

Meeting	CABINET
Time/Day/Date	5.00 pm on Tuesday, 25 April 2017
Location	Board Room, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. PUBLIC QUESTION AND ANSWER SESSION	
4. MINUTES	
Minutes of the meeting held on 14 March 2017	3 - 10
5. BUILDING CONFIDENCE IN COALVILLE ("COALVILLE PROJECT") - UPDATE	
Report of the Chief Executive Presented by the Leader	11 - 16



- 6. 'GOOD DESIGN FOR NORTH WEST LEICESTERSHIRE'
SUPPLEMENTARY PLANNING DOCUMENT**
- Report of the Director of Services **17 - 42**
Presented by the Regeneration and Planning Portfolio Holder
- 7. REVIEW OF HOUSING POLICIES**
- Report of the Director of Housing **43 - 80**
Presented by the Housing Portfolio Holder
- 8. EXCLUSION OF PRESS AND PUBLIC**
- The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.
- 9. AUTHORITY TO AWARD PLANNED CONTRACTS BETWEEN APRIL 2017
AND MARCH 2018**
- Report of the Interim Director of Resources **81 - 84**
Presented by the Corporate Portfolio Holder

Circulation:

Councillor R D Bayliss
Councillor R Blunt (Chairman)
Councillor T Gillard
Councillor T J Pendleton
Councillor N J Rushton
Councillor A V Smith MBE

MINUTES of a meeting of the CABINET held in the Board Room, Council Offices, Coalville on TUESDAY, 14 MARCH 2017

Present: Councillor R Blunt (Chairman)

Councillors R D Bayliss, T Gillard, T J Pendleton, N J Rushton and A V Smith MBE

In Attendance: Councillors R Adams, J Clarke, N Clarke, J G Coxon, D Everitt, G Houlton, J Legrys and M Specht

Officers: Mr S Bambrick, Ms C E Fisher, Mrs C Hammond, Mr A Hunkin, Mr G Jones, Mr P Padaniya and Miss E Warhurst

99. APOLOGIES FOR ABSENCE

There were no apologies for absence.

100. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor R D Bayliss declared a non-pecuniary interest in item 7 – Ashby Neighbourhood Plan – Proposed Response to Pre-Submission (Part 2) Consultation, as a Member of the Ashby de la Zouch Town Council Neighbourhood Plan Steering Group.

Councillor N J Rushton declared a non-pecuniary interest in item 7 – Ashby Neighbourhood Plan – Proposed Response to Pre-Submission (Part 2) Consultation, as a Member of the Ashby de la Zouch Town Council.

Councillors R Blunt, N J Rushton and T J Pendleton declared a non-pecuniary interest in item 11 – Leicestershire County Council – Procurement of Treatment facilities for Dry Recyclate Material, as Members of Leicestershire County Council.

101. PUBLIC QUESTION AND ANSWER SESSION

No questions were received.

102. MINUTES

Consideration was given to the minutes of the meeting held on 7 February 2017.

It was moved by Councillor R Blunt, seconded by Councillor A V Smith and

RESOLVED THAT:

The minutes of the meeting held on 7 February 2017 be approved and signed by the Chairman as a correct record.

Reason for decision: To comply with the Constitution.

103. PROPOSED COUNCIL DELIVERY PLAN 2017/20

The Leader presented the report to Members. He highlighted to Members that the Council adopted its first Council Delivery Plan (CDP) in April 2005 and since then the CDP has evolved annually to reflect the changing environment in which the Council is operating. He advised Members that the Council had prepared a three year plan to tie in with the Medium Term Financial Strategy and the plan would be refreshed annually to show what

had been achieved and to incorporate any new actions that need be accommodated as a result of external influences or policy changes. He informed members that the design has been updated to make it more engaging for readers and commended officers for the work that had been put into the new layout.

Councillor T Gillard stated that he thought it was a good report that highlighted the Authority's plans for the future.

Councillor T J Pendleton stated that he was pleased to see that the document set out plans for Coalville.

It was moved by Councillor R Blunt, seconded by Councillor T Gillard and

RESOLVED THAT:

1. The proposed Council Delivery Plan for 2017/20 be received and noted.
2. The Plan's content be endorsed and recommended to Council for approval on 21 March 2017 and
3. Authority be delegated to the Chief Executive, in consultation with the Leader of the Council, to make any final amendments to the plan prior to Council on 21 March 2017.

Reason for decision: To endorse the Council's Delivery Plan for 2017/20 prior to Council's consideration.

104. TENANT SCRUTINY PANEL REPORT ON ANTI-SOCIAL BEHAVIOUR

The Housing Portfolio Holder presented the report to Members. He Informed Members that before them was the latest piece of work from the Panel and reminded Members that the Panel did all the work themselves. He advised that the recommendations within the report had been adopted by the Housing Service and thanked the Panel for their continued hard work.

It was moved by Councillor R D Bayliss, seconded by Councillor R Blunt and

RESOLVED THAT:

The action plan prepared in response to the recommendations from the Tenant Scrutiny Panel's inspection of anti-social behaviour be approved.

Reason for decision: The Tenant Scrutiny Panel has concluded their inspection of anti-social behaviour.

105. ASHBY NEIGHBOURHOOD PLAN - PROPOSED RESPONSE TO PRE-SUBMISSION (PART 2) CONSULTATION

The Regeneration and Planning Portfolio Holder presented the report to Members. He highlighted that it was the last chance to comment on the plan before it was formally submitted to the District Council and the response was attached as Appendix 1 to the report. He informed members that three fundamental issues had been discussed and agreement reached with representatives of the town council. These issues would still go forward in the Council's consultation response for consideration by the town council.

Councillor T J Pendleton advised Members that because the formal process was set out in Government Regulations, the District had no choice but to stick to the timetables

imposed, once the Neighbourhood Plan was been submitted to the Authority; and therefore needed to make sure proportionate delegations were in place to enable the District to respond in a timely and appropriate manner.

Councillor R Blunt commended the Head of Planning and Regeneration for the work that had been carried out to ensure that the plan aligned with the work of the District and that it was positive for the residents of the District to see due respect between authorities.

Councillor R D Bayliss concurred that it was necessary for the Councils to work together.

It was moved by Councillor T J Pendleton, seconded by Councillor R Blunt and

RESOLVED THAT:

1. The suggested response to Ashby de la Zouch Town Council at appendix 1 be endorsed;
2. Following submission of the Neighbourhood Plan to the District Council the Director of Services, in consultation with the Portfolio Holder for Regeneration & Planning
 - A) Consider the plan's legal compliance;
 - B) Publish the plan for a six week period and invite representations;
 - C) Notify consultation bodies; and
 - D) Appoint an independent examiner to conduct the examination of the Neighbourhood Plan; and
3. Following receipt of the independent examiner's report, the Director of Services in consultation with the Portfolio Holder for Regeneration & Planning determine whether the conditions have been met for the Neighbourhood Plan to proceed to referendum.
4. If the majority of those who vote in the referendum are in favour of the Ashby Neighbourhood Plan and the District Council does not consider the making of the Neighbourhood Plan to be incompatible with any EU or human rights obligations, the Ashby Neighbourhood Plan must be made by the District Council within eight weeks of the referendum. This will take place by way of delegated authority

Reason for decision: The District Council is a statutory consultee and so it is appropriate to provide comments to assist with the formulation of the Neighbourhood Plan.

106. AUTHORITY TO AWARD THE COMMUNAL CLEANING CONTRACT

The Housing Portfolio Holder presented the report to Members. He advised that the contract was to clean communal areas such as block stairwells and common rooms within the Authority's shared residential accommodation.

It was moved by Councillor R D Bayliss, seconded by Councillor T Gillard and

RESOLVED THAT:

1. The award of the communal cleaning contract for housing sites through the County Council tendered contract be approved.
2. Authority for the amendment of sites included in the contract, following tenant consultation, be delegated to the Director of Housing in consultation with the Housing Portfolio Holder.

Reason for decision: The current contract managed by Leicestershire County Council and let collaboratively on behalf of the County and districts in Leicestershire is due to expire on 31 March 2017. The new contract procured in the same way provides cashable savings, which will be invested to improve service delivery directly to the tenants and/or minimise future service charges.

107. AUTHORITY TO AWARD DATA CENTRE AND WIDE AREA NETWORK CONTRACT - PRICING UPDATE

The Corporate Portfolio Holder presented the report to Members. He informed Members that the new contract would not be awarded until April and therefore approval was required to extend the current contract by two months and that the migration to a modern, robust Data Centre and Wide Area Network, was intrinsic to the ICT Road Map and underpinned the Council's long term vision of effectiveness, efficiency, security and sustainability. Disaster recovery, business continuity, resilience, high availability of ICT systems and resistance against cyberattacks were all the elements addressed by the contract. He advised Members that it had been originally estimated that the contract would be around £350k. However now that the procurement process had been completed the best price was £518k, adding that it was still the best price that was obtained. He highlighted that all authorities that he had contact with had secure provision off site.

Councillor T J Pendleton stated that it was right that the server should be held off site to build resilience.

It was moved by Councillor N J Rushton, seconded by Councillor T J Pendleton and

RESOLVED THAT:

1. Authority to award the contract for the Data Centre and Wide Area Network Services for the period 1 April 2017 to 30 September 2020, be delegated to the Interim Director of Resources in consultation with the Corporate Portfolio Holder; and
2. A contract extension of two months with the existing service provider be agreed and a waiver to the Council's Contract Procedure rules pursuant to rule 3.2 of those rules due to the circumstances set out in paragraph 3.2 of the report to allow the extension to be awarded be granted.

Reason for decision: The level of expenditure on this contract exceeds the authority threshold in the Scheme of Delegation.

To implement modern ICT network and infrastructure, replacing legacy infrastructure and consolidating suppliers. Also the provision of disaster recovery, business continuity and backup services which reduce the overall ICT infrastructure costs to the Council. This is contained within the ICT Road Map 2016 – 2018

108. 2016/17 QUARTER 3 PERFORMANCE MANAGEMENT REPORT

The Leader presented the report to Members and highlighted the following headlines:-

- In September 2016 the RSPCA, for a fifth time, awarded the Council a 'gold footprint' award, the highest achievable award for the provision and care of stray dogs and that the council was one of only fifteen Councils in the country that had maintained a service at a level to qualify for a Gold Stray Dog Footprint for five years.

- The annual Leisure Centre customer survey results showed that service standards have improved since the last survey in 2015.
- The new community centre for the Linford and Verdon estate was completed on time in December 2016 and used for the tenants' Christmas party and the completion of the work would allow the authority to progress the demolition of the former Greenacres sheltered scheme building ready for redevelopment with new Council housing.
- The Revenues and Benefits Partnership had realised a reduction in council tax arrears of £910k (27.3%) as a result of their robust recovery strategy.
- The high number of planning applications demonstrated that the Authority continues to experience strong demand for new development within the District and it was encouraging that the major developments that had been granted planning permission, such as DHL extension at the Airport, Amazon Fulfillment Centre at Bardon, and numerous high quality new housing developments, were getting underway quickly to deliver the new jobs and homes that drove the prosperity of the area.
- The Coalville frontage scheme had gathered significant momentum and at the end of Quarter 3, 75% of businesses eligible to participate in the first phase of the scheme (Hotel Street and High Street) had received grants, had a grant approved, or were in discussion about obtaining a grant.
- On 27 October, the Council hosted a celebration event for all recipients of Enterprising North West Leicestershire grants, attended by 48 delegates and promotional films had been made of some of the case studies and were available to see on the Council's website.
- Spending on both the General Fund and Special Expenses budgets were being managed effectively with a forecast underspend of £1.6 million.
- The Housing Revenue Account was forecast to have a favourable variance of £467k.
- The Housing Capital Programmes was expected to be on budget at the year end.
- An additional £225K in planning fee income and £260k in recycling income was projected by the year end.

Councillor R Blunt added the only negative point was that the target average number of days lost to sickness per FTE for the year was 7.4 days and currently the year end position was forecast to be 8.92 days. He informed Members that 60% of all sickness had been due to long term illnesses and a number of employees absent for long periods had left the employment of the Council through ill-health retirement or contract termination.

