

# CABINET AGENDA



**TUESDAY 12 SEPTEMBER 2023 AT 7.30 PM**  
**CONFERENCE ROOM 2 - THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Tindall (Leader)	Councillor Symington
Councillor Bromham	Councillor Weston
Councillor Dhyani	Councillor Wilkie
Councillor England (Deputy Leader)	

For further information, please contact Corporate and Democratic Support or 01442 228209

## AGENDA

### 1. MINUTES (Pages 3 - 8)

To confirm the minutes of the meeting held on 18<sup>th</sup> July 2023

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

(ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

#### **4. PUBLIC PARTICIPATION**

An opportunity for members of the public to make statements and ask questions in accordance with the rules as to Public Participation.

#### **5. REFERRALS TO CABINET**

There were no referrals to Cabinet

#### **6. CABINET FORWARD PLAN (Pages 9 - 10)**

#### **7. COUNCIL TAX SUPPORT SCHEME (Pages 11 - 21)**

#### **8. PRIVATE SECTOR HOUSING - CIVIL PENALTY & ENFORCEMENT POLICIES (Pages 22 - 87)**

#### **9. Q1 FINANCIAL REPORT (Pages 88 - 103)**

#### **10. STRATEGIC RISK REGISTER Q4 (Pages 104 - 127)**

#### **11. PARKING REPORT (Pages 128 - 142)**

Report to follow

## MINUTES

## CABINET

18 JULY 2023

**Present:**

**Members:**

**Councillors:** Tindall (Leader)  
Bromham  
Dhyani  
England (Deputy  
Leader)  
Symington  
Weston  
Wilkie

<b>Officers:</b>	D Welsh	Chief Housing Officer
	J Doe	Strategic Director Place
	C Silva Donayre	Strategic Director Corporate & Commercial
	M Brookes	Assistant Director Legal and Democratic
	N Howcutt	Chief Finance Officer (S151)
	D Barratt	Assistant Director Strategic Housing
	D Southam	Assistant Director Place, Communities & Enterprise
	S Whelan	Hemel Place Strategy Programme Manager
	P Stanley	Head of Development Management
	G Brennan	Senior Project Manager
	C O'Neil	Democratic Services Manager

Also attended: Councillor Williams, Stevens, Hobson, Banks,

The meeting began at 7.30 pm

### **CA/57/21**     **MINUTES**

The minutes of the previous meeting were formally approved as an accurate record.

### **CA/58/21**     **APOLOGIES FOR ABSENCE**

There were no apologies.

### **CA/59/21**     **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **CA/60/21**     **PUBLIC PARTICIPATION**

There was no public participation

### **CA/61/21**     **REFERRALS TO CABINET**

There were no referrals to Cabinet.

### **CA/62/21     CABINET FORWARD PLAN**

The forward plan was noted, with the addition of the Parking Policy paper as deferred from this meeting to be added to 12th September meeting.

### **CA/63/21     PLANNING ENFORCEMENT REPORT**

#### **Decision**

1. To secure agreement for two temporary Planning Enforcement Officers, with a combined resource of 16 months. 2. To recommend to Full Council to approve a drawdown from the Dacorum Development Reserve of up to £110,000.

#### **Corporate Priorities**

A clean, safe and enjoyable environment  
Building strong and vibrant communities  
Ensuring economic growth and prosperity  
Ensuring efficient, effective and modern service delivery

#### **Statutory Officer Comments:**

#### **Monitoring Officer:**

As set out in the legal implications section, the Council has a duty to investigate alleged breaches of planning control and take action where it is expedient to do so. The additional resource should help the Council to fulfil this duty within a reasonable period of time.

#### **Deputy S151 Officer:**

The additional Planning Enforcement resources requested is unbudgeted and would be supported by a drawdown from revenue reserves. Reserve resources are one-off in nature. There are sufficient resources within the Dacorum Development Reserve to support the resource request set out in this report.

#### **Advice**

Cllr Tindall introduced the report. JDoe advised this had recently been considered by SPAE Overview & Scrutiny and welcomed any questions which both he and his colleague PStanley would be happy to address.

There were no questions.

#### **Recommendation agreed**

### **CA/64/21     TOWN CENTRE VISION**

#### **Decision**

That Cabinet approves the Hemel Hempstead Town Centre Vision.

#### **Corporate Priorities**

A clean, safe and enjoyable environment

Building strong and vibrant communities  
Ensuring economic growth and prosperity  
Ensuring efficient, effective and modern service delivery

**Statutory Officer Comments:**

**Monitoring Officer:**

There are no direct considerations arising from the report but the delivery of the Vision will have various legal implications which will need to be considered as each separate project progresses.

**Deputy S151 Officer:**

There are no direct financial implications arising from the report. Any activity associated with the delivery of the Hemel Hempstead Town Centre Vision will be supported by the Place, Communities and Enterprise service. Financial resourcing of this activity will be addressed as part of future reports, as required

**Advice**

Cllr Wilkie introduced the report and handed over to officers.

JDoe advised the report recently went through SPAE Overview & Scrutiny and invited his colleagues DSouthern and SWhelan to give a short presentation on the Town Centre Vision as part of the Hemel Place Strategy.

Cllr Banks commented that she had recently visited Liverpool; they have a high street shopping centre set up close to the docks. She noted that they have taken out, what she assumes was dock side warehouses, and have put in blocks of green space linking the docks to the town, observing that it was a very interesting connection between dock and town centre and expressed her opinion that a similar sort of link would be great if it could be incorporated locally.

Cllr Symington thanked officers for the work and noted it is aspirational. She asked; is this in any way limiting or is this a vision that we can do what we want with?

JDoe advised it is not limiting, it is ambitious and visionary but grounded in the background evidence. There will be more details to come in terms of delivery plans. Will be a framework for dealing with sites as they come forward.

**Recommendation agreed**

**CA/65/21      PARKING PROPOSALS FBC**

**Decision**

1. That Cabinet agrees to progress to a formal consultation on the proposed changes to parking tariffs and charging policy
2. That Cabinet delegates authority to the Portfolio Holder for Corporate & Commercial Services and the Strategic Director Corporate & Commercial Services to consider the responses from the consultation and decide to implement the proposed changes to parking tariffs and charging policy or agree any amendments thereto.

3. That Cabinet agrees to progress the implementation of 'smart' technology as part of the re-commissioning of the parking enforcement contract

### **Corporate Priorities**

A clean, safe and enjoyable environment  
Building strong and vibrant communities  
Ensuring economic growth and prosperity  
Providing good quality affordable homes, in particular for those most in need  
Ensuring efficient, effective and modern service delivery  
Climate and ecological emergency

### **Statutory Officer Comments:**

#### **Monitoring Officer:**

Public consultation will take place regarding the proposed changes to ensure that the views of affected persons are considered prior to implementation of the new tariffs and policies. The report recommends that the final decision to implement the changes be delegated to the Portfolio Holder for Corporate & Commercial Services and the Strategic Director, Corporate & Commercial Services after responses are considered

#### **S151 Officer:**

The proposed parking policy changes will provide additional income to the Council to support the commercial strategy income generation projections and in line with the approved 2022 MTFS

### **Advice**

As set out in Cllr Tindall's opening remarks at the start of this meeting; following consultation with the wider Cabinet and his Liberal Democrat colleagues, it is proposed that this item be deferred and moved on forward plan to meeting of 12<sup>th</sup> September. In the meantime he advised that he has asked for further financial profiling be carried out before this paper and its recommendations can be properly considered.

**Cabinet agreed to defer this item to 12<sup>th</sup> September.**

### **CA/66/21      CONTRACT AWARD – MARCHMONT AFFORDABLE HOUSING DEVELOPMENT.**

#### **Decision**

That Cabinet:

1. Approves entering into the JCT D&B contract with Bugler Developments Ltd for the delivery of 32 homes at the Marchmont Fields development.
2. Delegates authority to the Assistant Director (Legal & Democratic Services) to execute and complete all legal agreements ancillary to the JCT Design & Build Contract 2016 and/or reasonably required to complete the Project, including (but not limited to):
  - a. all professional appointments;
  - b. collateral warranties; and

C. Agreements under

S.38, & S.278, of the Highways Act 1980;  
S.247, Part III of the Town and Country Planning Act 1990;  
S.104 of the Water Industry Act 1991, and  
S.50 of the New Roads and Street Works Act 1991.

**Corporate Priorities**

A clean, safe and enjoyable environment  
Building strong and vibrant communities  
Ensuring economic growth and prosperity  
Providing good quality affordable homes, in particular for those most in need  
Ensuring efficient, effective and modern service delivery  
Climate and ecological emergency

**Statutory Officer Comments:**

**Monitoring Officer:**

The Council holds the statutory powers of appropriation under Section 122 of the Local Government Act 1972 and section 203 of the Housing and Planning Act 2016. By Section 204 of the Housing and Planning Act 2016 the local authority is liable to pay compensation, in accordance with the statutory provisions, in respect of the interference of rights affected by the carrying out of building or maintenance works. The proposals contained in this report are consistent with the exercise of the above mentioned statutory powers of the Council. It is considered that the exercise by the Council of its statutory powers of appropriation in the circumstances referred to in this report is reasonable and proportionate

**S151 Officer:**

The award of contract has followed a competitive procurement process to secure value for money.

**Advice**

Cllr Dhyani introduced the report as published with the agenda and invited questions, there were none.

**Recommendation agreed**

**CA/67/21      EXCLUSION OF THE PUBLIC**

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3 & 4

**CA/68/21      BRYFIELD COTTAGES, HEMEL HEMPSTEAD**

Please refer to Part II (restricted) minutes.

The Meeting ended at 7.57 pm



## CABINET FORWARD PLAN

DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
17/10/23	Annual Treasury Report		28/09/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
17/10/23	Legal Shared Service		28/09/23	Mark Brookes – Assistant Director Legal & Democratic <a href="mailto:Mark.brookes@dacorum.gov.uk">Mark.brookes@dacorum.gov.uk</a>	
17/10/23	Infrastructure Funding Statement		28/09/23	Emma Cooper Assistant SPAR Officer <a href="mailto:Emma.Cooper@dacorum.gov.uk">Emma.Cooper@dacorum.gov.uk</a>	
17/10/23	Tenancy Management Policy		28/09/23	Oliver Jackson <a href="mailto:Oliver.jackson@dacorum.gov.uk">Oliver.jackson@dacorum.gov.uk</a>	
17/10/23	Lease Variation		28/09/23	Oliver Jackson/Ben Hall Head of Housing Operations Service Charges Manager <a href="mailto:Oliver.jackson@dacorum.gov.uk">Oliver.jackson@dacorum.gov.uk</a> <a href="mailto:Ben/hall@dacorum.gov.uk">Ben/hall@dacorum.gov.uk</a>	
17/10/23	Non-compliant spend project in Housing and Commercial Property		28/09/23	Andrew Linden – Head of Commercial Development – Housing <a href="mailto:Andrew.Linden@dacorum.gov.uk">Andrew.Linden@dacorum.gov.uk</a>	
17/10/23	South West Herts Joint Strategic Vision		28/09/23	James Doe – Strategic Director Place <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a>	
17/10/23	Mid Term Financial Strategy		28/09/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
21/11/23	Financial Monitoring Report		02/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
21/11/23	Quarterly Strategic Risk Register		02/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
21/11/23	Construction Inflation		02/11/23	David Barrett – Assistant Director – Strategic Housing <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	
21/11/23	Legal Shared Services		02/11/23	Mark Brookes – Assistant Director Legal and Democratic Services <a href="mailto:Mark.Brookes@dacorum.gov.uk">Mark.Brookes@dacorum.gov.uk</a>	
12/12/23	Budget		23/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
12/12/23	Eastwick Row contractor approval		23/11/23	David Barrett – Assistant Director – Strategic Housing <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	
12/12/23	Council Tax Base report		23/11/23	Head of Financial Services <a href="mailto:Fiona.jump@dacorum.gov.uk">Fiona.jump@dacorum.gov.uk</a>	
12/12/23	Right to Buy		23/11/23	David Barrett – Assistant Director – Strategic Housing <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	
12/12/23	Council Tax Base Report		23/11/23	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
30/01/24	Committee Dairy		11/01/24	Mark Brookes – Assistant Director Legal and Democratic Services <a href="mailto:Mark.brookes@dacorum.gov.uk">Mark.brookes@dacorum.gov.uk</a>	
30/01/24	Housing Strategy		11/01/24	David Barrett – Assistant Director – Strategic Housing <a href="mailto:David.barrett@dacorum.gov.uk">David.barrett@dacorum.gov.uk</a>	
30/01/24	HRA Business Plan Refresh		11/01/24	Darren Welsh – Chief Housing Officer <a href="mailto:Darren.welsh@dacorum.gov.uk">Darren.welsh@dacorum.gov.uk</a>	
30/01/24	Repairs & Maintenance Procurement Strategy		11/01/24	Mark Pinnell Assistant Director Property <a href="mailto:Mark.pinnell@dacorum.gov.uk">Mark.pinnell@dacorum.gov.uk</a>	
30/01/24	Treasury		11/01/24	Nigel Howcutt – Chief Finance	

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
		Management Mid-Year Review			Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	13/02/24	Budget		25/01/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	19/03/24	Financial Monitoring Report		29/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	19/03/24	Annual AI programme approval		29/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	19/03/24	Quarterly Strategic Risk Register		29/02/24	Nigel Howcutt – Chief Finance Officer <a href="mailto:Nigel.howcutt@dacorum.gov.uk">Nigel.howcutt@dacorum.gov.uk</a>	
	23/04/24			04/04/24		



## Cabinet

<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Revisions to Council Tax Support scheme for 2024/25
<b>Date:</b>	12 <sup>th</sup> September 2023
<b>Report on behalf of:</b>	Councillor Sally Symington, Portfolio Holder for Corporate and Commercial Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	
<b>Background papers:</b>	
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	CTS – Council Tax Support

### Report Author / Responsible Officer

Chris Baker, Head of Revenues & Benefits



Chris.baker@dacorum.gov.uk / 01442 228290 (ext. 2290)

<b>Corporate Priorities</b>	Ensuring economic growth and prosperity Ensuring efficient, effective and modern service delivery
<b>Wards affected</b>	ALL
<b>Purpose of the report:</b>	To seek approval to consult on proposed changes to the Council Tax Support scheme from April 2024.  To advise of the consultation and decision-making process.
<b>Recommendation (s) to the decision maker (s):</b>	1. To approve the consultation on the proposed changes to the Council Tax Support (CTS) Scheme.

	<p>2. To delegate authority to the Head of Revenues &amp; Benefits to:</p> <ul style="list-style-type: none"><li>a. consult with the major preceptors.</li><li>b. publish a draft CTS scheme</li><li>c. consult with residents</li></ul>
<b>Period for post policy/project review:</b>	Further report to Cabinet to be made in December 2023 after consultation.

## 1 Introduction/Background:

- 1.1 The Council Tax Support (CTS) is a scheme that has been in operation for many years and requires annual review. The local Dacorum CTS aims to reduce the council tax bills of residents considered to be financially vulnerable and hence are on low incomes. This scheme does not cover residents of pension age, as the rules for calculating CTS for pensioners are set nationally by central Government.
- 1.2 For residents of working age, the law allows a wide flexibility to local councils to set their own rules for the calculation of CTS. The process for making amendments to a CTS scheme is set out in Schedule 1A of the Local Government Finance Act 1992 (LGFA), and includes two separate consultations.
- 1.3 This report proposes amendments to the 2024 CTS scheme to increase the level of support for certain groups of working age residents.

## 2 Key Issues and proposals:

- 2.1 The Council's current CTS scheme includes a number of measures, which mean that for some residents, the maximum help they can get with their council tax is not their whole bill. This is in contrast to the CTS rules for residents of pension age, for whom the maximum reduction in council tax is 100%.
- 2.2 The Council's current scheme also provides for a maximum reduction of 100% for residents who:
  - a. Receive a disability benefit or are registered blind.
  - b. Have a disabled child who lives with them
  - c. Have a child under the age of five who lives with them
  - d. Receive a war disablement pension, war widow's pension or war widower's pension.
- 2.3 For residents of working age who do not fall into one of these protected groups, the maximum help they can get is a reduction of 75% of their council tax bill. Also, if the property they live in is in band E or above, their CTS is worked out as if they lived in a band D property.
- 2.4 This report proposes that these restrictions are removed from the CTS scheme from April 2024. This will mean that for all residents, the maximum reduction they can get will be 100% of their council tax bill.
- 2.5 This report also proposes that the backdating period for working age residents is extended from one month to three months. This is in line with the period for residents of pension age, and provides extra time to apply, in particular for residents who claim Universal Credit and do not realise they have to make a separate application to the Council to receive CTS.
- 2.6 A review of CTS schemes across Hertfordshire shows a variation in the maximum reduction available to working age residents:

Number of councils	Maximum reduction available
3	100%
2	91.5%
1	80%
3	75%

- 2.7 The cost of the CTS scheme is funded through the wider calculation of the council tax base and hence is provided for by a reduction in the total council tax that can be collected across

the borough. This is because the estimated cost of the scheme is one of the factors used to calculate the council tax base each year.

- 2.8 This means that changes to the scheme will impact not just on the Council, but also on the major preceptors, ie Herts County Council and the Police & Crime Commissioner for Hertfordshire, as it reduces the total council tax collected.
- 2.9 The following table shows the estimated change to the council tax base for Dacorum if the proposed changes are taken forward:

Proposed change	Number of households affected	Adjustment to taxbase compared to no change	Approx reduction in total council tax for Dacorum Borough Council
Remove 25% minimum payment	1,000	Reduce by 0.35%	£35,000
Remove band D cap	50	Reduce by 0.02%	£2,000
Extend backdating period to three months	50	Reduce by 0.01%	£1,000
<b>Combined impact</b>	<b>1,000</b>	<b>Reduce by 0.38%</b>	<b>£38,000</b>

- 2.10 The combined impact of all the changes would only be a small reduction in the council tax base.
- 2.11 The changes would provide additional assistance to around 1,000 of the lowest income households in the borough. Around 700 households would move to zero council tax bills. This would also lead to associated administrative efficiencies, relating to the reduced need for resident contact, or the issue of reminder notices and summonses.

### 3 Options and alternatives considered

- 3.1 Any options for change which could lead to a resident being worse off are not being proposed.
- 3.2 Any significant changes to the structure of the scheme are not being proposed – this is because it would be likely to take several months to effectively model the impact of such changes, and so it would not be possible to make changes in time for 2024/25, given the required consultations.

### 4 Consultation

- 4.1 The required consultations are set out in schedule 1A, paragraph 3 of the Local Government Finance Act 1992.
- 4.2 “Before making a scheme, the authority must (in the following order):
- Consult any major precepting authority which has a power to issue a precept to it,
  - Publish a draft scheme in such manner as it thinks fit, and
  - Consult other such persons as it considers are likely to have an interest in the operation of the scheme”
- 4.3 If this report’s recommendations are approved, the anticipated timeline is:

18 September – 16 October 2023 – major preceptor consultation  
 16 October 2023 – publication of draft scheme  
 16 October 2023 – 24 November 2023 – resident consultation

4.4 The outcome of the consultation process would be reported to Overview and Scrutiny, and then Cabinet, in December 2023 before seeking final approval from Full Council in February 2024.

## **5 Financial and value for money implications:**

The proposed changes will provide benefit to the lowest income residents, without significant cost, and will also enable more efficient administration. The proposed cost of £38k will be one driver factored into the Council's 2023 Medium Term Financial Strategy as part of the annual review of the council tax base and council tax collection projections.

## **6 Legal Implications**

6.1 At this stage, no decision is being taken on the CTS scheme for 2024/25.

6.2 Following the consultation process, details of a final scheme will be submitted for the approval of Council, alongside the calculation of the council tax base for 2024/25.

## **7 Risk implications:**

7.1 If changes are made without following the mandatory consultation process, the amended CTS scheme could be vulnerable to being challenged by judicial review.

7.2 This risk should be entirely mitigated by following the process as laid down in law.

## **8 Equalities, Community Impact and Human Rights:**

8.1 Community Impact Assessment carried out and annexed - there are no negative impacts expected from these proposals. The CIA will be reviewed in light of any comments received during the consultation period.

8.2 Human Rights – there are no Human Rights Implications arising from this report.

## **9 Sustainability implications (including climate change, health and wellbeing, community safety)**

The increase in the number of residents receiving a zero council tax bill is likely to have a beneficial effect on health and wellbeing by reducing financial stress for those households.

## **10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

The proposed changes can be made using software currently licensed by the Council. There are no other infrastructure implications.

## **11 Statutory Comments**

### **Monitoring Officer:**

As stated in the report, Schedule 1A of the Local Government Finance Act 1992 sets out the process for reviewing the Council's Support Scheme. The outcome of the consultation will be reported through scrutiny Cabinet and Council for final approval of the scheme in early 2024.

### **S151 Officer:**

Local Government statute sets out that, both a Local Authority's council tax base and council tax support policy, are reviewed and approved annually. The changes proposed to the council tax support policy will have an impact on the amount of council tax collected by both Dacorum and its precepting partners.

The financial impact of these proposed changes for the council are minor, but could have a significant impact to those residents that benefit from the scheme. The financial costs of this policy change are circa £38k and will feed into the annual review of council tax base and collection that feeds into the MTFS and 2024/25 budget setting process.

## **12 Conclusions:**

- 12.1 The proposed changes would reduce the council tax burden on some of the lowest income households in the borough.
- 12.2 The proposed scheme would not be significantly different to other CTS schemes within the county.



# Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision	Council Tax Support (CTS) scheme
<p><b>Description of what is being impact assessed</b></p> <p><i>What are the aims of the service, proposal, project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?</i></p> <p><i>Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc</i></p> <p><i>It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact</i></p>	
<p>CTS provides financial support to low income households by reducing their council tax bill. The proposed changes will increase the maximum support available to certain working age residents</p>	
<p><b>Evidence</b></p>	
<p><b>What data/information have you used to assess how this policy/service/decision might impact on protected groups?</b> <i>(include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.</i></p>	
<p>The benefits service already holds detailed data about current applicants for CTS, and has been able to use this to model the impact of the proposed changes</p>	
<p><b>Who have you consulted with to assess possible impact on protected groups?</b> <i>If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.</i></p>	
<p>No consultation has taken place at present. There are two reasons for this:</p> <ol style="list-style-type: none"> <li>1) The proposed changes should have no negative impact on any protected groups</li> <li>2) The law requires consultation on proposed changes, and this CIA will be updated with any additional information provided by that consultation process.</li> </ol>	

### Analysis of impact on protected groups (and others)

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- The PCs of *Marriage and Civil Partnership* and *Pregnancy and Maternity* should be added if their inclusion is relevant for impact assessment.
- Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).

Summary of impact		Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Protected group	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/ public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
<b>Age</b>	The proposed changes will affect working age residents only. CTS rules for those of pension age are set an a national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Disability (physical, intellectual, mental)</b>  <i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i>	Residents within this protected group already have their CTS calculated in the way that the proposed changes will extend to all working age residents.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Gender reassignment</b>	No impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Race and ethnicity</b>	No impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Religion or belief</b>	No impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>	No impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sexual orientation</b>	No impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	The proposed changes will provide additional financial support to low income council tax payers. Some of the residents who will benefit may be carers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Negative impacts / outcomes action plan</b>			
Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.			
<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>
	Select date		<input type="checkbox"/>
<b>If negative impacts / outcomes remain, please provide an explanation below.</b>			
<b>Completed by (all involved in CIA)</b>	<b>Chris Baker (Head of Revenues &amp; Benefits), Stuart Potton (Revenues &amp; Benefits Support Manager)</b>		
<b>Date</b>	<b>22/8/23</b>		
<b>Signed off by</b>	<b>Chris Baker</b>		
<b>Date</b>	<b>22/8/23</b>		

<b>Entered onto CIA database - date</b>	
<b>To be reviewed by (officer name)</b>	
<b>Review date</b>	



<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Private Sector Housing – Civil Penalty & Enforcement Policies
<b>Date:</b>	12 September 2023
<b>Report on behalf of:</b>	Councillor Simy Dhyani, Portfolio Holder for Housing and Property Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	Appendix 1 – Draft Civil Penalty Policy Appendix 2 – Draft Enforcement Policy
<b>Background papers:</b>	Appendix 3 – Current Enforcement policy Appendix 4 – Secretary of State letter to Council Leaders and Chief Executives Appendix 5 – CIA Enforcement Policy Appendix 6 – CIA Civil Penalty Appendix 7 – CIA Rogue Landlord initiative
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	Private Rented Sector (PRS) Housing Health and Safety Rating System (HHSRS)

### Report Author / Responsible Officer

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Responsible Officer: Rebecca Clarke, Private Sector Housing Manager



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<b>Corporate Priorities</b>	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Providing good quality affordable homes, in particular for those most in need</li> </ul>
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<b>Wards affected</b>	ALL
<b>Purpose of the report:</b>	To inform Cabinet Members on the Rogue Landlord Initiative, updated Enforcement Policy and a new Civil Penalty Policy, which support the Council's Rogue Landlord activity and initiatives.
<b>Recommendation (s) to the decision maker (s):</b>	1) That Cabinet agrees the annexed Civil Penalty Policy and Enforcement Policy and delegates future policy revisions and amendments to the Portfolio Holder for Housing and Property Services.
<b>Period for post policy/project review:</b>	Annually or upon legislative change

## 1 Introduction/Background:

- 1.1 Private sector housing plays a significant part in the housing provision within the Dacorum Borough and we recognise that the majority of this housing is in good condition and well managed. However, nationally, the conditions in the private rented sector (PRS) tend to be less satisfactory than any other occupancy type.
- 1.2 The Private Sector Housing Team has a responsibility to deal with unsatisfactory housing that presents health & safety hazards to the occupiers of a property. As a result, the Council had previously developed an Enforcement Policy and Civil Penalty matrix to support its approach to tackling such standards. The policy that was approved by Cabinet and is currently in operation and can be viewed at Appendix 3.
- 1.3 The Rogue Landlord Initiative will focus on the worst housing conditions across the borough with a view to proactively identify substandard properties within the PRS including unlicensed HMOs and 'beds in sheds' and instigate a multi-agency response, where needed, including the development of a 'task and finish' group.
- 1.4 As the service has been reviewing approaches and identifying new initiatives to tackle rogue landlords, a revised policy and associated Civil Penalty Policy has been developed. The enforcement policy outlines our approach to ensuring that standards are met. It seeks to ensure that good practice is maintained and that all properties let as residential dwellings, those in private ownership, and properties under Registered Provider control, throughout Dacorum Borough Council are of good quality and are well managed.
- 1.5 The Housing and Planning Act 2016 introduced new provisions which are intended to penalise unscrupulous and irresponsible landlords who fail to provide safe and healthy accommodation. The Government has made it clear that it endorses the majority of landlords who it believes provide good standard accommodation.
- 1.6 Section 126 of the Housing and Planning Act 2016 came into force on 10 March 2017, and amends the Housing Act 2004 to allow Local Housing Authorities to impose financial penalties, of up to £30,000, on landlords, as an alternative to prosecution, for certain offences. Such a financial penalty is referred to as a Civil Penalty. In 2017, the government published a guidance document - [Civil penalties under the Housing and Planning Act 2016](#) – as guidance for local authorities.

