



**CABINET**

This meeting will be recorded and the sound recording subsequently made available via the Council's website.

Please also note that under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bailey, Barkley (Deputy Leader), Bokor, Harper-Davies, Mercer, Morgan (Leader), Poland, Rattray, Rollings and Smidowicz (for attention)

All other members of the Council  
(for information)

You are requested to attend the meeting of the Cabinet to be held in Committee Room 1, at the Council Offices, Southfields, Loughborough on Thursday, 10th March 2022 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

25th February 2022

**AGENDA**

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
3. LEADER'S ANNOUNCEMENTS
4. MINUTES OF PREVIOUS MEETING

4 - 14

To approve the minutes of the previous meeting.

5. QUESTIONS UNDER CABINET PROCEDURE 10.7  
The deadline for questions is noon on Wednesday, 2nd March 2022.
6. ACTIVE TOGETHER PHYSICAL ACTIVITY FRAMEWORK 2022-31 15 - 41  
A report of the Head of Neighbourhood Services.  
*Key Decision*
7. HOUSING CAPITAL PROGRAMME 42 - 50  
A report of the Head of Landlord Services.  
*Key Decision*
8. LOCAL DEVELOPMENT SCHEME 51 - 71  
A report of the Head of Planning and Regeneration.  
*Key Decision*
9. PRIVATE SECTOR LICENSING SCHEMES 72 - 143  
A report of the Head of Strategic and Private Sector Licensing.  
*Key Decision*
10. ANNUAL PROCUREMENT PLAN 2022-23 144 - 153  
A report of the Strategic Director; Commercial Development, Assets and Leisure.  
*Key Decision*
11. STRATEGIC RISK REGISTER 2022-23 154 - 192  
A report of the Strategic Director; Environmental and Corporate Services.
12. EXEMPT INFORMATION  
It is recommended that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
13. AUTHORITY TO SELL COUNCIL OWNED LAND  
An exempt report of the Strategic Director; Commercial Development, Assets and Leisure circulated to members.

Notification was given on 9th February 2022 that the public could potentially be excluded during this item since exempt or confidential information could be considered. No representations regarding considering this item in exempt session have been received.

*Key Decision*

## CABINET 10TH FEBRUARY 2022

PRESENT: The Leader (Councillor Morgan)  
The Deputy Leader (Councillor Barkley)  
Councillors Bailey, Bokor, Harper-Davies, Mercer,  
Poland, Rollings and Smidowicz

Councillor Draycott  
Councillor Miah  
Councillor Seaton

Chief Executive  
Strategic Director; Environmental and Corporate  
Services  
Head of Strategic Support  
Strategic Director; Commercial Development,  
Assets and Leisure  
Head of Financial Services  
Head of Landlord Services  
Head of Planning and Regeneration  
Democratic Services Officer (LS)

APOLOGIES: Councillor Rattray

The Leader stated that this meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

### 74. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) Councillors Bokor and Morgan – personal interests in item 12 on the agenda (Loughborough Town Deal) as members of the Loughborough Town Deal Board.
- (ii) Councillor Bailey – an interest [disclosable pecuniary] in item 13 on the agenda (Solar Farm - Feasibility) as a tenant on some of the farm land in the feasibility study. Councillor Bailey would leave the meeting during consideration of the item.

### 75. LEADER'S ANNOUNCEMENTS

No announcements were made.

### 76. MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 9th December 2021 and 13th January 2022 (informal meeting) were confirmed as a correct record and signed.

77. QUESTIONS UNDER CABINET PROCEDURE 10.7

Councillor Draycott – Budget Proposal 2022/23

“Included is an increase charge for Burial costs £10k. Can I ask the Leader instead of the review of all charges being decided under delegated powers, a report instead comes to Cabinet for a decision?”

The following response had been published prior to the meeting:

*The Council’s Scheme of Delegation to Officers states the following:*

*“Delegation to Heads of Service*

- 1. To undertake the periodic review of fees and charges raised within his or her service area and falling within the scope of the Council’s Income and Charging Policy Framework.”*

*The current amount budgeted for cemetery income is approx. £100k, so to raise the necessary addition £10k would require an increase of around 10%. Given that the Council has invested approx. £1.2m in the provision of a new cemetery, the proposed increase in charges is considered to be proportionate and reasonable.*

*Any increase in charges would be in line with the Council’s Charging Policy Framework.*

*I do not believe that a cabinet report is necessary in this instance for the following reasons:*

- 1. The proposed increase is not excessive.*
- 2. The proposed increase is in line with the Council’s Income and Charging Policy.*
- 3. The revenue costs of providing the service increase year on year.*
- 4. The Council has invested heavily in a new cemetery and some of the costs need to be recouped.*
- 5. The increase has been included in the draft budget reports, and will be included in the final budget reports. These will be subject to the normal scrutiny arrangements.*

In asking a supplementary question/making a statement, Councillor Draycott stated:

“At a time when we are in a pandemic, excess deaths unprecedented and health care generally very poor, such an increase is insensitive to say the least. Whilst the information in the answer is interesting the actual answer “no” to my question is disappointing. The case being made for the increase is the new cemetery, the building of such would have been capital monies and yet the charges are revenue. My question is therefore, would the Leader agree Council Tax payers have already paid for this new cemetery in the last few years through their Council Tax? Some of

these people sadly during next year will be doubly hit if they also lose a loved one, to then find burial charges at such a time have increased. Thank you.”

The Leader then asked Councillor Bokor as Cabinet Lead Member to respond. She stated that she was sympathetic to what had happened over the pandemic, having herself lost her brother to Covid. However, the increase had been included in the draft budget report, would be included in the final budget report and was subject to the normal scrutiny arrangements.

78. BUDGET SCRUTINY PANEL

Considered, a report of the Head of Strategic Support to consider the report of the Budget Scrutiny Panel following its scrutiny of the Council’s draft budget for 2022/23 (item 6 on the agenda filed with these minutes).

Councillor Miah, Chair of the Budget Scrutiny Panel, presented the report of the Panel. He also thanked the Panel members for their work and the officers and Cabinet Lead Member for Finance who had assisted it.

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

The Budget Scrutiny Panel was thanked for its work in respect of the matter.

**RESOLVED** that the report and the observations set out within it be noted.

Reason

To acknowledge the work undertaken by and the views of the Budget Scrutiny Panel and to note its observations.

79. 2022-23 GENERAL FUND AND HRA REVENUE BUDGETS AND COUNCIL TAX AND MTFS 2022-25

Considered, a report of the Head of Financial Services setting out the 2022-23 General Fund and HRA Revenue Budgets and Council Tax and Medium-Term Financial Strategy (MTFS) 2022-25, for recommendation to Council (item 7 on the agenda filed with these minutes).

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

Noted, an error on Appendix A4 on agenda page 60, Parish Precepts, should refer to Band D and not Band B. This would be corrected in report submitted to Council.

**RESOLVED** that **Council be recommended:**

1. to approve the Original General Fund Revenue Budget for 2022/23 at £17,862,933 as set out in Appendix A1 to the report;

2. to set a base Council Tax at £135.69 at Band D, an increase of £4.61 on the 2021/22 rate as set out in Appendix A2 to the report;
3. to set the Loughborough Special Levy at £79.53, a 1.99% increase on 2021/22 rate, as set out in Appendix A3 to the report and to approve the following ongoing savings and one off pressure which are included in the General Fund and also form part of Loughborough Special Budget:
  - Thorpe Acre Hub - £9.8k saving
  - Gorse Covert/Fearon Hall- £1.3k saving
  - Cemetery Fee Increase - £10k saving
  - CCTV Salaries - £10k saving
  - Carillon Income - £4.5k One off Service Pressure;
4. to approve the Original HRA Budget for 2022/23 as set out in Appendix A5 to the report;
5. to amend the HRA weekly rents in line with the Ministry of Housing, Communities and Local Government (MHCLG) guidance;
6. to amend the non-HRA dwelling properties in line with the Ministry of Housing, Communities and Local Government (MHCLG) guidance;
7. to approve the HRA service charges in accordance with the MHCLG guidance;
8. to approve that the shop rents retain their current rents in accordance with an assessment by the Valuation Office;
9. to approve that garage rents increase to £10 per week (52 weeks) in accordance with an assessment by the Valuation Office;
10. to approve that the Leasehold Management and Administration charge increases to £138.33 per annum Leasehold flats, and £138.32 for Leasehold shops;
11. that the Lifeline weekly charge is increased in line with MHCLG Guidance;
12. to determine that the basic amount of Council Tax for 2022/23 is not excessive according to the principles set out by the Secretary of State;
13. that delegation be given to the s151 Officer, in conjunction with the Cabinet Lead Member for Finance, to amend this report for Council in line with the final updated NNDR figures;
14. that the Medium Term Financial Strategy 2022-2025 as set out at Appendix B to the report be noted and **recommended to Council** for approval.

#### Reasons

1. So that the necessary finance is approved to carry out services in 2022/23.

2. So that the Council Tax can be set in accordance with legal and statutory requirements.
  3. So that a Loughborough Special Levy can be set in accordance with legal and statutory requirements.
  4. To ensure sufficient funding for the Housing Revenue Account in 2022/23.
  5. To comply with social housing rents guidance.
  6. To be consistent with the other council house stock.
  7. To ensure the correct alignment of costs and service charges for tenants in accordance with best practice.
  8. So that shop rents follow the assessment and guidance provided by the Valuation Office.
  9. To increase the rent generated for garages in line with the guidance from the Valuation Office.
  10. So that there is sufficient recovery of the costs associated with operating the leasehold flat and shop services.
  11. So that there is sufficient recovery of the costs associated with operating the Lifeline service.
  12. To comply with the requirements of the Local Government Finance Act 1992.
  13. To update the budget report in line with final settlement figures once these are received.
  14. To inform members of the future financial outlook for the Council.
80. CAPITAL STRATEGY, TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY AND ANNUAL INVESTMENT STRATEGY 2022-23

Considered, a report of the Head of Financial Services setting out the Capital Strategy, Treasury Management Strategy Statement, Minimum Revenue Provision Policy and Annual Investment Strategy for 2022-23, for recommendation to Council (item 8 on the agenda filed with these minutes).

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

## **RESOLVED**

1. that the Capital Strategy, as set out at Appendix A of the report, be approved and **recommended to Council**;



2. that the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy as shown at Appendix B of the report, be approved and **recommended to Council**;
3. that the Prudential and Treasury Indicators, also set out in Appendix B of the report, be approved and **recommended to Council**.

### Reasons

1. To enable the Council to comply with the statutory code of practice issued by CIPFA: 'The Prudential Code for Capital Finance in Local Authorities, 2017 Edition'.
2. To ensure that the Council's governance and management procedures for Treasury Management reflect best practice and comply with the CIPFA Treasury Management in the Public Services Code of Practice, Guidance Notes and Treasury Management Policy Statement.
3. To ensure that funding of capital expenditure is taken within the totality of the Council's financial position and that borrowing and investment is only carried out with proper regard to the Prudential Code for Capital Finance in Local Authorities.

#### 81. NEW CAPITAL PLAN (2022-23 TO 2024-25)

Considered, a report of the Head of Financial Services to consider a new Capital Plan 2022/23 to 2024/25 and sources of funding, for recommendation to Council (item 9 on the agenda filed with these minutes).

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

**RESOLVED** that the Final 3 Year Capital Plan for 2022/23 to 2024/25 for the General Fund and HRA schemes in Appendix 1 of the report be endorsed, **for Council approval** on 21st February 2022.

### Reason

So that the Final 3 Year Capital Plan becomes the basis for Capital spending by the Council for 2022/23 to 2024/25.

#### 82. CAPITAL PLAN AMENDMENT REPORT

Considered, a report of the Head of Financial Services setting out proposed changes to the 2021/22 - 2022/23 Capital Plan and its financing (item 9 on the agenda filed with these minutes).

The Head of Financial Services assisted with consideration of the report.

## RESOLVED

1. that the current Capital Plan for 2021/22 - 2022/23, as amended by the changes shown in Appendix 1 to the report, in the budgeted sum of £61,854,500, be approved;
2. that additional decisions taken by Officers in relation to new S106 schemes added to the Capital Programme, also included in Appendix 1 to the report, be noted;
3. that amendments to the Capital Programme since 9th December 2021 minute 61 be noted.

### Reasons

1. To enable the current Capital Plan to be the basis for capital spending by the Council and so that schemes may proceed.
2. To note the new Capital Schemes as part of S106 Agreements implemented by Officer for 3rd Parties.
3. To note amendments to the Capital Programme since Cabinet 9th December 2021 minute 61.

## 83. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN 2021-2052 AND ASSET MANAGEMENT STRATEGY FRAMEWORK

Considered, a report of the Head of Landlord Services seeking approval of the HRA Business Plan 2021-2052 and Asset Management Strategy Framework (item 11 on the agenda filed with these minutes).

The Head of Landlord Services assisted with consideration of the report.

**RESOLVED** that the following be approved:

1. the updated Housing Revenue Account (HRA) Business Plan 2021-2052 at Appendix 1 to the report;
2. the Asset Management Strategy Framework attached at Appendix 2 to the report;
3. the Head of Landlord Services to undertake a procurement for a contractor to support the development of the Council's Asset Management Strategy through the undertaking of a stock condition survey, high level energy study, and the production of a prioritised investment strategy, and that this be added to the Annual Procurement Plan in the £75,000 to £500,000 bracket.

### Reasons

1. To set out the revised financial framework for how the Council intends to meet the investment requirements necessary to deliver the housing service and maintain its HRA properties over the next 30 years.
2. To develop the Council's Asset Management Strategy, ensuring it links to our priorities, and highlights risk and opportunities around our HRA assets, including homes, estates, sheltered accommodation, shops, and garages.
3. To validate the assumptions in the HRA Business Plan and enable informed discussion around future investment priorities and the strategic approach to asset management, and to add the procurement to the Annual Procurement Plan.

84. LOUGHBOROUGH TOWN DEAL

Considered, a report of the Head of Planning and Regeneration to endorse the approach being taken regarding the Loughborough Town Deal (item 12 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Planning and Regeneration assisted with consideration of the report.

**RESOLVED**

1. that endorsement is given to ongoing Council support for the Town Deal and the use of resources which enable the Deal and projects led by the Borough Council to be successfully delivered;
2. that officers are asked to prioritise the progression of Council-led Town Deal projects within Service work programmes;
3. that the report of the Scrutiny Commission be noted.

Reasons

1. To recognise the importance of the Town Deal to Loughborough and to give confidence to the Town Deal Board that the Council will continue to play key roles in the Town Deal's delivery.
2. To ensure that the Lanes and Links, Living Loughborough and Bedford Square Gateway projects attain approved business cases and are delivered within the lifetime of the Town Deal.
3. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

*Having declared an interest, Councillor Bailey left the meeting during the consideration of the following item.*

85. SOLAR FARM - FEASIBILITY

Considered, a report of the Strategic Director; Commercial Development, Assets and Leisure seeking approval and delegation to commission a feasibility study for the construction of a solar farm on Council owned land (item 13 on the agenda filed with these minutes).

The Strategic Director; Commercial Development, Assets and Leisure assisted with consideration of the report.

Councillor Smidowicz queried whether new build houses were required by the Council to include solar panels. The Chief Executive stated that that could not be required, but he would arrange for a full explanation of the position on that to be sent to Councillor Smidowicz following the meeting.

**RESOLVED**

1. that spend of up to of £150,000 to undertake feasibility studies for the construction of solar (PV) installations on Council owned land be approved;
2. that authority for the same be delegated to the Strategic Director; Commercial Development, Assets and Leisure to commission the studies;
3. that the activity be added to the Council's Annual Procurement Plan.

Reasons

1. To understand the Council's options and ability to build solar PV installations or other renewable energy options in the Borough.
2. To allow for the timely completion of studies such that that any following phases of a project can be planned and submitted for scrutiny and approval.
3. To allow contracts of the Council to be let in accordance with Contract Procedure Rules.

*Councillor Bailey returned to the meeting.*

86. RIPA (REGULATION OF INVESTIGATORY POWERS ACT) POLICY

Considered, a report of the Head of Strategic Support setting out a Regulation of Investigatory Powers Act (RIPA) Policy and a summary of the use of RIPA during 2021 (item 14 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its pre-decision scrutiny of reports to this meeting.

The Head of Strategic Support assisted with consideration of the report. He confirmed that the briefing note for councillors requested by the Scrutiny Commission at its meeting on 7th February 2022 would be provided following Cabinet approval of the report.

## **RESOLVED**

1. that it be noted that there has been no use of RIPA by the Council during the calendar year 2021;
2. that the Audit Committee be requested to continue its responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose;
3. that the updated RIPA Policy Statement 2022, attached as Appendix A to the report of the Head of Strategic Support, be approved;
4. that the report of the Scrutiny Commission be noted.

## Reasons

1. To ensure compliance with the requirements of the Home Office's current 'Code of Practice – Covert Surveillance and Property Interference' relating to the involvement of elected Members in approving the RIPA policy and reviewing the Council's use of RIPA on at least an annual basis.
2. To ensure compliance with the requirements of the Home Office's latest 'Code of Practice – Covert Surveillance and Property Interference' relating to elected Members considering reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the policy and the policy remains fit for purpose.
3. To ensure that the Council's RIPA Policy Statement remains up to date and consistent with the relevant legislation and codes of practice.
4. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

## NOTES:

1. Councillors Miah and Seaton attended this meeting virtually. They were not taking decisions.

2. The following officers listed as present attended this meeting virtually: Chief Executive, Strategic Director; Commercial Development, Assets and Leisure, Head of Planning and Regeneration. The remainder of officers listed were physically present at the meeting.
3. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 18th February 2022 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
4. No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 18th February 2022.
5. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.

## CABINET - 10TH MARCH 2022

### Report of the Head of Neighbourhood Services Lead Member: Councillor Leigh Harper-Davies

#### Part A

#### ITEM 6 ACTIVE TOGETHER PHYSICAL ACTIVITY FRAMEWORK 2022-31

##### Purpose of Report

To update on the Active Together Physical Activity Framework 2022-31, provide background information as to its purpose, objective, and relevance to the work of the Council and to seek Cabinet endorsement of the framework and a commitment to supporting the delivery of its priorities and principles.

##### Recommendations

That the Active Together Physical Activity Framework 2022-31 attached at Appendix 1 is adopted by the Council as a key delivery partner.

##### Reasons

To provide Active Together with the evidence of the Council's support and commitment for the principles set out in the 10 year framework.

##### Policy Justification and Previous Decisions

The Council's Corporate Strategy 2020 - 2024 through its key theme of 'Healthy Communities' makes a commitment to 'healthy and happy residents' and to 'providing high-quality leisure facilities and sports activities for people and offer services to improve wellbeing either directly or with our partners'.

Cabinet approved the adoption of the Leicestershire and Rutland Sport (LRS) Physical Activity and Sport Strategy 2017-2021 on 16<sup>th</sup> November 2017 as a key delivery partner.

##### Implementation Timetable including Future Decisions and Scrutiny

If approved, the Strategy will come into immediate effect, subject to call in provisions.

Charnwood's annual Sport and Physical Activity Locality commissioning plan for 2022/23 will focus on local priorities and will be directly aligned to the overarching aims of the Active Together Physical Activity 10 Year Framework.

## Report Implications

### *Financial Implications*

There are no financial implications resulting from implementing the recommendation of this report.

### *Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Strategy is not endorsed; health of Charnwood residents deteriorates	Unlikely (2)	Significant (2)	Low (4)	Residents are signposted to other health /physical providers

### *Equality and Diversity*

An Equality Impact Assessment has been completed and attached at Appendix 2.

Key Decision: Yes

Background Papers: Active Together Physical Activity Framework, 2022-31

Officer(s) to contact: Julie Robinson  
Head of Neighbourhood Services  
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Sport & Active Recreation Manager  
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01509 634529



## Part B

### Background

#### Active Together

- 1.1 Active Together (formally Leicester-Shire and Rutland Sport) is the name for the Active Partnership covering Leicestershire, Leicester and Rutland (LLR). Active Together is a partnership of the local authorities of Leicestershire, Leicester and Rutland (LLR) working together with Sport England, National Governing Bodies of Sport and voluntary sector organisations. Together with other public, private and voluntary partners, the partnership exists to improve the health and wellbeing of local communities and to enrich the lives of the residents of LLR, through the encouraging and widening access to physical activity and sporting opportunities.
- 1.2 Active Together is one of 43 Active Partnerships, as part of a national network, across England. As a network the national partners include Sport England, National Governing Bodies of Sport, Public Health England, CIMSPA, Sport & Recreation Alliance among many others. The Active Together team includes 23 staff lead by a Director and Management Team who report to a voluntary Board.

#### Framework for Physical Activity 2022 - 2031

- 2.1 The Active Together Partnership have recently published a new ten year framework that aims to widen access, opportunity for physical activity and increase participation levels across the communities of Leicestershire, Leicester and Rutland (LLR). The framework also aims to shape and influence the future approach to service provision for physical activity across the LLR area and encourage greater agency collaboration. The framework is attached at Appendix 1 to this report.
- 2.2 The framework focuses on targeting resources to local communities and residents who face the greatest barriers to being active and the suffer inequality in accessing opportunities to engage in physical activity and sport. To achieve this the document calls for a system led approach and improved collaboration between key public, voluntary and some private sector services / organisations to coalesce around campaigning and equity in the provision of physical activity / sporting opportunities.
- 2.3 Working through three key themes of People, Place and Partnerships the framework identifies 10 key priorities for action between 2022 and 2031. The delivery of these priorities, through key partnerships and a variety of services and agencies, should result in a step change in access to sport and physical activity provision and a new single system approach and improved collaboration between public, voluntary and some private sector services. The framework has broad support across many key public services and organisations throughout Leicestershire, Leicester and Rutland.

## Consultation

- 3.1 The framework has been developed with input from the Council and it builds on wider consultation with a range of partners including Health, Planning Education, Community Services, physical activity and sport sectors. It draws inspiration from the Sport England national strategy - Uniting the Movement, which was extensively consulted on. The framework is compatible with emerging local health and wellbeing strategies and includes contributions and scrutiny from primary and public health services. The framework aspires to act as a catalyst to encourage changes in local policy development, and resource commitment across the local Public, Voluntary and Private sector, driving a step change in health improving behaviour through physical activity.

## Climate Change

- 4.1 The framework actively supports reducing the carbon footprint and the impact of the sector on Climate Change. The framework advocates for increased modes and volume of active travel, consumer behaviour change and consideration for greener approaches to infrastructure development (housing and town centres). The framework makes specific reference to the need for a (sport and physical activity) sector action plan to reduce carbon emissions and supporting existing Council and other agency plans to support climate change challenges.

## Endorsing the principles of the Active Together Framework

- 5.1 In endorsing the framework the Council would endeavour to deliver the principles outlined below;
- a) Utilise and shape, where appropriate, its existing resources and services to support the delivery of the framework and where possible align the design and delivery of relevant service plans to the principles and themes of the 10-year framework.
  - b) Support the implementation of the framework through the review and evolution, over time, of key policies where adaptation of those policies would support improved provision and opportunity for physical activity, especially for targeted communities and residents with the greatest need or inequality of access to those services.
  - c) Agree to the use of the Councils logo on the publication of the framework and where appropriate subsequent and supporting promotion and information documents both in print and online.
  - d) Where appropriate maximise the collaboration with other Local Authorities and key sector organisations to enhance the delivery of the priorities and working principles within 10-year framework.

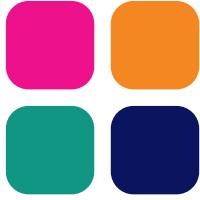
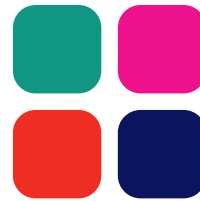
## Appendices

**Appendix 1** - Active Together Physical Activity Framework 2022-31

**Appendix 2** - Equality Impact Assessment - Active Together Physical Activity Framework 2022-31



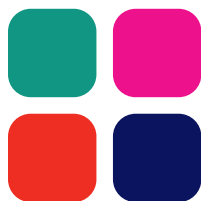
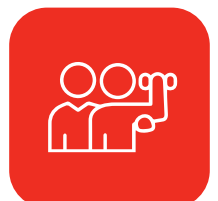
**ACTIVE  
TOGETHER  
PARTNERSHIP**



# PHYSICAL ACTIVITY FRAMEWORK

2022 - 2031

Working across Leicestershire, Leicester & Rutland  
to reduce inequalities in Physical Activity



# Purpose of this Framework

This strategic framework sets out our message about the importance of physical activity\*.

Physical activity is an essential tool in supporting people to live healthier, happier lives. It delivers positive societal outcomes - for example in improving mental health - while reducing negatives such as social isolation and the carbon footprint.

The framework is unique in its ambition to reach those who find it most difficult to be physically active. By identifying the key values, principles and priorities necessary for our sector to raise physical activity levels, we can build greater capacity. In building capacity, we can reduce inequality while working alongside partners in the services they provide to local communities.

The framework is a call for partners working across Leicestershire, Leicester and Rutland to join us in thinking differently as we collaborate in using policy and practice to reduce physical inactivity and reduce inequality. We all have a role to play.



**Bev Smith**  
Chair, Active Together

## Our Places

Physical activity can positively change the lives of people of all ages and backgrounds across Leicestershire, Leicester and Rutland. Combined with positive lifestyle choices, for example, healthy eating, avoiding smoking and excessive alcohol, physical activity is a critical ingredient to preventing ill health and staying physically and mentally well across the life course. But supporting people to build physical activity as part of daily lives is challenging and requires differing approaches in different places.

Leicestershire and Rutland counties are predominantly rural. More than 300 settlements are populated by fewer than 10,000 people. There is rural isolation and an aging population. Leicester City, by comparison, has a younger demographic. However, its premature death rate is higher than the England average. Just over two thirds of premature deaths are caused by cancers, cardiovascular and respiratory diseases. Physical inactivity is a contributing factor.

Physical activity levels in Leicestershire, Leicester and Rutland are lower than the national average. There are also growing inequalities in physical activity levels between social classes. Some of our places experience significantly lower physical activity levels than the England-wide average. Rising inactivity levels have been exacerbated by the pandemic. These and many more complex factors highlight the challenge the sector is facing to tackle inactivity and reduce inequality. ✍



\*The term physical activity, when used in this document should be recognised as embracing physical activity, sport and everyday movement.

✍ The term means reducing inequalities in the context of access to physical activity and its contribution to the broader challenge of reducing health inequalities.

# Challenges and Opportunities in Leicestershire, Leicester and Rutland

Our residents have told us through our consultation that their activity levels have been hit hard by the pandemic. Alongside our partners we want to play our part and use physical activity to support communities to rebuild, develop wider social and economic benefits and improve the physical and mental wellbeing of individuals.

Our community consultation highlighted a range of challenges and opportunities that we need to collectively respond to.

## Challenges

Our communities are less physically active because of the pandemic.

Our residents feel less physically capable to undertake physical activity because of the pandemic.

The general strength and conditioning of our residents to complete every day activities has declined because of the pandemic.

Residents have told us that the biggest barriers to being active are time, access to local opportunities and their own physical / mental health.

## Opportunities

During the pandemic more residents recognise the importance of being physically active.

Improving and maintaining good mental and physical health are our residents' greatest motivations for being physically active.

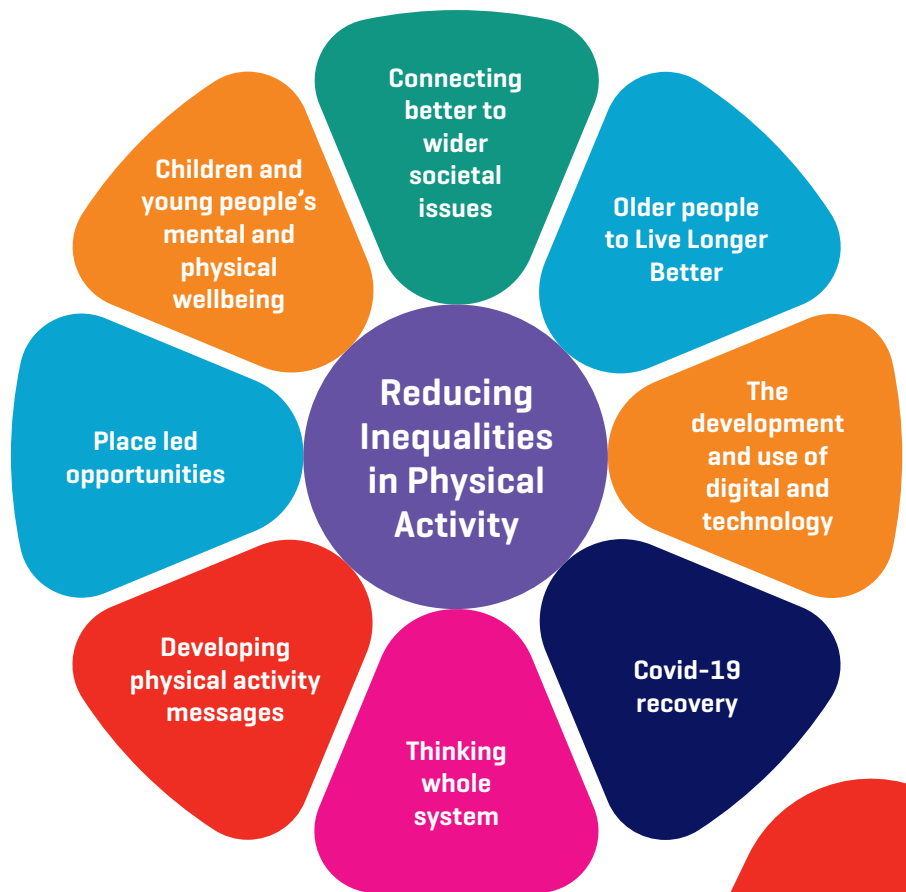
The greatest influences on our residents physical activity choices are place, family and friends.

Residents have stated a clear intention that they want to make healthy lifestyle changes.

## Our Partners Priorities

From listening to our partners and communities we have developed a better understanding of what is important and what priorities we should focus on to make a difference to people's lives.