Councillor N J Rushton advised Members that he felt that the £1.6m was not an underspend but was down to the growth of the district as the planning department was busy with the number of applications it was dealing with. The same could have been said about the recycling income as again the increase in income was due to the growth of the District.

Councillor T J Pendleton stated that Development Control were exceeding the national target in processing applications and that 91.4% of customers were satisfied with the service that had been provided. He commended the whole of the Planning department for their work.

Councillor R Blunt commended the Regeneration and Planning Portfolio Holder for the work that he had done with the service and that it was pleasing to be a planning authority that worked well.

Councillor T Gillard stated that phase two of the Enterprising Town Centres grant scheme had been launched with £250k allocated to provide advice and grants to town centre businesses in Ashby, Castle Donington, Coalville, Ibstock, Kegworth and Measham and that the first phase had helped 24 local businesses.

Councillor R D Bayliss stated that the empty homes target was continuing to improve with an average time of 37 days against a target of 40 days.

Councillor A V Smith advised that the work had been completed on the green gym at Melrose Road, Thringstone and that the annual NWL Sports Alliance Awards had been held in November which recognised the sporting success of groups, schools and individuals in the District.

It was moved by Councillor R Blunt, seconded by Councillor A V Smith and

RESOLVED THAT:

The Quarter 3 Performance Report (Oct – Dec 2016) be received and noted.

109. FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE OFFS

The Corporate Portfolio Holder presented the report to Members. He advised Members that as there was no debts over £10k that required Cabinet's approval for write off he would withdraw the first recommendation.

It was moved by Councillor N J Rushton, seconded by Councillor R Blunt and

RESOLVED THAT:

The amounts written off under delegated powers be noted.

Reason for decision: To comply with proper accounting practices.

110. EXCLUSION OF PRESS AND PUBLIC

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

Reason for decision: To enable the consideration of exempt information.

111. LEICESTERSHIRE COUNTY COUNCIL - PROCUREMENT OF TREATMENT FACILITIES FOR DRY RECYCLATE MATERIAL

The Community Services Portfolio Holder presented the report to Members. She reminded Members that Leicestershire County Council were to withdraw the dry recycling credits paid to the District and as such not only would it mean the loss of the credits but also a loss of income from the sale of the material, as the County Council would direct the authority where to dispose of the material and in turn the material would become the property of the County. Members were advised of the proposal for the tender bid to treat the material collected by the District.

Councillor R D Bayliss stated that he hoped the authority was successful in its bid.

It was moved by Councillor A V Smith, seconded by Councillor T J Pendleton and

RESOLVED THAT:

1. NWLDC participating in the tender process for lot 6 (treatment of NWL dry recycle material) be approved
2. Authority be delegated to the Director of Services in consultation with the Portfolio Holder to make the best and final offer

Reason for decision: To ensure compliance with the delegated approvals in Constitution

**112. EXEMPTION TO THE COUNCIL'S CONTRACT PROCEDURE RULES -
CONSULTANCY SUPPORT FOR JOINT STRATEGIC PLANNING MANAGER**

The Regeneration and Planning Portfolio Holder presented the report to Members. He advised that it had become apparent that additional support to the Joint Strategic Planning Manager to assist in the production of the Strategic Growth Plan was required and the award of the contract had been agreed by the ten partner organisations.

It was moved by Councillor T J Pendleton, seconded by Councillor R Blunt and

RESOLVED THAT:

The grant of exemptions to the Council's Contract Procedure rule 6.4 to allow the direct award of a contract for specialist consultancy services be noted.

Reason for decision: The CPR requires that the exercise of the Statutory Officers' discretion to grant exemptions is reported to Cabinet.

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 5.32 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 25 APRIL 2017

Title of report	BUILDING CONFIDENCE IN COALVILLE PROGRAMME ("COALVILLE PROJECT") - UPDATE
Key Decision	a) Financial No b) Community Yes
Portfolio Holder	Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk
Director	Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk
Officer to contact	Business Focus Team Manager 01530 454578 barrie.walford@nwleicestershire.gov.uk
Purpose of report	To provide Cabinet with an update on the Coalville Project.
Reason for decision	Cabinet are updated on the progress of the Coalville Project
Council priorities	Building Confidence in Coalville Value for Money Business and Jobs Homes and Communities
Implications:	
Financial/Staff	Included within the report, possible future report regarding funding
Link to relevant CAT	None
Risk Management	Risks are being managed through the Coalville Project governance process.
Equalities Impact Screening	Not applicable
Human Rights	None
Transformational Government	Working with other public and private partners to deliver a better deal for Coalville and maximising investment to build confidence in the town and community.

Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	Report to Cabinet on 11 October 2016 Report to Cabinet on 26 July 2016
Recommendations	THAT CABINET: 1. SUPPORTS THE PROGRESS MADE BY THE COALVILLE PROJECT

1.0 BACKGROUND

- 1.1 Cabinet received the most recent report on the progress of the Coalville Project on 17 January 2017.
- 1.2 The following report provides a brief update on the range of projects that are contributing to the Building Confidence in Coalville programme.

2.0 COALVILLE FRONTAGE GRANTS

Phase 1 – Hotel Street and High Street

- 2.1 Phase 1 of the Coalville frontage scheme covers Hotel Street and High Street. Following a slow start to participation, seventy five percent of eligible businesses or properties are now in discussion with officers. (including the cases detailed in sections 2.2, 2.3 and 2.4).
- 2.2 29% of the eligible properties under phase 1 have either completed work or are progressing their projects towards completion. These include Bitter and Twisted, Martin & Co, Geoff's Toys, Turning Point, La Torre, Holmes Butchers, Coalville Constitutional Club, PJ Collier, Music Maker, 16-28 Hotel Street (which includes four businesses).
- 2.3 There are currently three further eligible properties designing a project and applications for each are expected within April. These include the former Cachet, 2a Hotel Street and Kats Antiques.

Phase 2 – Belvoir Road, Marlborough Square and a few premises on Ashby Road

- 2.4 Cabinet allocated £300,000 to phase 2 of the frontages grant scheme in July 2016. Subsequently, A Local Development Order covering the new geographical area was adopted during December 2016.
- 2.5 All eligible businesses and property owners have been informed about the availability of grant money to support improvements to frontages. Twenty Six (41% of eligible properties) eligible properties have already made an expression of interest to secure financial support through the phase 2 of the Coalville Frontage grants.

3.0 EMPORIUM AND ARRIVA BUS DEPOT

- 3.1 Grant support has been agreed for works to the frontages of The Emporium nightclub (Belvoir Road) and the Arriva bus depot (Ashby Road). Works are now underway on both properties. Works on the Emporium have been slower than predicted and is currently expected to be completed in April 2017. Once completed, the former Arriva bus depot will become the base for Desirable Car Limited. Completion of the works is expected in September 2017 with the new business beginning trading in December 2017.

4.0 MARLBOROUGH SQUARE

- 4.1 Officers have met with Leicestershire County Council to discuss a new design for Marlborough Square which has been created by the Council's urban designer following agreement of the principles of design in October 2016.
- 4.2 The project aim is to reduce vehicle domination of the square, reducing vehicle speeds, remove street clutter and make the square more flexible for events. The works will also make it easier for pedestrians (shoppers) to move around the square and improve the waiting areas for public transport users.
- 4.3 £523,000 was allocated to the design and delivery of changes to Marlborough Square in July 2016. A further report may be brought to Cabinet once the cost has been formalised.

5.0 COALVILLE POLICE STATION

- 5.1 The Leader and Chief Executive are monitoring progress on the proposed sale of the 1.36 acre site of Coalville Police Station on Ashby Road. The potential future uses of the site and its relationship to Coalville town centre is of interest to the Coalville Project. The site is advertised for sale by commercial agents APB Leicester for £750,000.

6.0 MEMORIAL SQUARE

- 6.1 Officers have met with Leicestershire County Council to discuss a new design for Marlborough Square which has been created by the Council's urban designer following meetings with stakeholders such as Royal British Legion, local businesses and Arriva buses.

- 6.2 The aim of the project is to enhance the setting of the Grade II Listed War Memorial upgrading the quality of the public realm through resurfacing works and installation of new furniture; to coincide with the 100th anniversary of the end of World War One in 2018.
- 6.3 Once the scheme is agreed, a funding plan will be developed including external contributions and funding to support this development. This plan will include remedial and enhancement works on Memorial Tower, being led by the council's Conservation Officer. It is probable that an application will be made to the War Memorial Trust to support related costs.
- 6.4 The timeline for implementation of a new scheme will be respectful of the use of Memorial Square for Remembrance services in November.

7.0 MARKET HALL

- 7.1 Officers continue to progress the Business Development Plan for the Market Hall. Five new traders have started trading at Coalville Market Hall adding its range and vitality. The Market hosted the George Smith Exhibition in February (16-18).
- 7.2 Coalville Market is gearing up for spring activities. On Saturday 15 April the Market will be putting on a number of Easter themed activities for young Children. Also this Spring, Coalville Market will be participating in Love Your Local Market – a national event that runs for two weeks in May (17 – 31), during which new businesses and people with ideas are encouraged to take up a stall and try out being a market trader.

8.0 CYCLE RACKS

- 8.1 A programme to increase the cycle rack provision in Coalville town centre is currently underway. The programme will increase the number of cycle racks and upgrade the existing cycle racks at the Council Offices, Coalville Library, at Marlborough Square and on Belvoir Road outside the Belvoir Shopping Centre.

9.0 CROPSTON DRIVE

- 9.1 Officers have outlined and are implementing the process supporting the decision to dispose of land off Cropston Drive. This includes determination of the detail of an outline planning application and consideration of stakeholder engagement requirements.

10.0 COMMUNITY ENGAGEMENT – COALVILLE HEROES

- 10.1 Deana Wildgoose and Julia Burkin who are delivering the community engagement contract supporting the Coalville Project (“Coalville Heroes”) are now based at Unit 17 in Coalville Market Hall.
- 10.2 A ‘Think’ tank engagement event was held with young people of Coalville on Wednesday 19 April hosted in the Coalville Market event space. The ‘Think’ tank created a fun interactive event that allowed young people to participate and share their views on the future of Coalville.

11.0 HERITAGE AND CULTURE PROJECTS

- 11.1 Officers continue to work with Coalville Heritage Society and other local heritage and cultural partners on the development of a Coalville area heritage strategy. A preliminary priority document will be drafted in April with the strategy drafted in July. Work is also underway to create a timeline for Coalville's history for mounting on the Ford site hoardings.
- 11.2 A plan for celebration of Palitoy's 80th birthday is in development and has been discussed with HLF, as well as plans to create a community archive and heritage trails all based on Coalville Heritage Society's archive of pictures, maps and stories.
- 11.3 As part of the engagement activity supporting the Vienna Festival Ballet performance of Cinderella at the Century theatre in May, Officers have launched a creative competition to win tickets to see the performance. Young aspiring writers and artists in North West Leicestershire were invited to submit artwork or a piece of writing based on Coalville's future.

12.0 COMMUNICATION

- 12.1 Officers continue to monitor all forms of media coverage of Coalville and have issued more than 10 press releases (since the last Cabinet report) covering positive news stories such as the Premier League Trophy roadshow coming to Coalville Town Football Club, the Coalville Spring Jobs Fair, the Coalville Spring Clean and coverage of Desirable Car starting work onsite.

13.0 EVENTS

- 13.1 In continuation of the existing model of collective advertising of "what's on in Coalville", Officers created posters covering events between February – May 2017. The poster highlights a number of events including half time activities for children, the George Smith Exhibition, activities at Coalville Market and the Vienna Festival Ballet performance of Cinderella in May.
- 13.2 On Saturday 4 March volunteer litter pickers got involved with the Coalville Spring Clean, the town's second annual community litter pick. After two hours of work, more than 81 bags of rubbish were collected. The day before the community litter pick, a team of Officers and volunteers removed rubbish from around the Coalville Market café and on the railway line near the level crossing with Hotel Street after the area was made a priority for litter picking.
- 13.3 A poster showcasing the Coalville summer programme of events is currently being designed. The programme includes a Miner's Gala to be hosted at Coalville's Picnic In The Park on Saturday 25 June.
- 13.4 Officers have confirmed sponsorship and Officer support for this year's Coalville Colour Run, due to take place on Sunday 17 September 2017 and expected to attract 1,000 participants.

