of income of the materials, there have been some benefits:

- More flexibility and capacity for catch up work (at peak times and following vehicle being off the road due to repairs and maintenance).
- Reduction in contract costs which partially offset the loss of income from the materials.
- Reduced demand on vehicles, with potential scope to lengthen their vehicle life (and subsequent replacement).

1.2.3 Our current arrangement with Veolia to operate these vehicles is included as part of our Refuse and recycling Collection services contract which is due to expire in February 2019. There is a lot of preparatory work being undertaken in advance of this date to look at a range of options for any new service arrangements.

1.2.4 However, it is likely that any ongoing or longer term plans for this element of service could be reviewed nearer the time and accommodated within any new service specification, if still relevant.

1.3 Vehicle Replacement – Proposed Approach

1.3.1 Having noted our current position, it would be extremely advantageous to be able to utilise our current vehicles until the end of the existing contract. This would enable us to take account of **all** service options within any new arrangements.

1.3.2 The current cost of replacement vehicles to this Council, which is included within our capital renewals provision is £68,000 in 2016/17 and £68,000 in 2017/18. It is also worth noting that these vehicles have also been given a nominal residual value of approximately £5050 each at the end of their life and this figure is included within the above figures.

1.3.3 Although difficult to calculate, there is likely to be additional routine servicing and maintenance costs associated with “older” vehicles. However, unless there was a significant issue with one or both of the vehicles in this period, it is estimated that additional revenue costs to this council would be around £10,000 per annum (as any additional costs are shared with our partners, Tunbridge Wells Borough Council).

1.3.4 There is an element of risk involved in this approach, as any extension to the working lives of these vehicles could incur additional unforeseen repair and maintenance costs. To mitigate against this risk, we have already made arrangements to carry out a “health check” on the current status of the vehicles. However, this assessment has no guarantees of future reliability or subsequent repair costs. Should there be a significant failure on one or both vehicles, and depending on the period remaining at that point, we may want to review our options along the following lines:

- Evaluate particular issue and establish repair cost and longer term assessment and implications

- Temporary replacement vehicle(s), by vehicle hire or second hand purchase.
- Temporary arrangements to service our recycling sites.

1.3.5 We have spoken to Officers at Tunbridge Wells Borough Council, who are supportive of this approach. Due to the alignment of their own refuse and recycling contract expiry, they have asked if we can plan arrangements until mid to late 2019.

1.4 Legal Implications

1.4.1 The Council currently has contractual arrangements with Veolia to operate this service and has a partnership agreement with Tunbridge Wells Borough Council to provide this service across the two authorities.

1.5 Financial and Value for Money Considerations

1.5.1 The proposal has been brought forward in recognition of the Council's overall financial position. By not spending the capital renewals provision as planned will, using a rate of return of 2%, generate investment income of circa £2,700 to meet in part the additional repairs and maintenance expenditure estimated at £10,000. What happens at the end of this period will depend on the outcome of the forthcoming tendering exercise and decisions taken at that time.

1.6 Risk Assessment

1.6.1 The broad principles of risk assessment are applied to all areas outlined in the report and assist in determining our service provision and priorities.

1.6.2 The specific risks associated with extending the life of the vehicle relate to cost and potential service failure and are detailed in section 1.3.4 of this report.

1.7 Equality Impact Assessment

1.8 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Policy Considerations

1.9.1 Asset Management

1.9.2 Procurement

1.10 Recommendations

It is RECOMMENDED to CABINET that the life of the Council's two recycling vehicles be extended to the end of the existing Waste Services contract in February 2019.

The Director of Street Scene, Leisure and Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Dennis Gardner

Nil

Robert Styles

Director of Street Scene, Leisure and Technical Services

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 UPDATE ON THE WORK OF THE ENVIRONMENTAL HEALTH TEAMS

Summary

This report provides an update on the recent work of the Environmental Health Teams, including the recommendation to introduce a Kent and Medway Memorandum of Understanding (MOU) for Health and Safety and national developments in air quality.

1.1 Background

1.1.1 The Environmental Health Service includes both the Environmental Protection Team and the Food and Safety Team. The aim of the Service is to protect and improve the health of residents within the scope of the statutory powers it is given.

1.1.2 The Food and Safety Team are responsible for inspecting the Borough's food premises, certain workplaces with regard to health and safety requirements and investigating accidents at work. The Environmental Protection Team deals with a wide range of reactive and proactive issues relating to all aspects of pollution including air quality, contaminated land and neighbourhood noise. Both Teams respond to requests for service relevant to their respective areas of work.

1.2 Better Business for All (BBfA)

1.2.1 BBfA is a national initiative which aims to bring regulatory and business communities together to improve the way that regulation is delivered. The benefits of the initiative are that regulators across all sectors support businesses with achieving compliance, whilst focussing enforcement efforts on "rogue traders" and through this approach develop a more positive perception of regulatory services.

1.2.2 The Kent and Medway BBfA Partnership has recently gained considerable momentum through the recent delivery of training on BBfA to nearly 300 regulators across the County, obtaining a commitment from the Kent and Medway Business Advisory Board to support the work of the BBfA Steering Group and developing close working links with Kent Invicta Chamber of Commerce, the Federation of Small Businesses and Produced in Kent.

- 1.2.3 The ongoing focus of the Steering Group will be to develop a strategic approach to business engagement across Kent and Medway, a significant part of this will be the launch of the BBfA website developed in Kent www.bbfa.biz and a commitment from Kent Invicta Chamber of Commerce that BBfA will be included in the Growth Hub.

1.3 Estates Excellence

- 1.3.1 Estates Excellence is an initiative that the Health and Safety Executive have successfully used to bring together business owners, commercial landlords and health and safety regulators, such as local authorities and Fire and Rescue Services, to improve health and safety in the workplace. This is a non-enforcement led project designed to support and help business growth and very much supports the principles of BBfA.
- 1.3.2 Tonbridge and Malling B.C have been selected to deliver this project in the borough during the first quarter of 2016/17. It is anticipated that business estates in Tonbridge and Larkfield areas will be targeted. This will involve working with partners from both local businesses and regulators to provide support, education and free training to help SMEs focus on the most hazardous aspects of their work activities.
- 1.3.3 It is hoped that our project will target approximately 300 businesses and will include working with partners in the Healthy Living Team and our Economic Development Officer to deliver a wider range of work place support initiatives alongside traditional health and safety advice and support.

1.4 Kent and Medway Health and Safety Memorandum of Understanding (MOU)- Flexible Warranting Scheme

- 1.4.1 The National Local Authority Enforcement Code for Health and Safety at Work expects local authority resource to be used consistently and to best effect. To facilitate this across health and safety interventions, local authorities in Kent and Medway are considering the introduction of a joint Memorandum of Understanding to enable joint working on a flexible warranting scheme for health and safety enforcement.
- 1.4.2 The aim of the Flexible Warranting Scheme is to enable local authorities to appoint and indemnify suitably qualified Inspectors from other local authorities to undertake work in other local authority's areas, for example following a major incident or investigation, to undertake a specific piece of work on their behalf or to participate in a county wide or local project.
- 1.4.3 Each local authority will be responsible for nominating inspectors that meet qualification and competency requirements.
- 1.4.4 As a general principle it is not anticipated that inter-authority charging will be applied when work is undertaken within the scope of the MOU by an officer from a

different local authority. However, the scheme does allow for parties to agree charges where the work required is considered to be more than the local authority can reasonably be expected to provide without a charge.

1.5 Food Hygiene Training

- 1.5.1 The provision of food hygiene training is a potential source of revenue for the Council. In the last six months the Food and Safety Team have delivered a Chartered Institute of Environmental Health (CIEH) Level 2 Award, Food Safety in Catering hygiene course for 16 delegates, with a further course to follow next month.
- 1.5.2 Seven delegates also attended a CIEH Level 3 Award in Supervising Food Safety in Catering. This course held over three days is designed for supervisors and managers in catering businesses. It is particularly relevant for those who have to develop or monitor food safety management procedures and systems.
- 1.5.3 The team will be considering whether it is feasible to run additional courses during the year, which may include sessions that focus on specific styles of catering and the associated risks.

