



Civic Centre,  
Crook,  
County Durham.  
DL15 9ES  
Tel: 01388 765555 Fax: 01388 766660  
Minicom: 01388 761515 e-mail: m.laing@wearvalley.gov.uk

---

Michael Laing      Chief Executive

---

16<sup>th</sup> October 2007

Dear Councillor,

I hereby give you Notice that a Meeting of the **HOUSING SERVICES COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **WEDNESDAY 24<sup>th</sup> OCTOBER 2007** at **6.00 P.M.**

### AGENDA

Page No.

1. Apologies for absence.
2. Declarations of Interest

Members are invited to declare any personal and/or prejudicial interests in matters appearing on the agenda and the nature of their interest.

Members should use either of the following declarations:

**Personal interest – to be used where a Member will be remaining and participating in the debate and any vote:**

I have a personal interest in agenda item (...) regarding the report on (...) because I am (...)

**Personal and Prejudicial interest – to be used where a Member will be withdrawing from the room for that item:**

I have a personal and prejudicial interest in agenda item (...) regarding the report on (...) because I am (...)

Officers are also invited to declare any interest in any matters appearing on the agenda.

**NOTE: Members are requested to complete the enclosed declarations form and, after declaring interests verbally, to hand the form in to the Committee Administrator.**

3. To consider the Minutes of the last Meeting of the Committee held on 5<sup>th</sup> September 2007 and the Special Meetings of the

Copies  
previously  
circulated

Committee held on 16<sup>th</sup> August and 13<sup>th</sup> September 2007, as true records.

4. To consider Dale and Valley Homes' Decent Homes delivery. 1 – 26
5. To consider the Private Sector Housing Enforcement Policy 2007. 27 – 49
6. To consider the findings and recommendations of the Accommodation and Support Needs of Gypsies and Travellers in County Durham Study. 50 – 55
7. To consider the Community Department Service Plan – 6 month implementation report. 56 – 64
8. To consider changes to the structure and individual roles and responsibilities within the Community Department. 65 - 73
9. To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully



### **Chief Executive**

Members of this Committee: Councillors Bailey, Mrs Bolam, Mrs Burn, Mrs Carrick, Mrs Douthwaite, Ferguson, Gale, Mrs Hardaker, Henry, Kay, Murphy\*, Mrs Seabury\*, J Shuttleworth, Sinclair, Stonehouse, Ward and Yorke.

\*Ex-officio, non-voting capacity

Chair: Councillor Gale

Deputy Chair: Councillor Sinclair

TO: All other Members of the Council for information  
Management Team





**HOUSING SERVICES COMMITTEE**

**24 OCTOBER 2008**

Report of the Strategic Director for the Community  
**DALE & VALLEY HOMES – DECENT HOMES DELIVERY**

**purpose of the report**

To update Committee on Dale & Valley Homes' progress on programme consultation and development of a decent homes 'plus' standard.

**background**

- 1 Committee will recall receiving various reports from Dale & Valley Homes regarding the proposed decent homes works.
- 2 Attached in Annex 1 is a further report to be presented to Dale & Valley Homes Board on 29 October 2007 that highlights –
  - Consultation to date with a range of customers and stakeholders on the proposed works programme, indicating commencement of works in early November at Melrose Drive, St Helen Auckland
  - Details of proposed 'decent homes plus' standard developed with customers.

**RECOMMENDED**

- 1 Committee considers the report attached as Annex 1 and requests Officers to seek further clarification if required.

---

**Officer responsible for the report**  
Michael Laing  
Strategic Director for the Community

---

**Author of the report**  
David Milburn  
AD Policy and Resources

Ext 281

Ext 379

---



## DALE AND VALLEY HOMES BOARD

OCTOBER 2007

### Report of the Director of Development **Report on the Outcome of Consultation on Decent Homes Programme and Consultation on Decent Homes Standard**

#### **purpose**

To provide board members with details of the feedback and views obtained from customers, councillors and stakeholders about Dale and Valley Homes proposed Decent Homes Programme and Decent Homes Standard.

This report recommends that Dale and Valley Homes makes changes to the draft programme in response to the consultation, subject to the approval of Wear Valley District Council.

This report recommends that Dale and Valley Homes agrees the Decent Homes Standard as the outline specification we expect to deliver, subject to the approval of Wear Valley District Council.

#### **background**

##### **consultation on the draft programme**

- 1 The principles of the draft programme were shared with the Customer Panel and Resident Associations during February and March 2007, considering the “one hit “ approach by which internal works would be completed over one period and not on an elemental basis. The draft programme was presented for comment to Dale and Valley Homes Board 24 of April 2007, and then to the Council in May and again in further detail in at Housing Committee meeting 16 August 2007. The Council gave approval to further consultation based on the principles set out at Housing Committee and consultation was arranged accordingly with resident groups, other stake holders, individual councillors and the Customer Panel.
- 2 The same set of information was given throughout the consultation. Handouts were provided to all attending meetings and contact details of Dale and Valley Homes officers given should further information be needed. The consultation was based on the presentation given to Housing Committee 16 August 2007. Information was also given about how the process would impact upon them in terms of notice to them about the works; consultation on choices; how older and vulnerable people would be supported by the resident liaison team. Information was also given about how the

contractor had been selected using a joint panel of officers, Board members and tenants.

The purpose of the consultation was to:

- share with residents and stakeholders the rationale behind the programme
- generate interest and discussion about the programme
- provide an opportunity for individual and groups of residents to have their concerns or questions addressed directly by Dale and Valley Homes
- to record information which could change or influence the future direction and nature of the programme

A list of meetings attended can be found at Appendix 1

### **summary of Consultation responses**

#### **4 principles behind the programme**

- “one hit approach” - customers and other stake holders were initially concerned about the potential impact of whole scale works on older or vulnerable householders. However this was allayed by the assurances given about how individuals could be supported. Agreement was reached that this seemed the most effective approach in terms of value for money and management of the works through one main contractor by avoiding year on year disruption
- “ maximising the number of tenants who receive work each year by mixing the property types and decency levels” – There was whole scale support for the early delivery of a Window and Door programme over the coming 18 months and that this had been given priority. However, for internal works some customers and councillors considered that neighbourhoods should be clustered together more closely in terms of how works were programmed to avoid long term disruption on estates.
- “ensuring a mixture of able and vulnerable customers are provided with Decent Homes upgrades each year” – it was explained that in some areas works were delivered first to those most vulnerable, and concentrated on older persons housing stock. But that this could create problems with delivery of the programme in that we needed to balance resources (money and staffing) evenly across the programme. This approach was supported as long as appropriate support was given to vulnerable residents and that delivery of the programme did not negatively impact on individuals.
- “balanced geographic programme based around the three areas of the district” – Consultation supports that Dale and Valley Homes continues to tackle Decent Homes works on a "three area basis". However, consultation has highlighted the need for a clearer rational on what estates/areas are tackled first in the “three areas”. Therefore it is proposed to add the rational of “worst first” in deciding which groups of properties should have works undertaken first. In deciding “worst first” it is recognized that health safety concerns outweigh any prior agreed programme, particularly for properties that needed new rewiring very quickly. It is also requested that when the programme moves down into estates of neighbourhoods those properties which are failing decency across internal

key building components are given first priority in the timetable for that estate. Since there is now more up to date stock condition information and information from an electrical re-wiring survey it is now possible to use this information to determine priority areas to be tackled.

- “ensuring a steady supply of work to local trades across the five year period”. There was whole scale support for the use of local firms as long as the works delivered by sub contractors were maintained to the same quality as that delivered by the contractors directly employed staff.
- “taking account of the sustainability of the stock” – support was given to taking time to investigate sustainability of individual streets and neighbourhoods before starting work which might move some areas from the front of the programme. This requires careful discussion with those customers affected so that the wrong message is not given that that the areas was targeted for large scale demolition.

### **delivery of doors and windows within the first 18 months of programme**

- 5 This was the proposal most welcomed by all consultees and stakeholders. Feedback was given by some residents groups to give early priority to certain streets and clusters of properties because they were in worst condition than others. Therefore, again it is proposed to amend the programme to tackle “worst first”. This will result in some small changes being made to ensure that a street which may have been programmed under the previous modernisation works for this year will be dealt with in the earliest phases of the Window and Door Programme (in particular properties in Woodhouse Close, with first priority being given to Proudfoot Drive)

Dale and Valley Homes officers explained how a new monitoring approach had been tested during August and September working with an existing provider and generated tenant satisfaction levels across a series of variables of over 97%. Customer Panel members and Tenant Board members actively promoted its outcome to customers during the resident association meetings.

### **selection of one main contractor**

- 6 Information was given throughout consultation describing how the contractor would be appointed and monitored. It was stressed that monitoring was not just about the number of units that were fitted but took into account the whole experience of the customer from onset of the survey and announcement of works through to the end of the six months defect period. This approach was welcomed particularly by resident activists and local councillors who had previously been very proactive in the organisation and delivery of improvement works. Councillors were concerned about how poor service or failure to perform would be deal with in terms of the release of payments and continuation of the contract. The contract will be drawn up by Wear Valley Council and include appropriate termination clauses. Consultees hoped that the appointment of one main contractor would provide a better flow of information and cut out bureaucracy with one main point of contact.

### **how individual customers will be involved in delivery of decent home works**

- 7 The "service concept" to the delivery of the Decent Homes works was commended by most consultees. Some reservations were held about the period of notice some tenants might have with regard to the beginning of internal works or windows if they were at the beginning of the programme. Dale and Valley Homes officers outlined how the Contractor and Decent Home team would work to deliver individual consultation and choices on kitchens and doors and involve tenants in pre site meetings. News letters will also be issued as standard to all tenants and other stake holders such as councillors, regeneration groups and voluntary sector such as Age Concern detailing which properties will be scheduled in which months.

#### **consultation with customer panel**

- 8 A special meeting of the Customer Panel was organised 29th August 2007 it was attended by twenty customer representatives, fairly evenly split between long standing panel members and newer representatives. The following summarises issues raised and responses.

**How long will works take?** A full set of works including rewire, bathroom and kitchen refits would take up to five weeks, but contractors would not necessarily be in peoples homes every day. Tenants would receive a diary telling them who would be coming to the property to carry out individual works.

**Where do the workforce fit into the work?** The existing Dale and Valley Decent Homes team will continue to survey properties, conduct site meetings and check of Health and Safety working along side the Contractor.

**Would Dale and Valley Homes consider offering part replacement of some kitchens as "good faith" if a kitchen was already up to standard?** There will be potential to negotiate with the Contractor but Dale and Valley Homes will not pay for this.

**How will tenants who refuse access be dealt with?** Refusal rate is usually under 1%, we will use other agencies and our support team to persuade people to allow access. If however someone is very elderly and it would adversely affect their health we will accept their decision.

**How will roofing repairs be carried out?** This will be undertaken separately from the internal works.

**When determining which properties go first could you upgrade the oldest first?** The programme is constrained by the funding and you will find some of the older properties have already been upgraded as they are in "super output areas", hence the balance of factors in the programme.

**Will there be a direct line for problems and queries?** All queries will be taken through the existing free phone call centre.

**Why were the windows fitted first at Henknowle rather than replacing steel frame windows at Woodhouse Close?** These properties were not part of the main window and door programme. This scheme was put together as part of a new approach to contract monitoring and management of our window provider. It was essential that we

scrutinised their approach and delivery to a number of issues including supporting vulnerable tenants, and working to a set of new key performance indicators. These properties were selected because they provided a range of house types mainly occupied by older customers or people with disabilities. (The window and door programme has been amended to take account of the views expressed by customers at Woodhouse Close)

As an outcome of the meeting with Customer Panel Dale and Valley Homes will visit all Resident Groups to introduce the Resident Liaison officers and other staff who will be regularly on site as first point of contact.

### **meeting with stakeholders**

9 Voluntary sector and other representatives were contacted with regard to individual or group meetings. Consultation has taken place with officers from 2D, Age Concern, the Police Liaison Officer, representative from the Primary Care Trust, and representatives of two community/regeneration partnerships at Condon and Witton/Escomb. The outcome of the meeting agreed that:

- a relationship would be forged with Age Concern to share all programme details and inform them when and how works were taking place so that they could check their client list and if necessary offer support/advocacy or advice to older customers
- the contractor would discuss specification of security lights, windows and doors and security of any site presence with the Police Liaison Officer for each phase of works
- PCT and community representatives wish to be involved in future consultation especially reviewing impact of the Decent Homes works on lifestyle and health of residents
- Officers from 2D will act as a conduit for networking with the voluntary sector.

### **first scheme of works – “controlled delivery November – December 2007”**

10 All community groups and stakeholder were made aware that it is Dale and Valley Homes intention to begin works in November as part of a “controlled delivery”, Inevitably some neighbourhood groups considered that their areas should be first. It was however accepted that a start on site before Christmas, irrespective of geographic location, would demonstrate real commitment to the programme and generate confidence of customers in the continued delivery of the programme.

Since it is essential that a start is made at the beginning of November to ensure significant capital expenditure this year your officers have had to make the decision on the first group of properties to be tackled before Christmas based on the proposal for worst first in detailed in this report. This decision has been done in consultation with The Council’s Leader and Chair of Housing and the Board’s Chair and Vice Chair. Confirmation of this decision is therefore sought.

Consideration on the stock condition survey data has highlighted a cluster of non decent properties at St Helens, Bishop Auckland. The area is also highlighted as

priority area in the electrical rewiring survey. The initial part of the programme will start in Melrose Drive. This is in a highly lettable area of the estate; provides a mix of different households, and has already received new windows and doors. Initial customer contact has started on Monday 15 October 2007, with a formal start on site week commencing 5 November 2007. Following Christmas window and doors works will commence to the remainder of the estate followed by internal works.

Proposals for where work will start in other areas after Christmas and amendments to the programme will be made following the Board and Council's confirmation of the worst first rational as detailed in the report.