13.5 As part of the Coalville Commemorates programme, Century of Stories will be holding a Sharing Day in November 2017. Those who contributed to writing the articles on the famous 50 will come together to read and share the stories of the fifty soldiers who volunteered.

14.0 STAKEHOLDER ENGAGEMENT

14.1 Meetings of the Coalville Project stakeholder groups are taking place for the week commencing Monday 5 June and then again for the week commencing Monday 9 October.

15.0 GOVERNANCE

15.1 Programme management of the Coalville Project is confirmed as the responsibility of the recently appointed Head of Economic Development. All other programme governance arrangements continue as previously reported to Cabinet.

16.0 FINANCIAL IMPLICATIONS

16.1 Where relevant, prior sections of this report outline the financial implications of the activities outlined. Delivery of these projects will be accommodated within existing Officer time and budgets or arrangements that are already in place following Cabinet approval. The programme board includes a Finance Officer, and a review of overall programme finances is undertaken at each programme board meeting.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 25 APRIL 2017

Title of report	‘GOOD DESIGN FOR NORTH WEST LEICESTERSHIRE’ SUPPLEMENTARY PLANNING DOCUMENT
Key Decision	a) Financial No b) Community Yes
Portfolio Holder	Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk
Director	Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk
Officer to contact	Head of Planning and Regeneration Tel: 01530 454782 jim.newton@nwleicestershire.gov.uk
Purpose of report	To report on the progress of the development of the Good Design SPD (“the SPD”), drawing Cabinet’s attention to the key issues and inviting Cabinet to adopt the document. The objective of the SPD is to formalise in policy the Council’s design expectations and design approach.
Reason for decision	By adopting the SPD, Cabinet will afford appropriate status to the document which will be a useful tool in pre-application negotiations. It will also provide a stronger policy basis on which to support decision making on planning applications and provide greater clarity and certainty to planning applicants.
Council priorities	Homes and Communities Green Footprints Challenge Building Confidence in Coalville Business and Jobs
Implications:	
Financial/Staff	None directly, however securing improvements to the design and layout of new developments takes more officer time than applications where such negotiations are not undertaken.
Link to relevant CAT	None

Risk Management	Risk management is set out within the Planning and Development Team Plan.
Equalities Impact Screening	No Equalities Impact Screening has been undertaken with respect to this report as none is required.
Human Rights	No direct implications.
Transformational Government	No direct implications.
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	A 6 week period of consultation closed on 12 December 2016. Seven responses were received to the consultation which are detailed at Appendix 1.
Background papers	Good Design for North West Leicestershire Birkbeck, D. and Kruczkowski, S. (2016) Building for Life 12. Department for Communities and Local Government (2017) Fixing our broken housing market, HMSO, London. Department for Transport and Department for Communities and Local Government (2007) Manual for Streets, HMSO, London.
Recommendations	<p>IT IS RECOMMENDED THAT CABINET:</p> <p>(I) ADOPT THE ‘GOOD DESIGN FOR NORTH WEST LEICESTERSHIRE’ AS A SUPPLEMENTARY PLANNING DOCUMENT.</p> <p>(II) NOTES THE DIFFERENCE BETWEEN THE DISTRICT COUNCIL AND COUNTY COUNCIL’S ASPIRATIONS REGARDING THE USE OF STRAIGHTER STREETS AND THE POTENTIAL IMPLICATIONS FOR DEALING WITH PLANNING APPLICATIONS IN THE FUTURE.</p>

	<p>(III) RESOLVES THAT THE DESIGN EXPECTATIONS ESTABLISHED WITHIN THE SPD WILL ALSO APPLY TO ANY LAND DISPOSED OF OR DEVELOPED BY THE DISTRICT COUNCIL.</p> <p>(IV) DELEGATES TO THE DIRECTOR OF SERVICES, IN CONSULTATION WITH THE REGENERATION AND PLANNING PORTFOLIO HOLDER, RESPONSIBILITY TO IMPLEMENT MODIFICATIONS TO THE DOCUMENT AS DETAILED IN APPENDIX 2.</p>
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1.0 BACKGROUND TO THE SPD

- 1.1 Since 2007 the Council has been continually improving the design quality of new development without compromising the number of planning consents for new homes. During this time the Council's reputation for design quality has been repositioned from being one of the worst performing authorities nationally to one of the best (evidenced within CABE publications, four Built for Life Commendations and securing the Urban Design Group's Public Sector Award). On 12 December 2008, Cabinet approved the introduction of an urban design initiative.
- 1.2 The Council's design expectations are now well known amongst house builders and Registered Social Landlords that build within the district. The SPD was written to formally embed these design expectations within the Council's policy framework, and provide further guidance to support the Council's submitted Local Plan policies relating to design. A working group chaired by Councillor Pendleton, Portfolio Holder for Regeneration and Planning, enabled house builders to contribute towards policies contained within the SPD.
- 1.3 The Council's design expectations are aligned to 'Building for Life 12' (BfL) - a nationally recognised design quality indicator for well-designed homes and neighbourhoods.
- 1.4 On 7 February 2017, the government's White Paper entitled, 'Fixing our broken housing market' announced proposals to amend the National Planning Policy Framework 2012 to recognise the value of using BfL to improve housing quality, with the government encouraging local authorities to use BfL within plans and support decision making. The Council's SPD is consistent with the government's current stance on design quality issues.

2.0 CONSULTATION

- 2.1 In December 2016 a six week public consultation on the SPD closed. The Council received seven consultation responses. Please refer to Appendix 1 for further details.
- 2.2 All consultation responses were positive and constructive, requiring either no or minor changes to the SPD. Please refer to Appendix 2 for further details.
- 2.3 There are, however, some areas of 'disconnect' between the Council's design aspirations and the current technical requirements of the Local Highway Authority (Leicestershire County Council). These relate to the County's resistance to straighter streets.

Issue	NWLDC position	LCC position
Straight(er) streets	Straight(er) streets: <ul style="list-style-type: none"> - Create more efficient development blocks; - Are a characteristic of our villages and towns; - Help to avoid disorientating (or maze-like) developments. 	Straight(er) streets: <ul style="list-style-type: none"> - Can encourage higher vehicle speeds; - Require the use of design features that increase maintenance liabilities. - LCC Highways technical guidance advises on the use of horizontal calming (i.e. curves in street alignment) to slow speeds.

The Council has suggested to LCC that speeds could be kept low on straight(er) streets through a series of measures (some of which have been successfully implemented on schemes within the district and have been adopted by LCC):

- 20mph zones;
- Changes in surface materials and side of carriageway tree planting (to communicate to drivers that they should be driving more slowly);
- Narrower carriageways; and
- Reducing forward visibility at junctions and creating tighter junctions.

These measures are endorsed by government guidance titled “Manual for Streets” - a document that was once actively promoted by LCC.

- 2.4 The Council has explored with LCC how these issues might be resolved. However LCC has emphasised its hesitancy to move away from more standard (or basic) highways designs due to the financial challenges being faced by it. As such, it is resistant to adopting ‘non-standard’ features such as non-tarmac surfaces and tree lined verges.
- 2.5 LCC has also emphasised that whilst it is not - in principle - resistant to straight(er) streets, it questions how vehicle speeds will be controlled on straight(er) streets where Leicestershire Police (unlike Nottinghamshire Police) will not support 20mph zones. The Council has also taken into consideration LCC’s resistance to features such as rumble strips, tree lined verges and speed bumps due to the maintenance liabilities that these create.
- 2.6 In conclusion, LCC states that it will not support features that impose, “ongoing maintenance issues to the County Council” (see Appendix 1). As such, it will become more difficult to achieve the street designs the Council has secured in the past within the district.
- 2.7 The difficulties relate to the additional time it takes to achieve the Council’s design aspirations or the inability to secure improvements the Council might wish to see.

2.8 Regardless of these issues, the SPD will still enable the Council to achieve better designed developments that support the realisation of the Council's priorities.

2.9 The District Council will continue to work with LCC to secure improvements to proposed developments and identify solutions that are acceptable to both authorities.

3.0 LAND DISPOSED OF OR DEVELOPED BY THE DISTRICT COUNCIL

3.1 It is to be welcomed that the Council is once again developing housing, and in particular affordable housing.

3.2 The Council is also disposing of land for private sector housing development.

3.3 It is important that developments on both land that the Council is disposing of, and schemes that the Council is building itself, meet the high standards that are set out in the SPD.

3.4 The Council, as a planning authority, has managed to achieve excellent results by working collaboratively with the development industry on both mixed tenure and single tenure developments. A number of affordable only sites have been successfully developed by registered social landlords across the District.

3.5 It is therefore important that when acting as a developer, or land promoter, that the Council sets the benchmark of good quality design and continues to lead by example.

4.0 CONCLUSION

4.1 The SPD is consistent with both established good design practice and emerging good practice.

4.2 Consultation responses have been considered and adjustments have been made to the SPD where appropriate (see Appendix 2).

4.3 Over the last nine years, the design quality of new development within the district has improved considerably. The adoption of the SPD will ensure that the design standards are retained.

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Appendix 1: Seven consultation responses

Trent & Dove Housing

12th December 2016

Consultation Reply for 'Good Design for North West Leicestershire' Supplementary Planning Document for new development

Thank you for the opportunity to make comment on the draft document, Good design for North West Leicestershire.

Section 1

Overall, the supplementary planning document provides a clear robust outline and guidance from the council as to what is expected from anyone looking to develop within the operational area of the council. There is clarity and clear connections between North West Leicestershire 'place-making' agenda and the National Planning Policy Framework (NPPF).

It is good to see that the council understands and appreciates the impact of poor design and development on the wider community and the fingerprints (social, environmental and financial) that can leave upon the local authority services and its partners.

Section 2

The design process has clear expectancy about how development proposals should appreciate all aspects of the site and the community it sits within. In addition, it clearly sets out the expectations of the council in submitting an application. As a developer, it is good to understand the process and requirements of a council during the pre-application stage, to help a smoother route during planning.

Section 3 - 12

In terms of the nine principles for good design that are set out, it reflects the qualities that the Council considers well-designed building/developments and the significant amount of information and detail enables designers at the early stage to address what the council is looking for. Again, being able to understand the requirements of the council in the pre-application stage and discuss the principle with the council as encouraged in the design process, should provide a smooth run through the planning submission.

In terms of individual principles, they are clear and well thought through and recognise that they are significant for medium-large scale development. I would have some concerns for small-scale development on difficult sites (such as garage / infill), where the principles could be the starting point to ensure good design but potentially may struggle with all aspects in terms of the size of the development but also the potential impact on cost (especially for 100% affordable sites). We would request to have some flexibility for smaller and more difficult sites that will provide for, much needed affordable housing

There are a couple of individual points within these sections that I would like to make comment:

5.12 Where there are breaks in the building line and a boundary treatment is required, 2.0m high brick walls must be erected where these face onto either the public or semi-public realm. Close boarded or 'hit and miss' fencing will not be permitted.

Understand the requirement for strong boundary lines but areas of brick wall could potentially cause a management concern (areas to kick a football against), therefore could these areas of brick wall be designed include landscape design to detract from potential large area of brick wall.

11.31 The rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard.

Completely agree, especially family housing but where homes have been designed especially for disabled or elderly, the private spaces needs to be suitable and manageable for the end client and therefore, consideration may need to be given for bungalow/single storey accommodation.

11.34 Homes must be provided with convenient, dedicated bin and recycling storage where bins and crates can be stored out of sight...Where terraced housing is proposed, consider providing integral stores to the front of the property (such as within an enclosed section of a recessed porch) or by providing secure ginnels between properties that provide direct access to the rear of properties.

Completely agree to provide appropriate places for bins but porches on the front should not be to the detriment of the elevational design of the homes.

11.47 Where boundaries front onto the public realm (including courtyards) these must be formed by 1.8m high brick walls

The comment is similar to 5.12 in terms of ensuring that the brick wall is much better in terms of design and maintenance but there is concern around areas of brick wall causing potential management concerns and the design around may need to be thought through to not encourage this.