1.6 Air Quality

- 1.6.1 Once again, UK air quality has been in the national headlines over recent weeks following the VW fuel economy scandal, the ClientEarth Supreme Court ruling and renewed attention around the health impacts of poor air quality.
- 1.6.2 In April, the Supreme Court reached a unanimous ruling, in a case brought by ClientEarth, that the government should take immediate action to cut air pollution. As a result of this ruling, the Department for the Environment, Food and Rural Affairs (Defra) were required to quash the current national air quality plan and mandated to produce new plans aimed at meeting the EU air quality objectives for nitrogen dioxide, by 31 December 2015.
- 1.6.3 As a result of the ruling, Defra have published a consultation document entitled 'Tackling nitrogen dioxide in our towns and cities'. The closing date for comments is 6 November 2015. Officers will be responding to the consultation and a verbal update will be provided to this Advisory Board.
- 1.6.4 Defra have then indicated that they will publish a summary of the consultation responses within 12 weeks and remain fully committed to submitting revised air quality plans to the European Commission by the December deadline.
- 1.6.5 Locally the EP Team are following up a number of enquiries with schools and Parish Councils, following their presentation to the Joint Parish Councils Traffic Consultative Group.

1.7 LAQM Review

- 1.7.1 In tandem with the national Air Quality Action Plan consultation described above, Members may recall that that Defra are undertaking a review of the Local Air Quality Management (LAQM) Regime. Officers have previously reported their comments to Round 1 of the Consultation in August 2013 and to Round 2 in January 2015.
- 1.7.2 Defra have indicated that the 3rd Round consultation is to be published imminently and Members will be updates on the contents of this consultation, at subsequent meetings.

1.8 Retrofitting Project

- 1.8.1 In a report presented to the Local Environmental Management Advisory Board in March 2013, officers detailed the award of an Air Quality grant from Defra to retrofit up to 10 Arriva buses, which travel along the A20 corridor (Route 72), with emissions-reducing equipment. There are two elements to the project – the purchase and retrofitting of the emissions-reducing equipment to the buses and the appointment of a contractor to undertake air quality monitoring at strategic locations, along the route, before and during the project and to provide reports detailing their findings.
- 1.8.2 The project is a joint venture with Maidstone Borough Council (MBC), Kent County Council (KCC) and Arriva Buses who all signed up to a Partnership Agreement. It also supports the objectives of the Statutory Bus Partnership.
- 1.8.3 Over the last 18 months progress with the project has been frustrated by numerous personnel changes in all three partners. While there now seems to be some stability in membership of the project group, the viability of the project needs to be confirmed at the next meeting of the group.
- 1.8.4 If it is feasible to continue, it is anticipated that the tender for the monitoring element of the project will be completed before the end of the year.

1.9 Odours in Tonbridge

- 1.9.1 Members will be aware that Drytec appealed against the Abatement Notices which were served on them in June and December 2014. The appeal hearing was scheduled for 5 days in September 2015. Prior to the hearing officers entered into 'without prejudice' discussions with Drytec and their legal representatives to explore if a mutually acceptable out of court agreement could be achieved.
- 1.9.2 The outcome of these discussions resulted in Drytec withdrawing their appeal against the Notices and agreeing to meet the Council's incurred legal and expert costs (which amounted to £38,848.00). The terms of the agreement were agreed by the Court and include an obligation on Drytec to develop an action plan to further reduce odour emissions. Officers feel this result vindicates the approach

taken by the Council to address the odour emissions from these premises and their impact upon the local residents.

- 1.9.3 In practice, the withdrawal of the appeals means that all the Abatement Notices remain fully in force and, in the event there is a breach of the Notices in the future, the Council has the option to bring criminal proceedings in the Magistrates Court.
- 1.9.4 Members are probably aware that there was a fire at Drytec on 16 September. Thankfully, there were no casualties, with only one person being taken to hospital (suffering smoke inhalation) as a precaution. Officers understand that the suppression system within the plant did its job to ensure that the fire was contained to the food flavourings production area. In essence, there was no major damage to the structure of the building or to the plant itself, although work to repair the damage has been ongoing and officers are awaiting confirmation that the plant is back to full production in the week commencing 26 October 2015.
- 1.9.5 In respect of complaints, there are notable periods when no complaints are received. However, during short isolated periods (2/3 days) it does appear that the impact of the odours being detected is less intense and less frequent, than previously recorded.
- 1.9.6 Officers believe there is still room for improvement from Drytec's operation to endeavour to ensure that the impact from odours (arising from their premises), on local residents, is reduced to a minimum. To that end, a meeting is to be held with Drytec to map out a way forward and remind Drytec of their obligation to prepare an action plan once the plant at the premises is fully operational. Our aim, as always, is to endeavour to ensure that the impact of the odours from Drytec on local residents is reduced to a minimum.

1.10 Legal Implications

- 1.10.1 The Council has a range of statutory duties in relation to the work of both Environmental Health Teams. Failure to meet those obligations may result in formal complaints, potential criticism from Defra and the Food Standards Agency and possible legal challenge.

1.11 Financial and Value for Money Considerations

- 1.11.1 All activity is resourced within the planned Service budgets.

1.12 Risk Assessment

- 1.12.1 Failure to properly manage and deliver the food safety functions could result in censure by the Food Standards Agency and breach of Section 18 of the Health and Safety at Work etc. Act 1974

1.13 Equality Impact Assessment

1.13.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.14 Recommendations

CABINET is RECOMMENDED to:

1.14.1 **AGREE** to the Council signing the Kent and Medway Health and Safety MOU.

1.14.2 **SUPPORT** the continuation of the Retro-fitting project, should the project group deem it feasible to continue.

The Director of Planning Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Jacqui Rands
Melanie Henbest
Jane Heeley

Steve Humphrey
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 SYRIAN REFUGEES

Summary

- 1.1 This report updates Members of the Board on the efforts underway to accommodate refugees fleeing Syria. Members will be aware of the initiatives announced nationally and this report deals with how the Borough Council, working with partners, can play its part to assist in the overall effort.**
- 1.1.1** Since January 2014, the government has operated The Syrian Vulnerable Persons Relocation Scheme (SVPRS). It is a managed migration scheme, run by the United Nations High Commissioner for Refugees (UNHCR). Since March 2014, it has resettled 216 people directly from refugee camps. In addition (and not part of the scheme) almost 5,000 Syrians have been granted asylum, or other forms of leave under the normal asylum procedures, whereby they claim once in the UK.
- 1.1.2** On 7 September 2015, the Prime Minister announced a significant extension of the SVPRS scheme. The Government intends to resettle up to 20,000 refugees from the camps in the countries neighbouring Syria over the next five years. Over 12.2 million Syrians need help, with many having been displaced by civil war since 2011; 7.6 million are internally displaced and 4.1 million Syrians have fled abroad.
- 1.1.3** Local authorities UK-wide are being asked, on a voluntary basis, to estimate the numbers of individuals they might be able to accommodate. In the South East these numbers are being collated by the South East Strategic Partnership for Migration (SESPM) to help the Home Office scope an arrivals plan. It is important to point out that the Government has stated that local authorities, wishing to participate in the scheme, can specify the profile of individuals and families they are willing to accept (for example ages and needs of children).
- 1.1.4** To date, the UNHCR has identified people in need of resettlement based on the following criteria: women and girls at risk; survivors of violence and/or torture; refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; children and adolescents at risk; persons at risk due to sexual

orientation or gender identity and refugees with family links in resettlement countries. However, the Home Office has confirmed that it is now working towards a split of 80 per cent “standard” cases and 20 per cent with more “complex” needs. It should be noted that a number of the refugees are highly skilled professional people, many of whom are keen to work.