Our key priorities for the next decade are to encourage people to move more by supporting:



# 2022 to 2031 – Framework Summary

## Outcomes

The difference we want to make

### More People

Regularly taking part in physical activity.

### Better Health

Improving physical and mental wellbeing, especially for our most inactive people.

### Connecting Communities

Where people and places connect and thrive through moving more and being active.

## Vision

Where we want to get to

**Leicestershire, Leicester and Rutland: a place where physical activity is part of daily life, leading to people living healthier and happier lives.**

## Values

Shape our behaviours and attitudes

### Inclusive

We make decisions that are fair, equitable and that focus on reducing inequality.

### Innovative

Our practice is creative, scalable and sustainable.

### Inspiring

Our energy and enthusiasm motivates our communities to move more.

### Inquisitive

We are keen to learn, ask questions and are curious about alternative solutions.

## Principles

Shape the way we operate

### Be Dynamic

Have a flexible and agile approach that responds to the changing environment.

### Be Brave

Challenge the blockages to progress and take calculated risks to find the right solutions.

### Learn from Everything

Learn and reflect on all our work and seek to continuously improve.

### Work as a System

Tackle complex challenges through partner collaboration and trust.

## Ways of Working

Help us connect and deliver for our communities

### Connecting and Collaborating

We will recognise the complexity of our mission and develop common purpose with partner organisations.

### Putting People and Place First

We will put the community at the centre of the work. "Nothing to us, without us".

### Thinking Long Term

We will over time strive to tackle the root causes of barriers to being physically active.

### Prioritise Reducing Inequality

We will channel our resources, energy and time to those whose lives will benefit most.

**Priorities**

What we will do

**1. Our People**

**Working across the Life Course**

We will work together to reduce inequality and create safe opportunities for the least active, right across the life course.

**Building a Skilled and Representative Workforce**

We will develop a flexible and agile physical activity workforce that is responsive to and representative of our local communities.

**Developing our Leaders**

We will work to address the diversity challenge and lack of representation in leadership and governance positions.

**2. Our Places**

**A Place Led Approach to Delivery**

We need to work with local communities to find local solutions to support residents be more physically active.

**Developing an Active Environment**

We will work with our partners to create a high quality network of formal and informal spaces to live, work, travel and play.

**Reducing our Carbon Footprint and the impact of the Sector on Climate Change**

We need to help shape consumer and partner behaviour to make a greater contribution to tackling climate change.

**Raising the profile of the 'sporting' assets in Leicestershire, Leicester and Rutland**

We will promote our sporting assets and help local communities to benefit from their wider health, social and economic impacts.

**3. Our Partnerships**

**Working as a System**

We will work with key system partners to consider their role and how they facilitate physical activity in everyday life, contributing to reducing inequality.

**Extending and Strengthening the reach of our Sector**

We will identify new partners, services and organisations, that can play a role in increasing the opportunities for people to be active and move more in their everyday lives.

**Physical Activity supporting Health, Economic Prosperity and Inclusive Growth**

We will champion the value of physical activity to contribute to Leicestershire, Leicester and Rutland's health and economic prosperity.

# 1. People Priorities

Engaging both inactive and active people and supporting the workforce are critical to building healthy, more active communities across Leicestershire, Leicester and Rutland. Facilitating both individual and organisational behaviour change is challenging. Ensuring that changes are led by people in our communities and local organisations will help build the foundations leading to better access to local opportunities.

## 1. Our People

### 1.1. Working across the Life Course

We will ensure that our approach to tackling inequality and creating opportunities for the least active, runs right across the life course.

- **Best Start in Life** - we will work with early years, education, health and other partners to create and sustain positive physical activity experiences for children and families.
- **Staying Healthy and Well** - we will champion for physical activity to be an integral part of healthy living, through both a universal and a targeted offer to all adults and communities.
- **Living and Aging Well** - we will ensure that there is a range of bespoke physical activity opportunities throughout Leicestershire, Leicester and Rutland designed to keep older people healthy through their later years.

### 1.2. Building a Skilled and Representative Workforce

Our paid and unpaid workforce are the lifeblood of our sector. We want to develop a flexible and agile physical activity workforce that understands and is responsive to the needs of our local communities. To do this we need to build a workforce that is representative of our communities and that are supported to acquire the right skills needed to develop local opportunities, sustain and grow their organisations and develop sustainable careers.

### 1.3. Developing our Leaders

Leaders and leadership should come from all parts of our community. We want to tackle the diversity challenge and lack of representation in leadership and governance positions within our sector. We want to identify potential local leaders and champions, embedded in the social fabric of their local communities, that better understand how to address the inequality of physical activity opportunities that exists.



### Did you know?

**62.7% of adults (aged 18+) in Leicestershire, 65.9% of adults in Leicester and 65.3% of adults in Rutland are classified as overweight or obese compared with 62.8% nationally.**

Public Health England, 2019/20.



## 2. Places Priorities

Leicestershire, Leicester and Rutland is a very diverse but vibrant place to live. Within Leicestershire, Leicester and Rutland there are many individual places and communities with their own unique characteristics and challenges. These priorities seek to recognise and respond to the assets and needs of our places. The places and spaces around us, and in which we live, travel and work, influence when, where and how we move and engage with being physically active.

System partners, when supporting local people, must recognise their immediate local environment, and be agile to adapt to local circumstances, be that from a county, city, district, or neighbourhood perspective.

### 2. Our Places

#### 2.1. A Place Led approach to Delivery

We need to work with local places to find local solutions to support communities be physically active. Our challenge is to understand the issues that impact on the daily lives of our communities. We need to learn, with our partners, what it takes to deliver on the principles enshrined in “nothing to us, without us”, making best use of community assets and skills.

#### 2.2. Developing an Active Environment

We need a high quality network of formal and informal spaces to live, work, travel and play. Our built environment of homes, streets, open spaces and workplaces should be designed to encourage people to move and be active. Our leisure and sport assets should be accessible, local and of the very best quality to drive and respond to local need.

#### 2.3. Reducing our Carbon Footprint and the impact of the sector on Climate Change

This is one of our greatest challenges as a society. We need to act and not underestimate the role the sector can play in contributing to Net Zero and role modelling new consumer and organisational behaviour changes. We need to investigate ‘greener’ provision in our services and help shape consumer and partner behaviour in making a greater contribution to tackling climate change.

#### 2.4. Raising the profile of the ‘sporting’ assets in Leicestershire, Leicester and Rutland

We will celebrate our ‘Places’ and raise the profile of our sporting assets. We want our communities to be proud of the place they live. We are a premier sporting location, helping local communities to benefit from the wider economic, social and health benefits of these sporting assets.



#### Did you know?

The population of Leicestershire, Leicester and Rutland is projected to grow from 1,093,183 to 1,216,705 by 2031, an increase of 11.3%.

[ONS, 2018].

# 3. Partnerships Priorities

Leicestershire, Leicester and Rutland physical activity partners have identified the following priorities that will inform policy and practice over the next 10 years. The golden thread that runs throughout, is our collective action to reduce the inequality of access that exists, and to increase the physical activity levels of our least active communities. Focusing resources and our energy on the dual challenge of reducing inequality and inactivity requires good leadership and changes in behaviour beyond badges, borders, egos and logo's.

## 3. Our Partnerships

### 3.1. Working as a System

Getting people to move more is not just the responsibility of the physical activity sector. We need our system partners to consider their role and how they facilitate physical activity in everyday life. Connecting with partners in the system such as health, education, housing, workplaces, private and voluntary sector organisations as well as supporting collaboration at a local level will contribute to reducing inequalities.

### 3.2. Extending and Strengthening the reach of our Sector

We will be proactive and extend our reach and connections to new partners, services, and organisations, that can play a role in increasing the opportunities for people to be active and move more. We will encourage our sector to look outward to develop new relationships, become system leaders and advocate the power of physical activity.

### 3.3. Physical Activity supporting Health, Economic Inclusion and Prosperity

We need to ensure that local policies and strategies build a foundation, where the benefits of physical activity, such as the savings in relation to health spend, reduced social isolation, increased skill development and boosting workplace productivity are recognised as key economic benefits. We will champion the value of physical activity to contribute to Leicestershire, Leicester and Rutland's health and economic prosperity.

"Improving health and wellbeing for all local people will be at the heart of our work as a new Integrated Care System. We will do this through collaboration and will focus in particular on the inequalities which currently exist. There is no doubt that physical activity can offer many benefits to individuals and communities. We therefore support and look forward to working with the Leicestershire, Leicester and Rutland Active Together Partnership."

*David Sissling, Independent Chair  
Leicester, Leicestershire and Rutland Integrated Care System*



### Did you know?

**34.7% of respondents from a local residents survey reported doing less physical activity compared to their pre-Covid-19 levels.**

Active Together, Resident Survey, 2021.

# Leadership and Collaboration

Our local services and sector partners need to share responsibility and work in harmony to make physical activity an easy choice for all our local communities.

Reducing levels of inactivity is a complex challenge and there is no one single organisation or service that can provide the solution on their own. With the economic, health and environmental challenges that lie ahead, the way forward requires inactivity to be viewed as a system wide responsibility to be tackled by a collaborative leadership approach involving shared resources and a broad range of skills and expertise.

It is the collective power of collaboration that will make the difference over the longer term.

The partnership needs to lead, nurture and develop better collaboration as well as taking a system led approach to tackling inequality and widening access and opportunity for physical activity.

## Call to action

We need our key partners and wider network to raise the profile and health benefit of physical activity. We need our partners and supporters to lead, connect and adopt collaborative practices that, focus on reducing inactivity and tackle the inequalities of access.

This requires developing relationships and leading across organisational boundaries to share the complex challenges of improving the physical and mental health of our communities.

### To deliver this framework, we will:



“ Only together can we achieve our vision of Leicestershire, Leicester and Rutland being a place where physical activity is part of daily life, leading to people living healthier and happy lives. ”

**Bev Smith**

Chair, Active Together



## Did you know?

**Over a quarter of adults [29.4%] aged 16+ in Leicestershire, Leicester and Rutland are physically inactive [undertake less than 30 minutes physical activity a week].**

Active Lives Adult Survey, May 2020-21.

# Building Success

Our success has traditionally been measured against national and local headline indicators.

These provide us with a numerical understanding of our work, but don't necessarily reflect our wider impact. Headline data doesn't always capture change within communities, policies, and organisations.

We know that physical activity improves health, connects communities, brings people together and makes a significant economic contribution. We will continue to measure that impact.

But our goal is also to build a shared understanding of the processes and systems needed for positive change in local communities. Success should also represent increasingly relevant, local and enjoyable opportunities for people to move more in their daily lives.



## Developing our Learning Culture

- We will embed a learning culture in our teams and our network to support continuous improvement.
- We will be brave, unafraid to take action and will learn from our mistakes.
- We will turn that learning into action needed to develop new insight and improve decision making around investment.
- We will ensure our approach is meaningful to partners and communities.
- We will promote and facilitate opportunities for partners to share and colleagues to connect, exchange and develop our learning on an ongoing basis.
- We will create time and capacity to make evaluation more central to our work.



## Understanding our Impact

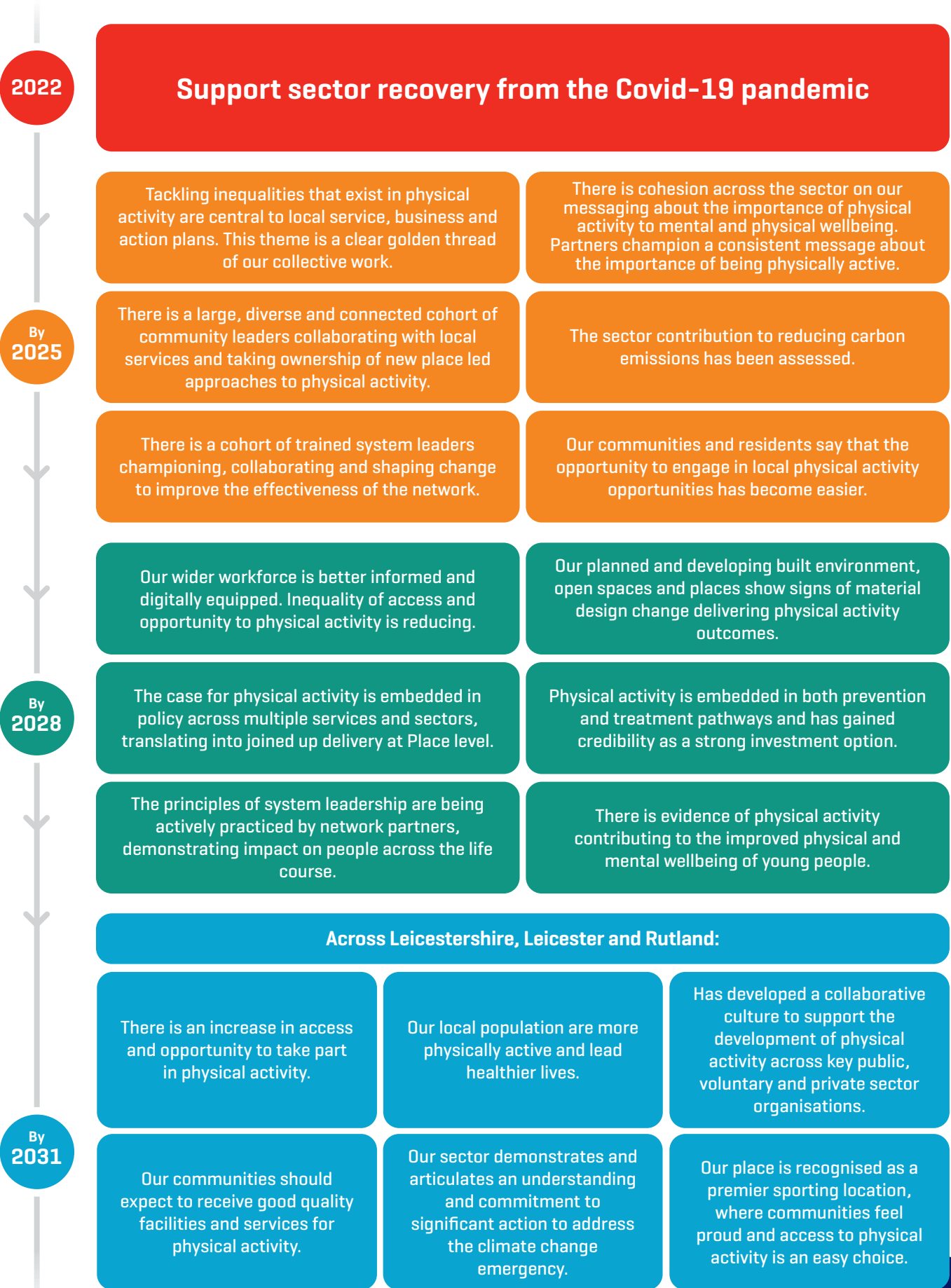
- We will continually review action which has the greatest impact on reducing inequality, increases opportunity and widens access to physical activity.
- We will place increasing value and awareness on relationships as we recognise the impact of collaboration in reducing physical inactivity in our communities.
- We will further measure the impact of our actions and investments as we better understand the value of our interventions to tackle physical inactivity and reduce inequality.
- We will refine our methods of understanding of the impact of our online and offline messaging and campaigns. We recognise the power of communication to influence behaviour change.



## Did you know?


**Improving physical activity levels among residents in deprived areas could help to tackle the life expectancy gap between the least and most affluent areas in Leicestershire, Leicester and Rutland. [ONS, 2009-2013].**

# Milestones to Success





SportPark, 3 Oakwood Drive,  
Loughborough, Leicestershire, LE11 3QF

 01509 564888

 [info@active-together.org](mailto:info@active-together.org)

 [www.active-together.org](http://www.active-together.org)

### CONNECT WITH US:



For our Leicestershire, Leicester  
& Rutland residents:

**@ActiveLLR**

For our partners:

**@ActiveLLROrg**

# Equality Impact Assessment

Active Together Physical Activity Framework 2022- 31

- **Background**

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

- **Legislation- Equality Duty**

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to

- ✓ Eliminate discrimination, harassment, victimisation.
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

**For the following protected characteristics:**

- ✓ Age
- ✓ Disability
- ✓ Gender reassignment
- ✓ Marriage and civil partnership
- ✓ Pregnancy and maternity
- ✓ Race
- ✓ Religion or belief
- ✓ Sex (Gender)
- ✓ Sexual orientation
- ✓ Socially excluded groups

**What is prohibited?**

- ✓ Direct Discrimination
- ✓ Indirect Discrimination
- ✓ Harassment
- ✓ Victimisation
- ✓ Discrimination by association
- ✓ Discrimination by perception
- ✓ Pregnancy and maternity discrimination
- ✓ Discrimination arising from disability
- ✓ Failing to make reasonable adjustments

**Complete this action plan as you go through the questions**

- **Step 1 – Introductory information**

Title of the policy	<b>Active Together Physical Activity Framework 2022-31</b>
Lead officer and others undertaking this assessment	<b>Zoe Griffiths</b>
Date EIA started	<b>9<sup>th</sup> February 2022</b>
Date EIA completed	<b>9<sup>th</sup> February 2022</b>



● **Step 2 – Overview of policy/function being assessed**

Outline: What is the purpose of this policy? (Specify aims and objectives)

The Active Together ten-year framework aims to widen access, opportunity for physical activity and increase participation levels across the communities of Leicestershire, Leicester, and Rutland (LLR). The framework also aims to shape and influence the future approach to service provision for physical activity across the LLR area and encourage greater agency collaboration.

The framework focuses on targeting resources to local communities and residents who face the greatest barriers to being active and suffer inequality in accessing opportunities to engage in physical activity and sport. To achieve this the document calls for a system led approach and improved collaboration between key public, voluntary and some private sector services / organisations to coalesce around campaigning and equity in the provision of physical activity / sporting opportunities.

Working through three key themes of People, Place and Partnerships the framework identifies 10 key priorities for action between 2022 and 2031. The delivery of these priorities, through key partnerships and a variety of services and agencies, should result in a step change in access to sport and physical activity provision and a new single system approach and improved collaboration between public, voluntary and some private sector services. The 10-year framework has broad support across many key public services and organisations throughout Leicestershire, Leicester, and Rutland.

Charnwood Borough Council will contribute to the delivery of the 10-year framework through Charnwood's annual Sport and Physical Activity Locality commissioning plan for 2022/23 which focuses on local priorities and will be directly aligned to the overarching aims of the Active Together Physical Activity 10 - Year Framework.

The focus for 2022-23 will be to develop physical activity pathways that ensure there is a more varied physical activity offer which Charnwood residents can access at the right level at the right time. We need to consider further how we offer physical activity, ensuring we have a balance of face to face, digital / virtual and self-help options. We will further focus our resources where they have the greatest impact, as well as, supporting individuals and communities to help themselves to become more active. There will need to be a balance between programme delivery and systems shaping to ensure a whole systems approach is taken. Given the current environment, we will also need to ensure that we are dynamic and innovative so that we are able to respond quickly and flexibly to both national and local circumstances.

Working together we can utilise the place-led approach to ensure we support;

- Our children & young people receive the best start in life
- People to stay healthy and well throughout their life
- Older people to age well in later years to live longer better.

What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?

Communities and residents who face the greatest barriers to being active and suffer inequality in accessing opportunities to engage in physical activity and sport.

This framework focuses on;

- Moving the inactive to active and supporting targeted population groups
- Tackling the inequalities, we've long seen in physical activity.
- Providing opportunities to people and communities that have traditionally been left behind, and helping to remove the barriers to activity
- Ensuring that sport and physical programmes target unmet local need, identified through appropriate mechanisms.

Which groups have been consulted as part of the creation or review of the policy?

The 10-year framework has been developed with the support of Charnwood Borough Council's Neighbourhood Services and it builds on wider consultation with a range of partners including Health, Planning Education, Community Services, physical activity, and sport sectors. It draws inspiration from the Sport England national strategy-Uniting the Movement, which was extensively consulted across England over a period of 24 months. The framework is compatible with emerging local health and wellbeing strategies and includes contributions and scrutiny from primary and public health services. The Framework aspires to act as a catalyst to encourage changes in local policy development, and resource commitment across the local Public, Voluntary and Private sector, driving a step change in health improving behaviour through physical activity.

Through the work of the ongoing Sport & Physical Activity Locality Commissioning Plan 2021-22 and 22-23 the Active Charnwood team have met and consulted with the public, key partners, community organisations and community groups, to ensure the needs of all residents are considered. This feedback has been reported back to Active Together and is reflected in the 10-year Framework 22-31.

Consultation has taken place with the following organisations;

- North and South Charnwood SSPAN's
- Charnwood Borough Council - Neighbourhood Services teams
- Children & Family Well Being Services
- Leicestershire and Rutland NHS
- Charnwood North and South Clinical Commissioning Groups
- Leicestershire Partnership Trust
- Fusion Lifestyle (Private contractor)
- Youth Services
- Loughborough University
- Voluntary Sector partners/Community groups based at;
  - Altogether Place, Marios Tinenti Centre, Gorse Covert Community Centre, John Storer House, Fearon Hall, Loughborough wellbeing café

Groups include:

- Equality Action Charnwood
- Safe Well Happy Partnership group
- Leicestershire WM
- Dementia UK
- Ramblers
- Parkinson's UK
- Leicester City in the community
- Tay Play
- B- Buddies
- ESOL - Loughborough College
- Menphys
- BACA

• **Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

**EIA LRS Sport & Physical Activity Strategy 2017-20**

**EIA Charnwood Sport & Physical Activity Commissioning Plan 2021-22**

**EIA Charnwood Sport & Physical Activity Commissioning Plan 2022-23**

**Active Together & Leicestershire County Council - Let's Get Moving: Place(s) Led Physical Activity Action Plan Guidance Document 2022/23**

**Charnwood Needs Assessment 2022**

**Population & inequality**

- Along with most areas of Leicestershire (and England), there is significant growth in the population of over 65's expected by 2040 (43%).
- There is also a growing population overall with over 19,000 new dwellings projected for the district by 2037.
- Alongside this, significant growth in conditions is expected as the population grows and ages.
- There is significant inequality in life expectancy for women in the district

**Best Start for Life**

- Infant mortality rates appear to be high for Charnwood at 5.1 when the region is 4.1 and England is 3.9
- Breastfeeding initiation rates are significantly lower than England although they are higher than the regional rate. Rates are significantly worse in Shepshed East (compared to LLR rate). By 10-14 days rates continue to be lower in Shepshed East

but also Sileby. By 6-8 weeks this is the case in Syston West, Sileby and Shepshed East

### **Living Healthy, Safe and Well**

- Vaccination rates for people living in 3 MSOA's are the lowest in the County
- Rates of loneliness are higher than Leicestershire and England. The risk of loneliness is especially high in 4 LSOA's in Loughborough (note this is for risk only, not actual).
- Work is already underway in the INT around mental health including a mini needs assessment and an action plan to address need identified
- Deprivation, and fuel poverty is high in some parts of Loughborough with 2 LSOA's falling in the highest 10% of England
- Air quality in the two air quality management areas and high rates of admissions for CYP with asthma and viral wheeze in some MSOA's
- Estimated 7,658 veterans living in Charnwood with a range of health issues, primary ones include heart, blood pressure and circulation and conditions with legs or feet

### **Living and Supported Well**

- Hip fracture rates are much higher than England and Charnwood is third highest across the region.
- Large numbers of people providing unpaid care in the area (although data is from 2011 census so considerably out of date)

What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The data tells us that our least active communities live in the most deprived areas of Charnwood and experience higher than the national/county average health inequalities.

Active Charnwood will continue to carry out on going customer monitoring and evaluation surveys for all projects delivered as part of the framework/locality plan. This feedback will help the sports team to shape future delivery of programmes.

The information collected will be used to monitor the outcomes of the framework and projects delivered as part of the 2022-23 Charnwood Sport & Physical Activity Locality Commissioning Plan. The information will provide us with data on how many males and females take part, how many participants are from BME communities and how many participants have a disability. From the information provided we can then use this to ensure we are delivering projects that meet the needs of residents.

Data collected from previous sport programmes shown that we had received comparative numbers on activities from people with disabilities and from BME communities. 14% of the Charnwood population are non-white and 16% of residents have a disability. Through our work we have been proactive in developing more targeted programmes which aim to increase participation levels with these hard-to-reach groups.

To meet the needs of our residents we will make activities available during daytime, evenings and weekend and ensure that there is a good geographical spread of activity across the borough and that these are easily accessible to residents who may not have access to transport.

### **• Step 4 – Do we need to seek the views of others? If so, who?**

Considering the answers given in Step 2, do you need to consult with specific groups to identify needs / issues? If not explain why.

**Yes, see Step 3 refer to Active Together & Leicestershire County Council - Let's Get Moving: Place(s) Led Physical Activity Action Plan Guidance Document 2022/23 This document refers to continually meeting with partners who support the delivery of the framework to ensure we are meeting the needs of the service.**

● **Step 5 – Assessing the impact**

Considering any data/consultation/information and your own knowledge, identify whether the policy has a positive or negative impact on the individuals or community groups who identify with any 'protected characteristics' and provide an explanation for your decision. Please refer to the general duties on the front page.

<p>Age</p>	<p>The Active Charnwood team will ensure that projects delivered as part of Charnwood's sport and physical locality activity commissioning plan 22-23 are aligned with the principles of the framework. Programmes will be delivered across 4 Levels.</p> <p>Level 1: Population interventions, Brief Advice, Sign posting Self-help</p> <p>Level 2: Targeted interventions, Community/Setting Based interventions</p> <p>Level 3: Physical Activity Supported Programme</p> <p>Level 4: Specialist Physical Activity Programmes</p> <p>Projects across the different levels will be available to the following age groups. 0-5, 5-15, 16-25, 25-55, 55+ and Universal. Delivering projects across these life stages will ensure there is a good spread of activity available for residents of all ages.</p> <p>These programmes will have a positive impact on all ages.</p>
<p>Disability</p> <ul style="list-style-type: none"> <li>● Physical</li> <li>● Visual</li> <li>● Hearing</li> <li>● learning disabilities</li> <li>● mental health</li> </ul>	<p>Active Charnwood provide a vast selection of activities specifically for disabled people in partnership with local disability groups such as Mencap and the Safe, Well Happy Partnership, Fusion Lifestyle (leisure provider), our school sports partnerships (SSPANs) and Active Together. All our sessions are fully inclusive and cater for children and adults with a disability.</p> <p>These activities will have a positive impact on people with disabilities.</p>
<p>Gender Reassignment (Transgender)</p>	<p>There are no barriers to participation in respect of sex. We offer sessions which are for male and females to take part together and specific projects for men or women which have been identified as a need by our partners.</p>

	<p>Examples of these projects include BAME Physical Activity Projects and ESOL Ladies project.</p> <p>These sessions will have a positive impact irrespective of gender reassignment.</p>
Race	<p>Our aim is to have an inclusive approach to participation irrespective of racial groups. We have an awareness and understanding of specific issues that may impact on racial groups taking part in physical activity &amp; sport.</p> <p>All sessions will have a positive impact on residents irrespective of racial groups.</p>
Religion or Belief (Includes no belief)	<p>We do not offer sessions which cater for specific religious beliefs. However, we need to be aware and understand religious practices e.g., prayer time and fasting and how these impacts on religious groups taking part in physical activity and sport. Activities need to be planned to take into consideration the issues highlighted above for these groups of people.</p> <p>Sessions organised will have a positive impact irrespective of religious beliefs.</p>
Sex (Gender)	<p>We seek to ensure that all adults are not discriminated against regardless of their / or any perceived sexual orientation.</p> <p>Programmes organised will have a positive impact on participants.</p>
Sexual Orientation	As above
Other protected groups <ul style="list-style-type: none"> <li>• Pregnancy &amp; maternity</li> <li>• Marriage &amp; civil partnership</li> </ul>	As above
Other socially excluded groups <ul style="list-style-type: none"> <li>• Carers</li> <li>• Low literacy</li> <li>• Priority neighbourhoods</li> <li>• Health inequalities</li> <li>• Rural isolation</li> <li>• Asylum seeker and refugee communities</li> </ul>	<p>Priority Neighbourhoods - The Active Charnwood team are already working in the LSOA areas of Loughborough.</p> <p>Active Charnwood have organised specific sessions for Asylum Seekers and continue to engage with this group.</p> <p>These sessions will have a positive impact on socially excluded groups.</p>

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.



- If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

N.A

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council’s responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

The Active Together Physical Activity 10 Year Framework 2022-31 provides an inclusive approach to participation that is cohesive irrespective of race, religion, gender, sex, sexual orientation, and disability. Active Charnwood have an awareness and understanding of specific issues that may impact on groups taking part in physical activity and sport.

• **Step 6- Monitoring, evaluation, review**

Are there processes in place to review the findings of this Assessment and make appropriate changes? How will you monitor potential barriers and any positive/ negative impact?

Performance management arrangements are in place to monitor individual projects providing us with the necessary demographic, financial and geographic data, alongside qualitative progress reports. It is expected that monitoring against delivery will be submitted to Active Together at six monthly and yearly intervals alongside case-studies every six months.

1:1 meetings will take place specifically between locality Local Authority lead officers and School Sport Development Managers and Active Together at least twice a year. It is expected that Active Charnwood will measure the impact of the interventions to enable Active Together to understand what has the greatest impact on tackling inequality, increasing opportunity, and widening access to physical activity.

There is a tiered evaluation approach that is based on the scale and intensity of each programme. For those programmes working with a large proportion of the population, a light evaluation process is required. Whereas programmes targeting a smaller number of participants that are more resource heavy, require a more comprehensive evaluation.

As well as monitoring and evaluation, Active Charnwood will be required to embrace a learning culture to support continuous improvement and promoting and facilitating sharing amongst the partnership. A Physical Activity Monitoring Evaluation and Learning Framework has been developed and Active Charnwood will be required to adhere to these when implementing monitoring and evaluation processes.

The processes include:

- Consultation and feedback with our partners
- Consultation and feedback with our customers

How will the recommendations of this assessment be built into wider planning and review processes? e.g., policy reviews, annual plans and use of performance management systems.