### **decent homes standard**

11 During the wider consultation on the draft programme Dale and Valley also sought views of customers about the Decent Homes Standard. The views from customers were collated and presented to a consultation event 8 October 2007. The purpose of the Decent Homes Standard consultation event was to agree to the published standard and range of works, quality and choice that customers would be given.

12 The proposal for the Decent Homes standard drew on the work conducted by Wear Valley Council, prior to ALMO being established to establish a high standard specification and range of "additional items" which were designed to improve home safety and maximise tenant choice. The existing standard as detailed in the 2005 Decent Homes strategy is:

central heating works

- installation of hard wired smoke detectors
- installation of individual room heating controllers (TVR's room stats)
- installation of hard wired carbon monoxide detectors
- 'A' rated condensing boilers
- new pipework and radiators on all installations
- installation of additional loft insulation up to current standards

kitchens and bathroom replacements (kitchen replacement at year 30 for bathroom at year 20)

- installation of floor tiles
- installation of wall tiles
- rewiring and upgrading electrics to kitchen
- installation of hard wired smoke detectors
- installation of extractor fans
- providing connections of automatic washing machines.

window replacements

- installing double glazed UPVC units
- installing energy efficient glazing
- rewiring external doorsets with composite doors
- ensuring products installed are to "Secure by Design" standards

13 A range of ideas were considered by the customers, councillors and officers attending the event. Ideas were drawn from the consultation undertaken over the two months with resident groups, ideas suggested by the Customer Panel, ideas suggested by the Decent Homes selection panel following site and feedback from the show home.

14 In summary the consultation determined that the following should form the Dale and Valley Homes Decent Homes standard in addition to the above.

15 Each property that is rewired will have:

- five double sockets in the lounge
- two double sockets in the dining room
- two double sockets in all bedrooms
- hall and stairs 2 single sockets and smoke alarm

All homes subject to works will also have additional home safety measures fitted

- new smoke detectors fitted
- carbon monoxide detector fitted as standard
- external security light fitted to back or front

16 A copy of the consultation notes can be found at Appendix II and the full copy of the standard leaflet at Appendix III

### **Proposals for Changes to the Decent Homes Programme**

17 There are several minor and one major area of change resulting from the consultation of the Draft Programme:

#### **minor changes:**

Information is to be provided to a wider range of stakeholders about the programme particularly those who could support tenants. This will include details of which streets are being upgraded and a timetable.

Tenants will receive more information about the security and safety issues in their home in an easy to read format.

#### **major changes:**

Dale and Valley Homes will reassess our approach to investment in specific neighbourhoods to reflect the feedback obtained from customers and councillors about ensuring that the worst condition homes are tackled first as part of any neighbourhood programme. The investment approach will still deliver in three areas but there will be a neighbourhood plan for each estate/cluster of properties which highlights which homes will be tackled first in any neighbourhood and why.

This neighbourhood assessment will take account of: -

- sustainability - looking at detailed assessment of individual streets if they have been subject to partial demolition or issues have been raised about their lettability in the short or long term
- door and window programme - windows and doors will need to be completed prior to any other works taking place
- health and safety issues - if a property requires a full rewire immediately this will be tackled as top priority in any neighbourhood
- vulnerability - ensuring that the balance of vulnerable and non vulnerable tenants is maintained as long as the Decent Homes provider is working through a particular estate and that pensioners are give suitable notice and not "frontloaded " in the first few weeks when the Contractor moves onto a new estate.

Importantly the neighbourhood assessment will identify as priority for each estate the properties which are failing internal key building components as well as lacking modern facilities. This will ensure that those properties which need rewires and heating systems are highlighted, followed by those which only need an upgrade to modernise facilities such as new bathrooms and kitchens. This gives greatest priority to those that fail considerably against the decency standard.

This is the approach which has been taken to tackle the first phase of homes to be upgraded in West Auckland as part of the controlled delivery.

This changed approach to providing greater detail on a neighbourhood basis also reflects the new information which is available to Dale and Valley Homes in terms of the stock condition surveys and electrical surveys.

#### **value for money/financial implications**

- 18 Value for money on the Decent Homes programme will be achieved through the management of the programme and key performance indicators. Milestone and project planning is built into the arrangements for programme management. Contractor costs in terms of supply, fitting, overheads, profit will be benchmarked across industry standards during the course of the programme.

#### **equalities and diversity implications**

- 19 The proposal which outlined how vulnerable customers and those with disabilities will be supported throughout the process were wholly endorsed throughout the consultation. Separate arrangements will also be made for those customers who live in outlying areas whereby they cannot attend meetings easily, for example consultation for people living in Westgate will be undertaken individually in their homes.

#### **consultation**

- 20 This consultation forms the main consultation conducted in preparation for the planning of the Decent Homes programme. Further detailed consultation is required with Health and Social Services representatives to agree detailed procedure to ensure vulnerable

tenants can be appropriately assessed if visits to their home identify they may have met social care or health needs.

**recommendations**

That the Board

- 1 Note and discuss the outcome of the consultation on the draft programme and agree to amend the draft programme as detailed in paragraph 17, to reflect a 'worst first' approach in the three areas in tacking internal decent homes work and doors and windows.
- 2 Confirms the decision to start the internal decent homes programme in St Helens
- 3 That the Board agree Dale and Valley's Decent Homes standard and it be progressed to publication and circulation to all staff, tenants and other stakeholders.

---

Author of this report

Amanda Senior

**Director of Development**

Ext 506

---



### DECENT HOMES DRAFT PROGRAMME

Resident Groups Attended  
Meetings with Councillors

Date	Name
28 August	Cllr Wilson
29 August	Customer Panel Meeting
5 September	Cllr J Shuttleworth
6 September	Cllr Burn, Henry Taylor, Wilson and V Shuttleworth
10 September	Cllr Douthwaite, Carrick, Mowbray and Joplin
13 September	Cllr Bolam and Murphy
14 September	Elaine Baker, Community Safety Manager, WVDC
17 September	Stanhope Residents Association Meeting
18 September	Cllr Todd, Zair, Perkins and Mairs
18 September	South Church Residents Association Meeting
19 September	Sunnybrow Residents Association
20 September	Cllr Pinkney
24 September	St Helens Residents Association Meeting
25 September	Cllr Anderson, Laurie and Harrison
25 September	St Helens Resident Association Meeting
25 September	Stanley Way Residents Association Meeting
1 October	Mary Hall, Local Strategic Partnership Manager, WVDC
3 October	Cllr John Bailey, Howden-le-Wear Residents Association Meeting
4 October	Woodhouse Close Residents Association Meeting
4 October	Watergate Residents Association Meeting
9 October	Henknowle Residents Association Meeting
11 October	Stakeholders Meeting



# Decent Homes:

## The Dale & Valley Standard

### Introduction

Dale & Valley Homes is the Arms Length Management Organisation (ALMO) established on 1 April 2006 by Wear Valley District Council to manage and improve Council homes in the district.

Dale & Valley Homes has an ambitious agenda to deliver excellent services and modern homes to our customers.

The programme will involve a major investment of over £35M to improve homes that currently fail the standard.

### **What is the Decent Homes Standard and how does the Dale & Valley Standard exceed it?**

Below is an outline of the four elements of the Decent Homes Standard, together with similar details of the Dale & Valley Standard. A contrast has been drawn between the two, which highlights how and where the Dale & Valley Standard will exceed the Government's Decency Standard and provide customers with, not only warmer and cheaper to run dwellings, but also with better equipped and higher quality homes.

It is important to understand that each home will be individually surveyed. This in effect means that each home will have its own programme of work based upon the investment required to bring that home up to the Decent Homes Standard. In practical terms, this means that not everyone may receive a new kitchen or bathroom for example.

In order to meet the high standards expected by our customers and to ensure we continue to meet our strategic objectives, the Dale & Valley Standard has been the subject of consultation with our Customer Panel, Resident Groups, the Council and Dale & Valley staff.

## **A Decent Home Meets the Following Four Criteria:**

### **1. It meets the current statutory minimum standard for housing.**

- Dwellings which fail to meet this criterion are those containing one or more hazards assessed as serious (Category 1) under the Housing Health and Safety Rating System and those defined as unfit under section 604 of the Housing Act 1985 (as amended by the 1989 Local Government and Housing Act).

#### The Dale & Valley Standard

- The current situation in Wear Valley is that most of our homes currently meet this safety standard.
- We already undertake as part of our maintenance programme a wide range of works to retain our properties in good condition. Damp Proof Course (DPC) works, Timber Treatments and positive ventilation measures for example on one of occurrences to combat condensation all contribute to the well being of our customers.

### **2. It is in a reasonable state of repair.**

- Dwellings which fail to meet this criterion are those where either one or more of the key building components (i.e. Windows, doors, roofs, lintels, heating systems, wiring etc) are old and, because of their condition, need replacing or major repair; or two or more of the other building components (i.e. guttering, internal doors, radiators etc) are old and, because of their condition, need replacing or major repair.

#### The Dale & Valley Standard

- The Dale & Valley Standard improves the integrity of the home in many ways, the most obvious being that all homes will be free from structural defects, subsidence, cracked walls, damaged lintels, damaged and broken roof tiles, leaking rain-water goods and finally, they will be fitted with UPVC double glazing.
- Homes will have fully controllable boilers (A Class) under 15 years old.
- Several elements replaced under this section of Decent Homes not only exceed the Decent Homes requirements, they also incorporate additional features which contribute to customer safety and security. For example, when a home is rewired, the Dale & Valley Standard includes for the installation of both mains powered smoke detection and security lighting as an integral part of the rewire to heighten customer safety.
- All Doors fitted have Police approved locks and come fitted with safety chains etc as standard to meet Secure by Design (SDS).

### **3. It has reasonably modern facilities and services.**

- Dwellings which fail to meet this criterion are those which lack three or more of the following: a reasonably modern kitchen (20 years old or less); a kitchen with adequate space and layout; a reasonably modern bathroom (30 years old or less); an appropriately located bathroom and WC; adequate insulation against external noise (where external noise is a problem); adequate size and layout of common areas for blocks of flats.

## The Dale & Valley Standard

- The Dale & Valley Standard treats both the bathroom and kitchen as individual elements. Should either room be within the age parameters above, then that room will be upgraded.
- Following previous surveys of our customers, it is clear that the main items of concern within a home are the condition of the kitchen and the bathroom and also the overall security of the home.
- Homes, where appropriate will have domestic quality floor finishes fitted to kitchens and bathrooms.
- Both the bathrooms and kitchens that may be installed will be modern, good quality facilities, yet which can be individually adapted in many ways by the customer to personalise their home.
- Offers customers a 'buy-in option' for extra or higher than standard items.

### **4. It provides a reasonable degree of thermal comfort.**

- This criterion requires dwellings to have both effective insulation and efficient heating.

## The Dale & Valley Standard

- The Dale & Valley Standard far exceeds these basic requirements. Dale & Valley Homes, and it's partner will insulate all council homes to match current building standards which presently requires 300mm of loft insulation and wherever possible cavity wall insulation.
- The Dale & Valley Standard also includes for the insulation of other types of home, such as system built homes (pre-fabs) and flats wherever practical and sustainable.
- The Dale & Valley Standard includes the double-glazing of all homes.
- The Dale & Valley Standard includes the fitting of Class A condensing boilers as standard.
- In addition to the insulation, the Dale & Valley Standard also includes for the installation of fully controllable, highly efficient central heating systems together with a range of modern electric fires fitted where applicable.

## **The Process to Bring About Decent Homes**

The Decent Homes Plan for the District for the period up to 2012 will be constantly refined and consulted upon with our stakeholders. This will describe the pattern of work across the District for Dale & Valley Homes and will result in all homes managed by the ALMO being upgraded to the Dale & Valley Standard by 2012.

Laying down an ambitious 5-year programme will give Dale & Valley Homes continuous targets to achieve and will also give our customers a continuous gauge against which they can monitor our performance.

## **What will happen and When**

This section is about how we will communicate the standard to you, the Customer.

- As the programme proceeds, a more detailed plan will be published for each six-month period up to December 2012 again to inform customers of when to expect the Decent Homes process to commence in their area. Each customer within that six-month plan will be notified of their involvement within the scheme by letter at this time.

- Using such things as the Customers Newsletter, a three-monthly plan will also be published, again to inform customers of what to expect and when. It will also inform everyone of our progress towards meeting the target of having all properties made Decent by December 2012.
- The customer, where possible, will be visited approximately 4-weeks prior to the contractor undertaking their property survey by a Resident Liaison Officer. This will simply be to notify the customer of what to expect from the Decent Homes process, give them “a face and name” to contact in case of any problems and if necessary to arrange for a visit by an Occupational Therapist or even to note needs for things like furniture removals etc.

## **Greater details of the Dale & Valley Standard**

For every element of work within a customer's home which involves any changes to their existing comfort levels or facilities, this will involve the customer in having a choice as to how their home will look and feel.

Dale & Valley Homes has developed Customer Choice brochures in conjunction with its Customer Panel and Focus Groups, concerning these areas of choice, with more areas of customer choice currently under development.

Our Resident Liaison Officers will visit each customer individually in their home to discuss each category of work for which their home is eligible in order to meet the Dale & Valley Standard. The customer will have each category of work explained in detail to them, what this work will entail and the level of disruption it will cause to their home.

The sections below are broken into the individual elements of work in which Customer Choice will be available. Each section includes details on the role that Dale & Valley Homes staff and our contract partner will play and the assistance they can give to each customer regarding each element of work. It also includes details on what we expect of our customers and how they can help to make the work process run smoothly.