1.2 Costs covered by the SVPRS

1.2.1 The Government has said that it will meet the costs of the arrivals in terms of orientation support, health and education costs for the first year, based on the existing scheme. Earlier this month the Home Office confirmed that further funding will be available to assist with costs incurred in future years. The detail is still emerging and it is unclear if future funding will be at the same rate as year one. Government funding is intended to cover a range of measures. The list below provides an indication of the kind of funding that is provided for the scheme:

- Reception and ground travel costs to the receiving area.
- The actual costs of up to two months’ expenses when securing accommodation plus the actual cost of adapting and furnishing properties where necessary.
- One-off cash and clothing allowance for new arrivals of £200 per person paid in advance of receipt of mainstream benefits.
- Staffing costs to cover administration of the Scheme.
- Primary care costs, plus first year secondary health care costs, including any specialist services that are necessary.
- Education costs for 3-18 year olds, plus any first year costs for specialist educational support which may be required.
- Where necessary, first year adult and child social care costs as incurred.
- Actual costs of providing one year’s orientation support including provision of English for Speakers of Other Languages (ESOL).

1.3 The County wide position

1.3.1 The Syrian Vulnerable Persons Relocation Scheme was discussed at the Kent Council Leaders meeting on 23 September. Roy Millard, the Partnership Manager for the South East Strategic Partnership for Migration, briefed Leaders and Chief Executives about the scheme. Leaders were supportive in principle, wanting Kent to play its part, but agreed that it was vital for there to be a coordinated approach to ensure that the needs of any Syrian Refugees placed in Kent would be properly met.

1.3.2 On behalf of Tonbridge and Malling, in our role as a Housing Authority, but also as part of the public sector effort, the Borough Council's Leader has given a commitment to play our part in the overall effort to meet the needs of refugees.

1.3.3 A coordination group has since been established, including representatives from Districts Councils, Education, Health, Clinical Commissioning Groups, the voluntary sector and the Department of Works and Pensions. The group is developing a multi-agency process for agreeing the profile of refugees to be rehoused and how they will be supported.

1.4 Kent County Council

1.4.1 KCC has approved support to those District Councils that wish to participate in the scheme with the following caveats:

- There should be a full analysis in each individual case of services provided by the districts, the county council and other key partners (e.g. housing availability, school places, social care, health etc.) in local areas, to ensure placements are sustainable, refugee needs are met and the needs of the existing community are taken into account.
- Due to the extreme pressures on Kent children's services which are severely exacerbated by the unprecedented numbers of UASC, Kent cannot accommodate unaccompanied minors through the Syrian refugee scheme as KCC would be unable to meet their needs, given current circumstances.
- With regard to other children with particularly high/complex needs, each case presented will be individually assessed before a decision is made.

1.5 Districts Councils

1.5.1 The position with District Councils in Kent is that Ashford has firmly committed to accommodating 250 people over a 5 year period; Dover, 12 families and Shepway 10 families. All other authorities are in a similar position of working through the detail of the scheme. Whilst the Home Office has confirmed it is not being prescriptive about how housing needs should be met, a common stance amongst districts in Kent, is that refugees are unlikely to be accommodated in 'public' sector housing to avoid displacing local households in need. Most see private rented accommodation as being the way forward.

1.5.2 One of the main challenges facing local authorities across the South East is the cost of housing accommodation. The rent levels on the majority of private rented sector accommodation are higher than the maximum levels of housing benefit that can be claimed. The Home Office is fully aware of this and is trying to develop a flexible funding model to help address this issue. It is of the view that the funding available for the scheme should be used flexibly. So, for example, if less money is needed for healthcare, some of this can be transferred to help top up housing

costs. Negotiations are continuing with the Home Office for the scheme to cover rental costs over and above Local Housing Allowance rates.

- 1.5.3** For us locally, the key area of uncertainty is our ability to facilitate accommodation in the private rented sector. Most other councils will be in a similar position and if the Council were to wish to take a positive stance then we would work hard with local landlords to negotiate and secure appropriate availability. Clearly this is an area that introduces some new and uncertain territory for many landlords and our efforts will be to form some workable partnerships to deliver the accommodation that might be required.
- 1.5.4** Officers have also met with the representatives from the Church to discuss the availability of any property the Church might have in which we can rehouse refugees. Senior Officers are meeting with the clergy shortly and will take the opportunity to further discuss this issue.

1.6 How the Scheme Works in Practice

- 1.6.1** Once cases have been referred from the UNHCR, the Home Office checks that the individual meets the eligibility criteria, carries out medical and security screening and arranges the necessary visas. Six to eight weeks before the arrival date, information is sent via a secure portal with basic information about the refugee's family make up and their needs (including information about any medical conditions or disabilities). Further detail on any medical needs will follow shortly after a full medical health assessment report.
- 1.6.2** For Kent it has been agreed that the referrals will come directly to KCC (mainly as this reduces the administrative burden on the Home Office potentially having to contact 12 districts and boroughs individually). A 'virtual' panel will then be convened consisting of districts that have committed to the scheme, Education, Social Care, voluntary and support services, Health - CCGs and NHS England and the Department of Works and Pensions (DWP). The purpose of the panel will be to decide where best to relocate individuals and families in Kent. At this stage, if it is decided that the particular needs of the refugees referred cannot be reasonably met across Kent, we can go back to the Home Office and "refuse" the referral(s). If accepted, the host local authority will need to arrange housing, school places and any additional support that is required.
- 1.6.3** Mass arrivals are not envisaged but a steady stream of arrivals is expected through charter flights. Refugees will be granted a five year 'humanitarian leave' to stay in the UK. This means access to public funds, access to the labour market and the possibility of a family reunion. Currently the lead-in period, from referral to resettlement, is approximately 4 months but the Home Office is looking to reduce this to 42 days.
- 1.6.4** Intensive support will initially be required. Upon arrival, support workers will carry out a full needs assessment with each household. Individual support and

integration plans will be developed and additional support identified where necessary.

- 1.6.5** The crisis has generated some heartfelt concern from various quarters in Tonbridge and Malling and we are liaising with local community and voluntary organisations to record and respond to the goodwill offers that are being made, to make sure they are directed in the most effective way.
- 1.6.6** Taking all the issues into account and given our broad commitment to the effort it is recommended that the Council moves forward with a firm commitment on numbers as local authorities have been encouraged to do. It is difficult to know where to estimate the number of households that we reasonably provide for; but a notional figure of 10 households over the five year period would seem an appropriate aim, which of course could be revised.

1.7 Legal Implications

- 1.7.1** The Council has a discretionary power to participate in the scheme, arising from the general power of competence in s.1 of the Localism Act 2011 and the ability under s.111 of the Local Government Act 1972 to do anything incidental or conducive to the Council's functions (in this case, as a housing authority).
- 1.7.2** In considering whether or not to participate, the Board must keep in mind the Public Sector Equality Duty as set out in the Equalities Act 2010 which requires the authority to have "due regard" to the need to promote equality of opportunity for persons with a protected characteristic, and the need to eliminate discrimination. Protected characteristics for these purposes include race and religion or belief.

1.8 Financial and Value for Money Considerations

- 1.8.1** Details on the level of future funding for the scheme and the level of finance to be made available for housing costs, which has initially been set at LHA rates, is still emerging. This may mean that some additional 'gap' funding may be required to be found.
- 1.8.2** Depending on how details emerge I will be liaising closely with the Director of Finance and Transformation on what level of financial assistance might be reasonably found. I do not envisage this as a significant sum and the need may not arise in any event, but it would be inappropriate not to draw this to Members attention at this stage. Needless to say any necessary authority will be obtained when we are clearer.

1.9 Risk Assessment

- 1.9.1** The overwhelming risk in this matter is that insufficient appropriate accommodation is found for refugees in need of help. Locally for Tonbridge and Malling there remains uncertainty in exactly how we will help and whether there

might ultimately be any cost implications. That is in the nature of dealing with a subject that in itself is full of uncertainties. We will manage our input carefully with controls managed through the Corporate Management Team.