Any recommendations from the Equality Impact Assessment will be used to shape and improve future delivery of sport and physical activity programmes in Charnwood and shape Charnwood’s Sport & Physical Locality Commissioning Plan that is aligned with the framework.

- **Step 7- Action Plan**

Please include any identified concerns/actions/issues in this action plan. The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan

Reference Number	Action	Responsible Officer	Target Date
	To continue to develop marketing material which is creative and meets the needs of the specific groups identified within the framework.	Active Charnwood team	Ongoing
	To ensure that the framework is delivered through the sport & physical activity commissioning locality plan and meets the commissioning priorities of providing activities that have a;  Greater focus on families  Greater focus on the inactive  Greater focus on addressing inequalities	Active Charnwood team	Ongoing
	Meet with Active Together on a 6 monthly basis to discuss the progress of the Active Together Framework 22-31/Charnwood Sport and Physical Activity Locality Commissioning Plan 22-23 and future funding opportunities.	Z. Griffiths W. Blanche	X 2 year
	To continue delivery of sessions which consider religious beliefs and practices.	Active Charnwood team	Ongoing
	Carry out regular customer surveys which show levels of satisfaction against the projects delivered as part of the framework/Charnwood Sport & Physical Activity Commissioning Plan. Use feedback to make improvements to projects and develop new projects based on customer needs.	Active Charnwood team	Ongoing

- **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know?	How they will be informed (We have a legal duty to publish EIA's)
Employees	Active Charnwood team	Team Meetings & E-mails



Service users	Existing Service Users	E-mail, Post, social media, Website
Partners and stakeholders	All Partners Listed	Website
Others	N. A	
To ensure ease of access, what other communication needs/concerns are there?	Active Charnwood team	Language barriers - where feasible literature will be translated into the relevant language.

- **Step 9- Conclusion (to be completed and signed by the **Service Head**)**

Delete as appropriate
<b>I agree with this assessment</b>
<del><b>I disagree with this assessment</b></del>
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales below.
Signed (Service Head): Julie Robinson
Date: 15/02/2022

Please send completed & signed assessment to **Vicky Brackenbury** for publishing.

## CABINET - 10TH MARCH 2021

### Report of the Head of Landlord Services Lead Member: Councillor James Poland

#### Part A

#### ITEM 7      HOUSING CAPITAL PROGRAMME 2022-23

##### Purpose of Report

To consider the housing capital programme for 2022-2023.

##### Recommendation

That the proposed housing capital programme for 2022-2023 amounting to £8,874,400 detailed at Appendix 1 be approved and the Capital Plan be amended to reflect this.

##### Reason

To improve the Council's housing stock, in line with the Charnwood and Decent Homes Standards, thus delivering the priorities set out in the Housing Revenue Account (HRA) Business Plan approved by Cabinet in September 2014, the update to which was approved in February 2022 alongside the Asset Management Strategy Framework.

##### Policy Justification and Previous Decisions

The housing capital programme will support compliance with the Homes and Communities Agency Home Standard (2012), which, in summary, states that the Council must:

- ensure that tenants' homes meet the standard set out in the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard.
- meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- ensure a prudent, planned approach to repairs and maintenance of homes and communal areas.

On the 14<sup>th</sup> of March 2014 (Minute 119) Cabinet approved the Charnwood Standard, to provide a higher standard of accommodation than the statutory Decent Homes Standard.

On the 25<sup>th</sup> of September 2014 Cabinet approved (minute 37) the revised Housing Revenue Account Business Plan 2014 to 2044.

On the 10<sup>th</sup> of February 2022 (minute 83) Cabinet approved the updated Housing Revenue Account (HRA) Business Plan 2021-2052 and Asset Management Strategy Framework.

The housing capital programme will support delivery of the following Corporate Strategy 2020-2024 themes:

Theme 1 - Caring for the environment - *We have already reduced our carbon footprint and we have pledged to become a carbon neutral organisation by 2030 to help tackle climate change.*

Theme 2 - Healthy Communities - *We are passionate about improving housing in the social... sector. We will continue to invest in our council homes... to ensure high-quality homes are available to residents.*

Implementation Timetable including Future Decisions and Scrutiny

The programme will be delivered during 2022/2023, commencing on 1st April 2022 and completing on 31st March 2023. Progress will be monitored by the Housing Management Advisory Board throughout the year.

Report Implications

The following implications have been identified for this report.

*Financial Implications*

The 2022/2023 capital budget to deliver this work amounts to £8,874,400 and can be fully funded using HRA revenue contributions, the HRA Major Repairs Reserve, Capital Receipts, and HRA Financing Fund contributions. The Capital Plan will be amended to reflect the updated housing capital budget if it is approved.

*Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
<p>The programme cannot be delivered due to:</p> <ul style="list-style-type: none"> <li>- Contractor performance issues</li> <li>- Covid-19 related access issues</li> <li>- The carry forward of works from previous</li> </ul>	Likely (3)	Significant (2)	Moderate (6)	<p>Performance monitored at contract meetings and through the Housing Management Advisory Board.</p> <p>Resident Liaison Officer and no access processes in place.</p> <p>Components in poor condition will be prioritised over planned replacements.</p>

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
<p>years negatively impacts on programme delivery</p> <p>Leading to non-compliance with the Decent Homes Standard, disrepair claims, and reduced tenant satisfaction.</p>				<p>Tenants on the programme will be informed of progress.</p> <p>Tenant refusals are taken in-to account when calculating the level of non-decency.</p> <p>Programme to be smoothed, limiting delivery volumes, to support effective control of works.</p>
<p>The quality of work provided by Contactors is unacceptable.</p>	<p>Likely (3)</p>	<p>Significant (2)</p>	<p>Moderate (6)</p>	<p>Contract management meetings in place.</p> <p>100% post inspections are undertaken.</p> <p>Payment is not made to the contractor unless the property is of an acceptable standard.</p>

### *Equality and Diversity*

The housing capital programme will positively contribute towards the Council's equality and diversity responsibilities and commitments. The programme for 2022/23 includes a total of £560k for adaptations for tenants and their family members with a disability. This work can include level access showers, ramps, rails, stair lifts, and other modifications following a recommendation from an occupational therapist. A sum of £15k has also been included for mobility scooter storage.

### *Crime and Disorder*

This housing capital programme will positively contribute towards the achievement of the Council's responsibilities under Section 17 of the Crime and Disorder Act (1998) to undertake reasonable action to improve community safety in the borough. The installation of new communal entrance doors at blocks of accommodation will provide an enhanced level of security for tenants and their families.

### *Sustainability*

Delivery of central heating upgrades, the installation of new loft insulation, and LED lighting schemes in communal areas, form part of the Council's climate change

strategy, contributing towards the Council's carbon reduction targets. The stock condition survey will incorporate an energy efficiency survey and a high level energy study to inform the Council's approach to the installation of energy efficiency measures at its stock. The following principles of sustainability will be supported:

- Avoid increase in energy intensity of Council owned buildings and maximise efficiency.
- Reduce poverty, crime, anti-social behaviour and increase community safety.
- Improve public health and wellbeing.
- Ensure that housing needs of all sections of the community are met.

Key Decision: Yes

Background Papers: Housing Revenue Account Business Plan and Asset Management Strategy

<http://info/sites/cabinet/20140925/Published%20Items/Cab%2025%20September%202014%20Item%2006%20HRA%20Business%20Plan%202014-2044%20and%20Housing%20Asset%20Management%20Strategy%202014-2019.pdf>

Exempt - Future Arrangements for the Delivery of Planned Works, Voids, and Associated Works.

Housing Revenue Account Business Plan 2021-2052 and Asset Management Strategy Framework

[Agenda for Cabinet on Thursday, 10th February, 2022, 6.00 pm - Charnwood Borough Council \(moderngov.co.uk\)](#)

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## **Part B**

### 1. Background

- 1.1 Each year the Cabinet approves an investment programme for the housing stock. The programme has been shaped to reflect the priorities outlined in the HRA Business Plan, the Asset Management Strategy Framework, and the views of tenants. Capital investment priorities for 2022-23 are set out below.

### 2. Delivery of Kitchens, Bathrooms, and Heating Systems under the Charnwood Standard

- 2.1 The Council's Charnwood Standard of accommodation provides a higher standard of accommodation than the statutory Decent Homes Standard. Under the Charnwood Standard property components e.g., kitchens, bathrooms, and heating systems are replaced on a fixed life cycle, whereas under the Decent Homes Standard, a property may still be decent if the components are old. Under the Charnwood standard the Council will replace a kitchen every 20 years, a bathroom every 30 years, and a boiler every 15 years as a minimum. This approach leads to peaks in delivery in some years as components fall due for replacement.
- 2.2 The kitchen, bathroom, and heating programme for the 5-year period including the current year, and the volume of work proposed to be completed next year is set out at Appendix 2. Delivery this year has been limited due to the contract with Fortem Solutions Ltd coming to an end, compounded by the previous year of limited delivery due to Covid-19 related issues. Consequently, there is a peak in work over the next two years, particularly in respect of kitchens and standard bathrooms where programmes are already large. Some smoothing of the programme will therefore be necessary to support effective control of the works; with 200 kitchens and 200 bathrooms completed in 2022/23 rather than 388 and 422 units completed respectively.
- 2.3 Positively, the delivery position for 2022/23 is expected to be different to that in recent years. Rather than having one contractor delivering kitchen, bathroom, and heating workstreams there will be three. PH Jones has been appointed to deliver new heating installations, whilst level access showers will be delivered by a dedicated adaptations contractor, and kitchens and standard bathrooms delivered by a further contractor. A procurement process for replacement contractors is in progress.

### 3. Acquisition of Properties to Meet Housing Need

- 3.1 In June 2013, the Council entered into an agreement with the government to retain funding from the sale of Council properties (1-4-1 Right to Buy receipts) on the basis that this funding is used to increase the supply of affordable housing for rent. The Council has five years to use the receipts which can be used to fund 40% of the cost of developing/acquiring properties for Affordable Housing. Any funding not spent within five years of receipt must be returned to the Government and interest paid. The balance of funding (60%) to acquire properties is from the Council's Housing Revenue Account.

3.2 The Council's available housing stock has reduced due to the sale of properties under the right to buy. A sum of £1.5m has therefore been included in the programme to acquire more properties to meet housing need.

#### 4. Communal Area Improvements

4.1 The estate and external works budget will be focussed on improving and existing pedestrian areas, footpaths, and car park surfaces, to reduce the likelihood of trips and falls resulting in harm.

4.2 Investment in the internal communal areas of flats is planned, with painting, new flooring, and lighting, combined with new roofs where needed.

4.3 Fire safety works following recommendations arising from fire risk assessments will continue, alongside the replacement of front doors where necessary on a prioritised basis.

#### 5. Stock Condition Survey, Energy Study, and Asset Management Strategy Development

5.1 A sum has been included to undertake a Stock Condition Survey and Energy Study, along with validation of the HRA Business Plan, and development of the Asset Management Strategy in line with the Asset Management Strategy Framework approved by Cabinet on the 10<sup>th</sup> of February 2022.

#### 5. Consultation

5.2 The Housing Management Advisory Board was consulted on the approach to capital investment set out in this report at its meeting on 12<sup>th</sup> January 2022. It was resolved...

*...that the Board endorse the approach to delivering the 2022-23 2022/23 capital programme as set out in the report.*

#### Appendices

Appendix 1 - Housing Capital Programme 2022/23

Appendix 2 - Programme for Kitchens, Bathrooms, and Heating

Appendices

Appendix 1 - Housing Capital Programme 2022/23

Scheme Details			2022/23	Comment
			£	
<b>Community, Planning and Housing - HRA</b>				
<b>Live Schemes</b>				
PO	Z761	Major Adaptations	450,000	
PO	Z301	Minor Adaptations	50,000	
PO	Z302	Stairlifts	60,000	
PO	Z762	Major Voids	280,000	
		<b>Compliance</b>		
PO	Z434	Asbestos Removal	150,000	
PO	Z771	Communal Area Improvements	200,000	
PO	Z742	Communal Area Electrical Upgrades	200,000	
PO	Z772	Smoke/CO & Heat Detection	149,800	
PO	Z773	Fire Safety Works	100,000	
		<b>Stock Maximisation</b>		
PO	Z375	Garages	25,000	
		<b>Decent Homes</b>		
PO	Z763	Kitchens	900,000	
PO	Z764	Bathrooms	1,778,100	
PO	Z765	Electrical Upgrades	212,500	
PO	Z766	Window Replacement	22,400	
PO	Z767	Heating	264,600	The estimated programme cost is higher at 634,200.00. It is expected the difference between the capital plan amount and the budget need will be met though a carry forward of 2021/22 budget.



PO	Z743	Sheltered Housing Improvements	200,000	
PO	Z768	Door Replacement	700,000	
PO	Z769	Roofing Works & Insulation	650,000	
PO	Z770	Major Structural Works	250,000	
		<b>General Capital Works</b>		
PO	Z776	Estate and External Works	205,000	
PO	Z857	Housing Capital Technical Costs	312,000	
PO	Z378	Door Entry Systems	200,000	
AS	Z760	Acquisition of Affordable Housing to meet housing need	1,500,000	
PO	Z775	Mobility Scooter Storage	15,000	
PO	TBC	Delivery of Stock Condition Survey and Associated Outputs	141,000	To provide a budget for delivering this activity in line with the agreed Asset Management Strategy Framework.
		<b>Sub-total Live Schemes</b>	<b>8,874,400</b>	
		<b>Community, Planning and Housing - HRA - Total</b>	<b>8,874,400</b>	

Appendix 2 - Programme for Kitchens, Bathrooms, and Heating

Stream	2021-22	2022-23			Estimated Budget needed for Proposed	2023-24	2024-25	2025-26
	Scheduled (Units)	Scheduled	Scheduled + Carry Forward from 2021-22	Proposed		Scheduled	Scheduled	Scheduled
Kitchens	117	271	388	200	900,000.00	187	25	115
Bathrooms	190	232	422	200	680,000.00	80	85	81
Water Closet	4	58	62	62	49,600.00	104	0	2
Over Bath Shower (OBS)	20	13	33	33	148,500.00	15	2	4
Level Access Shower (LAS)	163	115	278	150	900,000.00	76	48	56
Heating	126	176	302	302	634,200.00	240	396	399

## CABINET – March 2022

### Report of the Head of Planning and Regeneration Lead Member: Councillor Richard Bailey

#### Part A

#### ITEM 8 CHARNWOOD LOCAL DEVELOPMENT SCHEME 2022

##### Purpose of Report

To seek approval of the revised Local Development Scheme so that the programme for the preparation of planning documents for Charnwood is agreed.

##### Recommendations

1. That the revised programme for the preparation of local development documents as set out in the Local Development Scheme attached to this report be approved;
2. That the Local Development Scheme comes into effect and is published on 14 April 2022; and
3. That authority is delegated to the Head of Planning and Regeneration in consultation with the Lead Cabinet Member for Planning to make any minor typographical/graphical amendments to the Local Development Scheme prior to its publication.

##### Reasons

1. To ensure that the Local Development Scheme provides a realistic programme for the preparation of development plan documents.
2. To meet the requirements of Section 15 of the Planning and Compulsory Purchase Act (2004), as amended by the Localism Act 2011 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008, 2009 and 2012.
3. To enable the timely publication of the revised Local Development Scheme.

##### Policy Justification and Previous Decisions

The Local Development Scheme (LDS) is a statutory document that sets out the programme for the production of the Charnwood Local Plan. The last LDS was published in April 2021 following Cabinet approval in March 2021 (minute 92 19/20 refers).

The Local Plan is an important tool that contributes the delivery of key elements of the Corporate Strategy and its vision for the Borough, particularly in relation to the themes 'Caring for the environment', 'Healthy communities' and 'A thriving economy'.

An up to date local plan serves as a mechanism to encourage new jobs and businesses, ensure that growth in homes and infrastructure benefits residents, and to protect the environment for future generations. It will also support the Council's work to increase tourism and support initiatives to help our towns and villages to thrive and provide sports facilities and green spaces.

The legislative provisions for the Local Plan are set out in the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. Further regulation is provided by the Town and Country Planning (Local Development) (England) Regulations 2004. Amendments to the 2004 Act and Regulations in 2008, 2009 and 2012 provide further specificity around the requirements for LDS and Local Plan production. The Localism Act 2011 requires the LDS to be made available to the community and other interested parties so they understand what policy work will be done and when it is programmed to take place. This then helps them to time their own activities around engagement and promote their objectives at the appropriate time.

The form and content of local plans are shaped by the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) as appropriate.

#### Implementation Timetable including Future Decisions and Scrutiny

A revised version of the LDS is attached in the appendix and covers the three-year period until 31 March 2025 and would come into effect on 14 April 2022. The programme responds to the strategic planning matters for Leicester and Leicestershire and allows for local development need and supply factors to be considered over an appropriate timescale. The programme is necessary to set out the next stages in the preparation of local planning policy for Charnwood.

Development Plan Documents must be based on credible and robust evidence if they are to be found 'sound'. The revised LDS includes a programme that focuses on the preparation of a Local Plan for Charnwood in this context. The LDS also signals the intention to prepare two Supplementary Planning Documents (SPD) to inform decision-taking. The first of these being revised guidance on meeting housing needs; and the other relating to the implementation of the Council's approach to securing biodiversity net gain from new development.

#### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

Provision has been made in the budget for 2022/23 for the work required on the final elements of the evidence base, examination, possible public consultation on modifications (to the new Plan) and adoption to enable work identified by the Local Development Scheme to progress during the first year. The potential costs of the detailed programme of activity under years two and three will be identified ahead of the appropriate budget setting periods, taking into account the relevant Local Development Scheme review and prevailing circumstances. These will be identified as one-off budget pressures in the relevant budget rounds where necessary in line with normal working practice.

The total costs of producing a Local Plan consist of the consultancy costs and establishment staff costs over the period of plan preparation and the costs of the Planning Inspectorate. These costs are met by existing budgets. Members should be aware that plan-making draws on staff resources from across the Council, including the CEO and Strategic Director, and that staff in the Planning and Regeneration Service are engaged in other tasks, so it is difficult to establish exact plan-making programme costs.

*Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Failure to publish a Local Development Scheme prejudices the effective programming of planning documents and the timely preparation of a sound Local Plan.	Unlikely (2)	Significant (2)	Low (4)	Maintain effective project management through the LDF Project Board

Key Decision: Yes

Background Papers: None

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## Part B

### Background

1. Local planning authorities are required to prepare a Local Development Scheme (LDS) setting out a 3-year programme for the preparation of local development documents and to keep it under review.
2. The Council adopted its first LDS in October 2005 and revisions have been made in every year since. The LDS is now reviewed on an annual basis and presented to Cabinet.
3. The review of the LDS sets out the programme for preparing a Local Plan and signals the intention announced in the Core Strategy to prepare a further supplementary planning document. It is essential that work on the Local Plan continues to be given high priority to maintain a positive planning framework for growth and to engage positively in strategic planning matters for Leicester and Leicestershire.

### Progress made on the Local Plan

4. Following the adoption of the Core Strategy in November 2015, the 2016 LDS signalled the commencement of a single Local Plan to cover the period to 2036 (now extended to 2037) to respond to the Leicester and Leicestershire Strategic Growth Plan and the government's priority to significantly boost housing delivery.
5. Consultation on the Draft Charnwood Local Plan took place in November and December 2019. The programme proposed for the preparation of the new Local Plan is:
  - Start of Examination public hearing sessions – 27 June 2022
  - Inspector's report published – October 2022
  - Adoption of Local Plan – December 2022/ January 2023
6. This programme has been amended since the publication of the 2020 LDS to take account of significant extra work to overcome infrastructure constraints, and to respond to representations on the Draft Local Plan. This has been alongside pressure from competing priorities particularly related to supporting Neighbourhood Planning, supporting the delivery of strategic developments and contributing to and influencing strategic planning matters.
7. The proposed timetable is based on a detailed work programme which maps out the key tasks required ahead of publishing the plan for Pre-Submission consultation to satisfy legal requirements, the NPPF and tests of soundness.
8. These later stages of the local plan programme have also been amended to reflect research undertaken on the length of time the Planning Inspectorate are currently taking to examine a submitted plan, hold hearings and prepare a report. Data from the Planning Inspectorate for the authorities in the East

Midlands suggests that it likely it will take approximately 16 months to progress a plan from pre-submission consultation to adoption.

9. The programme for the LDS will be monitored through the Authority Monitoring Report. Managing performance against this programme is important given community and stakeholder expectations and powers available to the Secretary of State to intervene in poor performing authorities.

#### Supplementary Planning Documents (SPD)

10. The LDS identifies two SPDs to be prepared during the three year period. It is anticipated that the first to enter production will provide guidance on how the Borough Council implements its approach for securing biodiversity net gain from new development. Work on this SPD will be undertaken in parallel to the emerging new Local Plan.
11. The other SPD will inform decision-taking in relation to proposals that meet specific aspects of the Borough's housing need. It is considered that the scope of such an SPD will be guided by the Borough Council's corporate priorities and the evolving decision-taking experience. Consequently, the Scheme projects that resources could be committed to its production towards the end of the three-year period.

#### Appendices

Appendix: Charnwood Local Development Framework Local Development Scheme – April 2022 to March 2025

CHARNWOOD LOCAL PLAN  
LOCAL DEVELOPMENT SCHEME

APRIL 2022 TO MARCH 2025

APRIL 2022



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## 1. Introduction

- 1.1. The Charnwood Local Development Scheme sets out the Borough Council's programme for the preparation and production of the new Charnwood Local Plan, supplementary planning documents and other related documents that support the delivery of planned-for growth across the Borough.
- 1.2. Local plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. They set the development strategy and policies for delivering the vision of the area. Having an up to date local plan is important because applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this respect, local plans provide clarity for development proposals and a degree of predictability for the community.
- 1.3. Charnwood Borough Council is committed to maintaining an up to date local plan in accordance with National Planning Policy Framework. The programme set out in this Local Development Scheme covers the period from 2022 until 2025. It identifies the stages the local plan will go through and the timetable for key activity.

## 2. Local Plans

- 2.1. The current development plan for Charnwood is made up of the Core Strategy (2015) and the detailed 'saved' policies from the Borough of Charnwood Local Plan (2004)<sup>1</sup>. The Core Strategy sets the strategic planning framework for Charnwood for the period 2011-2028.
- 2.2. Whilst the proposals in the Core Strategy provide for the period up to 2028, and the strategic growth sites contained within it will continue beyond 2028, the Council has a duty to maintain an up to date local plan. Consequently, the Council is preparing a single Charnwood Local Plan document to replace the Core Strategy and to replace the remaining 'saved' policies from the Borough of Charnwood Local Plan.
- 2.3. The local plan also identifies the need to prepare Supplementary Planning Documents to provide guidance on how certain policies should be interpreted and implemented. These are included in this programme.
- 2.4. Progress made on the Charnwood Local Plan is published each year in the Council's Authority Monitoring Report, which provides details on the Borough Council's performance in meeting the objectives set out in this Local Development Scheme.
- 2.5. The planning system uses a raft of technical names for different documents and the status they enjoy. Although every attempt has been made to avoid technical terminology there are occasions where names which have a legislative meaning are used. Where this is the case a glossary of terms is provided at Appendix C to assist the reader. The relationship between different documents is shown in Appendix A.

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<sup>1</sup> The minerals and waste local plans prepared by Leicester City and Leicestershire County Councils, and made neighbourhood plans, also form a part of the development plan for Charnwood

### 3. Programme of work for 2022 - 2025

#### Local Plan

- 3.1 The Borough Council's priority within the three-year period is to conclude the examination of the new Local Plan; to have it found sound; and subsequently have it adopted.
- 3.2 The emerging new Local Plan builds upon the strategy contained within the Core Strategy, setting out the strategic and detailed policies to deliver the Borough Council's vision for Charnwood up to 2037. It takes account of the commitments for housing, employment and other developments across Charnwood, including the existing strategic allocations for Sustainable Urban Extensions and the Loughborough Science and Enterprise Park. It identifies and allocates further sites in the borough needed to meet the needs of the community, including specific site allocations for development, and designations that reflect special character or that require protection. It also sets out specific planning policies and criteria against which planning applications for the development and use of land and buildings will be considered. The emerging new Local Plan will include a policies map for the whole Borough. Full details of the new Plan, its progress and its process milestones are set out under Appendix B.
- 3.3 The emerging new Local Plan responds to the Leicester and Leicestershire Strategic Growth Plan which has been prepared and approved by all ten partner organisations. The Growth Plan was approved by the Borough Council on 5<sup>th</sup> November 2018.
- 3.4 Early public consultation was undertaken on the scope of the new Local Plan in 2016, in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. During April 2018 further public consultation was undertaken on the issues and options available for the new plan. This was entitled 'Towards a Local Plan for Charnwood'. A Draft version of the new Local Plan was prepared and consulted upon during November 2019. Subsequently, the Borough Council prepared a Pre-submission version of the Local Plan. This was the subject of public consultation, in accordance with Regulation 19 of the Regulations, during Summer 2022. A copy of the Pre-submission draft Local Plan is available to view on the [Borough Council website](#).
- 3.5 Following the close of the public consultation on the Pre-submission version, the Borough Council formally submitted the draft Local Plan to the Secretary of State for the purpose of examination in public on 3 December 2021. On the basis of information provided to the Borough Council by the Planning Inspectorate the reasonably anticipated timetable for the new Local Plan to pass through the examination and adoption stages of the process is:
  - Examination hearing sessions open – July 2022
  - Publication of Inspectors' Final Report – September/ October 2022
  - Adoption – December 2022/ January 2023

## **Leicester and Leicestershire Strategic Growth Plan**

- 3.7 Charnwood is part of a wider housing market area that covers Leicester City and the all of the other Leicestershire authorities. In the local planning authorities across this area work together to understand the need for new homes and jobs with the objective of meeting these needs through their local plans in a coordinated way. A Strategic Growth Plan has been prepared which sets out the amount of homes and jobs needed and the agreement on their distribution across Leicester and Leicestershire between 2011 and 2050. A Strategic Growth Statement was published in Summer 2016 and a draft plan was the subject of consultation in Spring 2018. Following consultations with residents, businesses, organisations and other key stakeholders the plan was approved by all councils at a series of meetings held during November and December 2018.
- 3.8 The relationship between the Charnwood Local Plan and the Strategic Growth Plan is an important one, as the local plan takes its lead from the Growth Plan's broader strategy – particularly in terms of the numbers of new homes and jobs required in Charnwood. The development strategy for Charnwood is a key component of the local plan and can only be identified and tested now the Strategic Growth Plan has been approved. The Borough Council will continue to be engaged in this strategic work during the period covered by this Local Development Scheme. This includes the preparation of a Statement of Common Ground between the Borough Council and the other Leicestershire councils. The relationship between the Charnwood Local Plan and the Strategic Growth Plan is recognised in the risk assessment in Section 5.

## **Supplementary Planning Documents**

- 3.9 The role of Supplementary Planning Documents (SPDs) is to provide guidance on how existing planning policy should be used and interpreted when developing proposals and taking decisions on planning applications. The Core Strategy generated the production of two SPDs, which provided additional guidance on the implementation of its design and housing policies. Following the adoption of new Charnwood Local Plan, it is anticipated that these two SPDs will fall away, as the parent policies contained within the Core Strategy will have been superseded. The new Local Plan includes policies relating to the design of new development. It also incorporates, under an annex, much of the key guidance on how these policies will be implemented through decision-taking. On that basis, it is not currently anticipated that there will be an immediate need for additional supplementary guidance on design matters. Consequently, the Local Development Scheme does plan for this eventuality during its life span. Nevertheless, the Borough Council will closely follow the development of national policy in relation to the preparation of local Design Codes. Current guidance suggests that design codes should either be included within local plans or prepared as SPDs. Regardless of the format, the Borough Council will ensure that, should they become necessary that they are based on effective community engagement and reflect local aspirations for the development of their area.

- 3.10 Although the new Local Plan contains a range of proposed policies that address housing matters; including those relating to mix of size and tenure, specialised forms of housing, space standards, and the delivery of new affordable housing; it may prove necessary to prepare supplementary guidance to support decision-taking. Such guidance could address aspirations for meeting affordable housing need – for example by considering the introduction of First Homes and other similar products and how these can be incorporated into the delivery of planned-for growth so that they effectively meet genuine local need. It is anticipated that the scope of such an SPD will be guided by the Borough Council’s corporate priorities and the evolving decision-taking experience. Consequently, the Scheme projects that resources could be committed to its production towards the end of the three-year period.
- 3.11 The increasing importance of biodiversity in place-making has generated the need for new guidance that sets out how the Borough Council implements net-gain, and where necessary off-setting through decision-taking. Guidance will initially seek to support Core Strategy Policy CS13 Biodiversity and Geodiversity. Upon adoption of the new Local Plan, it is anticipated that guidance will be updated to support the objectives of proposed Local Plan Policy EV6 Conserving and Enhancing Biodiversity and Geodiversity. The Borough Council will follow the development of legislation and national policy and ensure that any proposed implementation mechanisms are in accordance with wider approaches.

### **Community Infrastructure Levy (CIL)**

- 3.12 The Council has previously explored the potential for introducing a Community Infrastructure Levy charging schedule and infrastructure list. The Community Infrastructure Levy is a charge that local authorities can levy on most types of new development in their areas based on the size, type and location of the development proposed. The funding secured can be used towards delivery of infrastructure set out on the infrastructure list. However, the Council’s major growth proposals set out in the existing Core Strategy are supported by individual Section106 legal agreements to secure the infrastructure necessary to mitigate their impacts. As a result, the benefits of a CIL Charging Schedule are much reduced. The Council will consider whether CIL is necessary to deliver the proposals set out in the new Local Plan, but substantive work is not programmed within the three-year programme set out in this Local Development Scheme.

### **Statement of Community Involvement**

- 3.13 A Statement of Community Involvement (SCI) sets out how a Council intends to consult and involve the community in the preparation and review of local development documents and in development management decisions. The Charnwood SCI was adopted in January 2021. The latest version of the SCI is informed by experiences gained during the pandemic. These include the potential for hybrid mechanisms for consultation and engagement with residents and communities; such as the optimal use of virtual platforms. The Borough Council will continue to use such experiences to inform how it effectively engages with residents and communities in order to ensure that such engagement is inclusive and safe.

