

Public Document Pack



MEETING:	Cabinet
DATE:	Wednesday, 13 December 2017
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

Minutes

3. Minutes of the previous meeting held on 29th November, 2017
(Cab.13.12.2017/3) (*Pages 3 - 8*)

Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.13.12.2017/4) (*Pages 9 - 12*)

Petitions

5. Petitions received under Standing Order 44 (Cab.13.12.2017/5)

Items for Decision/Recommendation to Council

Communities Spokesperson

6. Private Sector Housing Enforcement Policy (Cab.13.12.2017/6) (*Pages 13 - 38*)

Place Spokesperson

7. Homes and Communities Agency Empty Homes Programme 2018/21
(Cab.13.12.2017/7) (*Pages 39 - 46*)

People (Safeguarding) Spokesperson

8. Social Worker Caseloads in Children's Social Care and Safeguarding Services
(Cab.13.12.2017/8) (*Pages 47 - 64*)
9. Exclusion of Public and Press
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

Core Services Spokesperson

10. Building Schools for the Future - Refinancing Proposal & Change in Law
(Cab.13.12.2017/10) (*Pages 65 - 76*)

Reason restricted:

Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Cabinet Support Members:

Councillors Franklin, Frost, David Griffin, Lamb, Pourali and Saunders

Chair of Overview and Scrutiny Committee

Chair of Audit Committee

Diana Terris, Chief Executive

Rachel Dickinson, Executive Director People

Matt Gladstone, Executive Director Place

Wendy Lowder, Executive Director Communities

Julia Burrows, Director Public Health

Andrew Frosdick, Executive Director Core Services

Alison Brown, Service Director Human Resources and Business Support

Michael Potter, Service Director Business Improvement and Communications

Neil Copley, Service Director Finance

Katie Rogers, Communications and Marketing Business Partner

Anna Marshall, Scrutiny Officer

Ian Turner, Service Director, Council Governance

Chris Braithwaite, Senior Council Governance Officer

Corporate Communications and Marketing

Labour Group Room – 1 copy

Please contact Ian Turner on 01226 773421 or email governance@barnsley.gov.uk

Tuesday, 5 December 2017



MEETING:	Cabinet
DATE:	Wednesday, 29 November 2017
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Members in Attendance: Councillors Franklin, Frost, David Griffin, Lamb, Pourali, Saunders and Sheard

124. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

125. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 15th November, 2017 had been called in.

126. Minutes of the previous meeting held on 15th November, 2017 (Cab.29.11.2017/3)

The minutes of the meeting held on 15th November, 2017 were taken as read and signed by the Chair as a correct record.

127. Decisions of Cabinet Spokespersons (Cab.29.11.2017/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 17th November, 2017 were noted.

128. Petitions received under Standing Order 44 (Cab.29.11.2017/5)

It was reported that no petitions had been received under Standing Order 44.

Leader

129. Responsibility For Executive Functions - Revision To Cabinet Member And Officer Delegations (Cab.29.11.2017/6)

RESOLVED:-

- (i) that the revision to the Officer Delegations in relation to the distribution of functions to Service Directors within the Core Services Directorate as set out in Appendix 1 to the report now submitted be approved;
- (ii) that the removal of the provisions set out in Appendix 2 of the report from the Delegations of Cabinet Spokespersons in respect of the invitation or

acceptance of tenders as a consequence of revisions to the Contract Procedure Rules, be noted;

- (iii) that the Chief Executive and Executive Directors be authorised to make bids for external funding for schemes within their services consistent with the Council's priorities, subject to the relevant Cabinet Spokesperson(s) and Service Director Finance having been advised of the proposed bid and, in the event that the bid is successful, the approval of any resultant scheme and/or expenditure in accordance with the respective delegated financial limits;
- (iv) that the Head of Highways, Engineering and Transportation be authorised to exercise the Council's functions in relation to ordinary watercourses consents and authorise enforcement action under Section 23 of the Land Drainage Act 1991 as amended by the Flood and Water Management Act 2010; and
- (v) that the Service Director Culture, Housing and Regulation, be authorised to enter into partnerships under Primary Authority with businesses and request nomination of partnerships by Regulatory Delivery under the provisions of Section 25 of the Regulatory Enforcement and Sanctions Act 2008.

Core Services Spokesperson

130. Corporate Plan Performance Report - Quarter 2 Ending 30th September, 2017 (Cab.29.11.2017/7)

The Chief Executive reported that the Council had won Investors in People's (IIP's) Award for Excellence in Leadership and Management (500+ Employees).

RESOLVED:-

- (i) that the Corporate Plan Performance Report for Quarter 2 (July to September 2017), as detailed in the report now submitted, be noted;
- (ii) that follow-up reports arising from the Quarter 2 report be submitted on:-
 - Areas for Improvement:
 - Response times to complaints
 - Internal foster care placements
 - Superfast broadband
 - Mental health needs (joint report between People and Public Health)
 - Areas of Achievement:
 - Housing growth; and
- (iii) that the report be shared with the Overview and Scrutiny Committee to inform and support their ongoing work programme.

**131. Corporate Financial Performance, Quarter 2 ending 30th September, 2017
(Cab.29.11.2017/8)**

RESOLVED:-

- (i) that the Corporate Financial Performance Report for the quarter ending 30th September 2017, as detailed in the report now submitted, be noted;
- (ii) that Executive Directors (where appropriate) provide detailed plans on how their forecast overspends will be brought back into line with existing budgets on a recurrent basis;
- (iii) that approval be given to the write off of £0.547m of historical debt as shown at paragraph 6.3 of the report;
- (iv) that the budget virement detailed in Appendix 1 of the report be approved;
- (v) that the potential impact of the Quarter 2 monitoring position on the Council's Medium Term Financial Strategy at paragraph 7 of the report be noted; and
- (vi) that an update be given on the Council Reserves Strategy as part of the 2018/19 Budget Process.

**132. Capital Programme Performance, Quarter 2 ending 30th September, 2017
(Cab.29.11.2017/9)**

RESOLVED:-

- (i) that the Capital Programme Performance Report for the quarter ending 30th September 2017, as detailed in the report now submitted, be noted;
- (ii) that both the 2017/18 and overall 5 year Capital Programme positions be noted;
- (iii) that approval be given to the 2017/18 scheme slippage totalling -£0.524m and scheme re-phasing totalling £0.018m (as detailed in paragraphs 4.4, 4.5 and Appendix B of the report);
- (iv) that the total net increases in scheme costs in 2017/18 of £1.055m (as set out in paragraph 4.6 and Appendix B of the report) be approved; and
- (v) that approval be given to the net increase in scheme costs in future years totalling £0.182m (as noted in paragraph 4.7 and Appendix B of the report).

133. Treasury Management Activities and Investment Performance, Quarter 2 ending 30th September, 2017 (Cab.29.11.2017/10)

RESOLVED:-

- (i) that the Treasury Management Activities and Investment Performance Report for the quarter ended 30th September 2017, as detailed in the report now submitted, be noted;

- (ii) that the Treasury Management activities undertaken during the quarter and compliance with the Prudential Indicators be noted;
- (iii) that the Authority's latest borrowing position as set out in Section 5 of the report be noted;
- (iv) that the Authority's latest investment portfolio and performance for the quarter as detailed in Section 6 of the report be noted; and
- (v) that the Authority's latest outturn position against the approved Treasury Management budget, referred to in Section 8 of the report, be noted.

134. 6 Month Analysis Of Selective Voluntary Early Retirement And Voluntary Severance - April 2017 To September 2017 (Cab.29.11.2017/11)

RESOLVED that the Selective Voluntary Early Retirement and Voluntary Severances that have taken place in the period 1st April to 30th September 2017, as detailed in the report now submitted, be noted.

135. Superfast Broadband Phase II Proposal (Cab.29.11.2017/12)

RESOLVED:-

- (i) that the proposal to further extend Superfast Broadband across South Yorkshire, as set out in the report now submitted, be supported;
- (ii) that agreement be given to the release of £610,000 as part of the Council's reserves strategy in order to support the proposals; the release of reserves to be contingent on the other South Yorkshire Districts also receiving approval to contribute their share of the total match funding requirement; and
- (iii) that approval be given to the Passenger Transport Executive levy saving being used to support the Council's Medium Term Financial Strategy going forward.

Place Spokesperson

136. Better Barnsley Public Realm - Developed Design (Cab.29.11.2017/13)

RESOLVED:-

- (i) that the Better Barnsley Public Realm detailed design, as set out in the report now submitted, be approved;
- (ii) that approval be given to the expenditure of £8,128,000 for the phased delivery of the public realm improvements to be completed by Spring 2020, in line with the allocation previously agreed by Cabinet on 6th September 2017 (Minute No. 73 refers); and
- (iii) that the public consultation on the proposed designs and the submission of a full planning application be approved.

People (Achieving Potential) Spokesperson

137. Penistone Grammar School Enlargement: Outcome Of Statutory Consultation (Cab.29.11.2017/14)

RESOLVED:-

- (i) that approval be given to the proposed enlargement of Penistone Grammar School from 1400 to 1650 places with effect from September 2018, as detailed in the report now submitted;
- (ii) that the approval be subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990(a) by 31st August, 2018; and
- (iii) that a further report be submitted to Cabinet on the final proposed works and costs.

138. Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
139	Paragraph 3
140	Paragraph 3

Core Services Spokesperson

139. Treasury Management - Forward Borrowing Option (Cab.29.11.2017/16)

RESOLVED:-

- (i) that the Treasury Management forward borrowing options and deal, as outlined in Section 5 of the report now submitted, be approved;
- (ii) that the Executive Director Core Services and the Service Director Finance, or their authorised representatives, be authorised to finalise the terms of the Project Documents and any ancillary documents to ensure that financial close is reached on behalf of the Council;
- (iii) that the holding of legal documents in escrow be noted and approved; and
- (iv) that further updates be received where necessary.

140. Energise Barnsley - Distributed Energy Proposal (Cab.29.11.2017/17)

The Core Services Spokesperson reported that the Council had received a Highly Commended Award at the Community Energy England and Community Energy Wales Community Energy Awards 2017 for its work with Energise Barnsley.

RESOLVED:-

- (i) that the Energise Barnsley – Distributed Energy Proposal, as detailed in Section 4 of the report now submitted, be approved;
- (ii) that the Executive Director Core Services be authorised to enter into legal agreements to deliver the distributed energy proposal;
- (iii) that approval be given for the Council to make the following financial commitments in support of the proposal:
 - To pay one-off legal fees capped at £15,000; and
 - Underwrite site survey fees totalling £60,000 comprising Stairfoot (£35,000) and Beevor Court (£25,000); and
- (iv) that the Council makes an annual donation (up to a maximum of 10%) from 15 year fixed income stream receivable for the proposal to the Energise Barnsley Community Fund – the contribution to be used to create a funding ‘pot’ to be used for the benefit of Community Groups in Barnsley.