1.10 Equality Impact Assessment

1.10.1 The decision recommended through this paper has a positive impact on the need to promote equality of opportunity for persons with a protected characteristic.

1.11 Recommendations

1.11.1 The Board are recommended to ask Cabinet to:

- **AGREE** to the Council formally participating in The Syrian Vulnerable Persons Relocation Scheme; and
- **AGREE** to resettling 10 Syrian refugee households over the next 5 years.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Satnam Kaur

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LEGISLATIVE CHANGES IN THE PRIVATE RENTED SECTOR FROM 1ST OCTOBER 2015

Summary

This report updates Members on the changes introduced by the Deregulation Act 2015 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 in the Private Rented Sector. It also seeks delegated authority for the Director of Planning, Housing and Environmental Health to implement the requirements of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

1.1 Background

- 1.1.1 On the 1 October 2015 a number of provisions under the Deregulation Act 2015 came into force that impact on the private rented sector. The Act introduced provisions designed to protect tenants on assured shorthold tenancies against unfair eviction, namely retaliatory eviction. Retaliatory eviction is where a tenant makes a legitimate complaint to their landlord about the condition of the property and, in response, instead of making the repair, their landlord serves them with an eviction notice.
- 1.1.2 The Deregulation Act 2015 also places additional requirements on landlords to provide certain documents at the start of new tenancies from 1 October 2015. If landlords are seeking to gain possession of their property by the service of a section 21 eviction notice there is also now a set form they must use for those tenancies.
- 1.1.3 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 requires private sector landlords from 1 October 2015 to ensure that at least one smoke alarm is installed on every storey of their rented property, and a carbon monoxide alarm is installed in any room which contains a solid fuel burning appliance, for example a coal or wood burning fire. It also requires landlords to ensure the alarms are in proper working order at the start of each new tenancy. Tenants are then expected to take responsibility for testing the alarms regularly after that.

1.2 Retaliatory Eviction

- 1.2.1 The retaliatory eviction provision under the Deregulation Act 2015 was introduced by Government to prevent tenants being in fear of being made homeless if they ask for a necessary repair to be undertaken by their landlord.
- 1.2.2 Where a tenant makes a genuine complaint in writing to the landlord about the condition of the property and if after 14 days the landlord does not reply or the reply is inadequate or they respond by issuing a section 21 eviction notice, the tenant should ask an officer from the Private Sector Housing team to carry out an inspection. The officer will inspect and assess the property using the Housing Health and Safety Rating System (HHSRS) to verify whether the property contains serious health or safety hazards and whether the tenant's complaint is valid.
- 1.2.3 In line with the Private Sector Housing Enforcement Policy officers will generally engage with the landlord in the first instance to try to resolve the problem informally but where necessary will take the appropriate enforcement action. If the tenant's complaint is valid and; an Improvement Notice or Notice of Emergency Remedial Action is served requiring the landlord to undertake remedial works within a required time period, the landlord cannot evict the tenant using a section 21 notice for six months.

1.3 Additional Requirements for Landlords

- 1.3.1 Under the Deregulation Act 2015 for assured shorthold tenancies which begin on or after the 1 October 2015 landlords shall provide a tenant with certain documents. These include the following in addition to other mandatory information required by other legislation such as the tenancy deposit protection information:
- A valid Energy Performance Certificate (EPC);
 - A valid Gas Safety Certificate.
 - A copy of the Government's "How to rent: the checklist for renting in England" guide available for free at <https://www.gov.uk/government/publications/how-to-rent>.
- 1.3.2 If the above documents are not supplied the landlord cannot serve a section 21 eviction notice. Once the landlord supplies these documents this restriction is removed.
- 1.3.3 The Deregulation Act 2015 also makes it more straightforward for landlords to evict a tenant using a section 21 eviction notice where they are allowed to do so. To prevent landlords facing unnecessary court costs when seeking possession of their property due to technical errors in their section 21 eviction notice, for

example specifying an incorrect date, Government has prescribed a standard form. This standard form must be used for section 21 notices for all tenancies created on or after the 1 October 2015.

- 1.3.4 The standard section 21 form cannot be served within the first four months of a tenancy and is only valid for six months following the date of its issue.

1.4 Smoke and Carbon Monoxide Regulations

- 1.4.1 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on the 1 October 2015 and introduced new enforcement responsibilities for local authorities.
- 1.4.2 The aim of the regulations is to reduce the risk of injury or death to tenants or any visitors to the property as a result of a fire or carbon monoxide poisoning.
- 1.4.3 Certain types of accommodation are exempt from the requirements under these regulations to install smoke and carbon monoxide detectors as they are generally already fitted in these types of accommodation, often due to duties imposed by other regulations. The exempted types of accommodation are as follows:
- Social housing
 - Houses in multiple occupation (HMO) where they do not fall under the HMO licensing requirements.
 - Live-in landlords where the occupier shares an amenity such as a kitchen or living room with the landlord.
 - Long lease accommodation where right of occupation is granted for 7 years or more without a break clause.
 - Student halls of residence
 - Hostels and refuges
 - Care homes, hospitals, hospices and other NHS accommodation.
- 1.4.4 If the enforcing authority has reasonable grounds to believe a landlord has not installed the appropriate alarms they must serve a remedial notice on the landlord. The regulations do not require the enforcing authority to enter the property or prove non-compliance to issue a remedial notice. The landlord then has 28 days to comply with the notice.
- 1.4.5 If a landlord does not comply with the notice or is unable to prove they have taken all reasonable steps to comply with the notice the authority must arrange for remedial action to be taken (where the occupier consents). The enforcing authority can impose a civil penalty of up to £5,000 on landlords who do not comply with the remedial notice.

- 1.4.6 The enforcement authority is required to publish a statement of principles which they will follow when determining the amount of a penalty charge. If the enforcing authority intend to impose a financial penalty they must give written notice to the landlord (a 'penalty charge notice'), which must include certain information. This certain information includes the reasons for the penalty, the amount of the penalty and when it is required to be paid. If a landlord does not agree with the penalty charge notice, they can request a review. If after review the enforcing authority confirms or varies the penalty charge notice and the landlord continues to object they may appeal to the First-tier Tribunal on certain specified grounds.
- 1.4.7 The collection of the civil penalty fine is the only means for enforcement authorities of redeeming costs for any remedial works carried out.

1.5 Conclusions

- 1.5.1 The process by which the Private Sector Housing team responds to complaints from private rented sector tenants about their housing conditions will not change other than to advise tenants to put their complaint in writing to the landlord in the first instance rather than just contacting them by phone.
- 1.5.2 The Council is under a mandatory duty to enforce the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 therefore delegated authority must be given to the appropriate Officer of the Council.
- 1.5.3 The Council must publish a statement of principles which they will follow when determining the monetary penalty for non-compliance with the regulations in 1.5.2. The DCLG guidance recommends this statement is published on the Council's website.

1.6 Legal Implications

- 1.6.1 Tonbridge & Malling Borough Council is already under a duty under the Housing Act 2004 to keep housing conditions in their area under review. This includes responding to complaints from tenants regarding their housing conditions.
- 1.6.2 The Council as of the 1 October 2015 is the "enforcement authority" for the purposes of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- 1.6.3 The Council is obliged to enforce these Regulations and discharge the enforcement functions referred to in this report.

1.7 Financial and Value for Money Considerations

- 1.7.1 It is envisaged that the number of complaints received from tenants of new tenancies from the 1 October 2015 regarding their housing conditions may increase now that they are protected from retaliatory eviction. This potential increase in the number of investigations into complaints will be carried out within the existing resources of the Council's Private Sector Housing Team. Likewise

the enforcement of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

- 1.7.2 It is not anticipated there will be large numbers of penalty charge notices issued but the monetary penalty should be fixed at an amount that allows the Council to recover their costs in undertaking any remedial works and serving of the penalty notice. Also it should act as a sufficient deterrent to the landlord so as to comply with the Regulations. The Council should not expect to receive any regular income from the issuing of the penalty charge notices.