PS/JH
12 December 2016

Mr Chris Elston
Planning and Development Team Manager
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ

email: development.control@nwleicestershire.gov.uk

Dear Chris

RE: Good design for North West Leicestershire – Supplementary Planning Document.

With reference to your very kind invite to comment on the emerging document above, I write to submit a series of informal comments raised through review of the document over the past weeks and also further informal discussion with members of your team through our frequent design meetings on a number of schemes we have with you at the moment.

Firstly, you will realise that I am passionate about design, particularly residential and this initiative is to be applauded for your district which already has very high design threshold.

I think that the document will provide a formal structure for negotiation with your design team and our clients and provide clear design milestones for the scheme at the pre application stage and during the course of the application when submitted.

Turning to the document, I propose to comment in page order:

The front cover

Great shot of the Radisson Blu at Castle Donington, I feel the cover ought to represent a more residential feel, this is the core direction of the document.

Page 05

Key reference to Manual for Streets, little or even no reference to LCC 6'c and the constant need to seek from our clients adoption of the relevant highways – this area of design normally sparks an element of heated debate, I think this area of the document needs a little more work to explain the dynamics here.

Page 06

Reference must also be made to 'younger residents' who again have difficulty in remaining in their community.

Also the four stage design process is to be welcomed, we operate this way, anyway I think in the cause of good design practice and negotiation generally with NWLDC at the present time.

Page | 1

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Page 10

The key nine principles all seem to make sense and are subconsciously worked through at the outset of the scheme, the checklist though is welcomed.

Query over BfL12, is this a document an 'industry standard' yet within the industry.

GENERAL QUERY AT THIS STAGE

- a) A considerable amount of images are not from within the NWLDC catchment area, certain of these images are within higher value markets heading south whereby commercial margins can be increased hence the values realised by additional design elements, might not be a strong argument but probably true.
- b) The document is already very text heavy, I think that certain messages could be conveyed more effectively through the use of graphics, certainly the Hastings Park image on Page 15, the image is a fine watercolour via David Wilson Homes, but seems a little bit alien in the document, are photographs not available for this site yet?

Page 18

Reference to car parking (5.11) to the front of buildings, this will happen and can be seen with the current trend for semi-detached / terrace plotting I suggest that reference to mitigation here in the form of additional landscaping to the street frontage, normally at the expense of car parking, which then has to revert to the more traditional side parking - this works. (further referenced in 11.10)

Page 19

Totally agree about corner turners, it is a fact of life that eventually you will get to a corner in a scheme, although gable elevations can work with reduced fenestration and inclusion of say the boundary wall which can eat up a vast expanse of unwanted brickwork.

Page 25

Could a NWLDC image be used here?

Page 28

Non bin day / car parking shot required here, detracting from a good scheme

Page 30

Query over the space standards, it would be nice to have clear illustrations about 'rear to rear' and 'side to rear' the existing blue on grey graphics can easily be adjusted here. (ok, covered later in 13.5)

Page 37

Always encourage the use of 'Upper Green' on schemes, a good example (mine in fact) from Woodbrook scheme on Nanpantan Road, Loughborough from the early nineties.

Page 43

Parking - in my humble opinion the greatest single most challenge for modern residential development.

Again needs to tie in with the 6c's document

Page | 2

The parking space graphic detailing a hedge separation has to be aspirational, this additional landscape feature will struggle to survive in the hard landscaping environment and will increase the overall plot width of the property which will affect the profitability (not your concern, but it will be with the housebuilders), a stronger argument would be for the space to be required for the refuse bins, this I would encourage.

Page 45

Reference to Integral garages 11.19, I feel that all of this is too prescriptive, percentage numbers cannot be dictated, also the use of Integral garage types on main routes can actually contribute to the landscaping and allow the planting of more substantial trees etc. for the primary routes.

Page 49

Garden sizes, reference to the rear private garden spaces equating to the footprint of the plot, is this current NWLDC practice?

As a general rule (hard won experience here!) rear private gardens are normally acceptable in shape and size if they adopt the footprint of a first class stamp at 1:500 scale, a little quirky I know, but it generally works and might capture the imagination of the reader.

Page 51

Refuse storage / collection, the second biggest challenge after car parking, the document needs to develop more potential solutions here.

Page 52

Boundaries, again pretty prescriptive to the developer, but generally agree, but option must be provided to supply alternative agreed way forward.

Page 57

Two points here, ideally floor plans of dwelling types to have furniture layouts to demonstrate that they work, also secondly Isn't the Lifetime Homes category now only voluntary.

Please accept my apologies for the late note on this, but hopefully this is a contribution to the document from the front line, and of course if you or Stefan have any further queries, I would be only too glad to help.

Kind regards,


Paul Smith
Executive Director


STEFAN KRUCZKOWSKI

Subject: FW: Good Design - SPD

Further to your recent letter, please see below our comments from Taylor Wimpey. I understand that the consultation period ended on Monday but hopefully we are not too late.

Im sure you can appreciate that December is an incredibly busy time of year for us. Hands up, we missed the deadline – apologies

Firstly, I enjoyed reading the document and I like the layout/colours used. It makes the document very easy to read and navigate. I also like the use of photographs as it helps visualise the points that are being made. It's all quite concise which is great

We do have concerns over the following items which I have listed out below and commented on in red. These are from our UK Design Director Nick Rogers who I believe that Stefan's knows (think they have worked on a document together at some point)

- Presumption against use of standard product – This is obviously tricky to achieve for a volume house builder of our size with a standard product range – as you know. If we do go with standard product I take it we will be going with a more landscape lead scheme and this would be acceptable?
- Specification of features that have limited practical use but do have health and safety considerations (chimneys) – It is always a tricky one and effectively the LPA are taking on the role of Lead Designer by insisting the position and use of chimneys. Are you happy with this?
- Imposition of a local space standard in contravention of the national planning policy on space standards – It would be worth checking the requirements against those on a national level
- Imposition of a local accessibility standard in contravention of national planning policy – Same note as above

Additionally, for storage and garages I note that you are advocating increasing the garage length (to store bikes and alike) or constructing a building such as an outhouse. Would this need to be attached to the back of the property/garage? Also, will a shed be acceptable as an alternative?

We tend to like integral garages in the region and I am slightly concerned that it is being proposed to limit to 20%. Where has this percentage come from and is it flexible on a site by site basis? Understand the point on primary streets and integrals being limited to secondary/tertiary routes

I agree that parking is a big issue and were seeing more and more emphasis on this in each authority. I am pleased that as an authority you are counting garages (our standard size is 3 x 6m) in the provision. Some authorities are not which is creating car dominated frontages and giving us real problems.

As a suggestion, if the document does become an SPD would it be worth doing a few design surgery's with small groups of developers at a time to give good examples and break some of the context down (some of us understand the basics of urban design only)

Kind Regards

Steven Clarke MCIHT | Technical Manager | Taylor Wimpey East Midlands
The Osiers Business Park, Laversall Way, Leicester, LE19 1DX
 t: [REDACTED] | e: [REDACTED]
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Taylor Wimpey East Midlands Technical Team is embracing "BIM" – Building Information Management

STEFAN KRUCZKOWSKI

Subject: FW: North West Leicestershire District Council - New SPD

From: Steven Clarke - TW East Midlands [mailto:██]
Sent: 15 December 2016 16:24
To: CHRIS ELSTON <CHRIS.ELSTON@NWLeicestershire.gov.uk>
Cc: STEFAN KRUCZKOWSKI <STEFAN.KRUCZKOWSKI@NWLeicestershire.gov.uk>
Subject: FW: North West Leicestershire District Council - New SPD

Further to my email yesterday, I have now been given the following comments (sorry – I thought I had bottomed this out). These are from our Group Land & Planning Manager. Once again, hopefully they are not too late. These will be that last ones

Para 4.16 page 15 – The Council will not permit glass reinforced plastic porches, door canopies or surrounds as a replacement for those of timber construction – you cannot only be obliged to provide timber construction porches, this is unreasonable and is likely to cause problems with RSL’s.

Para 11.19 – this stance will make the delivery of continuous frontage along primary streets very difficult to achieve particularly as then in para 11.21 to state that, “the Council strongly discourages the use of rear parking courtyards due to the cost of quality implementation and the widespread preference of residents to park as close to their front door as possible”.

Para 11.21 – 11.24.12 – These are very prescriptive and difficult in reality to use as a tool where necessary.

Para 11.33 – this is likely to be very costly and impractical on some sites.

Para 11.47 – this is very prescriptive and likely to be costly. It may not be appropriate in all situations.

Para 11.51 – there may be an issue with visibility spays if hedges have to be at least 0.6m tall.

This document is at odds with the Development Plan process and the current wishes of Government to increase density around transport hubs.

Thankyou and once again apologies for the late response

Thankyou

Steven Clarke MCIHT | Technical Manager | Taylor Wimpey East Midlands
The Osiers Business Park, Laversall Way, Leicester, LE19 1DX
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STEFAN KRUCZKOWSKI

From: Donna Hall [REDACTED]
Sent: 12 December 2016 11:10
To: DCONTROL
Cc: STEFAN KRUCZKOWSKI; Andy Yeomanson; Bernard Evans; Joanne Eynon; Eri Wong; Rebecca Henson; Sarah Legge
Subject: Good Design for North West Leicestershire - SPD Consultation comments - Leicestershire County Council (Highways and Transportation)
Attachments: SKM1817746116102812280.pdf

Dear Sir/Madam

Please find below comments from Leicestershire County Council (Highways and Transportation) on the 'Good Design for North West Leicestershire' SPD consultation:

Specific comments

1.11: The document talks about the Manual for Streets (2007) but does not discuss the MfS2 – should these both be referenced ?

4.11- 4.13: Tree lined streets / avenues that are put forward for adoption within the public highway would attract a considerable commuted sum for future maintenance

5.2: There does not appear to be a Figure 6 within Section 5. We would advise that these refer to the County Council's Highways Design Guide (currently known as *the 6C's design guide*), in order to facilitate subsequent approvals with the Highway Authority. Any additional widths are likely to attract a commuted sum.

Section 5: Building lines should not interfere with visibility splays at junctions

5.11: Parking should be located where easy access can be gained to the property and the parking is convenient to prevent on street parking. Convenient parking is often at the front door step.

6.8: Pedestrian and cycle visibility should be provided in accordance with the County Council's Highways Design Guide (currently known as *the 6C's design guide*)

Section 9 – private drives can cause confusion over connectivity and through routes and may hinder future extensions to development.

11.4: resistance to curvilinear street alignment may result in numerous vertical speed control measures and the County Council's Highways Design Guide (currently known as *the 6C's design guide*) advises on the use of horizontal traffic calming features before vertical features.

11.9: Parking requirements should be consistent with those set out in the County Council's Highways Design Guide (currently known as *the 6C's design guide*). Particularly in areas of good sustainable travel accessibility, it would be difficult to resist developments on the basis of substandard parking (and more so in the case of one-bedroom dwellings/flats without 2 spaces)

11.10: Tandem parking is discouraged as they don't tend to be used as intended as people don't like being blocked in by others. Tandem parking tends to lead to on-street parking

11.10-11.16: Parking should be in accordance with the County Council's Highways Design Guide (currently known as *the 6C's design guide*)

11.17.1: sufficient door clearance also required to ensure useability

11.21 - 11.24.12: See comments below re: parking courtyards

11.26: 20mph zones will only be considered where fully supported by Leicestershire Constabulary (Para 11.26) for speed enforcement. We suggest that this support is unlikely to be forthcoming.

11.27: Developers wishing to have their roads adopted will need to comply with the county council highway design standards, including (but not limited to) construction materials, road and footway widths, forward visibility, gradients, turning facilities . . . (contrary to paragraph 11.27).

11.28: Road Safety Audits are not normally requested on s38 submissions, only where there are concerns about the design of the layout

11.34: Bins and refuse collection: developers need to demonstrate accessibility by refuse collection vehicle, including sufficient turning areas. It is also worth considering the District's approach to bin collections, should the development remained un-adopted. As an example, at a development in another area, the district council are concerned that residents may make claims against them for damage caused to un-adopted surfaces by bin lorries. As a result they are considering a separate agreement with the developer to indemnify them against such claims or they may require residents to wheel their bins to the adopted highway (which could be quite a length from end houses on cul-de-sacs).