.....
Chair

BARNSLEY METROPOLITAN BOROUGH COUNCIL

CABINET SPOKESPERSONS' DECISIONS

Schedule of Decisions taken for week ending 1st December, 2017

<u>Cabinet Spokesperson</u>	<u>Item</u>	<u>Decisions</u>	<u>Contact Officer</u>
1. Place	Section 106 Allocation – Mapplewell Park Outdoor Games Court Provision	that a total of £61,853 of Section 106 monies be allocated for the provision of an outdoor games court at Mapplewell park and on site improvements.	R. Boland Tel. 773136

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BARNSLEY METROPOLITAN BOROUGH COUNCIL

CABINET SPOKESPERSONS' DECISIONS

Schedule of Decisions taken for week ending 8th December, 2017

<u>Cabinet Spokesperson</u>	<u>Item</u>	<u>Decisions</u>	<u>Contact Officer</u>
1. Core	Former Royston High School Site, Midland Road, Royston Covenant Release To Kier Living Limited	<p>That:</p> <p>a) The Spokesperson approves the release of the restrictive covenant for residential development to Kier Living Limited.</p> <p>b) That the Service Director Assets be authorised to finalise heads of terms for the covenant release on a phased basis in agreement with Kier Living Limited.</p> <p>c) That the Executive Director Core Services be authorised to complete the deed of variation so that the restrictive covenant can be released.</p>	T. Hartley Tel. 774615

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Executive
Director - Communities**

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

1. Purpose of report

- 1.1** The purpose of this report is to seek approval to formalise and implement an addendum referring to Houses in Multiple Occupation (HMO) to the Private Sector Housing Enforcement Policy 2017 - 2020

2. Recommendations

- 2.1** **To approve the implementation of the addendum referring to Houses in Multiple Occupation to the Private Sector Housing Enforcement Policy 2017 - 2020**

3. Introduction

- 3.1** CR446, Cab.19.4.2017/10 sought and gained approval to implement the Private Sector Housing Enforcement Policy.
- 3.2** Subsequent to approval being granted, Safer Neighbourhood Services have become aware of issues, apparently caused by room sharing by unrelated adults, who are not members of the same household, within HMOs.
- 3.3** It is, therefore, considered necessary to include the addendum to the policy to ensure that HMO occupancy levels are monitored to establish that room sizes and amenity standards are adequate for the number of occupants, and that, crucially, no more than one person shall occupy any bedroom with another, unrelated, adult unless they are co-habiting partners.

4. Proposal and justification

- 4.1** The proposal is to insert an addendum to the existing and implemented policy to prohibit room sharing in HMOs, by unrelated adults. The addendum includes a provision to 'monitor HMO occupancy levels, ensuring that room sizes and amenity standards are adequate for the number of occupiers and that no more than one adult shall occupy any bedroom with another unrelated adult unless they are co-habiting partners.'
- 4.2** Room sharing by unrelated adults is harmful to health and well-being; both physical health, through the potential spread of viruses, and mental health, particularly amongst those who have suffered much trauma, and can exacerbate existing mental health conditions and increase tension in households.

4.3 The proposal is further justified by the significant number of issues being reported in shared properties throughout 2017, on average one each month, including serious assault and threatening behaviour. The cause of incidents is often a result of language barriers and clashes of faith and culture; these incidents increasingly require interventions by Council and Police Officers even when classed as 'low-level'.

4.4 Other local authorities in the Yorkshire and Humber region have implemented policies to prohibit room sharing by unrelated adults.

5. **Consideration of alternative approaches**

5.1 The only alternative approach would be to not prohibit room sharing by unrelated adults and maintain the current position. However, as outlined previously, the number of *known* incidents is escalating and we believe that many such incidents remain unreported.

6. **Implications for local people / service users**

6.1 If approval is given to implement this addendum, the prohibition of room sharing by unrelated adults would apply to all HMO households in the borough. However, this will not affect co-habiting partners nor those whom chose to room share with an unrelated adult.

6.2 The prohibition of room sharing by unrelated adults will greatly reduce tensions in HMO properties and thereby reduce the number of incidents which occur as a result.

7. **Financial implications**

7.1 There are no additional financial implications arising from this report.

8. **Employee implications**

8.1 Inclusion of the addendum will provide a definitive position for those who work in housing enforcement and will reduce incidents where council employees are required to intervene.

9. **Communications implications**

9.1 The Private Sector Housing Enforcement Policy is posted on the Council's website and the addendum will be included, if approved; there is no requirement for specific communications to be issued. Agencies which currently utilise a room sharing policy for unrelated adults will be notified separately.

10. **Consultations**

- Communities DMT
- SMT
- Equality and Inclusion
- Finance
- Trade Unions

- Asylum Multi-agency Partnership

11. The Corporate Plan and the Council's Performance Management Framework

- 11.1** The implementation of the addendum will further support the delivery of strategic priorities:

People achieving their potential

- Children and adults are safe from harm
- Early targeted support for those that need it

Strong and resilient communities

- Protecting the borough for future generations

12. Promoting equality, diversity, and social inclusion

- 12.1** An initial CIA / HIA has been completed; it is anticipated that the impact of implementing the addendum to the policy will be positive on those groups who are currently effected, i.e. BME groups who are currently required to share rooms in HMOs with unrelated adults.

13. Tackling the Impact of Poverty

- 13.1** The policy adopts a risk-based approach to intervention to assist the most vulnerable individuals in our communities. The addition of the addendum to prohibit room sharing will provide further protection to those who face the greatest impact from poverty.

14. Tackling health inequalities

- 14.1** As noted on the initial Health Impact Assessment, it is anticipated that the prohibition of room sharing by unrelated adults will reduce tension in households and have a positive effect on potential mental health issues, together with a potential reduction in physical health issues such as the spread of viruses.

15. Reduction of crime and disorder

- 15.1** There have been an increasing number of incidents in properties where room sharing is applied, apparently caused by a lack of a common spoken language, clashes of cultures, faiths and personalities. It is anticipated that incidents of this nature will reduce when room sharing is prohibited.

16. Risk management issues

- 16.1** Failure to adopt and implement a clear policy around room sharing may expose the Council to criticism, particularly as room sharing prohibition policies have been approved and implemented by other local authorities in the Yorkshire and Humber region.

- 16.2** There is a further risk that, as more local authorities implement policies to prohibit room sharing in HMO properties, there may be a need for accommodation providers to seek to procure additional properties to fulfil any

contractual requirements they may hold. Currently, there is an agreement between the council and the asylum accommodation provider that they will not seek to procure additional properties; negotiations would be undertaken if the providers wished to procure additional properties.

17. Health, safety, and emergency resilience issues

17.1 There are no health, safety or emergency resilience issues arising from this Report.

18. Compatibility with the European Convention on Human Rights

18.1 All legislation cited in this report and how it will be discharged will be compliant with the European Convention on Human Rights.

19. Conservation of biodiversity

19.1 None associated with this report.

20. Glossary

HMO House(s) in multiple occupation

21. List of appendices

- Private Sector Housing Enforcement Strategy 2017 – 2020 (Addendum on pages 2 and 6/7, highlighted in yellow)
- Initial CIA/HIA (available from Equalities Team)

22. Background papers

- Cab.19.4.2017/10

Officer Contact: Jayne Wise, Telephone No: 774344, Date: 23rd November 2017

Financial Implications /



Consultation

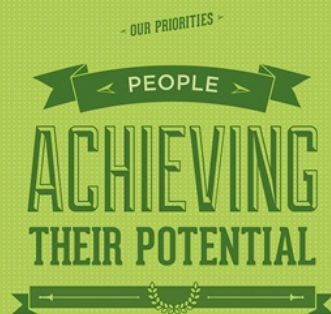
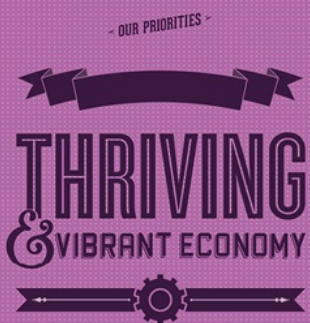
(To be signed by senior Financial Services officer where no financial implications)

Private Sector Housing Enforcement strategy 2017 - 2020

Version 1

Implementation date: Friday 7 April 2017

Review date: Tuesday 7 April 2020



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Foreword

This document sets out the Council's Private Sector Housing Enforcement Policy and needs to be read in conjunction with other policies that also include the Council's role in private sector housing. The Community Safety and Enforcement Service aims to maintain and improve the housing conditions in privately owned properties in Barnsley and improve neighbourhoods. Where an informal approach fails or it is necessary to protect the health, safety and welfare of people or the environment, the service will take the necessary enforcement action.

This policy aims to promote efficient and effective approaches to regulatory inspection and enforcement to improve regulatory outcomes without imposing unnecessary burdens on businesses. It takes into account the Council's approach to better enforcement as a result of the Government's Better Regulation Agenda and sets out the Community Safety and Enforcement Service's transparent approach to enforcement so that people understand how they will be dealt with by the Council.

Introduction

The Council has a statutory duty to regulate and enforce the Housing Health and Safety Rating System (HHSRS) and to license certain Houses in Multiple Occupation (HMOs). Regulation consists of carrying out inspections, processing licences and undertaking any necessary enforcement action in relation to defective and unsafe properties.

1.0 Aim & Objectives of the Policy

- 1.1 The aim of the policy is to set out the legal responsibilities, policies, principles and priorities that the Community Safety and Enforcement Service will follow when enforcing legislation.
- 1.2 The policy objectives include:
 - Helping to provide safer and healthier private housing and communities.

- Increasing public confidence in the quality of accommodation leading to a vibrant private rented sector in Barnsley.
- Raising the profile and increase transparency of enforcement in the private rented sector.
- To support community cohesion

1.3 This policy supports the Council's key priorities of creating stronger and resilient communities, people achieving their potential, and a thriving and vibrant economy, so that people can be proud of and enjoy a good quality of life in their neighbourhood.

2.0 Enforcement & Legislation

Enforcement is an action carried out in exercise of or against the background of statutory enforcement powers. This is not limited to formal enforcement action such as prosecution or service of legal notices. It includes inspections or investigations related to property or land and any relevant person where the purpose is checking compliance with legislation or to give advice to help comply with the law.