## Kitchens

When a new kitchen is to be installed in a home, the customer will be given the choice of styles of kitchen units. A specialist kitchen designer will guide the customer through the design of their kitchen, the choice and style of units, their placement within the kitchen together with the best locations for their cooker, fridge etc, the choice of worktops and floor coverings to be fitted, the locations of any new electrical sockets, the choice of taps, and finally the choice of tiles to finish the kitchen. The customer will be asked to confirm and sign for their choices at the end of the design stage.

To help with the installation of the kitchen, to protect the property of the customer and to ensure where possible the disruption time is kept to a minimum Dale & Valley Homes requests that the customer has the kitchen cleared of all food, utensils, dishes and wherever possible, electrical goods on the morning that work is to start.



### The Kitchen Specification

A standard kitchen is comprised of:

- Up to 8 units (where practical and dependent on with lever taps, and appropriate worktops.
- A locking mechanism on 1 kitchen unit
- A Gas and Electric cooker point where practical
- Existing walls will be plastered where a full kitchen refit has taken place.

Picture for illustrative purposes only

.op

Customers can expect to have a choice of:

- A range of 3 kitchen units from which to choose for your new kitchen.
- A range of 3 floor coverings that will be laid to match the choice of kitchen units.
- A range of tiles for a 3-tile high splash-back area with trims to match to be provided above all base units, sinks and fully behind free standing cookers, to match the choice of kitchen units.
- An extractor fan will be installed to every kitchen.

The standard for sockets in a kitchen is to be up to 5 sockets where appropriate above the worktop (if not on a rewire programme), and cooker sockets will be above and to one side of the cooker itself.

Where a customer has full height tiling or all walls tiled, and there is damage or gaps left, we will provide the following options:

- Replace damaged tiles with the nearest match as possible. The customer has the opportunity to remove all the tiles however, we will only renew the standard 3 tile high splash-back.
- Provide a 3 tile-high splash-back panel, to match your choice of worktop.

## Windows / Doors

When a new front or rear door is to be installed in a home, the customer will be given the choice of four designs to choose from. The doors are fitted with a letter box, security locks and chains (where appropriate) as standard with:

### ***Our windows and doors are made to maximise the security of a home***

- The doors when fitted provide enhanced security to PAS 23 and PAS 24 and include a multi point locking system
- The glass is fitted in such a way that it can't be removed from the outside as certified through the Pas 24 security test system
- All windows are fitted with safety catches to provide added piece of mind for the customer
- All our doors are reinforced within the outer frame ensuring a positive fixing point for all hinges and locking systems
- All glazing is double glazed and conforms to the current safety standards as per the British Standards Institute
- All windows contain at least one ventilation grille to ensure a small but constant supply of air into the home
- In special instances windows will be made as fire exit windows and designed with the safety of the customer in mind
- All front doors have numerals fitted before being installed
- All front doors are fitted with spy-holes and safety chains (where appropriate), again for maximum customer safety



Picture for illustrative purposes only

## Bathrooms

When a new bathroom is to be installed in a home the customer will be given a white standard bathroom suite. A surveyor will guide the customer through the design of their bathroom, explaining the choices of taps and the choice of tiles to match the suite. The customer will be asked to confirm and sign for their choices at the end of the design stage.

To help with the installation of the bathroom, to protect the property of the customer and to ensure wherever possible the disruption time is kept to a minimum Dale & Valley Homes requests that the customer has the bathroom and any associated cupboards cleared of all towels, laundry and other items on the morning that work is to start.

If a customer has purchased a shower at their own cost, Dale & Valley Homes through its contract partner will install this shower (as long as the item complies with current regulations) at the time of improvement works if asked to do so by the customer.

A standard bathroom suite generally comprises of:

- A bath, a toilet and a wash hand basin with

Customers can expect to have a choice of:

- A range of tiles for a 3-tile high splash-back area with trims to match to be provided above the sink to match the bathroom suite.
- Wall finishes will be installed to two walls (three where applicable) around the bath.
- A choice of 3 floor coverings which will be laid to match the bathroom suite.
- An extractor fan will be installed to every bathroom.

Where a customer has full height tiling or all walls tiled, and there is damage or gaps left, we will provide the following options:



Pictures for illustrative purposes only

- Replace damaged tiles with the nearest match as possible. The customer has the opportunity to remove all the tiles however, we will only renew the standard 3 tile high splash-back.
- Provide a 3 tile-high splash-back panel, to match the bathroom suite.

Where a home has previously been adapted to incorporate a walk-in shower rather than a bath, this will not be changed back to a bath during a bathroom upgrade.

## Heating

When a new heating system is installed in a home, this will involve the full removal of the old system, including the boiler, radiators and all pipework. With the removal of any old solid-fuel, electric or gas fire, the customer will be given the choice of styles of electric fire to choose from. A specialist engineer will guide the customer through the proposed installation, the size and placement of the new radiators and, if necessary, to decide on the position of the new boiler. On completion, the customer will again be visited by the engineer.

During this visit the customer will have explained to them the workings of the whole heating system and how to use it to its maximum efficiency. This will include the boiler settings and how to maximise the use of the thermostatic radiator valves.



To help with the installation of the heating system, to protect the property of the customer and to ensure wherever possible the disruption time is kept to a minimum, Dale & Valley Homes requests that the customer has all areas requested by the heating surveyor cleared of furniture and if requested, floor coverings, on the morning that work is to start.

Pictures for illustrative purposes only

Customers can expect, where appropriate:

- A new condensing boiler (Class A) to be installed with either a built-in or a wall-mounted programmer depending on its location and the customer's preferences.
- Radiators to be installed in every room and sized to suit the demands of the room.
- Thermostatic radiator valves to be fitted to every radiator, which will allow the customer to individually control the room temperature allowing lesser-used rooms to be cooler to save energy.
- Where properties are receiving a full heating system the gas fire and back boiler will be removed and the wall re-plastered.
- A range of modern electric fires to be available from which the customer will choose their replacement fire if applicable.

In most situations the complete heating system replacement will be completed within one day.

## Rewiring

When a rewiring installation is undertaken in a home, the customer will be given various choices. A surveyor will guide the customer through the implications of their rewire, the types of equipment used, the placement of any additional sockets and extraction fans and the additional safety features which are built into a home during the rewire such as automatic smoke detectors.



Picture for illustrative purposes only

An electrical rewire will mean the removal of all the old electrical cables where possible, switches and mains board to the home, and the installation of a completely new electrical system.

## Lighting

Customers light fittings will, if they require be refitted (they must comply with BS 7671)

## Power Installation

Lounge	Up to 5 * Double Sockets
Kitchen	Up to 5 * Double Sockets + Cooker Unit & Outlet
Dining Room	Up to 2 * Double Sockets
Bedrooms (all)	Up to 2* Double Sockets
Hall & Stairs	2* Single Socket + Smoke Alarm - Linked

A cooker point will be placed to one side of proposed cooker position

If a customer has replaced sockets and or light switches with an alternative finish (i.e. chrome or brass) we will replace these with like for like. Any additional fittings supplied during a rewire will also be installed to match the customer's current requirements.

## Electric Fires

- Where a house is rewired and an electrical fire is to be part of the system, this will be a modern high efficiency "BEAB approved" electric fire. Customers will have a choice of two models.

## Smoke and Carbon Monoxide (CO) Detectors

- Each house will have new smoke detectors fitted, one upstairs and one downstairs and in each bungalow one smoke detector will be fitted. In each home the detectors shall be linked, therefore activation of one detector will sound both detectors for maximum safety.
- Each home will have a Carbon Monoxide detector, mains wired, fitted as standard.

## External Security Lighting

- Each home will have a external security light fitted to either the back or front on the home where appropriate. This will be designed to maximise the security of the customer.

### **Extractor Fans**

- In each home extractor fans will be fitted, one in the bathroom and one in the kitchen where appropriate.

### **Additional items**

We will test and reconnect any existing items within a customer's home as long as they comply with current regulations:

1. Showers
2. Stair-lift supplies
3. External Security Lights

To help with the installation of the rewire, to protect the property of the customer and to ensure wherever possible the disruption time is kept to a minimum, Dale & Valley Homes requests that the customer has all areas requested by the electrical surveyor cleared of furniture and if requested, floor coverings, on the morning that work is to start.

### **Decoration Allowance**

To help customers redecorate their homes once work has been completed, a Decoration Allowance (a separate policy is available upon request) is provided.

## **Accessibility Standards for the Older and Disabled Persons**

Dale & Valley Homes recognises that the needs of each customer will be different. In order to take account of different circumstances we have introduced consultation on many aspects of our work. When incorporating accessibility standards for older and disabled persons into our properties customers can expect:

- To be offered a choice of two external grab rails in a location of your choice where appropriate.
- Light switches and sockets at different heights as compared to standard specification.
- Carry out adaptation work at the same time as the investment work when the customer has been referred by Social Services.
- Carry out conversion of some existing bungalows to mobility standard where applicable.

## **The Wider Community**

Dale & Valley Homes has also recognised through the Dale & Valley Standard that whilst continuing to invest in the properties, there is also an element of investment needed to improve environmental and social issues on estates. Customers can expect:

- Close working with Customer groups on what problems and issues exist.
- Close working with the Police and other external stakeholders.

- Close working with local schools and colleges to raise awareness.
- The introduction of an annual budget for environmental improvements.
- Review car parking facilities as appropriate.
- Improve lighting standards to unadopted footpaths in consultation with Durham County Council.

## **Additional Points to Note**

- The customer is required to remove their own furniture and roll back carpets in all affected rooms to allow works to proceed unless the customer has been identified by Dale & Valley Homes as vulnerable or experiencing/experienced a disability. Your Resident Liaison Officer will be able to provide full support and direction on this matter.
- Should a home have adaptations within it, then these facilities will not be removed when that home is upgraded to meet the Dale & Valley Standard.
- Laminate and ceramic flooring will need to be lifted by the customer, if necessary, we will lift the flooring to carry out our work, but we will not relay the flooring and we will not be responsible for any damages occurred through this procedure.
- All building rubbish and materials not required shall be cleared from site at least daily by our partner contractor.
- The entire installation / working area shall be left in a safe, clean and tidy manner at the end of each day by our partner contractor.
- Customers will be left with adequate facilities at the end of every working day, should individual elements of work remain unfinished.



## Decent Homes Standard Consultation Seminar Monday 8 October 2007

### Bathrooms

**Q:** Would you like a choice of suite colours?

**Discussion:** Concluded only one choice should be given. Other housing providers had looked at two but then moved to one only. Determined all sanitary as white. No other choices - unanimous.

**Q** How many floor covering choices would you like realistically?

**Discussion:** Flooring offered in two colours only. Minimise impact of this item in terms of implications for the decor choices of next tenant. Offer in muted colours only.

**Q** How many wall tile choices would you like?

**Discussion:** Choice of four tiles should be given. However they should be in pre-selected colours which was already set prior to individual choices made. Again use muted colours only to minimise issues for re-letting and personal choices of other tenants who come after.

**Discussion** around tile types: Those used at Middlesbrough were larger and although stylish would not look well in the smaller bathrooms in the bungalows and older houses in Wear Valley. Determined to use standard tile sizes.

**Q** Do you think we should fit over bath showers as standard? If we can't afford to do this would customers pay the extra under an options scheme mentioned earlier?

**Discussion:** Agreed too costly to offer for all. If tenant was willing to purchase own over bath shower Decent Homes provider would fit for a small fee. Should offer as part of optional extras for those who wish.

**Q** We can only afford a certain amount of tiling. Would you like no tiling and the chance to exchange this option for something else? For example internal doors or electric fire?

**Discussion:** Group agreed tiling for bathrooms should be mandatory and not subject of any choice. Tiling necessary to protect against damp for future repair issues. Agreed should be an optional extra for tenants to pay for whole bathroom or whole wall to be tiled. Money to be paid up front to Dale and Valley Homes.

### Heating

**Q** As standard we replace fires with an energy efficient electric model. Should we be offering everyone the choice of a fire even if you do not currently have one?

**Discussion:** Those with existing fires should have it replaced as like for like. However if tenant only has radiators currently should not be automatically offered one for aesthetic reasons. However should be part of a buy in option for tenants.

**Q** Would you pay extra towards upgrading your fire place?

**Discussion:** Generally yes. Some discussion around replacing electric where previously gas had been provided - reason explained as more safe, less risk in terms of CO2 emissions and lower

maintenance costs. Discussion around what choices to give to those tenants who live in areas without gas. Agreed to explore solar panel options and mainly electric wet systems. Agreed that range of heating systems could be offered, there were however other factors influencing delivery of different heating systems e.g. Calor gas was not always able to be provided as there is no local LPG servicing agency. Also planning permission was needed for oil tanks and not all tenants had space for storage external to their homes. Some people still preferred the solid fuel systems but older people found them difficult to manage although they might be cheaper if tenant still in receipt of "cheap coal" system if former miner/wife of miner.

## Rewiring

**Q** We currently fit fluorescent tubes in kitchens. Should this continue or would you like an option? If we can't do this for cost purposes would you pay for an upgrade?

**Discussion:** Unsure why we originally determined to fit fluorescent tubes - later information given that this was to provide maximum lighting in areas of food preparation. Some tenants however did have difficulty in replacing if they were elderly. Agreed to retain, could not offer service to replace as this would invoke a charge.

**Q** Would you like as standard lighting fitted to rear or front of property for security?

**Discussion:** Strongly agreed that this should be offered to all but also to take into account of the funding available from Community Safety and other funds.

**Q** Number of sockets to be fitted in each room?

**Discussion:** Kitchen: Agreed four, for standard washer/fridge/freezer/cooker with three double sockets for other electrical items. To position two above surfaces, and one at lower height. Total, minimum of 10. Query raised regarding light switch fittings - if tenant already chrome/metallic would we replace with plastic? No replace like for like.

Lounge: Two doubles for TV and associated equipment, three more doubles in each corner minimum 10. Dining room: two doubles in opposite walls.

Bedrooms: two doubles in each bedroom irrespective of size of bedroom.