General comments:

- a) Developers should be aware that commuted lump sums will be payable for non-standard materials/additional features/landscaping that is not essential for the safe functioning of the highway.
- b) Parking – County Council surveys have shown resident (customer) dissatisfaction with remote parking areas, with a preference for frontage parking on plot
- c) Following from the above, residential estates with remote/limited parking report numerous parking issues as development roads become clogged with parked cars (as the design does not allow for on-street parking, but residents do anyway)
- d) No mention of SuDS/drainage/flooding – Flood water management should be a key consideration
- e) Integration of pedestrian/cycle routes should be carefully considered at concept stages, taking into account 3 dimensional design (i.e. level changes), and suitability for adoption (or not) by the highway authority.

If you have any queries please contact myself or Simon Parry [REDACTED]

Regards

Donna

*Donna Hall
Assistant Transport Planner
Transport Strategy & Policy
Environment and Transport
Leicestershire County Council*

email: [REDACTED]

Stefan

5

JANET SHORT

From: Simon Henderson [REDACTED]
Sent: 27 October 2016 16:08
To: DCONTROL
Subject: Good Design SPD

Consultation comments.

I think the SPD document is exemplary.

It is clear and concise bringing BFL12 information and other guidance into one place with useful photographs to aid understanding.

Regards

Simon Henderson
Senior Architect

[REDACTED]
12/14 Pelham Road, Nottingham, NG5 1AP

Direct line: [REDACTED]

Website: www.pelhamarchitects.co.uk

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Twitter: www.twitter.com/NottsCommHA

Check out our film on YouTube: <http://youtu.be/krn1d9INuJ8>

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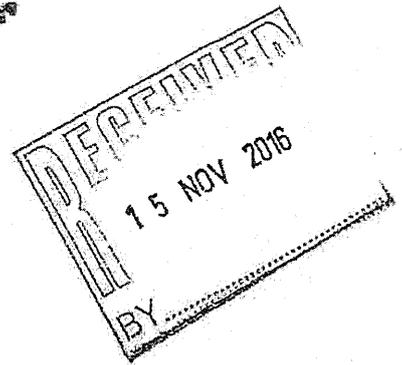
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GERALD DALBY, [REDACTED]

Tel: [REDACTED]



Urban Design,
Planning and Development,
North West Leicestershire District Council,
Council Offices,
Coalville,
Leicestershire LE67 3FJ

For the attention of Mr. Stefan Kruczkowski

11th November 2016

Dear Sirs,

Good Design for North West Leicestershire.

The council has done very well to produce this Supplementary Planning Document. Let us hope that future developments will benefit from its guidance. I would make various comments.

1. "Good Design for North West Leicestershire" will be a useful booklet for the council to draw to the attention of developers. Nonetheless a successful design of a new development will always rely on the skill of the designer, whatever advice and encouragement the council might offer. I note that the Towles Pastures housing scheme in Castle Donington is illustrated as a commended scheme. It might be difficult for the council to list praiseworthy schemes in the booklet but officers should know good developments which developers could inspect.

2. The booklet should be attractively printed for developers and others to purchase.

3. Solar Panels on Roofs. In paragraph 4.14 it is suggested that roofs should be so orientated in order that solar panels might be incorporated "either as part of the development or at a later date". Illustrations, paragraph 8.4 and 11.44, demonstrate how very disfiguring and unattractive solar panels usually are. In a new development it is to be hoped that solar panels will not be necessary or desirable.

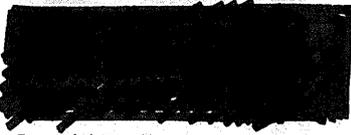
4. Integration of new development with existing development. Paragraph 8.5. "The diagrams on the following pages demonstrate possible options for integrating existing development with proposed new development". Surely it is the new development which should be integrated with the existing development.

Dead ends and cul de sacs. Paragraph 9.8. Because of the absence of through traffic, dead ends and cul de sacs have in the past provided safe areas in which children could play. Perhaps such use might nowadays be considered anti-social behaviour but cul-de-sacs are quiet and do have some advantages. *

Surveillance of parked cars. Paragraphs 11.10 to 11.13. No doubt crime prevention officers would praise the council's recommendation that owners of cars should be able to see their cars from within their houses. However, to be able to enjoy a front garden is infinitely preferable to the view of a parked car. Too much emphasis is placed on "good levels of surveillance". **

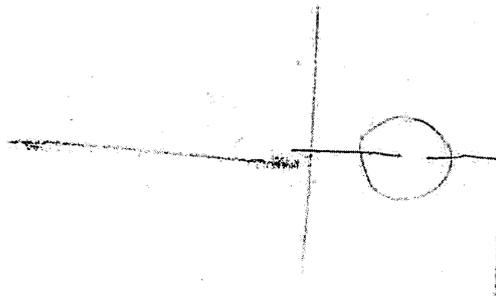
Angled walls. Paragraph 11.32. I am delighted to see that the council is recommending that "where walls are angled, bricks must be cut and bonded". Where this is not done, angles invariably look ill-considered and unsightly. ✓

Yours faithfully,


Gerald Dalby

* Filled permeability

** Insert para. to reinforce S0/S0 rule.



7

STEFAN KRUCZKOWSKI

Importance: High

From: Wayne Evans [mailto:████████████████████]
Sent: 03 January 2017 15:43
To: RUTH ROBINSON
Cc: April Knapp; Purnima Wilkinson
Subject: RE:

Hi Ruth,

I've read through the document and we fully support good design through working in partnership with NWLDC which this clearly sets out to achieve. I do feel though that there may need to be a little flexibility applied on certain things given that we occasionally look at developing difficult sites to help provide affordable housing to meet local needs such as garage sites, small infill sites etc. My main questions would be :

- We have used the manual for streets approach before but struggled to get Highways to adopt it due to its characteristics. Hopefully as this is something NWL want the highways are more flexible
- It calls for all the developments over 10 units meet building for life 12. It sometimes proves extremely difficult to deliver a scheme hitting all "Greens" due to cost constraints, location etc.. We always aim to achieve the best possible score for BFL12 on our developments anyway but would struggle hitting 12 Greens on every scheme.
- Minimum 2x car parking spaces per unit. This can be hard to achieve on some sites especially ones containing flats. Also suggestion that we design out car parking courtyards and no more than 5 units permitted if we need them. This will cause problems with flats, especially due to the need for 2x spaces per unit.
- Its asking for all apartments to have their own entrance. Whilst this will be good for us on reduced service charges it will be un-feasible on larger blocks of flats (Royal Oak Court for example)

I am sure these concerns could be addressed through our good working relationship and like minded approach to provide efficient, well designed affordable homes for local people.

Wayne

Wayne Evans | Technical Officer | emh group
Memorial House | Whitwick Business Park | Stenson Road | Coalville | Leicestershire | LE67 4JP
DD: ██████████ M: ██████████

Appendix 2: Overview of responses to the consultations and proposed modifications

Respondent and comments	NWLDC response
<p>Trent and Dove Housing</p> <ul style="list-style-type: none"> - Clear and robust document, with well thought out principles. - Request flexibility for smaller and more difficult sites. - Minor observations relating to specific paragraphs. 	<ul style="list-style-type: none"> - Comments noted and will be reflected in minor modifications to SPD text where appropriate.
<p>Pegasus Planning Group</p> <ul style="list-style-type: none"> - Front cover image should reflect the residential emphasis of the document. - Little or no reference to 6CS. Conflict between 6Cs and Manual for Streets. - Make reference to younger residents. - Clarify status of BfL12. - Replace non-NWL images with NWL images. - Minor observations relating to specific paragraphs and graphics. - Comment raised relating to the method of delineation between driveways to different plots. - Could gardens be measured using a first class stamp? - Bin storage – solutions need to be offered. 	<ul style="list-style-type: none"> - Front cover image to change to a residential scheme. - Reference to 6Cs to be made. Issues relating to Manual for Streets are discussed within the report. - The report will be adjusted accordingly. - Status of BfL12 will be clarified now that the government has confirmed its position in the February 2017 White Paper. - Where possible replacement images will be used from within NWL. The document has been many years in preparation and it is now possible to replace, for instance, the artist impressions of Hastings Park with a photograph of the completed scheme. - Comments noted and will be reflected in minor modifications to SPD text where appropriate. - Changes will be made to refer to the valid suggestion made. - We have considered this suggestion and consider that this could prove a difficult method to enforce in practice. - A new graphic will be inserted to illustrate potential solutions.
<p>Taylor Wimpey</p> <ul style="list-style-type: none"> - “Presumption against use of standard product – This is obviously tricky to achieve for a volume house builder of our size with a standard product range – as you know. If we do go with standard product I take it we will be going with a more landscape lead scheme and this would be acceptable?” - “Specification of features that have limited practical use but do have health and safety considerations (chimneys) – It is always a tricky one and effectively 	<ul style="list-style-type: none"> - SPD does not resist standard product but requires standard house types to be tailored to suit the locality with officers taking account of local market conditions. For instance, local tailoring has involved in lower market areas the use of locally appropriate bricks, tiles and boundary treatments (see Discovery Close, Coalville) through to remodelled elevations and higher specifications materials and details (e.g. timber frame windows as seen at Towles Pastures, Castle Donington).

<p>the LPA are taking on the role of Lead Designer by insisting the position and use of chimneys. Are you happy with this?”</p> <ul style="list-style-type: none"> - “Imposition of a local space standard in contravention of the national planning policy on space standards – It would be worth checking the requirements against those on a national level.” - “Imposition of a local accessibility standard in contravention of national planning policy”. - Additionally, for storage and garages I note that you are advocating increasing the garage length (to store bikes and alike) or constructing a building such as an outhouse. Would this need to be attached to the back of the property/garage? Also, will a shed be acceptable as an alternative? - “We tend to like integral garages in the region and I am slightly concerned that it is being proposed to limit to 20%. Where has this percentage come from and is it flexible on a site by site basis? Understand the point on primary streets and integrals being limited to secondary/tertiary routes.” - “I agree that parking is a big issue and were seeing more and more emphasis on this in each authority. I am pleased that as an authority you are counting garages (our standard size is 3 x 6m) in the provision. Some authorities are not which is creating car dominated frontages and giving us real problems.” - “As a suggestion, if the document does become an SPD would it be worth doing a few design surgery’s with small groups of developers at a time to give good examples and break some of the context down (some of us understand the basics of urban design only).” - The Council cannot require timber 	<p>This approach is considered to be supported in national and local policy.</p> <ul style="list-style-type: none"> - Most house builders replicate traditional architectural styles and as such it is appropriate for the LPA to require a traditional roofscape to be reflected where appropriate. - Noted. Until such time that national space standards are imposed, we will amend wording to ‘seek’ certain space standards. - As above. - Minor amendment to text to clarify. - We will introduce a degree of flexibility into the SPD text. The design driver here is to avoid car dominated frontages and avoid entire streets comprised of integral garages. - Noted. - Design surgeries are offered by OPUN. - Traditionally inspired schemes are expected to use traditional construction methods and materials, typically we would seek to ensure that gable end chimney stacks are constructed on site and corbelled out from the gable end; that porches are timber/tile or timber/lead. On contemporary schemes we have approved GRP. The SPD text will be modified to provide further clarify. - Continuous frontages have been created on developments through the use of structural landscaping. Visual impact of parked cars has been limited through application of the 50/50 principle.
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<p>porches and door surrounds in lieu of GRP.</p> <ul style="list-style-type: none"> - Preference for on plot parking will compromise ability to create continuous frontages. - Design principles on parking courts are prescriptive and difficult. - Concern over perceived design requirement for balconies to apartments. - Walls adjacent to public and semi-public realm is costly. - 11.33 cost and impracticality. - 11.47 – cost and impracticality. - 11.51 – impact on visibility splays. 	<ul style="list-style-type: none"> - Courtyard design principles have been successfully secured and implemented by other volume house builders. These requirements are also set out within BfL12 (which in turn is supported by specific paragraphs within the NPPF). Failure to adhere to these principles creates places that are unattractive, poorly overlooked and neglected. - The balcony policy is ‘expected’ not ‘compulsory’ or otherwise required. - Boundary design principles have been successfully secured and implemented by other volume house builders. Failure to adhere to these principles creates places that are unattractive, poorly overlooked and neglected. If designers create strong perimeter blocks where buildings form the outward faces of a development block, there will be little or no need for walls to enclose rear gardens. An adjustment to the SPD will provide further clarity on the formation of strong perimeter blocks. - The paragraph will be adjusted to provide greater clarity and certainty as to what is encouraged and what is mandatory. - The paragraph will be adjusted to provide some flexibility where it may be appropriate for the authority to accept non-wall public realm facing boundaries. - The paragraph will be amended to refer to visibility splay requirements.
<p>Leicestershire County Council Highways</p> <ul style="list-style-type: none"> - Please refer to Appendix 1 and detailed comments from LCC Highways. 	<ul style="list-style-type: none"> - LCC comments are detailed in the main report. - MfS2 will be referenced in the final SPD. - A reference will be made to ensure applicants are made aware of commuted sum liabilities. - The SPD encourages resident car parking in a location well related to people’s front doors. An increased