The principal piece of legislation is the Housing Act 2004. However, there are circumstances where other pieces of legislation may be more appropriate in dealing with an identified problem. Officers will be expected to use professional judgement to determine the most appropriate piece of legislation to use. In some cases it may be appropriate to use a variety of enforcement tools.

2.1 Housing Act 2004

The Act places a duty on the Council to take action where a category 1 hazard has been identified. There is a discretionary power to deal with category 2 hazards.

The Act also provides a range of enforcement tools:-

- **Improvement Notices** – section 11 can be used for category 1 hazards, section 12 is used for category 2 hazards. An improvement notice should

be used where reasonable remedial works can be carried out to reduce the hazard sufficiently.

- **Prohibition Orders** – section 20 can be used for category 1 hazards and section 21 is used for category 2 hazards. An order may prohibit the use of part or all of a property for some or all purposes, or for occupation by a particular number or description of people. An Order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical. It may also be used to limit the number of persons occupying a dwelling, or prohibit the use of the dwelling by specific groups.
- **Hazard Awareness Notices** – section 28 can be used for category 1 hazards and section 29 is used for category 2 hazards. This is used where a hazard has been identified but it is not necessarily serious enough to take formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if the situation is considered serious enough for follow-up inspections to be made. This notice is not registered as a land charge as with other notices and has no appeal procedure.
- **Emergency Remedial Action** – section 40 can be used when there is an imminent risk of serious harm and the hazard must rate as a category 1 hazard. The authority must enter the premises and undertake any necessary remedial works that are required to reduce the immediate risk. A warrant to enter the premises in order to carry out the work may be granted by a Magistrate where they are satisfied that the authority would not be granted admission to a premises.
- **Emergency Prohibition Order** – section 43 can be used where there is an imminent risk of serious harm, the hazard rates as a category 1 and where it is not practicable to carry out the remedial works as in section 40. It can prohibit the use of all or any part of the premises with immediate effect.

- **Demolition Order** – this can only be used in response to category 1 hazards, but not if the building is listed. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use of the cleared site.
- **Clearance Area** – all residential buildings in the proposed area must have at least one category 1 hazard. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use of the cleared site.
- **Suspended Improvement Notices or Prohibition Orders** – these notices may be suspended where enforcement action can be safely postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes must be taken into account. These may also be used where there is programmed maintenance. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the Council's involvement and the situation must then be reviewed. It is also recorded as a land charge.
- **Additional and Selective Licensing** – powers to designate an area or areas within their borough specifically to assist in addressing neighbourhood housing standards of low demand, moderating anti-social behaviour of tenants and those visiting the property, dealing with crime, deprivation, economic migration and poor property conditions. By introducing a scheme or schemes of Additional and Selective Licensing either in isolation to each other or combined as a tool, areas can be designated to specifically target these issues, subject to a robust consultation and data analysis exercise.
- **Houses in Multiple Occupation (HMO)**

The Council's duties and responsibilities in relation to HMO come from the Housing Act 2004 and relevant guidance. The Council's key focus is to identify, and ensure compliance of, statutory licensable HMO. **The Safer Neighbourhood Service have**

become aware of issues, apparently caused by room sharing by unrelated adults, who are not members of the same household, within HMOs.

It is, therefore, considered necessary to include the addendum to the policy to ensure that HMO occupancy levels are monitored to establish that room sizes and amenity standards are adequate for the number of occupants, and that, crucially, no more than one person shall occupy any bedroom with another, unrelated, adult unless they are co-habiting partners.

We will:

- Promote the fact that it is the responsibility of owners of licensable HMO to ensure that they hold the appropriate licence and adhere to the necessary conditions
- Process the necessary licence application and ensure the required property and management conditions are met
- Monitor property and management standards within HMO in accordance with legislation and maintain a pro-active inspection programme
- Monitor HMO occupancy levels, ensuring that room sizes and amenity standards are adequate for the number of occupiers; and, additionally, that no more than one adult shall occupy any bedroom with another, unrelated adult unless they are co-habiting partners.

2.2 The Housing Health and Safety Rating System (England) Regulations 2005

Where officers have reason to enter a dwelling they will inspect the whole property (including associated garden/yard areas) using the Housing Health and Safety Rating System (HHSRS). This system has been adopted by Regulations as the prescribed methodology for assessing housing conditions. The aim is to identify deficiencies within dwellings that may lead to a hazard. Each hazard is assessed and assigned a band. These bands are translated into either a category 1 or category 2 hazard.

2.3 Supporting Legislation

- **Environmental Protection Act 1990 section 80**

Notices can be served if the Officer is of the opinion that there is a statutory nuisance at the premises. The premises must be deemed prejudicial to health or a nuisance.

- **Building Act 1984 section 59/60**

Used to deal with defective drainage issues in existing buildings.

- **Building Act 1984 section 64/65**

Used where sanitary conveniences are insufficient or in need of replacement and are considered prejudicial to health or a nuisance.

- **Building Act 1984 section 76**

Used where the property is so defective so as to be prejudicial to health. This notice notifies the person responsible of the local authority's intention to remedy the problem (similar to work in default).

- **Public Health Act 1936 section 45**

Used where there are defective sanitary conveniences due to their repair and/or cleansing ability. They must be in such a state as to be prejudicial to health or a nuisance.

- **Public Health Act 1961 section 17**

Where any drain, private sewer, water closet, waste pipe or soil pipe has not been maintained and can be repaired for less than £250.

- **Local Government (Miscellaneous Provisions) Act 1976 section 33**

Used where services such as the water supply are due to be, or have been, cut off to a domestic property.

- **Prevention of Damage by Pests Act 1949 section 4**

Used where there is evidence of, or harbourage of pests at a property.

- **Housing Act 1985 (as amended)**

Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding provisions are still available for use where appropriate.

- **Local Government (Miscellaneous Provisions) Act 1976 section 16**

Used to formally request information about a premises or a person.

- **Police and Criminal Evidence Act 1984, Criminal Procedures and Investigation Act 1996, Regulation of Investigatory Powers Act 2000**

Used in relation to interviews under caution, prosecution and gathering evidence.

3.0 Enforcement Procedure

3.1 Enforcement Concordat & Regulators' Codes

Officers will be expected to follow the principles of the Enforcement Concordat as well as the Regulators' Code in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. In terms of private sector housing enforcement, the Service will apply the general principles of the code. The Code has been introduced to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement, ensuring that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.

The principles of the Enforcement Concordat will continue to be embraced in respect of openness, helpfulness, a balanced approach, consistency, suitable action, human rights and equalities. However this policy must take into account prescriptive obligations imposed by the Regulator's Code. The main changes introduced as a consequence of the statutory code concern obligations for staff carrying out enforcement duties to:

- Recognise that a key element of regulation will be to allow or encourage economic activity and only intervene when there is a case for protection.

- Use comprehensive risk assessment to concentrate resources in the areas that need them most.
- Provide authoritative, accessible advice easily and cheaply.
- Not undertake inspection without reason.
- Not require unnecessary information or give the same piece of information twice. This is existing good practice and promotes information sharing and good working practices between internal and external service providers.
- Be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take. This is existing good practice based on openness and transparency, with decisions being subject to scrutiny.

3.2 Informal Action

One of the aims of the Service is to improve the housing conditions in the private sector by use of advice and education. When using Housing Act 2004 powers, in most circumstances the Council will consider taking informal action prior to formal enforcement (although there are certain circumstances where officers will take formal action in the first instance). However, where alternative legislative powers are being used it may not be appropriate to consider taking informal action and a formal notice will be served e.g. where conditions prejudicial to health exist.

All remedial work that is required must be sufficient to remove any risks but not so excessive as to be burdensome. In order to satisfy these principles it is expected that officers in the first instance will make contact with the person responsible for the property containing the hazard with a view to taking informal action. Informal action may take a variety of forms including verbal requests, letters, e-mails and schedules of work. It is anticipated that in many cases an informal approach will achieve the desired outcomes.

Informal action cannot however be allowed to continue indefinitely and there must be a limit attached to the informal action. Therefore, a response is required within 14 days of the date of the first informal letter. If a response is received and a

timescale for completion of the works is agreed then it may not be necessary to serve a legal notice.

If remedial works have not been started or fully completed within the agreed time, the officer will revisit and then a notice will be served with reasonable timescales.

The delays incorporated within the informal approach are satisfactory where there is not a high risk posed or the agreed timescales for completion are short.

However, where there is a serious hazard or where there are conditions prejudicial to health or where the informal procedure would result in an unacceptable delay, a formal notice will be served as soon as possible.

3.3 Formal Enforcement Action

Circumstances where it is appropriate to take formal action include where:

- A person refuses to carry out the work informally.
- There is an actionable risk to health and safety, for example:
 - no heating in cold weather,
 - no hot water to wash or prepare food safely,
 - exposure to damaged asbestos insulation board which means occupiers are likely to inhale or ingest asbestos fibres,
 - exposed live electrical wiring which people are likely to make contact with,
 - raw sewage surcharging into a neighbour's property.
- There is history of failure to meet requests to carry out legally required works.
- There is history of failure to manage a property in line with legal requirements.
- There is a record of criminal convictions for failure to comply with housing related offences (including offences that are likely to affect housing management) in the last five years or a Simple Caution has been issued in the last two years.

- It is necessary to safeguard and protect health and safety in the future.

The above is not intended to be an exhaustive list. Each case will be considered on its individual merits.

An internal and external inspection of an entire property must be carried out and the deficiencies noted. As the principal piece of legislation, the Housing Act 2004 will be considered to assess whether there are category 1 or category 2 hazards within the property. Having made this assessment and dependent on the problems within the property, consideration will be given to the most appropriate course of action to reduce the hazards to an acceptable level.

The most appropriate legislation must be identified for dealing with the hazard. Officers will have regard to all available guidance. Consideration must also be given to whether consultation is required with other enforcing agencies or other services in the Council.

The Council may charge and recover the reasonable costs incurred in taking formal enforcement action. The person upon whom the notice is served will be responsible for the expenses incurred by the Council in serving the notice. All outstanding charges will be actively pursued and will also remain as land charges and accrue interest until paid in full.

The Housing Act 2004 requires that officers give 24 hours written notice to those with an interest in a property when exercising their formal enforcement powers. When using other legislation however the Council has the power to gain entry to a building without giving the relevant notice. This will be dependant on the piece of legislation being utilised.

Although formal action can be taken against owner occupiers, the Council considers that owner occupiers are usually in a position to take informed decisions concerning maintenance or safety issues to properties that they own or reside in. The Council will therefore rarely take formal action against home owners for

hazards identified in their homes. We aim to provide owner occupiers with appropriate advice and recommendations of how they can mitigate any hazards identified.