Hallway: two doubles

## Windows and Doors

**Q** Do we offer enough choice in terms of door styles? Currently four offered.

**Discussion:** Agreed this is sufficient as it is same as other councils in North East.

**Q** Do we offer enough choice in terms of colour? Currently six offered.

**Discussion:** Agreed this is sufficient. In fact seven colours are offered which is more than most housing organisations.

**Q** More choice in terms of chrome and brass?

**Discussion:** Informed by Windowman there is nil cost to offering a choice. Agreed to offer options as standard.

**Q** More information on quality and how doors and windows reach certain standards.

**Discussion:** Agreed to do quality leaflet to explain kite marking and tests undertaken. Dale and Valley Homes plus Windowman to action.

Note that security chains will now be offered as standard to front and rear doors at cost of £5.45 per door. (Note to liaise with Neighbourhood Watch at Stanley Way re funding on this). Keyhole will remain offered as standard.

## Disability Needs

**Discussion:** Agreed that we should offer grab rails as standard but only where there was no need for an OT assessment e.g. external only. Any other grab rails that require maneuvering around bathroom etc need to be the subject of a specific assessment for health and safety purposes. Agreed to offer light switches at different heights. Taps also Rocker switches to be offered if required because of disability. Agreed to produce a Disability Standard which people would automatically qualify for based on disability related income or if already in receipt of DFG. Agreed offer higher sockets than current practice.

## Kitchens

**Q** How many units do you think are practical taking into account the size of the home etc?

**Discussion:** It was a commonly held view that the maximum number of units we should be offering is 8. This was unanimously agreed.

**Q:** How many choices in terms of units would you like?

**Discussion:** A lot of good debate ended with a unanimous choice of 3 colours. However it was undecided if this would be 3 individual elements or 3 suites. A compromise was reached and it noted that we will offer a choice of 3 colours on each element (i.e. cupboard doors, flooring and tiling) on the first 40 homes pre Christmas and make a decision on the best way to go forward thereafter.

**Q:** Would customers like to see existing walls where works are undertaken re-plastered and painted or just re-plastered. If painted how many colour choices?

**Discussion:** It was agreed that Dale & Valley Homes should only re-plaster walls where works are undertaken in the kitchen. It was also agreed that Dale & Valley would only paint walls for customers where there is a demonstrable need (i.e. elderly customers with no immediate family, disabled persons)

**Q:** Should we offer small scale add-ons such as child locks on kitchen cupboards?

**Discussion:** It was agreed that one kitchen cupboard in every property would have installed a locking mechanism (to be chosen in line with specification and contractor) to ensure dangerous substances, medicines etc could be out of the reach of children, vulnerable adults etc

**Q:** How many floor covering choices would you like?

**Discussion:** Again the debate was the same as with kitchen cupboard choice. The same decision was therefore reached

**Q:** How many wall tile choices would you like?

**Discussion:** Again the debate was the same as with kitchen cupboard choice. The same decision was therefore reached

**Q:** How many sockets do you think should be standard in a kitchen?

**Discussion:** It was agreed that we would go with up to a maximum of 5 double sockets in the kitchen. This decision would be available space and kitchen capacity dependent

**Q:** We can only afford a certain amount of tiling. Would you like no tiling and the chance to exchange that option for something else? For example an electric fire or internal doors

**Discussion:** It was agreed throughout the discussion that customers would like an option to change the non-essential items in the decent homes programme. However customers believed that tiling should be an essential item and therefore not classed as a change option. This would mean that the only option to change would be in relation to flooring.

**Q:** How many choices of taps would you like and what style? e.g Lever taps

**Discussion:** Customers and stakeholders agreed that a choice of two will meet customers needs. A lever style tap, and another choice

**Q:** Do we want to automatically replace all Kitchens older than 20 and all Bathrooms older than 30 years or go on condition?

**Discussion:** This question prompted good debate amongst everyone, with opinions remaining very much split in the end. The final outcome has been to go with age cycles (i.e. 20 years on kitchens and 30 years on bathrooms) on the first 40 pre Christmas and then review the situation to see if this approach is working. This may mean resurveying some of the properties which have previously had surveys undertaken however, this was something officers are looking to do as part of the Decent Homes works already.



## HOUSING SERVICES COMMITTEE

24 OCTOBER 2007

### Report of the Strategic Director for the Community **PRIVATE SECTOR HOUSING ENFORCEMENT POLICY 2007**

#### **purpose of the report**

To seek the approval of the Housing Services Committee to fully implement the new Private Sector Housing Enforcement Policy.

#### **background**

- 1 It is essential to effectively manage and monitor housing complaints from landlords and customers within the private sector. Unfortunately it is within the private sector where housing conditions are often at an unacceptable level when they are let to customers. Additionally customers who rent within the private sector often experience problems of the property deteriorating and the landlords failure to maintain the property.
- 2 In the last quarter alone we have received a total of 28 new complaints which have required the statutory intervention by the Private Sector Housing Team. In addition there is the informal help and advice which is given to customers prior to receiving any formal request for assistance.
- 3 A main aim of the team is to effectively manage and monitor complaints through both formal and informal action which often results in statutory notices being served on the landlords.

#### **private sector housing enforcement policy**

- 4 The effectiveness of resolving landlord and tenant complaints is ultimately down to the staff involved and the policy and practices that are adopted. With the introduction of the 2004 Housing Act it is further essential that any policy or practice is updated in line with new powers of intervention.
- 5 The 2004 Housing Act has given Local Authorities a much wider range of intervention methods and has a clear drive in ensuring customers within this sector reside in a property that is free from any health or safety hazard. Other powers are also available to the Local Authority through additional acts, for example the building Act 1984.
- 6 There has been a significant increase in the number and complexity of cases received from customers. Whilst in the past cases could often be dealt with

informally, cases now require the full use of the Statutory Powers to achieve a successful resolution.

- 7 In the past some private landlords have indeed let properties in which they have known of the poor standards and disrepair. Paying no regard to the tenant and further having no regard to the area. Often properties have looked in a state which degrades the street and gives signals of a declining area, gardens have been overrun with rubbish, guttering smashed and missing, windows boarded up and general vandalism has been apparent.

### **proposal**

- 8 It is proposed that Housing Services Committee realise the importance of the Housing Enforcement Policy as a tool to deliver meaningful changes to the lives of our customers who live in private rented properties.
- 9 Through the 2004 Housing Act we now have the powers to take a zero tolerance approach and ensure properties are free from health and safety hazards and meet a basic standard. For those landlords who fail to address the items of disrepair, the Private Sector Housing Team will have no hesitation but to enter into formal action, this could include prosecution, the issuing of relevant notices and in certain circumstances the Council can carry out the work in default and prosecute the landlord.
- 10 Whilst the Private Sector Housing Team will be taking a hard line with landlords, the Council will continue to work with landlords and customers to ensure the best results are achieved. In many cases landlords are happy to work with the Council and this is extremely encouraging, it is only in a number of circumstances where the Council will need to take this hard line approach, however we will take this approach where necessary.

### **financial implications**

- 11 Section 49 of the Housing Act 2004 gives the Local Authority the power to charge for enforcement action. The charge for enforcement action will be calculated as actual officer time plus an administration charge of 15%. Landlords will incur this charge if a notice must be served due to the property being of an unfit standard and due to the landlord failing to improve the property prior to the notice being served.
- 12 It is envisaged that the Council will receive in the region of £200 - £300 in fees from every notice served, this will equate to in the region of £6,000 per annum. However this is not a scheme to generate income, the fee will act as a deterrent to landlords and will encourage them to swiftly take action before they incur charges.

### **human resource implications**

- 13 There are no Human Resource Implications. The Private Sector Housing Team is currently carrying out these duties.

### **legal implications**

- 14 There are a number of legal implications with regards to the enforcement action. All notices are based on set templates and therefore meet these standards. Any case that will result in legal action will be carried out in partnership with the Councils Legal Section.

### **i.t. implications**

- 15 There are no I.T. implications.

### **crime and disorder implications**

- 16 There are no crime and disorder implications, however by improving the quality of properties within the private sector will result in minimising the prevalence of criminal damage and fly tipping.

### **equality and diversity implications**

- 17 The report has undergone an equality and diversity impact assessment. The results have demonstrated that there are no adverse aspects of the report that would cause any issue of non compliance with equality and diversity.

### **timescale**

- 18 The policy will be implemented with immediate effect.

### **summary**

- 19 This policy is a positive step forward; it is both consistent in its approach, extensive in its legal and statutory powers and fair in its delivery. It will make a difference to the lives of customers who live in poor private rented properties.

### **background papers**

- 20 The report has taken into account the following statutory documents:

### **RECOMMENDED**

- 1 Committee approves the Private Sector Housing Enforcement Policy at Annex 2

## **Background Papers**

The report has taken into account the following statutory documents

Housing Act 2004  
Housing Act 1985  
Local Government Miscellaneous Provisions Act 1976  
Environmental Protection Act 1990  
Town and County Planning Act 1990  
Building Act 1984  
Equalities Act 2006  
Race Relations (Amendment) Act 2000  
Wear Valley District Council's Racial Equality Scheme

---

<b>Officer responsible for the report</b>
Michael Laing
Strategic Director for the Community
Ext 281

---

<b>Author of the report</b>
Richard Roddam
Housing Strategy Manager
Ext 294

---



**Wear Valley District Council**  
*Community Department*  
**Private Sector Housing Enforcement Policy**  
**2007**

**The Community Department is**  
committed to providing the  
best possible service to the  
customers of Wear Valley

This Private Sector Housing  
Enforcement Policy will  
be at the heart of furthering our  
commitment

## Removing barriers to communication

We believe everyone should have equal opportunities to play a full part in their community, regardless of their ethnicity, religion, geographic location, special needs, language differences, learning difficulties, sexual orientation, gender, age or disability.

We can produce this booklet in other formats, such as **Braille; large print; on audiotape; on CD-Rom;** and in other languages. **You can get a copy by calling our Marketing & Communications Manager on (01388) 761 958.**

This booklet can be produced in the following languages:  
Bengali, Cantonese, Hindi, Mandarin, Punjabi, Urdu, Polish and Welsh.

এই ডকুমেন্টটি নিচের ভাষাগুলোতে অনুবাদ করা যাবে : বাংলা, ক্যান্টনীয়, হিন্দী, মান্ডারিন, পানজাবী, উর্দু, উয়েলস।  
আপনি এর কপি পেতে ফোন করুন (01388) 761 958

“這份文件能複製成下列語言：孟加拉語，廣東話，北印度語，普通話，旁遮普語，烏爾都語，威爾斯語。您可以致電 (01388) 761 958 索取副本。”

“यह लेख्य पत्र अगले भाषाओं में पेश किया जा सकता है: बंगाली, कान्टोनीस, हिन्दी, म्यानडरीन, पंजाबी, ऊर्दू, वेल्स। आप एक प्रतिलिपि के लिए (01388) 761 958 में सम्पर्क कर सकते हैं।”

“这份文件能复制成下列语言：孟加拉语，广东话，北印度语，普通话，旁遮普语，乌尔都语，威尔斯语。您可致电 (01388) 761 958 索取副本。”

ਇਹੁ ਦਸਤਾਵੇਜ਼ ਅਗਲੇ ਭਾਖਿਆ ਵਿਚ ਪੇਸ਼ ਕਿਆ ਜਾ ਸਕਦਾ ਹੈ: ਬੰਗਾਲੀ, ਕਾਨਟੋਨੀਸ, ਹਿੰਦੀ, ਮਾਨਡਰੀਨ, ਪੰਜਾਬੀ, ਉਰਦੂ, ਵੇਲ਼ਸ਼। ਤੁਸੀ ਇਕ ਉਤਾਰਾ ਲਈ (01388) 761 958 ਨੂੰ ਸੰਪਰਕ ਕਰ ਸਕਦੇ ਹੋ।

کریں

اس دستاویز کو مندرجہ ذیل زبانوں میں بھی حاصل کیا  
جا سکتا ہے:- بنگالی کنٹونیز ہندی منڈارن پنجابی اردو  
ویش اپنی کاپی حاصل کرنے کے لیے اس نمبر پر ڈائل

(01388) 761 958

**Gellir atgynhyrchu'r ddogfen hon yn yr ieithoedd canlynol: Bengaleg, Cantoneg, Hindi, Mandarin, Pwnjabeg, Wrddw, Cymraeg. Fe gewch chi gopi trwy ffonio (01388) 761 958.**  
**The Policy**

The purpose of this enforcement policy is to ensure that people who own and let property within Wear Valley are aware of what they can expect from the Council and officers of the Private Sector Housing Team.

The Housing Act sets out a number of standards that must be adopted by landlords and the Council has a duty to ensure that these standards are met. The Council has powers to enforce the Housing Act 2004 and other statutory legislation, where properties fall below the legal standards, this policy will detail these powers and how they will be used. Legal enforcement is only taken as a last resort and the council will always try and seek co-operation between landlords and tenants.

Wear Valley District Council formally adopted this policy on (Date of Committee Approval) following consultation with partners, key stakeholders and customers.

Our Aims

- We will treat all of our customers equally and fairly.
- We will aim to ensure that people understand what is expected from them as well as knowing what they can expect from us.
- We will discuss customer complaints in an informative, customer focussed and friendly manner. When you contact a member of the team they will identify themselves by name. All staff visiting properties will carry identification.
- Where possible we will endeavour to minimise the costs of compliance with Notices by ensuring the action we take is proportionate to the risks. We will work with property owners so that they can meet their legal obligations without unnecessary expense.
- Although Officers have to exercise their judgement in individual cases, officers will be consistent in their approach and decision will be in line with this policy.