1.8 Risk Assessment

- 1.8.1 None

1.9 Equality Impact Assessment

- 1.9.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.10 Recommendations

CABINET is RECOMMENDED to:

- 1.10.1 **AGREE** to delegate the implementation and enforcement arrangements for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to the Director of Planning, Housing and Environmental Health.
- 1.10.2 **AGREE** to authorise the Director of Planning, Housing and Environmental Health to publish a statement of principles on the Council's website defining how the amount of the penalty charge is determined for a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to determine the amount of the penalty charge.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Hazel Skinner
Satnam Kaur

DCLG, September 2015, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 : Explanatory Booklet for Local Authorities

DCLG, October 2015, Retaliatory Eviction and the Deregulation Act 2015 - A guidance note on the changes coming into force on 1 October 2015

Steve Humphrey
Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 HOUSING SERVICE UPDATE

Summary

This report updates Members on key issues across the Housing Service.

1.1 Housing and Planning Bill 2015 and Welfare Reform and Work Bill 2015

1.1.1 Headline Proposals

1.1.2 Members will recall that the Housing Services update report to the last meeting of this Board in July 2015 outlined the changes to Housing and Welfare policies announced by the Government post the general election. These changes have now been included in the Housing and Planning Bill which was published on 13 October 2015 and the Welfare Reform and Work Bill and are detailed in **[Annex1]**.

1.1.3 The package of measures include the redefinition of affordable housing to include starter homes, the Right to Buy for Housing Association tenants, a reduction in social housing providers' rents, pay to stay for council and housing association earning above £30,000, a reduction in the level at which total welfare benefits are capped, freezing of the local housing allowance and change in entitlement of housing benefit for 18-21 year olds.

1.1.4 Although the proposed package may enable the level of "affordable housing" delivered to be retained, the shift to homeownership will place severe pressure on the rented sector and exacerbate the affordability gap which is already prohibitive for many households who cannot access the private housing market.. The redefinition of affordable housing to include starter homes for purchase will broaden options for Housing Providers but make it harder for them to make viable offers to developers for schemes involving homes for rent.

1.1.5 The reduction in social rents by 1 per cent per year to 2020 will be a considerable help for some tenants. The policy will however make it much more challenging for both Local Authorities and Housing Associations to continue to drive housing growth to meet identified local needs.. It is forecast that the sectors housing output will be smaller and a higher proportion of what is delivered is likely to be

starter homes and shared ownership rather than affordable or social rent. This will limit the supply of homes for people unable to afford any model of home ownership. The reality of this is that our opportunities to rehouse households on the Housing Register will be reduced and it will compromise our ability to meet our statutory duties in relation to housing need and homelessness. The private rented sector is not considered a viable alternative in most circumstances due to rental costs being much higher than local housing allowance rates presenting severe affordability issues. It is anticipated that an unintended consequence will be an increase in the use of temporary accommodation, leading to an increase in the cost to the public purse.

- 1.1.6 Housing Associations are still working through the impact of the reduction in rental income on their business plans and how the re-definition of affordable housing might affect their objectives (including charitable purposes). Some may decide not to deliver any rented accommodation at all in future as it may not be financially viable, or may seek to adjust downwards the affordable housing elements of schemes.
- 1.1.7 In addition to the 1 per cent reduction in social rents the other changes in welfare that have been announced such as reducing the benefit cap, benefit and tax credit updating freeze, changes in housing benefit entitlement for 18-21 year olds, will increase the pressure on the affordability and accessibility of housing, impacting disproportionately on working tenants on low incomes. There is significant risk that rent arrears will increase both in the social and private rented sector as affordability is tested. Freezing of the local housing allowance rates will mean more private renters will be unable to meet the shortfall in rent and local housing allowance. Not only will this impact on existing tenants but will also further constrain our ability to use the private rented sector to meet future housing need. The reduction in the benefit cap will mean that some households in need of 2, 3 and 4 bedroomed family sized accommodation will not be able to afford social or affordable rents, leaving an unmet housing need.
- 1.1.8 The proposals clearly represent a fundamental shift in the landscape of traditional methods of delivering affordable housing supply and meeting housing need. It is anticipated that further measures impacting on affordable housing delivery will be announced in the Comprehensive Spending Review on 25th November 2015. During the course of the next few months Members of the Housing Associations Liaison Panel will be meeting with representatives of our main Housing Association partners which will give an opportunity to fully understand how we might be impacted locally.
- 1.1.9 A future report will be presented to this Board setting out the changes and challenges for the Borough at a more local level. In the meantime it is interesting to note that various organisations are submitting representations to Government about the issues raised in outline in this report and it seems appropriate that our concerns are also passed on through appropriate channels and in particular through the Members of Parliament representing communities in the Borough.

1.2 Affordable Housing Delivery in the Borough

- 1.2.1 Officers continue to work proactively with our Registered Provider Partners to ensure a forward supply of affordable homes in the Borough. Set out at **[Annex 2]** is a monitoring spreadsheet showing the completed schemes for the previous and present financial year, along with the development programme by year up to 2017-18.
- 1.2.2 Since the last meeting of this Board Circle Housing Russet have completed and occupied more of the homes that are part of their regeneration of the Winterfield Estate in East Malling.
- 1.2.3 Members will note that despite emerging challenges to the provision of affordable housing described above, for the time being the Borough maintains a healthy and diverse programme of affordable housing supply across varied tenures and through different Housing Associations.. However, a note of caution is necessary as it is likely that some of these schemes will be subject to change as a result of the aforementioned changes.

1.3 Housing Needs Update

Number of Households on the Housing Needs Register:

- 1.3.1 Following the review of the housing allocations scheme in August 2015, the distribution of applicants within the priority bands has changed. This is illustrated in the table below. Under the new scheme all overcrowded households are now assessed as Band B irrespective of the degree of overcrowding, and all under occupying social housing tenants are now assessed as Band B irrespective of the number of excess bedrooms in their current accommodation.
- 1.3.2 Band B now accounts for 55 per cent of registered households, with 3 per cent in Band A, 27 per cent in Band C and 15 per cent in Band D. 48 households no longer qualified to be included on the register.
- 1.3.3 On average, homeseekers represent 68 per cent of households on the housing register and transferring Housing Association tenants represent the remaining 34 per cent of the total.

Month	1 bed	2 bed	3 bed	4 bed	5+ bed	Total
April 2015	768	457	99	50	18	1,392
May 2015	781	459	108	53	18	1,419
June 2015	784	464	111	54	16	1,429
July 2015	543	342	78	41	7	1,011
August 2015	529	344	80	42	7	1,002
September 2015	549	359	89	43	7	1,047

Number of households housed:

- 1.3.4 The table below shows applicants housed via Kent Homechoice during the period April 2015 – September 2015, broken down by bed need. Approximately 68 per cent of all lettings were made to homeseekers during this period.

Month	1 bed	2 bed	3 bed	4 bed	5+ bed	Total
April 2015	10	10	10	0	1	31
May 2015	12	6	7	2	0	27
June 2015	28	15	9	2	0	54
July 2015	26	19	13	1	0	59
August 2015	24	5	11	0	0	40
September 2015	15	8	13	0	0	36
Total	115	63	63	5	1	247

Average waiting times:

- 1.3.5 The table below shows the waiting times of applicants that have been housed via Kent Homechoice during the six month period between 1 April 2015 and 30 September 2015, broken down by size and type of accommodation. Waiting time is impacted to a large degree by the availability of each property type and bidding behaviours, as some applicants are prepared to wait for particular property types or particular locations before placing bids.