The Council however will always consider enforcement action against owner occupiers where there is an imminent risk to the health and safety of occupants or the wider public.

Tenants within rented accommodation do not have the same level of control that owner occupiers benefit from and are reliant on landlords to adequately maintain their homes. The Council will therefore take enforcement action where necessary against landlords who are putting the health and safety of their tenants at risk.

Registered Providers exist to provide social housing and their performance is scrutinised by the Homes and Communities Agency and the Housing Ombudsman. The Council will not normally take formal enforcement action against a Registered Provider without informal contact unless it is satisfied that the problem in question has been properly reported to the Registered Provider and they have failed to take appropriate action. The Council will always however consider formal enforcement action against Registered Providers where there is an imminent risk to the health and safety of tenants and/or the wider public.

3.4 Section 8 Statement of reasons

Under section 8 of the Housing Act 2004, a statement must be prepared detailing which notice provisions are being considered. The statement must also include why the other options have been discounted at this stage. In making these decisions regard must be had to:

- the seriousness of the situation and the imminent risk to health and safety,
- the type of hazard,
- the current occupation and the impact the decision may have on the social exclusion of certain groups of people,
- the turnover of tenants or occupants to the property,

- the management of the property,
- the occupants' views,
- the owners' views,
- the number of hazards within the property and whether they are category 1 or category 2,
- the enforcement policy and procedures and the Housing Strategy.
- the decent homes standard.

Where there are only category 2 hazards consideration must be given to the overall effect of the multiple hazards and whether they are indicative of a run-down property.

Once a decision has been made the appropriate notice procedure must be followed. When taking any form of action a covering letter and the statement of reasons under section 8 must also accompany the notice and the schedule of work.

4.0 Priorities

The Housing Act 2004 and HHSRS Regulations 2005 have identified a number of hazard categories that have been found within the home. There are 29 hazards that arise from disrepair, lack of maintenance or poor design. The health effect from these hazards range from death to mental stress and the HHSRS provides the opportunity to compare unrelated hazards such as fire with other hazards such as damp and mould growth. This is done through the calculation of a hazard score. The higher the score the greater the risk posed by the hazard.

When a complaint is received the officer will prioritise the complaint based on the information provided by the complainant.

Using professional judgement and knowledge of the HHSRS the Officer will further prioritise the complaint. Where it appears to the Officer that serious hazards are

present the officer would aim to visit within 3 working days. For any other complaints the officer will visit within 5 working days.

In times of high service demand it may not be possible to adhere to these timescales. The complainant should be kept informed as to the potential delay.

5.0 Decent Homes Standard

The Government has identified a minimum standard that homes must achieve in order to be considered decent. As part of the standard a home must not contain category 1 hazards, must be in a reasonable state of repair, must have reasonably modern facilities and services and must provide a reasonable degree of thermal comfort. Each of these aspects can be covered by hazard categories within the HHSRS and therefore it is expected that Officers will have regard to this standard when considering any action.

Free from category 1 hazards – following an assessment under the HHSRS the property is only decent where there are no category 1 hazards.

Reasonable state of repair - where one or more key building components (structural elements) are old and in such a condition they need replacement or repair then the property is not decent. Alternatively, if two or more components (not key components) are old and in such a condition as to need replacement or repair and together are indicative of disrepair then the property is not decent. [A key component is defined in: A Decent Home: Definition and Guidance for Implementation June 2006].

Reasonably modern facilities – to be considered non-decent the property must lack at least three of the following amenities: a kitchen which is less than 20 years old, a kitchen with adequate space and layout, a bathroom which is less than 30 years old, a suitably located bathroom and toilet, adequate external noise insulation, adequate size and layout of the entrance to blocks of flats.

Reasonable degree of thermal comfort – the property must have an efficient heating system such as gas or oil, electric storage heaters where other options are not

possible, under floor/warm air systems and effective insulation in order to be considered decent.

6.0 Level of remedial works required

As a minimum, category 1 hazards must be reduced to a category 2.

Where this is not possible all reasonable steps must be taken to reduce the hazards as far as reasonably practicable. In some cases, such as listed buildings, category 1 hazards may remain.

When deciding on the remedial works, regard must be had to the seriousness of the hazard, the ideal that the property should achieve, and the level of work required that is reasonable to reduce the hazard significantly without incurring excessive cost.

Where any works for either a category 1 or 2 hazard are needed, the Council will require works to a standard that will prevent patch and mend repairs.

For the hazard of fire, the Council will consider current LACORS Housing Fire Safety guidance.

7.0 Appeals against Notices/Orders

Once the Officer has made the decision to serve a notice and has followed the correct procedure the notice will be served with a copy of the section 8 statement of reasons. All correspondence will detail the appeal procedure against the action being taken.

The person served with the notice/order has the right to appeal against the notice/order on any grounds. The main reasons for appeal are likely to be the contents of the notice/order and the schedule of work. Appeals can also be made on the grounds that the notice/order was not served on the correct person, or that a different course of action would be more appropriate.

Appeals regarding Housing Act 2004 enforcement action are made to the relevant Residential Property Tribunal (RPT). The intention is that the Tribunal will be able to make a decision based on paperwork and statements supplied by both parties. On occasion a hearing will be held where both parties must present their cases. The RPT may request to visit the property in question. An RPT decision can be appealed following consent from the RPT. All other appeals regarding enforcement taken under other pieces of legislation should be directed to the Magistrates Court or as directed on the notice/order served.

8.0 Offences

8.1 Housing Act 2004

Failure to comply with an Improvement Notice without reasonable excuse – the notice recipient commits an offence and is liable to prosecution. On summary conviction they can be fined up to level 5 on the standard scale. The obligation to carry out the remedial works continues despite the fact that the period for completion has expired.

Failure to comply with a Prohibition Order – an offence is committed if the premises is used in contravention to the order, or permission is given for the premises to be used in contravention to the order. On summary conviction fines up to level 5 on the standard scale may be levied. In addition there is a further fine of up to £20 per day for every day or part day after conviction that the property is used in contravention.

8.2 Environmental Protection Act 1990

Failure to comply with a notice – the notice recipient commits an offence and is liable to prosecution. On summary conviction the fine can be up to level 5.

8.3 Building Act 1984

Failure to comply with any notice - the notice recipient commits an offence and is liable to prosecution. On summary conviction fine can be up to level 4 with a daily charge of £2 until works are complete.

8.4 Public Health Act 1936

Failure to comply with any notice - the notice recipient commits an offence and is liable to prosecution. On summary conviction fine can be up to level 4.

8.5 Public Health Act 1961

No prosecution procedure – the Council carries out works and the person responsible is charged and costs recovered.

9.0 Prosecution

Where there is a breach of a notice or an order the officer must investigate the offence and may prepare the case for prosecution. This may involve interviewing relevant people under caution, following the relevant parts of the Police and Criminal Evidence Act 1984.

It is not essential to carry out an interview, however, it is considered good practice to establish 'reasonable excuse' under caution before prosecution is pursued further.

The case will be presented to the Council's Legal Services who will decide if the prosecution should be pursued. In making this decision Legal Services will have regard to the Code for Crown Prosecutors (Prosecutors employed by the Crown Prosecution Service). This is to ensure that fair and consistent decisions about prosecutions are made. Officers must also refer to this code when considering the merits of pursuing a prosecution.

10.0 Works in Default

Where the Council has legally required someone to do works but they have failed to do so, powers are available to carry out works in their default. The powers are provided within the specific legislation being used in relation to the case. In most circumstances a person will be given notice of the Council's intention to carry out works in their default. Once the Council has started works it is an offence for that person to obstruct Council officers or any of the contractors that have been employed to carry out the works.

The complete cost of the works and all other associated relevant costs will be recovered in accordance with the relevant statutory provisions. The Council may consider enforced sale procedures or sequestering rents with a view to recovering charges owed where appropriate. Until cleared, all outstanding debts will be registered as a local land charge against the property and will accrue interest.

Carrying out works in default is a discretionary power and can be carried out either instead of a prosecution or in addition to a prosecution.

With regard to the Housing Act 2004, any remedial works must be extensive enough to remove the hazard and leave the property in a safe condition.

11.0 Enforced Sales Process

The Enforced Sales Process is a tool which can be used on specific pieces of land or property where the owner owes a debt to the Council for services. It is enforced under the Law and Property Act 1925, section 103 against a land chargeable debt.

The cost of carrying out that work is levied against the title of the property as a primary charge. It offers the Council the ability to recover charges owed by the property by putting the house up for sale or auction to recover the best price and repay monies outstanding.

This course of action does not allow the Local authority autonomy over how This property is disposed of. Nevertheless the Council must show that it has achieved the best price possible.

12.0 Compulsory Purchase Orders

Compulsory Purchase Orders action can be used to acquire a building, dwelling house or piece/ plot of land. This legislation can be used as a tool to offer housing within the realm of the Council's housing portfolio or can be sold directly to the

public. This tool allows the authority to use its discretion regarding how the property is disposed of as the property is vested to the local Authority via a General Vesting Declaration, subject to a statement of reason to the planning inspectorate.

13.0 Action by Agreement

The Act also makes provision for remedial works to be carried out by agreement. This is where the local authority arranges for the works to be carried out at the request of the person responsible and they are then charged for the full cost. When it is carried out in default without agreement the local authority will recover expenses reasonably incurred plus interest.

In order to use this provision the officer must be confident that the cost of the works will be repaid in full once the work is complete and the owner provides written assurances that they will pay.

The Council will actively pursue monies owed and an invoice will be raised. If the costs incurred are not paid they will be placed as a charge against the property. The Council may also then consider whether enforced sale of the property is appropriate and reasonable in the circumstances with a view to recovering monies owed.

14.0 Overcrowding

The Council will investigate complaints from private rented sector tenants about overcrowded living conditions where there is concern about children or vulnerable adults living in overcrowded conditions or where overcrowded conditions are legitimately impacting on a neighbour's health, safety or welfare.

We will liaise with the Council's Housing Options Service where Officers are taking enforcement action that is likely to lead to a family moving out of their accommodation.

When deciding on the most appropriate course of action each case will be judged on its own merits.

15.0 Illegal Eviction and Harassment

We aim to ensure a fast, clear and co-ordinated response of intervention in cases of harassment and illegal eviction in private rented accommodation. We will work in partnership with the Police and other agencies to ensure that the practice of illegal eviction and harassment is eradicated within the borough.

The Council is committed to taking a proactive approach in these circumstances both through the provision of advice and assistance to landlords and tenants and through the use of informal warnings and mediation where appropriate. The overriding aim is to maintain the occupants' residence in the property in peace and comfort through facilitating negotiation and conciliation between the occupant and the landlord.