## **Enforcement**

The actions available to the Private Sector Housing Service to improve the standards of private sector housing are broadly divided into two categories:

- Informal action
- Formal action

The sanctions available (but not limited to), should people not comply with legislative requirements, include:-

- Work in default
- Prosecution

The Private Sector Housing Team are authorised to operate the service according to this policy and prepare enforcement work on behalf of the Council. Authorisation to approve Enforcement Action is delegated by the Council to the Head of the Communities Department.

## **Enforcement Action**

### **Informal Action**

Informal action will include verbal advice given by Officers, advisory letters and minded to Notices.

The Private Sector Housing Service is committed to offering help and advice. We will explain the reasons for the Council's involvement and what should be done to improve the particular housing conditions.

It should be noted that it is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away. An example of this is the service of a Notice under the 2004 Housing Act where there is an imminent risk to customers safety.

### **Formal Action**

Formal action involves the service of Enforcement Notices. Most Notices served by the Private Sector Housing Team require the recipient of the Notice to commence and complete specified works within specified time limits. All Notices are accompanied by notes that explain the effect of the Notice and the recipient's right of appeal. Officers will always be willing to discuss the works specified in the Notice and the reason for the service of the Notice.

## **Appeal Provision**

The majority of Notices that are served by the team are subject to appeal provisions. At the time of service, all Notices are accompanied with notes explaining the rights of appeal. These notes list the grounds of appeal and the time limit in which to lodge an appeal. The Notices will also indicate to which Court (Magistrates Court or County Court) an appeal should be directed. This can vary according to the type of Notice served.

The usual period for appeal is within 21 days from the service of the Notice, however, it is advised that all persons served with a notice should read the document fully and seek independent legal advice. Notices with a 21 day appeal provision become operative, if no appeal is brought, on the expiration of 21 days from the service of the Notice. Where an appeal is made the Notice does not normally become operative until after the court decision has been made.

If an appeal is lodged following receipt of a Notice under section 80 of the Environmental Protection Act 1990 requiring emergency or urgent works, the works may still be required before the appeal is heard.

## **Housing Legislation**

This chapter will set out under what legislation the policy will enforce. This is not an exhaustive list and other powers will be used if they best suit the situation. The legislation detailed below refers to the 2004 Housing Act and has been summarised, the full policy wording is available from the Private Sector Housing Team on request.

### **Local Government (Miscellaneous Provisions) Act 1976**

#### **Section 16 – Requisition for Information**

If the Private Sector Housing Team intend to take enforcement action with regard to a property it is important that the team have all of the information required. To obtain this we will serve a requisition for information on the occupier and/or any person who has a legal interest in the property, or to the person who directly or indirectly receives rent, or is authorised to manage or acts as an agent for letting the property.

We will always indicate the Act and section of the Act that we are proposing to enforce. Generally speaking a Requisition for Information is served at an early stage to ensure that we are corresponding with the correct person or agent, but where the Council may have to take urgent enforcement action, it may be served at the same time as the formal Notice.

#### **Hazard Awareness Notices – Sections 28 and 29**

A hazard awareness notice under section 29 (notice relating to Cat 2 hazard) may be a reasonable response to a less serious hazard, where the authority wishes to draw attention to the desirability of remedial action.

A hazard awareness notice under section 28 (notice relating to Cat 1 hazard, where no management order is in place under Part 4) may be an appropriate course of action as a means of advising the relevant person that a category 1 hazard exists on the residential premises. This would be appropriate in circumstances where remedial action or prohibition is unreasonable or impractical.

A hazard awareness notice may be the preferred course of action, as opposed to issuing an improvement notice, where the relevant person has agreed to take remedial action and the Council are satisfied that the work will be done within a reasonable timescale. When taking informal action of any nature, inspectors will clearly differentiate to the alleged offender what is legally required and what is recommended as good practice.

In summary, it is the Council's policy that hazard awareness notices will be the preferred course of action on residential premises where:

- i. the hazard(s) present are all of category two; or
- ii. in the case of category one hazards the council is fully satisfied that the relevant person will take suitable remedial action within a suitable timescale; or,
- iii. the circumstances are such that improvement or prohibition is unreasonable or impractical.

The service of a hazard awareness notice does not preclude further formal action, should an unacceptable hazard remain.

All notices and accompanying documents will be sent as soon as possible.

Hazard awareness notices will be drafted in accordance with the relevant section of the Housing Act 2004, as determined by the category hazard.

### **Improvement Notices (Sections 11 and 12)**

An improvement notice under section 11 will be an appropriate course of action where a category 1 hazard exists on a residential premises, where no management order is in place under Part 4 of the Act. An improvement notice served under this section must, as a minimum, remove the category 1 hazard, however, it may also extend beyond this. For example, this may be appropriate where a remaining category 2 hazard would still present an unacceptable risk to health and safety or where the duty on the authority may arise again should conditions deteriorate.

An improvement notice under section 12 may be the appropriate course of action where a category 2 hazard exists on residential premises, where no management order is in place under Part 4 of the Act. A notice served under section 12 would require the relevant person to take suitable remedial action in respect of hazard(s) concerned.

In summary, improvement notices will be the preferred course of action on residential premises where;

- i. there is a category one hazard(s) present, and
- ii. there is limited confidence that the relevant person will respond to a hazard awareness notice within a reasonable time; or,
- iii. there is no confidence in an unprompted offer by the relevant person to undertake the necessary remedial action associated with that risk (cat 2 only); or
- iv. the relevant person will not confirm in writing their unprompted offer to undertake the necessary remedial action (cat 2 only).

Improvement notices will be drafted in accordance with section 13 of the Housing Act 2004.

When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the council. This register is public and anyone may search for entries in it upon payment of a fee, purchasers will normally search the register.

Inspectors will not issue improvement notices unless they are confident that they have sufficient evidence to defend an appeal against the notice.

All notices will be accompanied by information on the appeal procedure and the time limits for appeal.

### **Suspension of Improvement Notices (Section 14)**

An improvement notice may, for the operation of the notice, be suspended until a time or occurrence of an event specified in the notice. The purpose of suspension will normally be to allow the Council to prioritise action. Suspension of an improvement notice may be the preferred course of action where:

- i. it is appropriate to wait until a person of a particular description begins, or ceases to occupy the premises; or,
- ii. in the case of an event, where a person, upon whom a notice was served, has not complied with an undertaking given to the Council.

### **Revocation and variation of Improvement Notices (Section 16)**

Where the Council are satisfied that an improvement notice has been complied with any such notice will be revoked. The Council may also, at their discretion, revoke an improvement notice where it is deemed that there are special circumstances (in respect of a Cat 1 hazard), or where (in the case of a Cat 2 hazard) it is considered appropriate.

In the case of a notice that applies to more than one hazard, the requirement of the preceding paragraph will apply to each of the hazards individually.

The Council may also vary improvement notices in the following circumstances;

- i. where part of the notice, which relates to more than one hazard, has been revoked the remainder of the notice may also be varied as considered appropriate; or,
- ii. with the agreement of the person on whom the notice was served; or,
- iii. in the case of a suspended improvement notice, so as to alter the time or event specified that triggers the end of suspension.

### **Review of Suspended Improvement Notices (Section 17)**

Suspended improvement notices will be reviewed in accordance with section 17 of the Housing Act 2004.

### **Prohibition Orders ( Sections 21 and 22)**

A prohibition order made under section 21 may be an appropriate cause of action where a category 1 hazard exists on residential premises, where no management order is in place under Part 4 of the Act. An order made under this section may prohibit use of part or all of the premises for some or all purposes, or occupation by particular numbers or descriptions of people.

Section 22 makes an equivalent provision for a prohibition order to be made where a category 2 hazard exists on residential premises, where no management order is in place under Part 4 of the Act.

Prohibition Orders will be the preferred course of action on residential premises where there may be a serious threat to health and safety; or,

- i. there may be a serious threat to health and safety and remedial action is considered unreasonable or impractical for cost or other reasons i.e. where the work can not be carried out with the tenant in residence; or,
- ii. a dwelling is overcrowded as regards space and/or amenities for the numbers in occupation; or,
- iii. where a dwelling presents a serious threat to the health and safety to a specific group of persons, but is relatively safe for occupation of any others; or,
- iv. there is little confidence in an unprompted offer by the relevant person to prohibit an activity associated with that risk (Cat 2 hazards only); or,
- v. the relevant person will not confirm in writing their unprompted offer of voluntary prohibition (Cat 2 hazards only).

Where a prohibition order has been served the Council will consider, in the context of the Private Sector Housing Grants Policy, whether it is appropriate to offer financial assistance or advice to the owner, landlord or tenant.

Prohibition orders will be drafted in accordance with section 22 of the Housing Act 2004.

When the Notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register or local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

Inspectors will not issue prohibition orders unless they are confident that they have sufficient evidence to defend an appeal against the notice.

### **Suspension of Prohibition Orders (Section 23)**

A prohibition order may, for the operation of the order, be suspended until a time or the occurrence of an event specified in the order. Suspension of a prohibition order is at the discretion of the Council and it may be the preferred course of action when:

- i. it is appropriate to wait until a person of a particular description begins, or ceases to occupy the premises; or,
- ii. in the case of an event, where a person, upon whom a notice was served, has not complied with an undertaking given to the Council.

### **Revocation and Variation of Prohibition Orders (Section 25)**

Where the Council are satisfied that a hazard, in respect of which a prohibition order was made, no longer exists, then any such order will be revoked. The Council may also, at their discretion, revoke a prohibition order where it is deemed that there are special circumstances (in respect of a Cat 1 hazard), or where (in the case of a Cat 2 hazard) it is considered appropriate.

In the case of an order that applies to more than one hazard, the requirement of the preceding paragraph will apply to each of the hazards individually.

The Council may also vary prohibition orders in the following circumstances:

- i. where part of an order, which relates to more than one hazard, has been revoked the remainder of the order may also be varied as considered appropriate; or,
- ii. with the agreement of every person on whom the order, or copies of the order, were required to be served; or,
- iii. in the case of a suspended prohibition order, so as to alter the time or event specified that triggers the end of suspension.

## **Review of Suspended Prohibition Orders (Section 26)**

Suspended prohibition orders will be reviewed in accordance with section 26 of the Housing Act 2004.

## **Emergency Remedial Action (Section 40)**

Emergency remedial action taken under section 40 may be an appropriate course of action where a category 1 hazard exists on residential premises, where no management order is in place under Part 4 of the Act. Action taken under this section is that action which the Council considers necessary to remove an immediate risk of serious harm to the occupiers of any residential premises. Emergency remedial action taken under this section may be taken in relation to one or more category 1 hazard in the same premises.

Emergency remedial action will be the preferred course of action on residential premises where:

- i. a category 1 hazard exists, and
- ii. there is an imminent risk of serious harm to the health and safety of any occupiers, and
- iii. where remedial action, by way of an improvement notice made under section 11, could potentially be taken.

The Council will serve an emergency remedial action notice upon the relevant person within 7 days, beginning on the day the remedial action starts.

Emergency remedial action notices will be drafted in accordance with section 41 of the Housing Act 2004.

Inspectors will not take emergency remedial action unless they are confident that they have sufficient evidence to defend an appeal against the notice.

## **Emergency Prohibition Orders (Section 43)**

An emergency prohibition order made under section 43 may be an appropriate course of action where a category 1 hazard exists on residential premises, where no management order is in place under Part 4 of the Act and where a hazard involves an imminent risk of serious harm to the health or safety of any occupiers of residential premises. An order made under this section may prohibit use of part or all of the premises as is necessary and, unlike a prohibition order, is effective immediately. An emergency prohibition order made under this section may relate to one or more category 1 hazard in the same premises.

The aforementioned provisions of section 25, which relate to revocation and variation of a prohibition order, also apply to emergency prohibition orders.

Emergency prohibition orders will be drafted in accordance with section 43 of the Housing Act 2004.

Inspectors will not make emergency prohibition orders unless they are confident that they have sufficient evidence to defend an appeal against the order.

## **Demolition Orders (Section 46)**

A demolition order made under section 46 may be an appropriate course of action where a category 1 hazard exists on residential premises, where no management order is in place under Part 4 of the Act and the property in question is not a listed building.

In determining whether to make a demolition order the Council will;

- i. take into account the availability of local accommodation for re-housing the occupants,
- ii. take into account the demand for, and sustainability of, the accommodation if the hazard(s) were remedied,
- iii. consider the prospective use of the cleared site,
- iv. consider the local environment, the sustainability of the area for continued residential occupation and the impact of the cleared site on the appearance and character of the neighbourhood

### **Clearance Areas (Section 47)**

The Council may decide to declare a clearance area where it is satisfied that;

- i. that each of the residential buildings in the area contain a category 1 hazard, and
- ii. that the other buildings (if any) in the area are dangerous or harmful to the health or safety of inhabitants of the area, or
- iii. the residential buildings in the area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their bad arrangement or the narrowness or bad arrangement of the streets; and
- iv. that the other buildings (if any) in the area are dangerous or harmful to the health or safety of inhabitants of the area.

The Council may decide to declare a clearance area where it is satisfied that;

- i. that each of the residential buildings in the area contain a category 2 hazard,
- ii. that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area, and
- iii. the circumstances of the case are circumstances specific or described in an order made by the Secretary of State.

### **Prosecution (Section 30 & 32)**

Prosecution will be the considered course of action where there has been a failure to comply, 'without reasonable excuse', with the requirements of an operative improvement notice or prohibition order. In addition, the decision to prosecute may also be influenced by the presence of one or more of the following criteria;

- i. where there is a history of similar offences;
- ii. where, as a result of a failure to comply, there has been or there is a risk of an accident or a case of ill health;
- iii. where there appears to have been a reckless disregard for the health and safety of occupants and other/or others;
- iv. false information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to serious risk;
- v. inspectors have been intentionally obstructed in the lawful course of their duties.

All evidence will be gathered in accordance with the Police and Criminal Evidence Act 1984 and associated codes of practice.