Property type	No. of lets	Shortest wait	Longest wait	Average wait
Sheltered	18	4 weeks	14 years	20 months
1 bed	95	5 weeks	4 years	11 months
2 bed flat	38	5 weeks	3 years	13 months
2 bed house	24	7 weeks	8 years	19 months
3 bed flat	4	10 weeks	4 months	12 weeks
3 bed house	57	5 weeks	5 years	6 months
4 bed house	5	6 months	5 years	3 years

Housing options

- 1.3.6 The table below illustrates the number of customers approaching the Housing Options team in the past six months. The majority of our customers contact the Housing Options team for advice to prevent them from losing their current home or are seeking assistance to find alternative accommodation. The average number of households making a homeless application is 12 per month for 2015 so far, compared to 7 per month for 2014. The most common reason for homelessness remains the ending of a private sector assured shorthold tenancy.

Month	Number of approaches	Homeless applications	Advice only	Homelessness Prevented	Open
April 2015	76	18	33	7	13
May 2015	56	10	27	4	12
June 2015	44	5	13	3	22
July 2015	70	13	37	5	8
August 2015	55	8	26	7	6
September 2015	67	6	33	3	21
Total	368	60	169	29	82

Temporary Accommodation

- 1.3.7 The following table provides a 'snapshot' of the number of homeless households living in temporary accommodation at the end of each month. The figures demonstrate the increasing demand for temporary accommodation and are a reflection on the length of time taken to rehouse households in to more permanent accommodation.

Date	Number in self contained temporary accommodation (AST)	Number in self contained temporary accommodation (nightly paid)	Number in traditional bed & breakfast	Total
30.4.15	3	16	3	22
31.5.15	3	16	3	22
30.6.15	3	13	0	16
31.7.15	3	10	4	17
31.8.15	3	7	3	13
30.9.15	3	12	6	21

1.4 Private Sector Housing News

- 1.4.1 Members have already heard via an earlier report this evening about the many changes impacting on the Private Rented Sector. Further key operational updates are detailed below.

Landlord Fair

- 1.4.2 The latest West Kent Landlord Fair was held on Wednesday, 14 October 2015 here at the Council offices. The event, which was organised jointly by ourselves, Sevenoaks D.C., Tunbridge Wells B.C. and the National Landlords Association (NLA) was very successful in attracting an attendance of close to 50 landlords and letting agents in total.
- 1.4.3 Landlords heard about the roll out of universal credit, good practice on inventories, the new legislation on smoke and carbon monoxide alarms as well as an

extensive update from the NLA on the new regulatory changes. Workshops covering working with the Council to re-house households, the Housing Health and Safety Rating System and tax hints and tips were also held. The evening was rounded off with an expert panel question and answer session which was well received.

- 1.4.4 Clearly, good quality, private rented accommodation remains in high demand and we see these events as key to working with landlords to encourage high standards and partnership working. The feedback was, again, very positive and we now start to plan for the next event due to be held in Tunbridge Wells in March 2016.

Energy Deal

- 1.4.5 Members may be aware that on 8 October 2014 Cabinet agreed the Council would work collaboratively with other 'Energy Deal' authorities (Dover District Council, Dartford District Council, Gravesham Borough Council and Tunbridge Wells Borough Council) on a winter collective switching campaign using the Local Government Association framework contract, managed by the North East Procurement Organisation (NEPO).
- 1.4.6 Collective switching schemes help residents to obtain a low price for energy, assist in maximising household income and can help to alleviate fuel poverty. Collective switching is where a third party negotiates a better energy tariff on behalf of a group of residents. Such schemes enable residents to register an interest in participating in a 'reverse energy auction' and to subsequently receive a new energy provider offer. The energy providers that offer the best deal on that day for the majority of residents will be selected. There is no obligation on registrants to accept the offer.
- 1.4.7 The Council has taken part in three rounds of Energy Deal to date; our main focus being the winter campaign. There were 255 households who registered their interest in switching in February 2015, the majority of whom could save on their energy bills if they chose to switch. Of these 105 households actually switched following their personal Energy Deal tariff offer. For Tonbridge & Malling this represented an overall switching rate of 41 per cent. The average savings across all categories (on line, paper billing, pre-payment) was £247. For those who paid monthly by direct debit (dual fuel and electricity only) the savings ranged from £197-£264. Of those who were directly assisted by the Council in registering, 63% went on to switch with an average saving of £237.
- 1.4.8 A Memorandum of Understanding/Participation Agreement was entered into with the 'Energy Deal' authorities which is due to expire on 15 December 2015. This agreement is currently being refreshed and it is not anticipated that there will be any changes to the principles and terms of the collaborative agreement. Auctions have previously taken place in February, May and October months and it is

expected that there will be a further three auctions under the refreshed NEPO framework contract.

Disabled Facilities Grants (DFGs)

1.4.9 Members will be interested to note the trends over the last six years in relation to DFG activity:

Year	Number of enquiries rec'd	Number of formal applications approved	Number of Completions	Number of working days to approve an application
2010/11	114	82	87	15
2011/12	221	68	63	13
2012/13	189	100	89	9
2013/14	163	69	85	16
2014/15	162	78	67	8
2015/16 to date	109	42	39	12

- 1.4.10 As can be seen, not all the referrals received progress into actual DFG applications. There may be a number of reasons for this, including Housing Associations funding adaptations for their tenants from their own budgets, a high client contribution, meaning that they do not qualify for a DFG and works required not being reasonable and/or practicable to undertake.
- 1.4.11 Members should note that the completion of a DFG may occur in a different year to when it was approved. The Council has a statutory duty to approve or refuse a DFG application (once it is complete) within six months of receiving it. There is a consistent high level performance on the time taken to approve an application.
- 1.4.12 The referral rates, numbers of applications and number of approvals of DFGs has remained fairly consistent over the last five years. There are currently 160 live DFG cases with our Private Sector Housing Team. These cases range from being at enquiry stage right through to works being completed. Of these 160 cases, 15 are childrens' cases, the remainder being in respect of adults.
- 1.4.13 In terms of waiting times with the County Council, as of October 2015 we understand there were 42 adults awaiting an OT assessment across Tonbridge & Malling with none waiting longer than one month. Of these 42 it is anticipated that approximately 14 will become DFG referrals with the remainder being minor equipment or manual handling cases. There are 6 children awaiting a full OT assessment having already been initially screened. Again waiting times have not

been longer than one month. In both adults and children's cases, the Occupational Therapy teams have been using additional staff in order to ensure waiting times are minimised.

- 1.4.14 Whilst the demand for the service and the number of completions has remained broadly the same over the last 5 years, the spend as at the end of September was £149,000 against a base budget of £665,000. Work is ongoing to analyse predicted spend for this current year based on the number and type of cases in the system. Works can range from £2,000 for straight stair lift or shower works right through to the £30,000 maximum DFG for major works including extensions.
- 1.4.15 One possible explanation for the profile of the budget is that in previous years we have been carrying forward a backlog of cases resulting in demands on the budget remaining high. Members may recall historic updates to the Board, reporting delays to approvals due to the budget being committed in advance of the end of the financial year. This had the effect of exerting additional pressure on the following year's budget. It is clear from our current active DFG list that the number of "older" DFGs is very few and we are in the main, dealing with current cases. It therefore appears that the demand on the DFG budget is levelling out and we need to review it carefully.

1.5 Legal Implications

- 1.5.1 None arising from this report

1.6 Financial and Value for Money Considerations

- 1.6.1 A review of the DFG budget will be required for this and future years to ensure that budgets are set in accordance with the demand for the service.

1.7 Risk Assessment

- 1.7.1 None arising from this report.

Background papers:

contact: Satnam Kaur

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

HOUSING SERVICE UPDATE

Housing and Planning Bill Proposals

1.1 Starter Homes

1.1.1 The government has previously announced that it intends to build 200,000 starter homes exclusively for first time buyers under the age of 40 at 20 per cent less than market value, with an initial cap at £450,000 in London and £250,000 outside. Households will be prevented from selling the home again within five years. The Bill creates a new duty on all local authority planning departments to promote the supply of starter homes in their area. Starter homes are being promoted by the Government as an alternative to other affordable housing tenures such as shared ownership, social and affordable rent and discount market rents. The main thrust of the announcement is that councils will not be allowed to demand one type of affordable housing (such as rented) over another (starter homes) in Section 106 agreements. Starter homes will now be counted as affordable housing for planning purposes.