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Executive Director for Place

HOMES AND COMMUNITY AGENCY EMPTY HOMES PROGRAMME 2018/21

1. Purpose of Report

- 1.1 To gain approval for the acceptance of empty homes grant funding of £995,000 from the Homes and Communities Agency (HCA).
- 1.2 To alert members to the Council's wider ambitions for empty homes work.

2. Recommendations

It is recommended that:

- 2.1 **Approval be granted for the acceptance of empty homes grant funding of £995,000 from the Homes and Communities Agency.**
- 2.2 **The Executive Director, Core Services, be authorised to enter into contract with the Homes and Communities Agency for the delivery of a new HCA Empty Homes Programme covering the period 2018/21.**
- 2.2 **The Council's capital programme be amended to include the HCA Empty Homes Programme 2018/21 with a total value, including match-funding, of £3.99 million.**

3. Introduction

- 3.1 Reducing the number of empty properties is important for a number of reasons:
 - Empty properties are a wasted resource. There is a need for an additional 1,100 houses a year to meet demand across all tenures; each empty property brought back in to use reduces the need for new supply.
 - Empty homes that are brought back into use can help to meet the demand for affordable social housing. There are currently almost 6,900 applicants on the Council's housing waiting list.
 - Empty properties cause blight to neighbourhoods. Long term empty properties are often in bad repair and can be a magnet for anti-social behaviour and crime. They cause disamenity and undermine neighbourhood reputation and as a consequence can cause a reduction in rental and capital values.

- Empty properties reduce income to the Council. For every empty property brought back into use the Council receives New Homes Bonus; conversely for every new empty property the Council loses New Homes Bonus.

3.2 In total there are 1,582 properties in the Borough classed as long-term empty, the vast majority (i.e. over 95%) of such properties being found in the private sector:

Time Empty	Tenure		Total
	Private Sector	Council and Housing Association	
6 months – 2 years	954	53	1007
2 years – 5 years	362	12	374
5 years – 10 years	121	9	130
10 years plus	70	1	71
Totals	1507	75	1582

Source: Council tax data extract 03.10.2017.

3.3 The Council currently has two empty homes capital programmes in delivery:

- HCA Empty Homes programme 2015/18
- Goldthorpe Clusters programme

Both these programmes will end in March 2018.

3.4 An application for £995,000 in grant funding was made to the HCA this summer for the period 2018/21. To strengthen the bid match funding totalling £2,995,000 was identified from the Council's own resources, giving a total indicative programme value of £3.99 million to return into use as housing 39 properties in the period 2018/21. The bid was subjected to a net present value analysis prior to submission to better understand the Council's return from investment in empty homes activity.

3.5 The HCA have advised that Barnsley MBC is to be allocated £995,000 in grant funding for empty homes work as part of their Shared Ownership Affordable Homes Programme 2016/21. Housing that is brought back into use through the new programme will, as with the current 2015/18 programme in Barnsley, be added to the Council's stock of council housing and let to applicants on the Local Authority Housing waiting list.

3.6 Berneslai Homes deliver the current HCA Empty Homes contract 2015/18 and they will likewise be the main delivery partner for the proposed 2018/21 contract.

3.7 The Council will have to enter into a new contract with the HCA governing the use of grant funding and the delivery of the housing returned back into use.

4. Proposal and Justification

HCA Empty Homes Programme 2018/21 - Proposal.

- 4.1 It is proposed that the Council accepts the HCA empty homes funding and enters into a contract with then HCA for the delivery of a HCA Empty Homes programme covering the period 2018/21.
- 4.2 It is further proposed that the proposed HCA Empty Homes programme 2018/21 be added to the Council's capital programme.
- 4.3 The majority of the housing to be brought back into use (35 units) will be purchased, refurbished and then added to the Council's stock of council housing. The remaining 4 homes will be created through the conversion of empty non-domestic property already in the ownership of the Council.
- 4.4 HCA Empty Homes Programme 2018/21 - Justification:

- Additional rental income estimated at £300,000 over the period 2018/21. The full year impact of all 39 properties under the programme being let is £150,000 in rental income.
- Additional council tax receipts estimated at £90,000 over the period 2018/21. The full year impact of all 39 properties under the programme via additional council tax receipts is estimated at £43,000.
- Meeting need for good quality affordable housing
- Reduction in environmental blight, anti-social behaviour & disamentity to local communities

Wider Ambitions for Empty Homes Work

- 4.5 Under the Council's 2020 outcomes framework we have an ambition to return 135 long-term empty homes to use over the period 2016/17 to 2019/2020. It is self-evident from the number of long-term empty homes in the Borough that more needs to be done to reduce the number of long-term empty homes and throughout 2017/18 officers within the Housing and Energy Service have been increasing their focus on empty homes work.
- 4.6 National Empty Homes week (16th Oct. – 22nd Oct.) has just ended. Empty Homes week provided an opportunity for officers to really sharpen to focus on the Council's empty homes work and in the run up to and during the week the following activity took place:
- Press Releases
 - Social Media campaign
 - Drop in advice session
 - Mailshot to owners of empties
- 4.7 The promotional campaign worked well with
- 102 direct contacts from owners
 - 48 properties offered for sale

- Step change in interaction via social media (20K+ Twitter impressions and 4k+ Facebook viewings)

4.8 The existing capital programmes (at 3.3. above) and the proposed 2018/21 programme will help to achieve the 2020 ambition but there are a number of other delivery strands to empty homes work that officers are progressing that will enable us to better deliver against the 2020 ambition.

- A replacement for the Goldthorpe Clusters programme – this time borough-wide in its reach – to run as from April 2018.
- A greater emphasis on early support through the provision of early advice and assistance to property owners
- A greater emphasis on the use of enforcement powers where appropriate to bring about a change in ownership – in some cases this is required to bring properties back into use. A useful by-product of this approach will be greater ability to recoup outstanding debts owed to the Council.

4.9 Officers within the Housing and Energy Service are currently developing proposals for a comprehensive empty homes action plan 2018/21 and a further report will be brought forward on this matter in early 2018.

5. Consideration of Alternative Approaches

5.1 To leave the operation of the free market to reduce the number of long-term empty homes. This is not recommended not least because the presence of long-term empty homes is an indication of market failure. At best the market is unpredictable and the levels and longevity of investment are, in consequence, uncertain. In such circumstances intervention in the market is required. Were the Council simply to place sole reliance on the operation of the market far too many properties would remain empty over the long-term and in some cases considerable disamenity would be caused to local communities within which such properties are located.

6. Implications for Local People / Service Users

6.1 The empty homes brought back into use will be available to let as council housing to applicants on the Council's housing waiting list.

7. Financial Implications

7.1 Consultations have taken place with Finance which included a NPV review completed by Berneslai Homes in respect of the HCA Empty Homes Programme 2015-2018 programme.

7.2 The HCA Empty Homes Programme 2018/21 is to be funded as set out below:

HCA grant = £ 995,000

HRA capital resources = £2,595,000

S.106 funding allocation = £400,000

Total = £3,990,000

- 7.3 The revenue cost of programme delivery will be accommodated by existing staffing budgets for the Council's Housing and Energy Service and the Berneslai Homes staffing budget.

8. Legal Implications

- 8.1 Consultations have taken place with the Council's Legal Section regarding the content of the HCA contract. The advice received is that the contract can be entered into.

9 Employee Implications

- 9.1 None arising from this report.

10. Communications Implications

- 10.1 Over the last 12-months the Council has increased the prominence of its empty homes work and has begun to engage really effectively with the owners of empty properties. The launch of the HCA Empty Homes Programme will be marked by further press releases and early engagement with property owners to develop a healthy pipeline for the programme by the end of 2017/18.

11. Consultations

- 11.1 Consultations have taken place with:
- Berneslai Homes
 - BMBC Legal Services
 - Homes and Communities Agency
 - S. 106 Officer

12. The Corporate Plan and the Council's Performance Management Framework

- 12.1 Taking action to return long-term empty housing to use will help to achieve the following priority within the Council's Corporate Plan:
- Create more and better housing

As part of the refurbishment of the empty properties it should also be possible to achieve against the following priority:

- Increase skills to get more people working

- 12.2 The Council's Performance Management Framework contains the following performance indicator:
- EC31 – Empty homes returned to use

13. Tackling Health Inequalities

- 13.1 There are no issues arising from this report.

14. Risk Management Issues

- 14.1 The main risk is that the Council is unable to deliver the 39 properties required under the HCA Empty Homes contract 2018/21. This is mitigated by:
- Long-established partnership between the Council and Berneslai Homes to deliver the outputs required.
 - The identification of a pipeline of properties in advance of the start of the contract
 - Well-established and robust approach to project management in Berneslai Homes and Housing and Energy service.
 - Regular performance management meetings with the HCA

15. Health, Safety, and Emergency Resilience Issues

- 15.1 Berneslai Homes will be the lead delivery partner for the programme and will take responsibility for health and safety matters during the refurbishment of the empty properties.

16. Compatibility with the European Convention on Human Rights

- 16.1 No issues arising from this report.

17. Promoting Equality, Diversity, and Social Inclusion

- 17.1 Empty homes work can provide the opportunity to engage with organisations that promote learning and skills opportunities for young people from disadvantaged backgrounds. The extent to which this might be possible within the delivery of this particular programme will be fully investigated with the lead delivery partner, Berneslai Homes.

18. Reduction of Crime and Disorder

- 18.1 Long-term empty properties can often act as a magnet for anti-social behaviour. Bring long-term empty homes back into use will reduce the occurrence of such behaviour.

19. Conservation of Biodiversity

- 19.1 No matters arising from this report.

20. Glossary

- 20.1 Not applicable

21. List of Appendices

Appendix A – Financial Implications

22. Background Papers

None


Report of the Executive Director Place

FINANCIAL IMPLICATIONS

HCA Empty Homes Programme 2018/21

i) Capital Expenditure	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>TOTAL</u>
		£	£	
Purchase and renovation costs	1,197,000	1,197,000	1,197,000	3,591,000
	1,197,000	1,197,000	1,197,000	3,591,000
To be financed from:				
HRA capital programme funds	732,000	732,000	732,000	2,196,000
S106 funds	133,333	133,333	133,334	400,000
HCA grant	331,667	331,667	331,666	995,000
	1,197,000	1,197,000	1,197,000	3,591,000
ii) Revenue Effects	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>TOTAL</u>
	£	£	£	
<u>Expenditure</u>				
				0
Total Expenditure	0	0	0	0
To be financed from:				
				0
	0			0

Impact on Medium Term Financial Strategy	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>
	£	£	£
MTFS	0.000	0.344	-0.703
Effect of this report	0	0	0
Revised Medium Term Financial Strategy	0.000	0.344	-0.703

Agreed by: . 06/12/2017.....On behalf of the Service Director and Section 151 Officer - Finance

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Executive Director (People)
to Cabinet

(13th December 2017)

SOCIAL WORKER CASELOADS IN CHILDREN'S SOCIAL CARE AND SAFEGUARDING

1.0 Purpose of the Report

- 1.1 To obtain Cabinet's approval in order to invest in the recruitment of additional social workers in Children's Social Care Services to reduce workload pressures, improve productivity and to maintain the continued welfare of children in need of help or protection, in Barnsley..