## Neighbourhood Development Plans

- 3.14 The Localism Act makes provisions for Neighbourhood Development Plans to be prepared. More commonly referred to simply as Neighbourhood Plans, they are a community-led document initiated through a Parish/Town Council or Neighbourhood Forum and ultimately adopted by the Council as part of the development plan.
- 3.15 Several parishes have or are in the process of producing Neighbourhood Plans. The Council provides support to Neighbourhood Forums to help them prepare these plans and will work with Town and Parish Councils and other designated groups to accommodate this work within the existing and emerging policy framework. This Local Development Scheme does not prescribe a timetable for those documents as they are community led by the appropriate Neighbourhood Forum and not Charnwood Borough Council. However, within the period covered by this Local Development Scheme significant work is anticipated for at least two Neighbourhood Plans for Anstey and for Cossington. These plans have the potential to join the Neighbourhood Plans for Barrow upon Soar, Queniborough, Quorn, Rearsby, Rothley, Sileby, The Wolds Villages, Thurstaston and Cropston, Thrussington and Woodhouse as being 'made' by the Council and forming part of the development plan for the relevant parish area.
- 3.16 Due to the external community-led nature of neighbourhood plan production, the project management of the Borough Council's involvement can become reactionary, which may introduce risks in relation to available resources. The Borough Council will seek to manage such risks by maintaining good communications with the existing and potential neighbourhood forums to ensure that there is appropriate intelligence on emerging and in-progress neighbourhood plans. Where possible the Borough Council will seek to manage neighbourhood planning processes to minimise conflict with its own plan-making activities.
- 3.17 Whilst the Borough Council has a duty to provide a degree of technical and administrative support to neighbourhood forums, these responsibilities do not normally require the publication of supporting evidence or guidance. However, it is possible that the Borough Council may be called-upon to prepare information that aids forums in their plan-making activities. For example, this may include the publication of indicative housing requirements or information on how localised, neighbourhood level, requirements could be prepared. Where such actions are necessary the Borough Council will ensure that the information is consistent and can be utilised by all forums as part of their plan-making activities.

## 4. Project Management and Resources

- 4.1. The Local Plan is managed day to day by the Group Leader of the Plans, Policy and Place Making Group under the direction of the Head of Planning and Regeneration. The Local Development Framework Project Board (LDF Board) provides oversight and is made up of the Chief Executive, the Strategic Director for Community, Planning and Housing, the Cabinet Lead Member for Planning and the Leader of the Council.



- 4.2. The Planning Policy Team provides the bulk of the Council’s resource to progress the Local Plan but specialist expertise is drawn from across the Plans, Policies and Place-making Group and elsewhere across the Service when required. The close relationship between the Local Plan and the Council’s corporate priorities allows additional support to be drawn from across the Council on specific corporate activities.
- 4.3. Budgetary provision is sought on an annual basis based on the Service Delivery Plan and Local Development Scheme programme. Specific costs relating to the submission of documents and the Examination process are identified in the Council’s Medium Term Financial Plan.
- 4.4. The challenge of delivering growth is recognised. The Council is delivering the Local Development Scheme in a project managed environment, supported by appropriate resources.

## 5. Risk Assessment

- 5.1. An assessment has been carried out of the factors that could affect the ability of the council to deliver the Local Plan in accordance with the indicated programme. Actions to manage these risks have been identified.

Risk Identified	Likelihood/Impact	Management Action
Programme slippage	<p><b>Medium/Medium</b></p> <p>The Council is expected to meet the milestones in the Local Development Scheme. Failure to deliver against the key milestones will be damaging to the reputation of the local planning authority and the absence of up to date planning policies will hamper the realisation of the Council’s vision and lead to unplanned developments in the Borough. The deadlines for preparing the Local Plan are very challenging given the emphasis on community engagement and the potential for development industry interest.</p>	<p>The Local Development Framework Project Board will carefully monitor progress and give priority to achieving the key milestones set out in the Local Development Scheme.</p>
Staff resources	<p><b>Low/High</b></p> <p>The Planning Policy Team currently has a stable and experienced staff resource. However, staff changes will impact on the production of the local plan.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for the production of the local plan, supplementary planning documents and manage competing work</p>

Risk Identified	Likelihood/Impact	Management Action
		priorities, utilising agency resources as required
Financial resources	<b>Low/High</b> Sufficient financial resources are required to prepare the local plan and supplementary planning documents including for consultancy support, consultation and the examination process.	Ensure the Local Development Scheme informs the council's Medium Term Financial Plan.
Competing work priorities	<b>High/Medium</b> The Planning and Regeneration Service is involved in a wide range of spatial policy work. Work to implement the Core Strategy, engage and support the Strategic Growth Plan, Neighbourhood Plans and any major unplanned developments will weigh heavily on staff resources especially with respect to appeals.	The high priority of the Local Plan is recognised and at certain times other work will have to take a much lower priority. Where this is not possible consideration is given to outsourcing work to other local planning authorities or consultants.
Level of public interest cause delays	<b>Medium/High</b> Public interest in the Local Plan has been high during previous consultations.	Resources are drawn from across the Planning and Regeneration Service at appropriate times to ensure representations are dealt with.
Lack of capacity of statutory agencies to respond and/or engage	<b>Low/High</b> Decisions taken nationally to change the resources of statutory agencies, and their capacity to manage local plan consultations and other work, may cause delays to the programme	The Local Development Scheme provides forward notice of the council's Local Plan programme. Maintain contact with key agencies to minimise prospect of slippage
Change in national policy/legislation	<b>Medium/High</b> Changes to the statutory process or new substantive policy which affects the content and direction of local policy preparation and decisions may cause delays to the programme.	The Council will carefully monitor new policy and legislation and give priority to managing any impacts on the key milestones set out in the Local Development Scheme
Slippage in strategic evidence/planning or Duty to Cooperate Matters	<b>Medium/High</b> Strategic evidence for homes, jobs and transport will help define the relationship between Charnwood and the wider housing market area and the role of the Charnwood Local Plan. Any delays to this strategic work may cause Duty to	The Council will be represented in this strategic work and will carefully monitor and give priority to managing any impacts on the key milestones set out in the Local Development



Risk Identified	Likelihood/Impact	Management Action
	Cooperate issues and cause delays to the programme.	Scheme. A Statement of Common Ground is currently being prepared with the other authorities in the HMA.

## 6. Programme Chart

	2022												2023												2024											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
<b>Charnwood Local Development Documents</b>																																				
New Local Plan																																				

**KEY:**

Hearing Sessions 

Inspector's Report Published 

Adoption 

## Appendix A: Charnwood Local Plan and Supporting Documents



## Appendix B: Local Plan Profile

Overview	
Title	Charnwood Local Plan
Role and content	<p>Sets out the strategic policies to deliver the Council's vision for Charnwood up to 2037 within the strategic framework set by the Strategic Growth Plan 2011 - 2050</p> <p>Addresses the spatial implications of strategies prepared by other key bodies including the Strategic Growth Plan for Leicester and Leicestershire to be prepared jointly by the local authorities for the area.</p> <p>Identifies land use sites needed to meet development needs to 2037.</p> <p>Sets out specific criteria against which planning applications will be considered.</p> <p>Provides land use designations for the protection and management of natural resources.</p> <p>Includes a proposals map on ordnance survey base to identify specific policies and proposals for development or use of land.</p>
Coverage	Borough wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation, case law and national planning policies.

Timetable	
Start	April 2016
Scoping and Issues (Regulation 18 <sup>2</sup> )	July/August 2016
Draft plan consultation	November 2019
Publication (Pre-Submission Consultation) (Regulation 19)	July 2021
Submission (Regulation 22)	December 2021
Examination hearings (Regulations 23 and 24)	Summer 2022
Adoption and publication of the DPD (Regulation 26)	December 2022/ January 2023

## Management arrangements

<sup>2</sup> In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012

Organisational Lead	Head of Planning and Regeneration Services
Lead Officer	Group Leader Plans, Policies and Place-making
Management Arrangements	LDF Project Board; Cabinet and Full Council; Growth Advisory Group
Resources required	Charnwood Senior & Core Leadership Team; Planning and Regeneration Service; Housing Service; Neighbourhood Services; Open Space and Waste Service; Leisure and Culture Service; Finance and Property Services; Strategic Support Service; Leicestershire County Council including Highway Authority and Education Authority; Leicester City Council including Highway Authority and Education Authority.
Community and Stakeholder involvement	Parish and Town Councils, partner organisations, and others as identified in the Regulations and the Statement of Community Involvement.
Monitoring and review	Authority Monitoring Report

## Appendix C: Glossary of Terms

Authority Monitoring Report (AMR) (formerly the Annual Monitoring Report)	An annual document that reports the progress made on plan preparation compared to the Local Development Scheme and the delivery of local plan policies including housing and employment delivery.
Core Strategy	A statutory planning document setting out the spatial vision and strategy for the Borough including key policies, proposals and strategic allocations to deliver the vision.
Development Plan Document (DPD)	Statutory documents prepared by the local planning authority with rigorous community involvement and consultation. They are subject to an examination in public by an independent Planning Inspector appointed by the Secretary of State.
Development Plan	Any adopted Development Plan Documents make up the Development Plan. Under the Planning Acts the Development Plan is the primary consideration in deciding planning applications.
Local Development Framework (LDF)	A binder of documents that provide the planning policies for the area.
Local Development Scheme (LDS)	A document that outlines the Council's three year programme for preparing the Local Development Framework.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the local plan. The term includes old policies which have been saved under the 2004 Act.
Neighbourhood Development Plan	The Regulatory title for a planning document which may be initiated and prepared by Parish and Town Councils or Neighbourhood Forums.

	Following robust consultation, independent examination and a local referendum they become 'made' (essentially adopted) by the Council as part of the statutory development plan. They are generally referred to as Neighbourhood Plans and must be prepared in general conformity with the Local Plan.
Spatial planning	A more comprehensive approach to town planning than simple 'land-use' planning, it coordinates the development and use of land with other policies and programmes to benefit places and how they function.
Statement of Community Involvement (SCI)	A document outlining the approach of the authority to involving the community in preparing planning policy and considering significant planning applications.
Strategic Growth Plan	A non-statutory planning document that sets out the spatial planning framework for Leicester and Leicestershire.
Supplementary Planning Documents (SPD)	Documents that provide guidance on how to use and interpret planning policies when developing proposals or taking decisions.
Sustainability Appraisal (SA)	An appraisal of the social, economic and environmental implications of a strategy, policies and proposals. Will ensure that proposals contribute to the achievement of sustainable development.
Sustainable development	Meeting our own needs without prejudicing the ability of future generations to meet their needs.

## CABINET – 10TH MARCH 2022

### Report of the Head of Strategic and Private Sector Housing Lead Member: Councillor Mercer

#### Part A

#### ITEM 9 PRIVATE SECTOR HOUSING LICENSING SCHEMES

##### Purpose of Report

To endorse the work completed to date, approve the Houses in Multiple Occupation and Selective Licensing Policies and Conditions, approve the publication of the Public Notices for the two designated schemes for three months and the implementation of the schemes thereafter.

##### Recommendations

That Cabinet:

1. Endorse the work completed to date to implement the two new discretionary licensing schemes.
2. Approve the Houses in Multiple Occupation and Selective Licensing Policies (Appendix 1 and 2).
3. Approve the Licence Conditions for the Houses in Multiple Occupation and Selective Licensing Schemes (Appendix 3 - Houses in Multiple Occupation Licensing Scheme Licence Conditions and 4 - Selective Licensing Scheme Licence Conditions).
4. Approve the publication of the Public Notices for the two designated schemes for three months and give delegated authority to the Head of Strategic and Private Sector Housing for the implementation of the schemes thereafter.
5. That delegated authority be given to the Head of Strategic and Private Sector Housing in consultation with the Lead Member for Housing to update or make minor amendments to the Licensing Policies and Conditions subject to there being no financial or human resource implications arising from the proposals.

##### Reasons

1. To enable the Cabinet to consider and endorse the work completed.
2. To enable the Cabinet to consider and approve the final Houses in Multiple Occupation Policy and Selective Licensing Policy.
3. To enable the Cabinet to consider and approve the final Licence Conditions for the Houses in Multiple Occupation and Selective Licensing Schemes.



4. To enable the required publication of the Public Notices for the two designated schemes for three months, and for the implementation of the schemes thereafter.
5. To ensure that the Licensing Policies and Conditions remains relevant and responsive during the lifetime of the Policies.

#### Policy Justification and Previous Decisions

The Scrutiny Management Board considered the findings and recommendations of the Managing Student Occupancy Scrutiny Panel at its meeting held on 19th March 2014 and the Cabinet subsequently considered the report on 10th April 2014. The Board then received three reports on the implementation of decisions taken following Scrutiny recommendations. The final report, considered on 28th October 2015, showed that the implementation of all Cabinet resolutions was sufficiently complete and no further monitoring was required.

However, the Board resolved to make two further recommendations to the Cabinet (detailed in Part B of this report).

At its meeting held on 15th November 2015, having considered the report of the Scrutiny Management Board, the Cabinet resolved the following:

1. *that the Head of Strategic and Private Sector Housing further investigate the potential to implement a Loughborough Accreditation Standard in partnership with the Loughborough Students Union;*
2. *that the Head of Strategic and Private Sector Housing consider the submission from the Loughborough Student Advisory Service of complaints data from 2014/15 and evaluate this alongside the evidence that has already been collated;*
3. *that the Head of Strategic and Private Sector Housing submit a report to a future meeting of the Cabinet to provide updates on the evidence gained and the actions taken in relation to resolutions 70.1 and 70.2, above.*

#### Reasons

1. *If this can be achieved, it will assist in improving standards in the student Private Rented Sector and raise awareness among students about some of the risks associated with poor housing standards.*
2. *To determine whether there are further options for investigation.*
3. *To enable the Cabinet to consider the evidence gained and the potential for further initiatives.*

#### **The Cabinet meeting on the 17<sup>th</sup> January 2019 resolved:**

1. That the evidence gathered to date and the impact of the implementation of the

Government's expansion of the Mandatory Licensing of HMOs in the Borough be noted;

2. That further investigations being undertaken to gather evidence (as referred to in paragraph 61 of Part B of the report of the Head of Strategic and Private Sector Housing) to establish the case for the introduction of an Additional or Selective Licensing Scheme be approved;
3. That it be noted that a Borough wide Accreditation Scheme with the Students Union will not be taken forward.
4. That the report of the Overview Scrutiny Group be noted.

#### Reasons

1. To enable the Cabinet to consider the evidence gained.
2. Further information and evidence is required for Cabinets consideration and the consultation process required to introduce an Additional or Selective Licensing Scheme.
3. Resources were no longer available from the Student Union to take a Scheme forward.
4. To acknowledge the work undertaken by and the views of the Overview Scrutiny Group.

#### **The Cabinet meeting on the 16<sup>th</sup> January 2020 resolved:**

1. That the proposals for Private Sector Licensing be noted;
2. That the supporting evidence and risks be noted;
3. That the proposal for a consultation exercise be approved, as required by Section 56(3) of the Housing Act 2004 for Additional Licensing and Section 80(9) of the Housing Act 2004 for Selective Licensing;
4. That a one-off budget of up to £30,000 be approved to be funded from the Reinvestment Reserve in 2019/20 to undertake the consultation exercise;
5. That the report of the Scrutiny Commission be noted.

#### Reasons

- 1&2. To enable the Cabinet to consider the information and evidence gathered.
- 3&4. To use the Reinvestment Reserve to fund the statutory consultation to support the implementation of an Additional and Selective Licensing Scheme in consultation with the respective Lead Members.
5. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

**The Cabinet meeting on the 10<sup>th</sup> December 2020 resolved:**

1. That the outcome of the Discretionary Private Sector Housing Licensing consultation exercise be noted;
2. That the proposal to declare Charnwood Borough as an area for Additional Licensing to be implemented from April 2021 be approved;
3. That the proposal to declare the two wards Hastings and Lemyngton an area for Selective Licensing to be implemented following approval from the Secretary of State be approved;
4. That the proposed draft licence conditions for both schemes, attached as Appendix 1 to the report, and for a consultation exercise to be undertaken for a period of 6 weeks from the 18th January 2021 to the 26th February 2021 be approved;
5. That an initial budget for £65k to set up the two schemes and commence recruitment of staff to deliver the two licensing schemes until the licence fees are received be approved;
6. That the report of the Scrutiny Commission be noted.

**Reasons**

1. To enable the Cabinet to consider the information and evidence gathered.
2. The scheme will cover all HMOs, irrespective of the number of storeys that are occupied by 3 or 4 unrelated persons and all Section 257 HMOs (buildings converted into self-contained flats) where the building is wholly occupied by tenants.
3. The scheme will cover all Private Sector Rented properties in the two wards Hastings and Lemyngton other than those licensed through the Mandatory HMOs Licensing Scheme or the proposed Borough Wide Additional Licensing Scheme for HMOs.
4. To allow feedback on the draft licence conditions.
5. To allow the schemes to be set up and the recruitment of officers to implement the two proposed licensing schemes in advance of the licence fees being received.
6. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

**The Cabinet meeting on the 1<sup>st</sup> July 2021 resolved:**

1. that the outcome of the Additional and Selective Licensing Scheme Licence Conditions consultation exercise (Appendix 1 and 2 to the report) be noted.

2. that the Licence Conditions for the new Additional and Selective Licensing Schemes (Appendix 3 to the report - Houses in Multiple Occupation Licensing Scheme Licence Conditions and 4 to the report - Selective Licensing Scheme Licence Conditions) be approved.
3. that the use of the Houses in Multiple Occupation Licensing Scheme Licence Conditions for all Mandatory Houses in Multiple Occupation licence applications and renewals be approved;
4. that the report of Scrutiny Commission be noted.

#### Reasons

1. To enable the Cabinet to consider the information and evidence gathered.
2. The licence conditions will be introduced and implemented when the Additional and Selective Licensing Schemes are introduced in January 2022.
3. To align the existing Mandatory Licence Conditions for Houses in Multiple Occupation with the new Additional Licensing Scheme for Houses in Multiple Occupation from January 2022.
4. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

#### Implementation Timetable including Future Decisions and Scrutiny

Following Cabinet's approval of the final Houses in Multiple Occupation and Selective Licensing Policies, and the respective Licence Conditions, the following actions will be taken:

- A Public Notice will be published to advise of the implementation of the Borough wide Additional Licensing Scheme and the Selective Licensing Scheme in the two wards of Hastings and Lemyngton. The Selective Licensing Notice will provide the details of all the streets in the two wards that will be covered.
- The Notices will be published for a period of three months prior to the implementation of the Schemes.

For information, the area covered by the Selective Licensing Scheme in the two current wards of Loughborough Hastings and Loughborough Lemyngton will be fixed, and will not be affected by the proposed ward changes due to come into effect in May 2023.

#### Report Implications

The following implications have been identified for this report:

##### *Financial Implications*

The schemes will be implemented three months after the publication of the Public Notices when applicants will have to apply and pay for their licence fee prior to the approval of their licence. The licence fee is paid in two parts.

Set up costs were approved in the December 2020 Cabinet report and staff need to be in place to implement the scheme from January 2022.

The exact number of licences issued will not be known until the schemes are operational.

### *Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Landlords legally challenge the decision making process to implement a licensing scheme – cost to the Council to defend and time delay.	Very Likely (4)	Major (4)	High (16)	Make sure the decision making/consultation process meets legislative requirements to not encourage a legal challenge.  Develop an effective Communication Strategy.
The resources to run a successful scheme are more than forecasted.	Very Likely (4)	Major (4)	High (16)	This has been the experience of some LAs due to the lack of cooperation from Landlords and additional staff required to work on the issues raised.
Landlords fail to apply or obtain a licence.	Very Likely (4)	Major (4)	High (16)	The Council can issue Civil Penalties (up to £30K) or prosecute for non-application and or continuing to operate after a licence is refused.  Council would need to act swiftly and publicise.  Landlords refused a licence would have to vacate the property and leave the property empty or a find a suitable Managing Agent.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Relationships breakdown between the Council and Landlords.	Likely (3)	Serious (3)	Moderate (9)	<p>Consultation and Communication Strategies must be effective.</p> <p>Commitment to the implementation of the Scheme.</p>
Landlords increase rental charges to cover the costs of the licence fee.	Very Likely (4)	Unlikely (2)	Moderate (8)	<p>The impact of this would be delayed for the tenants with an existing tenancy.</p> <p>If tenants cannot afford to stay this could increase homelessness. Impact on the Council additional homeless applications to process and the increased use of temporary accommodation.</p> <p>This could increase the number of empty homes across the Borough; Landlords would be impacted by the Council Tax premium.</p> <p>Consultation and Communication Strategies must be effective.</p>

Key Decision: Yes

Background Papers: Cabinet, 1<sup>st</sup> July 2021 – Agenda Item 13.  
Cabinet, 10<sup>th</sup> December 2020 – Agenda Item 7 and Minute 61.  
Cabinet, 16<sup>th</sup> January 2020 – Agenda Item 7 and Minute 67.  
Cabinet, 17<sup>th</sup> January 2019 – Agenda Item 8 and Minute 75.  
Overview Scrutiny Group, 14<sup>th</sup> January 2019 – Agenda Item 6B and Minute 47.  
Scrutiny Management Board, 18<sup>th</sup> March 2015 – Agenda Item 8 and Minutes 53.2 and 53.3.  
Scrutiny Management Board, 8<sup>th</sup> October 2014 – Agenda Item 8 and Minute 26.

Cabinet, 10th April 2014 – Agenda Item 6 and Minute 120.

Scrutiny Management Board, 19th March 2014 – Agenda Item 8 and Minute 51.

Cabinet Report, 19th November 2015 – Referral from Scrutiny – Managing Student Occupancy Scrutiny Panel – Agenda Item 6 and Minute 24.

Agendas and notes of the Managing Student Occupancy Scrutiny Panel meetings, available on the Council's website at:

[http://www.charnwood.gov.uk/committees/managing\\_student\\_occupancy\\_scrutiny\\_panel](http://www.charnwood.gov.uk/committees/managing_student_occupancy_scrutiny_panel)

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## **Part B**

### **Background**

1. The Cabinet considered a report of the Scrutiny Management Board on 19th November 2015 when it was resolved that the Head of Strategic and Private Sector Housing should further investigate the potential to implement a Loughborough Accreditation Standard in partnership with the Loughborough Students Union; and consider the submission from the Loughborough Student Advisory Service of complaints data from 2014/15 and evaluate this alongside the evidence that had already been collated in relation to potentially introducing an Additional or Selective Licensing Scheme.
2. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 17th January 2019 when it was resolved that further investigations be undertaken to gather evidence (as referred to in paragraph 61 of Part B of the report of the Head of Strategic and Private Sector Housing – see Background papers) to establish the case for the introduction of an Additional or Selective Licensing Scheme be approved.
3. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 16<sup>th</sup> January 2020 when it was resolved that a consultation exercise be undertaken, as required by Section 56(3) of the Housing Act 2004 for Additional Licensing and Section 80(9) of the Housing Act 2004 for Selective Licensing.
4. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 10<sup>th</sup> December 2020 when it was resolved to declare Charnwood Borough as an area for Additional Licensing and the two wards Hastings and Lemyngton an area for Selective Licensing. Approved the proposed draft licence conditions for both schemes, a consultation exercise to be undertaken for a period of 6 weeks from the 18th January 2021 to the 26th February 2021 be approved.
5. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 1<sup>st</sup> July 2021 when it was resolved to approve the Licence Conditions for the Additional and Selective Licensing Schemes and that the conditions would be used for all Mandatory Houses in Multiple Occupation licence applications and renewals.
6. The implementation of the two schemes has been delayed due to the pandemic and this report sets out the work completed to date and requests the approval of the Houses in Multiple Occupation and Selective Licensing Policies and Licence Conditions and the next steps to the implementation of the schemes thereafter.

### **Houses in Multiple Occupation and Selective Licensing Scheme Policies**

7. The draft Policy documents formed part of the 2020 consultation exercise in determining the justification for the schemes and how they would be implemented.



8. The Policies have been amended to reflect the licence fee of £700 detailed in the table below:

Application Type	First Payment	Second Payment	Total Fee
Basic Licence Application Fee	£395	£305	£700
Re-licence application (where the application is received by the Council prior to expiry of the existing licence)	£395	£220	£615
<b>Fees for DASH Accredited Licence Holders</b>			
Basic Licence Application Fee where the proposed Licence Holder is DASH Accredited	£395	£220	£615
Re-licence application	£395	£220	£615
<b>Additional Fees for HMOs (applied to all applications)</b>			
Extra Bedroom Fee (fee per additional bedrooms over 6 bedrooms)	Not Applicable	+ £10 per additional room	+ £10 per additional room

9. The licence fee will be £700 for a 5 year period. The Council's proposed fee structure consists of two payment stages. The first covers the receipt, assessment, and processing of the application. The second covers the costs incurred in a property compliance and inspection, together with management assessment.

### Licence Conditions

10. A Delegated decision (DD014 2022) was approved to make minor amendments to include the correct definitions page in the Selective Licensing Conditions and minor amendments to the Licence conditions following additional comments received from Letting Agents and DASH.
11. Following the amendments the Council sought further legal advice for the conditions for the new schemes. The licence conditions will be published on the Council's website once the Public Notices have been issued.

### Next Steps

12. Public Notices will be published to advise of the implementation of the Borough wide Houses in Multiple Occupation and the Selective Licensing Scheme in the two wards of Hastings and Lemyngton. The Selective Licensing Notice will

provide the details of all the streets in the two wards that will be covered.

13. The Notices will be published for a period of three months prior to the implementation of the Schemes. The Schemes will be implemented thereafter.
14. For the Mandatory Houses in Multiple Occupation Licensing Scheme the new Licence Conditions will be implemented for all new applications and renewals from April 2022.

### Appendices

- Appendix 1 Houses in Multiple Occupation Licensing Policy
- Appendix 2 Selective Licensing Scheme Policy
- Appendix 3 Houses in Multiple Occupation Licensing Scheme Licence Conditions
- Appendix 4 Selective Licensing Scheme Licence Conditions

# Houses in Multiple Occupation Licensing Policy

February 2022

## **Introduction**

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

The Housing Act 2004 requires Local Housing Authorities to licence mandatory licensable HMOs, and allows the licensing of other HMOs through an additional licences.

Types of housing licensing are:

- Mandatory Licensing
- Additional Licensing

Under Housing Legislation, an HMO is an entire house or flat that is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom, or toilet.

For a property to be classed as a HMO, it must be used as the tenants only or main residence and it should be used solely or mainly to house tenants.

### **Mandatory Licensing**

Mandatory Licensing under Part 2 of the Housing Act 2004, broadly speaking requires an HMO occupied by 5 or more persons in 2 or more households, sharing an amenity regardless of the number of storeys, to be licensed.

Prior to the 1<sup>st</sup> October 2018, only HMOs of 3 or more storeys, occupied by 5 or more persons in 2 or more households required a licence.

### **Additional Licensing**

The Housing Act 2004 provides a power for Local Authorities to licence HMOs which are not covered by Mandatory Licensing. Part 2 of the Housing Act provides for Additional Licensing of HMOs for example, in a particular area or the whole borough for those not covered by Mandatory Licensing.

The Act permits Additional Licensing of HMOs covers those HMOs that are not licensed under the Mandatory Scheme but where the Council has used its power to subject HMOs across the Borough to Additional Licensing.

This Policy sets out the structure of the scheme and the fees and charges and criteria Charnwood Borough Council will apply to all licences in relation to the Mandatory and Additional HMO Licensing schemes.

## Houses in Multiple Occupation (HMOs) Licensing

The Council has a responsibility under Section 55 of the Housing Act 2004 to secure the licensing of all Mandatory HMOs and has been implementing its scheme in response to this duty.

On the **(Date to be confirmed)** Charnwood Borough Council designated the whole of the Borough subject to Additional Licensing in respect of the following types of HMOs:

- HMOs of any size of building that are occupied by 3 or 4 persons; and
- Section 257 HMOs where all of the self contained flats are let and occupied by tenants.

### Licence Fee

Section 63 of the Housing Act 2004 permits the Council to require any application for a licence under Part 2 is accompanied by a licence fee and that this fee may cover all costs incurred by the Council in carrying out its function.

In developing the Council's fee structure the Council has had regard to the European Court of Justice ruling in *R (Hemming) v Westminster City Council* (Case C-316/15) and the High Court decision in *R (Gaskin) v LB Richmond Upon Thames* (2018) EWHC 1996 (Admin) which held that the EU's Provision of Services Directive, which is enshrined in UK law as the Provision of Services Regulations 2009 should apply to property licensing fees and the processes involved in implementing and delivering such schemes.

A fee is charged for each individual HMO that is required to be licensed under the Housing Act 2004.

The judgements in *Hemming* and *Gaskin*, requires the overall licence fee to be paid in 2 stages, has therefore had the effect the fee for a Licence under Part 2 of the 2004 Act must be levied in 2 separate parts.

The first element of the licence fee is for the assessment and processing of the application to the point of issuing the decision and where applicable the licence. The first element of the fee must be paid at the time of the HMO licence application submission.

The second element of the HMO licence fee is for the property compliance inspection, management assessment and associated communications. The second element of the fee will only be applicable in respect of applications where a decision is reached to grant the licence and a draft licence is issued.

The request for payment of the second element of the licence fee will be issued with the draft licence and the fee must be paid within the timescales specified.

Charnwood Borough Council works in partnership with the Decent and Safe Homes (DASH) Landlord Accreditation Scheme. Dash promotes good housing so that Tenants of DASH Accredited Landlords can expect:

- responsible Landlords with better housing standards
- quick repairs and maintenance
- fair tenancy agreements

Landlords benefit from a market advantage, resource materials and training, as well as inclusion on the DASH register of accredited landlords.

A reduced initial HMO licensing fee is offered to DASH Accredited Landlords (as detailed in the following table).