## 2 Key Issues and proposals:

- 2.1 In light of the Rogue Landlord Initiative proposals, it is key that the Private Sector Housing Team has robust policies in place to support all enforcement work and which provide comprehensive information and transparency to landlords and tenants. The policies also need to stand up to scrutiny and challenge within the court and tribunal systems.
- 2.2 The proposed Enforcement Policy, (*Appendix 2*), summarises the types of enforcement and legislation most commonly applied by the Private Sector Housing Team, ranging from informal to statutory notices, and legal action including prosecution. It is not an exhaustive list and is not intended to be a definitive interpretation of the legislation, nor provide a full statement of the law. Instead, the policy clearly sets out the Council's approach to enforcement and is designed to be both fair to responsible landlords and capable of dealing with uninformed or rogue landlords in order to maintain and improve conditions within this sector. This directly supports the Council's corporate objectives 'Providing good quality affordable homes' within the private sector.
- 2.3 The current Enforcement Policy does not consider Housing Act 2004 Housing Health and Safety Rating System (HHSRS) Category 2 hazards (lower risk) enforceable. The Awaab Ishak case and communications from the Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities, dated 19 November 2022 outlined that housing



regulators must consider Category 2 Damp and Mould hazards as serious risk requiring enforcement action and therefore the proposed policy has adopted this stance, not just in relation to the and Damp and Mould hazard, but across all hazards under the Housing Act 2004 HHSRS, as this is considered to be a crucial best practice approach.

- 2.4 The proposed Civil Penalty Policy (*Appendix 1*) is a detailed policy to assist in decision making. The policy sets out how civil penalties are calculated in a fair and transparent way to ensure that the highest civil penalties go to the worst and most prolific offenders in line with statutory guidance.

### **3 Options and alternatives considered**

Alternative options have not been considered. It is necessary for the Council to ensure it has clear policies outlining the approach to tackling housing standards. Such policies must be updated and refreshed regularly, upon material or legislative change, so as to ensure that they remain compliant with the statutory framework and adequately inform all stakeholders of the Council's approach.

### **4 Consultation**

During the process of developing the above mentioned policies, the Council's Legal Department, Housing Senior Leadership team and Portfolio Holder for Housing and Property Services have been consulted. Housing and Community Overview Scrutiny Committee were consulted on the policies on 19 July 2023, with positive feedback and comments received by Officers.

### **5 Financial and value for money implications:**

- 5.1 Providing robust and effective management of standards in the private sector minimises impact upon other key statutory services such as homelessness and responsible authorities such as fire and health. Delivering an efficient service allows the Council the opportunity to have a further positive impact by maximising its resources, demonstrating that the Council is operating a modern housing service that delivers excellent value for money.
- 5.2 The Civil Penalty Policy could also lead to additional income being generated, with any financial penalty applied being ring-fenced for reinvestment back into the service to further support tackling poor housing standards.

### **6 Legal Implications**

The legal implications arising from the development of this policy are set out in the report in section 2.

### **7 Risk implications:**

A robust policy approach provides reassurance that the Council has appropriate governance and processes in place to provide private sector enforcement services.

### **8 Equalities, Community Impact and Human Rights:**

A Community Impact assessment has been completed with regard to the Civil Penalty and Enforcement policies – this can be viewed at Appendix 6.

### **9 Sustainability implications (including climate change, health and wellbeing, community safety)**

There are no sustainability issues arising from the development of this policy.

### **10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

There are no council infrastructure issues arising from the development of this policy.

## **11 Statutory Comments**

### **Monitoring Officer:**

The proposed policies provide an effective framework to ensure consistent decision making when considering enforcement action and applying civil penalties.

### **Deputy S151 Officer:**

Any income received from civil penalties can be retained by the Council, provided that it is used to further the Council's statutory functions in relation to enforcement activities covering the private rented sector.

## **12 Conclusions:**

This report outlines the intention to introduce the newly developed Civil Penalty and revised Enforcement policies, providing clear direction regarding the approach that will be undertaken by the Council when tackling housing standards in the private sector.



# Private Sector Housing Civil Penalty Policy

**Version: 1.0**

**Last updated: May 2023**

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## 1.0 Overview

1.1 The Housing and Planning Act 2016 introduced a range of measures for local authorities to use to enable appropriate enforcement against non-compliant landlords.

1.2 This policy, and the guidance within, is intended to work in accordance with the Dacorum Borough Council Private Sector Housing Enforcement Policy and the statutory guidance 'Civil Penalties under the Housing and Planning Act 2016, Guidance for Local Authorities'.

1.3 The purpose of this policy is to set out the framework for decisions regarding the issue of Civil Penalties by Dacorum Borough Council. Due to the nature of cases, there may be circumstances that justify departure from the policy and therefore each case will be dealt with on its own merits, with regard to its specific circumstances.

1.4 Where "the Council" is referred to, this is a reference to Dacorum Borough Council.

1.5 Where the "landlord" is referred to, this is a reference to "owner", "person having control", "person managing" or "licence holder", as defined under the Housing Act 2004.

## 2.0 Introduction

2.1 Dacorum Borough Council is committed to improving the housing standards within the borough, ensuring that properties within the private rented sector are well maintained, properly managed, free from hazards and safe for occupation.

2.2 The Council recognises that most landlords do meet the required standards, operating within the legislative framework and with a good level of professionalism.

2.3 There is a small minority of landlords who are criminal; irresponsibly managing and maintaining property as well as cases where legislation and regulation are knowingly disregarded.

2.4 To enable Local Authorities to tackle rogue landlords, the government has introduced powers within the Housing and Planning Act 2016 to make a number of amendments to enforcement under the Housing Act 2004, namely:

- Civil Penalties of up to £30,000 (per offence) as an alternative to prosecution for various offences where suitable
- Rent Repayment Order offences expanded to include illegal eviction, failure to comply with an improvement notice and other specific offences
- Database of Rogue Landlords – for specific offences and the serving of multiple Civil Penalties within a 12-month timescale
- Banning Orders – for the most prolific offenders

## 3.0 Government Guidance

3.1 In April 2017, the Department for Communities and Local Government (DCLG) published Statutory Guidance. This guidance recommends certain factors the Council should take into account when deciding on the level of a Civil Penalty. In addition, the Council is advised to develop and document its own policy on determining the appropriate level of financial penalty in individual cases. This policy takes into account the recommendations outlined in the published [guidance](#).

## 4.0 What is a Civil Penalty

4.1 A Civil Penalty is a financial penalty of up to £30,000 per offence. This may be imposed on a landlord as an alternative to prosecution for specific offences. The amount of each penalty is determined by the Council for each case. In determining an appropriate level of penalty, Local Authorities must have consideration for a number of factors as outlined in the MHCLG Guidance – Civil Penalties under the Housing and Planning Act 2016. A Civil Penalty will be determined at a level that is considered most appropriate and an effective sanction in a particular case.

## 5.0 Purpose of a Civil Penalty

5.1 A Civil Penalty is an alternative to prosecution and should not be regarded as an easy or lesser option compared with prosecution. The primary purpose of the Council's exercise of its regulatory powers is to protect the occupants' safety within a dwelling.

5.2 The primary aims will be to:

- Ensure landlords take proper responsibility for their properties
- Reprimand of the offender
- Eliminate any financial gain or benefit from non-compliance
- Lower the risk to tenants health and safety
- Aim to deter future non-compliance
- Deter others from committing similar offences

## 6.0 Civil Penalty Offences

6.1 Section 126 and Schedule 9 of the 2016 Act enables the Council to impose a Civil Penalty as an alternative to prosecution for specific offences under the Housing Act 2004 and Housing and Planning Act 2016:

- Failure to comply with an Improvement Notice – (Section 30 of the Housing Act 2004)
- Offences in relation to licensing of Houses in Multiple Occupation – (section 72 of the Housing Act 2004)
- Offences in relation to licensing of houses under Part 3 of the Act – (section 95 of the Housing Act 2004)
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004)
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

6.2 On 1<sup>st</sup> June 2020, the Electrical Safety Standards in The Private Rented Sector (England) Regulations 2020 came into force for new tenancies and on 1<sup>st</sup> April 2021 for existing tenancies. A Civil Penalty can also be issued for failing to comply with landlord duties under these regulations.

6.3 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 - since 1<sup>st</sup> April 2020, landlords can no longer let or continue to let properties covered by the Minimum Level of Energy Efficiency Regulations if they have an Energy Performance Contract (EPC) rating below E, unless they have a valid exemption in place.

6.4 The Council can enforce this minimum standard under the regulations and impose a financial penalty for those in breach.

## **7.0 Prosecution or Civil Penalty Determination**

7.1 The legislation does not permit the Council to impose both prosecution and Civil Penalty in regard to the same offence. The guidance leaves it open to the Council to develop policy as to when to prosecute and when to apply a Civil Penalty. Generally, the Council will prosecute for the more serious offences or in cases where the offender has previously committed similar offences, both of which would likely be determined as the higher levels of Civil Penalty.

7.2 The following is to be considered when determining appropriate course of action:

- Is there public interest in imposing a Civil Penalty on the offender in respect of the offence
- The culpability and track record of the offender
- The harm or potential harm caused to the tenant(s)
- The difficulty in recovery of a Civil Penalty
- Where an offence is ongoing
- Where the offence forms part of a wider/cross-team prosecution

7.3 The Council will consider the circumstances of each case and make a decision on taking a prosecution or apply a Civil Penalty in accordance with Dacorum Borough Council's Private Sector Housing Enforcement Policy.

7.4 The Public Interest Stage of the Full Code Test for criminal prosecutions -

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

## **8.0 Burden of Proof**

8.1 The same standard of proof is required for a Civil Penalty as for a criminal prosecution. This means that before issuing the Civil Penalty, the Council must be satisfied beyond reasonable doubt that the landlord committed the offence(s) and that if the matter were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

8.2 In the determination of whether there is sufficient evidence to secure a conviction, the Council will have regard to the Dacorum Borough Council Private Sector Housing Enforcement Policy and the Crown Prosecution Service Code for Crown Prosecutors. The determination will be based on an objective assessment of the evidence, including whether the evidence is admissible, reliable and credible and the impact of any defence.

8.3 Consideration must be given to any potential defences available and, in certain circumstances, the Council may decide to conduct an interview under caution in accordance with PACE codes of practice to assist in determining whether the issue of a Civil Penalty is appropriate or not.

8.4 The Evidential Stage of the Full Code Test for criminal prosecutions as set out in the Guide for Crown Prosecutors - <https://www.cps.gov.uk/publication/code-crown-prosecutors>

## 9.0 Determining Level of Civil Penalty

9.1 The Council has the power to apply a Civil Penalty of up to £30,000 per offence. Statutory guidance states that the Council must consider a number of factors in determining its level of penalty based on:

- **Severity of the offence** – the more serious the offence, the higher the penalty
- **Culpability and track record of the offender** – a higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- **The harm caused to the tenant** – the greater the harm, or the potential for harm, the higher the amount should be when imposing a Civil Penalty.
- **Punishment of the offender** – the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
- **Deter the offender from repeating the offence** – the level of penalty should be set at a level high enough level such that it is likely to deter the offender from repeating the offence.
- **Deter others from committing similar offences** - the level of the penalty should therefore be set at a high enough level such that it is likely both to deter the offender from repeating the offence.
- **Remove any financial benefit the offender may have obtained as a result of committing the offence** - it should never be cheaper to offend than to ensure a property is well maintained and properly managed.

9.2 **Culpability** - The level of culpability will depend on a number of factors:

High level culpability is considered to be intentional or reckless breach or wilfully disregarding the law, including any of the following:

- A history of non-compliance
- Despite a number of opportunities to comply they have failed to do so
- Have been obstructive as part of the investigation
- Failure to comply results in significant risk to individuals
- A member of a recognised landlord/letting agency association and/or accreditation
- An experienced landlord/agent with a portfolio of properties failing to comply with their obligations
- Serious and/or systematic failure to comply with their legal duties

Medium level culpability is considered to be offending through an act or omission a person exercising reasonable care would not commit:

- A first offence with no high level culpability criteria met
- Failure is not a significant risk
- The landlord/agent does have systems in place to manage risk to comply with legal obligations

Low level culpability is considered to be an offence committed with little fault:

- Minor breaches



- Isolated occurrence
- Significant effort made to comply but was inadequate to achieve compliance
- No or minimal warning of circumstance/risk

The above serve as examples only and are not exclusive – other factors may be taken into account when determining levels of culpability.

**9.3 Harm** - There are a number of factors to be considered when determining the level of harm – both the actual, potential and likelihood will be considered.

High level harm:

- Serious effect on person(s)
- Harm to a vulnerable person(s)
- Serious levels of overcrowding
- Harm to multiple persons

Medium level harm:

- Adverse effect on person(s) but not high level
- Medium risk of harm to an individual

Low level harm:

- Low risk of harm or potential harm
- Little risk of an adverse effect on person(s)

The above serve as examples only and are not exclusive – other factors may be taken into account when determining levels of harm.

#### **9.4 Vulnerability**

The statutory guidance states that the harm caused and vulnerability of the individual occupier(s) are important factors in determining the level of penalty.

A vulnerable individual is a person who is at greater risk of harm, including:

- Elderly person
- Children
- Pregnant women
- Receives domiciliary care
- Has health needs – mental health, drug dependency, alcohol dependency, terminally ill etc
- requires assistance in conducting their own affairs
- Has payments made to him/her or to an accepted representative in pursuance of arrangements under the Health and Social legislation.
- Receives a service or participates in any activity provided specifically for persons who have particular needs because of age, has any form of disability or has a prescribed physical or mental problem.
- Those who have difficulty in understanding, speaking or reading English.

This list is not exclusive and other factors may affect vulnerability when considering the level of any penalty.

## 9.5 Civil Penalty Level

The following matrix is used by officers in determining the penalty amounts for a Civil Penalty under the Housing and Planning Act 2016. It has been devised to have specific regard to the Government Guidance for Local Authorities: Civil Penalties under the Housing and Planning Act 2016, published April 2018.

Each row in the matrix considers certain criteria with each row providing a score dependent of severity of an offence. The officer is required to justify the most appropriate score based on the case evidence. The scoring of each row will be added up to provide a total score that will determine an exact penalty amount as per the following table:

<b>Score Range</b>	<b>Fixed Penalty</b>
<b>1-5</b>	£250
<b>6-10</b>	£500
<b>11-20</b>	£750
<b>21-30</b>	£1000
<b>31-40</b>	£2500
<b>41-50</b>	£5000
<b>51-60</b>	£10,000
<b>61-70</b>	£15,000
<b>71-80</b>	£20,000
<b>81-90</b>	£25,000
<b>91-100</b>	£30,000

The officer using the matrix will consider each factor and severity and will at no point be setting the level of Civil Penalty as the matrix is designed to automatically calculate the value:

Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20
<b>Deterrence and Prevention</b>	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrent.	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat (eg. No contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a financial penalty will deter repeat offending. Likely that informal publicity will be required to prevent similar offending in the landlord community.	Very little confidence that a financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.
<b>Removal of Financial Incentive</b>	No significant assets. No or very low financial profit made by the offender.	Little asset value. Little profit made by the offender.	Small portfolio landlord (between 2-3 properties). Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.
<b>Offence and History</b>	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence or multiple breaches.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.
<b>Harm to Tenants (Weighting x 2)</b>	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary evidence.	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed; (High HHSRS score) Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed; (high HHSRS Score) Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).

- Each row must be scored and totalled for score range
- Harm to tenants has an additional weighting which will be double the selected score
- The score will then fall into a score range and equate to a fixed penalty level

## **10.0 Multiple Offences**

10.1 Where the Council is satisfied that more than one offence has been committed concurrently in respect of a single property, they may issue multiple Civil Penalty Notices for each offence (e.g. where there are multiple breaches of the HMO Management Regulations) with regards to a total level that is fair and proportionate but in all cases is of a level that fulfils its requirements to act as a deterrent and removes any gain.

## **11.0 Multiple Penalties**

11.1 Where satisfied on the merits of the case, or if the Council consider that imposing multiple Civil Penalties at the same time would result in an excessive cumulative penalty, the Council may take action in respect of one or some of the offences and provide a warning to the offender regarding the outstanding offences so that the Council may take action at a later date if the offence(s) continue.

## **12.0 Assessment of Income and Assets**

12.1 The Council may make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty. The perpetrator will have the opportunity to make representations following the service of the Notice of Intent and may decide to set out any financial hardship in those representations. It will be for the perpetrator to provide sufficient documented evidence of income when relying upon such representations.

12.2 The Council reserves the right to request further information to support any financial claim, and where this is incomplete, appears to be inaccurate or is not sufficiently evidenced, may determine that the representation should not be considered. It should be noted that due to the average value of properties and the upper limit of £30,000 associated with any Civil Penalty action, it is unlikely that perpetrators with multiple properties will be able to demonstrate financial hardship.

## **13.0 Reduction of Civil Penalty**

13.1 The Council will take into account mitigating factors, including any admission of guilt.

13.2 The Council will also consider a reduction of up to a maximum of 15% in the event that the offender complied with the identified breach (for example by making an application to license a previously unlicensed property) within the representation period at the 'Notice of Intent' stage.

13.3 A reduction of 15% of the original calculated financial penalty will be applied should the penalty be paid within a specified time period (normally 28 days).

13.4 Any reduction in the level of financial penalty will be decided on a case-by-case basis, with a discount of up to a maximum of 30% in total.

13.5 Any reduction must not result in a financial penalty being less than the financial gain received from committing the offence.

## 14.0 Process

14.1 Schedule 13A of the Housing Act 2004 and Schedule 1 of the Housing and Planning Act 2016 sets out the process which must be followed when imposing a Civil Penalty.

14.2 A 'Notice of Intent' will be service on the offender/responsible party. The Notice must specify the following:

- The total amount of the proposed Civil Penalty
- The reasons for imposing the Civil Penalty
- Information on the right of the offender to make representations to the Council

14.3 Any offender who has received a 'Notice of Intent' will be given 28 days to make written representation to the Council. Representations can be made about the imposition of a penalty (including whether an offence/breach has been committed) and/or the proposed amount of the penalty, including any mitigating circumstances. The Council will consider any representations made. It will be the responsibility of the offender to provide appropriate and satisfactory documented evidence to support their representation. Failure to provide such evidence may mean the Council will not be able to consider any representations received.

14.4 Representations can only be made by the offender served with a Notice of Intent. No other parties will have an automatic right to make representations and the Council will determine whether to consider any on a case-by-case basis.

14.5 At the end of the 28-day period, any valid representations will be considered and the Council will decide:

- Whether to impose a Civil Penalty on the person and;
- The final amount of any such penalty to be imposed

14.6 If the Council decides to impose a Civil Penalty, a Final Notice will be issued. The notice will impose the penalty and specify:

- The total amount of the Civil Penalty
- The reason for imposing the Civil Penalty
- How to pay the Civil Penalty
- The period for payment of the penalty
- Information on rights of appeal to the First Tier Tribunal
- The consequences of failure to comply with the notice

## 15.0 Appeals

15.1 If a Civil Penalty is imposed on a perpetrator, they have the right of appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a penalty, or, the amount of the penalty that has been imposed. The First-tier Tribunal (Property Chamber) have the power to confirm, vary (increase or reduce) the amount of the Civil Penalty, or to instruct the withdrawal of the Civil Penalty.

15.2 Where an appeal has been made, the Civil Penalty will be suspended until the appeal has been heard and decided.

## **16.0 Payment of a Civil Penalty**

16.1 A Civil Penalty must be paid within 28 days of the final notice being given, unless the notice is suspended due to an application for appeal. Details of how to pay the penalty will be provided on the final notice.

## **17.0 Debt Recovery**

17.1 If a Civil Penalty is not paid within the appropriate time period, the Council will refer the case to the County Court for an order to seek its recovery. This will include the recovery of any additional costs to the Council from having to undertake such action.

## **18.0 Income from Civil Penalties**

18.1 Income received from the application of Civil Penalties will be retained by the Council and used for the purpose of meeting the costs and expenses incurred in relation to carrying out its enforcement functions within the private sector remit.

18.2 The retention of the income is detailed in The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017 - <https://www.legislation.gov.uk/ukxi/2017/367/made/data.pdf>

## **19.0 Consequences of a Civil Penalty**

19.1 A Civil Penalty is an alternative to prosecution and - unless withdrawn and the Council determines that in the public interest a prosecution for the ordinal offence is the preferred option - then a landlord cannot be prosecuted for the same offence once the penalty has been paid and the matter concluded.

19.2 Should a Civil Penalty be imposed on a landlord, it will not automatically prevent the Council from granting a licence under Part 2 or 3 of the Housing Act 2004. The Council will consider each case on its own merits including the reason for the penalty and the extent of the offender's involvement in any property under consideration.

## **20.0 Database of Rogue Landlords and Letting Agents**

20.1 Where a landlord is in receipt of two or more Civil Penalties over a 12-month period, the Council will enter that person's details in the database of rogue landlords and letting agents.

## **21.0 Exceptions to Policy**

21.1 Any departure from this policy will be taken for escalation to the Team Manager and Head of Service, where a decision can be determined and documented.

## 22.0 Governance

22.1 This policy is subject to change and will be reviewed periodically and in line with changes in legislation, government statutory guidance and Council policy.

## 23.0 Reasonable Adjustments and Alternative Formats

23.1 Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the complaint process or decisions

If you would like to contact us about reasonable adjustments or alternative formats, please email [edi@dacorum.gov.uk](mailto:edi@dacorum.gov.uk) or call us on **01442 228000**

If you prefer to write to us, send your letter to:

**Equality, Diversity and Inclusion Team**  
**Dacorum Borough Council**  
**The Forum**  
**Marlowes**  
**Hemel Hempstead**  
**Hertfordshire**  
**HP1 1DN**

## 24.0 Links to Relevant Documents

- [The Code for Crown Prosecutors](#)
- [Housing Act 2004](#)
- [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Housing and Planning Act 2016](#)
- [The Energy Efficiency \(Private Rented Property\)\(England and Wales\) Regulations 2015](#)
- [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
- [Civil Penalties under the Housing and Planning Act 2016 – Statutory Guidance](#)
- [The Rent Repayment Orders and Financial Penalties \(Amounts Recovered\) \(England\) Regulations 2017](#)
- Dacorum Borough Council Private Sector Housing Enforcement Policy
- [Dacorum Borough Council Private Sector Housing HMO Policy](#)



# Private Sector Housing Enforcement Policy

**Version: 1.0**

**Last updated: May 2023**



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## 1.0 Introduction

1.1 This policy relates to the duties and powers vested in Dacorum Borough Council ('the Council'), and more specifically, the Private Sector Housing Team, to deal with substandard accommodation and management of private sector housing. It hopes to ensure the law is applied fairly and consistently to ensure offenders are tackled proportionately in regard to the offence(s), whilst reducing impact for the compliant.

1.2 This policy is drawn up in line with the principles of good enforcement outlined in the Enforcement Concordat and with specific regard to the Regulator's Code 2014, under the Legislative and Regulatory Reform Act 2006 and the Hampton Review.

1.3 Proper authorisation of officers will be ensured and applicable investigations will be carried out in accordance with the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000, Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996.

1.4 This policy covers all types of property within the private sector. However, there are further policies to cover Houses in Multiple Occupation (HMOs) and Empty Homes:

- [Private Sector Housing Houses in Multiple Occupation Policy](#)
- Empty Homes Policy [LINK \(to be completed once live\)](#)

This policy will also work in conjunction with the Private Sector Housing Civil Penalty Policy – [LINK \(to be completed once live\)](#)

## 2.0 Aims

2.1 Dacorum Borough Council is committed to ensuring that all of its residents living within the private sector live in homes that are safe, warm and free from serious hazards.

2.2 It has long been established that there is a link between the standard of housing and health, with poor quality housing affecting both the physical and mental health and wellbeing of occupiers.

2.3 Dacorum Borough Council expects landlords to proactively ensure that they are fully compliant with the range of relevant legislation and properly manage all of their property portfolio.

2.4 We recognise that the majority of landlords are (or want to be) compliant and provide a good standard of accommodation to their tenants. We will continue to work with landlords, providing advice, newsletters and landlord forums.

The overall aim of enforcement is to protect health and improve housing standards:

- Changing the behaviour and seeking legal punishment of those who flout the law
- Eliminating financial gain or benefit from non-compliance
- Providing transparent and consistent regulation within a private market
- Promoting professionalism, legislative compliance and resilience within the private rented sector
- Preventing harm and ensuring that duty holders take action to deal immediately with serious risk to the health or safety of tenants and others

### 3.0 Links to the Council's Corporate Aims

3.1 The policy supports the Council's corporate priorities which are set out in ['Delivering for Dacorum - Corporate Plan 2020 - 2025'](#)

### 4.0 Equality and Diversity

4.1 The Council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all applicants, tenants and landlords are treated fairly and without unlawful discrimination.

4.2 A priority for the Private Sector Housing Team is to improve standards in private rented accommodation, particularly that which is occupied by the most disadvantaged persons living in this sector.

### 5.0 The Principles of Enforcement

5.1 Dacorum Borough Council believes in firm but fair enforcement of housing law. This should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the regulator operates and what those regulated may expect; and accountability for the regulator's actions. These principles should apply both to enforcement in particular cases and to the management of enforcement activities as a whole with regard to the following:

**5.2 Proportionality** - Proportionality means taking regard to the risk. Those whom the law protects and those on whom it places duties, should expect the action taken by enforcing authorities to be proportionate to any risks to members of the public's health and safety and to the seriousness of any breach.

**5.3 Consistency** - Consistency does not equate to uniformity. It means taking a similar approach in similar circumstances to achieve similar outcomes. Officers will need to take account of many variables including the scale of impact and the history of incidents and/or breaches. Decisions on enforcement action are a matter of professional judgement and officers need to exercise discretion.

**5.4 Transparency** - Transparency is vital in maintaining public confidence in the Council's ability to regulate. It requires clear communication to ensure a full understanding of what is expected of duty holders and what they should expect from the Council. It requires clear information provision as to why enforcement has or will be taken.

5.5 Transparency also involves Dacorum Borough Council clearly setting out what rights of making a complaint are open to duty holders, residents and tenants as well as written explanation of any rights of appeal against formal enforcement action at the time the action is taken.

**5.6 Targeting** - Targeting means ensuring the regulatory effort is primarily aimed towards those whose activities give rise to serious risks, where the hazard and risks are least well controlled or against repeated or deliberate offences.

5.7 Any enforcement action will be directed against duty holders responsible for a breach. This may be the landlord in relation to disrepair and identified premise hazards; letting and managing agents; owners of properties; third parties connected to the properties; or the tenants themselves.

Where several duty holders have responsibilities, the Council may take action against more than one when it is appropriate to do so in accordance with this policy.

## **6.0 Investigation**

6.1 The Council will suitably investigate all complaints and requests received using appropriate powers to gather information and gain access to properties where necessary. Investigations will be undertaken by officers who will determine whether further action is required.

6.2 In the first instance for most cases, tenant(s) will be expected to have taken their own action to resolve the problem. This will usually need to be in the form of a written complaint to their landlord (letter or electronic communication such as email or text message), allowing them sufficient time to respond. Where tenant(s) approach the Council with a complaint, we will ask to see a copy of any such correspondence prior to considering investigation.

6.3 For less serious or minor matters direct action by the Council may not be considered. In cases such as this we will endeavour to provide advice and direction to further help wherever possible.

Investigations are undertaken to determine the following:

- Cause
- Whether any action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law
- What response is appropriate to a breach of the law

The Council will assist tenants in providing general information, advice and guidance to ensure awareness and understanding of tenants' rights.

6.4 In certain circumstances, the Council will also provide advice, mediation and in some cases consider possible enforcement against harassment and illegal eviction. Advice will be given to tenants in relation to promoting prevention of harassment and illegal eviction as well as signposting to civil remedies such as Rent Repayment Orders and Injunctions – this service will be provided by the Homelessness Prevention Team. The Private Sector Housing Team will only deal with the most serious cases on a case by case basis.