1.1.2 The Bill will allow the Government to set regulations requiring starter homes to be included on residential sites as a condition of securing planning permission. These regulations will be issued at a later date but may mean that planning permission may only be granted where a particular number or proportion of Starter Homes are provided on site.

1.2 Extension of the Right to Buy

1.2.1 Following the agreement struck between the Government and the National Housing Federation whereby Housing Associations (HAs) will extend the Right to Buy to their tenants on a voluntary basis, the Bill sets out provisions that will enable the Government to make payments to HAs to compensate them for the cost of the discounts on offer. This will apply to those tenants who have held a tenancy for 3 years or more, with discounts worth up to £77,900 outside London and £103,900 in London.

1.3 Sale of High Value Local Authority Homes

1.3.1 Local Authorities which have retained ownership of their housing stock will be required to sell high value homes as they become vacant. The intention is to use some of the receipts from these sales to fund the extension of the Right to Buy to HA tenants.

1.3.2 The Bill will also allow the Government to estimate the amount of money it would expect each individual authority to receive, in each financial year, from

the sales of high value homes. Authorities will then be required to pay this amount to the Treasury.

- 1.3.3 Neither the definitions of high value nor the mechanism by which the Government will calculate the amount owed by each stock retaining authority are contained within the Bill. This and other details will be set out in regulations to be published at a later date.

1.4 High Income Social Rents: Mandatory Rent (Pay to Stay)

- 1.4.1 Social Housing tenants with household incomes of £40,000 and above in London and £30,000 and above in the rest of England will be required to “Pay to Stay” by paying a market or near market rent. Social tenants will be required to declare their income to their landlord and the Bill will allow social landlords to share this data with HMRC in order to verify that the information they have been given is correct.
- 1.4.2 Local Authorities will be required to pay any additional income to the Treasury based on an estimated number (minus administrative costs), whilst HAs will retain this additional income.

1.5 Planning Changes

- 1.5.1 The Bill also contains several aspects relevant directly to planning. Some of these include allowing Government to intervene if Councils fail to have an adopted plan in place by 2017, with a clear expectancy that the Government will use these powers to step in if plans are not in place. The Bill also looks to streamline the neighbourhood plan system by introducing powers to allow automatic decisions on designation of neighbourhood plan areas, introducing time periods for making key decisions by the LPA. The government will require local authorities to prepare, maintain and publish local registers of specified land (Brownfield Register) as well as provisions to give the Secretary of State the power, by a development order, to grant permission in principle to land allocated for development.
- 1.5.2 There will be a new duty on Councils to grant planning permission for enough sites to meet the demand for custom build and self-build in a local authority area arising from the local self-build and custom build register. It will include a clause to enable the Secretary of State to make regulations about the circumstances in which authorities can apply for an exemption.
- 1.5.3 Developers wishing to include housing within major infrastructure projects will be able to apply for consent under the nationally significant infrastructure planning regime.

1.6 Tackling Rogue Landlords in the Private Rented Sector

1.6.1 The Bill includes a package of measures to help tackle rogue landlords in the private rented sector. This includes

- Allowing local authorities to apply for a banning order to prevent a particular landlord/letting agent from continuing to operate where they have committed certain offences
- Creating a national database of rogue landlords/lettings agents which will be maintained by local authorities
- Allowing tenants or local authorities to apply for a rent repayment order where a landlord has committed certain offences
- Allowing a private landlord to regain possession of a property they believe to have been abandoned without a court order.

1.7 Welfare Reform and Work Bill Proposals

1.7.1 The Welfare Reform and Work Bill was introduced on 9 July 2015. It is scheduled to become law before the start of the new financial year in 2016. In summary the Bill will:

- Reduce social rents by 1 per cent per year over the next 4 years
- Freeze the rate of selected social security benefits, housing benefit/local housing allowance, tax credits and child benefit rates for four years. For these benefits, the rates through to April 2019 are to remain the same as in 2015-16.
- Limit the total amount of Child Tax Credit (CTC) payable for families in respect of births on or after 6 April 2017, and remove the family element from the calculation of CTC awards for claimants who were not responsible for a child or qualifying young person before 6 April 2017.
- Restrict the number of children or qualifying young persons for whom the child element of universal credit is payable to and removes the higher rate payable for the first child in the household to create a single, flat rate.
- Reduce the benefit cap from £26,000 per year for families and £18,200 for single people to £23,000 for families and £15,410 for single people in London; from £26,000 per year for families and £18,200 for single people to £20,000 for families and £13,400 for single people outside London.

- Redefine Child Poverty
- Replace Support for Mortgage interest benefit payments to homeowners with a loan
- Change the entitlement of Housing Benefit for 18-21 year olds
- Other changes to housing benefit, and the other tax credit and universal credit changes announced in the Budget will be made via regulations. They include: reducing the income threshold in tax credits and universal credit work allowances; increasing the tax credits withdrawal rate (taper) from 41 per cent to 48 per cent so that tax credits reduce more sharply as income increases; removing the family element in tax credits and universal credit (and the family premium in housing benefit) for new claims from 2016 or 2017.

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2014/15

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE			
Address	RSL	Tenure	Flats			M'nette		Houses			B'galow		Total Units	Start on site date	Planned completion date	
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed				2 bed
Isles Quarry	Circle Housing Russet	Affordable Rent		9					4	10	5			28	May-13	Feb-15
		Shared Ownership								2				2		
Cannon Lane	Moat	Affordable Rent	12	13										25	Apr-13	May-14
		Shared Ownership	4	11										15		
Scott Road Scheme	Circle Housing Russet	Affordable Rent						4	2					6	Aug-13	Sep-14
		Shared Ownership		8										8		
Marvillion Court Regeneration	Circle Housing Russet	Affordable Rent		4				1	2					7	Jan-13	Dec-14
		Shared Ownership						1	8					9		
Carnation Close	Circle Housing Russet	Affordable Rent													Sep-13	Mar-15
		Shared Ownership								2				2		
The Mount, Hadlow	Sanctuary	Affordable Rent						2	1					3	Sep-13	Sep-14
		Shared Ownership														
TOTALS 14/15			16	45	0	0	0	0	12	27	5	0	0	105		

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2015/16

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE			
Address	RSL	Tenure	Flats			M'nette		Houses			B'galow		Total Units	Start on site date	Planned completion date	
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed				2 bed
Twisden Road	Circle Housing Russet	Affordable Rent							5					5	Feb-13	Jul-15
Lavender Road	Circle Housing Russet	Affordable Rent		4										4	Feb-13	Jul-15
Winterfield Phase 1	Circle Housing Russet	Affordable Rent							4	2	4			10	Feb-13	Jul-15
		Shared Ownership						4	2					6		
Winterfield Phase 2	Circle Housing Russet	Affordable Rent	9	8					2	2				21	Feb-13	Jul-15
		Shared Ownership	2	14			1		2					19		
Isles Quarry	Circle Housing Russet	Affordable Rent													May-13	Jan-16
		Shared Ownership		6												
Isles Quarry	Crest Nicholson	Shared Equity		12					6					18	May-13	Mar-16
Shrubsham Meadow, Plaxton	Moat	Affordable Rent						2	1					3	May-13	May-15
		Shared Ownership						3	1					4		
Sovereign House	Circle Housing Russet	Affordable Rent													May-13	Sep-15
		Shared Ownership	10	16										22		
TOTALS 15/16			21	60	0	0	1	2	19	11	4	4	0	112		

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2016/17

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE			
Address	RSL	Tenure	Flats			M'nette		Houses			B'galow		Total Units	Start on site date	Planned completion date	
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed				2 bed
Coventry Road	Circle Housing Russet	Affordable Rent							2					2	tbc	Jan-17
Isles Quarry	Circle Housing Russet	Affordable Rent							2	2				4	tbc	Mar-17
		Shared Ownership						1	1					2		
60 Mill Hall	Hyde Housing	Affordable Rent	3	10										13	May-15	Jul-16
		Social Rent		5										5		
		Shared Ownership	2	10	16											
Bunyards Farm	WKHA	Affordable Rent	2	7					4					13	Dec-14	Nov-16
		Shared Ownership							4					4		
TOTALS 16/17			7	32	16	0	0	0	3	13	0	0	0	71		