Before a decision to prosecute is taken, the officer together with their line manager, and where necessary the Councils Legal Section, must be satisfied that both the 'Evidential Test' and the

'Public Interest Test' as contained within the Code for Crown Prosecutors, is in general terms satisfied.

When a prosecution is proposed the case file will be submitted to the Councils Legal Section as soon as possible for consideration.

### **Works in Default (Section 31, Schedule 3)**

The Council may in certain circumstances carry out works detailed in an improvement notice. Such action may be taken with or without the agreement of the person on whom which an improvement notice was served.

When taking action with the agreement of the person on whom an improvement notice has been served, the Council may take any action which that person is required to take in relation to the notice. However taking action by agreement will only generally be considered where it is felt that the relevant person is for whatever reason incapable of organising, executing and overseeing the necessary works. Any such work undertaken will be at the expense of the person on whom the improvement notice was served.

Taking action without the agreement of the person on whom an improvement notice has been served, will be considered as a course of action in any of the following circumstances;

- i. where a person has failed without 'reasonable excuse' to comply with the requirements of an improvement notice,
- ii. where reasonable progress, in relation to the requirements of the notice, is not being made.

### **Power to Charge for Enforcement (Section 49) &– Recovery of expenses , Housing Act 1985 (Section 352A)**

It will be the policy of the Council to make a reasonable charge for taking enforcement action in the following circumstances;

- i. where the relevant person has failed to comply, without reasonable excuse, with the requirements of an improvement notice, prohibition order or demolition order,
- ii. where the relevant person has failed to fulfil an undertaking to; carry out the necessary works appertaining to hazard(s), or to carry out a prohibition, which otherwise would have been the subject of formal enforcement,
- iii. in the case of emergency remedial action or an emergency prohibition order, where matters giving rise to the hazard(s) were reasonably foreseeable and/or are suggestive of a failure to suitably manage the premises,

Where expenses are to be charged they will be made relating to all stages of the enforcement action as detailed in Section 49 of the Housing Act 2004 and will be charged at the current hourly officer rate. An administration cost equal to 15% of the officer cost will be added in all cases.

Expenses will be recovered in accordance with Section 50 of the Housing Act 2004, via a demand for payment of the charge. As from the time that the demand becomes operative, the sum recoverable will be registered as a local land charge on the premises concerned if the amount can not successfully be recovered.

### **Power to Recover Certain Expenses (Schedule 3)**

Where the Council undertake works in default or exercise their power to take emergency remedial action, the Council will seek to recover the expenses reasonably incurred in doing so. It should be noted that such charges are in addition to the administrative and other costs to be recovered.

Expenses will be recovered via a demand for payment of the charge. As from the time the demand becomes operative, the sum recoverable together with interest accrued on them, until recovered, is a local land charge on the premises concerned.

## **Other Sanctions for Unfit Properties**

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

HMOs are categorised in many different types and what the legislation requires can vary according to the type and particular risk. Some are more at risk to fire, for example. Please contact the Private Sector Housing Team for clarification and the interpretation of a HMO.

In addition to being fit for human habitation HMOs are required to be fit for the number of occupants.

The requirements are:

- i. There are satisfactory facilities for the storage, preparation and cooking food including an adequate number of sinks with a satisfactory supply of hot and cold water.
- ii. There are adequate means of escape from fire.
- iii. It has an adequate number of suitably located water closets for the exclusive use of the occupants.
- iv. It has for the exclusive use of the occupants an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water.
- v. There are adequate other fire safety precautions.

Failure to meet one or more of these requirements, having regard to the number of occupants, would render the HMO unfit for the number of occupants.

Under the Housing Act 1985, section 365 an Authority has powers to require houses in multiple occupation to be provided with satisfactory means of escape from fire and other adequate fire safety precautions. The Housing (Fire Safety in Houses in Multiple Occupation) Order 1997 details the powers available and which properties Local Authorities have a duty to inspect. In relation to certain, higher risk HMOs Council's are required to consult with the Fire Brigade for their guidance on appropriate fire safety measures. The fitness standard (Housing Act 1985, section 604) applies to all HMOs, with additional powers being available in Part XI of the Housing Act 1985. These include the following:-

### **ENVIRONMENTAL PROTECTION ACT 1990**

#### **Section 80 – Statutory Nuisances**

As far as the legislation enforced by the Private Sector Housing Team is concerned, a statutory nuisance is any house in such a state as to be prejudicial to health or a nuisance. Prejudicial to health is defined as injurious or likely to cause injury or is a serious health risk. This could include properties that are excessively damp or have other defects which could have an affect on the occupants health.

A nuisance is taken to be anything that interferes with the use and enjoyment of a neighbouring property or which materially affects the comfort and quality of life of the public at large. Examples of nuisances include a hole in the roof of one property allowing rain to penetrate through and affect the neighbouring property.

Once the Council is satisfied that a statutory nuisance exists or is likely to occur, it is under a duty to take action to deal with it. This means that Private Sector Housing Officers must serve a Notice

requiring the abatement of the statutory nuisance within certain time limits or preventing the occurrence of a statutory nuisance. In the case where a house is let, this is generally served on the landlord and/or management agent of the property. If such a Notice is served and not complied with, the Council has the power to carry out the necessary work in default and recharge the person upon whom the Notice was served. Not complying with a Notice is a criminal offence and the Council is able to prosecute the person who received the Notice if he or she has no reasonable excuse for not complying with it.

### **Section 82 – Action by persons aggrieved by a Statutory Nuisance**

If after investigating a nuisance complaint the Council has been unable to substantiate the existence of a statutory nuisance it will be unable to take any further action. However, we do advise clients that it may be possible for them to take their own action in the Magistrates Court under Section 82 of the Environmental Protection Act, 1990. The process does not require a solicitor and need not be expensive. This council will give advice in a leaflet outlining how you can go about this.

### **Town and Country Planning Act 1990 – Section 215**

Power to take steps requiring land and/or buildings to be cleared up when its condition adversely affects the amenity of the area.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACTS 1982**

#### **Section 29 – Power to board up empty/derelict property**

The prevalence of empty properties can be a target for vandalism, criminal damage and anti-social behaviour. If the owner fails to co-operate in securing the property the Council can carry out this work in default and recharge the owner for this cost.

The Council may carry out the works without serving a Notice.

### **BUILDING ACT 1984**

#### **Section 59 – Defective Drainage to Existing Buildings**

Works required under this Act are usually enforced by the Council's Environment and Regeneration Department, but officers from the Private Sector Housing Team may also use these powers in certain circumstances where it is more appropriate than requiring works under other Acts.

Notice may be served on the owners or occupiers of one or more premises draining into a private drainage system if one of the following apply:-

- satisfactory provision for drainage has not been and ought to be made
- drainage is insufficient or in such a condition to be prejudicial to health or a nuisance.

The notice can require a person to execute works on any of the following:-

- cesspool
- private sewer
- drain
- soil pipe
- rainwater pipe

- spout
- sink or other necessary appliance
- rainwater pipe being used for foul waste
- soil pipes from water closets not properly ventilated
- surface water pipes acting as vents to foul drains or sewers
- private drain or sewer communicating with a public sewer, so defective as to admit subsoil water

Unless there is an appeal the notice will become operative 21 days from service. If the person(s) served do not comply with the notice in the time permitted the Council may themselves carry out the works in default.

It is a criminal offence to fail to comply with such a notice.

### **Sanctions**

If the recipient of a Notice does not comply with the Notice, the Council has to determine intentionally on the part of the person responsible and has various sanctions it can impose. Depending on the type of Notice served, non compliance can be:

- Not doing any work at all
- Not starting the work by the time specified within the Notice
- Starting the work but then not making reasonable progress, or
- Starting the work and then not finishing it.

### **Works in Default**

Councils have the power to carry out works in cases of non-compliance. If the recipient of the Notice does not do the work required by the Notice, the Council may employ a contractor to enter the property and carry out the work itself. The Council will charge the appropriate person for the cost of the works together with the costs involved in arranging for the work to be done. It should be noted that carrying out work in default does not exclude the Council from either issuing a formal caution or prosecuting the offender. The Council is entitled to ensure that the work is carried out and to consider if it is appropriate to take further action.

There are various methods by which the Council can recover the costs incurred in carrying out work in default, dependent on the type of Notice that has been served:-

### **Sundry debtor method**

Using this method the Council will send the appropriate person an invoice requesting payment, the Council's debt recovery procedure will then be followed. Depending on the size of the debt, will be referred to the Council's Legal Services Section for possible County Court action. If matters are pursued by way of a civil claim through the County Court the Council will seek a Judgement Order in respect of the whole of the debt together with further claims for interest and costs. Once a Judgement Order is secured, yet remains outstanding, enforcement proceedings will follow. Enforcement proceedings include the following:-

### **Charge on the property**

For most official action Notices a charge is placed on the property in question at the time of service. The charge remains in place until the Notice is complied with and, in the case of the Council carrying out and paying for works in default, until the debt is cleared. If the property comes up for sale a Local Authority search will show the outstanding Notice and trigger the repayment from the proceeds of the sale. These are known as fist charges and debts to the Council are repaid before any other.

### **Sequestrating rents**

The Council is entitled to serve a Notice on the appropriate person to reclaim the costs of the work in default. In some cases, if this Notice is not complied with (i.e. the costs are not paid) the Council can then serve a Notice on the tenant requiring him to pay the rent direct to the Council until such time as the costs are recovered.

### **Forcing sale of the property**

The ultimate method by which the Council can reclaim its costs is to bring about the sale of the property. The proceeds of the sale will be given to the owner less the amount owed for the work in default and less the amount incurred by the Council in selling the property.

### **Prosecution**

Non-compliance with any of the Notices in this policy document is generally a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.

### **Legal Action**

The decision to take legal action is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others. Each case is unique and must be considered on its own facts. However, there are general principles that apply to the way in which Officers decide whether an action should be applied and if so which one.

There are two overarching tests used by this Service in determining whether to impose a sanction. These are the evidential test and the public interest test.

### **The Evidential Test**

The Private Sector Housing Team must be satisfied that there is enough evidence to provide a realistic prospect of conviction. This is an objective test and means that a court is more likely than not to convict the offender of the charge alleged.

In deciding whether there is a realistic prospect of conviction, consideration is given to matters such as:

- Is the evidence admissible in court? There are certain legal rules that might mean that evidence that seems relevant might not be used at a trial
- Is the evidence reliable? Officers have to consider whether there is evidence that may detract or support any admission by the offender. Equally, Officers have to consider the witnesses they may use and whether there are concerns about their accuracy or credibility.

### **The Public Interest Test**

If the evidential requirements are met, Officers must then consider whether the public interest requires a prosecution. It is not the case that Officers will prosecute simply because an offence has been committed. There should generally be a public interest in bringing such an offence to Court.

The following are examples of factors taken into account when determining public interest:

- The seriousness of the offence. In housing terms, this will mean Officers looking at the effect of not complying with a Notice for example
- Whether there was violent or intimidating behaviour on the part of anyone involved during the time of committing the offence
- The vulnerability of the victim of the offence. This is a particularly important consideration when harassment or unlawful eviction has also occurred and the victims are elderly, suffering ill health or disability or it has affected young children
- Whether the offence was motivated by discrimination. Consideration as to the nature of the sanction imposed will be determined by whether the offender was motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual orientation
- The history of the offender. In particular, Officers will have regard to whether Notices have been served in the past, the response to those Notices and any previous housing based convictions
- The likely penalty. Consideration will be given to whether the offence is such that it would only attract a nominal penalty from the Courts
- Reason for the offence occurring. Although there may be, on the face of it, a breach of the law, there may be a statutory defence available in housing offences. For example, failure to comply with a Notice may only be an offence if the person intentionally failed to comply with it. Other factors will also be considered. For example, if the offence results from genuine mistake or misunderstanding these may be factors against prosecution but would be balanced against the seriousness of the offence.

The council must satisfy itself that taking the case to court is the correct course of action, this will be done by considering the points above.

## **SERVICE COMPLAINTS**

### **How to complain if you are unhappy with our service**

If you are dissatisfied with the service you have received, please let us know. We are committed to providing good quality services and we would welcome your suggestions and comments about how you think we can improve the service we provide. You can write to the Council, all comments will be considered and we will always reply in writing. If necessary we will also contact you by telephone. You can also use the Council's Corporate Complaints System if you have any specific grievance. Additionally both Landlords and Tenants will receive a questionnaire to express their views on the service which has been provided.

### **What we will do**

If you feel that the service you have received has not been 100% satisfactory, customers can either contact the Housing Strategy Manager for an informal discussion. As part of this discussion, customers will be given the opportunity to register the complaint through the Council's formal complaints procedure. We will keep you regularly updated of progress until your complaint is resolved. Alternatively, you can discuss your complaint with your local Ward Councillor, or Member of Parliament.

### **The Local Government Ombudsman**

If you think that you have been unfairly treated by us, you can ask the Local Government Ombudsman to investigate.

### **How to contact us:**

We can be contacted in writing or by calling in person

#### **Wear Valley District Council**

Private Sector Housing Team  
Community Department  
Civic Centre  
Crook  
County Durham  
DL15 9ES

By telephone 01388 765555

E-mail [r.roddam@wearvalley.gov.uk](mailto:r.roddam@wearvalley.gov.uk)

You can find some useful information about this service and other council services on our website [www.wearvalley.gov.uk](http://www.wearvalley.gov.uk)

### **Confidentiality**

The Council will at all times strive to maintain the confidentiality of people

using our service and adhere to the Data Protection Act.

### **Monitoring Arrangements**

It is essential that this policy is followed by the officers of this service. Random checks will be made by the Housing Strategy Manager to ensure officers follow a consistent approach and adhere to the direction of this policy. Any alterations made to this policy will be approved by the Council's elected members.