6.5 We will endeavour to provide general information, advice and guidance to make it easier for landlords to understand and meet their regulatory obligations. We will also attempt to signpost those landlords who have more complex questions or require legal advice.

## **7.0 Housing Association Complaints**

7.1 Housing Association tenants will be expected to use their formal repair reporting procedure. Should this not result in satisfactory outcomes or the remedy of disrepair then tenants will be advised to follow the Housing Associations form complaint procedure. The tenant will also be advised that they can then escalate the issues to the Housing Ombudsman:

Housing Ombudsman Service. PO Box 152, Liverpool, L33 7WQ

Telephone 0300 111 3000

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

7.2 The Council will investigate complaints in relation to Housing Associations when satisfied that there is sufficient public health risk and in these cases the principles of this enforcement policy will apply.

## **8.0 Leaseholder and Freeholder Complaints**

8.1 Dacorum Borough Council is generally not able to respond to complaints by long leaseholders requesting assistance in taking action against other long leaseholders or freeholders. The Council will only offer assistance in cases where there are exceptional circumstances; this may include cases where there is imminent risk to health.

8.2 In all other situations the leaseholder will be redirected to;

The Leasehold Advisory Service

<http://www.lease-advice.org>

Telephone: 020 7832 2500

## **9.0 Multi Agency Working**

9.1 Officers may work with other services with the authority, such as planning, benefits and Council Tax, homelessness and anti-social behaviour teams, as well as other enforcement agencies that have powers to take enforcement action. These agencies may include:

- Hertfordshire Fire and Rescue Service
- Hertfordshire Constabulary
- UK Visas and Immigration
- Gangmasters and Labour Abuse Authority
- Hertfordshire Building Control
- Hertfordshire Trading Standards

9.2 In circumstances where a joint approach is required, officers will ensure that investigations and enforcement action are undertaken by the most appropriate enforcement authority/agency.

## **10.0 Exceptions to Policy**

10.1 While we are committed to working with tenants and landlords, the following situations may impact our involvement and ability to use enforcement powers where:

- the local authority is satisfied that the landlord is taking all reasonable and appropriate action to address repairs in a timely manner
- the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow up letter or appointment card
- the complaint is found to be trivial or has no reasonable justification on visiting the property

- the tenant(s) have been aggressive, threatening, verbally or physically abusive towards officers
- the tenant(s) unreasonably refuses to provide the Council with relevant documentation

## **11.0 Authorisation**

11.1 Officers that investigate and carry out enforcement functions have been authorised under the relevant legislation to do so and in accordance with Dacorum Borough Council's Constitution. Each officer carries an identification card.

11.2 Appointment and authorisation of officers enforcing the Housing Health and Safety Risk Rating Scheme (HHSRS) shall be subject to attendance and successful completion of an associated course. An Authorisation document prepared by the Council clearly lays out the powers of officers' dependant on qualification, competence and experience.

11.3 It is expected that any officer serving a formal notice under the Housing Act 2004 shall be duly trained, and passed a suitable HHSRS course.

## **12.0 Powers of Entry**

12.1 In accordance with Section 239 of the Housing Act 2004, at least 24 hours' notice will normally be given to owners and occupiers, where appropriate and known, unless the occupier has already requested at which point an appointment will be made.

12.2 A duly authorised officer, under Section 239 of the Housing Act 2004, may:

- a) Take other persons with him:
- b) Take equipment or materials with him:
- c) Take measurements or photographs or make recordings;
- d) Leave recording equipment on the premises for later collection;
- e) Take samples of any articles or substances found on the premises.

12.3 If admission is refused, then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

12.4 No notice is required where entry is to ascertain whether an offence has been committed under certain sections of the Housing Act 2004 relating to HMOs.

## **13.0 Obstruction of Officers**

13.1 Section 241 of the Housing Act 2004 makes it a clear offence to obstruct authorised officers in carrying out their roles. This includes failing to offer the officer reasonable assistance in the conduct of their duties and investigations / inspections.

## 14.0 Enforcement

14.1 **The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020** came into force on 1<sup>st</sup> June 2020. These Regulations apply to all new specified tenancies granted on or after 1<sup>st</sup> July 2020 and apply to all existing tenancies from 1<sup>st</sup> April 2021.

14.2 These Regulations require landlords to:

- Ensure that the electrical safety standards are met during any period of a tenancy
- Have the fixed electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every five years, or more frequently if the most recent report requires this
- Ensure the first inspection is completed and testing is carried out before the tenancy commences in relation to a new specified tenancy or by the 1st April 2021 in relation to an existing specified tenancy
- Provide a copy of the report to their tenants (and potential tenants on request), and to the local authority if requested. A copy must also be retained and provide to the next person carrying out a test and inspection
- If the report requires investigative or remedial works, landlords will have to carry this out within a specified time period.

14.3 Failure to comply with these Regulations can result in the imposing of a Civil Penalty of up to £30,000.

14.4 **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015** came into force on the 1st October 2015. The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 came into force on 1<sup>st</sup> October 2022. From that date, all relevant landlords must:

- Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
- Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

14.5 The Regulations impose the duties on relevant landlords and gives power to councils to ensure responsibilities are met. The Council will consider remedial notice if non-compliance is evidence:

A remedial notice must:

- specify the premises to which the notice relates

- specify the duty or duties that the local housing authority considers the landlord is failing or has failed to comply with
- specify the remedial action the local housing authority considers should be taken
- require the landlord to take that action within 28 days beginning with the day on which the notice is served
- explain that the landlord is entitled to make written representations against the notice within 28 days beginning with the day on which the notice is served
- specify the person to whom, and the address (including if appropriate any email address) at which, any representations may be sent
- explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which a local housing authority may impose

The remedial notice will confirm the provisions for a review, and the appeal procedures.

14.6 Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to impose a Civil Penalty of up to £5,000.

#### **14.7 The Energy Efficiency (Private Rented Property (England and Wales) Regulations 2015**

The Minimum Energy Efficiency Standards (MEES) came into force in April 2018. The Regulations set out the minimum level of energy efficiency for private rented property in England and Wales. In relation to the domestic private rented sector the minimum is an EPC rating of E.

14.8 From 1<sup>st</sup> April 2018, rented properties in the scope of the MEES Regulations needed to meet the minimum rating before they can be let on a new tenancy, unless a valid exemption has been registered. The MEES Regulations applied to all domestic properties within scope from 1<sup>st</sup> April 2020.

14.9 Failure to comply with the Regulations is an offence which can result in the imposing of a Civil Penalty.

#### **14.10 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014**

The Order requires that a person who engages in letting agency work or property management must be a member of a redress scheme for dealing with complaints in regards to that work.

<https://www.gov.uk/redress-scheme-estate-agencies>

14.11 Where the Council is satisfied that a person has failed to belong to a redress scheme as set out in the Order the Council can impose a 'monetary penalty'.

14.12 The standard penalty charge for breach of duty under article 3 or 5 of the Order is £5000.

14.13 **The Tenant Fees Act 2019** - The Act details fees that Landlords or their Agents can charge to their tenants. Those not detailed in the Act are prohibited fees. When prohibited fees are charged, the matter can be referred to Trading Standards who are the enforcing body. Action can be taken against Landlords or their Agents who are found to be in breach of legislation under the Housing and Planning Act 2016 for a first offence resulting in a Civil Penalty of up to £5,000. If



further breaches are committed within five years of this penalty or a conviction for a previous breach is found, this matter will be considered a criminal offence. The local authorities will then have the discretion to either prosecute or impose a further financial penalty of up to £30,000.

**14.14 The Protection from Eviction Act 1977** - The Protection from Eviction Act 1977 Section 1 makes it an offence for any person to unlawfully deprive a residential occupier of the premises (or any part of it) that they occupy.

14.15 In certain circumstances the Council will also provide advice, mediation and in some cases consider possible enforcement against harassment and illegal eviction. Advice will be given to tenants to in relation to promoting prevention as well as signposting to civil remedies such as Rent Repayment Orders and Injunctions – this service will be provided by the Homelessness Prevention Team. The Private Sector Housing Team will only deal with the worst cases on a case by case basis.

14.16 The Council can prosecute for breaches of the Protection from Eviction Act 1977 and such prosecutions can amount to a criminal offence.

**14.17 Housing Act 2004 Part 1 – Housing Health and Safety Rating System** - Under the Housing Act 2004, the Housing Health and Safety Rating System (HHSRS) prescribes the means by which the Council can assess housing conditions based on risk (both likelihood and impact to health).

14.18 The HHSRS assesses 29 hazards and categorising them from Band A (highest risk) to J (lowest risk). Band A, B and C are considered as Category 1 hazards which are serious risk. The other bands – D and below – are lower risk and classified as Category 2 hazards. The Council has a duty to take action to rectify all Category 1 hazards but will also exercise its powers to reduce Category 2 hazards through appropriate action when an investigating officer considers this to be proportionate.

14.19 The HHSRS is applicable to any property of any tenure including owner occupied, standard rented or House in Multiple Occupation.

**14.20 Housing Act 2004 Part 2 – Licensing of Houses in Multiple Occupation**

14.21 Under current legislation there is a mandatory licensing of houses in multiple occupation (HMOs) where there are shared amenities and 5 or more persons forming 2 or more households.

14.22 Dacorum Borough Council currently does not operate any Additional Licensing Schemes.

14.23 Due to the complexities of HMOs, a separate policy covering licensing is made outside of this policy but the principles of enforcement covered with this enforcement policy shall apply.

## **15.0 Enforcement Options**

**15.1 No Action** - Where an officer has investigated a complaint and no breach of legislation or concerns are identified, no action will be taken.

In exceptional circumstances, contraventions may not warrant any action. A decision of no action may also be taken when a premise is being vacated and not re-let.

**15.2 Informal Action** - Informal action is verbal advice, requests, warnings or letters and inspection reports that can be used when:

- concerns identified are not considered a serious risk;
- there is not a significant risk to the safety or health of the occupant or others as a result of the property;
- informal action will be more effective and/or quicker than formal action; or
- there is confidence in the Manager/owner or there is evidence they have previously responded well to advice and guidance from the team.

In the case of informal action, where the level of risk is not high and the landlord or managing agent is willing to work with the team, we will allow a reasonable timeframe for recommended works to be carried out. If works are not carried out during this time then formal enforcement options will be considered.

**15.3 Hazard Awareness Notice** - section 28 and 29 of the Housing Act 2004 allows for service of a Hazard Awareness Notice.

A Hazard Awareness Notice under this section is to advise the person on whom it is served of the existence of a hazard in respect of the premises it is served in relation to.

These notices tend to be utilised where formal enforcement is not considered necessary or viable and to raise awareness, such as low Category 2 hazards or in relation to an owner-occupied premise. There is right of appeal since there is no enforcement element.

A Hazard Awareness Notice would not be appropriate for Category 1 hazards unless the officer can determine that remedial action is neither viable nor practicable.

**15.4 Improvement Notice** – section 11 and 12 of the Housing Act 2004 allows for service of an Improvement Notice for both Category 1 and Category 2 hazards. It is anticipated that Improvement Notices will be appropriate and a practical and proportion remedy for most hazards.

An improvement Notice will require works that will either remove the hazard entirely or reduce so far as practicable.

**15.5 Suspended Improvement Notice** – The Council will consider the suspension of an Improvement Notice where it is reasonable to do so. For example:

- The need of planning permission or other consent being required before any works can be started
- Personal circumstances of occupants that require deferral of works

When considering whether it is appropriate to suspend an Improvement Notice, the Council will consider:

- The level of risk presented by the hazard(s)
- The response of the duty holder
- Any other relevant circumstances

Suspended Improvement Notices will be reviewed on an ongoing basis, at least every six months.

**15.6 Prohibition Order** – under sections 20 and 21 of the Housing Act 2004 allows for the making of a Prohibition Order in relation to Category 1 and 2 hazards.

A Prohibition Order can prohibit specific uses including preventing occupation by a particular descriptions of persons.

**15.7 Suspended Prohibition Order** – provides the Council with power to suspend a Prohibition Order once served.

The Council will consider this course of action where it is reasonable in the circumstances to do so. Suspended Prohibition Orders will be reviewed at least every six months.

**15.8 Emergency Remedial Action and Prohibition Orders** – under section 40 and 43 of the Housing Act 2004. The Council must be satisfied that:

- A Category 1 hazard exists, and that;
- The hazard pose an imminent risk of serious harm to health or safety, and that;
- Immediate action is necessary

If these conditions are met, the Council will take appropriate emergency action. Situations in which this may be appropriate include risk of electrocution, fire, gassing, explosion or collapse.

**15.9 Demolition Orders** – power to make an Order to demolish a building as a response to a Category 1 hazard. In determining whether to issue a Demolition Order, the Council will take account of Government guidance and will consider all the circumstances of the case.

**15.10 Clearance Areas** – the Council can declare a Clearance Area if satisfied that each of the premises in the area are affected by one or more Category 1 hazards. In determining whether to declare a Clearance Area, the Council will act only in accordance with Section 289 of the Housing Act 1985 (as amended) and having had regard to relevant Government guidance on Clearance Areas and all the circumstances of the case.

**15.11 Works in Default** - If an offender refuses or fails to carry out repairs following a notice, we will consider works in default.

In most circumstances, a person will be given notice of our intention to carry out works in default. Where we are required to do this, the notice recipient will be charged for the repairs, as well as administration and any other costs as incurred by the Council.

It is an offence for any person to obstruct the Council or any of the contractors or agents that have been engaged to carry out the works in default.

### **Houses in Multiple Occupation (HMOs)**

**15.12 Overcrowding Notice** - overcrowding notices apply to all non-licensable HMOs which do not have an IMO or FMO in force. A person who fails to comply with an overcrowding notice commits an offence and be prosecuted or issued with a civil penalty. An Overcrowding Notice may prohibit new residents or limit the number of people sleeping in a property or room.

**15.13 Licence Term Reduction** – generally, HMO Licences are granted for five years. However, the licence period can be reduced by up to 4 years in certain circumstances. The following is a list of factors to be consider when determining a period for which a HMO licence is granted for:

- Failure to comply with conditions on previous HMO licence
- Failure to comply with planning requirements
- Council tax payments not up to date
- Failure to comply with management regulations
- Failure to apply voluntarily for a licence
- Significant hazards within the dwelling on a licensing inspection
- History of justified complaints in relation to the property

**15.14 Licence Conditions** – generally, standard HMO conditions will be added to the licence. However, if there is any cause for concern in relation to poor landlord behaviour or standards the licensing officer may determine that further conditions are required. Determination will be made on a case-by-case basis.

**15.15 Refusal or Revocation of Licence** - a licence may be refused or revoked by the Council if any of the following/combination of are evidenced:

- Licence application is not made in accordance with the Council's application requirements
- Part 1 and/or Part 2 licence fee's not paid in full
- Proposed manager/licence holder is not 'fit and proper'
- Proposed manager/licence holder is not the most appropriate person to hold a licence
- Proposed manager/licence holder is not the person having control of the property
- Proposed management arrangements are not satisfactory
- Property is not suitable of occupation in regards to the number of persons or households
- Manager/licence holder has committed a serious breach or repeated breaches of a condition of the licence

**15.16 Interim & Final Management Orders** - An Interim Management Order (IMO) transfers the management of a residential property to the Council for a period of up to twelve months and in exceptional circumstances the Council can also apply for a Final Management Order (FMO) which can last for up to five years.

The Council will take over the management of private property through a management order in certain circumstances (where a privately owned property is unlicensed/no suitable licence holder can be found). This can also apply to empty dwellings that meet the time for Empty dwelling management orders. Section 26 and Schedule 3 of the Housing and Planning Act 2016 allows the Council to also make a management order in circumstances where a banning order has been made and where a privately owned property is being let in breach of a banning order.

**15.17 Civil Penalties** - Civil Penalties under the Housing and Planning Act 2016 can be applied as an alternative to prosecution for a number of offences. Due to the complexities of Civil Penalties these are detailed in a separate policy - Dacorum Borough Council Private Sector Housing Civil Penalty Policy [LINK once live](#)

**15.18 Simple Caution** - officers may use Simple Cautions where someone has committed a less serious offence. Simple Cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences. Simple cautions can only be issued where:

- There is evidence an offender is guilty
- The offender is eighteen years of age or over
- The offender admits they have committed the crime
- The offender agrees to be given a caution – if the offender does not agree to receive a caution then they are likely to be prosecuted instead

Simple cautions are normally not appropriate where there is history of offending within the last two years or where the same type of offence has been committed before. In these circumstances prosecution is more appropriate.

**15.19 Prosecution** - cases will only be recommended for a prosecution if the following is considered:

- Appropriateness of the case for legal proceedings
- Sufficient, admissible and reliable evidence that an offence has been committed by an identifiable person or company and that there is a realistic prospect of conviction based on the evidential and public interest tests
- Compliance with the Regulator's Code
- Consideration of case merits result in prosecution being the preferred course of action rather than a Civil Penalty
- Consideration of legislative requirements, enforcement procedure and policies

If prosecution is deemed appropriate, then the case will be fully prepared and referred to the Legal Team for consideration. All prosecutions will be brought without unavoidable delay; generally, there is a requirement to lay information with the Courts within six months of the identified date that the offence was committed.

**15.20 Proceeds of Crime Act 2002** - where there is substantial financial gain for a landlord or owner through non-compliance with legislative requirements in the private rented sector, the Council will consider taking action to confiscate or recover monies gained through illegal activities under the Proceeds of Crime Act 2002.

**15.21 Rent Repayment Order (RRO)** - In addition to the powers provided by the Housing Act 2004 to apply Rent Repayment Orders (RROs) in regard to offences related to HMOs as outlined at section 73 and 74 of Housing Act 2004, the Housing and Planning Act 2016 extended the power to apply RROs in respect of the following offences committed after 6th April 2017:

- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- Failure to comply with a Prohibition Order under Section 32 of the Housing Act 2004
- Breach of a banning order made under Section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977
- Illegal eviction or harassment of the occupiers of a property under Section 1 of the Protection from Eviction Act 1977

The maximum amount of rent that can be recovered is capped at 12 months. A criminal standard of proof is required. The Council must apply to the First Tier Property Tribunal for an RRO. The Council will consider application for RROs in all cases where a successful prosecution has been achieved.

**15.22 Banning Order** - a banning order is an order by the first-tier Tribunal that bans a Landlord from:

- Letting houses in England; and
- Engaging in letting agency or property management work in England.

The Council will use banning orders in cases where we believe an individual poses high risk as a practicing Landlord (based on evidence that has occurred after April 2018). A banning order will be issued for a minimum of 12 months, but there is currently no maximum amount of time a banning order can be in place for. When applying for a banning order we will consider the level of harm or

risk created by the Landlord's actions and use this to make a recommendation to the first-tier tribunal for the length of time a banning order should be in place.

**15.23 Database of Rogue Landlords and Lettings Agents** - under the Housing and Planning Act 2016 the Council will apply to have landlord's details entered on the database where there is a statutory duty to do so. In other cases this will be where the law allows discretion when it is in the public interest to do so.

## **16.0 Determining the Most Appropriate Course of Action**

16.1 All enforcement action taken will be both proportionate and reasonable. When deciding the type of action required, the Council will consider:

- The seriousness of the deficiencies identified in the property;
- The past history of compliance;
- The confidence in management and the degree of wilfulness involved;
- The consequences of non-compliance;
- The existence of statutory duties or discretionary powers; and
- The likely effectiveness of the various enforcement options.

16.2 When deciding the appropriate action, we will consider the views of the tenants, landlords and owners, as well as any relevant partners e.g. the Fire Service.

## **17.0 Charging for Enforcement Action**

17.1 The Council will make a reasonable charge to recover administrative and other expenses incurred when taking enforcement action under the Housing Act 2004 or other relevant legislation.

17.2 The charges are detailed in Dacorum Borough Council Private Sector Housing Fee Structure.

## **18.0 Appeals**

18.1 Where a statutory notice/order is served, or a licensing decision is made, the method of appealing the decision will be included within the documentation provided. This will include the full postal address and contact information for the relevant appeal body and the relevant time period to submit an appeal.

18.2 To reduce the potential for unnecessary appeals, clear reasons will be given, wherever possible, to a person against whom enforcement action is being taken. On request, these reasons will be confirmed in writing at the earliest opportunity and will include information about any relevant complaint or appeals procedure.

18.3 In the case of written and verbal warnings issued by an officer, there is no set appeal process as no formal legal action has been initiated. Details of the appropriate line manager will be given on request, as well as details of the Corporate Complaints process.

## 19.0 Complaints, Feedback or Compliments

19.1 The Council recognises the need to provide an excellent public service that is responsive to the views of both residents and businesses. We will continue to commit to improving the private sector housing service within Dacorum Borough Council and welcome all feedback, which may be used to further improve the service.

19.2 Any complaint about the conduct of an officer will be immediately notified to the Team Manager, who will make a judgement on what action will be taken. An officer will not automatically be withdrawn from any case by virtue of a customer complaint. The Team Manager will consider the complaint and assess whether the officer has acted outside their remit and/or has acted unprofessionally towards the business concerned. All complainants will be advised of their recourse to the Council's Corporate Complaint system, details of which can be found on our website: [www.dacorum.gov.uk/complaints](http://www.dacorum.gov.uk/complaints)

19.3 If a complainant is not satisfied at the end of the complaints process, the matter can be escalated to the relevant ombudsman service.

19.4 A complaint against an officer handling a case will not lead to withdrawal of legal action, unless evidence demonstrates that the legal action does not meet the requirements of this policy. Recourse to the appeals process remains available.

## 20.0 Publicity

20.1 Verdicts and sentences in criminal cases are given out in open Court and are a matter of public record. Evidence suggests that the public wants to know about the outcomes of local Court cases. This information is also a legitimate way of engaging communities and making criminal justice services more transparent and accountable.

We may publicise the outcomes of criminal cases and basic personal information about the convicted offender, in accordance with guidance issued by the Criminal Justice System (Publicising Sentencing Outcome, CJS, 2011).

We will publicise action taken with the aim to:

- Reassure the public;
- Increase trust and confidence in the criminal justice system;
- Improve the effectiveness of the criminal justice system;
- and;
- Discourage offending and/or re-offending.

## 21.0 Governance

21.1 This policy is subject to change and will be reviewed periodically and in line with changes in legislation, government statutory guidance and Council policy.

## 22.0 Reasonable Adjustments and Alternative Formats

22.1 Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the complaint process or decisions

If you would like to contact us about reasonable adjustments or alternative formats, please email [edi@dacorum.gov.uk](mailto:edi@dacorum.gov.uk) or call us on **01442 228000**

If you prefer to write to us, send your letter to:

**Equality, Diversity and Inclusion Team**  
**Dacorum Borough Council**  
**The Forum**  
**Marlowes**  
**Hemel Hempstead**  
**Hertfordshire**  
**HP1 1DN**

### 23.0 Links to Relevant Documents

- [Regulators' Code 2014](#)
- [The Code for Crown Prosecutors](#)
- [The Human Rights Act 1998](#)
- [The Equality Act 2010](#)
- [The Regulation of Investigatory Powers Act 2000](#)
- [The Police and Criminal Evidence Act 1984 – Codes of Practice](#)
- [The Criminal Procedures and Investigations Act 1996](#)
- [The Enforcement Concordat](#)
- [The Legislative and Regulatory Reform Act 2006](#)
- [Housing Act 2004](#)
- [Tenant Fees Act 2019](#)
- [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Housing and Planning Act 2016](#)
- [The Energy Efficiency \(Private Rented Property\)\(England and Wales\) Regulations 2015](#)
- [The Protection from Eviction Act 1977](#)
- [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
- [The Enterprise and Regulatory Reform Act 2013](#)
- [Proceeds of Crime Act 2002](#)
- [Housing health and safety rating system \(HHSRS\) enforcement guidance: housing conditions](#)
- [Delivering for Dacorum Corporate Plan 2020 - 2025](#)
- [Regulators Statement](#)
- [Private Sector Housing HMO Policy](#)
- [Prevention of Homelessness and Rough Sleeping Strategy](#)
- [Private Sector Housing Strategy](#)
- Private Sector Housing Civil Penalty Policy
- Private Sector Housing Empty Homes Policy



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# Private Sector Housing (PSH) Enforcement Policy

# Private Sector Housing Enforcement Policy

This policy is managed and adhered to by the housing service. Will be reviewed on a regular basis.

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## 1.1 Introduction

Dacorum Borough Council (DBC) is committed to ensuring that all Dacorum residents living in the private sector live in homes that are safe and meet the required standards.

We recognise most landlords want to be compliant and provide tenants the required standards in their homes. This policy sets out how we will take appropriate action using powers outlined in relevant legislation (i.e. Housing Act 2004 and more specifically the Health and Safety Rating System [HHSRS]) to tackle 'rogue landlords' that have a clear disregard for their responsibilities and the safety of their tenants including harassment & illegal eviction.

This policy defines enforcement as any action taken by the Private Sector Housing Team. This is not limited to formal enforcement action such as notices, civil penalties or banning order. It also includes offering advice or undertaking an initial investigation of a complaint.

This policy covers all types of properties in the private sector; It will make reference to owner occupiers.

## 1.2 Aim(s) of the policy:

The aims of this policy are to:

- Outline a range of enforcement options available to the Private Sector Housing Team;
- Ensure a fair, reasonable and consistent approach to enforcement is used in accordance with all appropriate guidelines and legislation; and
- Provide tenants and landlords with an overview of the consequences of enforcement action.

## 1.3 Links to Council's corporate aims:

This policy supports the council's corporate priorities that are set out in '[Delivering for Dacorum – Corporate Plan 2020-2025](#)'.

## 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

## 1.5 Policy Statement(s)

All landlords in Dacorum are required to take responsibility for managing their properties so their tenants live in good conditions, feel safe and secure in their home.

All complaints received will be fully investigated before action is taken.

We will take action against landlords that do not effectively maintain their properties or cause unnecessary upset for their tenants.

We will use a range of powers delegated to the council to achieve a positive outcome for tenants living in poor conditions.

We will ensure all officers are competent and have a thorough understanding of current and upcoming legislation so any action taken by the council against landlords is informed.

Where required we will use powers to maintain the safety of owner-occupiers.

# 2.0 Private Sector

## Housing enforcement policy detail

### 2.1 Powers to investigate

We will fully investigate all complaints, requests and reports we receive using relevant powers to gather information and gain access to properties where necessary. Investigations will be undertaken by officers who will determine whether enforcement action is required.

As part of our investigations, in line with section 235 of the Housing Act 2004 and/or Local Government (Miscellaneous Provisions) Act 1976 Part 1, s16, we may request documentation from landlords and owners in order to:

- Identify whether any offence has been committed under Parts 1-4 of the Housing Act 2004; or
- Support our functions as a local authority under Parts 1-4 of the Housing Act 2004.

So that we can determine details of anyone with an interest in the property which is being investigated (e.g. occupier, mortgagee, lessee or someone who is directly or indirectly receiving rent payments), a Requisition for Information may be served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

It is a legal requirement to respond to this notice within 14 days. A failure to respond within the timescales stipulated, or deliberately providing false information may result in a fine.

In line with section 237 of the Housing Act 2004, we will also liaise with Housing Benefit and Council Tax departments where appropriate, to gather information which will support our investigations.

Where required, we will carry out inspections of the property in question. Under Section 239 of the Housing Act 2004, authorised officers have a power of entry to properties at any reasonable time to carry out an inspection. At least 24 hours' notice will be given to owners (if known) and occupiers (if any) ahead of a property inspection unless in the case of an emergency, or where there is imminent risk to the health and wellbeing of persons using the premises.