	<p>emphasis will be made on issues relating to remote and displaced car parking.</p> <ul style="list-style-type: none"> - The issue relating to private drives will be modified in the final SPD to address concerns relating to connectivity and future proofing links to adjacent land that may come forward for development. - The District Council is proposing to adopt its own parking standards through this SPD. - The District Council recognises that tandem parking can result in displaced parking, however an effective design solution to this (strategically placed trees along carriageways) is not supported by LCC Highways. - Door clearance will be made more explicit (ref: 11.17.2). - 11.26 – comment noted. - 11.27 – comment noted. - 11.28 – comment noted. - 11.34 – we will modify the text to provide further clarity to applicants. - SUDS, drainage and flooding will be given greater emphasis.
<p>NCHA/Pelham Architects</p> <ul style="list-style-type: none"> - Complemented an “exemplary SPD”. - Clear and concise. 	<ul style="list-style-type: none"> - Noted.
<p>Mr. G. Dalby</p> <ul style="list-style-type: none"> - List praiseworthy schemes in the SPD. - Print the SPD attractively and make it available to purchase. - Solar panels are disfiguring. - Comment on annotations to plans adjacent to paragraph 8.5. - Observation regarding cul de sacs versus accessibility. - Surveillance of parking might compromise front gardens and attractive streets. - Delighted the Council is recommending walls to be cut and bonded. 	<ul style="list-style-type: none"> - Good idea. List to be inserted. - Noted. - The SPD encouraging homes to be orientated to benefit solar gain. - Minor text amendment to be made. - Minor text amendment to be made. - Minor text amendment to be made to reaffirm 50/50 ‘rule’. - Noted.
<p>East Midlands Housing Association</p> <ul style="list-style-type: none"> - Fully supportive. - Manual for Streets difficult to achieve within the context of LCC Highways requirements. - Difficult in achieving 10 greens on some 	<ul style="list-style-type: none"> - Noted. - Issues relating to the design of streets and LCC Highways are covered in the Cabinet report. - As per the guidance contained within

<p>sites.</p> <ul style="list-style-type: none"> - 2 spaces hard to achieve on some sites. - Apartments with their own front doors is unfeasible in some instances. 	<p>BfL12, we do not require 12 ‘greens’, instead we expect schemes to avoid ‘reds’ and achieve as many ‘greens’ as possible; with any ‘ambers’ robustly justified. Further details of this methodology can be found in BfL12.</p> <ul style="list-style-type: none"> - We will remain flexible on car parking spaces if this does not present a risk of displaced parking. We have done so on previously approved schemes for single occupancy units. - We will remain flexible if there is a robust justification, however the provision of individual front doors to ground floor apartments ensures that apartment buildings have a better relationship with the street. This approach can also be beneficial to RSLs by reducing the number of households served by communal areas.
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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET– TUESDAY, 25 APRIL 2017

Title of report	REVIEW OF HOUSING POLICIES
Key Decision	a) Financial No b) Community Yes
Contacts	Councillor Roger Bayliss 01530 411055 roger.bayliss@nwleicestershire.gov.uk Director of Housing 01530 454819 glyn.jones@nwleicestershire.gov.uk Head of Housing 01530 454780 chris.lambert@nwleicestershire.gov.uk
Purpose of report	To obtain Cabinet approval for the revised and new housing policies attached to this report as Appendix 1 to 4.
Reason for Decision	To provide a robust policy framework to guide the delivery of housing services
Council priorities	Value for Money Homes and Communities.
Implications:	
Financial/Staff	The resource implications of housing policies can be accommodated from within existing approved budgets.
Link to relevant CAT	Keeping the services policy environment up to date ensures that housing business plan and team plan targets for performance can be achieved.
Risk Management	Having a robust policy environment within which to provide services ensures consistency in decision making and minimises the risk of successful challenge of decisions.
Equalities Impact Screening	Equalities Impact screening has been completed for the four policies.
Human Rights	None

Transformational Government	Up to date policies that make use of the latest service delivery options and case law ensure we can provide the most effective services possible in the most efficient way.
Comments of Head of Paid Service	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Corporate Leadership Team (CLT), Housing Service Management Team (SMT), Homelessness Working Group, Landlord Services Working Group, Tenants and Leaseholders Consultation Forum (TLCF) and Policy Development Group (PDG).
Background papers	Executive Board - 12 June 2007 – Approval of Housing Policies (Phase1) Cabinet – 18 November 2014 - Approval of Housing Policies
Recommendations	THAT CABINET APPROVES THE FOUR NEW AND REVISED POLICIES ATTACHED AS APPENDIX 1 TO 4 OF THIS REPORT.

1.0 REPORT

- 1.1 The Housing Service periodically reviews and updates the policies that provide Officers with a framework for delegated decision making when delivering services. Attached to this report are three revised policies and one new one which require Cabinet approval.
- 1.2 Anti Social Behaviour Policy - revised (Appendix 1) – a major revision to the previous policy, which has been undertaken in partnership with our colleagues in the Community Focus team to ensure the approach we take in cases involving our tenants is consistent with that taken for private rented tenants and owner occupiers. The policy also reflects a change of focus away from dealing with every reported case based on the tenants’ perception of the level of seriousness, to focusing on the more serious cases, and encouraging self help for lower level issues. This approach will allow resources to be refocused in the more serious cases. The revision also incorporates recommendations made by the Tenant Scrutiny Panel in their report following a review of our approach to Anti Social Behaviour.
- 1.3 Tenancy Policy – revised (Appendix 2) – this policy was introduced as part of our response to the Localism Act in 2011. The Government has announced that from a date yet to be determined, all new social housing tenancies must be “fixed term” with no more

new “lifetime” tenancies. The date for implementing this change and the guidance covering the detailed requirements are still awaited from Government, and are anticipated as being available in the autumn of 2017. The revised policy will allow us to implement the policy change promptly when the detailed guidance is published, and further consultation with stakeholders will be undertaken prior to seeking Cabinet approval for the policy approach to fixed term tenancies.

- 1.4 Compensation Policy – revised (Appendix 3) – the revised compensation policy updates our previous approach in the light of experience from dealing with cases and current best practice.
- 1.5 Private Rented Offer Policy – new policy (Appendix 4) – following a change of legislation recently, we now have the option of being able to discharge our statutory duty to re-house the homeless through an offer of suitable private rented accommodation, rather than just social housing as was previously the case. In order to use this facility we are required to have a new policy determining when and how we will use it.
- 1.6 The next phase of policies to be reviewed will include Repairs and Improvements as well as Aids and Adaptations, and officer and tenant working groups are currently considering these specific issues, which will be brought forward for consideration in the forthcoming months.
- 1.7 The Policy Development Group considered these policies at their meeting on 8 March 2017 and the draft minutes of the meeting are attached as Appendix 5 for Cabinet’s information. A number of suggested amendments to wording which aided clarity were made at the meeting and these have been incorporated into the documents appended to this report.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ANTI SOCIAL BEHAVIOUR POLICY

Area : Stronger, Safer Communities, Environmental Protection and Housing Services

Department : Community Safety, Environmental Health, Street Action and Housing Management

Procedure Ref: - **Owners:** Team Managers of Housing Management, Community Safety and Environmental Protection

Date approved: **Effective date: April 2017**

Please state what policy & documents (if any) this procedure is linked to:

ASB Procedure

[RESPECT ASB Charter for Housing](#)

Tenancy Agreement

Complaints Policy

Community Trigger

Witness Promise

Enforcement Policy

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1	May 2007	N/A	Andrew Wallace	Amanda Harper	2010/2011
2	January 2013		Andrew Wallace	Amanda Harper	May 2015 (or earlier dependent upon new Enforcement powers)
3	April 2017	Inclusion of new Enforcement Powers Inclusion of categorisation of ASB	Andrew Wallace	Amanda Harper	2019

		<p>across the Council</p> <p>Inclusion of classifications of ASB</p> <p>Expectations around what is ASB added</p>			
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Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

Contents

1. Statement of Purpose and Definition
2. Introduction
3. ASB classification and Service Standards
4. Reporting ASB
5. Our commitment to managing ASB complaints
6. Supporting Vulnerability
7. Safeguarding
8. Action we can take
9. Legal Action
10. Protection of Staff and Contractors
11. Performance Monitoring
12. Closing Cases
13. Community Trigger
14. Publicising our approach to ASB
15. Development and Responsibility

Appendix A
ASB Classification and Service Standards

ANTI-SOCIAL BEHAVIOUR POLICY

1. Statement of Purpose and Definition

North West Leicestershire District Council (NWLDC) recognises the importance that residents place on the ability to live peacefully in their homes. Anti-Social Behaviour (ASB) and neighbour nuisance include a broad range of disruptive behaviour. We recognise that ASB has a detrimental effect on the quality of life enjoyed by our residents. We do not believe our residents should have to live with ASB.

Unless otherwise stated within the policy, North West Leicestershire District Council use the definition of ASB as described in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

(c) conduct capable of causing housing-related nuisance or annoyance to any person

The Policy is being publicised in plain language and made available to residents upon request. This document can be obtained in large print or translated into other languages, if required. It is designed to be a framework as to how ASB can be reported to, and dealt with by, North West Leicestershire District Council.

The Policy refers to the Safer North West Partnership and Joint Action Group (JAG) throughout this document. The Safer North West Partnership brings together a number of agencies with a shared commitment to reducing crime and disorder in the district. The Partnership is made up of a number of organisations including;

- North West Leicestershire District Council
- Leicestershire County Council
- Office of the Police and Crime Commissioner
- Leicestershire Police
- National Probation Service
- Local Community Rehabilitation Company
- West Leicestershire Clinical Commissioning Group
- Leicestershire Fire and Rescue service

At a district level ASB is managed through a Multi-Agency JAG (All high risk cases are monitored carefully and emerging trends are identified within the group to ensure appropriate action is taken when and where needed.

This Policy is compliant with the Housing Act 1996 part 8 Section 218A.

2. Introduction

We are committed to improving the quality of life for everyone living and working within our communities and in providing a safe and secure environment to enable communities to live together and free from the negative impact of ASB.

This policy has been developed in line with the Anti-Social Behaviour Act 2003, the Crime and Disorder Act 1998 as amended and the Anti-Social Behaviour, Crime and Policing Act 2014 to ensure that ASB is dealt with consistently, robustly and that justified action will be taken where appropriate.

Reports of ASB will be investigated with relevant outside agencies and the action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged in. Intervention action will be selected based on what is most likely to produce an effective solution. Where the council deem it appropriate, and if the nature of the ASB is serious or where it causes immediate risk of harm, rapid enforcement action will be considered.

Where ASB occurs, and it is criminal in nature, we will refer the complainant to report this to the Police. The Police will then manage the case, working in conjunction with North West Leicestershire District Council staff to jointly decide on whether civil proceedings will be brought against the perpetrator(s).