The table below details the breakdown of the licence fees:

Application Type	First Payment	Second Payment	Total Fee
Basic Licence Application Fee	£395	£305	£700
Re-licence application (where the application is received by the Council prior to expiry of the existing licence)	£395	£220	£615
<b>Fees for DASH Accredited Licence Holders</b>			
Basic Licence Application Fee where the proposed Licence Holder is DASH Accredited	£395	£220	£615
Re-licence application	£395	£220	£615
<b>Additional Fees for HMOs (applied to all applications)</b>			
Extra Bedroom Fee (fee per additional bedrooms over 6 bedrooms)	Not Applicable	+ £10 per additional room	+ £10 per additional room

Under Section 67 (5) of the Housing Act 2004 the Council has the power to impose a restriction/obligation on a particular person (with their consent). In accordance with this power the Council will require the licence holders consent to pay the Stage 2 fee in advance of the licence being issued, this will required as part of the application process.

The Council will attach a condition to all HMO licenses requiring this obligation to be met ie to pay the Stage 2 fee. This approach is consistent with that set out in the *Hemming* case.

Failure to make the Stage 2 payment will result in the Council taking action through, either the revocation or refusal of the licence or by enforcing the non compliance of the licence condition associated with the making of the Stage 2 payment.

Applicants will be entitled to a refund of licence fee payments in the following situations:

- on review of an application, it is decided that the property does not need a licence at the time of application (for example, it falls under one of the exemptions);
- a duplicate application is made.

Fees are not connected to the length of a licence. If a licence is no longer required the licence holder must request a revocation to cancel the licence before it expires, the Council will not give a refund for any unused time.

Refunds will not be provided in the following situations the:

- property needs to be licensed at the time of application;
- property is subsequently sold at any point during the application process;
- Council refuses the application and does not grant a licence;
- application is withdrawn at any point during the application process;
- Council revokes (takes away) the licence;
- Council varies the licence and reduces the amount of time it remains operationally valid;
- the property is refused planning permission.

### **Processing the Licence Application**

Under the Housing Act 2004 the Council can either grant or refuse a licence. In determining whether to grant or refuse a licence the Council must satisfy itself of the following that:

- the proposed licence and manager of the HMO is a fit and proper person and the most appropriate person to hold the licence; and
- there are satisfactory management arrangements in place or that such arrangements can be put in place by the imposition of conditions in the licence.

### **Test for Fitness and Satisfactory Management Arrangements**

The Council must be satisfied that “the proposed management arrangements are satisfactory” before granting a HMO licence. Those arrangements include (but are not limited to) consideration of whether the:

- persons proposed to be involved in the management of the premises has a sufficient level of competence to be involved;
- persons proposed to be involved with the management of the premises are actually involved in the management;
- persons are ‘fit and proper’ (which is discussed above) and the proposed management structures and funding arrangements are suitable.

If the Council has concerns about the competencies and structures in place to manage the HMO then conditions can be imposed on the licence to ensure that the necessary arrangements are in place. However, if such conditions will still not be possible or practical to impose then it may be necessary to refuse to grant a licence.

It is for a Council to determine whether a person has sufficient competence to be involved in the management of HMOs and, of course, the level of competence required will in some measure be determined by the complexity of the management challenges posed. The Council will, therefore, be looking at the applicant’s experience and track record of managing HMOs and, in particular where he or she is the existing manager, the premises to which the application relates. In most cases landlords who are members of an accreditation scheme will be regarded as having the necessary competence to be involved in the management of the premises because, at least such organisations can be called upon for advice and assistance where necessary.

The management structures must be such that the manager is able to comply with any licence conditions and deal with the day to day operation management issues that arise as well as being able to deal with longer term management issues. In considering whether the structures are appropriate the Council may take account of the following evidence of systems:

1. In place that are sufficient to enable the manager to comply with any condition of a licence or if such systems can be put in place through a condition of a licence to ensure compliance.
2. Dealing with:
  - emergency repairs and other issues
  - routine repairs and maintenance to the premises and its curtilage
  - cyclical maintenance
  - management and the provision of services (if any) to the building and its curtilage
  - management of tenancies or occupants
  - management of the behaviour of tenants, occupants and their visitors to the premises
  - neighbourhood issues (including disputes)



3. Structures for engagement with the Local Authority, Police, and other agencies, where appropriate

The Council must be satisfied that the financial arrangements relating to the property are suitable. In that regard the manager must be sufficiently funded or have access to funding to carry out his obligations under the licence and his or her general management functions.

The Council can vary or revoke a licence at any time during the licence period if there is sufficient evidence to support this decision.

Unannounced visits of licensed properties will therefore be undertaken during the licence period to check for compliance with the licensing and management regimes which apply. This is consistent with the powers provided under Section 239 of the Housing Act 2004. Breach of any such legislation is a strict offence for which further action will be taken.

### **Fit and Proper Person Test**

The Council must be satisfied that the Licence applicant and the manager are fit and proper persons to hold a Licence or to manage a HMO.

This requirement is to ensure that those responsible for operating the licence and managing the HMO are of sufficient integrity and good character to be involved in the management of the particular residential premises to which the application relates and as such they do not pose a risk to the health, safety or welfare of persons occupying and visiting the HMO.

When considering whether a person is 'fit and proper' the Council will have regard to any misdemeanors (wrong doings) of the relevant person concerned. This is evidence that the person has:

- committed any offence involving fraud or other dishonesty, violence or drugs and sexual offences listed in the Sexual Offences Act 2003, Schedule 3;
- been involved with any unlawful discrimination on the grounds of sex, race, ethnic or national origins or disability, in connection with the carrying out of business;
- contravened any provision of Housing, Public Health or Landlord and Tenant law (including Part 3 of the Immigration Act 2016); or acted otherwise than in accordance with an approved code of practice.

The above list is not exhaustive, and the Council can and will consider whether a relevant person has committed other relevant misdemeanors, for example, discrimination under Regulation 5 of the Equality Act (Sexual Orientation) Regulations 2007. A relevant person will not be deemed unfit, simply because of poor management, although this is highly relevant to determining any question of suitability or competence.

The Council does not have a blanket policy with its consideration of factors under a fit and proper person test. Each case will be considered on its own merits and regard

will be had to information provided/omitted from an application form; historical information already held by Charnwood Borough Council relating to the premises and or any relevant person connected with the licence application.

When making an application for a licence the applicant must provide details of the following in relation to him/herself and the proposed manager (if the applicant is not to be the licence holder):

- unspent convictions;
- findings from a court/tribunal that the person has practiced unlawful discrimination;
- judgements entered against that person in relation to a contravention of housing or landlord and tenant law (and, in so far it relates to the Housing or Landlord and Tenant law, any contravention of any enactment relating to public or environmental health);
- any control order made in respect of any HMO under his/her management or ownership or any former HMO he/she owned or managed);
- any enforcement action in respect of any house or HMO under his/her management or ownership and any former HMO or house he/she owned or managed) under the Housing Health and Safety rating system in Part 1 of the Housing Act 2004 so far as that enforcement action related to a Category 1 hazard;
- details of any refusal to grant a licence, or details of the revocation of a licence granted for non-compliance of a condition or conditions in respect of any house or HMO under his/her management or ownership;
- any interim or final management orders made by an LHA in respect of any house or HMO under his management and any former HMO or house he owned or managed).

An applicant for a licence must disclose any misdemeanors which relate to themselves, the proposed manager, and any other relevant person, if any.

The Council has to be satisfied that it has sufficient information (supplied in connection with the application) to make a determination, it may require the applicant to provide further details and/or undertake their own further enquiries with other relevant Council departments (Licensing, Planning, Building Control, Council Tax and Housing Benefit) and external bodies as it deems necessary, including for example Disclosure and Barring Service checks (DBS).

The signing of the licence application form will be taken as an agreement to any such action and the sharing of information between other Local Authorities for all relevant persons associated with the property and application.

The Council can request information on criminal convictions where applicable, a Police National Computer (PNC) check will be requested where there is sufficient evidence that this is deemed necessary.

## **Consideration of ‘persons associated or formerly associated’ with the proposed licence holder or manager**

If there is evidence that a person associated, or formally associated, with the person proposed to be the licence holder or manager of the HMO, has committed any misdemeanors, that evidence may be taken into account in determining the proposed licence holder’s or manager’s fitness (even if that person has himself or herself an unblemished record).

The purpose of this requirement is to ensure that only fit and proper persons hold licenses or are in any way involved in the management of licensed HMOs. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a ‘front’ for someone else who, if he or she were not unfit, would be entitled to be the manager or licence holder.

An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed misdemeanors and those misdemeanors are relevant to the wife’s management of the property or licence, then the Council may refuse to grant her a licence.

Likewise if a landlord with an unsatisfactory record nominated a “manager” who had a clean record, but had acted for him whilst the misdemeanors were committed, the Council may consider the managing agent by association to be unfit too.

## **Issuing a Licence**

The Council may decide to complete an inspection prior to the issuing of a draft licence to ensure that the HMO is reasonably suitable for occupation by the number of people being requested on the licence application and to ensure that there are satisfactory management arrangements in place.

All HMOs will be inspected during the lifetime of the licence to check compliance with licence conditions, management responsibilities and minimum standards.

In certain cases, the Council may decide to carry out such inspections without prior notice being given to the owner, licence holder and/or manager. This is consistent with the powers set out in Section 239 of the Housing Act 2004.

Failing to comply with any conditions on a licence is an offence under Section 72(3) of the Housing Act 2004 and, if found guilty the licence holder could face a prosecution or issued with a Civil Penalty of up to £30,000.

Where the inspection has been pre arranged then all applicants will be required to provide access to all rooms in the HMO at a suitably arranged appointment.

All contact with the licence holder and relevant person(s) will be made using the contact information provided by the applicant on the original application. Accordingly, it is the licence holder’s responsibility to ensure that all contact details are up to date,

and you must notify the Strategic and Private Sector Housing service of any change in details. The Council will not be held responsible for any delay in communication if it is as a result of any contact information changing.

A draft licence with conditions will be issued based on the application or the application and the findings of a completed inspection. The draft licence (known as an Intention Notice) will be emailed to all relevant persons and other interested parties for consultation.

The relevant persons will have an opportunity to make any representations, which will be considered by the Strategic and Private Sector Housing service.

When this process is complete a full licence with the conditions (known as the Decision Notice) will be issued and will be emailed to all relevant persons and other interested parties for consultation.

If the licence holder is still dissatisfied with the conditions of the licence, they have an opportunity to appeal to the First-tier Property Tribunal. The details of how this appeal can be made will be provided with the Licence.

### **Renewal Applications**

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012 set out amendments to “renewal applications”, which reduces the burden on landlords applying for the renewal of a licence.

In the case of renewal applications and applicant must provide a complete application form and sign the declarations provided.

It is important to note that the regulations define a “renewal application” as *“an application for a licence under section 87 of the Act where, at the time the application is made a licence of the kind applied for is already held by the applicant and has effect in respect of the HMO or house”*.

The effect of this part of the Regulations is that order for the Council to treat any application as a “renewal” the application must be made during the active period of the current licence. If a renewal application is received on or after expiry of the current licence, then the application will be treated as a new application and the appropriate fees above will apply.

### **Application for a revocation or variation of a licence**

If circumstances regarding the HMO change during the licence period, for example a change in the number of letting units, the licence holder must notify the Property Licensing Team directly so the licence can be re-assessed and varied if the HMO is considered suitable to accommodate the variation request.

Similarly, if the HMO is no longer going to be occupied as a HMO or the licence holder changes, then the licence holder must make an application for the licence to be

revoked. Any remaining period of the licence will be forfeited and there will be no right to refund of the original payment.

### **Fire risk assessments for licensed HMOs**

Having a fire risk assessment for a licensed HMO is a legal requirement under the Regulatory Reform (Fire Safety) Order 2005, which is enforced by East Midlands Fire and Rescue Authority.

Depending on the size, layout, and occupancy of the property the Licence Holder may need to go over and above the legal minimum standards to adequately protect the tenants from. When doing this the Licence Holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. The LACORS Fire Safety guidance is available at: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>.

The duty is placed on the 'responsible person' who could be the landlord/licence holder or an agent with full management control. The assessment must be 'suitable and sufficient', and assistance from an appropriately competent person should be sought as necessary to achieve this.

The Council will accept a signed self-certification forms declaring that a suitable and sufficient fire risk assessment is in place for the HMO; however the Council may request and audit the fire risk assessment and other records at any time during the lifetime of the licence. If any documents requested cannot be provided within 7 days of the request, the Council may revoke the licence.

The acceptance of a fire risk assessment/self-declaration does not protect the responsible person from any action required by East Midlands Fire and Rescue Authority.

Further information and guidance on completing a fire risk assessment is available from the [Chief Fire Officers Association](#) and the [Gov.uk website](#).

### **Will tacit consent apply?**

The Council has taken into consideration the recent High Court decision in the case of *R(Gaskin) v Richmond LBC* [2018] EWHC 1996 (Admin) when deciding whether tacit consent applies.

The *Gaskin* case says that the Provision of Services Directive applies to licensing schemes in full and that regulators should set out how long it will take to carry out a licensing approval process and if they do not meet that timeline then approval (tacit consent) should happen automatically.

On receipt of a valid application the Council will aim to provide a decision as soon as is reasonably practicable, however each case will require different processes to be completed, for example if an inspection of the HMO is necessary then the Council will be required to complete this before issuing you with a decision. Therefore, this could extend the time it takes to process your application.

The Council's aim to process all valid applications and provide the relevant persons with a decision within 130 days of receipt.

If a decision about a licence application has not been received within this period, then tacit approval may apply but the proposed licence holder should not assume they will automatically have been granted a licence.

As mentioned, the target completion period for issuing a decision and a licence is subject to many factors and as such applicants should check with the Council on the status of their application.

### **Public Registers**

A register of HMO Licenses is available online and details of this can be obtained by sending a formal, written request to the Property Licensing team.

### **Appeals**

If an application for a HMO Licence is refused, there is a right to appeal this decision within 28 days to the First-tier Tribunal (Property Chamber - Residential Property). The details of this will be provided with the Decision Notice.

# Selective Licensing Policy

February 2022

## Introduction

Under Section 80 of the Housing Act 2004 Charnwood Borough Council has the power to designate areas of the Borough subject to Selective Licensing of certain types of rented houses.

The Council has exercised this power and designated the following areas of the Borough as subject to Selective Licensing.



Lemyngton Ward



Hastings Ward

Selective Licensing covers all private rented houses within the designated areas and all licence applications are to be accompanied with a fee determined by the Council.

Once a licence is issued it is not transferable.

This document sets out the structure of the scheme and the fees and charges and criteria Charnwood Borough Council will apply to all licenses in relation to its Selective Licensing schemes.



## **Selective Licensing**

Under the “Charnwood Borough Council, Leymington and Hastings Ward Designation for Selective Licensing 2022” which will come into force on the **(Date to be confirmed)**, most privately rented homes in the Borough are required to have a property licence.

The Council has exercised its powers to charge under Section 87(3) and (7) of the Housing Act 2004 and does so taking into account the Provision of Services Regulations 2009, which themselves implement the EU Services Directive.

Under Part 3 of the Housing Act 2004, a house is required to be licensed if the whole of it is occupied under:

- a single non exempt tenancy or licence; or
- 2 or more non exempt tenancies or licenses in respect of different separate dwellings within the building.

In the event that a building has multiple dwellings contained within it the Council will require a separate application and fee for each of the dwellings within the building.

The Council will consider each application and will take the following factors into account before deciding to issue a multi property licence or not each of the dwellings:

- are separate dwellings (usually self contained flat,) which are contiguous to one another in the same building;
- are occupied under non exempt tenancies; and
- within the same building are within common ownership and management control.

Where the Council is satisfied that individual property licenses should be granted, it will give notice of this to the applicant and every relevant person. There is a right to appeal this decision to the First Tier Tribunal (Residential Property Chamber), notwithstanding the grant of these licenses.

## **Licence Fee**

Section 87 of the Housing Act 2004 permits the Council to require any application for a licence under Part 3 is accompanied by a licence fee and that this fee may cover all costs incurred by the Council in carrying out its function.

In developing the Council's fee structure the Council has had regard to the European Court of Justice ruling in *R (Hemming) V Westminster City Council* (Case C-316/15) and the High Court decision in *R (Gaskin) v LB Richmond Upon Thames* (2018) EWHC 1996 (Admin) which held that the EU's Provision of Services Directive, which is enshrined in UK law as the Provision of Services Regulations 2009 should apply to property licensing fees and the processes involved in implementing and delivering such schemes.

The judgements in *Hemming* and *Gaskin*, requires the overall licence fee to be paid in 2 stages, has therefore had the effect the fee for a Selective Licence under Part 3 of the 2004 Act must be levied in 2 separate parts.

The first element of the licence fee is for the assessment and processing of the application to the point of issuing the decision and where applicable the licence. The first element of the fee must be paid at the time of the licence application submission.

The second element of the licence fee is for the property compliance inspection, management assessment and associated communications. The second element of the fee will only be applicable in respect of applications where a decision is reached to grant the licence and a draft licence is issued.

The request for payment of the second element of the licence fee will be issued with the draft licence and the fee must be paid within the timescales specified.

Charnwood Borough Council works in partnership with the Decent and Safe Homes (DASH) Landlord Accreditation Scheme. Dash promotes good housing so that Tenants of DASH Accredited Landlords can expect:

- responsible Landlords with better housing standards
- quick repairs and maintenance
- fair tenancy agreements

Landlords benefit from a market advantage, resource materials and training, as well as inclusion on the DASH register of accredited landlords.

A reduced initial licensing fee is offered to DASH Accredited Landlords (as detailed in the following table).

The table below details the breakdown of the licence fees:

Application Type	First Payment	Second Payment	Total Fee
Basic Licence Application Fee	£395	£305	£700
Re-licence application (where the application is received by the Council prior to expiry of the existing licence)	£395	£220	£615

<b>Fees for DASH Accredited Licence Holders</b>			
Basic Licence Application Fee where the proposed Licence Holder is DASH Accredited	£395	£220	£615
Re-licence application	£395	£220	£615

Under Section 90 (6) of the Housing Act 2004 the Council has the power to impose a restriction/obligation on a particular person (with their consent). In accordance with this power the Council will require the licence holders consent to pay the Stage 2 fee in advance of the licence being issued, this will be required as part of the application process.

The Council will attach a condition to all licenses requiring this obligation to be met ie to pay the Stage 2 fee. This approach is consistent with that set out in the *Hemming* case.

Failure to make the Stage 2 payment will result in the Council taking action through, either the revocation or refusal of the licence or by enforcing the non-compliance of the licence condition associated with the making of the Stage 2 payment.

Applicants will be entitled to a refund of licence fee payments in the following situations:

- on review of an application, it is decided that the property does not need a licence at the time of application (for example, it falls under one of the exemptions);
- a duplicate application is made.

Fees are not connected to the length of a licence. If a licence is no longer required the licence holder must request a revocation to cancel the licence before it expires, the Council will not give a refund for any unused time.

Refunds will not be provided in the following situations the:

- property needs to be licensed at the time of application;
- property is subsequently sold at any point during the application process;
- Council refuses the application and does not grant a licence;
- application is withdrawn at any point during the application process;
- Council revokes (takes away) the licence;
- Council varies the licence and reduces the amount of time it remains operationally valid;
- the property is refused planning permission.

### **Processing the Licence Application**

Under the Housing Act 2004 the Council can either grant or refuse a licence. In determining whether to grant or refuse a licence the Council must satisfy itself of the following that:

- the proposed licence and manager of the property is a fit and proper person and the most appropriate person to hold the licence; and
- there are satisfactory management arrangements in place or that such arrangements can be put in place by the imposition of conditions in the licence.

### **Test for Fitness and Satisfactory Management Arrangements**

The Council must be satisfied that “the proposed management arrangements are satisfactory” before granting a licence. These arrangements include (but are not limited to) consideration of whether the:

- persons proposed to be involved in the management of the premises has a sufficient level of competence to be involved;
- persons proposed to be involved with the management of the premises are actually involved in the management;
- persons are ‘fit and proper’ (which is discussed above) and the proposed management structures and funding arrangements are suitable.

If the Council has concerns about the competencies and structures in place to manage then conditions can be imposed on the licence to ensure that the necessary arrangements are in place. However, if such conditions will still not be possible or practical to impose then it may be necessary to refuse to grant a licence.

It is for a Council to determine whether a person has sufficient competence to be involved in the management of the property and the level of competence required will in some measure be determined by the complexity of the management challenges posed. The Council will, therefore, be looking at the applicant’s experience and track record of managing the property and, in where he or she is the existing manager, the premises to which the application relates. In most cases landlords who are members of an Accreditation Scheme will be regarded as having the necessary competence to be involved in the management of the premises because, at least such organisations can be called upon for advice and assistance where necessary.

The management structures must be such that the manager is able to comply with any licence conditions and deal with the day to day operation management issues that arise as well as being able to deal with longer term management issues. In considering whether the structures are appropriate the Council may take account of the following evidence of systems:

1. In place that are sufficient to enable the manager to comply with any condition of a licence or if such systems can be put in place through a condition of a licence to ensure compliance;
2. Dealing with:

- emergency repairs and other issues
- routine repairs and maintenance to the premises and its curtilage
- cyclical maintenance
- management and the provision of services (if any) to the building and its curtilage
- management of tenancies or occupants
- management of the behaviour of tenants, occupants and their visitors to the premises
- neighbourhood issues (including disputes)

3. Structures for engagement with the Local Authority, Police, and other agencies, where appropriate

The Council must be satisfied that the financial arrangements relating to the property are suitable. In that regard the manager must be sufficiently funded or have access to funding to carry out his obligations under the licence and his or her general management functions.

The Council can vary or revoke a licence at any time during the licence period if there is sufficient evidence to support this decision.

Unannounced visits of licensed properties will therefore be undertaken during the licence period to check for compliance with the licensing and management regimes which apply. This is consistent with the powers provided under Section 239 of the Housing Act 2004. Breach of any such legislation is a strict offence for which further action will be taken.

### **Fit and Proper Person Test**

The Council must be satisfied that the proposed licence holder and manager of the property are fit and proper persons to hold a Licence or to manage the property.

This requirement is to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of the particular residential premises to which the application relates and as such they do not pose a risk to the health, safety or welfare of persons occupying and visiting the property.

When considering whether a person is 'fit and proper' the Council will have regard to any misdemeanors (wrong doings) of the relevant person concerned. This is evidence that the person has:

- committed any offence involving fraud or other dishonesty, violence or drugs and sexual offences listed in the Sexual Offences Act 2003, Schedule 3;
- been involved with any unlawful discrimination on the grounds of sex, race, ethnic or national origins or disability, in connection with the carrying out of business;

- contravened any provision of Housing, Public Health or Landlord and Tenant law (including Part 3 of the Immigration Act 2016); or acted otherwise than in accordance with an approved code of practice.

The above list is not exhaustive, and the Council can and will consider whether a relevant person has committed other relevant misdemeanors, for example, discrimination under Regulation 5 of the Equality Act (Sexual Orientation) Regulations 2007. A relevant person will not be deemed unfit, simply because of poor management, although this is highly relevant to determining any question of suitability or competence.

The Council does not have a blanket policy with its consideration of factors under a fit and proper person test. Each case will be considered on its own merits and regard will be had to information provided/omitted from an application form; historical information already held by Charnwood Borough Council relating to the premises and or any relevant person connected with the licence application.

When making an application for a licence the applicant must provide details of the following in relation to him/herself and the proposed manager (if the applicant is not to be the licence holder):

- unspent convictions;
- findings from a Court/Tribunal that the person has practiced unlawful discrimination;
- judgements entered against that person in relation to a contravention of housing or landlord and tenant law (and, in so far it relates to the Housing or Landlord and Tenant law, any contravention of any enactment relating to public or environmental health);
- any control order made in respect of any property or Houses in Multiple Occupation (HMO) under his/her management or ownership or any former property or HMO he/she owned or managed);
- any enforcement action in respect of any property or HMO under his/her management or ownership and any former property or HMO he/she owned or managed) under the Housing Health and Safety rating system in Part 1 of the Housing Act 2004 so far as that enforcement action related to a Category 1 hazard;
- details of any refusal to grant a licence, or details of the revocation of a licence granted for non-compliance of a condition or conditions in respect of any property or HMO under his/her management or ownership;
- any interim or final management orders made by an Local Housing Authority in respect of any property or HMO under his management and any former property or HMO he owned or managed).

An applicant for a licence must disclose any misdemeanors which relate to themselves, the proposed manager, and any other relevant person, if any.

The Council has to be satisfied that it has sufficient information (supplied in connection with the application) to make a determination, it may require the applicant to provide further details and/or undertake their own further enquiries with other relevant Council departments (Licensing, Planning, Building Control, Council Tax and

Housing Benefit) and external bodies as it deems necessary, including for example Disclosure and Barring Service checks (DBS).

The signing of the Licence application form will be taken as an agreement to any such action and the sharing of information between other Local Authorities for all relevant persons associated with the property and application.

The Council can request information on criminal convictions where applicable, a Police National Computer (PNC) check will be requested where there is sufficient evidence that this is deemed necessary.

### **Consideration of 'persons associated or formerly associated' with the proposed licence holder or manager**

If there is evidence that a person associated, or formally associated, with the person proposed to be the licence holder or manager of the property has committed any misdemeanors, that evidence may be taken into account in determining the proposed licence holder's or manager's fitness (even if that person has himself or herself an unblemished record).

The purpose of this requirement is to ensure that only fit and proper persons hold licenses or are in any way involved in the management of licensed property. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a 'front' for someone else who, if he or she were not unfit, would be entitled to be the manager or licence holder.

An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed misdemeanors and those misdemeanors are relevant to the wife's management of the property or licence, then the Council may refuse to grant her a licence.

Likewise, if a landlord with an unsatisfactory record nominated a "manager" who had a clean record but had acted for him whilst the misdemeanors were committed, the Council may consider the managing agent by association to be unfit too.

## **Issuing a Licence**

The Council may decide to complete an inspection prior to the issuing of a draft licence to ensure that the property meets the required standards and that there are satisfactory management arrangements in place.

The Council may decide to carry out such inspections without prior notice being given to the owner, licence holder and/or manager. This is consistent with the powers set out in Section 239 of the Housing Act 2004.

Failing to comply with any conditions on a licence is an offence under Section 72(3) of the Housing Act 2004 and, if found guilty the licence holder could face a prosecution or issued with a Civil Penalty of up to £30,000.

Where the inspection has been pre arranged then the applicant will be required to provide access to the property at a suitably arranged appointment.

All contact with the licence holder and relevant person(s) will be made using the contact information provided by the applicant on the original application. Accordingly, it is the licence holder's responsibility to ensure that all contact details are up to date, and you must notify the Strategic and Private Sector Housing service of any change in details. The Council will not be held responsible for any delay in communication if it is as a result of any contact information changing.

A draft licence with conditions will be issued to applicants either based on the application or the application and the findings of a completed inspection. The draft licence (known as an Intention Notice) will be emailed to all relevant persons and other interested parties for consultation.

The relevant persons will have an opportunity to make any representations, which will be considered by the Strategic and Private Sector Housing Service.

When this process is complete a full licence with the conditions (known as the Decision Notice) will be issued and will be emailed to all relevant persons and other interested parties for consultation.

If the licence holder is still dissatisfied with the conditions of the licence, they have an opportunity to appeal to the First-tier Property Tribunal. The details of how this appeal can be made will be provided with the Licence.

## **Renewal Applications**

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012 set out amendments to "renewal applications", which reduces the burden on landlords applying for the renewal of a licence.



In the case of renewal applications and applicant must provide a complete application form and sign the declarations provided.

It is important to note that the regulations define a “renewal application” as “*an application for a licence under Section 87 of the Act where, at the time the application is made a licence of the kind applied for is already held by the applicant and has effect in respect of the house or HMO.*”

The effect of this part of the Regulations is that order for the Council to treat any application as a “renewal” the application must be made during the active period of the current licence. If a renewal application is received on or after expiry of the current licence, then the application will be treated as a new application and the appropriate fees above will apply.

### **Application for a revocation or variation of a licence**

If a property is no longer going to be occupied as a rented property the licence holder changes, then the licence holder must make an application for the licence to be revoked. Any remaining period of the licence will be forfeited and there will be no right to refund of the original payment.

### **Will tacit consent apply?**

The Council has taken into consideration the recent High Court decision in the case of *R(Gaskin) v Richmond LBC* [2018] EWHC 1996 (Admin) when deciding whether tacit consent applies.

The *Gaskin* case says that the Provision of Services Directive applies to licensing schemes in full and that regulators should set out how long it will take to carry out a licensing approval process and if they do not meet that timeline then approval (tacit consent) should happen automatically.

On receipt of a valid application the Council will aim to provide a decision as soon as is reasonably practicable, however each case will require different processes to be completed, for example if an inspection of the property is necessary then the Council will be required to complete this before issuing you with a decision. Therefore, this could extend the time it takes to process your application.

The Council’s aim to process all valid applications and provide the relevant persons with a decision within 130 days of receipt.

If a decision about a licence application has not been received within this period, then tacit approval may apply but the proposed licence holder should not assume they will automatically have been granted a licence.

As mentioned, the target completion period for issuing a decision and a licence is subject to many factors and as such applicants should check with the Council on the status of their application.

### **Public registers**

A register of property Licenses is available online and details of this can be obtained

by sending a formal, written request to the Strategic and Private Sector Housing service.

### **Appeals**

If an application for a property licence is refused, there is a right to appeal this decision within 28 days to the First-tier Tribunal (Property Chamber - Residential Property). The details of this will be provided with the Decision Notice.

# **Houses in Multiple Occupation Licence Conditions**

**January 2022**

# Houses in Multiple Occupation Licence Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under either the mandatory licensing of Houses in Multiple Occupation, or the additional licensing of Houses in Multiple Occupation designation applicable in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed, and its contents and conditions, and are imposed under sections 67 and 68 of the Housing Act 2004.