A person who obstructs a relevant person in performing their duties is liable on conviction to a fine.

We are not required to give notice of entry if we are seeking to determine whether an offence has been committed under s72 (offences in relation to licensing of HMOs), s95 (offences in relation to licensing of houses) or s234 (offences in relation to HMO management regulations).

If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, then we can apply for a warrant to be granted by a Justice of the Peace. This warrant will include a power to enter by force, if necessary.

Following an inspection, a written response may be provided, usually in the form of a letter. It will include information on:

- what legislation is contravened
- what works are required and why
- agreed timescales, wherever possible
- the nature of the enforcement action the authority may take in the future.
- 

All investigations we carry out into alleged breaches will follow best professional practice and meet all necessary requirements of relevant legislation (as listed in 4.0).

### 2.2 Determining the need for enforcement action

All enforcement action taken will be both proportionate and reasonable. When deciding the type of action required, we will consider:

- The seriousness of the deficiencies identified in the property;
- The past history of compliance;
- The confidence in management and the degree of willfulness involved;
- The consequences of non-compliance;
- The existence of statutory duties or discretionary powers; and
- The likely effectiveness of the various enforcement options.

When deciding the appropriate action, we will consider the views of the tenants, landlords and owners, as well as any relevant partners e.g. the Fire Service.

Depending on the outcome of these considerations we may choose from a range of enforcement options, including but not limited to:

- take no action;
- take informal action;
- take statutory action, e.g. service of Statutory Notices;
- carry out works in default;
- issue licences with conditions, remove licences or vary licence conditions;
- issue a caution;
- management orders;
- civil penalties;
- banning orders;
- rent repayment orders
- propart secute; or seek an injunction.
- compulsory purchase orders
- enforced sale

# 2.0 Private Sector

## Housing enforcement policy detail

Investigative cases (and any enforcement action as a result) are regularly reviewed by senior officers to ensure a consistent approach in deciding the appropriate enforcement action to be carried out.

### 2.3 Enforcement action options

#### 2.3.1 Take no action

Where an officer has investigated a complaint and no breach of legislation or concerns are identified, no action will be taken.

#### 2.3.2 Informal action

Informal action is verbal advice, requests, warnings or letters and inspection reports that can be used when:

- concerns identified are not considered a serious risk;
- there is not a significant risk to the safety or health of the occupant or others as a result of the property;
- informal action will be more effective and/or quicker than formal action; or
- there is confidence in the Manager/owner or there is evidence they have previously responded well to advice and guidance from the team.

In the case of informal action, where the level of risk is not high and the landlord

or managing agent is willing to work with the team, we will allow a reasonable timeframe for recommended works to be carried out.

If works are not carried out in this time, the level of enforcement will increase.

#### 2.3.3 Statutory action

If a property has a category 1 hazard under the HHSRS, we are legally required to take enforcement action this also includes empty dwellings.

In these cases, enforcement action may take the form of:

- an improvement notice (including suspended notices);
- a prohibition order (including suspended orders);
- a hazard awareness notice;
- a protection of buildings notice
- emergency remedial action;
- an emergency prohibition order;
- a demolition order; or
- declaration of a clearance area.

Any orders undertaken or notices served will be accompanied by a statement of reasons under section 8 of the Housing Act 2004. All notices issued will include timescales that are reasonable and comply with statutory legislation.

We will maintain contact with the landlord, managing agent or owner throughout the duration of the notice to ensure they comply with any requirements.

Landlords, managing agents and owners can request an extension by contacting the officer who served the notice and outlining the reasons why an extension is required. This will be considered by the management team, who will approve or reject extensions.

The outcome of this decision will be given to the landlord or managing agent in writing within 7 days of the request.

If a notice is not complied with, we will escalate the level of enforcement.

#### 2.3.4 Works in default

If a landlord refuses or fails to carry out repairs following a notice, we will carry out works in default.

In most circumstances, a person will be given notice of our intention to carry out works in default. Where we are required to do this, the landlord will be charged for the repairs, any administration costs and for the time of the officers involved.

It is an offence for any person to obstruct the council or any of the contractors or agents that have been employed to carry out the works.

#### 2.3.5 Variation and revocation of a licence

We will vary a licence where it is considered that there has been a change of circumstances since the licence was granted. A licence will be revoked following a change in ownership; death of the licence holder or by agreement with the licence holder if the property is no longer licensable.

We will revoke a licence if the licence holder or manager is no longer deemed to be a fit and proper person.

# 2.0 Private Sector Housing enforcement policy detail

## 2.3.6 Simple Caution

Officers may use simple cautions where someone has committed a less serious crime. Simple cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences. Simple cautions can only be issued where:

- there is evidence an offender is guilty
- the offender is eighteen years of age or over
- the offender admits they committed the crime
- the offender agrees to be given a caution

If the offender does not agree to receive a caution, then they are likely to be prosecuted instead.

Simple cautions will not be used where there is history of offending within the last two years, or where the same type of offence has been committed before.

The case officer will present cases to the Private Sector Enforcement Panel for authority to issue a simple caution. The Cautioning Officer will be the Group Manager, Strategic Housing who will act in conjunction with the Solicitor to the Council, who is the head of Legal Services and they will follow the cautioning procedure from the Ministry of Justice guidance. Where appropriate, the issue of a simple caution will be notified to a home authority, originating authority, lead authority or primary authority.

If an offender refuses to accept a formal caution, the delegated officer will refer the matter to the Head of Legal Services who may pursue a prosecution, taking into account the relevant guidance and the council's constitution.

If an offender refuses to accept a formal caution, the delegated officer will refer the matter to the Head of Legal Services who may pursue a prosecution, taking into account the relevant guidance and the council's constitution.

## 2.3.7 Management orders

Under Part 4 of the Housing Act 2004 we will take over the management of private property through a management order in certain circumstances (where a privately owned property is unlicensed/no suitable license holder can be found).

This can also apply to empty dwellings that meet the time for Empty dwelling management orders.

Section 26 and Schedule 3 of the Housing and Planning Act 2016 allows us to also make a management order in circumstances where a banning order has been made and where a privately owned property is being let in breach of a banning order (see section 2.3.9)

## 2.3.8 Civil Penalties

Civil penalties are a financial penalty we can impose under the Housing Act 2004 and the Housing and Planning Act 2016 (section 23, 126 and schedule 9), as an alternative to prosecution. Civil penalties are used for the following Offences:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72 of the Housing Act 2004);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 of the Housing Act 2004);
- Offences of contravention of an overcrowding notice (section 139 of the Housing Act 2004);
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234 of the Housing Act 2004).

The Private Sector Housing Team will review cases and determine whether to prosecute or civil penalty as well as the level of civil penalty in line with statutory guidance – [Civil penalties under the Housing and Planning Act 2016](#). The amount imposed can range up to a maximum of £30,000. All decisions will be determined at the Private Rented Sector Enforcement Panel in line with the panels Terms of Reference.

The Private Sector Housing Team will utilise a civil penalty matrix and matrix key to determine the level of fee based on the following factors:

- The severity of the case and the harm caused to the tenant or others as a result of the property;
- Any previous enforcement action taken against the landlord or managing agent, including evidence of previously failing to comply;
- The level of punishment required to deter the landlord or managing agent from failing to take responsibility for their tenants and properties in the future; and
- Any financial gain acquired by the landlord or managing agent as a result of their failings.

We will also use powers to assess a landlords assets and any income they receive (not just rental income) when determining an appropriate penalty. Landlords cannot be prosecuted for the same offence if we have already issued a Civil Penalty. Additionally, we cannot issue a Civil Penalty if we are already in the process of prosecuting a landlord.

We will issue a civil penalty for each individual breach of the management regulations for Houses in Multiple Occupation.

# 2.0 Private Sector

## Housing enforcement policy detail

### 2.3.9 Banning orders

A banning order is an order by the first-tier Tribunal that bans a Landlord from:

- Letting houses in England; and
- Engaging in letting agency or property management work in England.

We will use banning orders in cases where we believe an individual poses high risk as a practicing Landlord (based on evidence that has occurred after April 2008).

A banning order will be issued for a minimum of 12 months, but there is currently no maximum amount of time a banning order can be in place for. When applying for a banning order we will consider the level of harm or risk created by the Landlord's actions and use this to make a recommendation to the first-tier tribunal for the length of time a banning order should be in place.

### 2.3.10 Rent repayment orders

Under the Housing Act 2004, rent repayment orders can be used when the Landlord of a property has failed to obtain a licence for a property that was required to be licensed. Specifically, offences in relation to licensing of Houses in Multiple Occupation (section 72(1)) and offences in relation to licensing of houses under Part 3 of the Act (section 95(1)).

Section 41 of the Housing and Planning Act 2016 extended the use of rent repayment orders meaning we can now also apply for a rent repayment order for the following:

- Failure to comply with an improvement notice under section 30 of the Housing Act 2004;
- Failure to comply with a prohibition order under section 32 of the Housing Act 2004;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.

It is important to note that tenants also have the right to apply for a rent repayment order.

Any rent paid following a rent repayment order will be returned to either the tenant (if rent was paid directly by them) or the council, (if rent was covered by Housing Benefit / Universal Credit). Where there is a split of benefit payment and personal income this will be split accordingly.

When pursuing a rent repayment order, we will do this on behalf of both the council and the tenants rather than tenants being required to use this power and make a separate application.

When a Landlord commits the following:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72(1));
- Offences in relation to licensing of houses under Part 3 of the Act (section 95 (1))

We can also issue a civil penalty notice (see section 2.3.8).

When applying for a rent repayment order we will:

- Inform the landlord that the local housing authority is proposing to apply for a rent repayment order and explain why;
- State the amount that the local housing authority is seeking to recover;
- Invite the Landlord to make representations within a period specified in the notice which must be at least 28 days.

### 2.3.11 Prosecution

Scope for working together with other local housing authorities should be considered when a local housing authority decides to prosecute a Landlord who has committed breaches in more than one local housing authority area.

# 2.0 Private sector enforcement policy detail

A prosecution will only take place where it is in the public interest and where there is sufficient evidence to support that course of action. In a case where there is sufficient evidence to warrant a prosecution but the public interest would not benefit from such a course of action, then a Simple Caution may be used as an alternative (see section 2.3.6).

Any decision to prosecute will initially be considered by the Private Sector Enforcement Panel. The panel will consider any mitigating reasons to not pursue prosecution, such as;

- Any reasonable explanation provided by the individual or company.
- Evidence that the individual or company intends to prevent a recurrence of the problem
- An individual's age and state of health
- The offender's attitude to the offence

If prosecution is deemed appropriate, then the case will be fully prepared and referred to the Legal Team for consideration. All prosecutions will be brought without unavoidable delay; generally, there is a requirement to lay information with the Courts within six months of the identified date that the offence was committed.

Exemption to the above process is the Protection from Eviction Act 1977. This is an either way offence and therefore can be heard in both the Magistrates Court and Crown Court.

## 2.3.12 Injunction

We may issue an injunction against a Landlord to prevent certain actions, activities or threats being carried out.

## 2.3.13 The Tenant Fees Act 2019

The Act details fees that Landlords or their Agents can charge to their tenants. Those not detailed in the Act are prohibited fees. When these fees are charged the matter can be referred to Trading Standards who are the enforcing body. Action can be taken against Landlords or their Agents who are found to be in breach of legislation under the Housing and Planning Act 2016 for a first offence resulting in a Civil Penalty of up to £5,000. If further breaches are committed within 5 years of this penalty or a conviction for a previous breach is found, this matter will be considered a criminal offence. The local authorities will then have the discretion to either prosecute or impose a further financial penalty of up to £30,000.

Where two or more financial penalties have been imposed, on the same person, that person may be placed on the database of rogue landlords and property agents. The penalty, should a prosecution take place, can include a banning order and include an unlimited fine. This would be considered a criminal offence.

## 2.3.14 The Homes (Fitness for Human Habitation) Act 2018

This Act amends the Landlord and Tenant Act 1985 to create a new duty on Landlords to ensure homes are fit for human habitation at the start of the tenancy and throughout. The term fitness will be amended from nine factors e.g. repairs, water supply, freedom from damp to also include any category 1 hazards under the HHSRS. This Act is to provide greater support to tenants and the Private Sector Housing Team and to provide assistance to tenants, wishing to seek further advice about possible action.

## 2.3.15 Empty Homes

Any action taken against an owner will be proportionate, taking into account each case and the individual circumstances around empty properties.

When reports are received of an empty property from a neighbour or member of the public, the Private Sector Housing Team will attempt to contact the owner to obtain circumstances relating to the empty property. The team will provide advice on property repair and any other applicable solutions or grants available to the owner to assist in bringing the property back into use.

Should the owner not cooperate, we can seek to use our local authority powers to bring the property back into use.

In cases where the owner cannot be traced the team will complete checks with other departments and agencies to locate owner or responsible person. Our enforcement options include but not limited to:

- Empty Dwelling Management Order
- Compulsory purchase
- Enforced sale

## 2.3.16 The Electrical Safety Standards Regulations 2020

The *Electrical Safety Standards* in the Private Rented Sector (England) *Regulations 2020* is a legislation that places a requirement on landlords or their agents to ensure that they have in place an Electrical Installation Condition Report (EICR) undertaken by a competent person confirming compliance with the current British Standard. This demonstrates that the wiring and installations in the property are safe.



# 2.0 Private Sector Housing enforcement policy detail

The Landlord must provide an EICR to the Local Authority if requested within 7 days. Landlords are also required to:

Ensure that an EICR is undertaken every 5 years; Ensure that any faults identified on the EICR are rectified within 28 days

- Provide an EICR to all new tenancies before occupancy;
- Provide an EICR to all new tenancies within 28 days of testing
- Provide an EICR to within 28 days if requested by a tenant
- Keep a copy of the certificate until the next inspection is due

Failure to comply with the above or a request from the Local authority will result in the following enforcement options being considered:

Serving Civil Penalty Notices of up to £30,000 where breaches of legislation are found

Arrange if necessary works to the property and such charges will be invoiced to the landlord

## 2.4 Community Safety and Landlord Responsibility

Landlords in Dacorum may be asked to attend a multi-agency meeting with services such as the police or social care if we consider there to be a risk to their tenants. The Private Sector Housing Team will request meetings in writing on behalf of the Community Safety Partnership.

## 2.5 Rogue Landlord Database

From 01 April 2018, the Housing and Planning Act 2016 requires us to input the details of any landlord or managing agent that we issue a banning order against onto a national database. This database can be accessed by all Local Housing Authorities.

Under section 30 of the Housing and Planning Act 2016, we can also input the details of landlords or managing agents who receive two civil penalties within a 12-month period. While this is discretionary, we are committed to tackling rogue landlords and believe that where two civil penalties have been issued within 12 months, it is appropriate to use this power.

## 2.6 Owner Occupiers

There may be occasions we are required to intervene and use powers on owner occupiers. This will be administered largely through hazard awareness notices.

However, the use of improvement notices, prohibition notices and their emergency equivalents will be considered in cases involving:

- Vulnerable elderly people who are judged incapable of making informed decisions about their own welfare
- Vulnerable individuals who require the intervention of the council to ensure their welfare is best protected
- Hazards that might reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire

## 2.7 Registered Providers

We expect Registered Providers (RP) to ensure their homes are up to the required standards. The tenant should report all disrepair to their RP in the first instance to enable the RP the opportunity to rectify the issue. Should the RP fail to rectify in a timely manner, the tenant can approach the Private Sector Housing Team for assistance.

If a tenant is dissatisfied about the services of a registered provider should initially raise a complaint with the provider. All providers have responsibility for dealing with, and being accountable for, complaints about their services. All providers must have in place a clear complaints procedure and a statement about how they handle complaints, including complaints about performance against the standards.

Tenants not satisfied with the way their RP has dealt with their complaint should raise a complaint with the [Housing ombudsman](#)

## 2.8 Staff competency

This policy is administered by the dedicated Private Sector Housing Team. All officers in the team are authorised to enforce delegated powers on behalf of the council. The competency of officers to regulate the Private Sector through investigation and enforcement is maintained by completion of mandatory training and any relevant qualifications.

# 2.0 Private Sector

## Housing enforcement policy detail

### 2.9 Exceptions to policy

While we are committed to working with tenants and landlords, the following situations may impact our involvement and ability to use enforcement powers:

- Where the local authority is satisfied that the landlord is taking all reasonable and appropriate action to address repairs in a timely manner
- where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- where the tenant(s) have, in the opinion of the council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow up letter or appointment card
- where the complaint is found to be trivial or has no reasonable justification on visiting the property
- where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards officers
- where the tenant(s) unreasonably refuses to provide the council with relevant documentation

### 2.10 Appeals

Where a statutory notice or order is served, or a licensing decision is made, the appeal process will be included within the documentation provided. This will include the full postal address and contact information for the relevant appeal body and the relevant time period to submit an appeal.

To reduce the potential for unnecessary appeals, clear reasons will be given, wherever possible, to a person against whom enforcement action is being taken.

### 2.11 Publicising Outcomes

Verdicts and sentences in criminal cases are 'given out' in open court and are a matter of public record. Evidence suggests that the public wants to know about the outcomes of local court cases. This information is also a legitimate way of engaging communities and making criminal justice services more transparent and accountable.

We may publicise the outcomes of criminal cases and basic personal information about the convicted offender, in accordance with guidance issued by the Criminal Justice System (Publicising Sentencing Outcome, CJS, 2011).

We will publicise action taken with the aim to:

- Reassure the public;
- Increase trust and confidence in the criminal justice system;
- Improve the effectiveness of the criminal justice system, and
- Discourage offending and/or re-offending.

## 3.0

### Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

- [HMO policy](#)
- [Prevention of Homelessness and Rough Sleeping Strategy](#)
- [Fire Safety guidance for HMO's](#)
- [Fit & proper statement](#)
- [Regulators statement](#)
- [Private Rented Sector Enforcement Panel Terms of Reference](#)
- ['Delivering for Dacorum – Corporate Plan 2020-2025'](#)

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## 4.0

### Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- [Housing Act 2004](#)
- [The Human Rights Act 1998](#)
- [The Equality Act 2010](#)
- [The Regulation of Investigatory Powers Act 2000](#)
- [The Police and Criminal Evidence Act 1984 – Codes of Practice](#)
- [Enforcement Guidance issued under section 9 of the Housing Act 2004](#)
- [The Criminal Procedures and Investigations Act 1996](#)
- [The Legislative and Regulatory Reform Act 2006](#)
- [The Code for Crown Prosecutors](#)
- [The Enforcement Concordat](#)
- [Homes \(Fitness for Human Habitation\) Act 2018](#)
- [Tenant Fees Act 2019](#)

- [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Housing and Planning Act 2016](#)
- [The Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015](#)
- [Civil penalties under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities](#)



## Department for Levelling Up, Housing & Communities

**Rt Hon Michael Gove MP**  
*Secretary of State for Levelling up Housing &  
Communities*  
*Minister for Intergovernmental Relations*

**Department for Levelling Up, Housing and  
Communities**  
4th Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

19 November 2022

Dear Local Authority Chief Executive and council leaders,

### **HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND**

The tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home, has highlighted the urgent need to ensure a decent standard of properties for tenants in all sectors.

I know you will join me in mourning this avoidable loss. I also know, from previous experience, that councils and authorities across the country are already determined to improve housing standards. That is why I am confident you will all be as focussed as my department is on ensuring that no family ever has to experience such a tragedy again. In 21st century Britain, this should not be a high aspiration.

I have today written to social housing providers on this crucial matter. All of us – including my department – need to deliver our responsibility to people living in poor quality housing. That is why I am writing to you to request you do everything in your power to prioritise the improvement of housing conditions for the millions of private and social tenants, in line with existing duties in the Housing Act 2004. This becomes ever more urgent as we go into winter with a cost of living and energy crisis, which may exacerbate damp and mould conditions in some homes.

As you will be aware, local housing authorities have a duty under the Housing Act 2004 (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).

#### **Treating damp and mould seriously**

Having considered it necessary and urgent to ensure that, as we go into a challenging winter, damp and mould issues are being addressed, I now direct, under section 3(3) of the Act, that all local housing authorities in carrying out their duty to review housing conditions in their area must:

- have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance ‘Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions<sup>1</sup>
- supply the department with an assessment of damp and mould issues affecting privately rented properties in your area, including the prevalence of category 1 and 2 damp and mould hazards; and

<sup>1</sup> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-enforcement-guidance-housing-conditions>

- supply the department with an assessment of action you have identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in your area.

In addition, pursuant to your duties under section 3(3) of the Act, I would like you to provide the following data covering your last three 12 monthly reporting periods for privately rented properties in your area:

- how many damp and mould hazards you have remediated, compared to your assessment of the prevalence of these hazards;
- how many times you have taken enforcement action to remedy damp and mould hazards and the form this has taken;
- how many civil penalty notices have been issued in relation to non-compliance with enforcement action over damp and mould hazards; and
- how many prosecutions have been successfully pursued in relation to damp and mould hazards.

If you have not collected this information, please explain why.

Finally, I would also like you to set out how you are prioritising enforcement of housing standards more generally in your authority, across all tenures, including what plans you have to ensure adequate enforcement capacity to drive up standards in the private rented sector.

Alongside this, I have asked social housing providers to make an assessment of their properties and the Regulator of Social Housing will also be writing to them shortly on this matter.

I would like an initial response by the end of the month – this should set out how you are prioritising this work and any other initial information you can provide. I would then like the full response by 27 January at the latest. My officials will work with the Local Government Association and local authorities to agree the process and format for these responses in the coming days. Any questions in the meantime can be directed to [housingstandards@levellingup.gov.uk](mailto:housingstandards@levellingup.gov.uk). My department will review these returns and may ask for further information. We may also periodically publish the responses, or a summary, to improve transparency on this important issue. I have focussed here largely on damp and mould to make quick progress on this important area during the winter months, but reserve the right to make further directions and requests in relation to wider standards in the near future as the department deems necessary.

I would like to take this opportunity to thank you for the important work that you do in your local areas to improve housing standards for tenants. It is vital that we all learn from the events that led to the tragic death of Awaab, and my officials and I look forward to working collaboratively with you to improve standards for renters across the country and across all tenures.

With every good wish,



**Rt Hon Michael Gove MP**  
**Secretary of State for Levelling Up, Housing and Communities**  
**Minister for Intergovernmental Relations**

# Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision

PSH Enforcement Policy

## Description of what is being impact assessed

*What are the aims of the service, proposal, and project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc.*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

Take a firmer stance to privately rented sector regulation/rogue landlord activities and utilise enforcement powers when necessary and appropriate.

Fulfil statutory duties imposed on the PSH Team after a number of years where little/no enforcement work has been carried out due to lack of appropriate resources within the PSH Team.

A detailed policy with the inclusion of enforcement considerations of CAT 2 hazards under the Housing Act 2004 following advise from the Secretary of State in response to a high profile damp and mould case.

## Evidence

### What data/information have you used to assess how this policy/service/decision might impact on protected groups?

*(Include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

The processes that will be followed in the implementation of the project are governed by legislation and statutory responsibility.

**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Council staff, elected members and senior management. Additionally the PSH Team is a member of the Herts, Beds and Bucks Housing Group and consults with other members on issues relating to the private sector.

This policy is in relation to statutory functions and therefore residents have not been consulted.

**Analysis of impact on protected groups (and others)**

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*
- *Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).*

Summary of impact		Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Protected group	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
Age	All age groups from 18+ benefit from the team’s proactive approach towards regulating private sector housing in the borough. The policy does not relate to housing minors.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p><b>Disability (physical, intellectual, mental)</b></p> <p><i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i></p>	<p>The team's approach towards regulating private sector housing in the borough ensures that disabilities are taken into account and advice given to private landlords/managing agents.</p> <p>The team provides appropriate advice to landlords whose tenants need disabled adaptations, but the landlord is under no obligation to proceed with grant applications or adaptation installations.</p>	□	□	☒
<p><b>Gender reassignment</b></p>	<p>Little information is available around the number of private sector tenants who are in the process of or have completed gender reassignment. The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Race and ethnicity</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Religion or belief</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sex</b></p>	<p>The policy has no direct effect as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sexual orientation</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or</p>	□	□	☒



	discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.			
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	<p>People in employment/study may not be able to provide access during normal working hours (9-5 Mon-Fri)</p> <p>Landlords will have their own tenancy agreement to provide access during these times, given reasonable notice.</p>	☐	☐	☒

**Negative impacts / outcomes action plan**

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>
			☐
			☐
			☐

			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**If negative impacts / outcomes remain, please provide an explanation below.**

**Completed by (all involved in CIA)** Rebecca Clarke, PSH Team Leader

**Date** 23/01/2023

**Signed off by** *(AD from different Directorate if being presented to CMT / Cabinet)*

  
**Mark Brookes**

<b>Date</b>	<b>12/06/23</b>
<b>Entered onto CIA database - date</b>	
<b>To be reviewed by (officer name)</b>	
<b>Review date</b>	

# Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision

PSH Civil Penalty Policy

## Description of what is being impact assessed

*What are the aims of the service, proposal, and project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc.*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

A robust Civil Penalty Policy to supplement an Enforcement Policy to aid officers to implement fair and proportionate financial penalties in relation to housing act and other relevant legislative offences.

This dedicated policy replaces the matrix, notes and contents of the current enforcement policy in relation to civil penalties.

The policy has been developed with specific regard to statutory guidance.

## Evidence

### What data/information have you used to assess how this policy/service/decision might impact on protected groups?

*(Include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

The processes that will be followed in the implementation of the policy are governed by legislation and statutory responsibility.

**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Council staff, elected members and senior management. Additionally the PSH Team is a member of the Herts, Beds and Bucks Housing Group and consults with other members on issues relating to the private sector.

This policy is in relation to statutory functions and therefore residents have not been consulted.

**Analysis of impact on protected groups (and others)**

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*
- *Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).*

Summary of impact		Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Protected group	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
Age	All age groups from 18+ benefit from the team’s proactive approach towards regulating private sector housing in the borough. One aim of civil penalties is to deter landlords from offender and/or reoffending which will have a positive impact on tenants within the borough.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p><b>Disability (physical, intellectual, mental)</b></p> <p><i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i></p>	<p>The team's approach towards regulating private sector housing in the borough ensures that disabilities are taken into account and advice given to private landlords/managing agents.</p> <p>The team provides appropriate advice to landlords whose tenants need disabled adaptations, but the landlord is under no obligation to proceed with grant applications or adaptation installations.</p>	□	□	☒
<p><b>Gender reassignment</b></p>	<p>Little information is available around the number of private sector tenants who are in the process of or have completed gender reassignment. The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Race and ethnicity</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Religion or belief</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sex</b></p>	<p>The policy has no direct effect as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sexual orientation</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or</p>	□	□	☒

	discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.			
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	The policy has considered its approach when landlords report and evidence any mitigating factors with a regard to the sentencing guidelines.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


**Negative impacts / outcomes action plan**

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>
			<input type="checkbox"/>
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**If negative impacts / outcomes remain, please provide an explanation below.**

<b>Completed by (all involved in CIA)</b>	Rebecca Clarke, PSH Team Leader
<b>Date</b>	23/01/2023
<b>Signed off by</b> <i>(AD from different Directorate if being presented to CMT / Cabinet)</i>	 <b>Mark Brookes</b>



<b>Date</b>	<b>12/06/23</b>
<b>Entered onto CIA database - date</b>	
<b>To be reviewed by (officer name)</b>	
<b>Review date</b>	

# Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision

Rogue Landlord Initiative

## Description of what is being impact assessed

*What are the aims of the service, proposal, and project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc.*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

Take a firmer stance to privately rented sector regulation/rogue landlord activities and utilise enforcement powers when necessary and appropriate.