We will work with and share information with partners (in accordance with our policies, procedures and data sharing agreements) to reach the best solution and to learn from each other. This includes internal departments as well as those that sit within the Safer North West Partnership and those that attend the District wide Joint Action Group.

NWLDC are also committed to the [Respect – ASB Charter for Housing](#) which aims to be outcome-focused to improve the quality of people's lives who suffer from ASB. The Charter consists of seven core commitments.

- demonstrating leadership and strategic commitment
- providing an accessible and accountable service
- taking swift action to protect communities
- adopting a supportive approach to working with victims and witnesses
- encouraging individual and community responsibility
- having a clear focus on prevention and early intervention
- ensuring that a value for money approach is embedded in our service

3. ASB classification and Service Standards

Initial reports of ASB will be recorded under one of the categories listed in [Appendix A](#)

Not every allegation reported to the council will be categorised as being ASB; some types are considered to be everyday living noises or lifestyle differences rather than ASB and therefore they may not be investigated under the terms of this policy. The complainant will be notified at the earliest opportunity available that an investigation will be opened and they should be directed to the website where a copy of this Policy will be published.

Although people can expect to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance.

We will not commit to strategies which raise expectations but are not enforceable, for example “No ball game” signs, but will actively seek from the complainant what outcome they are seeking.

4. Reporting ASB

We will make available a wide range of methods of contact for reporting ASB. You will have one nominated lead caseworker for your complaint, who will keep you updated regarding progress with our investigations

5. Our commitment to managing ASB complaints

All reports of ASB will be logged on our system and passed to the most appropriate department for investigation. You will be notified at your initial contact, or at the earliest possible time (normally within 3 working days), whether the matter will be investigated in line with our Policy.

ASB complaints will be processed via a case management system which can be accessed by NWLDC Housing and Community Safety staff as well as the Police.

NWLDC staff will adhere to the timelines stated within the classifications on Appendix A. Should the timeframe for investigation and/or enforcement be extended, the reasons and indicative timeframe will be given to the complainant.

6. Supporting Vulnerability

We recognise the importance of supporting vulnerable members of our communities, who may be more at risk of becoming involved in ASB both as a victim or perpetrator.

A person may be considered vulnerable for many reasons, including but not limited to; age, alcohol or drug dependencies, disability (as defined by the Equalities Act 2010) or mental health issues.

When a complaint of ASB is received, we will make an assessment of vulnerability on every case and this will be included as part of the Risk Assessment Matrix (RAM). This RAM is then shared with partnering agencies to determine the most appropriate course of action and/or protection.

When a complainant, witness or perpetrator of ASB is identified as being vulnerable, a referral may be made to relevant support services. We will work collaboratively with the identified carers and support agencies.

Where a complaint is made against someone who we know or suspect is vulnerable, we will make every effort to assist them in engaging with support services. However it will be made clear that failure to engage with such services and the continuation of the ASB may lead to formal action being taken against them.

We will not accept vulnerability as a reason for a perpetrator being allowed to continue to behave badly.

7. Safeguarding

Safeguarding is everyone's business and we all have a part to play in protecting the most vulnerable members of our community.

North West Leicestershire District Council actively participates in multi-agency arrangements to safeguard children, young people and adults.

The law requires us to ensure that our functions are discharged having regard to the need to safeguard and promote the welfare of children. Provisions within the Care Act 2014 mean that adult safeguarding has also been placed on a statutory footing.

We recognise that when dealing with ASB we may come into contact with children and adults for who there are safeguarding concerns. All employees receive safeguarding training and have access to information to enable them to respond appropriately.

It is not for the investigating officer to make a decision as to whether there are safeguarding concerns, but it is their duty to report anything which they believe is a cause for concern.

8. Action we can take

The majority of complaints of ASB do not require legal action as a means of resolution. We will, in the first instance, assess the type of ASB, the risk of harm to the victim and any vulnerability to identify how we will deal with the complaint. Early

intervention through informal approaches will be considered in the first instance before exploring the more formal enforcement tools:

Early and Informal Interventions

As a District and County we are committed to the tiered approach when dealing with ASB. Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods should be considered and exhausted first to attempt to stop behaviour before it escalates.

Verbal Warnings / Written Warnings

Warnings are issued when there is evidence of ASB occurring or likely to occur. They make it clear to the perpetrator/parent/guardian what behaviour is causing the issue, the effect this is having on the victim or the community and the consequence of not adhering to the warning

Community Resolution

This is where a resolution is found for a less serious issue of ASB where an informal agreement is reached between the parties involved as opposed to progression through legal action.

Mediation

Mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns. Our Officers are able to offer mediation on a confidential, impartial basis that can solve many incidences of misunderstanding or unintentional ASB. An example of when mediation would be used is when two neighbours fall out over a difference, such as the position of a boundary fence.

Restorative Justice (RJ)

RJ gives a victim of ASB an opportunity to communicate with the perpetrator in a controlled environment, to tell them how their behaviour is impacting on them, giving them a voice. It holds the perpetrator to account for what they have done.

Acceptable Behaviour Contracts (ABC)/Parenting Agreement (PA)

These are voluntary written agreements between an individual and North West Leicestershire District Council. The ABC is entered into in conjunction with other agencies including the Police and Youth Offending Service. They contain pledges to behave in a certain manner or to stop doing certain things. An ABC or PA is not legally enforceable but if they are broken, they can be used to form part of the evidence required to proceed to another level of action, such as court.

Support and Counselling

In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can drive ASB. We will refer where possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned in the ASB, including referrals to Supporting Leicestershire Families and our Tenancy Support team within Housing Services.

Surveillance

As part of our response to dealing with ASB, we reserve the right to work with partner agencies to carry out both covert and overt surveillance. Surveillance may be visual or audio. Any surveillance will be appropriately authorised, proportionate and justified. This will include where necessary the monitoring of CCTV. At times we will be required to disclose our CCTV images to a third party such as the police where there is a need for the prevention and detection of crime and for the apprehension of offenders.

In addition, any surveillance undertaken with regards to the investigation will be dealt with in accordance with all relevant legislation.

9. Legal Action

If perpetrators are unwilling to change their behaviour following attempts along the informal intervention route then there are some formal tools that can be used by NWLDC:

Civil Injunction

The Civil Injunction is an order made by the Court to stop or prevent individuals engaging in ASB. It can resolve any issues before they escalate and can help the perpetrator to address the underlying cause of the ASB. An injunction can be obtained for people causing ASB from the age of 10 years. If the terms of an injunction are not adhered to, it can result in a fine or imprisonment for up to two years for anyone over the age of 18. For under 18's it could result in a supervision order or detention up to three months. In addition to this, the breach of an injunction could mean that a tenant faces a mandatory possession order being granted by the Court.

Criminal Behaviour Order (CBO)

The Criminal Behaviour Order can be issued in a criminal court against a person from the age of 10 years upwards. It is used to tackle the most persistent anti-social individuals who are engaged in criminal activity, and have been convicted of an offence. Breaching a CBO is a criminal offence and for over 18's can result in up to five years imprisonment, a fine or both. Under 18's could face a two year detention order, with part of that detention served in custody.

Closure Orders

This can be used to close a property when it is being used or likely to be used to commit serious nuisance or disorder. The initial Closure Notice is valid for either 24 or 48 hour period followed by the application to a Court for a Closure Order. This is a fast and flexible power that can be used to protect victims and communities by quickly closing premises where ASB is prevalent.

Community Protection Notices

The Community Protection Notice is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life, such as graffiti, rubbish or noise by targeting those responsible.

Public Space Protection Orders

These orders impose conditions which may include multiple restrictions and requirements in an area such as parks, alleyways or communal areas, where ASB is being detrimental to the local community. They are designed to ensure that the majority of people can enjoy public spaces and feel safe and the conditions could be around alcohol, dogs or noise for example.

Demotion Orders

Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to taking possession of the property. These orders remove a number of rights including the right to buy and the right to exchange. Demoted tenancies last for a year and may be extended if notice to seek possession of the property is served during this period. The orders are a serious warning to tenants that if the negative behaviour continues swift action can be taken to seek possession of their home.

Possession Proceedings

This is court action that can lead to Council tenants being evicted from their homes. Before this stage is reached the tenants involved will have had several warnings to stop their behaviour. Evicting someone, who may have family and children, from their home, is a very serious consequence. The Council would have to prove to the court that on the 'balance of probabilities' the tenants have indeed broken the terms of their tenancy agreement and that it is reasonable for the court to evict the tenant. The ASB Crime and Policing Act 2014, has introduced a new absolute ground for possession for secure tenancies where ASB or criminality has already been proven by another court. This means that the Council will no longer need to prove that it is reasonable to grant possession and the court must grant possession, providing set procedures have been followed.

10. Protection of Staff and Contractors

We will not, under any circumstance, tolerate abusive, threatening or violent behaviour towards our staff or contractors, and will always take swift and robust action to protect our staff. All acts of aggression, harassment or intimidation towards staff members will not be tolerated and will be referred to the police if appropriate.

We will ensure a prompt and robust response takes place. Where there is a direct threat of harm or violence towards the complainant we may commence legal action.

A potentially violent person's register is kept centrally by the Health and Safety Officer at the Council and all reports of this nature will be recorded. NWLDC have a responsibility to ensure they place sufficient warning markers on their systems to ensure staff safety and any recommended measures are put in place.

11. Performance Monitoring

We will closely monitor the quality of the ASB service by:

- Setting challenging performance targets for staff to achieve
- Completing customer satisfaction surveys
- Ensuring managers carry out audits and reviews on a sample of cases

We will regularly report statistical information about ASB both internally and externally including benchmarking to link with other similar organisations. This gives us comparison for best practice, identifying trends and to inform service delivery.

Information will also be made available upon request to our partnering agencies

12. Closing Cases

We will normally only close cases when the situation has been resolved and/or the complainant is happy for us to do so. However, in some circumstances it may be necessary to close the case without the consent of the complainant.

This might happen when we are satisfied that we have done everything we can, that is reasonable and proportionate to resolve the complaint or the complainant has failed to respond to requests for contact. We may also close the case if it is considered that the allegations made are false or malicious or if the complainant refuses to work with the investigating officer to resolve the alleged ASB.

We will not assume that a situation has improved if we have not heard from the complainant and will try and make contact with them before closing their case. If there is no response, we will close the case and record this as resolved.

To avoid cases being open indefinitely, we have a robust process of review, with the lead officer dealing with each case on its merit. Where the case has been open for 12 weeks it will be reviewed by the team leader, referring to the Team Manager where required. All high risk cases will be referred to the JAG who will review all actions in these cases and task the investigating officer if further recommendations are required.

13. Community Trigger

The community trigger introduces a right for victims, or victims' representatives, to ask local agencies to review how they have responded to previous ASB complaints and consider what further action might be taken where the behaviour persists.

Further information on what the Community Trigger is designed to achieve and the threshold for activation, can be found at www.nwleics.gov.uk/asb.

You may activate a trigger by completing an online form at www.nwleics.gov.uk/pages/asb_community_trigger , or by phoning the Community Safety Officer (ASB) on 01530 454545.

14. Publicising our approach to ASB

Our approach to ASB will be publicised to residents, potential residents and staff in a number of ways, including:

- Leaflets and/or guidance documents
- The NWLDC website
- Policy Briefings and Training
- At all Council tenancy sign ups
- Tenants' Handbook
- The Tenancy Agreement

15. Development and Responsibility

Our ASB Policy has been developed through consultation with the public, staff and other stakeholders, and has been approved by elected members.

Staff will be trained to deliver this policy and are responsible for adhering to its terms and suggesting improvements with its administration.

This document will be reviewed every two years, however it will be updated at any time if there is a material change in a process or legislation.

APPENDIX A – ASB CLASSIFICATION AND SERVICE STANDARDS

All action taken by an Officer must be reasonable and proportionate the behaviour reported and experienced by the victim of the ASB. There will be occasions where the ASB reported will be classified within multiple groups. In this instance, the action will be determined on the highest grouping.