## **Important Notice**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions, service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

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## Part I PERMITTED OCCUPATION

### Condition 1 – Maximum Permitted Occupancy per Bedroom/Bedsit (Appendix 2)

1. The Licence Holder must ensure that:
  - 1.1 The Authority are notified of any bedroom in the HMO with a floor area of less than 4.64 square metres. The maximum occupancy limit per bedroom shall be as follows, in accordance with the Authority's adopted Guidance Standards for Licensable Houses in Multiple Occupation.

#### Maximum permitted occupancy per bedroom/bedsit

Room Number	Location	Maximum occupancy (units)
Room 1	Ground floor front bedroom	X
Room 2	Ground floor middle bedroom	X
Room 3	Ground floor rear bedroom	X
Room 4	First floor front bedroom	X
Room 5	First floor rear right hand bedroom	X
Room 6	First floor rear left hand bedroom	X

*(Please note: References to left right, front, and back are as if the viewer is inside the house looking towards the street.)*

**Regardless of the number of persons occupying individual rooms, the total number of persons and households occupying the dwelling must not exceed the permitted number as shown on this licence.**

Please note:

- 0.5 units = 1 person under the age of 10 years old
- 1 unit = 1 person over the age of 10 years old

- 1.2 The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.

### Condition 2 - Requirement for Works to be Carried Out

2. The Licence Holder must ensure that:
  - 2.1 If the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.

## Part II PROPERTY MANAGEMENT

### Condition 3 - Gas Safety

3. The Licence Holder must ensure that:
  - 3.1 If gas is supplied to the HMO a copy of the current gas safety certificate obtained in respect of the HMO within the last 12 months is provided to the Authority annually for their inspection, to cover both and all the residentially occupied and the common parts of the HMO.
  - 3.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
  - 3.3 That each year an annual inspection of the HMO is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations. Any defects noted on the certificate must be promptly rectified and certified as satisfactory.

### Condition 4 – Electrical Installation and Safety

4. The Licence Holder must ensure that:
  - 4.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition and the Licence Holder shall ensure that a record of visual inspections and tests is maintained
  - 4.2 The Licence Holder shall supply to the Authority within 7 days of its demand the record of visual inspections and tests.
  - 4.3 The Licence Holder shall supply to the Authority within 7 days of its demand a declaration as to the safety of electrical appliances.
  - 4.4 The Licence Holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person competent to undertake such inspection and testing.
  - 4.5 The Licence Holder shall obtain from the person conducting that inspection and testing a report specifying the results of the inspection and testing.
  - 4.6 The Licence Holder shall supply to the Authority within 7 days of its demand any such report.
  - 4.7 The electricity supply to the fire detection and emergency lighting system at the HMO is neither disconnected, nor threatened with disconnection, due to the non-payment of any money owing to the relevant supplier.

## **Condition 5 - Furniture and Furnishing**

5. The Licence Holder must ensure that:
  - 5.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards, or garden furniture; together with all soft furnishings, including mattresses, seat pads, cushions or pillows which are supplied to a tenant must comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.
  - 5.2 Upon receiving a demand by the Authority to provide a declaration as to the safety of such furniture and soft furnishings, such is provided within 14 days.

## **Condition 6 - Storage and Disposal of Household Waste**

6. The Licence Holder must ensure that:
  - 6.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at HMOs pending collection.
  - 6.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
  - 6.3 Any necessary supplementary arrangements for the disposal or refuse and re-cyclable materials from the HMO are made having regard to the services provided by the Authority.
  - 6.4 If within the curtilage of the HMO there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
  - 6.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse, and re-cycling collection happens, and this information is displayed in a prominent position in the HMO.

## **Condition 7 - Pests**

7. The Licence Holder must ensure that:
  - 7.1 Reasonable precautions are taken to ensure that the HMO, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.
  - 7.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

## **Condition 8 - Water Supply and Drainage**

8. The Licence Holder must ensure that:

[Title]



- 8.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the HMO.
- 8.2 Sufficient steps are taken to ensure that the HMO's drainage system is kept free of obstructions.

### **Condition 9 - External Areas**

9. The Licence Holder must ensure that:
  - 9.1 Any garden, forecourt, yard, or passageway within the HMO's curtilage is kept in a reasonably clean and tidy condition.
  - 9.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 9.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
  - 9.3 No items of discarded furniture, bedding, clothing, toys, refuse, or rubbish are left outside the HMO, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection.
  - 9.4 All domestic rubbish and refuse is stored in suitable bins pending its collection.
  - 9.5 A copy of any written warnings that have been given to a tenant are provided to the Authority within 7 days of a request being made to see the same.

### **Condition 10 - Emergency Escape Lighting**

10. The Licence Holder must ensure that:
  - 10.1 Where emergency escape lighting is provided within the property it is maintained in working order, tested regularly and that a full system test, inspection and service is completed annually by a competent person in line with the current British Standards or any which subsequently replace these.
  - 10.2 The Licence Holder shall obtain from the person conducting such inspection and testing a certificate specifying the results of the inspection and testing.
  - 10.3 The Licence Holder shall supply to the Authority within 7 days of its demand any such certificates.

## **Part III TENANCY MANAGEMENT**

### **Condition 11 - Tenancy Agreements**

- 11. The Licence Holder must ensure that:
  - 11.1 At the start of each tenancy, or licensed period of occupation, the tenant is provided with a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the HMO.

### **Condition 12 - Terms of Occupation**

- 12. The Licence Holder must ensure that:
  - 12.1 Occupancy levels at the HMO do not exceed those set by the Licence.
  - 12.2 If occupancy levels exceed those permitted by the Licence then, upon becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.

### **Condition 13 - Tenants' Rights**

- 13. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
  - 13.1 Giving reasonable notice to complete repairs, and 24 hours notice prior to inspections of the premises within the HMO which are occupied by the tenant.
  - 13.2 Terminating a tenancy or licensed period of occupation in a lawful manner.
  - 13.3 Ensuring utilities serving the HMO are not disconnected, nor unreasonably interrupted.

### **Condition 14 - Licence Holder/Manager Details**

- 14. The Licence Holder must ensure that:
  - 14.1 A notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the HMO is clearly and prominently displayed in the common parts of the HMO.
  - 14.2 If any of the above details change the notice is amended from time to time so that the correct up to date information is given.

### **Condition 15 – References**

- 15. The Licence Holder must ensure that:

[Title]

- 15.1 References are demanded for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence and made available to the Authority within seven (7) days of the Authority's demand.

### **Condition 16 - Complaints Procedure**

16. The Licence Holder must ensure that:
- 16.1 They have a written complaints procedure concerning the management and conditions of the HMO, a copy of which is given to each tenant at the start of their tenancy.

### **Condition 17 - Anti-social Behaviour and Damage**

17. The Licence Holder shall ensure that:
- 17.1 All reasonable and practicable steps are taken to prevent or reduce anti-social behaviour or criminality by the tenants or occupiers of the property, together with their visitors.
- 17.2 In particular, if acts of anti-social behaviour occur at the HMO in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean possession proceedings.
- 17.3 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.
- 17.4 Appropriate notices are prominently displayed in the common parts of the HMO reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.

## **Part IV FIRE SAEFTY**

### **Condition 18 - Smoke Alarms**

18. The Licence Holder must ensure that:
- 18.1 The Licence Holder shall ensure that at all times a suitable fire detection and alarm system is installed in the property, maintained in proper working order, tested, and serviced in accordance with the current British Standards or any which subsequently replace these.
  - 18.2 The Licence Holder shall obtain from the person conducting such inspection and testing a certificate specifying the results. The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully checked and serviced.
  - 18.3 The Licence Holder shall supply to the Authority within 7 days of its demand any such certificates.
  - 18.4 There must be at least one smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For these purposes a bathroom or lavatory is a room used as living accommodation.
  - 18.5 The Licence Holder shall supply to the Authority within 7 days of its demand a declaration as to the condition and position of any smoke alarms/detectors in the HMO.

### **Condition - 19 Fire Precautions**

19. The Licence Holder must ensure that:
- 19.1 Adequate and sufficient fire precaution facilities and equipment are provided at the HMO in accordance with any relevant British Standard, Building Regulations' approval, or other guidance and advice document issued by any competent authority in respect of fire precaution facilities and equipment.
  - 19.2 All means of leaving and escaping from the HMO in the event of a fire are kept free from any obstructions, and that fire precautions are maintained which includes informing tenants of this obligation.
  - 19.3 All tenants are made aware of the procedures which are to be followed in the event of a fire at the HMO, including the routes out of, and means of escape from, it.

### **Condition 20 - Carbon Monoxide Alarm**

20. The Licence Holder must ensure that:
- 20.1 A carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
  - 20.2 Such an alarm is kept in proper working order; and

[Title]

20.3 The authority is supplied with, on demand, a declaration by them as to the condition and positioning of any such alarm.

### **Condition 21 - Fire Risk Assessment**

21. The Licence Holder must ensure that:

21.1 A fire risk assessment is carried out at the HMO, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented and minimised.

21.2 Fire risk assessments to be reviewed if there is a change in legislation and or layout of the property.

## **Part V GENERAL**

### **Condition 22 – General**

22. The Licence Holder must ensure that:

- 22.1 The HMO's common parts are kept clean, in a good state of repair and periodically maintained.
- 22.2 All tenants are made aware that smoking is not allowed in any of the common parts of the HMO by virtue of the Health Act 2006 and associated regulations.

### **Condition 23 - Changes and Alterations**

23. The Licence Holder must ensure that:

23.1 In respect of any change to the:

- Licence Holder's residential address or contact details, or where the Licence Holder is a business, if the business address has changed.
- Freehold or leasehold ownership.
- Management arrangements at the HMO.
- Licence Holder or manager's circumstances which may impact upon their status as a fit and proper person including but not limited to cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulations.

such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

23.2 Any proposed changes to the construction, layout or amenity provisions at the HMO that may affect the licence or licence conditions must be reported to the Authority before the work is carried out, as this may require a licence variation.

### **Condition 24 – Training (Appendix 3)**

24. The Licence Holder must ensure that:

24.1 Where the Licence Holder has not attended relevant training in the previous three (3) years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing including HMOs within 12 months of the date the licence is granted.

### **Condition 25 - Display of HMO Licence**

25. The Licence Holder must ensure that:

25.1 A copy of the HMO Licence is displayed at all times in a prominent place in the HMO.

[Title]

## Definitions

In these proposed Licence conditions, the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“Additional Licensing designation” means the designation of the borough of Charnwood as the area in respect of which all HMOs are required to be licensed under Part 2 of the Housing Act 2004.

“BS” means British Standard.

“Discretionary Conditions” means licence conditions imposed by the Authority under sections 67 and 68 of the Housing Act 2004.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“HMO” refers to the building (or part of it), or such part of it, as is licensed under Part 2 of the Housing Act 2004.

“House” refers to any HMO.

“Licence” means the licence granted by the Authority under Part 2 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

“Mandatory Conditions” means the licence conditions specified in Schedule 4 of Housing Act 2004 which must be imposed upon a Licence granted under Part II.

“Tenant” includes a licensee or any other occupier of the HMO.

### **Condition 1 - Maximum Permitted Occupancy per Bedroom/Bedsit**

The assessment of the number of people sharing will take into account both babies and children, with each having their own allocation of space.

Everyone aged over the age of 10 years old must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative, or with someone of the opposite sex unless they are living together/co-habiting. For the definition of close relative, this means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or cousin.

Only the useable floor space will be included in calculating a room's floor area after having deducted: corridors, toilet compartments, bathrooms, shower-rooms, and chimney breasts.

The ceiling height must be a minimum 1.9 metres over at least half of the floor area, and any area with a ceiling height of less than 1.5 metres shall not be counted as part of the habitable floor area.

No staircase or landing, nor any room which has been designed or appointed as either a kitchen, or as a bathroom, shall be deemed as suitable for sleeping accommodation.

Please refer also to the Authority's adopted Guidance Standards for Licensable Houses in Multiple Occupation.



## Condition 24 - Training

The training requirement in conditions 24 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the Licence Holder should consider undertaking further relevant training in line with the extent of their liabilities.

This requirement for condition 24 can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses.

Once completed, submit a certificate or other confirmation to the Authority following this training.

The following are recognised as providing a suitable course to satisfy this condition.

DASH Services Landlord Development Course [www.dashservices.org.uk](http://www.dashservices.org.uk)  
linda.cobb@derby.gov.uk 01332 641111

East Midlands Property Owners (EMPO) Basic Law for Lettings:  
[www.empo.co.uk/trainingcourses.html](http://www.empo.co.uk/trainingcourses.html) [www.empo.co.uk/contact-us.html](http://www.empo.co.uk/contact-us.html), telephone 0115  
9502639

National Residential Landlords Association (NRLA) Landlord/Agent/HMO Fundamentals  
eLearning and eClassroom Courses: <https://www.nrla.org.uk/training-academy/core-courses>;  
telephone 0300 131 6400

**Failure to comply with any licence conditions is an offence****Prosecution/Enforcement Action**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

**Limitations of the Licence Transfer**

This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation or property.

**Registered Companies**

If the Licence Holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

**Property Condition**

This property licence is not proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

**Building Control**

This property licence does not grant any Building Control (Development Control) approvals, consent, or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

**Planning Permission**

This property licence does not grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Authority's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Planning Services.

## Variation

No changes may be made to the use, layout, or maximum occupancy level of the property without the Authority's prior written consent. Where the Licence Holder or a relevant person applies to vary a licence they should do so at the earliest opportunity and there may be a charge for any variations to a Licence. The original licence stays in force until the variation is determined and comes into effect a person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

## Leasehold Agreements

It is your responsibility to check the terms of any lease that you hold to ensure that operating the property as a House in Multiple Occupation does not breach the terms of your lease.

## Guidance Information

These do not form part of the licence conditions, but you may still be under an obligation to comply with them.

### Consumer Rights and Unfair Practices

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts, or the service of notices on tenants and/or agents. The Licence Holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

Further advice can be found here: <https://www.gov.uk/government/publications/unfair-contract-terms-cma37> <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

### Gas Safety

If gas is supplied to the house the Licence Holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with. Details of competent Gas Safe engineers can be found at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk).

### Electrical Safety

The Licence Holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with. Certificates must be in the format recommended in the British Standards. All electrical checks, works, and certification must be carried out by a competent person being a suitably qualified electrical contractor who should be registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works).

### Smoke Alarms, Fire Detection Systems and Emergency Escape Lighting

Depending on the size, layout, and occupancy of the property the Licence Holder may need to go over and above the legal minimum standards to adequately protect the tenants from fire and undertake a risk assessment. When doing this the Licence Holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. The LACORS Fire Safety guidance is available at: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>.

### Competent Person

A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of competence required will depend on the complexity of the situation and the particular help you need.

[www.competentperson.co.uk](http://www.competentperson.co.uk).

## Furniture Safety

The Licence Holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered headboards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with. Further information on the requirements can be found in this guide: <https://www.fira.co.uk/images/FIRA-Flammability-Guide.pdf>.

## Deposits

The Licence Holder shall ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used in a specified time.

## Right to rent

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3,000. For more information visit [www.gov.uk/check-tenant-right-to-rent-documents](http://www.gov.uk/check-tenant-right-to-rent-documents).

## Energy Performance Certificates (EPCs)

Licence Holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

## Redress Scheme

Where the Licence Holder is also a letting agent or property manager, they shall be a member of a relevant property redress scheme. More information is available at [www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes](http://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes).

## Information Commission Office

Every organisation or sole trader who processes personal information needs to pay a data protection fee to the ICO unless they are exempt'. Organisations can find guidance, pay the fee or search the register by visiting [Data protection fee | ICO](#).

In general: The UK data protection regime is set out in the Data Protection Act 2018 and the UK GDPR and applies if you have information about people for any business or other non-household purpose. The law applies to any 'processing of personal data', and will catch most businesses and organisations, whatever their size. Further information and guidance on what the regime requires organisations to do, and how to comply with its duties can be found on the Information Commissioners Office website - [ico.org.uk](http://ico.org.uk).

[Title]

# Selective Licensing Scheme Conditions

**January 2022**

# Selective Licensing Scheme Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under the selective licensing of Private Sector Rented Houses designation applicable to the Hastings and Lemyngton wards in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with such additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed and are imposed under sections 90 and 91 of the Housing Act 2004.

## **Important Notice**

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions, service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their *behalf* in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

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## Part I PERMITTED OCCUPATION

### Condition 1 - Requirement for Works to be Carried Out

1. The Licence Holder must ensure that:
  - 1.1 The Licence Holder must ensure that if the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.

## Part II PROPERTY MANAGEMENT

### Condition 2 - Gas Safety

2. The Licence Holder must ensure that:
  - 2.1 If gas is supplied to the House a copy of the current gas safety certificate obtained in respect of the House within the last 12 months is provided to the Authority annually for their inspection.
  - 2.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
  - 2.3 That each year an annual inspection of the House is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations. Any defects noted on the certificate must be promptly rectified and certified as satisfactory.

### Condition 3 - Electrical Installation and Safety

3. The Licence Holder must ensure that:
  - 3.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition and the Licence Holder shall ensure that a record of visual inspections and tests is maintained.
  - 3.2 The Licence Holder shall supply to the Authority within 7 days of its demand the record of visual inspections and tests.
  - 3.3 The Licence Holder shall supply to the Authority within 7 days of its demand a declaration as to the safety of electrical appliances.
  - 3.4 The Licence Holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a person competent to undertake such inspection and testing.
  - 3.5 The Licence Holder shall obtain from the person conducting that inspection and testing a report specifying the results of the inspection and testing.
  - 3.6 The Licence Holder shall supply to the Authority within 7 days of its demand any such report

### Condition 4 - Furniture and Furnishing

4. The Licence Holder must ensure that:
  - 4.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards, or garden furniture; together with all soft furnishings, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant must comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.

- 4.2 All items of furniture supplied are, and remain, labelled to show that they comply with the relevant safety tests.
- 4.3 Upon receiving a demand by the Authority to provide a declaration as to the safety of such furniture and soft furnishings, such is provided within 14 days.

### **Condition 5 - Storage and Disposal of Household Waste**

- 5. The Licence Holder must ensure that:
  - 5.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at Houses pending collection.
  - 5.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
  - 5.3 Any necessary supplementary arrangements for the disposal or refuse and re-cyclable materials from the House are made having regard to the services provided by the Authority.
  - 5.4 If within the curtilage of the House there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
  - 5.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse, and re-cycling collection happens.

### **Condition 6 - Pests**

- 6. The Licence Holder must ensure that:
  - 6.1 Reasonable precautions are taken to ensure that the House, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.
  - 6.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

### **Condition 7 - Water Supply and Drainage**

- 7. The Licence Holder must ensure that:
  - 7.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the House.
  - 7.2 Sufficient steps are taken to ensure that the drainage system at the House is kept free of obstructions.

### **Condition 8 - External Areas**

- 8. The Licence Holder must ensure that:

- 8.1 Any garden, forecourt, yard, or passageway within the curtilage of the House is kept in a reasonably clean and tidy condition.
- 8.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 8.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
- 8.3 A copy of any written warnings that have been given to a tenant is provided to the Authority within 7 days of a request being made to see the same.

## **Part III TENANCY MANAGEMENT**

### **Condition 9 - Tenancy Agreements**

9. The Licence Holder must ensure that:
  - 9.1 At the start of each tenancy, or licenced period of occupation, the tenant is provided with a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the House.

### **Condition 10 - Terms of Occupation**

10. The Licence Holder must ensure that:
  - 10.1 Occupancy levels at the House do not exceed those set by the Licence.
  - 10.2 If occupancy levels exceed those permitted by the Licence then, upon becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.
  - 10.3 The occupiers of the house are supplied with a written statement of the terms on which they occupy it.

### **Condition 11 - Tenants' Rights**

11. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
  - 11.1 Giving reasonable notice to complete repairs, and 24 hours notice prior to inspections of the premises which are occupied by the tenant
  - 11.2 Terminating a tenancy or licensed period of occupation in a lawful manner.

### **Condition 12 - Licence Holder/Manager Details**

12. The Licence Holder must ensure that:
  - 12.1 An information pack is given to all new tenants providing the name, address, telephone number and email address, together with the emergency contact telephone number of the person managing the property at the start of the tenancy.
  - 12.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

### **Condition 13 - Complaints Procedure**

13. The Licence Holder must ensure that:
  - 13.1 They have a written complaints procedure concerning the management and conditions of the property, a copy of which is given to the tenant at the start of their tenancy.

## Condition 14 - Anti-Social Behaviour and Damage

14. The Licence Holder shall ensure that:
  - 14.1 All reasonable and practicable steps are taken to prevent or reduce anti-social behaviour or criminality by the tenants or occupiers of the property, together with their visitors.
  - 14.2 In particular, if acts of anti-social behaviour occur at the property in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.
  - 14.3 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.

## Condition 15 – References

15. The Licence Holder must ensure that:
  - 15.1 References are demanded for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence and made available to the Authority within seven (7) days of the Authority's demand.

## **Part IV FIRE SAEFTY**

### **Condition 16 - Smoke Alarms**

16. The Licence Holder must ensure that:
  - 16.1 There must be at least one smoke alarm installed on each storey of the property on which there is a room used wholly or partly as living accommodation. For these purposes a bathroom or lavatory is a room used as living accommodation.
  - 16.2 Each smoke or heat detector and alarm system is periodically inspected so as to ensure that they are maintained in proper working order.
  - 16.3 Within 14 days of receipt of a demand by the Authority to see copies of any inspection or maintenance certificates, or confirmation of the location and positioning of the smoke or heat detectors and alarm system, such are provided within 14 days of the demand.

### **Condition 17 - Carbon Monoxide Alarm**

17. The Licence Holder must ensure that:
  - 17.1 A carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
  - 17.2 Such an alarm is kept in proper working order; and that the authority is supplied with, on demand, a declaration by them as to the condition and positioning of any such alarm.
  - 17.3 Adequate checks are carried out before each tenancy commences so as to ensure that each combustion appliance is in proper working order on the day the tenancy begins.

### **Condition 18 - Fire Safety Compliance**

18. The Licence Holder must ensure that:
  - 18.1 The House complies with the current version of the Local Authorities Coordinators of Regulatory Services ("LACORS") Fire Safety Guidance or demonstrates to the satisfaction of the Authority that a reasonable and suitable alternative is in place.
  - 18.2 No deviation from the LACORS' Fire Safety Guidance which lowers the protection afforded at the House takes place before the Authority have agreed that such proposed deviation provides a reasonable and suitable alternative.

### **Condition 19 - Fire Risk Assessment**

19. The Licence Holder must:
  - 19.1 Arrange for a fire risk assessment to be carried out at the House, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented, and minimised.

19.2 Fire risk assessments to be reviewed if there is a change in legislation and or layout of the property.



## Part V GENERAL

### Condition 20 - Changes and Alterations

20. The Licence Holder must ensure that:

20.1 In respect of any change to the:

- Licence Holder's residential address or contact details, or where the Licence Holder is a business, if the business address has changed
- Freehold or leasehold ownership
- Licence Holder or manager's circumstances which may impact upon their status as a fit and proper person including but not limited to cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulations

such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

### Condition 21 – Management

21. The Licence Holder must ensure that:

21.1 They comply with all the requirements of the Housing Act 2004 and all other secondary legislation which concerns the regulation and management of Houses subject to Part 3 licensing.

### Condition 22 - Training (Appendix 2)

22. The Licence Holder must ensure that:

22.1 Where the Licence Holder has not attended relevant training in the previous three (3) years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing within 12 months of the date the licence is granted. See Appendix 2 for Training Providers.

## Definitions

In these proposed Licence conditions, the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“BS” means British Standard.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“House” refers to:

- “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling
- “house” means a building or part of a building consisting of one or more dwellings

and references to a house include (where the context permits) any yard, garden, outhouses, and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

“Licence” means the licence granted by the Authority under Part 3 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

## Condition 22 - Training

The training requirement in Condition 22 is a minimum requirement and depending on the level of responsibility and complexity of properties involved the Licence Holder should consider undertaking further relevant training in line with the extent of their liabilities.

This requirement for Condition 22 can be satisfied by the completion of a one day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses.

Once completed, submit a certificate or other confirmation to the Authority following this training.

The following are recognised as providing a suitable course to satisfy this condition.

DASH Services Landlord Development Course [www.dashservices.org.uk](http://www.dashservices.org.uk)  
linda.cobb@derby.gov.uk 01332 641111

East Midlands Property Owners (EMPO) Basic Law for Lettings  
[www.empo.co.uk/trainingcourses.html](http://www.empo.co.uk/trainingcourses.html) [www.empo.co.uk/contact-us.html](http://www.empo.co.uk/contact-us.html), telephone\_0115  
9502639

National Residential Landlords Association (NRLA) Landlord/Agent/HMO Fundamentals  
eLearning and eClassroom Courses: <https://www.nrla.org.uk/training-academy/core-courses>;  
telephone 0300 131 6400

## Failure to comply with any licence conditions is an offence

### Prosecution/Enforcement Action

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

### Limitations of the Licence Transfer

This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation, or property.

### Registered Companies

If the Licence Holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

### Property Condition

This property licence is not proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

### Building Control

This property licence does not grant any Building Control (Development Control) approvals, consent, or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

### Planning Permission

This property licence does not grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Authority's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Planning Services.

## Variation

Where the Licence Holder or a relevant person applies to vary a licence, they should do so at the earliest opportunity and there may be a charge for any variations to a Licence. The original licence stays in force until the variation is determined and comes into effect a person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

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Licence Holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

## Redress Scheme

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## Information Commission Office

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In general: The UK data protection regime is set out in the Data Protection Act 2018 and the UK GDPR and applies if you have information about people for any business or other non-household purpose. The law applies to any 'processing of personal data', and will catch most businesses and organisations, whatever their size. Further information and guidance on what the regime requires organisations to do, and how to comply with its duties can be found on the Information Commissioners Office website - [ico.org.uk](https://ico.org.uk).

## CABINET – 10TH MARCH 2022

### Report of the Strategic Director – Commercial Development, Assets & Leisure Lead Member: Councillor Tom Barkley

#### Part A

#### ITEM 10 ANNUAL PROCUREMENT PLAN 2022/23

##### Purpose of Report

This report sets out the Annual Procurement Plan for Charnwood Borough Council for 2021/22. It is a requirement of the Council's Contracts Procedure Rules that this report is submitted for the consideration of the Cabinet at the beginning of each financial year.

##### Recommendations

1. That the contracts, over £25,000 and up to £75,000, listed in Appendix A be let in accordance with Contract Procedure Rules.
2. That the contracts, over £75,001 and up to £500,000, listed in Appendix B be let in accordance with Contract Procedure Rules.

##### Reasons

- 1 & 2. To allow contracts of the Council to be let in accordance with contract procedure rules.

##### Policy Justification and Previous Decisions

This links with the Council's strategic aim for a well-managed council.

##### Implementation Timetable including Future Decisions and Scrutiny

Contracts will be let in accordance with the timetables in appendices A and B.

##### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

There are no direct financial implications arising from this report as expenditure will be funded from existing budgets.



## Risk Management

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Failure to follow the agreed Council Procedures and, therefore, not obtaining best value procurement	Unlikely (2)	Serious (3)	Moderate (6)	Wide circulation of 'reasons to meet the Rules' and provide advice to officers needing to use the Rules
Failure to follow UK procurement rules by not advertising in FTS (Find a Tender Service) above a threshold.	Unlikely (2)	Serious (3)	Moderate (6)	Wide circulation of information relating to contract compliance, advice and service in placing requisite advert in FTS for officers in service areas.

Key Decision: Yes

Background Papers: None

Officers to contact: Justin Henry  
Strategic Director – Commercial Development,  
Assets & Leisure  
07802 760618

[justin.henry@charnwood.gov.uk](mailto:justin.henry@charnwood.gov.uk)

## Part B

### Background

1. The Contract Compliance Rules require the Contract Compliance Officer to submit a report at the beginning of the financial year showing details of contracts to be let above £25,000 and below £500,000. In approving the report, Cabinet will agree for each contract the form of tender evaluation arrangements, whether the tender specification needs to be approved by Cabinet and whether authority is delegated to the Contract Compliance Officer to agree exceptions and open negotiation procedures.
2. Having an Annual Plan does not allow sufficient flexibility for goods and services that are found to be required during the year. Therefore, to avoid individual reports being submitted for each contract, and to encourage services to adhere to the Contract Compliance Rules, update reports will be produced with contracts to be let in the second, third and fourth quarters of the year.

### Procedure

3. Heads of Service have been contacted with a view to producing a plan for 2021/22 and details of all contracts that Heads of Service have asked to be included are given in the Appendices attached to this report. The contracts have been divided into those contracts estimated to cost between £25,000 and £75,000 and those contracts between £75,001 and £500,000.
4. For contracts up to £75,000, it is recommended that, in line with Quotation and Tender procedures the relevant Head of Service should deal with these by requesting 3 written quotations. In cases where a quotation other than the lowest is accepted, authority has been given to the Contract Compliance Officer to authorise a waiver or exception to the Contract Procedure Rules. Contracts falling under this authority have been itemised in Appendix A to this report.
5. For contracts more than £75,000, a written specification must be prepared, and tendering completed in line with Contract Procedure Rules. Contracts falling under this authority have been itemised in Appendix B to the report.
6. Contracts above the £500,000 threshold need to be reported separately to Cabinet during the year before procurement begins.
7. For clarity, the Contract Compliance Officer is currently the Strategic Director, Commercial Development, Assets and Leisure.