Fulfil statutory duties imposed on the PSH Team after a number of years where little/no enforcement work has been carried out due to lack of appropriate staff resource within the PSH Team.

A project and its promotion will enable full transparency and advice to be provided to both landlords and tenants.

## Evidence

### What data/information have you used to assess how this policy/service/decision might impact on protected groups?

*(Include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

The processes that will be followed in the implementation of the project are governed by legislation and statutory responsibility.

**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Council staff, elected members and senior management. Additionally the PSH Team is a member of the Herts, Beds and Bucks Housing Group and consults with other members on issues relating to the private sector.

This project is in relation to statutory functions and therefore residents have not been consulted.

**Analysis of impact on protected groups (and others)**

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, **before** you have implemented any mitigation.

- *The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.*
- *Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).*

Summary of impact		Negative impact / outcome	Neutral impact / outcome	Positive impact / outcome
Protected group	<i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>			
Age	All age groups from 18+ benefit from the team’s proactive approach towards regulating private sector housing in the borough. The project does not relate to housing minors.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


<p><b>Disability (physical, intellectual, mental)</b></p> <p><i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i></p>	<p>The team's approach towards regulating private sector housing in the borough ensures that disabilities are taken into account and advice given to private landlords/managing agents.</p> <p>The team provides appropriate advice to landlords whose tenants need disabled adaptations, but the landlord is under no obligation to proceed with grant applications or adaptation installations.</p>	□	□	☒
<p><b>Gender reassignment</b></p>	<p>Little information is available around the number of private sector tenants who are in the process of or have completed gender reassignment. The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Race and ethnicity</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Religion or belief</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sex</b></p>	<p>The policy has no direct effect as it deals with the building conditions. However, if such tenants were to suffer harassment or discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.</p>	□	□	☒
<p><b>Sexual orientation</b></p>	<p>The policy has no direct effect on this group as it deals with the building conditions. However, if such tenants were to suffer harassment or</p>	□	□	☒

	discrimination, the team could take action to deal with the impact or to signpost them or their landlord appropriately.			
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	<p>People in employment/study may not be able to provide access during normal working hours (9-5 Mon-Fri)</p> <p>Landlords will have their own tenancy agreement to provide access during these times, given reasonable notice.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Negative impacts / outcomes action plan**

Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>
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			<input type="checkbox"/>
<p><b>If negative impacts / outcomes remain, please provide an explanation below.</b></p>			
<b>Completed by (all involved in CIA)</b>	Rebecca Clarke, PSH Team Leader		
<b>Date</b>	23/01/2023		
<b>Signed off by</b> <i>(AD from different Directorate if being presented to CMT / Cabinet)</i>	 <b>Mark Brookes</b>		

<b>Date</b>	<b>12/06/23</b>
<b>Entered onto CIA database - date</b>	
<b>To be reviewed by (officer name)</b>	
<b>Review date</b>	



## Cabinet

<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Financial Performance Quarter 1 2023-24
<b>Date:</b>	12th September 2023
<b>Report on behalf of:</b>	Cllr Sally Symington, Portfolio Holder for Corporate and Commercial Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	Appendix A – General Fund Forecast Outturn Position Q1 2023-24 Appendix B – HRA Forecast Outturn Position Q1 2023-24 Appendix C – Projected Capital Outturn Q1 2023-24
<b>Background papers:</b>	None.
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	GF – General Fund HRA – Housing Revenue Account

### Report Author

Clare Dempsey, Financial Planning and Analysis Manager



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### Responsible Officer

Fiona Jump, Head of Financial Services



Fiona.Jump@dacorum.gov.uk / 01442 228162 (ext. 2162)

### Corporate Priorities

A clean, safe and enjoyable environment  
 Building strong and vibrant communities  
 Ensuring economic growth and prosperity  
 Providing good quality affordable homes, in particular for those most in need



	<p>Ensuring efficient, effective and modern service delivery</p> <p>Climate and ecological emergency</p>
<b>Wards affected</b>	All
<b>Purpose of the report:</b>	<p>1. To provide details of the projected outturn 2023-24 as at quarter 1 for the:</p> <ul style="list-style-type: none"> <li>• General Fund</li> <li>• Housing Revenue Account</li> <li>• Capital Programme</li> </ul>
<b>Recommendation (s) to the decision maker (s):</b>	<p>1. That Cabinet note the financial position for 2023-24 as at Quarter 1.</p> <p>2. To approve the following revenue budget virement:</p> <ul style="list-style-type: none"> <li>• £0.100m from the Transformation Service to the Digital service, relating to system licence costs.</li> </ul> <p>3. To approve the following capital budget virement:</p> <ul style="list-style-type: none"> <li>• £0.254m from Hemel Garden Community capital projects to support specific capital works at Buncefield Lane (£0.190m) and Grand Union canal improvements (£0.064m).</li> </ul> <p>4. To approve the following supplementary capital budgets, to be funded by capital grant:</p> <ul style="list-style-type: none"> <li>• £0.109m for improvement works to tennis courts across the borough.</li> </ul> <p>5. To recommend to Council to approve the following additional slippage on the capital programme from 2022-23 :</p> <ul style="list-style-type: none"> <li>• £1.000m relating to the buy-back of Council Homes purchased under Right to Buy Purchases.</li> </ul> <p>6. To recommend to Council to approve the following draw down from the Council's General Fund revenue reserves:</p>

	<ul style="list-style-type: none"> <li>• £0.057m from the Council's Litigation reserve, to support historic pension settlement costs.</li> </ul>
<b>Period for post policy/project review:</b>	The Council's financial position is reported to committee on an ongoing, quarterly basis.

## 1 Introduction:

1.1 This report presents the Council's forecast outturn for 2023-24 as at quarter 1, 30 June 2023. The report covers the following budgets with associated appendices:

- General Fund – Appendix A. A surplus against budget of £0.766m is forecast.
- Housing revenue Account (HRA) – Appendix B. A pressure of £0.390m is forecast.
- Capital Programme – Appendix C. General Fund Budgets are forecasting a pressure of £0.07m and re-phasing to future years of £23.780m. The HRA capital programme is forecast to budget and re-phasing to future years of £17.682m.

## 2 General Fund Position – all Scrutiny Committee Areas

2.1 Appendix A provides an overview of the General Fund forecast outturn position.

2.2 The table below provides an overview by Scrutiny area of the provisional outturn for controllable budgets within the General Fund.

Table 1 Scrutiny Committee	Current Budget £m	Forecast Outturn £m	Variance	
			£m	%
Finance & Resources	10.937	11.760	<b>0.823</b>	7.5%
Strategic Planning and Environment	12.299	13.088	<b>0.789</b>	6.4%
Housing and Community	1.903	1.933	<b>0.030</b>	1.6%
<b>Total Operating Cost</b>	<b>25.139</b>	<b>26.781</b>	<b>1.642</b>	6.5%
Core Funding	(25.140)	(27.548)	<b>(2.408)</b>	9.6%
<b>(Surplus)/ Deficit</b>	<b>(0.001)</b>	<b>(0.767)</b>	<b>(0.766)</b>	

2.3 Key variances against General Fund and HRA service areas (greater than £0.100m) are outlined in sections 3-7 below.

## 3 General Fund Position- Finance and Resources and Core Funding

Table 2 – Finance and Resources Quarter 1	Current Budget £m	Forecast Outturn £m	Variance	
			£m	%
Chief Executives	0.999	0.999	<b>0.000</b>	0.0%
Housing & Property	(6.083)	(5.930)	<b>0.153</b>	(2.5%)
Neighbourhood Delivery	0.334	0.382	<b>0.048</b>	14.4%
Corporate and Commercial	6.861	7.167	<b>0.306</b>	4.5%
People and Transformation	4.055	4.373	<b>0.318</b>	7.8%
Place	4.771	4.769	<b>(0.002)</b>	(0.0%)
<b>Total Operating Cost</b>	<b>10.937</b>	<b>11.760</b>	<b>0.823</b>	7.5%

<b>Core Funding</b>	<b>(25.140)</b>	<b>(27.548)</b>	<b>(2.408)</b>	9.6%
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3.1 Key variances against Finance and Resources service areas (greater than £0.100m) are outlined below.

**3.2 Housing & Property – pressure of £0.153m**

Pressures on Civic Halls in respect of income, utilities and repairs are being reported, including those relating to Victoria Hall, Tring and Berkhamsted Civic Centre and the Council's Community Centres.

**3.3 Corporate and Commercial- net pressure of £0.306m**

3.3.1 A pressure of £0.385m is being forecast in respect of the delivery of income associated with the Council's commercial programme. The commercial programme is focused on developing a stronger commercial culture and ethos in Council service delivery. The Commercial income targets are being reviewed and re assessed as part of the Council's Medium Term Financial Strategy (MTFS) delivery. The pressure is partly offset by underspends across the directorate due to vacant posts.

3.3.2 The Council has incurred legal expenses of £0.057m in respect of an historic and expected pension settlement. This report includes a request to Cabinet to recommend to Council a reserve drawdown from the Council's Litigation reserve in order to cover these costs.

**3.4 People & Transformation – pressure of £0.318m**

3.4.1 A £0.200m saving for 2023-24 associated with the Council's customer strategy is not expected to be achieved until future years. The service is progressing the strategy, having identified processes and areas for improvement. The project will now look at the level of digital support required in order to streamline manual process and implement changes.

3.4.2 This report includes a request to Cabinet to approve a virement of £100k of revenue budgets from the Transformation service, where it is held, to the Digital Service. The budget is currently held in the Transformation service, earmarked for licence costs associated with the Council's digital platform. The virement will simply move the budget to the service that is leading on this procurement work.

**3.5 Core Funding- additional income of £2.408m**

A surplus of £2.298m is forecast for treasury investment income for 2023-24. Since the treasury investment income target was set, a number of factors impacting performance against this target have changed. £20.298m of the capital programme was slipped from 2022-23 to 2023-24, meaning cash balances are higher than expected when the income target was originally calculated. In addition, interest rates have risen higher than expected and are staying higher for longer periods than originally anticipated. These factors mean that the monies held in investments is higher and generating higher returns for 2023-24. This is not projected to continue into 2024-25 as cash balances are expected to reduce as the capital programme develops. The Council is expecting to take on both GF and HRA borrowing in the medium term to support its capital programme. The approved capital programme for the current and next financial year, prior to inclusion of the 2022/23 slippage was approved at:

- 2023/24 £114m (GF - £33m, HRA - £81m)
- 2024/25 £88m (GF - £26m, HRA £62m)

4 **General Fund Position- Strategic Planning and Environment**

Table 3 – Strategic Planning and Environment Quarter 1	Current Budget	Forecast Outturn	Variance	
	£m	£m	£m	%
Neighbourhood Operations	11.310	11.399	<b>0.089</b>	0.8%
Housing & Property	0.053	0.098	<b>0.045</b>	84.9%
People & Transformation	(0.114)	(0.165)	<b>(0.051)</b>	44.7%
Place	1.050	1.756	<b>0.706</b>	67.2%
<b>Total Operating Cost</b>	<b>12.299</b>	<b>13.088</b>	<b>0.789</b>	6.4%

**4.1 Neighbourhood Operations – pressure of £0.089m**

4.1.1 Staffing pressures for waste services are forecast to be £0.520m for the year, due to additional agency requirements to meet service demand. The waste transformation program is nearing completion with the new rounds having commenced from the beginning of August. The breakdown of this pressure is split between current operational structures causing a pressure £0.250m, and the new rounds including staff absence pressures are expected to cause a further pressure of £0.270m for the remaining 8 months of the year. The pressure in 23/24 is a significant reduction on 22/23 financial pressures due to the implementation of the route optimisation project and further cost reductions are expected going forward.

4.1.2 There is a pressure of £0.175m on hire vehicle budgets due to the ongoing breakdowns from the existing fleet. The service is working with the supplier to find a resolution to the problems and options to reduce / control these pressures moving forwards.

4.1.3 A surplus of £0.700m on Garden Waste income is reported. Take up of the scheme is much higher than anticipated when the charge was introduced at the end of 2022-23 and hence the underlying service financial pressure is significantly reduced.

**4.2 Place – pressures of £0.706m**

The planning service has seen the pressures on planning income continue from 2022-23. The income pressure for 2023/24 is £0.500m for planning income and £0.050m for land searches fees. The pressures are linked to the impact of the current economic conditions on developers and the associated adverse impact on planning income. There are smaller pressures across the service contributing to the balance of pressures.

5 **General Fund Position- Housing and Community**

Table 4 – Housing and Community General Fund Quarter 1	Current Budget	Forecast Outturn	Variance	
	£m	£m	£m	%
Housing & Property	1.228	1.231	<b>0.003</b>	0.002
Corporate and Commercial	(2.412)	(2.421)	<b>(0.009)</b>	0.004
People and Transformation	1.239	1.341	<b>0.102</b>	0.082

Place	1.848	1.782	<b>(0.066)</b>	(0.036)
<b>Total Operating Cost</b>	<b>1.903</b>	<b>1.933</b>	<b>0.030</b>	0.016

At Q1 2023-24 there are no significant variances (greater than £0.100m) against Housing and Community service areas to report. The variance of £0.102m against People and Transformation comprises small pressures across the service. The financial performance of all service areas continues to be monitored and any change in this position will be brought before Members in future reports.

## 6 Housing Revenue Account Position

6.1 The HRA is a ring-fenced account relating to the Council's Landlord functions. A guiding principle of the HRA is that revenue raised from rents and service charges must be sufficient to fund expenditure incurred. The provisional outturn position for the HRA is shown at Appendix B.

6.2 The projected HRA balance at the end of 2023-24 is a pressure of £0.390m.

### 6.3 Supervision and Management - £0.577m pressure against budget

A pressure of £0.577m is being seen on employee budget due to interim management £0.279m within the HRA while works continue on the Housing Transformation Improvement Programme. Agency staff covering vacancies across the service are causing pressures of £0.365m. This pressure is offset by a number of vacancies across the service £0.062m.

### 6.4 Repairs & Maintenance - £1.313m pressure against budget

A pressure of £1.313m is being forecast due to demands on repairs and maintenance remaining high, including that relating to void properties and the completion of damp and mould works. The service is working on a number of strategies to ensure that pressures are contained and where possible reduced for the remaining 9 months of 2023-24. The current economic inflationary pressures significantly impact on this particular service's ability to manage cost pressures.

## 7 HRA- Technical and Accounting Adjustments £1.484m over achievement in investment income

Like the General Fund, in recent years due to the pandemic and the planning moratorium, the HRA saw a large amount of capital slippage, £55.938m, which has increased the balances held in investments at the start of 2023-24. This has led to a surplus of £1.484m from the investment of those cash balances. The cash balances for the HRA are expected to significantly decrease during 2023-24 as the capital programme progresses. It is still expected that the HRA will require borrowing to fund its capital expenditure by the end of 2023-24.

## 8 Capital Programme

8.1 Appendix C shows the projected capital provisional outturn in detail by scheme.

8.1.1 The table below summarises the overall capital outturn position by Scrutiny committee area.

8.1.2 The current budget is the original budget approved by Cabinet in February 2023, plus approved amendments.

8.1.3 The 'rephasing' column refers to projects where expenditure is still expected to be incurred but will now be in 2024-25 rather than 2023-24 ('slippage'), or conversely, where expenditure planned initially for 2024-25 has been incurred in 2023-24 ('accelerated spend').

The 'Variance' column refers to projects that are expected to come in under or over budget and projects which are no longer required.

Table 5- Capital Outturn 2023- 24	Current	Re-phasing	Revised	Forecast	Variance	
	Budget	(To)/from future years	Budget	Outturn	£m	%
	£m	£m	£0m	£m	£m	%
Finance and Resources	25.952	(19.152)	6.800	6.770	(0.030)	(0.44%)
Strategic Planning and Environment	6.261	(3.373)	2.888	2.988	0.100	3.46%
Housing & Community	3.380	(1.254)	2.125	2.125	0.000	0.00%
<b>GF Total</b>	<b>35.593</b>	<b>(23.780)</b>	<b>11.813</b>	<b>11.883</b>	<b>0.070</b>	<b>0.59%</b>
<b>HRA Total</b>	<b>86.989</b>	<b>17.682</b>	<b>69.308</b>	<b>69.308</b>	<b>0.000</b>	<b>0.00%</b>
<b>Grand Total</b>	<b>122.582</b>	<b>(41.462)</b>	<b>81.121</b>	<b>81.191</b>	<b>0.070</b>	<b>0.09%</b>

## 8.2 General Fund Capital Programme Major Variances

8.2.1 General Fund capital budgets are reporting slippage of £23.780m. The slippage includes the following items over £0.100m:

- Fleet Replacement Programme £0.750m, additional time taken to review the requirements of fleet moving forward and delays in delivery of orders.
- Commercially sensitive projects £4.002m, while review of options and viability is considered.
- Car parking refurbishment £0.135m and Water Gardens Drainage £0.035m, while options and procurement are undertaken.
- Leisure centre improvement programme £13.850m. Options for the future developments are being designed and will be considered by Members, significant spend now unlikely in 2023/24.
- Disabled Facilities Grant £0.344m. Based on capacity within the team, some of the funding is expected to be carried forward to future years.
- Automation Programme £0.170m, Civica Customer Experience £0.150m, Future Vision of Customer Relationship Management (CRM) system £0.435. These projects are all linked to the new digital platform. This project is due to commence December 2023 and complete during 2024-25.
- The Bury £2.623m. This project is still under review to determine the best use of the site moving forwards.
- Adventure Playground Improvement Programme £0.911m due to a review of the service and project requirements moving forward.

8.2.2 The General Fund is reporting overspend on capital projects of £0.070m. £0.100m relates to Wheeled Bins and Boxes. The service has experience continuing high level of demand for replacement bins following the deterioration of existing bins splitting and requiring replacement. A large proportion of the defective bins have

now been replaced and therefore spend is expected to fall within budget in future years.

### **8.3 Housing Revenue Account**

HRA capital budgets are reporting slippage of £17.682m. The housing development programme is being reviewed. Some projects, including Cherry Bounce and Garages Sites, are currently on hold while options and assessments are considered in the context of increasing project costs linked to the challenging current economic climate.

### **8.4 Supplementary Capital Budget and Capital Virement Requests**

8.4.1 This report includes a recommendation to Cabinet to approve a virement of General Fund capital budgets in relation to the Hemel Garden Community programmes, in order to allocate the approved budget to the projects being undertaken, as shown in appendix C. The Council received funding from central government in 2022-23 for various works relating to Hemel Garden Communities. The associated budget has been held against one project in the capital programme (Nickey Line improvements), and it is to be moved out to specific projects as they are identified.

8.4.2 This report also includes a recommendation to Cabinet to approve a supplementary capital budget request of £0.109m for improvement works to tennis courts across the borough; to be funded via a capital grant that the Council is to receive for this purpose.

8.4.3 Cabinet is asked to recommend to Council to approve slippage of £1.000m of HRA capital budgets relating to the buy-back of Council Homes purchased under Right to Buy Purchases. There are several purchases coming to completion but the timing meant they were delayed from 22/23 into the present year. This budget was approved during 2022/23 and unspent during that year. Approval of the request will allow this unspent budget to be added to the capital programme for 2023-24.

## **9. Financial implications**

Contained within the body of this report.

## **10. Legal implications**

There are no direct legal implications arising from this report.

## **11. Risk implications**

Regular monitoring and reporting on the Council's financial position is one of the key ways in which the organisation manages the potential risk of the weakening of its financial resilience.

## **12 Equalities, Community Impact and Human Rights**

12.1 Community Impact Assessments on Council activities are carried out by relevant services with responsibility for those activities. A separate Community Impact Assessment has not been carried out in respect of this report.

12.2 There are no Human Rights Implications arising from this report.

## **13 Sustainability implications**

There are no specific sustainability implications arising from this report.

## **14 Council infrastructure**

The content of this report sets out the implications of the Council's activities for its financial resources for 2023-24.

## **15 Statutory Comments**



**Monitoring Officer:**

This report forms part of the Council's regular financial monitoring and provides members with an overview of the Council's financial position at the close of quarter 1. The Monitoring Officer has no further comments to add to the report.

**Deputy S151 Officer:**

This is a Deputy S151 Officer report

**16 Conclusions**

- 16.1 The forecast position for 2023-24 at quarter 1 is a surplus of £0.766m against Council General Fund budgets. Housing Revenue Account budgets are reporting a pressure of £0.390m.
- 16.2 A forecast position for 2023-24 at quarter 1 is slippage of £23.780m For General Fund capital schemes and £17.682m for the Housing Revenue Account capital schemes.



## Dacorum Borough Council

### Revenue Budget Monitoring Report for June 2023 (Cost of Services Analysis By Scrutiny Committee)

	<i>Month</i>			<i>Year-to-Date</i>			<i>Full Year</i>		
	Budget £000	Actuals £000	Variance £000	Budget £000	Actuals £000	Variance £000	Budget £000	Forecast Outturn £000	Variance £000
<b>Cost of Services</b>									
Finance and Resources	421	1,185	764	1,301	1,780	479	10,937	11,760	823
Housing and Community	310	(312)	(622)	554	(654)	(1,208)	1,903	1,933	30
Strategic Planning and Environment	828	1,339	511	2,155	2,112	(43)	12,299	13,088	789
<b>Net Cost of Services</b>	<b>1,559</b>	<b>2,212</b>	<b>653</b>	<b>4,010</b>	<b>3,238</b>	<b>(772)</b>	<b>25,139</b>	<b>26,781</b>	<b>1,642</b>
<b>Other Items</b>									
Investment Income	(63)	(628)	(565)	(189)	(259)	(70)	(755)	(3,053)	(2,298)
Interest Payments and MRP	62	332	270	185	332	147	741	741	0
Parish Precept Payments	0	0	0	1,234	1,234	0	1,234	1,234	0
Government Grants	(141)	(849)	(708)	(423)	(2,446)	(2,023)	(1,693)	(1,723)	(30)
Taxation (Council Tax and Business Rates)	(1,563)	(43,423)	(41,860)	(4,688)	(38,159)	(33,471)	(18,552)	(18,552)	0
<b>Surplus / Deficit on Provision of Services</b>	<b>(1,705)</b>	<b>(44,568)</b>	<b>(42,863)</b>	<b>(3,881)</b>	<b>(39,298)</b>	<b>(35,417)</b>	<b>(19,025)</b>	<b>(21,353)</b>	<b>(2,328)</b>
<b>Transfers between Reserves / Funds</b>									
Net Recharge to the HRA	(510)	(167)	343	(1,529)	(17)	1,512	(6,115)	(6,195)	(80)
<b>Net Movement on General Fund Working Balance</b>	<b>(656)</b>	<b>(42,523)</b>	<b>(41,867)</b>	<b>(1,400)</b>	<b>(36,077)</b>	<b>(34,677)</b>	<b>(1)</b>	<b>(767)</b>	<b>(766)</b>



## Housing Revenue Account

### 2023/24 Outturn Revenue Budget Monitoring Report Q1

	Budget £000	Forecast Outturn £000	Variance	
			£000	%
<b>Income:</b>				
Dwelling Rents	(60,868)	(60,941)	(73)	0.1%
Non-Dwelling Rents	(104)	(47)	57	-54.8%
Tenants Charges	(1,504)	(1,504)	0	0.0%
Leaseholder Charges	(606)	(606)	0	0.0%
Interest and Investment Income	(210)	(1,694)	(1,484)	706.7%
Contribution towards Expenditure	(647)	(647)	0	0.0%
<b>Total Income</b>	<b>(63,939)</b>	<b>(65,439)</b>	<b>(1,500)</b>	<b>2.3%</b>
<b>Expenditure:</b>				
Repairs & Maintenance	14,594	15,907	1,313	9.0%
Supervision & Management	18,421	18,998	577	3.1%
Rent, Rates, Taxes & Other Charges	178	178	0	0.0%
Interest Payable	11,267	11,267	0	0.0%
Provision for Bad Debts	750	750	0	0.0%
Depreciation	15,620	15,620	0	0.0%
HRA Democratic Recharges	406	406	0	0.0%
Revenue Contribution to Capital	2,538	2,538	0	0.0%
<b>Total Expenditure</b>	<b>63,774</b>	<b>65,664</b>	<b>1,890</b>	<b>3.0%</b>
Transfer to / (from) Housing Reserves	165	165	0	0.0%
<b>HRA Deficit / (Surplus)</b>	<b>0</b>	<b>390</b>	<b>390</b>	
<b>Housing Revenue Account Balance:</b>				
Opening Balance at 1 April 2022	(2,892)	(2,892)	0	
Deficit / (Surplus) for year	0	390	390	
Proposed Contributions to Reserves	0	0	0	
<b>Closing Balance at 31 March 2023</b>	<b>(2,892)</b>	<b>(2,502)</b>	<b>390</b>	

**CAPITAL PROGRAMME MONITORING BY SCRUTINY COMMITTEE FOR JUNE 2023**

Scheme	Original Budget	Prior Year Slippage	Adj's, Supps, Virements	Adjustments (Slip. C/F)	In-Year Adjustments	Current Budget	YTD Spend	Projected Outturn	Forecast Slippage	Projected Over / (Under)
<b>General Fund</b>										
<b>Totals:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Finance and Resources</b>										
<b>Chief Finance Officer (S151)</b>										
51 Commercially Sensitive Projects	4,002,000	0	0	0	0	4,002,000	0	0	(4,002,000)	0
	<b>4,002,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,002,000</b>	<b>0</b>	<b>0</b>	<b>(4,002,000)</b>	<b>0</b>
<b>Head of Digital</b>										
56 Automation Programme	85,000	85,000	0	0	0	170,000	0	0	(170,000)	0
57 Civica Customer Experience Software (Flare replacement)	50,000	100,000	0	0	0	150,000	0	0	(150,000)	0
58 Rolling Programme - Hardware	675,000	30,101	0	0	0	705,101	31,200	623,000	(82,101)	0
59 Software Licences - Right of Use	40,000	33,417	0	0	0	73,417	0	0	(73,417)	0
60 Future vision of CRM	590,000	193,375	0	0	0	783,375	(5,225)	348,000	(435,375)	0
	<b>1,440,000</b>	<b>441,893</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,881,893</b>	<b>25,975</b>	<b>971,000</b>	<b>(910,893)</b>	<b>0</b>
<b>Head of Environmental Protection</b>										
64 Health and Safety software system	0	40,000	0	0	0	40,000	0	0	(40,000)	0
65 Air Quality Monitoring	40,000	0	0	0	0	40,000	0	40,000	0	0
	<b>40,000</b>	<b>40,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80,000</b>	<b>0</b>	<b>40,000</b>	<b>(40,000)</b>	<b>0</b>
<b>Head of Environmental Services</b>										
69 Tring Cemetery Access Road	40,000	0	0	0	0	40,000	0	40,000	0	0
	<b>40,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,000</b>	<b>0</b>	<b>40,000</b>	<b>0</b>	<b>0</b>
<b>Head of Property Services</b>										
73 Public Conveniences Renovation Programme	20,000	0	0	0	0	20,000	0	20,000	0	0
74 Service Lease Domestic Properties	30,000	8,118	0	0	0	38,118	0	38,118	0	0
75 Old Town Hall - Cafe Roof and stonework renewal	0	60,000	0	0	0	60,000	0	30,000	0	(30,000)
76 Piccotts End Retaining Wall Rebuild	0	35,000	0	0	0	35,000	0	35,000	0	0
77 Victoria Hall Lift replacement	45,000	0	0	0	0	45,000	0	45,000	0	0
78 Community Buildings Fire Exits	30,000	0	0	0	0	30,000	0	30,000	0	0
79 Adeyfield Community Centre Structural Improvements	0	37,000	0	0	0	37,000	0	37,000	0	0
80 Boiler Replacement Programme	22,000	0	0	0	0	22,000	0	22,000	0	0
81 External Refurb - Woodhall Farm Community Centre	0	12,980	0	0	0	12,980	12,980	12,980	0	0
82 Tring Community Centre - Gutters and Facias	20,000	0	0	0	0	20,000	0	20,000	0	0
83 Rossgate Shopping Centre - Structural Works	0	315,281	0	0	0	315,281	0	315,281	0	0
84 Bennettsgate Shopping Centre - External Render	15,000	0	0	0	0	15,000	0	15,000	0	0
85 Roof Replacement Programme - Individual Assets To Be Identified At A Late	200,000	0	0	0	0	200,000	0	200,000	0	0
86 Commercial Properties - Renew Obsolete Door Entry Controls	20,000	1,723	0	0	0	21,723	1,902	21,723	0	0
87 100 High St (Old Town), Hemel - Window Replacement	0	14,000	0	0	0	14,000	0	14,000	0	0
88 Long Chaulden Roof	0	55,020	0	0	0	55,020	0	55,020	0	0
89 Bellgate - Walkway Renovation	0	12,100	0	0	0	12,100	0	12,100	0	0
90 Bennettsgate - Window Renewal	210,000	74,780	0	0	0	284,780	0	284,780	0	0
91 Queens Square Canopy Renewal	0	40,072	0	0	0	40,072	72	40,072	0	0
92 Void Commercial Property Refurbishment	70,000	22,508	0	0	0	92,508	15,916	92,508	0	0