2.0 Recommendations

- 2.1 **To agree to the funding and recruitment of 14 FTE additional social workers with a view to reducing caseloads in Children's Social Care front line social work teams; assessment; child protection; disability; children in care and care leavers (excluding adoption and fostering teams) from an average of 21.7 to an average of 18 cases per social worker (*Please see Page 3, Paragraphs 4.3 and 4.3.1*)**

3.0 Introduction

- 3.1 Lord Laming's second review of child protection, published in 2009 following the Baby P case, called for an overhaul of children's social work. Lord Laming recommended that the then Social Work Taskforce produce national guidelines, setting out maximum caseloads for social workers, indicating caseloads of a maximum of 12 in complex child protection work.
- 3.2 In 2010 the Coalition Government asked Professor Eileen Munro to review all child protection procedures in England, on the basis that previous changes had made the system too bureaucratic and stifled social worker's initiative in making difficult decisions. Professor Munro's reports were published in 2010 and 2011. The reports included issues around poor IT systems, high caseloads, limited supervision and not enough emphasis on reflective practice and decision making.
- 3.3 The above reviews were influential in the significant shift that has taken place in child protection social work, with a move away from prescriptive procedure, process and practice, to evidence based interventions and relationship based practice, where maximum time is directly spent engaging with children and families, enabling Social Workers to really understand a child's needs, experiences and the impact of harm, to help make the right decisions for children at the right time.

3.4 **National and Local Social Work Caseloads**

- 3.5 Ofsted's 2016 Social Care annual report stated that Councils should "help social workers to be able to do their job well, by giving them the time they need and the right help and support".
More recent Ofsted inspections of children's services are giving more attention to Social Workers caseloads, having identified high caseloads as a common problem in preventing local authorities from being judged as 'Good'.
- 3.6 In February 2017 the DfE reported the average caseload per Children and Family Social Worker as 16.1 cases (based on FTE counts); *DfE Experimental statistics: Children and family social work workforce in England, year ending 30 September 2016*.
- 3.7 In comparison to this national average, Children's Social Worker **average** caseloads in Barnsley are now 21.7 (excluding Fostering and Adoption Teams).
- 3.8 The Yorkshire and Humberside Safeguarding Assistant Directors Group undertook a benchmarking exercise in February – March 2017 on average Children's Social Worker caseloads in the region. This provided the benchmarking data which is shown in Appendix 1 of the report.
- 3.9 In summary the data showed that:
- Barnsley has the 4th highest average caseloads in the region (excluding disabled children's cases)
 - At the time Barnsley had the highest rate of children subject to formal Child Protection Plans aged 0-17 years per 10,000 population. However it should be noted that this spike reduced to 65 per 10,000 in 2016/17 and was 46 per 10,000 in Q2 2017/18.
 - Whilst numbers of formal Child Protection plans ended, the Service is still working with children on statutory, Child in Need plans, who are on the edge of care and edge of care proceedings.
 - At the time of running the report, Barnsley was ranked as the 11th out of 15 authorities with the lowest number of children in care.
- 3.10 Reported average caseloads do not report the highest allocated caseloads, or the lowest. Experienced Social Workers can have greater numbers than the reported average, as well as inexperienced Social Workers having lower numbers.
- 3.11 Social work workloads cannot just be understood by volume. The complexity of work as well as the experience of the Social Worker; the quality of supervision and appraisal, accessible management support and guidance, as well as workforce development and the general operating environment, are all critical factors.
- 3.12 Whilst the operating environment in Barnsley is very positive (as reported in the Children's Social Care (Business Unit 3) 'Investors in People' Gold Assessment Award) and arrangements are in place to help mitigate against high caseloads, Children's Social Worker caseloads in Barnsley are high in comparison to regional colleagues and, higher than the national average of 16 reported by the DfE in February 2017.
- 3.13 Direct feedback from Children's Social Workers in Barnsley is that caseloads are too

high and need to be lower. This has been reported in the 2016 and 2017 Social Work Health Check Survey and is raised routinely by staff in direct discussion with Managers and through their trade union representatives.

- 3.14 Ofsted inspections of children's services are now routinely reporting on social work case loads and there is a risk that despite the significant improvement in performance that has been made in Children's Social Care in Barnsley, we may not achieve a 'good' judgement, as it is well evidenced that high caseloads do impact on the quality of safeguarding services.

4.0 Consideration of Alternative Approaches

- 4.1 In order to tackle the operational impact of high, average social worker caseloads in Barnsley, the following 3 options are outlined for Cabinet's consideration:
- 4.2 OPTION 1. The average full time equivalent (FTE) Social Worker (SW) caseload at the end of September 2017 was 20.5 (excluding Adoption, Fostering and the Disabled Childrens Teams).
- 4.2.1 In Option 1, a proposed reduction of caseloads in the Adoption, Fostering and Disabled Children's Teams, from 20.5 to 18 cases per FTE Social Worker would require 9 (or 8.7) additional Social Workers, at an estimated cost of £376,550 (or £41,839 per Social Worker).
- 4.2.2 In Option 1, to reduce caseloads in these teams to the DfE average of 16 cases per FTE Social Worker, would require 18 (17.7) additional Social Workers, at an estimated cost of £753,100 (or £41,839 per Social Worker).
- 4.3 OPTION 2. The average FTE caseloads of Social Workers at the end of September were 21.7 (excluding Adoption and Fostering Teams but not the Disabled Children's Teams).
- 4.3.1 In Option 2, to reduce caseloads in these teams to 18 cases per FTE Social Worker would require 14 (or 14.47) additional Social Workers, at an estimated cost of £585,746 (or £41,839 per social worker).
- 4.3.2 In Option 2, to reduce caseloads in these teams to the DfE average of 16 cases per FTE Social Worker, would require 25 (or 25.1) additional Social Workers, at an estimated cost of £1,045,975 (or £41,839 per social worker).
- 4.4 OPTION 3 Across all Children's Social Care teams the average FTE caseloads at the end of September was 20.4.
- 4.4.1 In Option 3, to reduce caseloads across all Children's Social Care teams to 18 cases per FTE Social Worker would require 12 (or 11.9) additional Social Workers, at an estimated cost of £502,068 (or £41,839 per social worker).
- 4.4.2 In Option 3, to reduce caseloads in these teams to the DfE average of 16 cases per FTE Social Worker would require 24 (or 24.4) additional Social Workers, at an estimated cost of £1,004,136 (or £41,839 per social worker).

5.0 Proposal and Justification

5.1 This proposal recommends OPTION 2, namely to reduce Children's Social Work caseloads (excluding Adoption and Fostering Teams) to an average of 18 cases per FTE Social Worker in the Assessment, Safeguarding, Disability, Children in Care and Care Leavers Teams, which would require 14 (14.47) additional Social Workers to be recruited at an estimated cost of £585,746 (at £41,839 per social worker).

5.2 In addition to benchmarking Social Work caseloads nationally and regionally, social work activity, effectiveness and efficiency have been scrutinised by the Service Director for Children's Social Care & Safeguarding and Executive Director of People. There is clear evidence, i.e. National and local performance indicators that the service is performing well, that thresholds are well understood and effectively applied and that social work activity is well managed. This is evidenced by:

- The rates of Children in Need (CIN) per 10,000 - all open cases to Children's Social Care, in Barnsley remains lower than statistical neighbours and national rates.
- The rates of children's statutory assessments are comparable with national rates and below statistical neighbours.
- In Quarters 1 and 2 (2017/18) 99% of assessments were undertaken within the 45 day national timeframe.
- The rate of children on formal Child Protection Plans is now below Statistical Neighbours.
- In Quarter 2 only 1 child was on a Child Protection Plan for a second or subsequent time and only 1 child was on a Child Protection Plan for 2 years or more.
- 100% of children have their Child Protection Plan reviewed on time.
- The current 12 month performance shows that 98% of children on a Child Protection Plan are visited by a Social Worker within 4 weeks of the Plan or previous CP visit.
- Barnsley's rate of Looked After Children (LAC) is well below Statistical Neighbours and National rates.
- The current 12 month performance shows that 98.1% of LAC cases were reviewed in time.
- Performance management information and monthly case file auditing shows that open Child in Need (CIN) cases are children on the edge of formal child protection procedures and/or on the edge of care.
Performance management information and deep dives of cases shows that CIN cases are open for approximately 13 months; this is a reasonable period of time to either reduce risk or, escalate into formal child protection processes.

5.3 However, in supporting the Service to be considered as 'Good' among peers and Ofsted, this is an opportunity to re-set caseloads and through smaller volumes, thereby improve, firstly, outputs, such as a further increase in the completion of timely assessments and, secondly, improve productivity by enabling social workers, in Children's Social Care and Safeguarding, to focus more on evidence and

relationship based practice, as part of an enhanced response to meeting the needs of children in need of help or protection, leading to better outcomes.

6.0 Implications for Local People and Service Users

- 6.1 Manageable social work caseloads provide the capacity to respond even better, to children in need of safeguarding and statutory services, including children in care. Manageable social work caseloads provide increased opportunity for evidence based interventions and relationship based practice, where maximum time is directly spent engaging with children and families, enabling Social Workers to really understand a child's needs, experiences and the impact of harm, to help make the right decisions for children at the right time.

7.0 Financial Implications

- 7.1 It is estimated that 14 (FTE) additional social worker posts are required to reduce the average case load per social worker from the current 21.7 to 18 cases per FTE. This is based on the total number of social worker posts in the approved staff structure of all the social care teams, excluding adoptions and fostering teams.
- 7.2 The full year cost of 14 additional social worker posts is estimated at £585,750 (based on the mid-point cost i.e Grade 9) with recruitment into the new posts expected to commence in the current financial year. Recurrent funding for these additional posts will be addressed through the Council's revised Medium Term Financial Strategy (MTFS) .

8.0 Employee Implications

- 8.1 The implications of this proposal will reduce caseloads and work load pressure for social work employees in front line child protection and children in care teams. Team Managers will have an increase in the numbers of direct reports, however, arrangements will be put in place to support and militate against this.
- 8.2 Details of the current structure of the relevant services, together with the new, proposed posts, are shown in Appendix 'B' (i-iii) of the report.