**HOUSING SERVICES COMMITTEE**

**24 OCTOBER 2007**

Report of the Strategic Director for the Community  
**COUNTY DURHAM GYPSY AND TRAVELLER ACCOMMODATION AND SUPPORT  
NEEDS ASSESSMENT – FINAL REPORT**

**purpose of the report**

To inform Housing Services Committee as to the findings and recommendations of the Accommodation and Support Needs of Gypsies and Travellers in County Durham Study.

**background**

- 1 In May 2006, David Cumberland Housing Regeneration Ltd was appointed to carry out an assessment of the accommodation and support needs of gypsies and travellers across County Durham. To oversee the study, a Project Steering Group was developed and consisted of representatives from various local authorities including Wear Valley District Council and other agencies such as Supporting People.
- 2 The study undertaken involved extensive consultation with Gypsy and Traveller community members and stakeholders from across County Durham. The overall objective of the research was to gain a robust indication of accommodation needs and the appropriate methods for meeting these needs.
- 3 The following table details the permanent local authority sites:

Site	District	Pitches
Tower Road	Derwentside	14
Drum Lane	Chester-le-Street	14
Green Lane	Wear Valley	20
St Phillip's Park	Wear Valley	25
Adventure Lane	Durham	17
East Howle	Sedgefield	23
TOTAL		113

- 4 There are currently no sites located in the Districts of Teesdale and Easington.

## **policy and legislative background and context**

- 5 The Planning Circular on Gypsies and Travellers, Planning and Compulsory Purchase Act 2004 and the Housing Act of 2004 require local authorities to assess Gypsy and Traveller accommodation needs and identify land in their local plans that are suitable for Traveller site development.
- 6 The Commission for Racial Equality (CRE) – Gypsies and Travellers: 2004-2007 strategy provides a useful overview of issues relating to Gypsies and Travellers. Including education, employment, health and social care and accommodation offering advice and guidance on site management, planning and provision.
- 7 Research undertaken by the CRE suggests that nationally the Gypsy and Traveller population accounts for 0.6% of the total population. The Gypsy and Traveller communities in parts of County Durham are acknowledged to be significant, with estimates of a total Gypsy and Traveller population in excess of 3,000. This figure could be higher as often Gypsy and Traveller community members are reluctant to identify themselves.

## **research methods used for the study**

- 8 Research methods undertaken to compile this study reflected guidance issued by the Office of The Deputy Prime Minister in 2006 in relation to researching Gypsy and Traveller communities. The following research mechanisms were utilised during the course of the study:
  - Qualitative methods such as focus groups and group interviews
  - Specialist surveys of those living on authorised sites who were willing to respond
  - Existing information, including local authority site records and the twice-yearly caravan count
  - Smaller postal surveys of Councillors and Parish Council representatives were also undertaken to gain an understanding of the perceptions of the wider community
- 9 A range of complimentary research methods were also used in the study to support the survey work, these methods included:
  - Desktop analysis of existing documents and data
  - Development of databases of authorised and unauthorised sites
  - Interviews with key professionals who have direct contact with local Gypsy and Traveller communities
  - Interactive techniques using photographs and art work
- 10 The success of the study relied heavily on building trust with the travelling communities and was achieved by engaging with smaller groups of Gypsies and Travellers and using local resources and workers to make these links. A plain English leaflet with a strong pictorial content was also produced.

## recommendations

- 11 The following 7 recommendations have emerged from the Project Steering Group based on the findings of the study:

### Recommendation 1:

#### A Co-ordinated Approach To Policy

- Local Development Framework documents should contain explanations about how the planning process is to be made understandable and accessible for Gypsies and Travellers
- Better co-ordination of formal policies across the county can be achieved by setting up a 'Traveller Task Group' comprising of senior appointees from key agencies including local authorities and representation from well-informed elected members. The Task Group should be responsible for ensuring consistency and transparency across the County on all issues.

### Recommendation 2:

#### New Site Provision

- A requirement of between three and five small new permanent sites has been identified with up to twelve pitches on each. Specific targets for new provision still need to be identified. Details of factors which need to be taken into account with site provision are detailed in the main report.

### Recommendation 3:

#### Site Refurbishment

- There is an urgent need to refurbish permanent local authority sites across the County. As part of any site renovation programme, it will be important to identify the need for adaptations and access facilities. Specific areas for improvement are detailed in the main report.

### Recommendation 4:

#### Unauthorised Encampments and Potential Management Solutions

- The policy of accepting and supporting short-stay unauthorised encampments must be expanded and adopted throughout the County with the Traveller Task Group (as previously mentioned) given the mandate to achieve an agreed approach, including the identification of resources.

### Recommendation 5:

#### Health, Welfare and Housing-Related Support

- Housing-related support interventions are clearly required for Gypsies and Travellers across County Durham. A community development approach is advocated to encourage Gypsies and Travellers to identify issues of particular concern which would be effective in promoting the take up of existing services. A similar approach would need to be taken to address issues relating to Welfare Rights advice and mental health.

Recommendation 6:  
Training Issues

- The study identified training needs for particular groups and highlighted these groups as being Elected Councillors with specific responsibility for Gypsy and Traveller accommodation and welfare, officers who have dealings with Gypsies and Travellers and members of the proposed 'Travellers Task Group'. In addition, local community representatives will need training and support throughout the process.

Recommendation 7:  
Monitoring

- Although there is considerable monitoring of issues relating to Gypsies and Travellers, it is important that existing monitoring procedures continue and are enhanced. It is recommended that the 'Travellers Task Group' take responsibility for overseeing monitoring procedures.

**how the recommendations may affect wear valley district council**

12 The recommendations above may have some affect on Wear Valley District Council in terms of:

- An increasing role for Community Involvement Teams (both at Wear Valley District Council and Dale & Valley Homes) in engaging with local Gypsy and Traveller Communities to identify issues of concern. This is already a role for both Community Involvement and Community Development Teams although this study does place an increased emphasis on this role and the need for further development and involvement work.
- The increased involvement of Gypsy and Traveller Communities may increase the take-up and consequently the pressure placed on some existing services provided by Wear Valley District Council.
- A representative from Wear Valley District Council may be nominated to attend meetings of the Task Group on behalf of Wear Valley District Council if we are to contribute to the decision making process in relation to any service improvements/developments for the Gypsy and Traveller Community.
- Increased training for Elected Councillors with specific responsibility for Gypsy and Traveller accommodation and welfare – these Elected members must be identified and a training programme developed. This is also the case for officers dealing with Gypsies and Travellers and members of the proposed Travellers Task Group.

**next steps**

13 A co-ordinated sub-regional approach to addressing Gypsy and Traveller accommodation need is advocated and more detailed local authority work may be necessary to provide more detailed evidence of needs at a district level. However,

action is needed now: it is important that all local authorities acknowledge the level of need identified in this research and collaborate to improve site provision across the County and address support needs.

- 14 It is recommended that a representative from Wear Valley District Council attends regular meetings of the Traveller Task Group once established as a means of informing and having an input into developing and implementing the Action Plan which is to be devised as a result of this study.

### **financial implications**

- 15 This report, as information only, has no financial implications and until the establishment of the Traveller Task Group and the development of the Action Plan has taken place, the input and contribution (both financially and otherwise) from Wear Valley District Council can not, until that time, be determined.

### **human resource implications**

- 16 This report, as information only, has no human resource implications. A human resource implication will exist however, in relation to staff time once the Traveller Task Group is established and a representative to attend meetings of this task group has been identified.

### **legal implications**

- 17 'The Planning Circular on Gypsies and Travellers, Planning and Compulsory Purchase Act 2004', and the Housing Act of 2004 provide the policy context and legislative background to this study. These place a duty on local authorities to assess Gypsy and Traveller accommodation needs.

### **it implications**

- 18 There are no IT implications in relation to the content of this report or the subsequent membership to the Traveller Task Group.

### **crime and disorder implications**

- 19 There are no crime and disorder implications regarding this report, however, recommendation 1 in relation to the development of a co-ordinated approach to policy contained within the study, does refer to an enhanced partnership working with Durham Police Service and Community Safety Partnerships to enhance the recording and monitoring of Hate Incidents.

### **equality and diversity implications**

- 20 Wear Valley District Council is committed to ensuring all customers and local residents are treated equally and fairly and that all services are accessible. It is

imperative that Gypsies and Travellers, as one of the authorities 'hard-to-reach' groups, are engaged with at all levels, whether formally or informally, as a means of identifying specific services needs and requirements. Membership to the Traveller Task Group will confirm this commitment and will provide the authority with a greater understanding of the cultural needs and aspirations of this community.

## **summary**

- 21 The research undertaken during this study has clearly evidenced the need for additional sites for Gypsies and Travellers across County Durham. The Traveller Task Group should regularly monitor demand at sites through liaison with community members and oversee a broader monitoring programme of Gypsy and Traveller issues to enable local agencies to work in partnership to meet the needs of this large community group. The research and consultation undertaken during the study was primarily with Gypsies and Travellers, elected members and officers in County Durham, any future development will need further consultation, which must include people from local settled communities.

## **RECOMMENDED**

- 1 That the report be noted and Committee agrees to Wear Valley District Council joining the Traveller Task Group, once formed.

---

**Officer responsible for the report**  
Michael Laing  
Strategic Director for the Community  
Ext 281

---

**Author of the report**  
Corinne Gardner  
Community Involvement Manager  
Ext 303

---

**HOUSING SERVICES COMMITTEE**

**24 OCTOBER 2007**

Report of the Strategic Director of the Community  
**COMMUNITY DEPARTMENT SERVICE PLAN – 6 MONTH IMPLEMENTATION REPORT**

**purpose of the report**

To provide Committee with a progress report about how the department's Service Plan has been implemented between April and September 2007.

**background**

- 1 The Community Department's Service Plan was approved at Housing Services Committee on 5 July 2007.
- 2 The Plan included an action plan, detailing actions to be implemented to achieve the work of the department during 2007/08.
- 3 The department established a new performance management framework in July 2007. Within this was a requirement to provide a six-monthly update to Committee, advising on progress made in implementing the Service Plan.
- 4 Officers have created workplans based on the action plan, detailing responsible officers, key milestones, target deadlines and key outcomes.
- 5 Workplans were developed, according to teams within the department, as follows:
  - **Community Leisure:**
    - Arts development;
    - CPAC;
    - Exercise referral and cardiac rehabilitation;
    - Sports Club Development;
    - Wear walking for health; and
    - Wellness on Wheels (WOW!).
  - **Community Safety:**
    - Anti-Social Behaviour;
    - Crime;
    - Domestic Violence and Abuse service; and
    - Tenancy Enforcement.

- **Community Support:**
  - Community Involvement;
  - links to Regeneration; and
  - Service Development.
  
- **District Services:**
  - Burials;
  - Estate management with Dale & Valley Homes;
  - Grounds Maintenance;
  - Open Spaces;
  - Street Wardens; and
  - Waste management i.e. refuse and recycling.
  
- **Fixed Leisure:**
  - Glenholme Leisure Centre; and
  - Woodhouse Close Leisure Complex.
  
- **Housing:**
  - Homelessness
  - Private Sector Housing; and
  - Strategic Housing.

6 A workplan was also developed to address **cross-cutting themes**, which affect all services within the department, including:

- access and customer care;
- communication and publicity;
- customer feedback;
- sickness management; and
- staff development.

### **progress update**

- 7 Within the workplans developed there were 37 milestones identified between April and September 2007 of which 100% have been completed on time.
- 8 The table in Annex 3 of this report highlights the progress made against relevant actions within the Action Plan.
- 9 When the workplans were developed, it became clear that some of the target dates originally set in the Service Plan needed to be updated. The reason for these changes are generally around either revised corporate timescales, links to county wide timescales or officers requests to establish a deadline that provides more accurate or achievable timescales.

## **conclusion**

10 Members should be pleased to note the progress against individual targets. This progress feeds into achieving the aims of the service plan for the department and ultimately the council plan. This report highlights work done to date in the department's wide and varied service areas

## **RECOMMENDED**

- 1 Committee notes the progress made towards implementing the Community Department Service Plan and instructs the Strategic Director to provide year end performance against the service plan.

---

<b>Officer responsible for the report</b> Michael Laing Strategic Director for the Community Ext 281
---

---

<b>Author of the report</b> Alex Smith Service Development Officer Ext 461
---

---

## ANNEX 3

Service Plan Ref.	Service Plan target date	Work plan milestone target	Progress
1.6 We will continue to deliver CPAC, Positive Futures, WOW, Walking the Way to Health, Arts Development Programme and Sports Club Development throughout the district.	1% increase 2007/08	September 2007	<ul style="list-style-type: none"> <li>• Satisfaction surveys developed for CPAC, WOW, Walking the Way to Health, Arts Development and Sports Club Development and Exercise Referral and Cardiac Rehabilitation.</li> <li>• Delivery of programmes ongoing</li> </ul>
1.8 We will provide a balanced activity programme that meets the needs of the community at fixed facilities.	March 2008	August 2007	Customer satisfaction surveys designed in August and launched at Glenholme in September and Woodhouse in October. Will be repeated monthly.
1.9 We will contribute to the reduction of health inequalities within Wear Valley by working with external partners.	March 2008	September 2007	Will raise the profile of the facilities available through service leaflets. Each complex will have 4,000 leaflets to display by the end of October 2007.
1.12 We will identify services, which contribute to the health agenda and introduce relevant activities and services.	April 2007 (Change to April 2008)	September 2007	Cost Benefit analysis work completed. Suggests that our prices are higher, and rates for instructors are lower, than other local authorities. This is being further investigated. Various schemes introduced to raise awareness and boost usage.
1.13 We will continue to work on the community facility model in Bishop Auckland	Ongoing – 2009	June 2007	Capital bid of £50,000 successful in providing initial funds for progressing design of facility.
1.15 We will investigate the need and where appropriate, provide growth bids to mainstream remaining externally funded posts.	August 2007 (Change to March 2008)	September 2007	Growth bids submitted to mainstream remaining externally funded posts. (Date change to tie in to Corporate timescale).
1.16 We will develop and implement Community Sports Networks/Sporting Hubs.	November 2007	July 2007	Options on CSN being considered in light of funding availability.