### Appendices

Appendix A – Contracts between £25,000 and £75,000

Appendix B – Contracts between £75,001 and £500,000

## APPENDIX A

### Annual Procurement Plan 2021/2022 – Contracts Greater than £25,000, but less than £75,000

No.	Service Area	Contract Title / Description	Tendering Method: 3 Quotes/Waiver	Delegation to Contract Compliance Officer	Procurement Start:
	Landlord Services	Rental Income Predictive Analytics	Waiver	Yes	30 October 2022
	Landlord Services	Electronic document management	ITT	Yes	1 July 2022
	Landlord Services	Estate services	ITT	Yes	1 October 2022
	Landlord Services	Digital switchover (pilot scheme)	ITT	Yes	1 September 2022
	Neighbourhood Services	Domestic Abuse Outreach Services	Waiver / Tender	Yes	01/04/2022
	Neighbourhood Services	Replacement CCTV Hardware	3 quotes / Tender	Yes	01/04/2022
	Neighbourhood Services	Sentinel - License and Maintenance	Waiver	Yes	01/04/2022
	Neighbourhood Services	Sports Equipment	3 quotes / Tender	Yes	01/04/2022
	Neighbourhood Services	Crime Prevention Equipment	3 quotes / Tender	Yes	01/04/2022
	Street Management - Car Parks	WPS Car parks web-based software contract (software for permits and tariffs and control of barriers etc. for Beehive Lane and Granby Street)	Waiver	Yes	01/04/2022
	Information Services	Web content and hosting - provision of an application which allows the creation and	3 quotes/ framework/ waiver	Yes	31/07/2022

No.	Service Area	Contract Title / Description	Tendering Method: 3 Quotes/Waiver	Delegation to Contract Compliance Officer	Procurement Start:
		management of online/web content for www.charnwood.gov.uk and supporting sites (e.g. Town Hall). This also includes the security, storage and access to the system			
	Information Services	IT health check - This involves an independent internal and security external assessment to ensure we comply with the secure PSN network requirements	3 quotes/ framework/ waiver	Yes	31/06/2022
	Information Services	Backup - includes the corporate backup of all Servers and associated application data for both on premise and the cloud environments	3 quotes/ framework	Yes	01/09/2022
	Information Services	Network switches - covering the replacement and support of networking devices to support all CBC users/buildings	3 quotes/ framework	Yes	18/09/2022
	Information Services	Corporate Wi-Fi - provision of Wi-Fi (wireless networking/internet) access for external visitors and staff covering Southfields Council offices and Town Hall	3 quotes/ framework	Yes	20/12/2022
	Cleansing and Open Spaces	Community Tree Planting Programme (Hathern - Z792)	Request for Quotes	YES	01/05/2022
	Cleansing and Open Spaces	Shepshed POS Enhancement (Z824)	Request for Quotes	YES	01/04/2022
	Cleansing and Open Spaces	Queens Park - Improvements to play facilities (Z828)	Tender / RFQ	YES	01/04/2022

No.	Service Area	Contract Title / Description	Tendering Method: 3 Quotes/Waiver	Delegation to Contract Compliance Officer	Procurement Start:
	Cleansing and Open Spaces	Riverside Access	Request for Quotes	YES	01/04/2022

**APPENDIX B**

**Annual Procurement Plan 2021/2022 – Contracts Greater than £75,001, but less than £500,000**

No.	Service Area	Contract Title / Description	Tendering Method: (Full Tender)	Delegation to Contract Compliance Officer	Procurement Start:
	Landlord Services	Washroom facilities	Framework	Yes	1 May 2022
	Landlord Services	Fire Alarm and Emergency Lighting	Framework	Yes	1 September 2022
	Landlord Services	Installation and maintenance of mechanical extraction and ventilation	Framework	Yes	1 September 2022
	Landlord Services	External wall insulation works	Framework	Yes	1 September 2022
	Landlord Services	Repairs and maintenance to UPVC (and other) doors and windows	Framework	Yes	1 September 2022

No.	Service Area	Contract Title / Description	Tendering Method: (Full Tender)	Delegation to Contract Compliance Officer	Procurement Start:
	Landlord Services	Quantity Surveying / Contract Management Consultancy	Framework	Yes	1 September 2022
	Landlord Services	Out of hours supporting contractor	Framework	Yes	1 September 2022
	Landlord Services	Provision of Personal Protective Equipment and Clothing	Framework	Yes	14 September 2022
	Landlord Services	Energy Performance Surveys	DPS	Yes	1 April 2022
	Landlord Services	Bin Store Works	Framework	Yes	1 September 2022
	Neighbourhood Services	CCTV Hardware	3 quotes / tender	Yes	01/04/2022
	Information Services	Security: Unified Threat Management (UTM) system - covers the central management of IT security (Firewalls, third party VPN access) and email and web security	3 quotes/ framework	Yes	01/04/2022
	Information Services	Corporate payments - Payments software which support all face to face, telephony and web-based	3 quotes/ framework	Yes	31/04/2022

No.	Service Area	Contract Title / Description	Tendering Method: (Full Tender)	Delegation to Contract Compliance Officer	Procurement Start:
		payment systems			
	Information Services	Microsoft Enterprise Agreement (including Cloud hosting); covers the purchase of Software assurance and licensing for all Microsoft products used by the authority (this includes the Windows operating system, Exchange (email), SharePoint (Intranet) MS Office 365, SQL and any products used in the Server environment, plus any Microsoft cloud hosting costs and licences within Azure	3 quotes/ framework	Yes	01/06/2022
	Information Services	Printing and Document Management - includes the provision of the multi-functional printing devices and associated services such as bulk printing, scanning for document management	3 quotes/ framework	Yes	31/06/2022
	Information Services	Provision of Unified Communication (covers amalgamation of voice and data contracts e.g. external telephone landlines, internal extension lines, mobiles, Internet bandwidth/web circuits, etc)	3 quotes/ framework	Yes	30/11/2022



No.	Service Area	Contract Title / Description	Tendering Method: (Full Tender)	Delegation to Contract Compliance Officer	Procurement Start:
	Information Services	Data Centre: update or relocation of the onsite Date Centre - this is dependant on the decisions made on office accommodation	3 quotes/ framework	Yes	31/03/2023
	Landlord Services	Scaffolding	Full	Yes	01/04/2022

## CABINET - 10TH MARCH 2022

### Report of the Strategic Director of Environment and Corporate Services Lead Member: Councillor Smidowicz

#### Part A

#### ITEM 11     STRATEGIC RISK REGISTER AND RISK MANAGEMENT FRAMEWORK

##### Purpose of Report

The report proposes an updated Strategic Risk Register for approval. In addition, the Risk Management Framework has been refreshed and is also presented for approval.

##### Recommendations

1. That the draft Strategic Risk Register for 2022/23 as set out in the Appendix to this report is adopted, and that the Audit Committee monitor progress against those risks on the register by receiving quarterly monitoring reports.
2. That the Risk Management Framework as set out in the Appendix to this report is adopted.
3. That authority is delegated to the Strategic Director of Environment and Corporate Services to make amendments to the risk register where required, in consultation with the relevant risk owner and Lead Member.

##### Reasons

1. To ensure that the most significant risks to the Council achieving its objectives are identified and actively managed.
2. To outline the Council's corporate approach to Risk Management.
2. To ensure that the Strategic Risk Register is kept up to date and relevant

##### Policy Justification and Previous Decisions

An internal audit was undertaken in August 2021 and the report was finalised in September 2021. In order to address the recommendations of the report it was agreed to review the Strategic Risk Register and associated Risk Management Framework.

Sound risk management arrangements that are embedded and applied consistently throughout the Council will support the achievement of Corporate Strategy objectives by ensuring that resources and activity are concentrated on the areas of greatest risk.

The maintaining and monitoring of the Strategic Risk Register will support the delivery of the Council's corporate goals in ensuring that the identified risks are appropriately managed.

## Implementation Timetable including Future Decisions and Scrutiny

If approved the Strategic Risk Register will come into effect for the financial year 2022/23.

Cabinet will continue to receive an annual risk management report which will include the proposed Strategic Risk Register for the forthcoming year, and the risk register will be monitored on a quarterly basis by the Audit Committee.

### Report Implications

The following implications have been identified for this report.

#### *Financial Implications*

There are no financial implications associated with these decisions.

#### *Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
A significant Strategic Risk has not been identified and therefore may not be appropriately managed.	Unlikely (2)	Serious (3)	Moderate (6)	The register has been reviewed following an internal audit of Corporate Risk
Risks may have been wrongly assessed resulting in insufficient risk management actions being taken.	Unlikely (2)	Serious (3)	Moderate (6)	The risk register will be reviewed, and updated if necessary, on a quarterly basis. The risks will also be added to the software system Pentana

Key Decision:

No

Background Papers:

Audit Committee Report, 15<sup>th</sup> February 2022

Officers to contact:

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Organisational Development Manager  
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Email: [helen.gretton@charnwood.gov.uk](mailto:helen.gretton@charnwood.gov.uk)

## Part B

### Background

1. An audit of Corporate Risk Management was undertaken by the Internal Audit Partnership in August 2021, with the report published in September 2021. The audit covered the periods from July 2020 to June 2021.
2. The audit put forward a number of recommendations to improve the effectiveness of the process and improve the internal control of risk management.
3. In order to address the recommendations of the report it was agreed to review the Strategic Risk Register and associated Risk Management Framework.
4. Each risk has been reviewed and the description updated to meet the guidance outlined in the Risk Management Framework.
5. In addition 5 new Strategic Risks have been identified following a benchmarking exercise with other local authorities and through considering best practice.
6. There are now 10 proposed Strategic Risks which will be presented to Cabinet for approval on 10 March 2022. The Risks are included in detail at Appendix A but are summarised below;

SR1	Business Continuity
SR2	Emergency Planning for Civil Contingencies
SR3	Finance
SR4	Staffing and workforce
SR5	Governance
SR6	Partnerships
SR7	Data sharing and security
SR8	Communication
SR9	Climate Change
SR10	Legislation and External Factors

7. The new risks are SR4, SR5, SR6 and SR9. SR10 has been expanded to reflect all legislative changes.
8. In reviewing the risk register it should be noted that the inherent risk shown in the first risk matrix is the risk that the Council would bear if **no** actions were taken to mitigate the risk. In the vast majority of cases the Council is able to operate risk mitigation processes which results in the residual risk shown in the second risk matrix. It is this latter score which represents the current assessment of strategic risks faced by the Council.
9. The register will continue to be monitored and reviewed by the Risk Management Group which includes all members of the Senior and Corporate Leadership Teams and meets quarterly.

## Appendices

1. Strategic Risk Register
2. Risk Management Framework

# Strategic Risk Register

## OVERVIEW

RISK		OWNER	INHERENT RISK			RESIDUAL RISK		
			Likelihood	Impact	Total	Likelihood	Impact	Total
SR1	Risk that there is a lack of adequate business continuity and recovery arrangements, leading to major internal and/or external disruption to services in the event of an incident (i.e. major ICT fail, fire etc), resulting in injury and/or loss of life and/or reputation	Strategic Director of Environment and Corporate Services	3	4	12	3	3	9
SR2	Risk that there is a lack of robust civil contingency arrangements established leading to a failure to respond appropriately to a major incident (e.g. flooding, terrorism etc) resulting in injury and/or loss of life	Chief Executive	4	4	16	3	3	9
SR3	Risk that there is a lack of external funding and/or income generated leading to a reduction in the financial resources available for service provision and/or to fund corporate objectives resulting in not being able to delivery services or being financially solvent	Strategic Director of Environment and Corporate Services	2	3	6	2	2	4
SR4	Risk that the Council does not attract suitable or capable staff or resources or there is a high sickness level or there are capacity issues from contractors and suppliers leading to a high number of vacancies or staff available resulting in poor service provision	Chief Executive	3	3	9	3	2	6
SR5	Risk that the Council does not follow its own governance procedures leading to failure to deliver services and/or value for money and/or it can be challenged through a legal	Chief Executive	2	3	6	2	2	4

## Strategic Risk Register

RISK		OWNER	INHERENT RISK			RESIDUAL RISK		
			Likelihood	Impact	Total	Likelihood	Impact	Total
	process leading to service delivery issues and/or reputation damage and/or criminal charges							
SR6	Risk that partnerships with key stakeholders are not developed or maintained leading to a failure to deliver shared outcomes and a lack of delivery to the public resulting in service delivery issues and/or reputational damage	Chief Executive	2	2	4	1	2	2
SR7	Risk that adequate data sharing and data security arrangements are not implemented leading to an increase in cyber-attacks resulting in service disruption or data loss or damage	Strategic Director of Environment and Corporate Services	3	4	12	2	3	6
SR8	Risk that the Council does not establish effective strategic communication arrangements leading in the public not being informed about Council activity resulting in reputational damage	Chief Executive	3	3	9	2	3	6
SR9	Risk that the Council does not lead by example and manage the ongoing impact of climate change leading to a lower than anticipated reduction in carbon output	Chief Executive	2	3	6	2	2	4
SR10	Risk that new legislation or external factors cause negative financial or reputational impact on the Council leading to a reduction in service provision (i.e., Environment Bill) resulting in service delivery issues and/or reputational damage	Chief Executive	3	4	12	3	3	9

# Strategic Risk Register

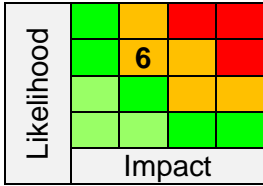
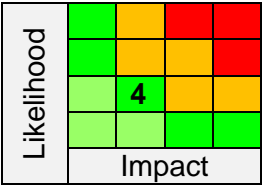
Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																																												
<b>SR1</b> Risk that there is a lack of adequate business continuity and recovery arrangements, leading to major internal and/or external disruption to services in the event of an incident (i.e. major ICT fail, fire etc), resulting in injury and/or loss of life and/or reputation	Strategic	<ul style="list-style-type: none"> <li>• Inability to deliver key/critical services e.g.benefits, refuse collection, homelessness applications, emergency repairs.</li> <li>• Reduction in access channels available to residents / customers i.e. contact centre, customer services, telephony</li> </ul>	<table border="1"> <tr><td>Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Yellow</td><td>Yellow</td><td>12</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Yellow</td><td>Yellow</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td></td><td></td><td></td><td>Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red		Green	Yellow	Yellow	12		Green	Green	Yellow	Yellow		Green	Green	Green	Green		Green	Green	Green	Green					Impact	<table border="1"> <tr><td>Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Yellow</td><td>9</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Yellow</td><td>Yellow</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td></td><td></td><td></td><td>Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red		Green	Yellow	9	Red		Green	Green	Yellow	Yellow		Green	Green	Green	Green		Green	Green	Green	Green					Impact	Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Business Continuity Planning</li> <li>• IT Disaster Recovery Plan</li> <li>• Website hosted externally</li> <li>• Off-site data back-up arrangements</li> <li>• Stand-by generator for ICS building</li> <li>• Cloud based telephony infrastructure</li> <li>• Contingency planning for failure of major contractor</li> </ul>																																																																
<b>Risk Owner</b>	Strategic Director of Environment and Corporate Services																																																																
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u> Link to work regarding concurrent incidents Link to workforce mental health	<u>Responsible Officer:</u> Head of Strategic Support	<u>Target Date:</u> Ongoing																																																														



# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																												
<b>SR2</b> Risk that there is a lack of robust civil contingency arrangements established leading to a failure to respond appropriately to a major incident (e.g. flooding, terrorism etc) resulting in injury and/or loss of life	Strategic	<ul style="list-style-type: none"> <li>• Inability to respond to affected peoples' basic needs (food, shelter etc)</li> <li>• Adverse effect on the local economy</li> <li>• Major reputational damage and loss of public confidence</li> <li>• Extending the recovery phase longer than necessary</li> <li>• Dealing with the COVID pandemic will have a negative effect on the management of concurrent incidents</li> </ul>	<table border="1"> <tr> <td rowspan="4">Likelihood</td> <td>High</td> <td>Medium</td> <td>Low</td> <td>16</td> </tr> <tr> <td>Medium</td> <td>Medium</td> <td>Low</td> <td></td> </tr> <tr> <td>Medium</td> <td>Low</td> <td>Low</td> <td></td> </tr> <tr> <td>Low</td> <td>Low</td> <td>Low</td> <td></td> </tr> <tr> <td></td> <td colspan="4">Impact</td> </tr> </table>	Likelihood	High	Medium	Low	16	Medium	Medium	Low		Medium	Low	Low		Low	Low	Low			Impact				<table border="1"> <tr> <td rowspan="4">Likelihood</td> <td>High</td> <td>Medium</td> <td>Low</td> <td>9</td> </tr> <tr> <td>Medium</td> <td>Medium</td> <td>Low</td> <td></td> </tr> <tr> <td>Medium</td> <td>Low</td> <td>Low</td> <td></td> </tr> <tr> <td>Low</td> <td>Low</td> <td>Low</td> <td></td> </tr> <tr> <td></td> <td colspan="4">Impact</td> </tr> </table>	Likelihood	High	Medium	Low	9	Medium	Medium	Low		Medium	Low	Low		Low	Low	Low			Impact				Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Participation in the Local Resilience Partnership and Forum (LRP and LRF) – and awareness of guidance regarding concurrent incident with COVID</li> <li>• Appropriate emergency and incident planning in place</li> <li>• Regular testing and exercising of emergency plans</li> <li>• Training and awareness for relevant staff</li> <li>• 24/7 call-out arrangements for senior managers (SLT / CLT)</li> <li>• Participation in county-wide Events Safety Group (SAG)</li> <li>• Reviews periodically undertaken within current Treatments and Controls</li> </ul>																																																
<b>Risk Owner</b>	Chief Executive																																																
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u> Taking the lead from the LRF regarding COVID response	<u>Responsible Officer:</u> Chief Executive	<u>Target Date:</u> End March 2022																																														

# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel
<b>SR3</b> Risk that there is a lack of external funding and/or income generated leading to a reduction in the financial resources available for service provision and/or to fund corporate objectives resulting in not being able to delivery services or being financially solvent	Strategic	<ul style="list-style-type: none"> <li>• Inability to meet demand for services</li> <li>• Inability to meet statutory duties</li> <li>• Ceasing or reducing some services</li> </ul>			Baseline
<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Annual production and monitoring of Medium Term Financial Strategy (MTFS)</li> <li>• Treasury Management Strategy</li> <li>• Budget and revenue monitoring processes</li> <li>• Production and monitoring of efficiency plan</li> <li>• Maintenance of reserves at specified required levels</li> <li>• Monitor, consider and respond to government proposals affecting budgets and/or income</li> <li>• Monitor the implications of the COVID pandemic on the financial situation</li> </ul>				
<b>Risk Owner</b>	Strategic Director of Environment and Corporate Services				
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u>		<u>Responsible Officer:</u>	<u>Target Date:</u>	

# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																																		
<b>SR4</b> Risk that the Council does not attract suitable or capable staff or resources or there is a high sickness level or there are capacity issues from contractors and suppliers leading to a high number of vacancies or staff available resulting in poor service provision	Strategic	<ul style="list-style-type: none"> <li>• Inability to meet demand for services</li> <li>• Inability to meet statutory duties</li> <li>• Ceasing or reducing some services</li> </ul>	<table border="1"> <tr><td>Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Yellow</td><td>9</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Yellow</td><td>Yellow</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td colspan="4">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red		Green	Yellow	9	Red		Green	Green	Yellow	Yellow		Green	Green	Green	Green		Impact				<table border="1"> <tr><td>Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>6</td><td>Yellow</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Yellow</td><td>Yellow</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td colspan="4">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red		Green	6	Yellow	Red		Green	Green	Yellow	Yellow		Green	Green	Green	Green		Impact				Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Benchmarking with other Districts</li> <li>• Seeking guidance from established organisations such as Jobs Go Public, East Midlands Councils, District Councils Network and Local Government Association – especially relating to services which are hard to recruit to</li> <li>• Marketing the Council / Local Authority</li> </ul>																																																						
<b>Risk Owner</b>	Chief Executive																																																						
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u> Internal review of Recruitment	<u>Responsible Officer:</u> Organisational Development Manager	<u>Target Date:</u> August 2022																																																				

# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																												
<b>SR5</b> – Risk that the Council does not follow its own governance procedures leading to failure to deliver services and/or value for money and/or it can be challenged through a legal process leading to service delivery issues and/or reputation damage and/or criminal charges	Strategic	<ul style="list-style-type: none"> <li>Financial damage</li> <li>Reputational damage</li> <li>Not complying with legislation</li> </ul>	<table border="1"> <tr><td rowspan="4">Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td>Green</td><td>Yellow</td><td>Yellow</td><td>Red</td></tr> <tr><td>Green</td><td>Green</td><td>6</td><td>Yellow</td></tr> <tr><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td colspan="4">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red	Green	Yellow	Yellow	Red	Green	Green	6	Yellow	Green	Green	Green	Green		Impact				<table border="1"> <tr><td rowspan="4">Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td>Green</td><td>Yellow</td><td>Yellow</td><td>Yellow</td></tr> <tr><td>Green</td><td>4</td><td>Yellow</td><td>Yellow</td></tr> <tr><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td colspan="4">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red	Green	Yellow	Yellow	Yellow	Green	4	Yellow	Yellow	Green	Green	Green	Green		Impact				Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>Annual review of the constitution</li> <li>Ensure that the Council's processes address the governance requirements</li> <li>Established governance arrangements for Risk Management, Performance Management, Projects and Programme Management</li> </ul>																																																
<b>Risk Owner</b>	Chief Executive																																																
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u>	<u>Responsible Officer:</u>	<u>Target Date:</u>																																														

# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																																				
<b>SR6</b> – Risk that partnerships with key stakeholders are not developed or maintained leading to a failure to deliver shared outcomes and a lack of delivery to the public resulting in service delivery issues and/or reputational damage	Strategic	<ul style="list-style-type: none"> <li>• Reputational Damage</li> <li>• Lack of joined up working</li> <li>• Damage to relationships with partners</li> </ul>	<table border="1"> <tr><td rowspan="5">Likelihood</td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td></tr> <tr><td></td><td>4</td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td>Impact</td></tr> </table>	Likelihood										4															Impact	<table border="1"> <tr><td rowspan="5">Likelihood</td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td></tr> <tr><td></td><td>2</td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td>Impact</td></tr> </table>	Likelihood										2															Impact	Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Joint working with key organisations with clearly identified terms of reference and joint outcomes</li> <li>• Up to date contact details within partner organisations</li> </ul>																																																								
<b>Risk Owner</b>	Chief Executive																																																								
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u>	<u>Responsible Officer:</u>		<u>Target Date:</u>																																																					

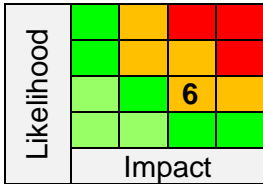
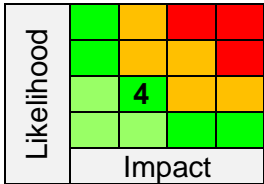
# Strategic Risk Register

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<b>SR7</b> – Risk that adequate data sharing and data security arrangements are not implemented leading to an increase in cyber-attacks resulting in service disruption or data loss or damage	Strategic	<ul style="list-style-type: none"> <li>• Ineffective processes for sharing data with other agencies / authorities leading to data breaches</li> <li>• Reputational damage and loss of public confidence</li> <li>• Potentially significant fines</li> <li>• Increased risk due to the operating processes and people possibly taking documents home</li> </ul>	<table border="1"> <tr><td rowspan="4">Likelihood</td><td>Green</td><td>Yellow</td><td>12</td><td>Red</td></tr> <tr><td>Green</td><td>Yellow</td><td>Yellow</td><td>Red</td></tr> <tr><td>Green</td><td>Green</td><td>Yellow</td><td>Yellow</td></tr> <tr><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td colspan="5">Impact</td></tr> </table>	Likelihood	Green	Yellow	12	Red	Green	Yellow	Yellow	Red	Green	Green	Yellow	Yellow	Green	Green	Green	Green	Impact					<table border="1"> <tr><td rowspan="4">Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td>Green</td><td>Yellow</td><td>Yellow</td><td>Red</td></tr> <tr><td>Green</td><td>Green</td><td>6</td><td>Yellow</td></tr> <tr><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td colspan="5">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red	Green	Yellow	Yellow	Red	Green	Green	6	Yellow	Green	Green	Green	Green	Impact					Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Information sharing agreements in place with key agencies and authorities</li> <li>• Annual IT health checks including penetration testing</li> <li>• Data Protection Officer in post and data protection training and awareness for staff and councillors</li> <li>• Data Protection Impact Assessment form developed and circulated</li> <li>• IT security policies in place</li> <li>• Protective marking of emails</li> <li>• Policies are reviewed on a regular basis</li> <li>• Information Security Group established with CLT</li> <li>• Checking the location of data storage post Brexit – EU / UK</li> <li>• Cyber Security insurance procured</li> </ul>																																																
<b>Risk Owner</b>	Strategic Director for Environment and Corporate Services																																																
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u>	<u>Responsible Officer:</u>	<u>Target Date:</u>																																														

# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																																		
<b>SR8</b> – Risk that the Council does not establish effective strategic communication arrangements leading in the public not being informed about Council activity resulting in reputational damage	Strategic	<ul style="list-style-type: none"> <li>• Reputational damage</li> <li>• Adverse media coverage</li> <li>• Damage to relationships with partners</li> <li>• Damage to staff morale</li> <li>• Competing demands due to the COVID pandemic</li> </ul>	<table border="1"> <tr><td>Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Yellow</td><td>9</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Yellow</td><td>Yellow</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td colspan="4">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red		Green	Yellow	9	Red		Green	Green	Yellow	Yellow		Green	Green	Green	Green		Impact				<table border="1"> <tr><td>Likelihood</td><td>Green</td><td>Yellow</td><td>Red</td><td>Red</td></tr> <tr><td></td><td>Green</td><td>Yellow</td><td>6</td><td>Yellow</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td></td><td colspan="4">Impact</td></tr> </table>	Likelihood	Green	Yellow	Red	Red		Green	Yellow	6	Yellow		Green	Green	Green	Green		Green	Green	Green	Green		Impact				Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Adequately staffed and experienced corporate communications team</li> <li>• Communications Strategy and Plan in place</li> <li>• Regular monitoring of all media sources</li> <li>• Continue to expand social media use and reach</li> <li>• ‘Horizon scanning’ for potential communication issues at each Corporate Leadership Team meeting and as part of the Corporate Delivery Plan setting</li> <li>• Joint working with LCC Comms</li> <li>• Monitor the effectiveness of communications channels and posts</li> </ul>																																																						
<b>Risk Owner</b>	Chief Executive																																																						
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u> Completion of the actions within the Communications Plan		<u>Responsible Officer:</u> Communications Manager		<u>Target Date:</u> End 2022/23																																																		

# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel
<b>SR9</b> – Risk that the Council does not lead by example and manage the ongoing impact of climate change leading to a lower than anticipated reduction in carbon output	Strategic	<ul style="list-style-type: none"> <li>• Reputational damage</li> <li>• Environmental damage</li> </ul>			Baseline
<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>• Cabinet pledge regarding climate change</li> <li>• Climate Change Action Plan</li> <li>• Caring for the Environment as a Corporate Strategy Theme and associated actions</li> </ul>				
<b>Risk Owner</b>	Chief Executive				
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u> Completion of the Climate Change Action Plan		<u>Responsible Officer:</u> Strategic Director - Commercial Development, Asset and Leisure		<u>Target Date:</u> End 2022/23



# Strategic Risk Register

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel																																												
<b>SR10</b> – Risk that new legislation or external factors cause negative financial or reputational impact on the Council leading to a reduction in service provision (i.e., Environment Bill) resulting in service delivery issues and/or reputational damage	Strategic	<ul style="list-style-type: none"> <li>Financial damage</li> <li>Reputational damage</li> <li>Not complying with legislation</li> </ul>	<table border="1"> <tr><td rowspan="4">Likelihood</td><td>High</td><td>High</td><td>High</td><td>High</td></tr> <tr><td>High</td><td>High</td><td>High</td><td>12</td></tr> <tr><td>High</td><td>High</td><td>High</td><td>High</td></tr> <tr><td>High</td><td>High</td><td>High</td><td>High</td></tr> <tr><td colspan="5">Impact</td></tr> </table>	Likelihood	High	High	High	High	High	High	High	12	High	High	High	High	High	High	High	High	Impact					<table border="1"> <tr><td rowspan="4">Likelihood</td><td>High</td><td>High</td><td>High</td><td>High</td></tr> <tr><td>High</td><td>High</td><td>9</td><td>High</td></tr> <tr><td>High</td><td>High</td><td>High</td><td>High</td></tr> <tr><td>High</td><td>High</td><td>High</td><td>High</td></tr> <tr><td colspan="5">Impact</td></tr> </table>	Likelihood	High	High	High	High	High	High	9	High	High	High	High	High	High	High	High	High	Impact					Baseline
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<b>Current Treatments and Controls</b>	<ul style="list-style-type: none"> <li>Monitoring legislation through Parliament</li> <li>Liaise with other Districts</li> <li>Reviewing and understand the financial implications</li> <li>Brief Cabinet</li> </ul>																																																
<b>Risk Owner</b>	Chief Executive																																																
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u> Monitor the Environment Bill through the various stages of parliament		<u>Responsible Officer:</u> Head of Cleansing and Open Spaces		<u>Target Date:</u> Ongoing																																												

# Risk Management Framework

November 2021

<b>Owner</b>	Organisational Development Manager
<b>Status</b>	Draft V0.1
<b>Date Approved</b>	TBD
<b>Review Date</b>	November 2023

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# 1. Introduction

## 1.1 Policy Statement

Charnwood Borough Council is committed to effective risk management and assurance and sees it as an essential tool from a compliance, good practice and delivery perspective and is integral to how we run our services.

An effective risk and assurance process provides a mechanism to inform the Annual Governance Statement and is part of the overall management of performance and delivery of required outputs.

To ensure risk management is effectively implemented, all Members and Officers should understand the approach to risk management and regard it as part of their responsibilities.

The management of risk should be firmly embedded in everyone's thinking, behaviours and actions.

## 1.2 Governance Framework

The purpose of the risk management framework is to define how risks and opportunities will be handled within Charnwood Borough Council.

The framework sets the context for the management of risks and defines how they will be identified, assessed, managed and reviewed. The framework also provides information on roles and responsibilities, processes and procedures.

The Council expects all of its employees, officers and Councillors to have a level of understanding of how risks and opportunities could affect the performance of the Council and to consider the management of those risks as part of their everyday activities.

The Council has developed a Strategic Risk Register which is reviewed by the Risk Management Group on a quarterly basis – this group comprises SLT and CLT. The Terms of Reference for this group can be found at **APPENDIX A**.