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2017 onwards

SCHEME DETAILS		AFFORDABLE HOUSING UNITS												DELIVERY TIMETABLE	
Address	RSL	Tenure	Flats			M'nette		Houses			B'galow		Total Units	Start on site date	Planned completion date
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed			
Enterprise House	Circle Housing Russet	Affordable Rent	5										5	tbc	Jan-18
		Shared Ownership		36									36		
Isles Quarry	Circle Housing Russet	Affordable Rent								4			4	tbc	May-17
		Shared Ownership								5			5		
Northwood Road, Tonbridge	Circle Housing Russet	Affordable Rent										2	2	tbc	Sep-17
		Shared Ownership													
Twyford Road, Tonbridge	Circle Housing Russet	Affordable Rent												tbc	Nov-17
		Shared Ownership						2					2		
St Georges Court, Wrotham	Circle Housing Russet	Affordable Rent												tbc	tbc
		Shared Ownership													
Greensted Wateringbury	AKS	Affordable Rent	26	1									27	tbc	tbc
		Shared Ownership													
Tudely Lane, Tonbridge	AKS	Affordable Rent	16	12									28	tbc	tbc
		Shared Ownership													
St Martin's Larkfield	AKS	Affordable Rent	47	7									54	tbc	tbc
		Shared Ownership	5	15									20		
Kings Hill	TBC	Social Rent	11	6				7	10	5			39	tbc	tbc
		Affordable Rent	18	10					11	0	0		39		
		Shared Ownership	0	20					0	14	0		34		
Preston Hall	TBC	Affordable Rent		35	1			8	5	2			51	tbc	tbc
		Shared Ownership		12				1	1	2			16		
Priory Works	TBC	Affordable Rent	3	13					17	4			37	tbc	tbc
		Shared Ownership						21					21		
TOTALS 17/18			131	167	1	0	0	0	50	56	13	0	2	420	

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

09 November 2015

Report of the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Information

1 KENT RESOURCE PARTNERSHIP (KRP) - UPDATE

Summary

This report follows the presentation earlier in this meeting from the Kent Resource Partnership Manager and provides information and updates on some of the project work currently being undertaken within Tonbridge and Malling Borough Council.

1.1 Kent Resource Partnership Members Board

1.1.1 All 13 Kent Councils (excluding Medway) comprise the KRP. It has been in place since 2007. Portfolio holders with responsibility for recycling, waste and street scene services form the KRP Members Board and meet three times a year. The Members Board is also attended by Heads of Service from the KRP Officer Advisory Group.

1.1.2 At the last meeting of the Members Board in July 2015, Members were elected as follows:

Chair – Cllr Rory Love, Shepway District Council

Vice Chair – Cllr Jill Anderson, Tonbridge and Malling Borough Council

1.1.3 With the potential for significant partnership working within the West Kent Group in advance of our main waste contract renewal in 2019, it is particularly welcome to have Cllr Jill Anderson represented in such a key Member position.

1.2 WRAP 'Increased Recycling through Communications' Fund

1.2.1 Earlier this year the national Waste Resource Action Programme (WRAP) launched a competitive bidding process for £350,000 of funding for local authorities to increase recycling through communication activities. KRP officers, following consultation with Kent districts and WRAP, submitted a bid for improving recycling across a number of districts. The bid was successful, and a total of £70,694 of funding was secured for the KRP project, with £11,553 being specifically allocated for activities within TMBC. The other partner authorities are

Dartford, Gravesham, Sevenoaks, Swale & Thanet, with some activities running across all 12 Kent districts. KRP officers have also secured funding from external partners, Marks & Spencer and Alupro.

1.2.2 The KRP proposal is to run a Kent wide recycling campaign from October 2015 to June 2016. The aim is to increase both the capture and quality of dry recycling in the whole county and especially the six target districts. This will be achieved through a combination of increasing household participation, increasing capture of target materials and reducing contamination (thereby reducing the risk of rejected loads and increasing recycling). A range of core communications activities have been proposed (see KRP Activity Table for full details) following review of the six councils' performance issues and current communication to residents. The Activity Plan for Kent has been drawn up to build on insight and knowledge available nationally on householders' attitudes, barriers and motivations around dry recycling. This approach has the most potential for maximum return on investment from the fund. The three phases of the KRP plan will each have a different focus theme which mirrors WRAP's own national communications activities, another feature which assisted in securing the funding. The activities will be delivered by KRP officers with support from district council representatives via the KRP Recycling Communications Group.

1.2.3 The key messages will be reviewed and refined following the waste composition analysis referred to elsewhere in this report. Currently we plan for them to be around the following issues:

- reducing confusion about what can be recycled (especially for plastics) - to both increase capture of currently 'under captured' materials and to decrease capture of non target materials that cause contamination (eg plastic film)
- encouraging 'accurate' knowledge of what to recycle where you live in Kent will be a theme running through the campaign
- reminding residents that they can recycle from all around the house - the wide range of things upstairs, downstairs, in the shed and garden - again, helping those already engaged in recycling to not miss things that they didn't realise they could recycle
- making things easy to do - we have reviewed the range of instructions households across Kent receive and will seek to consolidate these wherever possible so we can give cross Kent consistent instructional messages
- making things 'good for Kent' - messages around local benefits of recycling
- giving residents clear information on what happens to their recycling - Where do our materials go? What happens to them? What does it mean for jobs in Kent and our public services?

- 1.2.4 Further updates on the activities will be provided to Members during each phase of the project.

1.3 Waste Compositional Analysis

- 1.3.1 Further to a report to this Advisory Board in June 2015 Members may be aware of the new Waste Regulations that came into force in January 2015, requiring all local authorities to carry out an assessment of their recycling collection arrangements. One of the recommendations of the assessment was to share information within the Kent Resource Partnership so that any common themes or areas of joint working could be identified.
- 1.3.2 Although most recommendations within our assessment report related to potential review and work areas in advance of arrangements for our contracted services being renewed in 2019, there was one fairly common area of work highlighted across Kent. In order to provide accurate assessments of current and potential collection methods, it is important that the base data is as up to date and relevant as possible. One of the issues identified was that Kent's base waste data was last obtained in 2008/09 and should be updated. If we want to assess the potential impact of our current or future collection arrangements, then an up to date analysis of what goes into our waste and recycling streams would be extremely useful.
- 1.3.3 This "waste compositional analysis" will be carried out across Kent over the next few months and will be completely anonymous. It is worth emphasising that the waste analysed will be from whole vehicle loads and **not** related to individual properties.
- 1.3.4 Due to the economies of scale, this work has been procured and funded by the Kent Resource Partnership on behalf of all Kent districts. It is expected that this analysis will be completed around Spring 2016 and will be of particular value to our Council as we prepare for contract renewal in 2019.

1.4 Legal Implications

- 1.4.1 There are no specific legal implications arising from this information report.

1.5 Financial and Value for Money Considerations

- 1.5.1 The additional WRAP funding obtained through the KRP will be targeted to recycling promotion and projects across the six partner authorities, with £11, 553 specifically allocated within Tonbridge and Malling Borough Council.
- 1.5.2 The procurement and funding for the Waste Compositional Analysis will be provided directly by the KRP.

1.6 Risk Assessment

- 1.6.1 The additional promotional work and information provided through the waste compositional analysis will assist us in providing more accurate forecasts and targeting of resources. Additional information on our recycling and composting collection services will also reduce contamination and the potential risk of loads being rejected.

Background papers:

Nil

contact: Dennis Gardner
David Campbell-Lenaghan

Robert Styles

Director of Street Scene, Leisure and Technical Services

Agenda Item 12

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 13

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 14

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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