2.1 We will develop challenging Service Standards in partnership with service users and stakeholders, which are tailored to meet local needs.	From Sept 2007	<ul style="list-style-type: none"> <li>July 2007</li> <li>August 2007</li> <li>September 2007</li> </ul>	Draft standards produced, in consultation with customers and approved by DMT, Housing Services Committee and Community Services Committee.
2.2 We will implement the Council's Access and Customer Care Strategy and accompanying policies.	July 2007 (Change to December 2007)	August 2007	Contributed to final draft of the Corporate Access and Customer Care Strategy. (Date change to tie in to Corporate timescale).
2.3 We will develop the website and a series of leaflets to guide access to services, provision of services and timeliness of services.	From June 2007	<ul style="list-style-type: none"> <li>July 2007</li> <li>September 2007</li> </ul>	<ul style="list-style-type: none"> <li>Draft leaflets produced by SMT</li> <li>Leaflets approved by DMT and Community Services Committee</li> <li>Undergoing plain language accreditation.</li> </ul>
2.4 We will develop a customer profile.	January 2008	<ul style="list-style-type: none"> <li>August 2007</li> <li>September 2007</li> </ul>	<ul style="list-style-type: none"> <li>Project plan devised for the development and implementation of the customer profile.</li> <li>Completed analysis of what customer information we already have.</li> <li>Researched methods of doing the profile, e.g. PS Consultants and using Mosaic and the EDS Toolkit.</li> </ul>
2.11 We will develop policies and strategies for engaging with hard to reach groups in activities and ensuring they have equal access for services.	January 2008	August 2007	<ul style="list-style-type: none"> <li>Researched examples of Good Practice in relation to E&amp;D Strategies/policies</li> <li>Met with DDCREC and Corporate E&amp;D Officer to discuss the development of Community E&amp;D Strategy</li> <li>Report to be taken to DMT re: plans for the implementation of impact assessments within the department.</li> </ul>
2.12 We will use feedback from complaints, satisfaction surveys and findings from the Citizens Panel to develop and improve services.	December 2007	<ul style="list-style-type: none"> <li>July 2007</li> <li>August 2007</li> <li>September 2007</li> </ul>	<ul style="list-style-type: none"> <li>PMF established in July 2007, including indicators about complaints.</li> <li>First quarter performance reported to DMT.</li> <li>Review of satisfaction surveys completed and feedback available from September 2007.</li> </ul>
2.13 We will regularly update service improvement plans to assess progress and outcomes for residents.	March 2008	August 2007	Workshops with SMT held to develop work plans and explain monitoring arrangements.

3.5 We will work in partnership with the Regeneration Department on the implementation of the English Partnerships Coalfield Study.	2010	September 2007	Durham Sub-Regional Housing Strategy published.
3.10 To continue to contribute to the County Durham Homeless Action Partnership (HAP).	Ongoing	<ul style="list-style-type: none"> <li>• June 2007</li> <li>• September 2007</li> </ul>	<ul style="list-style-type: none"> <li>• Used monies from DCLG to contribute to the post of the County Homelessness Officer for year 2 of the scheme.</li> <li>• Contributed to the launch of the Tees Valley Housing Stakeholders Group for Young Single Parents Scheme (Coney Avenue, Bishop Auckland), with it's first residents in occupation.</li> </ul>
3.11 Help prevent homelessness by offering housing advice and support.	Ongoing (Change to July 2008)	September 2007	Growth bid submitted for improvements to housing advice i.e. mainstreaming posts with facilities support and management responsibility.
3.24 We will implement the measures of the Respect Standard for Housing Management.	April 2008	April 2007	<ul style="list-style-type: none"> <li>• Respect Gap analysis completed.</li> <li>• Staff workshop completed by D&amp;VH to identify opportunities for staff training and raise awareness.</li> <li>• TET service standards revised in consultation with D&amp;VH and customers. To be finalised in October 2007.</li> </ul>
3.29 We will continue to work with partners to deliver safer estates.	September 2007	No deadline set.	'Weeks of Action' planned to focus on anti-social behaviour, environmental issues and crime prevention in partnership with Dale & Valley Homes and other partner agencies, resident groups and associations. First in October 2007 at West Auckland.
3.31 We will seek partners to deliver sustainable improvements to the grounds maintenance service.	September 2007 (Change to March 2009)	No deadline set.	<ul style="list-style-type: none"> <li>• Additional capital for parks (£50K) allocated.</li> <li>• Additional revenue for grounds maintenance (£20K) allocated.</li> <li>• Area teams report to be circulated to CMT for comments.</li> </ul>
3.32 We will implement a joined up approach towards all service contracts.	September 2007 (Change to March 2009)	No deadline set.	Report drafted – to be circulated to CMT for comments in light of LGR.

3.33 We will develop a set of strategic aims and objectives for the development and management of local landscapes/neighbourhoods .	From September 2007	September 2007	<ul style="list-style-type: none"> <li>• Stakeholders identified to identify issues for local neighbourhoods – linked to the development of the Neighbourhood Arrangements, which will focus on identifying local issues and priorities within 4 of the Super Output Areas.</li> <li>• Neighbourhood Officers and Clerk to be appointed in early October.</li> </ul>
3.34 We will enhance green space provision and quality	September 2007	September 2007	Regeneration of Glenholme Park agreed in partnership with Groundwork West Durham and Darlington and Crook members in September 07
3.36 We will continually improve recycling rates.	2007/08	<ul style="list-style-type: none"> <li>• July 2007</li> <li>• Events in April-September</li> </ul>	<ul style="list-style-type: none"> <li>• New banks for paper based liquid foods and drinks cartons have been installed at recycling bring sites. Collections on a weekly basis.</li> <li>• Continued to raise awareness of recycling and waste minimisation. In the last six months there have been: <ul style="list-style-type: none"> <li>• 3 x school assemblies</li> <li>• 7 x promotional events</li> <li>• 7 x talks and presentations to various groups</li> <li>• 18 x press articles and articles in Wear Valley Matters.</li> </ul> </li> </ul>
3.38 We will work with partners to source new landfill sites and improved recycling facilities.	Set as December 2007	July 2007	<ul style="list-style-type: none"> <li>• Introduced new banks for a wider range of recycling materials.</li> <li>• The service has purchased improved signage for recycling sites.</li> <li>• Initial inspections of can recycling banks have taken place with a view to refurbishing them by December 2007.</li> <li>• Older glass recycling banks have been replaced with refurbished banks over the last six months.</li> </ul>

4.2 We will develop a performance management framework and plan to enable the use of complaints, surveys and information from the Citizens Panel to develop and improve services.	December 2007	July 2007	<ul style="list-style-type: none"> <li>PMF developed, which details a reporting schedule for services and has indicators about usage, cost, satisfaction and complaints.</li> </ul>
4.5 We will develop team "Work Plans", that are related to the Service Plan and Personal Development Plans.	From June 2007	August 2007	<ul style="list-style-type: none"> <li>See 2.13.</li> </ul>
4.6 We will develop and implement a staff training and development policy, which is linked to work plans and PDPs.	From June 2007	September 2007	Initial training on PRADS system delivered to senior managers by A. Hall in September 2007.
4.8 We will develop a marketing strategy to promote the services provided by the department.	From September 2007	September 2007	<ul style="list-style-type: none"> <li>Service leaflets developed and approved by DMT, and Community Services Committee in September 2007.</li> </ul>
Add	'Planning, development and implementation of Citizens Panel – link to PMF'	<ul style="list-style-type: none"> <li>July 2007</li> <li>August 2007</li> <li>September 2007</li> </ul>	<ul style="list-style-type: none"> <li>Development of the Citizens' Panel reported to Community Services Committee in September 2007.</li> <li>A Citizens' Panel fact sheet has been produced based on the above.</li> <li>Discussions held to discuss ways of obtaining volunteers.</li> <li>Four consultants have been approached to undertake the recruitment, consultation and management of the Citizens' Panel.</li> </ul>



## HOUSING SERVICES COMMITTEE

24 OCTOBER 2007

Report of the Strategic Director for the Community

### **IMPROVED PERFORMANCE AND VALUE FOR MONEY POSTS COMMUNITY DEPARTMENT**

#### **purpose of the report**

To seek Committee approval to changes to the structure and individual roles and responsibilities within the Community Department.

#### **background**

1. Members will be aware of the recent re-structure where the Housing Department, Community Department and parts of the Management Support Unit and Regeneration Department, were brought together to form the new Community Department.
2. That process was agreed, together with staffing structures and identification of roles and responsibilities.
3. Since that time the Department has identified new priorities arising out of the re-structure and changes to government policy. These priorities include:-
  - Increased capital expenditure
  - Improvements to performance monitoring, and
  - Increased budget holder responsibility
4. To address these priorities it is proposed that vacant posts are omitted from the current structure and additional posts are created. Deleted posts are Resource Manager (PO1-4) and Service Development Manager (PO6-8) and Service Development Officer (Scale 4) is re-designated. Additional posts are Financial Assistance (Scale 4-6), Capital Projects Manager (PO1-4), Policy and Performance Officer (Scale 6) and Policy and Performance Assistant (Scale 4). These proposed changes are explained in this report.

#### **resource manager/financial assistant**

5. Budget holders are responsible for managing and monitoring their budgets. They are supported by colleagues in the Resource Management Department. Originally the structure included a Resource Manager to act as departmental contact point and to oversee budgets and the like, as well have responsibility for procurement and value

for money. The post is vacant and it is proposed to delete the position from the establishment.

6. As budget holders have taken on the necessary levels of responsibility, it was considered the post of Resource Manager was no longer required. There still exists the need for a departmental contact point and, accordingly, the post of Financial Assistant on a Scale 4-6 was created. This position has been advertised and filled successfully for approximately 3 months.

#### **capital project manager (P01-4)**

7. As members will be aware the Council has a very large capital programme, including an additional £6 million programme operated by Dale & Valley Homes. Members recently increased this programme by some £3.4 million. Within the Community Department the capital budget is now approximately £13m. The Council need to ensure capital investment is made to the right areas, at the right time and can illustrate best value for money. The Council's CPA use of resources assessment will focus on our ability to achieve this.
8. This new position proposed will oversee the development, procurement and delivery of the capital programme, including that of Dale & Valley Homes and Groundwork Trust Schemes. The post holder will be responsible for assisting in tendering , specifying, pre-start meetings, contract management, contract compliance and programme monitoring. The recruitment process for this position will commence after Committee's approval.

#### **service development/policy and performance**

9. Within the existing structure the Community Support Manager overseas the work of the Service Development Manager. There is a large amount of overlap between roles and responsibilities of the two jobs and it is considered appropriate that, as the Service Development Manager position is currently vacant, the position is deleted from the establishment.
10. Those remaining duties of the Service Development Manager not passing to the Community Support Manager will be passed to the current Service Development Officer (Scale 4). As a result of these additional duties and responsibilities it is proposed to re-designate the postholder as Policy and Performance Officer on a Scale 6. In addition the post of Service Development Officer (Scale 4) will be deleted from the structure.
11. To support the Department's performance management framework it is considered necessary to propose an additional post of Policy & Performance Assistant (Scale 4). The postholder will be responsible for collation, monitoring and reporting of performance, as well as policy research and administration duties for the section. The postholder will report to the Policy & Performance Officer.

## financial implications

12. Financial implications of the proposed changes are highlighted below

<b><i>Additional positions to the structure</i></b>	<b>Deleted positions from the structure</b>
Financial Assistant (Sc 4-6) (£16,137 - £22,293)	Resource Manager (PO1-4) (£26,187 - £28,221)
Capital Project Manager (P01-4) (£26,187 - £28,221)	
Policy and Performance Officer (SC6) (£20, 895 - £22,293)	Service Development Manager (PO6-9) (£29,859 - £32,487)
Policy & Performance Assistant (Sc4) (£16,137 - £17,985)	Service Development Officer (Sc4) (£16,137 - £17,985)

13. The overall financial impact will be a saving of £16,122 (assuming top of scale salary and excluding on costs and the like) as it is recommended the costs of the Capital Scheme Manager are chargeable to capital.

## human resource implications

14. The Principal Personnel Officer has been consulted with regard to the proposals within this report and there are no objections.
15. The relevant trade unions have been consulted with regard to the proposals within this report and there are no objections.
16. The proposed positions have been subjected to the job evaluation process and this has been incorporated into the proposed salaries.
17. The positions of Capital Scheme Manager and Policy and Performance Assistant will be advertised and opportunities made in line with the Council's policies.
18. Job descriptions and person specifications for all proposed positions are included in Annex 4.

## equalities & diversity implications

19. The proposed positions of Capital Project Manager and Policy and Performance Assistant will be advertised to ensure compliance with all necessary equality and diversity regulations.

## summary

20. Following Council's agreement to the revised Community Department structure your officers have considered changes to policies at both national and regional level and additional Council priorities. The proposals within this report identify the potential for small changes to be made that will reduce staffing costs and drive forward value for money and service improvements.

## RECOMMENDED

- 1 Committee agrees that the positions of Resource Manager (PO1-4) and Service Development Manager (PO6-8) are deleted from the structure.
- 2 Committee agrees that the position of Service Development Office (Scale 4) is re-designated Policy and Performance Officer (Scale 6) with additional duties and responsibilities outlined in Annex 4.
- 3 Committee agrees to establish new positions of Capital Project Manager (PO1-4) and Policy and Performance Assistant (Scale 4) with duties and responsibilities outlined in Annex 4

---

**Officer responsible for the report**  
Michael Laing  
Strategic Director for the Community  
Ext 281

---

**Author of the report**  
David Milburn  
AD Policy & Resources  
Ext 379

---