Scheme	Original Budget	Prior Year Slippage	Adj's, Supps, Virements	Adjustments (Slip. C/F)	In-Year Adjustments	Current Budget	YTD Spend	Projected Outturn	Forecast Slippage	Projected Over / (Under)
93 Bennettsgate - Structural Concrete Improvements & Façade Renewal	0	51,712	0	0	0	51,712	0	51,712	0	0
94 Bellgate - Concrete Renewal & Refurbishment	0	14,300	0	0	0	14,300	0	14,300	0	0
95 Village Centre - Soffits & Facias	0	3,950	0	0	0	3,950	0	3,950	0	0
96 9 High Street Tring, Electrical Works	0	4,293	0	0	0	4,293	0	4,293	0	0
97 Broadwater Road Resurfacing	0	93,000	0	0	0	93,000	0	0	(93,000)	0
98 Damp proofing improvements to commercial properties	30,000	30,000	0	0	0	60,000	0	60,000	0	0
99 Kings Langley Charter Court - Separate Meter Supply	0	20,000	0	0	0	20,000	3,081	20,000	0	0
100 48-52 High Street - Fire Alarm System Renewal	15,000	0	0	0	0	15,000	0	15,000	0	0
101 Bellgate Canopy Renewal - Highfield	0	200,000	0	0	0	200,000	0	150,000	(50,000)	0
102 Rossgate Terrace Walkway Waterproofing	0	30,000	0	0	0	30,000	0	30,000	0	0
103 Fire Alarm Upgrades	20,000	0	0	0	0	20,000	0	20,000	0	0
104 Dacorum Heritage Trust Storage Building-	80,000	0	0	0	0	80,000	0	80,000	0	0
105 Hyde Meadow Commercial Unit structural works	35,000	0	0	0	0	35,000	15,640	35,000	0	0
106 Silk Mill Shops - Concrete works	25,000	0	0	0	0	25,000	0	25,000	0	0
107 Public Conveniences - Improvement Programme	0	15,502	0	0	0	15,502	4,000	15,502	0	0
	<b>887,000</b>	<b>1,151,339</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,038,339</b>	<b>53,591</b>	<b>1,865,339</b>	<b>(143,000)</b>	<b>(30,000)</b>
<b>Head of Commercial Development</b>										
111 Berkhamsted Leisure Centre Upgrade Works	15,000	0	0	0	0	15,000	0	15,000	0	0
112 Hemel Hempstead Sports Centre - Plant Room Upgrade	147,000	0	0	0	0	147,000	0	147,000	0	0
113 Hemel Hempstead Sports Centre - Basketball Hoop Replacement	26,000	(21,274)	0	0	0	4,726	0	4,726	0	0
114 Car Park Refurbishment	0	135,000	0	0	0	135,000	0	0	(135,000)	0
115 Water Gardens North Car Park Drainage Improvements	0	35,000	0	0	0	35,000	0	0	(35,000)	0
116 Multi Functional Devices	0	90,000	0	0	0	90,000	0	90,000	0	0
	<b>188,000</b>	<b>238,726</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>426,726</b>	<b>0</b>	<b>256,726</b>	<b>(170,000)</b>	<b>0</b>
<b>Head of Investment and Delivery</b>										
120 Creation of new Community Facility and Foodbank at The Hub (Dens)	1,875,000	625,000	0	0	0	2,500,000	0	2,500,000	0	0
121 Hemel Hempstead Sports Centre - Astroturf renewal	300,000	280,000	0	0	0	580,000	0	580,000	0	0
122 Berkhamsted Leisure Centre Redevelopment	0	13,850,356	0	0	0	13,850,356	0	0	(13,850,356)	0
	<b>2,175,000</b>	<b>14,755,356</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,930,356</b>	<b>0</b>	<b>3,080,000</b>	<b>(13,850,356)</b>	<b>0</b>
<b>SD Place</b>										
126 Buncefield lane North Quiet Way (phase 3) - HGC capital project	0	0	0	0	0	0	190,000	190,000	0	190,000
127 Grand Union Canal Improvements - HGC capital project	0	0	0	0	0	0	64,064	64,064	0	64,064
128 Nickey Line Improvements - HGC capital project	0	552,754	0	0	0	552,754	(117,246)	262,754	(35,936)	(254,064)
	<b>0</b>	<b>552,754</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>552,754</b>	<b>136,818</b>	<b>516,818</b>	<b>(35,936)</b>	<b>0</b>
<b>Totals: Finance and Resources</b>	<b>8,772,000</b>	<b>17,180,068</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,952,068</b>	<b>216,384</b>	<b>6,769,883</b>	<b>(19,152,185)</b>	<b>(30,000)</b>
<b>Housing and Community</b>										
<b>Assistant Director - Place, Communities and Enterprise</b>										
136 Adventure Playgrounds Improvement Programme	500,000	435,535	0	0	0	935,535	24,916	24,916	(910,619)	0
137 Capital Grants - Community Groups	20,000	0	0	0	0	20,000	0	20,000	0	0
	<b>520,000</b>	<b>435,535</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>955,535</b>	<b>24,916</b>	<b>44,916</b>	<b>(910,619)</b>	<b>0</b>
<b>Head of Asset Management</b>										
141 Disabled Facilities Grants	741,000	343,873	0	0	0	1,084,873	133,845	741,000	(343,873)	0
	<b>741,000</b>	<b>343,873</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,084,873</b>	<b>133,845</b>	<b>741,000</b>	<b>(343,873)</b>	<b>0</b>
<b>Head of Safe Communities</b>										

Scheme	Original Budget	Prior Year Slippage	Adj's, Supps, Virements	Adjustments (Slip. C/F)	In-Year Adjustments	Current Budget	YTD Spend	Projected Outturn	Forecast Slippage	Projected Over / (Under)
145 Rolling Programme - CCTV Cameras	25,000	36,290	0	0	0	61,290	0	61,290	0	0
146 Alarm Receiving Centre	0	33,627	0	0	0	33,627	0	33,627	0	0
147 CCTV Equipment Refresh	110,000	29,782	0	0	0	139,782	0	139,782	0	0
	<b>135,000</b>	<b>99,699</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>234,699</b>	<b>0</b>	<b>234,699</b>	<b>0</b>	<b>0</b>
<b>Head of Investment and Delivery</b>										
151 Affordable Housing Development Fund	0	458,837	0	0	0	458,837	(285,121)	458,837	0	0
152 Temporary Accommodation - creation of new units	0	71,665	0	0	0	71,665	0	71,665	0	0
153 Aragon Close - Creation of Affordable Housing Move-on Units	0	118,983	0	0	0	118,983	0	118,983	0	0
154 Verge Hardening Programme	250,000	205,293	0	0	0	455,293	0	455,293	0	0
	<b>250,000</b>	<b>854,778</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,104,778</b>	<b>(285,121)</b>	<b>1,104,778</b>	<b>0</b>	<b>0</b>
<b>Totals: Housing and Community</b>	<b>1,646,000</b>	<b>1,733,885</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,379,885</b>	<b>(126,360)</b>	<b>2,125,393</b>	<b>(1,254,492)</b>	<b>0</b>
<b>Strategic Planning and Environment</b>										
<b>Assistant Director - Place, Communities and Enterprise</b>										
162 Urban Park/Education Centre (Durrants Lakes)	0	134,015	0	0	0	134,015	8,625	134,015	0	0
163 The Bury - Conversion into Museum and Gallery	2,570,000	53,150	0	0	0	2,623,150	0	0	(2,623,150)	0
	<b>2,570,000</b>	<b>187,165</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,757,165</b>	<b>8,625</b>	<b>134,015</b>	<b>(2,623,150)</b>	<b>0</b>
<b>Head of Development Management</b>										
43 CIL Capital Projects	0	0	0	0	0	50,000	50,000	50,000	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>0</b>	<b>0</b>
<b>Head of Environmental Services</b>										
167 Waste Services IT upgrade	0	80,000	0	0	0	80,000	0	80,000	0	0
168 Wheeled Bins & Boxes for New Properties	100,000	0	0	0	0	100,000	50,868	200,000	0	100,000
169 Litter Bin Upgrade	85,000	0	0	0	0	85,000	0	85,000	0	0
170 Play Areas & Open Spaces - replace equipment	250,000	137,470	0	0	0	387,470	0	387,470	0	0
171 Gadebridge Park - Splash Park	70,000	0	0	0	0	70,000	36,128	70,000	0	0
172 Resurfacing Works and Building Improvement to Depot	0	60,000	0	0	0	60,000	0	60,000	0	0
173 Chipperfield Common Car Park Resurfacing	0	200,000	0	0	0	200,000	0	200,000	0	0
174 Waste Transfer Site Upgrade Works	0	262,461	0	0	0	262,461	0	262,461	0	0
175 Water Gardens Fencing	25,000	0	0	0	0	25,000	0	25,000	0	0
176 Fleet Replacement Programme	(312,221)	2,341,332	0	0	0	2,029,111	56,116	1,279,111	(750,000)	0
	<b>217,779</b>	<b>3,081,263</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,299,042</b>	<b>143,112</b>	<b>2,649,042</b>	<b>(750,000)</b>	<b>100,000</b>
<b>Head of Property Services</b>										
180 Allotment Improvement Programme	0	47,970	0	0	0	47,970	0	47,970	0	0
181 Stone Works to Charter Tower	15,000	18,000	0	0	0	33,000	0	33,000	0	0
182 Nickey Line Bridge Refurbishment	0	50,000	0	0	0	50,000	0	50,000	0	0
183 Bennetts End Adventure playground - Cabin Roof	24,000	0	0	0	0	24,000	0	24,000	0	0
	<b>39,000</b>	<b>115,970</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>154,970</b>	<b>0</b>	<b>154,970</b>	<b>0</b>	<b>0</b>
<b>Totals: Strategic Planning and Environment</b>	<b>2,826,779</b>	<b>3,384,398</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,261,177</b>	<b>201,737</b>	<b>2,988,027</b>	<b>(3,373,150)</b>	<b>100,000</b>
<b>Totals - Fund: General Fund</b>	<b>13,244,779</b>	<b>22,298,351</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,593,130</b>	<b>291,760</b>	<b>11,883,303</b>	<b>(23,779,827)</b>	<b>70,000</b>

Scheme	Original Budget	Prior Year Slippage	Adj's, Supps, Virements	Adjustments (Slip. C/F)	In-Year Adjustments	Current Budget	YTD Spend	Projected Outturn	Forecast Slippage	Projected Over / (Under)
<b>Housing Revenue Account</b>										
<b>Housing and Community</b>										
<b>Head of Safe Homes</b>										
195 Communal Gas & Heating	0	391,720	0	0	0	391,720	(32,916)	3,516,717	0	3,124,997
	<b>0</b>	<b>391,720</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>391,720</b>	<b>(32,916)</b>	<b>3,516,717</b>	<b>0</b>	<b>3,124,997</b>
<b>Head of Asset Management</b>										
199 Planned Fixed Expenditure	16,650,000	612,295	0	0	0	17,262,295	576,108	13,042,298	0	(4,219,997)
200 Pain/Gain Share (Planned Fixed Expenditure)	0	0	0	0	0	0	80,606	0	0	0
201 M&E Contracted Works	0	0	0	0	0	0	372,774	1,500,000	0	1,500,000
202 DBC Commissioned Capital Works	5,975,000	5,024,882	0	0	0	10,999,882	1,140,876	10,594,882	0	(405,000)
203 Special Projects	0	513,021	0	0	0	513,021	0	513,021	0	0
	<b>22,625,000</b>	<b>6,150,198</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>28,775,198</b>	<b>2,170,365</b>	<b>25,650,201</b>	<b>0</b>	<b>(3,124,997)</b>
<b>Head of Investment and Delivery</b>										
207 Bulbourne	(2,210,742)	2,209,142	0	0	0	(1,600)	9,111	0	0	1,600
208 Coniston Road	0	220,145	0	0	0	220,145	(66,965)	142,692	(77,453)	0
209 Eastwick Row	1,569,000	4,166,856	0	0	0	5,735,856	1,091	1,455,196	(4,280,660)	0
210 St Margaret's Way	6,330,903	9,687	0	0	0	6,340,590	276,745	7,433,393	1,092,803	0
211 Paradise Fields	3,765,365	9,374,973	0	0	0	13,140,338	987,398	9,197,144	(4,084,338)	141,144
212 Randalls Ride	2,103,000	2,921,684	0	0	0	5,024,684	398,638	4,475,826	(548,858)	0
213 Garage Sites - New Build Developments	4,779,000	1,102,139	0	0	0	5,881,139	1,481,153	4,572,085	(1,309,054)	0
214 Wilstone	857,000	266,257	0	0	0	1,123,257	224,106	579,320	(543,937)	0
215 Marchmont Fields	2,775,835	6,698,893	0	0	0	9,474,728	2,700	5,386,809	(4,087,919)	0
216 Paradise Depot	8,640,000	79,924	0	0	0	8,719,924	1,600	5,899,340	(2,820,584)	0
217 Cherry Bounce	(232,816)	222,980	0	0	0	(9,836)	0	0	0	9,836
218 Stoneycroft and Great Sturgess	789,236	(91,651)	0	0	0	697,585	0	0	(545,005)	(152,580)
219 Garage Sites B	59,064	(39,064)	0	0	0	20,000	0	0	(20,000)	0
220 Great Sturgess Road	500,000	(43,323)	0	0	0	456,677	0	0	(456,677)	0
221 RTB Buy-Backs	1,000,000	(1,090)	0	0	0	998,910	0	998,910	0	0
	<b>30,724,845</b>	<b>27,097,552</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>57,822,397</b>	<b>3,315,576</b>	<b>40,140,715</b>	<b>(17,681,682)</b>	<b>0</b>
<b>Totals: Housing and Community</b>	<b>53,349,845</b>	<b>33,639,470</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>86,989,315</b>	<b>5,453,025</b>	<b>69,307,633</b>	<b>(17,681,682)</b>	<b>0</b>
<b>Totals - Fund: Housing Revenue Account</b>	<b>53,349,845</b>	<b>33,639,470</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>86,989,315</b>	<b>5,453,025</b>	<b>69,307,633</b>	<b>(17,681,682)</b>	<b>0</b>
<b>Totals</b>	<b>66,594,624</b>	<b>55,937,821</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>122,582,445</b>	<b>5,744,785</b>	<b>81,190,936</b>	<b>(41,461,509)</b>	<b>70,000</b>



<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Strategic Risk Register Q4 2022-23
<b>Date:</b>	12 <sup>th</sup> September 2023
<b>Report on behalf of:</b>	Councillor Sally Symington, Portfolio Holder for Corporate and Commercial Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	Appendix B is a part II appendix. The appendix contains information relating to the financial or business affairs of the Council. Local Government Act 1972, Schedule 12A, Part 1, paragraph 3.
<b>Appendices:</b>	Appendix A- Strategic Risk Register Update Q4 2022-23 Appendix B- Cyber- attack/ data breach Update Q4 2022-23 Appendix C- Risk scoring methodology
<b>a</b>	Cabinet February 2023 Agenda item 13 Strategic Risk Register Update and meeting minutes.
<b>Glossary of acronyms and any other abbreviations used in this report and appendices:</b>	CEE- Climate and Ecological Emergency CLT- Corporate Leadership Team DLUHC- Department for Levelling Up, Housing and Communities. HRA – Housing Revenue Account. The Council’s Housing Landlord function. HTIP- Housing Transformation and Improvement Programme. A review of operational practices within the Housing service. SLT- Strategic Leadership Team. VCS- Voluntary and Community Sector. VFM- Value for Money.

### Report Author / Responsible Officer

Fiona Jump, Head of Financial Services



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<b>Corporate Priorities</b>	Ensuring efficient, effective and modern service delivery
<b>Wards affected</b>	All
<b>Purpose of the report:</b>	1. To provide committee with an update against the risks identified in the Council's Strategic Risk Register as at Q4 2022-23.
<b>Recommendation to the decision maker:</b>	1. That the quarter 4 update of the Strategic Risk Register for 2022-23 be noted.
<b>Period for post policy/project review:</b>	An update on the Council's Strategic Risk Register is provided to Audit Committee and Cabinet on a quarterly basis.

## 1 Background

- 1.1 Robust risk management supports the delivery of the Council's corporate plan objectives. The Council has a legal obligation to ensure that it has sound risk management arrangements in place.
- 1.2 A review of the significant strategic risks impacting the delivery of the Council's six key corporate plan priorities was undertaken during 2022-23. This review involved Members, the Strategic Leadership Team (SLT), and Corporate Leadership Team (CLT) and the Council's internal auditors. A revised set of strategic risks were produced as follows, to be reported on from quarter 4, 2022-23:

<b>Risk</b>	<b>Risk Owner</b>
<b>Failure to ensure compliance with statutory and legislative requirements.</b>	Chief Executive
<b>Failure to work with Strategic Partners to deliver Corporate priorities</b>	Chief Executive
<b>The Council is subject to a successful cyber-attack and/ or data breach.</b>	Strategic Director (People and Transformation)
<b>We are unable to deliver effective services to residents due to an inability to retain and recruit sufficient competent and skilled resources.</b>	Strategic Director (People and Transformation)
<b>We do not plan in or deliver action early enough to ensure achievement of the CEE statement.</b>	Strategic Director (People and Transformation)
<b>Inability to manage and deliver safe and good quality affordable homes</b>	Chief Housing Officer
<b>Weakening of the Council's Financial Resilience.</b>	Strategic Director (Corporate and Commercial Services) / Chief Finance Officer
<b>Failure to Deliver Place Shaping and Regeneration ambitions.</b>	Strategic Director (Place)

- 1.3 Each risk is owned by a member of the Council's Strategic Leadership Team. Each quarter, they will provide an assessment of the likelihood and impact/ consequence associated with each risk, together with narrative context. This is explained further below.

## 2 Strategic Risk Register Update Q4 2022-23

- 2.1 Q4 2022-23, is the first update provided on the Council's revised Strategic Risk Register. An update of the position for Q4 would generally be provided to Audit Committee and Cabinet during June. A view was taken this year to report in July to allow for the establishment of the new Audit Committee, prior to review of the register. This report has been brought before Cabinet at the first opportunity after its presentation to Audit Committee.
- 2.2 Future updates on the Strategic Risk Register will provide an assessment of any movement from the previous quarter's position
- 2.3 Appendix A provides a detailed update on the Council's strategic risks as at Q4 2022-23.
- 2.4 Appendix B is a part 2 appendix providing an update on the strategic risk relating to cyber-security and data breach. There is evidence that those intending to target the cyber security arrangements of an organisation typically look at documents such as organisation risk

registers, where security measures are set out. For this reasons, Appendix B is a part 2 document.

### **3 Risk scoring and current risk status**

- 3.1 Appendix C provides an explanation of the scoring system used by the Council to provide a numerical assessment of the status of each strategic risk.
- 3.2 The Council uses a 4x4 risk-scoring matrix. The likelihood that a risk will occur is scored from 1 to 4 (1 being very unlikely, 4 being almost certain). Likewise, the impact/consequence of a risk is also scored from 1 to 4, (1 being low impact, 4 being significant impact). Both scores are then multiplied together to give an overall score.
- For example: likelihood (4) x impact (4) gives an overall risk score of 16.
- 3.3 An overall risk score of 1 indicates low likelihood/ impact of a risk; a score of 16 indicates high likelihood/ impact of a risk.
- 3.4 The Council provides an assessment of three different types of risk score:
- 1) Inherent risk score. This is the risk score if no controls to manage the risk impact or likelihood were in place. It is expected that the inherent score would be relatively high for all strategic risks.
  - 2) Target risk score or risk appetite score. This is the risk score that this organisation is prepared to accept, to be achieved by the controls that the Council puts in place to manage the impact and likelihood of each risk.
  - 3) Current risk score. This is the risk score that gives an assessment of the current position.
- 3.5 Appendices A and B give an update on the status of the Council's strategic risks as at Q4 2022-23, 31<sup>st</sup> March 2023.

### **4 Presentation to Audit Committee July 2023**

The Q4 2022-23 update of the Council's Strategic Risk Register was presented at Audit Committee in July 2023. Comments on the item can be located in the meeting minutes.

### **5 Financial and value for money implications:**

Proper risk management arrangements support delivery of value for money and helps secure the Council's financial resources.

### **6 Legal Implications**

The Council is required by law to make proper risk management arrangements.

### **7 Risk implications:**

Contained in the body of the report.

### **8 Equalities, Community Impact and Human Rights**

None arising directly from the report.

### **9 Sustainability implications (including climate change, health and wellbeing, community safety)**

None arising directly from the report.

**10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

None arising directly from the report.

**11 Statutory Comments**

**Monitoring Officer:**

No further comments to add to the report.

**Deputy S151 Officer:**

This is a Deputy S151 Officer report.

**12 Conclusion**

This report provides an update on the Council's Strategic Register as at Q4 2022-23.

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Risk Register Summary Table

		31 Mar 2023			
Risk Name	Risk Owner	RM01 Risk Consequence	RM02 Risk Likelihood	Status	
		Actual	Actual	Actual	Update
Compliance with statutory and legislative requirements.	Claire Hamilton	2	2	4.00	Inherent risk likelihood 4; inherent risk consequence 4. Overall inherent risk scoring = 4x4= 16. Target risk likelihood 1; Target risk consequence 2. Overall target risk scoring = 1x2= 2. Housing Transformation Improvement Programme (HTIP) improvements progressed in many areas of Housing compliance. Compliance improvement work ongoing across other areas of the Council. Statutory requirement to set balanced budget and council tax levels for 2023-24 met. Statutory obligations review planned as part of the Legal Services 2023-24 service plan.
Cyber attack/data breach	Aidan Wilkie	3	2	6.00	Inherent likelihood score 4; inherent consequence score 4. Overall inherent risk score= 4x4= 16. Target likelihood score 2; target likelihood score 2. Overall target risk score 2x2= 4. Please see the part II appendix B to this report.
Delivery of safe and good quality homes	Darren Welsh	4	2	8.00	Inherent risk likelihood 4; inherent risk consequence 4. Overall inherent risk scoring = 4x4=16. Target risk likelihood 2; target risk consequence 4. Overall target risk scoring = 2x4= 8. Baseline report for HTIP. Total Operating Model (a new operational model for the Housing service) recommendations coming in July 2023. Homes England audit on new build developments underway. Findings to be reported to Audit Committee.
Failure to achieve the CEE statement	Aidan Wilkie	2	2	4.00	Inherent risk likelihood score 4; inherent risk consequence score 4; overall inherent risk score 16. Target risk likelihood score 2; target risk consequence score 2; overall target risk score 4. The CEE strategy and action plan are currently being reviewed with the new Portfolio Holder.