9.0 Communications Implications

- 9.1 There are no communications implications directly arising through considering this report.

10.0 Consultations

- 10.1 Social Workers and their representatives have been consulted regularly in respect of caseloads and the support that managers were providing to front line practitioners. Whilst staff recruitment, retention and morale has remained very positive, business planning activities and the Annual Barnsley Social Work Health Check confirmed that this was a concern for some Social Workers.

- 10.2 The Council's Senior Management Team has been consulted on the recommendation in this report and is supportive of the proposed investment in additional social workers in order to reduce caseloads. The Service Director (Finance) and Service Director (Human Resources and Business Support) have been directly consulted on the financial implications and the proposed additions to the workforce, upon which the trade unions have indicated their support.

11.0 The Corporate Plan and the Council's Performance Management Framework

- 11.1 This proposal supports the Corporate Priority of People Achieving their Potential and will maintain the crucial outcome of children being safe from harm.

12.0 Promoting Equality, Diversity and Inclusion

- 12.1 This proposal will have a positive impact for all Social Workers in the specified front line teams and for all vulnerable children, irrespective of their characteristics, who require statutory social work services and for whom any specific needs will continue to be met.

13.0 Tackling the Impact of Poverty

- 13.1 The proposal supports improved outcomes for vulnerable children living in compromised and impoverished conditions.

14.0 Tackling Health Inequalities

- 14.1 The proposal will continue to support the strategic objective within the Barnsley Children and Young People's Plan of improving health outcomes for vulnerable children and those who are in the care of the local authority as part of closing the gap with peers.

15.0 Reduction of Crime and Disorder

- 15.1 Ensuring vulnerable children receive the help and protection needed to safeguard them reduces the risk of crime and disorder.

16.0 Risk Management Issues

- 16.1 If the proposal is approved, the appointment of additional staff will increase the number requiring direct supervision by front line managers, but arrangements will be put in place to support and mitigate against any risk through the Service's business/workforce planning and performance review procedures.
- 16.2 Subject to approving the recommended option, both the Senior Management Team and Cabinet will be kept informed of the progress made in tackling high, average caseloads via the Corporate Plan quarterly performance reports.

17.0 Health, Safety and Emergency Resilience Issues

- 17.1 There are no implications for the health and safety of the public or employees arising through considering this report.

18.0 Compatibility with the European Convention on Human Rights

- 18.1 The proposal recognises the EU's guidelines for the promotion and protection of children's rights, notably through protecting children from harm and by promoting equality.

19.0 Conservation of Biodiversity

- 19.1 There are no implications for the conservation of biodiversity through consideration of this report.

20.0 Glossary Of Terms And Abbreviations

- 20.1 None, applicable.

21.0 List of Appendices

- 21.1 Appendix 'A': Financial summary costs and arrangements for funding this proposal.
Appendix 'B': Current Service Structures and summary of additions to the workforce
Appendix 1: Regional Benchmarking Data On Local Authority Children's Social Work Caseloads

22.0 Details of Background Papers

- 22.1 Background papers used in the compilation of this report are available to view by contacting Mel John-Ross, Service Director (Children's Social Care and Safeguarding) People Directorate, Barnsley Metropolitan Borough Council, PO Box 639, Barnsley, South Yorkshire, S70 9GG

Officer Contact: Mel John-Ross (Service Director: Children's Social Care and Safeguarding)

Tel. No. (01226) 773665 or e-mail meljohn-ross@barnsley.gov.uk

Financial Implications/
Consultation (to be signed by senior Financial Services Officer where no financial implications

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APPENDIX A
Prepared on Behalf of the Director of Finance

FINANCIAL IMPLICATIONS

Social Work Caseloads in Children's Social Care & Safeguarding

i) <u>Capital Expenditure</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>Total</u>
	£	£	£	
	0	0	0	0

To be financed from:

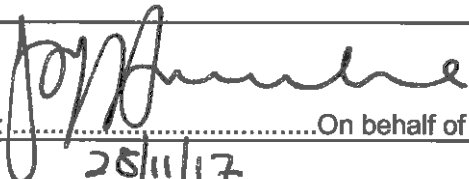
ii) <u>Revenue Effects</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>Later Years</u>
	£	£	£	£
Current budgeted staff costs	9,068,381	9,068,381	9,068,381	9,068,381
Proposed staff costs	9,214,818	9,654,127	9,654,127	9,654,127
	146,437	585,746	585,746	585,746

To be Financed from:

To be funded through the council's revised MTFS

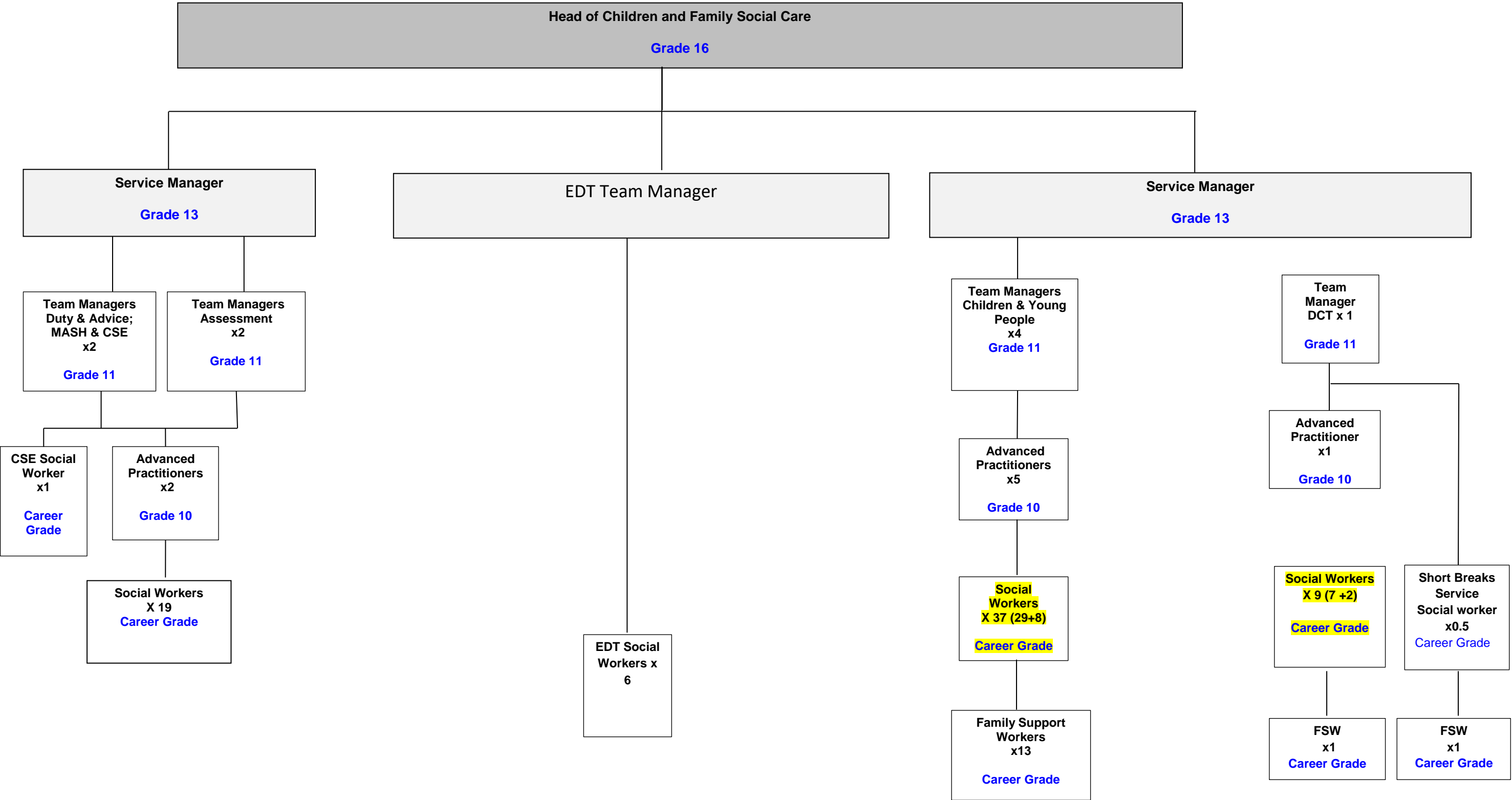
iii) Impact on Medium Term Financial Strategy

The above cost is an additional commitment against the Council's medium term financial plan / strategy

Agreed by:  On behalf of the Director of Finance
 25/11/17

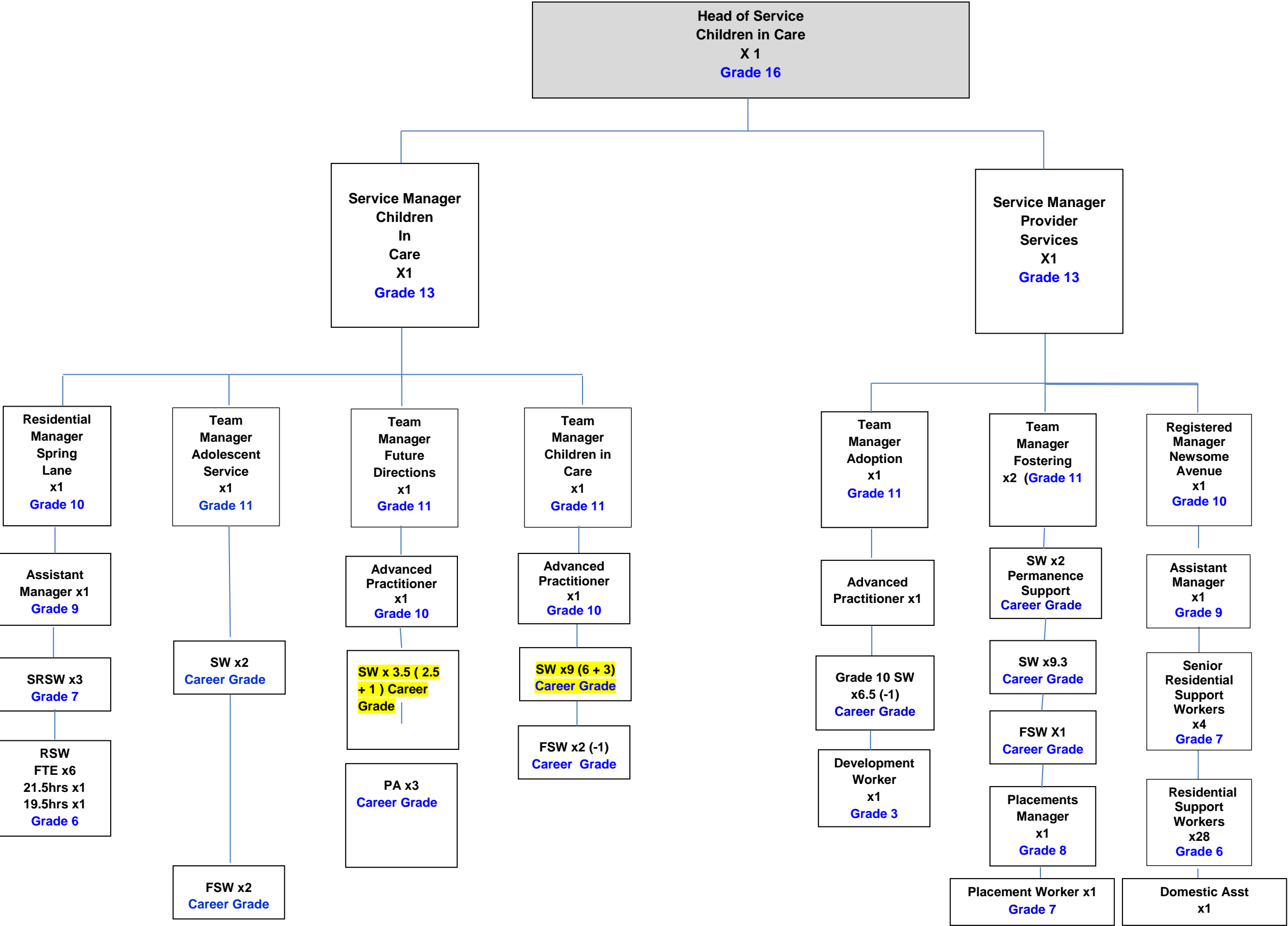
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Children & Family Social Care