In addition, operational risks are included in the annual Service Delivery Plans as completed by CLT members.

Risk management is also embedded into the project management process and within the Council's procurement.

In addition a standard template exists for reports submitted to Cabinet, Committees and Full Council, this ensures that risks to the Council have been considered.

## 1.3 Definitions

**Risk** can be defined as the effect of uncertainty on objectives. An effect may be positive, negative or a deviation from the expected. Risk is often described by an event, a change in circumstances or a consequence.

**Risk Management** is a process which aims to help organisations understand, evaluate and take action on all their risks with a view to increasing the probability of success and reducing the likelihood of failure.

**Controls** are systematic measures implemented to mitigate risks and help an organisation achieve its objectives. Preventive controls are mechanisms established to discourage errors or irregularities from occurring while detective controls are designed to identify errors or irregularities that may have occurred.

**Assurance** is the means by which management and stakeholders gain confidence that the operation of controls within an organisation is both efficient and effective.

**Risk Appetite** is the amount of risk an organisation is prepared to accept, tolerate or be exposed to in order to achieve its objectives. This is factored into planning, decision making and delivery.

It is important for the risk appetite to be understood within the organisation so that the appropriate response is made to identified risks.

The Council's appetite for managing risk will be continually reviewed by SLT and CLT and reported through to the Audit Committee.

## 1.4 Approach

The Council will meet risk and assurance management objectives by undertaking the following actions:

- Providing and using a robust and systematic framework for identifying, managing and responding to strategic and operational risks.
- Providing and using a robust and systematic framework for identifying sources of assurance at different levels within and outside the organisation and the level of confidence that provides to management about the effectiveness of controls.
- Establishing clear roles, responsibilities and reporting lines for risk management and assurance.
- Demonstrating a commitment to risk management and assurance through the actions and behaviours of the CLT and in their decision making.
- Understanding our risk appetite and the level of risk we are prepared to accept in different activities and service areas.
- Reinforcing the value of risk management by integrating it within the Councils project management, performance management and procurement processes.
- Increasing the understanding and expertise in risk management through periodic training and sharing of good practice.

## 2. Risk Management Process

The Council has a four-step process for identifying, assessing, managing and controlling risk. This is a continuous process.

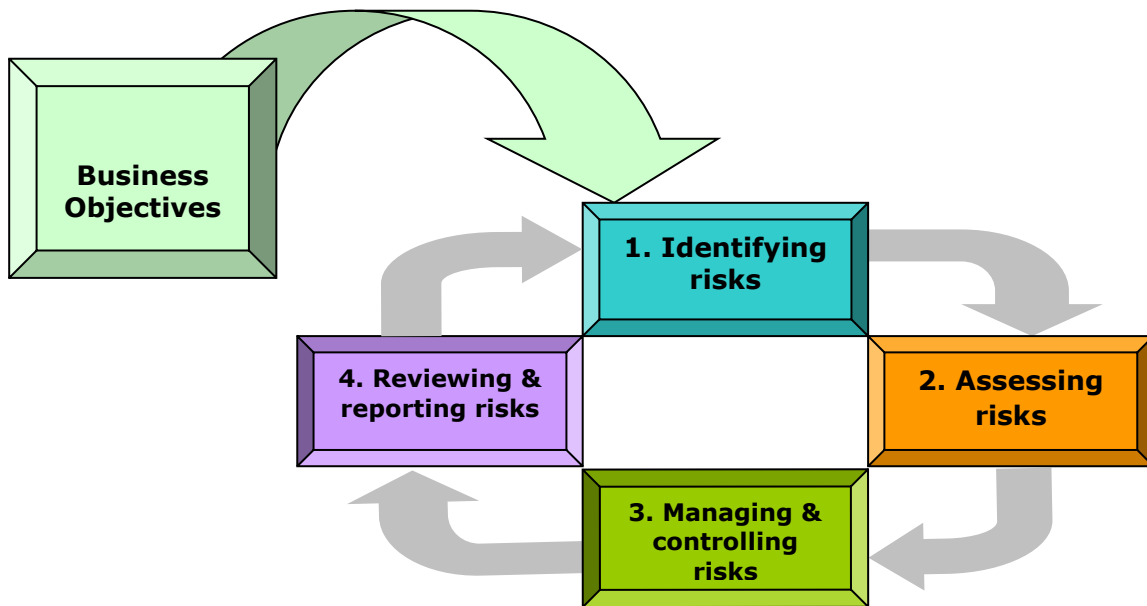


Figure 1: The four steps of the risk management cycle

### 2.1 Step 1: Identifying Risks

Our working definition of risk is

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*“Risk is something that may have an impact on the achievement of our objectives. This could be an opportunity as well as a threat.”*

---

#### Drivers of risk

The Council faces risks from both internal and external factors. Understanding this helps the Council to assess the level of influence it may have over the risk.

There are three parts to a risk – an **event** that has a **consequence** that leads to an **impact** on our objectives - and it can be measured by estimating the **likelihood** of the event happening and the **impact** it may have on our objectives if it does.

It also helps to think of risk being driven by two basic categories, **Strategic** and **Operational**.

At a strategic level, the focus is on identifying the key risks to successful achievements of the Council's overall objectives.

Operational risks are the risks that are most likely to affect the performance and delivery of business services.

Strategic and operational risks are not mutually exclusive and a risk may escalate from one to another. They can all be driven by either external or internal factors, or a combination of both.

In the risk identification stage The council is concerned with identifying events that can impact on the business objectives – ‘**what could happen?**’ We need to look at both the positive and the negative effect and so should consider ‘**what could happen if we don’t?**’ This will help the council become more confident with risk taking. Insignificant risks can be ignored, significant risks can be planned for and the costs of taking action can be compared with the price to be paid if the adverse event occurs;

The sources of risk are identified at **APPENDIX B**.

The Council expresses it’s risks in a statement which outlines the **Event, Consequence and Impact**. Further guidance is provided at **APPENDIX C**.

## 2.2 Step 2: Assessing Risks

The next step is to assess those risks in terms of the likelihood that they will occur and the impact if they do. This will give the council an **inherent risk** score that will help it to identify the most serious risks **before any controls have been applied**. Using that information the council can make decisions about the significance of those risks and how or whether it should address them.

The Council has agreed criteria for the levels of likelihood and impact for risks and criteria for opportunities, shown in tables 1 and 2 below.

The council then considers each of the identified risks and, using the criteria in the tables below, assesses the risk in terms of the **likelihood** that it will occur and **impact** on the Council if it should occur.

Details of the risk criteria can be found at **APPENDIX D**.

When the council has assessed both the risk likelihood and impact it then multiplies the likelihood score by the impact score which gives the **Inherent** risk score. This is the score the council uses to identify which risks are the most serious, allowing it to make decisions about the significance of those risks and how or whether they should be addressed.

Once the inherent risk score has been calculated, the risks need to be plotted on to a risk prioritisation matrix to show the level of the risk and to make decisions about the significance of those risks to the Council, and how they will be managed (see figure 2 below). The risk matrix that the Council uses is a 4 x 4 matrix.

Likelihood	Very Likely (4)	4	8	12	16
	Likely (3)	3	6	9	12
	Unlikely (2)	2	4	6	8
	Remote (1)	1	2	3	4
		Minor (1)	Significant (2)	Serious (3)	Major (4)
		Impact			

OVERALL RISK RATING	
<b>High</b> 12-16	These are significant risks which may have a serious impact on the Councils and its objectives if not managed
<b>Moderate</b> 6-9	These are risks which have the capability to cause some disruption to the council
<b>Low</b> 3-4	These risks need to be monitored to ensure that there are no changes in circumstances which would lead to the risk score changing
<b>Very Low</b> 1-2	

Figure 2: Risk Prioritisation Matrix & Risk Rating

Risks need to be managed within the Council's risk appetite. Where the inherent risk score exceeds the Council's risk appetite for the type of risk, mitigating controls and actions need to be applied to manage the risk down to an acceptable level.

The risk appetite sets out the level of risk deemed to be acceptable for the different risk types and the risk factors to consider for each risk type. Risks identified will often have risk factors that fall within more than one risk type, in these cases the risk type deemed to present the highest level of risk should be designated as the Primary Risk Type and this used to ascertain the risk appetite for the risk. Further details outlining the Council's Risk Appetite can be found at **APPENDIX E**.

### 2.3 Step 3: Managing & Controlling Risks

Once the risks have been identified and assessed for likelihood and impact and the risk appetite determined, there needs to be agreement on **who** will own the risk (and/or manage it) and **how** the risk/opportunity will be managed, controlled or exploited.



There are three questions which apply here:

1. Can we reduce the likelihood of occurrence?
2. Can we reduce the impact?
3. Can we change the consequences of the risk?

There are four common approaches to treating risk: '**the four T's**'

- Tolerating the Risk
- Treating the Risk
- Terminating the Risk
- Transferring the Risk

These are explained in more detail below.

**TOLERATING** the risk. An organisation that recognises the value of risk management may accept that it might be appropriate to continue with an 'at risk' activity because it will open up greater opportunities for the future (but not before documenting the full reasoning behind that decision). It could be recognised that nothing can be done to mitigate a risk at a reasonable cost in terms of potential benefit, or the ability to do anything about a risk may be very limited.

Where the Council decides to set these levels of acceptance is known as its **risk appetite**, e.g. the Council may tolerate a risk where:

- The inherent risk score is within the risk appetite for the risk type
- The risk is effectively mitigated by internal controls, even if it is a high risk
- The risk cannot be mitigated cost effectively
- The risk opens up greater benefits

These risks must be monitored and contingency plans should be put in place in case the risks occur.

**TREATING** the risk. This is the most widely used approach. The purpose of treating a risk is to continue with the activity which gives rise to the risk, but to bring the risk to an acceptable level by taking action to control it in some way through either:

- **containment** actions (these lessen the likelihood or consequences of a risk and are applied before the risk materialises) or
- **contingency** actions (these are put into action after the risk has happened, thus reducing the impact. These **must** be pre-planned)

**TERMINATING** the risk – doing things differently and therefore removing the risk. This is particularly important in terms of project risk, but is often severely limited in terms of the strategic risks of an organisation.

**TRANSFERRING** some aspects of the risk to a third party, e.g. via insurance, or by paying a third party to take the risk in another way. This option is particularly good for mitigating financial risks, or risks to assets, e.g. transferring a risk may be considered to reduce the exposure of the Council, or because another organisation is more capable of effectively managing the risk. However, it is a limited option – very few strategic risks are insurable and only around 15 -20% of operational risks can be insured against.

**When risk management is embedded a fifth option can be used:**

**TAKING THE OPPORTUNITY:** This is not an alternative to any of the above, rather it is an option to be considered whenever tolerating, treating, or transferring a risk. There are two aspects to this:

- The first is whether or not at the same time as mitigating a threat an opportunity arises where a positive impact can be exploited. For example, if a large sum of capital funding is to be put at risk in a major project, are the relevant controls judged to be good enough to justify increasing the sum of money at stake to gain even greater advantages?
- The second is whether or not circumstances arise which, whilst not generating threats, offer positive opportunities, e.g. lowering the cost of providing goods or services may free up resources that can be re-deployed.

Officers are encouraged to try to establish the cost of their planned actions. Some measures may be relatively easy to address, others might have to be implemented in phases. If a risk treatment has been identified outside the immediate area of influence of an officer, this should be referred to the Risk Management Group so that they can help to co-ordinate control measures between services.

## **2.4 Step 4: Recording & Reviewing Risks**

Risks should be recorded on a risk register. The risk register template is appended at **APPENDIX F** to this framework.

The Council maintains two levels of risk register i.e., the Strategic Risk Register and Operational Risk Registers.

The Strategic Risk Register is monitored by the Risk Management Group and quarterly updates provided to the Audit Committee.

Operational Risk Registers are maintained and monitored at service level.

Circumstances and business priorities can, and do, change, and therefore risks, opportunities and their circumstances need to be regularly reviewed. Some risks will move down the priority rating, some may leave, and new risks will be identified.

As part of the Council's risk management framework, risk owners are required to review their risks at least quarterly. Any new very high risks, or the escalation of existing risks, should be reported to the Head of Service immediately.

Risk management should be included as an item on the agenda of all service management and team meetings.

The risk management framework (the four steps of risk management) is a continuous cycle designed not only to identify, assess, manage and review risks, assess but also to support your business objectives. You should review the risk identification process when drawing up your annual team service plan so that the risks and opportunities link directly to your business objectives. That way, risks and opportunities are directly linked to the achievement of the business objectives, which can then be prioritised using that information.

# 3. Roles & Responsibilities

The following representatives have responsibility for risk management

## The Cabinet

- To approve the Council's Risk Management Strategy and Framework and Strategic Risk Register
- To consider risk management implications when making decisions
- To agree an appropriate response to the Council's highest risks
- To receive an annual report on risk management

## Audit Committee

- To maintain an independent oversight of risk management issues
- To undertake reviews of specific areas of risk management activity or initiatives where required
- To consider the effectiveness of the implementation of the risk management strategy
- To review and approve the Council's Annual Governance Statement

## The Officer Risk Champion (Organisational Development Manager)

- To be responsible for the oversight of the risk management activities of the Council
- To provide the Cabinet and Audit Committee with assurance that the Council's corporate business risks are being actively and appropriately managed.

## Senior Leadership Team

- To oversee the corporate approach to risk management
- To identify, assess and capture improved performance and value for money through risk and opportunity management
- To ensure that a robust framework is in place to identify, monitor and manage the Council's strategic risks and opportunities
- To demonstrate commitment to the embedding of risk management across the organisation

### Risk Management Group (Corporate Leadership Team)

- To raise the awareness of risk management issues and promote a risk management culture across the organisation
- To create a forum for discussion and a focal point for risk management
- To assess strategic risks and opportunities identified by the Authority
- To review and keep up to date the strategic risk register
- To ensure that the most appropriate and cost-effective measures are adopted to avoid, minimise and control those risks in accordance with 'Best Value' principles
- To develop good risk management practices within the Council
- To encourage the development of contingency plans

### Heads of Service

- To identify and assess new risks and opportunities
- To include Risk Management as an Agenda item at team meetings
- To maintain the Council's operational risk registers in relation to their areas of responsibility, identifying and reporting upwards any significant risk management issues affecting their service area
- To ensure compliance with corporate and service risk management standards
- To ensure that all service deliverers (employees, volunteers, contractors and partners) are made aware of their responsibility for risk management and the mechanisms for feeding concerns into the Council's risk management process
- To ensure that an effective framework is in place to manage risks faced by the service
- To identify and analyse risks for impact and likelihood and introduce risk control measures
- To identify initiatives that could reduce the impact and/or likelihood of risks occurring
- To identify initiatives that could increase the likelihood of an opportunity being realised
- To ensure that risk register entries and controls are accurate and up to date
- To monitor the progress of planned actions on a quarterly basis to ensure that aims are achieved
- To report quarterly to their Director on the progress of risk management action plans and any new risks identified
- To communicate the risk process to all staff and ensure they are aware of their responsibilities

### Team Risk Owners (if other than Head of Service)

- To have responsibility for the management of risk within their area, including the implementation of action plans
- To include Risk Management as an Agenda item at team meetings
- To review each risk at least quarterly and report to the Head of Service and/or Director, identifying any changes in circumstances or factors around the risk
- To communicate the risk process to staff in their section and to ensure that they are aware of their responsibilities

### Organisational Development Manager and Insurance Officer

- To provide facilitation, training and support to promote an embedded proactive risk management culture throughout the Council
- To provide facilitation, training and support to Members
- To assist services in identifying, analysing and controlling the risks that they encounter
- To ensure that risk management records and procedures are properly maintained and that clear audit trails exist in order to ensure openness and accountability
- To provide risk management advice & support to Strategic Directors, Heads of Service, risk owners and service teams
- To develop means of best practice in risk management by reference to risk management standards and comparisons with peer authorities
- To address internal audit recommendations
- To keep SMT and the Head of Strategic Support fully briefed on the Council's top risks and any other risk issues as appropriate
- To liaise with internal and external audit / Insurers / Health & Safety / Emergency Planning
- To liaise with external consultants and risk management organisations to promote and maintain best practice within the Council
- To ensure the timely purchase of adequate insurance for the transfer of risk

### All Employees

- Within their given area of responsibility and work, to have an understanding of risks and regard their management as part of their everyday activities, including the identification and reporting of risks and opportunities which could affect the Council
- To carry out or assist with risk assessments for their areas of work

- To maintain an awareness of risk and feed this into the formal management and reporting processes
- To support and participate in risk management activities

### Internal Audit

- To independently assess the Council's risk management arrangements
- To review the content and scope of the risk registers
- To review the adequacy of procedures by departments to assess, review and respond to risks
- To review the effectiveness of the Council's system of internal control
- To consider the content of the risk registers when preparing the Annual Audit Plan

# APPENDIX A

## RISK MANAGEMENT GROUP TERMS OF REFERENCE

### CHARNWOOD BOROUGH COUNCIL

#### RISK MANAGEMENT GROUP

#### TERMS OF REFERENCE

##### Purpose

The Risk Management Group (RMG) oversees the management of risk across the organisation and has responsibility for ensuring that adequate sources of assurance are in place.

The RMG will meet on a quarterly basis and instigate actions, allocate resources and communicate important messages to service areas as necessary.

##### Objectives

The key objectives of the RMG are;

- Coordinating risk management throughout the authority
- Keeping the strategic risk register and risk management framework under review
- Identifying strategic and operational practices that present significant risk to the authority
- Identifying emerging risks
- Making proposals for reducing the likelihood and / or impact of risks
- Coordinating and prioritising risk control measures
- Advising on the use of the risk management reserve to support funding necessary for initiatives that will reduce risk (e.g. vandalism, arson, theft, damage to property, personal injury to employees, visitors and persons under the care of the authority)
- Promoting good risk management practice by liaising with employees and identifying training needs
- Ensuring effective business continuity arrangements are in place, including those of critical suppliers
- Ensuring effective emergency planning arrangements are in place
- Participating in the work of the Local Resilience Forum (LRF) and working closely with other organisations as appropriate
- Monitoring the number and type of insurance claims being received by the authority

##### Membership

Members of the RMG will include:

Name	Position	Role on Capital Projects Board
Rob Mitchell	Chief Executive	Chair
Eileen Mallon	Strategic Director - Community, Planning and Housing	Member
Simon Jackson	Strategic Director – Environment and Corporate Services	Member
Justin Henry	Strategic Director – Commercial Development, Asset and Leisure	Member
Sylvia Wright	Head of Leisure and Culture	Member
Lesley Tansey	Head of Finance	Member

<b>Name</b>	<b>Position</b>	<b>Role on Capital Projects Board</b>
Karey Barnshaw	Head of Customer Experience	Member
Matt Bradford	Head of Environmental Services	Member
Adrian Ward	Head of Strategic Support	Member
Peter Oliver	Head of Landlord Services	Member
Richard Bennett	Head of Planning and Regeneration	Member
Alison Simmons	Head of Strategic and Private Sector Housing	Member
Alan Twells	Head of Regulatory Services	Member
Julie Robinson	Head of Neighbourhood Services	Member

### **Governance**

The RMG will meet quarterly as part of the regular CLT sessions.

The Group has a standard agenda covering Strategic Risk Register, Health and Safety and Insurance

Where appropriate reports on progress will be submitted to the Senior Leadership Team and Corporate Leadership Team on a regular basis.

The RMG is supported by Helen Gretton, Organisational Development Manager, Tony O'Brien, Health and Safety Manager and Sue Leather, Insurance Officer.



## APPENDIX B SOURCES OF RISK

STRATEGIC RISKS	Sources of Risk	Risk Considerations
	Political	Changes in Government policy National or local political pressures
	Economic	Economic downturn – prosperity of local businesses/ local communities Ability to deliver value for money
	Social	Demographic changes Crime and disorder, health inequalities, safeguarding issues
	Technology	Ability to respond to changing demands Obsolescence of existing technology
	Legislation	Changes in UK or EU legislation Legal challenges or judicial reviews
	Environment	Climate change Recycling, green issues, energy efficiency, land use and green belt issues

CORPORATE RISKS	Sources of Risk	Risk Considerations
	Finance	Budgetary pressures System/ procedure weaknesses
	People	Loss of key staff, recruitment, retention & development issues Communication and consultation during transformation
	Partnerships and contracts	Delivery of services to agreed cost and specification Clarity of roles and relationships
	Physical assets	Safety and security of land, buildings and equipment Control of IT hardware
	Process	Poor quality/ reduced service delivery Confidentiality, integrity and availability of information
	Resilience	Emergency preparedness/ business continuity

## APPENDIX C

### HOW TO WRITE RISKS

Expressing risks as a statement is often harder than it first seems. It may require re-thinking some basic assumptions about a situation and re-evaluating the elements that are most important.

For example, “lack of staff” is an issue and is not in itself a complete description. Try to externalise the issue and develop it into a risk that expresses how the issue will impact upon achievement of the Council’s strategic objectives.

Try to include those three parts to your risk: **Event – Consequence – Impact**.  
**This will ensure that focus, and therefore action is placed on the event.**

Typical risk phrasing could be

loss of...  
failure of.....  
failure to...  
lack of...  
partnership with...  
development of...

} leads to ..... resulting in.....

For example, Environmental Services may identify the failure of the waste collection service, e.g. due to bad weather conditions, as a risk. They develop this around **event, consequence, impact** to:

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*“Failure of the waste collection service due to inclement weather (the event) could lead to unacceptable delays in collecting refuse (the consequence), resulting in public health issues and loss of reputation.*

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## APPENDIX D RISK CRITERIA

**Table 1: LIKELIHOOD - Description and definitions**

Rating	Score	Indicative Guidelines	
		Threat	Opportunity
Very Likely	4	<ul style="list-style-type: none"> <li>Regular occurrence</li> <li>Circumstances frequently encountered</li> </ul>	Favourable outcome is likely to be achieved in short term (within 1 year)
Likely	3	<ul style="list-style-type: none"> <li>Likely to happen at some point in the next 3 years</li> <li>Circumstances occasionally encountered.</li> </ul>	Reasonable prospects of favourable outcome in short term (within 1 year)
Unlikely	2	<ul style="list-style-type: none"> <li>Only likely to happen once every 3 or more years</li> <li>Circumstances rarely encountered</li> </ul>	Some chance of favourable outcome in medium term (up to 3 years)
Remote	1	<ul style="list-style-type: none"> <li>Has never happened before</li> <li>Circumstance never encountered.</li> </ul>	Little chance of a favourable outcome in short or medium term (up to 3 years).

**Table 2: IMPACT - Description and definitions**

Rating	Score	Indicative Guidelines	
		Threat	Opportunity
Major	4	<ul style="list-style-type: none"> <li>Major loss of service for more than 5 days.</li> <li>Severe disruption to the Council and its customers affecting the whole council.</li> <li>Major financial loss &gt; £1,000,000</li> <li>Loss of life, intervention by HSE.</li> <li>National news coverage</li> <li>Likely successful judicial review or legal challenge of Council decision.</li> <li>Major environmental damage.</li> </ul>	<ul style="list-style-type: none"> <li>Major improvement in service delivery.</li> <li>Income generation/savings &gt;£1,000,000</li> <li>Positive national press, national award or recognition.</li> <li>Noticeable widespread environmental improvements.</li> </ul>

Rating	Score	Indicative Guidelines	
		Threat	Opportunity
Serious	3	<ul style="list-style-type: none"> <li>• Loss of service for 3 to 5 days.</li> <li>• Serious disruption, ability to service customers affected across several service areas of the Council.</li> <li>• Serious financial loss £100,000 - £999,999</li> <li>• Extensive/multiple injuries, intervention by HSE</li> <li>• Local adverse news item/professional press item</li> <li>• Likely judicial review or legal challenge of service specific decision.</li> <li>• Serious damage to local environmental.</li> </ul>	<ul style="list-style-type: none"> <li>• Noticeable improvement to customers in service delivery, quality and cost.</li> <li>• Income generation/savings &gt; £100,000.</li> <li>• Sustained positive recognition and support from local press.</li> <li>• Noticeable improvement to local environment.</li> </ul>
Significant	2	<ul style="list-style-type: none"> <li>• Loss of service for 1 – 3 days</li> <li>• Noticeable disruption, some customers would be affected across a service area of the Council</li> <li>• High financial loss £10,000 - £100,000</li> <li>• Severe injury to an individual/ several people</li> <li>• Local news/minor professional press item</li> <li>• Moderate damage to local environment</li> </ul>	<ul style="list-style-type: none"> <li>• Slight improvement in internal business processes. No noticeable change in service delivery or customer service.</li> <li>• Income generation/savings &gt; £10,000</li> <li>• Positive support from local press</li> <li>• Minor improvement to local environment</li> </ul>
Minor	1	<ul style="list-style-type: none"> <li>• Brief disruption to service less than 1 day – minor or no loss of customer service.</li> <li>• Low financial loss &gt; £10,000</li> <li>• Minor/no injuries.</li> <li>• Minimal news/press impact.</li> </ul>	<ul style="list-style-type: none"> <li>• No noticeable improvement to service delivery or internal business processes.</li> <li>• Income generation/savings up to £10,000</li> <li>• No press coverage</li> </ul>

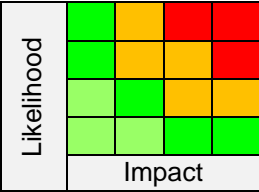
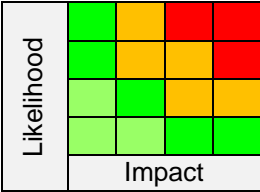
Rating	Score	Indicative Guidelines	
		Threat	Opportunity
		<ul style="list-style-type: none"> <li>• Affects single team only.</li> <li>• Minor/no damage to local environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Insignificant/no environmental improvements</li> </ul>

## APPENDIX E RISK APPETITE

Risk Type & Definition	Risk Factors	Risk Appetite
Strategic – Achievement of strategic priorities.	<p><b>External Factors</b></p> <ul style="list-style-type: none"> <li>• Political</li> <li>• Economic</li> <li>• Social</li> <li>• Partners</li> </ul> <p><b>Strategy</b></p> <ul style="list-style-type: none"> <li>• Digital Strategy</li> <li>• Local Plan</li> <li>• Communications Strategy</li> <li>• Commercial Strategy</li> </ul> <p><b>Governance</b></p> <ul style="list-style-type: none"> <li>• Council Structure</li> <li>• Council Performance</li> <li>• Risk Appetite</li> </ul> <p><b>Reputational Damage</b></p> <ul style="list-style-type: none"> <li>• Media coverage</li> </ul>	<p><b>Moderate</b> - to reflect the Council's approach in developing the local economy and creating attractive and safe environment.</p> <p>In meeting the objectives relating to these elements of the Corporate Plan it is important to consider innovative service delivery and hence some risk is acceptable.</p>
Delivery – day to day operation of Council services	<p><b>Corporate Plan</b></p> <ul style="list-style-type: none"> <li>• Delivery of objectives</li> <li>• Delivery of business plan objectives.</li> </ul> <p><b>Service Delivery</b></p> <ul style="list-style-type: none"> <li>• Delivery of service/ team objectives.</li> </ul> <p><b>Project Management</b></p> <ul style="list-style-type: none"> <li>• Delivery of project objectives</li> </ul> <p><b>Staff</b></p> <ul style="list-style-type: none"> <li>• Recruitment &amp; Retention</li> <li>• Training</li> <li>• Key Personnel</li> </ul> <p><b>IT</b></p> <ul style="list-style-type: none"> <li>• Network Infrastructure</li> <li>• Business Applications</li> <li>• IT Security</li> </ul>	<p><b>Moderate</b> - to reflect the Council's approach in developing the local economy and creating an attractive and safe environment.</p> <p>In meeting the objectives in the Corporate Plan, it is important to consider innovative service delivery and hence some risk is acceptable.</p>

Risk Type & Definition	Risk Factors	Risk Appetite
	<p><b>Resilience</b></p> <ul style="list-style-type: none"> <li>• Business Continuity Planning</li> <li>• Emergency Planning</li> </ul> <p><b>External</b> 3<sup>rd</sup> party performance</p> <p><b>Reputational Damage</b></p> <ul style="list-style-type: none"> <li>• Media coverage</li> <li>• Complaints</li> </ul>	
Financial - financial impact or loss	<p><b>Revenues</b></p> <ul style="list-style-type: none"> <li>• Collection Rates</li> <li>• Debt Recovery</li> <li>• Commercial income generation</li> </ul> <p><b>Treasury Management</b></p> <ul style="list-style-type: none"> <li>• Debt Management</li> <li>• Investment Strategy</li> </ul> <p><b>Finance</b></p> <ul style="list-style-type: none"> <li>• Statutory Accounts</li> <li>• Budget Monitoring</li> <li>• Income Generation</li> <li>• Grants and Funding</li> <li>• Capital Spending</li> </ul>	<p><b>Low</b> –long term financial stability is an important factor to the Council in continuing to provide services and meeting Corporate Plan objectives.</p> <p>Some judiciously managed risk will be accepted, but the long term future of the authority will not be jeopardised.</p>
Compliance – breaches to law or regulation.	<ul style="list-style-type: none"> <li>• Data Protection</li> <li>• Health &amp; Safety</li> <li>• Public Health</li> <li>• Government Regulations</li> <li>• Constitution</li> <li>• Regulatory Bodies</li> <li>• Planning Inspectorate</li> <li>• Procurement</li> <li>• Housing</li> </ul>	<p><b>Very Low</b> – as a Local Authority we lead by example and should demonstrate a high level of compliance.</p>

# APPENDIX F RISK REGISTER TEMPLATE

Risk Code and Title	Primary Risk Type	Potential Consequences	Inherent Risk Matrix	Residual (Current) Risk Matrix	Direction of Travel
	<i>Strategic/ Delivery/ Financial/ Compliance</i>				
<b>Current Treatments and Controls</b>					
<b>Planned Future Actions and Responsible Officer(s).</b>	<u>Description:</u>	<u>Responsible Officer:</u>	<u>Target Date:</u>		

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