Risk Name	Risk Owner	31 Mar 2023			
		RM01 Risk Consequence	RM02 Risk Likelihood	Status	
		Actual	Actual	Actual	Update
Financial Resilience.	Catherine SilvaDonayre	2	3	6.00	<p>Inherent risk likelihood is 4; inherent risk consequence is 4. Overall inherent risk score: <math>4 \times 4 = 16</math>. Target risk likelihood is 3; target risk consequence is 3. Overall target risk score; <math>3 \times 3 = 9</math>.</p> <p>During the quarter 4 period of 2022/23 the financial outturn projections for the general fund were in line with expectations and hence no changes to the financial resilience of the organisation were reported.</p> <p>The HRA financial outturn worsened in quarter 4 as reported to Cabinet in June due to inflationary cost pressures and demand relating to repairs and maintenance. The HRA is being closely monitored as the impact of wider economic cost pressures has a greater impact on the housing service than the general fund.</p>
Place Shaping & Regeneration	James Doe	3	3	9.00	<p>Inherent risk likelihood score is 3; inherent risk consequence score is 4. Overall inherent risk score is <math>3 \times 4 = 12</math>. Target risk likelihood score is 2; inherent risk consequence score is 2. Overall target risk score is <math>2 \times 2 = 4</math>.</p> <ul style="list-style-type: none"> <li>• New Local Plan to underpin whole agenda, aiming for next consultation Q3 23/24.</li> <li>• UK Shared Prosperity Fund (UK SPF) Investment Plan approved by DLUHC and 3 year award of £1.763m confirmed and Cabinet decision made on allocation June 23. Officer Decision Record Sheet (ODRS) has confirmed initial projects including just under £0.5m for activating footfall in Hemel Town Centre.</li> <li>• Draft Hemel Place Strategy scheduled for Q3 23/24.</li> <li>• Hemel Town Centre Vision prepared and due to be considered by Cabinet 18 July 23.</li> <li>• Hemel Place Board continues to meet; move to action planning stage by Q4 23/24 once Hemel Place Strategy agreed and approved.</li> <li>• Corporate Place Board met on 5 July 23, first major project established on implementing the Chiltern Beechwoods Mitigation Strategy as a means to unlock stalled and future housing developments.</li> <li>• Berkhamsted and Tring Town Councils taking the lead on respective place strategies with support from DBC.</li> <li>• Review of town centre assets underway to determine effective deployment of DBC land and property to deliver and catalyse place shaping, and to realise capital funds to support delivery.</li> <li>• New Local Plan to underpin whole agenda.</li> <li>• New Dacorum Investment Framework to facilitate inward investment – likely to progress Q4 and into 24/25 once new place team in place through</li> </ul>

		RM01 Risk Consequence	RM02 Risk Likelihood	Actual	
					<p>Place, Communities and Enterprise restructure which is at formal consultation as of 17 July 23.</p> <ul style="list-style-type: none"> <li>• Infrastructure Delivery Plan being kept up to date to support Local Plan – work ongoing.</li> <li>• Policy on deployment of Community Infrastructure Levy Funds underway; Cabinet agreed to release of up to 20% of core funds (c£3m) at meeting on 14 Feb 23; funding bids under consideration which are now being revisited post-Council elections in May 23.</li> <li>• Economic Recovery Board formed and Plan being actively managed with partners; Board well established and reporting on 6 separate workstreams.</li> <li>• New Maylands Masterplan will progress in Q3 23/24 with appointment of consultants (now selected following procurement) to be confirmed July 23</li> <li>• Engagement of Voluntary and Community Sector (VCS) to support place making.</li> <li>• Hemel Garden Communities placemaking event with Members taking place on 17 July 23.</li> <li>• VCS conference held June 23.</li> <li>• VCS recommissioning proposals set out.</li> <li>• Hemel Old Town project progressing, community event held 29 June 23.</li> <li>• Hemel Hempstead showcased by senior Officer team at UK Real Estate Investment and Infrastructure Forum 16-18 May 23.</li> <li>• Regeneration proposals to follow Strategic Asset Review, currently being procured, to involve General Fund and HRA assets with view to place making. Implementation of outcomes likely to be progressed from Q1 24/25.</li> <li>• Long lease at Riverside shopping centre has been reassigned; redevelopment proposals expected from Q3 onwards.</li> </ul>
Recruitment and retention of staff	Aidan Wilkie	2	2	4.00	<p>Inherent risk likelihood 4; inherent risk consequence 4; overall inherent risk score = <math>4 \times 4 = 16</math>            Target risk likelihood 2; target risk consequence 2; overall target risk score = <math>2 \times 2 = 4</math>            Market forces policy approved and implemented.            Agency framework in place.            There will be only one non- permanent member of the Corporate Leadership Team from end July 2023.</p>

Risk Name	Risk Owner	31 Mar 2023			
		RM01 Risk Consequence	RM02 Risk Likelihood	Status	
		Actual	Actual	Actual	Update
Working with Strategic Partners	Claire Hamilton	2	2	4.00	<p>Inherent risk likelihood 4; inherent risk consequence 3. Overall inherent risk score= 4x3= 12.</p> <p>Target risk likelihood 2; target risk consequence 2. Overall target risk score = 2x2= 4.</p> <p>The Council continues to work closely with its strategic partners in order to deliver corporate priorities.</p> <p>Hemel Place Board continues to meet; move to action planning stage by Q4 23/24 once Hemel Town Centre vision and Hemel Place Strategy are agreed and approved.</p> <p>Hemel Garden Communities Partnership Board continues to meet and a placemaking event with Members will take place on 17 July 23.</p> <p>SW Herts Joint Strategic Partnership Board continues to meet and Regulation 18 consultation has been completed.</p> <p>Community and Voluntary conference planned for Q1 2023-24.</p> <p>Close liaison with Homes England continues.</p> <p>The Council continues to play an active role on the Herts Growth Board.</p>



Risk Name	Detail	31 Mar 2023
		Status
Compliance with statutory and legislative requirements.	Risk Owner	Claire Hamilton
	Portfolio	Leader of the Council
	Risk Description	Failure to ensure compliance with statutory and legislative requirements.
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> <li>▪ Strategic Risk Register March 2023</li> <li>▪ Ensuring efficient, effective and modern service delivery</li> </ul>
	Inherent Score	16 ▲
	Mitigated Score	4.00 ★
	Risk Appetite	2.00
	Comments	<p>Inherent risk likelihood 4; inherent risk consequence 4. Overall inherent risk scoring = 4x4= 16.  Target risk likelihood 1; Target risk consequence 2. Overall target risk scoring = 1x2= 2.  Housing Transformation Improvement Programme (HTIP) improvements progressed in many areas of Housing compliance.  Compliance improvement work ongoing across other areas of the Council.  Statutory requirement to set balanced budget and council tax levels for 2023-24 met.  Statutory obligations review planned as part of the Legal Services 2023-24 service plan.</p>
	Controls & Assurances	<ul style="list-style-type: none"> <li>- Legal, regulatory and financial frameworks regularly reviewed and considerations imbedded in key policies, processes and decision-making process.</li> <li>- Rigorous framework of Health and Safety monitoring, reporting and escalation.</li> <li>- Developed 3 year rolling Internal Audit programme that challenges statutory and legislative requirements.</li> <li>- External audit reporting annually.</li> <li>- Ombudsman annual assessment and reporting.</li> </ul>
	Evidence Risk is being managed	<p>Statutory deadlines met on key deliverables (including and not limited to Council Tax setting, delivery of a balanced budget, publication of final accounts).</p> <p>Robust programme of internal and external audit assessment. Findings of these programmes supporting legal compliance on areas of Council activity.</p> <p>Housing Transformation &amp; Improvement Programme (HTIP) instigated and progressed during 2022-23. Favourable outcomes achieved and improvement programme still progressing.</p> <p>Monthly compliance report on General Fund and Housing Revenue Account assets presented to the Council's Strategic Leadership Team (SLT).</p>

		31 Mar 2023
Detail		Status
	Consequences / Impacts	Intervention by sector regulators, including but not limited to HM Treasury, Regulator of Social Housing, and Planning Inspectorate. Intervention by central government including the Office for Local Government. Increase in complaint and escalation to Local Government Ombudsman. Increase in litigation against the Council. Imposition of fines and penalties against the Council. Reputational damage.
Page 114	Cyber attack/data breach	
	Risk Owner	Aidan Wilkie
	Portfolio	People and Transformation
	Risk Description	The Council is subject to a successful cyber attack and/ or data breach.
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> <li>Strategic Risk Register March 2023</li> <li>Ensuring efficient, effective and modern service delivery</li> </ul>
	Inherent Score	16 ▲
	Mitigated Score	6.00 ●
	Risk Appetite	4.00
	Comments	Inherent likelihood score 4; inherent consequence score 4. Overall inherent risk score= 4x4= 16. Target likelihood score 2; target likelihood score 2. Overall target risk score 2x2= 4. Please see the part II appendix B to this report.
	Controls & Assurances	Please see Part II appendix B to this report
Evidence Risk is being managed	Please see part 2 appendix B. The Council has implemented a number of measures to manage this risk. Due to evidence that those looking to carry out cyber-attacks specifically look for public facing documents outlining control measures in place, these measures are covered in the part 2 appendix to this report. The Council has a robust independently assessed technical infrastructure and security function which is constantly tested against best practice.	
Consequences / Impacts	Financial loss through inability to deliver business as usual activity. Financial and human resource cost of recovering from the event. Data breach resulting in fines/ penalties. Reputational damage and loss of trust in the Council. Regulator/ government intervention. Inability to deliver frontline services and associated impact on residents.	
Delivery of safe and good quality homes	Risk Owner	Darren Welsh
	Portfolio	Housing and Property Services
	Risk Description	Inability to manage and deliver safe and good quality affordable homes

## Detail

## Status

Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> <li>Strategic Risk Register March 2023</li> <li>Providing good quality affordable homes</li> </ul>	
Inherent Score	16 ▲	
Mitigated Score	8.00 ●	
Risk Appetite	8.00	
Comments	<p>Inherent risk likelihood 4; inherent risk consequence 4. Overall inherent risk scoring = 4x4=16.  Target risk likelihood 2; target risk consequence 4. Overall target risk scoring = 2x4= 8.  Baseline report for HTIP.  Total Operating Model (a new operational model for the Housing service) recommendations coming in July 2023.  Homes England audit on new build developments underway. Findings to be reported to Audit Committee.</p>	
Controls & Assurances	<p>Housing Transformation and Improvement Programme in place to transform the housing service.  Strong focus on compliance activity and regular reporting to SLT, Scrutiny and Cabinet.  New management structure developed and in place for Housing Services to create capacity and deliver strong leadership.  Strategic housing function created to drive affordable housing supply and enable, monitor and report on housing needs and delivery.  A programme of grant support is in place to Registered Providers to support affordable housing delivery.  Housing Revenue Account Business Plan refreshed to reflect all housing priorities.  Housing delivery is a key part of the developing 2023 Local Plan.</p>	
Evidence Risk is being managed	<p>Housing Transformation and Improvement Programme (HTIP) - baseline report for HTIP. HTIP is a review of current operating practices within the Housing services, the purpose of which is to identify areas and actions for improvement and change.  Safeguarding improvement plan identifies where more effective controls could be applied.  New service structure to support service objectives.  Monitoring and management of compliance in place.  HRA Business Plan annually refreshed.  Improved governance across Housing and also corporately.  Preparatory work on new regulatory requirements to be reported to Overview and Scrutiny Committee.</p>	
Consequences / Impacts	<p>Regulatory intervention.  Funding withdrawal.  Loss of life/ injury to tenants/ leasehold occupant.  Reputational damage.  Increased homelessness.  Failure to appropriately safeguard households.  Failure to maintain assets.</p>	
Failure to achieve the CEE statement	Risk Owner	Aidan Wilkie
	Portfolio	Climate Change
	Risk Description	We do not plan in or deliver action early enough to ensure achievement of the CEE statement.
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> <li>Strategic Risk Register March 2023</li> <li>Climate and ecological emergency</li> </ul>

		31 Mar 2023	
Detail		Status	
Page 16	Inherent Score	16 ▲	
	Mitigated Score	4.00 ★	
	Risk Appetite	4.00	
	Comments	Inherent risk likelihood score 4; inherent risk consequence score 4; overall inherent risk score 16. Target risk likelihood score 2; target risk consequence score 2; overall target risk score 4. The CEE strategy and action plan are currently being reviewed with the new Portfolio Holder.	
	Controls & Assurances	- Climate and Ecological Strategy and action plan created and implemented. - A renewed programmatic approach including analysis of potential and impact of individual and collective intervention. This includes ownership of delivery spread throughout the Council and renewed governance. - All key strategic decision making includes an assessment of the impact on carbon footprint.	
	Evidence Risk is being managed	Climate and Ecological Strategy and action plan created and implemented. A renewed programmatic approach including analysis of potential and impact of individual and collective intervention. This includes ownership of delivery spread throughout the Council and renewed governance. All key strategic decision making includes an assessment of the impact on carbon footprint.	
	Consequences / Impacts	Adverse impact on local biodiversity. Adverse impact on health and wellbeing of the population of the borough. Reputational damage.	
Financial Resilience.	Risk Owner	Catherine SilvaDonayre	
	Portfolio	Corporate and Commercial Services	
	Risk Description	Weakening of the Council's Financial Resilience.	
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> <li>▪ Strategic Risk Register March 2023</li> <li>▪ Ensuring efficient, effective and modern service delivery</li> </ul>	
	Inherent Score	16 ▲	
	Mitigated Score	6.00 ●	
	Risk Appetite	9.00	

## Comments

Inherent risk likelihood is 4; inherent risk consequence is 4. Overall inherent risk score:  $4 \times 4 = 16$ .  
Target risk likelihood is 3; target risk consequence is 3. Overall target risk score;  $3 \times 3 = 9$ .

During the quarter 4 period of 2022/23 the financial outturn projections for the general fund were in line with expectations and hence no changes to the financial resilience of the organisation were reported.

The HRA financial outturn worsened in quarter 4 as reported to Cabinet in June due to inflationary cost pressures and demand relating to repairs and maintenance. The HRA is being closely monitored as the impact of wider economic cost pressures has a greater impact on the housing service than the general fund.

## Controls &amp; Assurances

- Clear financial governance processes in place and adhered to.

- Annual independent assessment of VFM and sustainability.

- Strategic decision making assesses the financial sustainability of strategies.

- Medium term financial sustainability assessed as part of the council approved MTFS and annual budget.

Delivery of a robust annual Internal Audit programme and annual approval by IA of risks and controls processes.

Development and implementation of Transformation and Commercial programmes to support financial resilience.

Evidence Risk is being managed

The Council's Medium Term Financial Strategy (MTFS) and the HRA Business Plan are controls that mitigate the likelihood of this risk crystallizing through the effective modelling of the future financial environment.

Sound financial planning maximizes the opportunity for the Council to identify funding risks in advance, and therefore grants more time for it to plan to provide its services differently in order to continue delivering its corporate priorities.

The Council's sound financial planning processes, have resulted in a residual likelihood score is 3, It is likely that the Council's financial resilience will weaken from a position of strength; given current macroeconomic factors that contribute to financial pressures, despite the sound financial control framework in place.

The residual impact score is 2, given the financial planning and reserves policy in place to reduce/finance the impact of any financial downturn. If the economic outlook was to be ongoing for significant period of time the impact score would increase as resources are diminished.

The MTFS details the financial implications of the Corporate Plan over a five-year period. It ensures that the Council is able to forecast likely income pressures in the medium-term, and optimise the balance between its financial resources and the delivery of its priorities. The MTFS is reviewed annually and is approved by Full Council, thereby providing the opportunity for Members to make informed amendments to the Corporate Plan on the basis of likely funding constraints.

The 2022 MTFS outlines the continuation of the ongoing two-pronged approach to combine the Council's need to;  
1 Continue driving the efficiencies required to ensure underlying sustainability; and,  
2 To protect frontline service provision.

The updated 2022 MTFS can be viewed on the October 2022 Cabinet Agenda, at [www.dacorum.gov.uk](http://www.dacorum.gov.uk).

#### Internal Audit

In recent years, the Council has received independent, third-party audit reviews of the financial processes that contribute to the management of this risk:

The 'Budgetary Control' process is audited by the Council's Internal Auditors annually and in 2022, and 2023 has received the substantial assurance.

The 'Core Financial Systems and Budgetary Control' which have in recent years also achieved substantial assurance with limited recommendations for improvement.

#### External Audit

The 2022 "Annual Auditors Report and 'Value for Money' opinion issued by Grant Thornton in June 2023 outlined no risks of significant weakness identified in relation to Financial Sustainability, Governance and Improving economy, efficiency and effectiveness. This report was based on evaluation of the MTFS; the budget setting process; the reserves policy and use; and, the Council's financial performance reporting

The Council has a sustainable 2022 MTFS and a balanced budget set for 2023/24 following a financial performance in 2022/23 that followed expectations, and included a significant net contribution to reserves, and hence, it has meant that the Council is able to protect the delivery of its frontline services into the medium-term.

## Consequences / Impacts

The Council is currently facing two fronts of significant financial uncertainty that both hamper planning and risk deliverability of the objectives within the Corporate Plan into the medium-term:

1. The ongoing uncertainty around future Government funding of local authorities.
2. The financial implications of the wider economic downturn and uncertainty.

## Government Funding

The Council is currently operating on a one-year Finance Settlement from Government, the fourth in succession, following the conclusion of the 4- year settlement ending in April 2019. One-year settlements, and the planning challenges that accompany them, are expected to continue until after the next general election, expected in October 2024. At this point it is expected that a new Local Government funding allocation model will be implemented following historical work Funding Review work undertaken.

As yet there is no certainty over the level of funding that Dacorum or any other authority can expect in the future.

However, there is a strong belief across the sector that the new model will divert funding away from lower tier authorities in favour of those authorities with responsibility for the provision of Public Health, Social Care and Education. The Council must ensure that it's in a position to adapt to significant funding reductions at potentially short notice when the new model is announced.

## Economic Downturn and Inflationary Pressures.

The Council faces significant expenditure pressures as a result of unusually high inflation impacting on contract values, pay awards and utilities.

The current cost of living crisis created by record inflation levels is putting an additional strain on household incomes, this is likely to impact on council income generation.

Income pressures could be brought about by a significant long-term recessionary impact on the Council's primary income generating services, e.g. commercial property, parking and garages.

The magnitude of the potential ongoing economic uncertainty and severity of the economic recovery period creates a significant financial threat to the Council's in-year and medium term budget.

## Place Shaping &amp; Regeneration

## Risk Owner

James Doe

## Portfolio

Place

## Risk Description

Failure to Deliver Place Shaping and Regeneration ambitions

## Reference to Strategic Objectives / Priorities

- Strategic Risk Register March 2023
- Building strong and vibrant communities

## Inherent Score

12 ▲

## Mitigated Score

9.00 ●

## Risk Appetite

4.00

## Comments

- Inherent risk likelihood score is 3; inherent risk consequence score is 4. Overall inherent risk score is  $3 \times 4 = 12$ .  
 Target risk likelihood score is 2; inherent risk consequence score is 2. Overall target risk score is  $2 \times 2 = 4$ .
- New Local Plan to underpin whole agenda, aiming for next consultation Q3 23/24.
  - UK Shared Prosperity Fund (UK SPF) Investment Plan approved by DLUHC and 3 year award of £1.763m confirmed and Cabinet decision made on allocation June 23. Officer Decision Record Sheet (ODRS) has confirmed initial projects including just under £0.5m for activating footfall in Hemel Town Centre.
  - Draft Hemel Place Strategy scheduled for Q3 23/24.
  - Hemel Town Centre Vision prepared and due to be considered by Cabinet 18 July 23.
  - Hemel Place Board continues to meet; move to action planning stage by Q4 23/24 once Hemel Place Strategy agreed and approved.
  - Corporate Place Board met on 5 July 23, first major project established on implementing the Chiltern Beechwoods Mitigation Strategy as a means to unlock stalled and future housing developments.
  - Berkhamsted and Tring Town Councils taking the lead on respective place strategies with support from DBC.
  - Review of town centre assets underway to determine effective deployment of DBC land and property to deliver and catalyse place shaping, and to realise capital funds to support delivery.
  - New Local Plan to underpin whole agenda.
  - New Dacorum Investment Framework to facilitate inward investment – likely to progress Q4 and into 24/25 once new place team in place through Place, Communities and Enterprise restructure which is at formal consultation as of 17 July 23.
  - Infrastructure Delivery Plan being kept up to date to support Local Plan – work ongoing.
  - Policy on deployment of Community Infrastructure Levy Funds underway; Cabinet agreed to release of up to 20% of core funds (c£3m) at meeting on 14 Feb 23; funding bids under consideration which are now being revisited post-Council elections in May 23.
  - Economic Recovery Board formed and Plan being actively managed with partners; Board well established and reporting on 6 separate workstreams.
  - New Maylands Masterplan will progress in Q3 23/24 with appointment of consultants (now selected following procurement) to be confirmed July 23
  - Engagement of Voluntary and Community Sector (VCS) to support place making.
  - Hemel Garden Communities placemaking event with Members taking place on 17 July 23.
  - VCS conference held June 23.
  - VCS recommissioning proposals set out.
  - Hemel Old Town project progressing, community event held 29 June 23.
  - Hemel Hempstead showcased by senior Officer team at UK Real Estate Investment and Infrastructure Forum 16-18 May 23.
  - Regeneration proposals to follow Strategic Asset Review, currently being procured, to involve General Fund and HRA assets with view to place making. Implementation of outcomes likely to be progressed from Q1 24/25.
  - Long lease at Riverside shopping centre has been reassigned; redevelopment proposals expected from Q3 onwards.



Controls & Assurances

- Hemel Place Strategy in progress to set objectives of agenda
- Hemel Place Strategy to co-ordinate key areas of development and change including Hemel Garden Communities, Hemel Town Centre, Maylands Business Park and Two Waters/Apsley
- Place Implementation Plan to be worked up to govern priorities and delivery
- Governance through partnership Hemel Place Board and internal management and delivery through new Corporate Place Board
- Local communities engaged on new place strategies for Berkhamsted and Tring
- All projects to follow Corporate Project Management governance
- New Town Centre Strategy in progress to steer priorities
- Review of town centre assets underway to determine effective deployment of DBC land and property to deliver and catalyse place shaping, and to realise capital funds to support delivery
- New Local Plan to underpin whole agenda
- New Dacorum Investment Framework to facilitate inward investment
- Engagement in key Government Funding Streams eg Levelling Up Fund, UK Share Prosperity Fund, Investment Zones, Route Improvement Strategy
- Infrastructure Delivery Plan being kept up to date
- Policy on deployment of Community Infrastructure Levy Funds underway
- Cross-service work on HRA and General Fund assets to identify regeneration, place shaping and environmental improvement opportunities
- Economic Recovery Board formed and Plan being actively managed with partners
- Engagement of VCS to support place making
- Internal place project teams to support focused delivery and improvement, with Old Town team already formed and delivering

Evidence Risk is being managed

- Hemel Place Strategy in progress to set objectives of agenda
- Hemel Place Strategy co-ordinating key areas of development and change including Hemel Garden Communities, Hemel Town Centre, Maylands Business Park and Two Waters/Apsley
- Governance through partnership Hemel Place Board and internal management and delivery through new Corporate Place Board
- Local communities engaged on new place strategies for Berkhamsted and Tring.
- New Town Centre Strategy in progress to steer priorities
- Review of town centre assets underway to determine effective deployment of DBC land and property to deliver and catalyse place shaping, and to realise capital funds to support delivery
- New Local Plan to underpin whole agenda
- New Dacorum Investment Framework to facilitate inward investment
- Engagement in key Government Funding Streams e.g. Levelling Up Fund, UK Share Prosperity Fund, Investment Zones, Route Improvement Strategy
- Infrastructure Delivery Plan being kept up to date
- Policy on deployment of Community Infrastructure Levy Funds underway
- Cross-service work on HRA and General Fund assets to identify regeneration, place shaping and environmental improvement opportunities
- Economic Recovery Board formed and Plan being actively managed with partners
- Engagement of VCS to support place making
- Internal place project teams to support focused delivery and improvement, with Old Town team already formed and delivering

Consequences / Impacts

The borough does not reach its full economic potential.  
Town centres fail to thrive, risking higher incidence of crime and anti-social behaviour  
Local resident and business dissatisfaction increases, giving rise to higher volumes of complaints.

	Portfolio	People and Transformation
	Risk Description	We are unable to deliver effective services to residents due to an inability to retain and recruit sufficient competent and skilled resources .
	Reference to Strategic Objectives / Priorities	Strategic Risk Register March 2023
	Inherent Score	16 ▲
	Mitigated Score	4.00 ★
	Risk Appetite	4.00
	Comments	Inherent risk likelihood 4; inherent risk consequence 4; overall inherent risk score = 4x4= 16 Target risk likelihood 2; target risk consequence 2; overall target risk score = 2x2= 4 Market forces policy approved and implemented. Agency framework in place. There will be only one non- permanent member of the Corporate Leadership Team from end July 2023.
	Controls & Assurances	Ongoing Recruitment and Retention monitoring and reporting. A revised People Strategy developed with a focus on recruitment and retention. Delivery of a customer strategy which will create efficiencies (with the possibility of reinvestment) and a reduced reliance on human intervention. A revised market forces approach being implemented. Development of regional partnerships to review, and report on sector wide approach.
	Evidence Risk is being managed	Ongoing Recruitment and Retention monitoring and reporting. A revised People Strategy developed with a focus on recruitment and retention. A revised market forces approach being implemented. Development of regional partnerships to review, and report on sector wide approach.
	Consequences / Impacts	Increased levels of dissatisfaction from residents and businesses leading to higher volumes of complaints. Increase in financial cost through increased use of agency staff. Reputational damage. Intervention from central government/ regulatory bodies. Poor levels of service delivery.
Working with Strategic Partners	Risk Owner	Claire Hamilton
	Portfolio	Leader of the Council
	Risk Description	Failure to work with Strategic Partners to deliver Corporate priorities
	Reference to Strategic Objectives / Priorities	<ul style="list-style-type: none"> <li>■ Strategic Risk Register March 2023</li> <li>■ Ensuring efficient, effective and modern service delivery</li> </ul>
	Inherent Score	12 ▲

## Detail

## Status

Mitigated Score	4.00 ★
Risk Appetite	4.00
Comments	<p>Inherent risk likelihood 4; inherent risk consequence 3. Overall inherent risk score= 4x3= 12.  Target risk likelihood 2; target risk consequence 2. Overall target risk score = 2x2= 4.  The Council continues to work closely with its strategic partners in order to deliver corporate priorities.  Hemel Place Board continues to meet; move to action planning stage by Q4 23/24 once Hemel Town Centre vision and Hemel Place Strategy are agreed and approved.  Hemel Garden Communities Partnership Board continues to meet and a placemaking event with Members will take place on 17 July 23.  SW Herts Joint Strategic Partnership Board continues to meet and Regulation 18 consultation has been completed.  Community and Voluntary conference planned for Q1 2023-24.  Close liaison with Homes England continues.  The Council continues to play an active role on the Herts Growth Board.</p>
Controls & Assurances	<ul style="list-style-type: none"> <li>- Effective Strategic Partnership Boards set up to develop proposals and monitor delivery and outcomes. E.g. HGC, Hemel Place board, Economic Recovery Board.</li> <li>- Key Delivery Partnerships have the correct strategic and operational governance Boards in place to monitor delivery eg. SLM &amp; Osbornes</li> <li>- Herts wide delivery groups supported and monitored.</li> <li>- Strategic partners assigned lead officers for relationship management and communications</li> </ul>
Evidence Risk is being managed	<p>Failure to work with Strategic Partners to deliver Corporate priorities Key joint working groups established and operating (e.g. Hemel Place Board, SW Herts Joint Strategic Partnership).  Key Delivery Partnerships have the correct strategic and operational governance boards in place to monitor delivery.  Hertfordshire wide delivery groups supported and monitored.  Strategic partners assigned lead officers for relationship management and communications.</p>
Consequences / Impacts	<p>Deterioration in service delivery to residents and businesses.  Failure to deliver value for money and making best use of public funds.  Failure to meet the needs of customers via joined- up working.  Failure to deliver key strategic projects, including and not limited to Hemel Garden Communities and the SW Herts Joint Strategic Plan  Reputational damage.</p>

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

Document is Restricted

## Risk Scoring Methodology

### Impact Score

The following descriptions and definitions of impact are indicative and not exhaustive. They are a guide to assist you in assessing the impact of the risk **should** it occur.

Description	Factor	Score
<ul style="list-style-type: none"> <li>• Brief disruption of service area – up to 1 day</li> <li>• No or insignificant environmental damage</li> <li>• Financial loss &lt; £5,000</li> <li>• Minor injury (first aid treatment) to an individual or several people</li> <li>• Complaint from member of public</li> <li>• Litigation/claims/fines up to £5,000</li> <li>• No reputational damage – little or no local press interest</li> </ul>	Minor	1
<ul style="list-style-type: none"> <li>• Service disruption 2-3 days</li> <li>• Adverse effect on services in one or more areas for a period of several weeks</li> <li>• Financial loss &lt; £25,000</li> <li>• Adverse local publicity</li> <li>• Significant injury to an individual or several people – medical treatment required</li> <li>• Litigation/claims/fines up to £25,000</li> </ul>	Significant	2
<ul style="list-style-type: none"> <li>• Service disruption 3-5 days</li> <li>• Complete loss of service area for 3-5 days</li> <li>• Financial loss up to £50,000</li> <li>• Adverse publicity in professional/municipal press</li> <li>• Adverse local publicity of a persistent nature</li> <li>• Major injury to an individual or several people</li> <li>• Litigation/claims/fines up to £50,000</li> </ul>	Serious	3
<ul style="list-style-type: none"> <li>• Service disruption 5+ days</li> <li>• Major loss of service, including several important areas, and/or for a protracted period</li> <li>• Financial loss &gt;£50,000</li> <li>• Adverse and persistent national media coverage</li> <li>• Adverse central government response, involving (threat of) removal of delegated powers</li> <li>• Officers and/or Members forced to resign</li> <li>• Loss of life</li> <li>• Litigation/claims/fines &gt;£50,000</li> </ul>	Major	4

## Likelihood Score

The following descriptions and definitions of likelihood of the risk occurring are intended as a guide to assist you in arriving at your risk score.

Description	Indicators	Factor	Score
Less than 10% chance of occurrence	Has happened rarely/never before	Very unlikely	1
10 – 40% chance of occurrence	Only likely to happen every 3 or more years	Unlikely	2
40-75% chance of occurrence	Likely to happen at some point within the next 1–2 years. Circumstances occasionally encountered – few times a year	Likely	3
More than 75% chance of occurrence	Regular occurrence Circumstances frequently encountered – daily, weekly, monthly	Very likely	4

## Scoring the risk

The charts above are designed to help you score the risks in terms of likelihood and impact.