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Children in Care



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Post Number (if new position write 'new position')	Current Directorate and Service Area	Proposed Directorate and Service Area (if applicable)	Current Post Title	Current Grade	Current Hours	Current Reporting Line Manager	Deletion y/n	Proposed Post Title	Proposed Grade	Proposed Hours	Job Profile Number	Proposed Reporting Line Manager
NEW		People Childrens Social Care and Safeguarding						Social Worker x 14 posts	Career Grade	37		To be determined

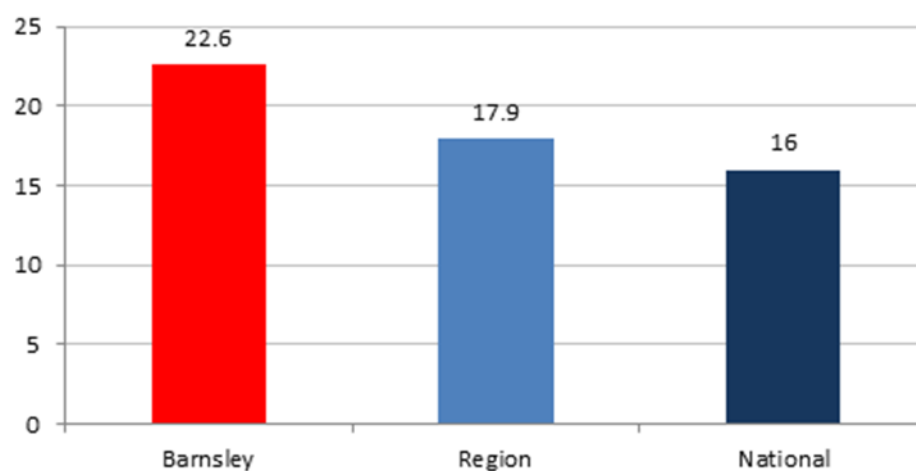
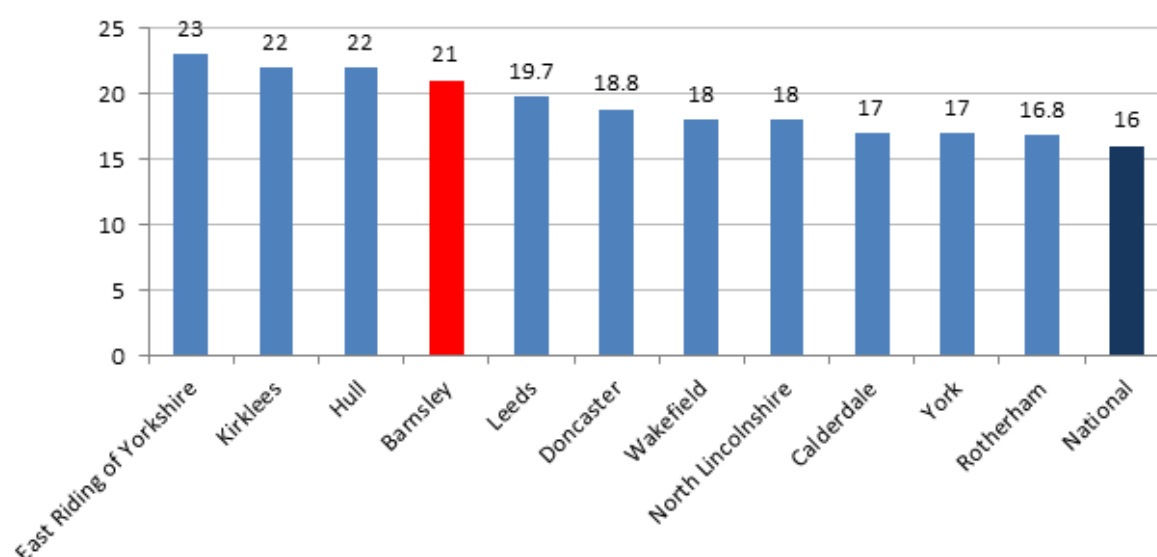
or - career grade.

Comments Pay and Reward Date 30.11.17

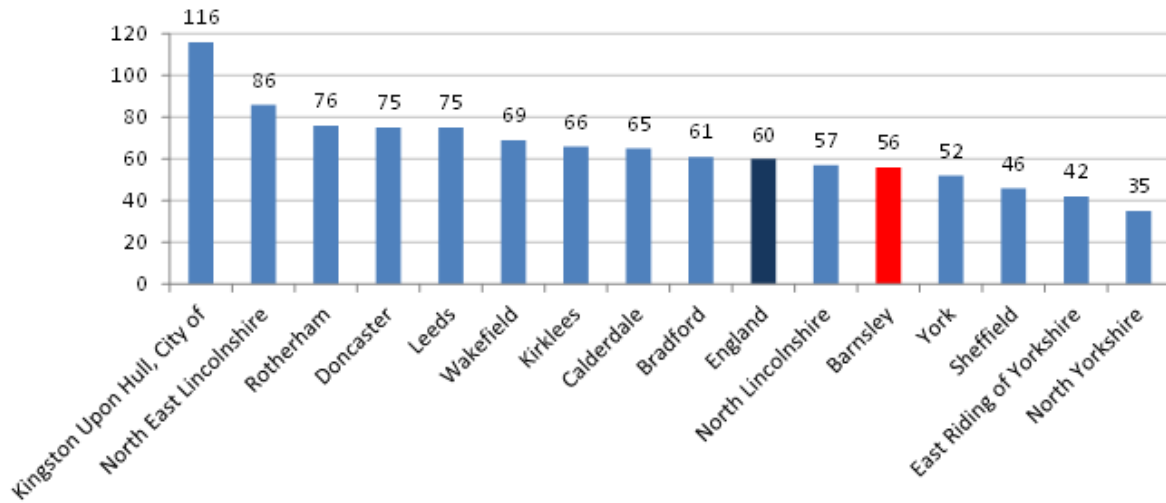
Authorisation of Service Director Date 30.11.17

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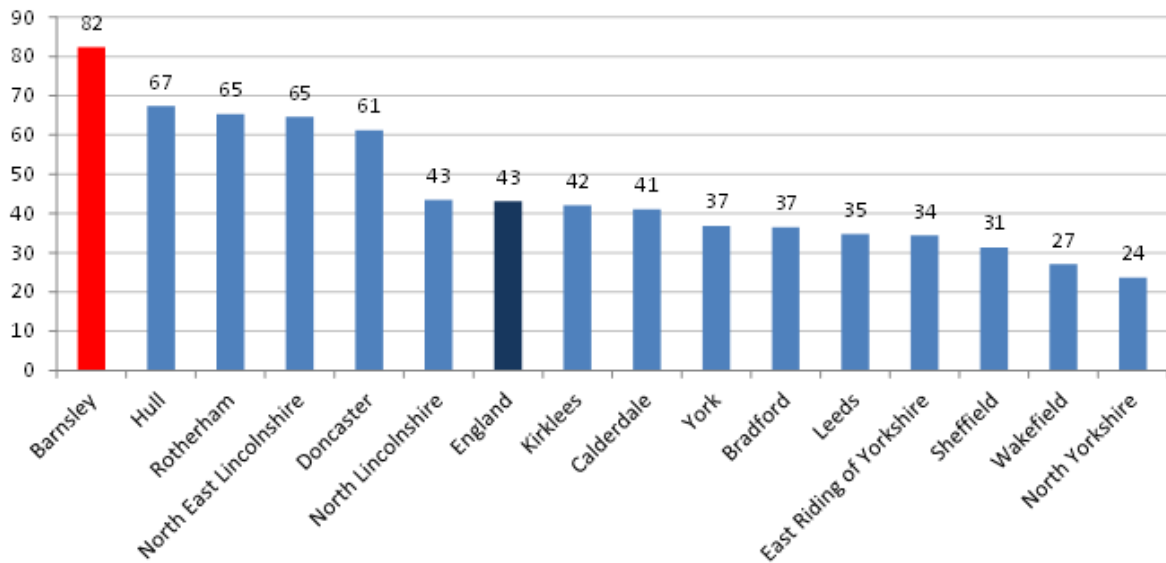
SOCIAL WORKER CASELOADS IN CHILDREN'S SOCIAL CARE AND SAFEGUARDING

Report to Cabinet (13th December 2017)**BENCHMARKING DATA ON AVERAGE CASELOADS IN THE YORKSHIRE AND HUMBER AND BARNESLEY'S PERFORMANCE****Average Caseloads****Assessment Teams (Front door; Screening; S17 & S47 assessments)**

Children looked after rate, per 10,000 children aged under 18, 2015/16



Children who are the subject of a Child Protection Plan - rate per 10,000, 2015/16



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of the Local Government Act 1972.

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of the Local Government Act 1972.

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