This is carried out in two stages:

- Multiply the likelihood and impact scores together, as if there were **no** controls in place. This will give you an inherent risk score.
- With the list of controls that are currently in place, re-score the risk, taking into account the effect of these controls.

These final scores will give you a risk profile of those risks that may need more immediate attention.

Risk Score	Overall Rating
12 - 16	HIGH
6 - 10	MEDIUM
1 - 4	LOW

<b>Level of Risk / (Inherent Risk Score)</b>	<b>Managing the risk</b>
High Risk (12-16)	<p><b>Requires active management</b>  High impact / High likelihood: risk requires active management to manage down and maintain exposure at an acceptable level</p> <p><b>Contingency Plans</b>  A robust contingency plan may suffice together with early warning mechanisms to detect any deviation from profile</p>
Medium Risk (6-10)	<p><b>Good Housekeeping</b>  May require some risk mitigation to reduce likelihood if this can be done cost effectively, but good housekeeping to ensure the impact remains low should be adequate. Reassess frequently to ensure conditions remain same</p> <p><b>Contingency Plans</b>  A robust contingency plan may suffice together with early warning mechanisms to detect any deviation from profile</p>
Low Risk (1-4)	<p><b>Review Periodically</b>  Only put mitigations in place if it's cost effective to do so</p>



<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Parking Service Tariff & Business Case Proposals
<b>Date:</b>	12 <sup>th</sup> September 2023
<b>Report on behalf of:</b>	Cllr Ron Tindall, Leader of the Council Cllr Sally Symington, Portfolio Holder for Corporate & Commercial Services
<b>Part:</b>	Part I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	Appendix 1 – Neighbouring Local Authority Town Centre Car Park Tariffs Appendix 2 - Privately Owned Car Park Appendix 3 - Community Impact Assessment
<b>Background papers:</b>	5 July 2022 Finance & Resources OSC – Commercial Programme Update 27 Sep 2022 Cabinet – Commercial Strategy 1 Feb 2023 Finance & Resources OSC – Commercial Programme Update 21 Mar 2023 Cabinet – Commercial Strategy Update 4 Jul 2023 Finance & Resources OSC - Parking Service tariff & Business Case proposals
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	IBC - Initial Business Case FBC – Full Business Case MTFS – Medium Term Financial Strategy EVCP – Electric Vehicle Charge Point TRO – Traffic Regulation Order

### Report Author / Responsible Officer

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<b>Corporate Priorities</b>	A clean, safe and enjoyable environment Building strong and vibrant communities Ensuring economic growth and prosperity Ensuring efficient, effective and modern service delivery Climate and ecological emergency
<b>Wards affected</b>	All
<b>Purpose of the report:</b>	<ol style="list-style-type: none"> <li>1. To update Cabinet on the development and recommendations on the parking tariff and the parking charging policy.</li> <li>2. To update Cabinet on the outcome of the Parking Full Business Case in relation to 'smart' technology.</li> </ol>
<b>Recommendation (s) to the decision maker (s):</b>	<ol style="list-style-type: none"> <li>1. That Cabinet agrees to progress to informal consultation on the proposed changes to parking tariffs and charging policy as set out in the report. These include: <ul style="list-style-type: none"> <li>• Off-Street Parking tariff changes for 2024</li> <li>• On-Street tariff changes for 2024 – Minimum hourly tariff for on street parking to be set at £2,</li> <li>• Changing on-street Limited Wait Bays to chargeable spaces,</li> <li>• Extending the current operating hours of the car parks,</li> <li>• Introducing new longer stay off-street tariffs to support extended car park operating hours</li> <li>• Consolidating off-street (car parks) short stay sessions to introduce a new minimum stay of 2 hours</li> <li>• Opening up part of the upper level of the Water Gardens North car park for public use Mon – Fri.</li> <li>• Reducing free parking sessions from 1 hr to 45 minutes</li> </ul> </li> <li>2. That Cabinet agrees to progress the implementation of 'smart' technology as part of the re-commissioning of the parking enforcement contract</li> </ol>
<b>Period for post policy/project review:</b>	The proposals in this report will be reported and scrutinised through the quarterly performance updates which are provided to Finance and Resources Scrutiny Committee.

## 1. Background

- 1.1 Dacorum Borough Council, (the Council), launched its Commercial Strategy in 2022, to support the Council's ongoing financial sustainability, allow it to continue to invest in and deliver services to its residents, and deliver wider strategic objectives for the Borough, which include housing, regeneration and responding to climate change.
- 1.2 The Commercial Strategy adopted a broad definition of 'commercial', including a change in culture to focus on regular assessments of ways in which the Council might be able to use its assets and capabilities more effectively; to improve service and financial outcomes. It is recognised that continued financial pressures mean that focussing on cost reduction measures alone will not be a sustainable strategy if the Council wishes to continue delivering its ambitions and services to those that live and work in the Borough. There are various themes within the Commercial Strategy, including how the Council can drive value, income and efficiencies through careful consideration of a range of service models, procurement, contract management, and how it can maximise the value of its assets and investments.
- 1.3 As part of a new more commercial focus, a range of potential opportunities were assessed early in 2022. Twelve Initial Business Cases (IBCs) were developed at high level, and then taken forward for development into Full Business Cases (FBCs), during the course of 2022 and 2023. The outcomes of these FBCs have been the subject of previous reports to the Finance & Resources Overview and Scrutiny Committee, and reports will continue as appropriate in the future.
- 1.4 In 2021, the Council approved its Climate and Ecological Emergency Strategy and made this one of its six corporate priorities. Although the majority of the Borough's emissions are outside of the Council's direct control, it pledged to support the Borough to become net zero by 2050 and to work alongside individuals, community groups, businesses and schools to help achieve this.
- 1.5 This report outlines the outcomes from the FBC for Parking Services and sets out proposals for changes to parking tariffs and charging policy to progress to informal consultation. The FBC focused on changes to Council parking policy to ensure fair and equitable access to Council services and assets, appropriate pricing and cost recovery that reflect the value and costs of the Parking service and assets, and to support wider strategic objectives relating to promoting active travel and sustainable transport, the environment and climate change.
- 1.6 The FBC investigated the following areas:
  - a) A review of tariffs and charging policies across both on-street and off-street parking locations, to reflect inflation and cost increases, make better use of the Council's parking assets, identify opportunities for the Council to amend and improve charging policies, and introduce more equitable charges across the borough.
  - b) Consideration of the introduction of 'smart' technology, to improve the parking experience and allow for flexible and targeted parking tariffs that support environmental or other strategic objectives; for example tariffs that contribute to a reduction in local air pollution.
- 1.7 This paper sets out each of the above areas in more detail and provides recommendations for each.

## 2. Issue/Proposal

### 2.1 Context and drivers for changes to parking tariffs and charging policies

The Council is legally obliged to present a balanced budget, in the context of a challenging economic environment and with de facto sector constraints on its means of doing this; with income generation being a significant tool to enabling this process, of which parking is a major consideration.

The Council has the ability to make better use of its parking assets and utilise them in a more strategic manner, to improve parking services from an operational, commercial and environmental perspective and deliver a more consistent approach to parking tariffs and charging policies. There are a range of considerations as to why it is necessary to increase tariffs and update parking charging policies. These include the following:

- The Council's existing parking charges are significantly lower than public sector averages and local private sector parking. Benchmarking the new proposed parking tariffs with other Local Authority car parks shows the Council's parking tariffs are in the lower quartile of prices charged, with tariffs varying between 20% to 100% lower (see appendix 1). Further benchmarking with privately operated car parks in the vicinity also show that the Council's proposed parking tariffs are comparative or lower (see appendix 2).
- Parking tariffs across the Borough were last reviewed and increased in 2019. During this 5 year period, inflation has increased by c.28%, so the current proposals for tariff increases in off-street car parks only bring the Council's parking income in line with the impact of inflation, and will warrant further reviews going forward to ensure income supports the costs of service delivery. Where applying these increases, the Council has also been minded to ensure new fees mean the Council is still the most cost effective solution.
- Proposals for increases to on-street parking reflect the value of the on-street parking resource for those who choose to park closer to their intended destination, rather than using a nearby off-street car park. It will also incentivise the use of car parks as an alternative.
- The Council has ongoing financial pressures arising from reduced parking income since the onset of the pandemic. In 2022-23, there was a deficit in parking income of £600k. Thus there is an ongoing need to set appropriate tariffs that maximise income and reflect the cost of the assets and parking service, given the ongoing pressures to parking income.
- The proposals to be informally consulted on over a 4 to 6 week period include;
  - a) Car parking tariffs increased by circa 28% rounded to the nearest 10 pence,
  - b) On-Street tariff increases – Minimum cost for on-street parking set at £2 per hour,
  - c) Changing on-street Limited Wait Bays to chargeable spaces,
  - d) Extending the operating hours of the car parks,
  - e) Introducing new longer stay off-street tariffs as a result of the extended operating hours,
  - f) Consolidating short stay parking sessions in off-street car parks to introduce a new minimum 2 hour stay (only in car parks that are chargeable for the first hour),
  - g) Open the upper level of the Water Gardens car park for public use during Mon-Fri,
  - h) Reducing free parking sessions from 1hr to 45 minutes.
- These proposals are aimed to provide the following benefits:

- Retention of free parking in car parks where this already exists,
- A gradual downward adjustment of the 'free 1<sup>st</sup> hour, where this already exists,
- Provide an appropriate and more equitable charging basis that reflects the value of assets and cost of the services provided,
- Drive additional income that will contribute to parking income pressures, and contribute to the Council's wider financial sustainability and delivery of services,
- Contribute to longer term objectives relating to sustainability and climate change, as part of a holistic approach to encouraging behaviour change in relation to travel and sustainable transport options.

## 2.2 Proposals for Parking Tariff Increases

The proposed changes to parking tariffs that are outlined in this report are estimated to achieve circa £660k from 2024/25 onwards, in additional income for the parking service:

Table 1 – Projected Budgetary Position

Description	2024/25 (full year)
Tariff Increase across all car parks (Circa 28%), Including 2 hour minimum stay.	£500k
On-street parking – increased hourly rate and chargeable waiting bays	£85k
Extended Car Park Hours and Long Stay Tariffs	£75k
<b>Total</b>	<b>£660k</b>
<b>Cumulative Commercial Income Projection (MTFS 2023-25)</b>	<b>(£850k)</b>
<b>Cumulative Parking Inflation Assumption (23/24 – 24/25)</b>	<b>(£140k)</b>
<b>Budget (Surplus)/Shortfall</b>	<b>£330k</b>

The 2022 Medium Term Financial Strategy (MTFS) assumes a 2023 increase in Commercial Income of £850k and the standard parking inflationary uplift of £140k over the 2023-25 period.

The increases proposed in this report have considered relevant benchmarking data. The Council's car parks would still be very competitive/lowest in most tariffs of prices charged in similar car parks managed by other Councils and similar nearby private car parks, so would still offer value for money for residents and visitors.

It is worth noting that a 28% increase in the parking tariffs for Water Gardens North & South and Moor End Road car parks results in them becoming less competitive than parking tariffs in privately owned car parks in the vicinity (these car parks account for approx. 49% of the Council's total off-street parking income). It is therefore proposed that to encourage users to continue to use the Council's car parks, that the tariffs in these car parks are increased, but only to match that of the tariffs in the privately owned car parks.

This additional income would contribute to the Council's overall financial sustainability and delivery of essential services.

## 2.3 Review of the Parking Charging Policies:

The Council's Commercial Strategy supports maximising use of Council assets to contribute to financial sustainability and service delivery. It is timely to review charging policies now, to

ensure the Council's charges are reasonable and consistent with the wider parking sector, and deliver optimum levels of income that will support the Parking Service and wider Council service delivery.

The proposals as part of a wider update to Council car parking charging policies ensure the effective and efficient use of valuable Council assets, and reflect the cost of parking services.

A properly and consistently priced parking resource forms part of a holistic framework for transport in the Borough, and should reflect the fact that people have choices about their means of transport. It is hoped that as part of the collective public approach to combatting climate change and air pollution, people will make choices and changes that include avoiding using their cars for short trips where they can use other more sustainable and active means of transport. There is a significant body of evidence that demonstrates how parking policies influence car use and so environmentally-based choices.

The Council aims, with partners, to help provide support for people to change their behaviours and means of transport in the longer term. For those who are planning a short local trip for example, they might choose an active transport method – walking, or cycling – rather than taking their car for a short journey. The Council is looking to support this by currently considering plans for the introduction of e-bikes in certain areas of Dacorum.

All proposals will be subject to the appropriate statutory consultation before introduction and approval of Traffic Regulation Orders (TROs).

## **2.4 'Smart' technology in Parking**

The concept of 'smart' technology in parking involves using digital technologies to optimise vehicle parking and allow for flexible and targeted tariffs that can contribute to strategic objectives. Many cities and towns, as well as the wider highways infrastructure, have now introduced smart technology as part of a basket of measures to improve transport and parking initiatives, support the climate change agenda and other strategic objectives.

'Smart' technology provides the Council with the opportunity to support the use of 'cleaner' vehicles by more 'agile' differentiated parking tariffs e.g. for lower polluting vehicles, which would improve local air pollution.

In an increasingly digital environment, the introduction of 'smart' technology will provide motorists with the option to take advantage of a cashless environment, enabling a quicker and improved experience.

Studies show that the introduction of 'smart' technology can increase compliance with the local parking tariffs, enabling the Council to benefit from increased revenue and reduce operational costs.

Studies also show that dwell time can increase when 'smart' technology is implemented as motorists do not need to choose a return time and rush back to their vehicles, which should benefit retail for local businesses.

The recommendation proposed to Cabinet is that 'smart' technology is included in the re-commissioning of the parking enforcement contract commencing this year in time for a contract start in April 2025, to develop a procurement strategy on whether it should form part of the new parking enforcement contract or be a stand-alone contract.

## **2.5 Project Structure Key Milestones**

The table below highlights the key stages required to implement changes to tariffs and charging policies:

Table 2 – Indicative timeframe for tariff and policy review

Process	Timeline
Agree proposed Informal Consultation Proposals	Sept 2023
Undertake Informal public consultation with residents and businesses	Sept – Oct 2023
Review consultation responses and produce a revised Car Parking Tariff policy to propose to Cabinet.	Nov/December 2023
Formal Statutory Consultation Process	Nov/Dec – Jan/Feb 2024
Respond to consultation feedback & produce report to Cabinet	Feb/March 2024
Signing & sealing of Traffic Regulation Order	Feb/March 2024
Information board proofing sign off, manufacture and installation by third party	Mar/April 2024
Update website, pay and display machines and pay by phone applications	Mar/April 2024

This is a long process and it should be noted that there are several external factors that may impact on the minimum timeframe; such as statutory stakeholder consultation, the TRO process and the lead-time for the manufacture and installation of the car park information boards and updating pay and display equipment.

The table below highlights the key stages required to implement 'smart' technology. The overall timescale for achieving this is approximately 19 months.

Table 3 - Indicative timeline for introducing 'smart' technology

Process	Timeline
Commissioning & Procurement	Aug 2023 – Jul 2024
Consultation on proposed implementation of 'smart' technology	Jul 2024
Quotation for undertaking changes to Traffic Regulation Orders, Signage etc.	Jul 2024
Produce draft documentation (Traffic Regulation Order, Traffic Order, Notice of Variation, press notice etc.)	Aug 2024
Respond to any consultation feedback & produce report to Cabinet	Oct 2024
Signing & sealing of Traffic Regulation Order (TRO)	Nov 2025
Install Equipment and signage	Jan 2025
Staff Training	Mar 2025

### 3 Options and alternatives considered

Many options were analysed as part of the process of reviewing parking tariff increases and the charging policies. The modelling for each of the options was reviewed by officers from finance and commercial teams and presented to the Portfolio Holder, Leader, Overview and Scrutiny and the wider Administration group, as well as to SLT.

The informal consultation is an opportunity for public feedback to adjust and build on the pitch of the proposals.

The proposed implementation of 'smart' technology has been developed as part of the Parking FBC and has investigated a few different options, to help understand the different technologies in the market. Any implementation of 'smart' technology will first need to follow a robust

commissioning and procurement process where different solutions will be analysed to evaluate the optimum outcome. Recommendations will be made accordingly.

#### **4 Consultation**

Any changes to parking tariffs and charging policies will undertake informal consultation during the autumn prior to the required formal consultation with stakeholders and members of the public. Any required changes would need to be incorporated into a TRO and a final decision to implement any changes will be made by Cabinet which is anticipated to be in February/ March 2024.

Likewise, the implementation of 'smart' technology will need to follow a formal consultation process with stakeholders and members of the public, so that any changes are incorporated in to a TRO for enforcement purposes. Again a final decision to implement 'smart' technology will be made by the Portfolio Holder who will have requested delegated authority to make such decisions.

#### **5 Financial and value for money implications**

The recommended changes to parking tariffs and charging policies will have a positive financial impact on the Council's ability to raise its own income and achieve some of the MTFS income generating targets. These proposals do still leave a shortfall in the expected additional income achieved through the commercial programme and further work will be required to address this shortfall in the MTFS and wider budget setting.

There are low level implementation costs that will be incurred in implementing these proposals, but these were projected as part of the Council's MTFS budget assumptions.

The development of the Parking FBC in terms of the implementation of 'smart' technology suggests that it could deliver a positive financial impact in terms of greater compliance and increased dwell time. However this will not be known until the commissioning and procurement of any technology has been concluded.

#### **6 Legal Implications**

Any changes to parking tariffs, charging policies and the introduction of 'smart' technology will need to be incorporated in to the TRO for enforcement purposes. This will also ensure that the Council is fully compliant with any legislation.

#### **7 Risk implications:**

There are risks that can be attributed to a review of parking tariffs and charging policies. Higher parking tariffs may lead to reduced usage, which may result in a loss of parking income and reduced footfall in the town centre locations. To mitigate these risks, the modelling takes into consideration other car park tariffs and alternative parking arrangements in the vicinity and the likelihood of alternative travel options, and has reduced projected usage figures and income accordingly.

The Council is the land owner of the car park assets and has full control over making any changes to tariffs and charging policies.

There is a risk of complaints about any changes to current tariffs and charging policies, but the increases and proposals are reasonable, no increases will have taken place in five years by 2024, and prices still compare favourably with neighbouring Authorities and local privately managed car parks.

At this stage, no key risks have been identified for the implementation of 'smart' technology, however, this will be further analysed as part of the commissioning and procurement process.

#### **8 Equalities, Community Impact and Human Rights:**

A Community Impact Assessment has been completed and is attached as Appendix 3.

**9 Sustainability implications (including climate change, health and wellbeing, community safety)**

The recommended changes in parking tariffs and charging policies may support wider behavioural change that will have positive sustainability implications.

**10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

Consultation with statutory stakeholders will ensure that any implications on Council infrastructure are considered.

**11 Statutory Officer Comments**

**Monitoring Officer:**

The report proposes that a period of informal public consultation will take place regarding the proposed changes to ensure that the views of affected persons are considered prior to the implementation of the new tariffs and policies. The outcome of the consultation will be further considered by Cabinet before the formal statutory consultation is commenced.

**S151 Officer:**

The proposed parking policy changes will provide additional income to the Council to support the commercial strategy income generation projections and in line with the approved 2022 MTFS.

**12 Conclusions:**

Parking Tariffs & Charging Policies

It is proposed that the recommendations set out in this report are included in the informal consultation that will commence in September for a 4 to 6-week period.

Following the consultation, the feedback will be incorporated into a report and presented back to Cabinet with a recommendation for formal consultation to take place.

Introducing 'smart' technology

It is recommended that the use of 'smart' technology be included in the re-commissioning exercise commencing this year, which will include the parking enforcement contract due for renewal in April 2025. A commissioning review will develop a procurement strategy on whether it should form part of the new parking enforcement contract or be a stand-alone contract.

If the outcome of the commissioning process is consistent with the estimates in the FBC, and supports the introduction of 'smart' technology, then the benefits will deliver the following:

**Financial** - The introduction of 'smart' parking might generate a small level of additional income each year – this would be investigated through commissioning and procurement

**Non-Financial** - The ability to change parking tariffs in an agile fashion in support of strategic considerations such as pollution and peak travel times. The technology can support the reduction in local air pollution levels and deliver an improved and more convenient service for motorists.



Appendix 1

**Proposed Parking Tariffs Compared to Neighbouring Local Authority Town Centre Car Parks**

	Dacorum WGN Lower Deck	Watford	St Albans	Three Rivers	Stevenage	East Herts	Luton	Aylesbury
30 minutes	n/a	n/a	n/a	Free	£1.00	n/a	n/a	n/a
1 Hour	n/a	£2.00	£2.00	Free	£2.00	£1.00	£1.00	£1.10
2 Hours	£2.00		£3.50	£2.00	£3.00	£2.00	£1.50	£2.10
3 Hours	£2.30	£3.10	£4.20	£2.50	£4.00	£2.60	£2.00	
4 Hours	£2.50	£4.10	£5.50	£4.00	£5.00	£3.50	£2.50	£3.60
5 Hours	n/a	£5.10	£7.50	n/a	£11.00	£4.30	£3.50	£5.10
6 Hours	£4.00	£6.10		n/a		£5.20	£5.50	£8.10
8 hours	£5.00	£10.50	n/a					
10 Hours	n/a	£15.00	n/a					
12 Hours	£6.00		£15.00	n/a				
15+ Hours	£7.50		n/a					
24 Hours	n/a		n/a			n/a		

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Appendix 2

**Proposed Parking Tariffs Compared to Privately Owned Car Parks**

	WGN Lower Deck	Riverside	Hillfield Road NCP	Marlowes	Hemel Hospital	Hemel Station	Apsley Station	Berkhamsted Station	Tring Station
1 Hour	n/a	n/a	£1.45	n/a	£3.50	£9.10 (£5.10 after 10am)	£9.10	£9.10 (£6.40 after 10am)	£8.50 (£6.40 after 10am)
2 Hours	£2.00	£2.00	£2.90	£2.00	£5.00				
3 Hours	£2.30	n/a	£4.35	n/a	£7.00				
4 Hours	£2.50	£2.50	£5.80	£2.50	£8.00				
6 Hours	£4.00	£5.00	£6.95	£6.50	£9.00				
8 Hours	£5.00			£10.00					
12 Hours	£6.00			£8.00	£12.00				
15+ Hours	£7.50			£15.00	£15.00				

## Appendix 3 - Community Impact Assessment Parking Tariff Increases & Parking Charging Policy

# Dacorum BC Community Impact Assessment (CIA) Template

Policy / service / decision

Parking Service tariff & Business Case proposals

### Description of what is being impact assessed

*What are the aims of the service, proposal, and project? What outcomes do you want to achieve? What are the reasons for the proposal or change? Do you need to reference/consider any related projects?*

*Stakeholders; Who will be affected? Which protected characteristics is it most relevant to? Consider the public, service users, partners, staff, Members, etc.*

*It is advisable to involve at least one colleague in the preparation of the assessment, dependent on likely level of impact*

The aim of this report is to recommend increases in parking tariffs and changes to parking charging policy, for both on-street and off-street parking across the Borough.

The basis of these recommendations is to:

- Provide an appropriate and more equitable charging basis that reflects the value of assets and cost of the services provided
- Provide a more equitable charging basis for users across the Borough, with consistency as to charging policies.
- Drive additional income that will contribute to parking income pressures, and contribute to the Council's wider financial sustainability and delivery of services
- Contribute to longer term objectives relating to sustainability and climate change, as part of a holistic approach to encouraging behaviour change in relation to travel and sustainable transport options

### Evidence

**What data/information have you used to assess how this policy/service/decision might impact on protected groups?** *(Include relevant national/local data, research, monitoring information, service user feedback, complaints, audits, consultations, CIAs from other projects or other local authorities, etc.). You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

The Council's parking charges are significantly lower than public sector averages, and local private sector parking. Benchmarking parking tariffs with other Local Authority car parks shows the Council's parking tariffs are in the lower quartile of prices charged and further benchmarking with privately operated car parks in the vicinity also show that the Council's parking tariffs are lower.

Parking tariffs across the Borough were last reviewed and increased in 2019, during this period, inflation has increased by c. 28%, so the current proposals for tariff increases in off-street car parks only bring the Council's parking income in line with the impact of inflation.

The Council has a range of parking charging policies that need to be applied in a consistent and equitable manner throughout the borough. It is not justifiable or financially sustainable for the Council to subsidise part of its parking services and it also needs to encourage where possible changes in behaviour with regard to transport options, that will support wider environmental benefits.

**Who have you consulted with to assess possible impact on protected groups?** *If you have not consulted other people, please explain why? You should include such information in a proportionate manner to reflect the level of impact of the policy/service/decision.*

Before implementing any of the proposed changes to parking tariffs and parking charging policy, the Council will need to undertake a formal consultation before making the relevant Traffic Regulation Order.

This will provide an opportunity for individuals or groups that feel that they will be impacted to provide feedback on the proposals.

The comments and feed-back that are submitted as part of the consultation will then be weighed up against the financial and non-financial benefits of implementing the proposals

### Analysis of impact on protected groups (and others)

The Public Sector Equality Duty requires Dacorum BC to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service/decision will achieve these aims. Using the table below, detail what considerations and potential impacts against each of these using the evidence that you have collated and your own understanding. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

- The PCs of Marriage and Civil Partnership and Pregnancy and Maternity should be added if their inclusion is relevant for impact assessment.
- Use “insert below” menu layout option to insert extra rows where relevant (e.g. extra rows for different impairments within Disability).

Protected group	<b>Summary of impact</b> <i>What do you know? What do people tell you? Summary of data and feedback about service users and the wider community/public. Who uses / will use the service? Who doesn't / can't and why? Feedback/complaints?</i>	<b>Negative impact / outcome</b>	<b>Neutral impact / outcome</b>	<b>Positive impact / outcome</b>
<b>Age</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists regardless of age.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Disability (physical, intellectual, mental)</b> <i>Refer to CIA Guidance Notes and Mental Illness &amp; Learning Disability Guide</i>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies do not apply to any blue badge parking spaces/bays as these will remain free to use when legally displaying a blue badge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Gender reassignment</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	regardless of gender identity or gender expression.			
<b>Race and ethnicity</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists regardless of race or ethnicity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Religion or belief</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists regardless of religion or belief.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists regardless of gender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sexual orientation</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists regardless of sexual orientation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Not protected characteristics but consider other factors, e.g. carers, veterans, homeless, low income, loneliness, rurality etc.</b>	There are no identified positive or negative impacts on this characteristic. The proposed changes to parking tariffs and charging policies are being proposed across the borough and will impact on all motorists that use pay to park space/bays. There remains significant levels of free parking on the public highway throughout the borough.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Negative impacts / outcomes action plan</b>				
Where you have ascertained that there will potentially be negative impacts / outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
<b>Action taken/to be taken</b> <i>(copy &amp; paste the negative impact / outcome then detail action)</i>	<b>Date</b>	<b>Person responsible</b>	<b>Action complete</b>	
N/A			<input type="checkbox"/>	

**If negative impacts / outcomes remain, please provide an explanation below.**

N/A

**Completed by (all involved in CIA)**

Ben Hosier

**Date**

27/06/2023

**Signed off by** (*AD from different Directorate if being presented to CMT / Cabinet*)

David Barrett

**Date**

30/6/23

**Entered onto CIA database – date**

**To be reviewed by** (officer name)

**Review date**