	Type of ASB	Interventions available ¹	Service Standards
1	<ul style="list-style-type: none"> • Domestic Noise • Vandalism and damage to property • Misuse of Communal areas / Public Space loitering 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies as appropriate. • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Community Resolution • Restorative Justice / Mediation • Civil Injunction • Community Protection Notice • Public Space Protection Order • Fixed Penalty Notice • Recharge • Noise Abatement Notice/Prosecution 	<p>First Contact with the investigating officer or advocate within three working days and agree action plan. Action within 10 working days.</p>
2	<ul style="list-style-type: none"> • Verbal abuse / Harassment / Intimidation • Drug smells / substance misuse • Alcohol related ASB • Prostitution / Sexual Acts • Criminal Behaviour / Crime • Noise including other general ASB • Domestic Noise • Bullying/Cyber Bullying 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies as appropriate • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Community Resolution • Restorative Justice / Mediation • Civil Injunction • Criminal Behaviour Order • Closure Order • Notice of Seeking Possession* • Possession* • Demotion of Tenancy* • Community Protection Notice • Public Space Protection Order • Noise Abatement notice/prosecution • Community Protection Notice • Fixed Penalty Notice • Injunction • Local Resolution • Mediation 	<p>First Contact with the investigating officer or advocate within three working days and agree an action plan within five working days of this contact.</p> <p>N.B The Housing department will investigate all domestic noise cases making use of the provisions of the ASB, Crime and Policing Act 2014 as a means of handling domestic noise incidents, in addition to the powers with the Housing Act 1985. Where there is a proven statutory nuisance we will work with the Environmental Health Team to take action under the Environmental Protection Act 1990.</p>
3	<ul style="list-style-type: none"> • Hate related incidents (based on Age, Race, Sexual Orientation, Gender, Disability etc.) • Domestic Abuse • Physical Violence (other than Domestic Abuse) • Drug production / supply • Threatening Behaviour 	<ul style="list-style-type: none"> • Offer advice and support, signposting where appropriate • Work together with partner agencies including Police, Environmental Health, Social Services, Youth Offending Service, Probation Services, Education Welfare, NHS, Mental Health Team • Warning Letter • Acceptable Behaviour Contract • Parental Agreement • Restorative Justice / Mediation • Civil Injunction • Criminal Behaviour Order • Closure Order • Notice of Seeking Possession* • Possession* • Demotion of Tenancy* • Domestic Violence Protection Order 	<p>First Contact with the investigating officer or advocate within three working days and agree an action plan within 24 hrs of this contact</p>
Outside of ASB Policy	<ul style="list-style-type: none"> • Animal Nuisance • Graffiti (non-offensive/non directed/non abusive) • Car repairs / Vehicle nuisance • Litter / Rubbish / Fly tipping • Garden Nuisance 	<p>The matters listed in this section will be dealt with outside of this Policy and logged as an Estate complaint.</p> <p>If the alleged perpetrator is a Council tenant, the Housing department will discuss the terms of the tenancy with the alleged perpetrator</p> <p>Should the matters escalate or change in nature, we will look to re-categorise the behaviour as anti social.</p>	<p>First contact with the investigating officer or advocate within 3 working days with alleged perpetrator. Action plan to remedy behaviour within 10 working days</p>

¹ Interventions marked with an asterisk (*) are only available to the Housing Department

HOUSING SERVICES – TENANCY POLICY

Area : Housing Service
Department : Housing Management
Subject : Tenancy Policy

Procedure Ref: HM-

Owner: Housing Management Team Manager

Date approved:

Effective date: April 2017

Please state what policy & documents (if any) this procedure is linked to:

- Allocation Policy
- Housing Strategy
- Homelessness Strategy

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1	7.7.14	N/A	Amanda Harper		2017/18
2	6.1.17	Introduction of Fixed Term Tenancies	Amanda Harper	Cabinet – April 2017	2020/21

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

1. INTRODUCTION

- 1.1 This policy explains the approach the Council will take to ensure efficient use of its housing stock, by issuing tenancies which are compatible with the purpose of the accommodation, the needs of individual households and the sustainability of the community.
- 1.2 The concept of Tenancy Policies was introduced initially as part of a wider package of social housing reforms implemented through the Localism Act 2011. The tenancy policy aims to clarify:
- How we will use the new range of tenancy options available to us
 - How, as a landlord, we will provide support to tenants
 - How we will prevent unnecessary evictions
 - How we will tackle tenancy fraud
 - How we will use discretionary succession rights
- 1.3 The Housing and Planning Act 2016 introduced the compulsory requirement for Local Authorities to introduce Fixed Term Tenancies to improve the efficient use of social housing from April 2017.
- 1.4 In developing this policy, the Council has consulted with involved tenants and undertaken wider consultation with tenants and applicants. It has also had regard to the Councils' Tenancy Strategy, the Homelessness Strategy and the Allocations Policy.

2. DEFINITIONS

- 2.1 For the purpose of this policy, the following definitions apply:
- An Introductory Tenancy is for a period of 12 months unless the Council elects to extend the period for a further six months. At the end of the period the tenancy will convert to a Secure Tenancy unless proceedings for possession have begun.
 - A Secure Tenancy is effectively a life time tenancy and can only be ended by the Council by obtaining a court order for possession.
 - Fixed Term Tenancies are tenancies for a period of not less than two years, and may be brought to an end if the type of property occupied is no longer required, for example if the property occupied is too large or if the tenant's financial circumstances enable them to access the privately rented sector or to purchase a property. The maximum period can be up to 10 years or longer for families with children.
 - Involved Tenants are tenants who volunteer their time to participate in formal resident involvement meetings.
 - Succession is where the tenancy may transfer to another person upon the death of the tenant.

3. APPROACH

- 3.1 The Council recognises the importance of tenure security in both developing and maintaining stable and viable communities and will continue to ensure, through the

allocations policy, that it continues to make best use of stock, particularly those properties that benefit from adaptations or conversions.

- 3.2 The income levels of new or transferring home seekers will be assessed against the limitations set in the allocations policy.
- 3.3 As required by the Housing and Planning Act 2016, the Council will offer all new tenants a Fixed Term Tenancy, the length of the tenancy offered will be in accordance with the Guidance issued by the Government and detailed in the Fixed Term Tenancy procedure. The implementation date for this requirement will be determined by Government Guidance which is anticipated to be available in autumn 2017.
- 3.4 The Council will offer three types of tenancies:

Type of Tenancy	Proposed Length of Tenancy	Tenancy Reviews	Reason for using this type of tenancy
Introductory	12 months	First review at 6 weeks, then quarterly reviews and the option to extend the introductory tenancy for a further six month period. More frequent reviews will be undertaken based on the risk assessment undertaken at the beginning of the tenancy.	For all new tenants to demonstrate their ability to comply with the tenancy terms and conditions. If enforcement action is required, the route to obtain possession is through mandatory powers for possession.
Fixed Term	Two to ten years (actual tenancy lengths offered will be determined following reference to Government guidance which is anticipated to be published by Autumn 2017).	In addition to the formal review required at least 6 months before the end of the fixed term tenancy period, reviews will be undertaken at a frequency to be determined by a risk assessment undertaken at the beginning of the fixed term tenancy and if any concerns are raised about the ability to sustain the tenancy. If the outcome of the formal tenancy review is not to extend the tenancy term, the Council will be able to reclaim possession of the property.	To ensure efficient use of social housing and increase available accommodation to those on the Housing Register
Secure	Lifetime	With no requirement for a formal tenancy review process, lifetime tenancies reviews will only be completed when there is sufficient evidence of a tenancy sustainment issue that needs to be addressed (i.e. a risk based approach	Secure tenancies are available to existing secure or assured tenants as at 31 March 2016 who are transferring to another social housing property.

		to lifetime tenancy review). Upon completion of a review, Legal action to terminate the tenancy will be required if appropriate.	
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3.5 Vulnerable Tenants

Vulnerable tenants will have access to additional support to help understand their tenancy and the review process. This support may be provided by our own staff or other appropriate support agencies. A vulnerable tenant is one who needs support to maintain their tenancy, for example, because of health, age or personal circumstances.

The Council's Tenancy Support Officer may provide extensive support for a fixed period appropriate for the individual's circumstances and will usually intervene with the most vulnerable tenants to enable them to sustain their tenancy and avoid any unnecessary eviction.

3.6 Tenancy Fraud

Tenancy fraud will be investigated by the Housing Management team and where any instances of potential tenancy fraud are discovered, both criminal and civil enforcement action will be taken. Information will be shared with other Council departments and government bodies, as appropriate. Examples of tenancy fraud include:

- Sub letting
- Unauthorised assignment (including by mutual exchange)
- Wrongly claimed succession
- Right to Buy fraud
- Obtaining a tenancy by a false statement/s or knowingly withholding relevant information
- Not using the property as the main or principal home

3.7 Mutual Exchanges and Transfers

Tenants wishing to move to another social housing property are encouraged to move via a mutual exchange rather than via the sub regional choice based lettings scheme. The tenant must obtain permission from the Council as their landlord before a mutual exchange can proceed.

Tenants wanting to move via the sub regional choice based lettings scheme will be assessed to determine their housing need. The tenants will be placed in one of four bands to reflect their housing need. Tenants affected by the under occupation charge will be placed in the high band to enable a move to a smaller, more affordable home. An incentive scheme is also available to tenants wishing to downsize.

Support and assistance to move can also be provided by the Tenancy Support Officer and the Council's Housing Choices Team.

3.8 Assignments and Successions

The Localism Act 2011 changes the automatic right of succession for all new secure tenancies. There is only a statutory right of succession to a spouse or partner. There is no right of succession for family members who have lived with the deceased tenant for 12 months prior to the tenant's death.

The Act does give local authorities the power to grant additional contractual succession rights in their tenancy terms, and North West Leicestershire District Council has determined not to exercise this discretion.

4 MONITORING AND EVALUATION

4.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success:

- Levels of tenancy sustainment
- Levels of demand
- Local tenant satisfaction
- Level of rent loss

4.2 The policy will be reviewed in 2020/21 and/or in response to legislative changes, feedback or recognised good practice.

5 EQUAL OPPORTUNITIES POLICY

5.1 The Council is committed to reflecting, embracing and promoting the diversity and inclusion of individuals and groups of people. We recognise that by understanding the differences between people, we will be able to provide better services.

Our staff are trained to recognise and understand what different customer needs may be so that we can ensure our services are accessible to all.

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HOUSING SERVICE – COMPENSATION POLICY

Area: Housing Service
Department: HRA Business Support Team
Subject: Compensation Policy

Procedure Ref:**Owner:** HRA Business Support Team Manager**Date approved:****Effective date:** April 2017

Please state what policy & documents (if any) this procedure is linked to:

- Repairs handbook
- Decant Policy
- Corporate Complaints Policy

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1	7.6.16	Clarity on amount of compensation for Heating and Hot Water Add disturbance payment information Clarity on calendar/working days	Mark Johnson	SMT	TBC
2	26.7.16	Remove link to Repairs policy Add link to Repairs handbook Add link to Complaints policy Remove links to flowcharts	Mark Johnson	SMT	TBC

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

1. INTRODUCTION

- 1.1 North West Leicestershire District Council (NWLDC) has a procedure to investigate complaints about failure to deliver our standard of service, and to address any apparent failure to follow Council procedures.
- 1.2 This policy describes what may be offered in terms of compensation, when there has been a failure in the delivery of Housing Services which has resulted in inconvenience to a customer, or when the complaint is serious enough to require the payment of compensation.

2. WHO THE POLICY APPLIES TO

- This Policy applies to all current and former tenants, leaseholders, and customers of NWLDC's Housing Service.

3. DETAILS OF COMPENSATION PAYMENTS, AND WHEN COMPENSATION WILL BE CONSIDERED

- 3.1 cases, Compensation is considered to be a remedy for inconvenience or distress caused by a service failure, and claims will be considered on a case-by-case basis.

Compensation payments will be considered where:

- There has been a failure in standards of service delivery
- Where NWLDC has failed in its repairing obligations as a landlord, or has failed to meet a repairs deadline as specified below
- There has been loss or damage to persons, or personal property where liability is not in dispute. Where liability is in dispute, this should be referred for consideration under the council's Insurance scheme

There may also be instances where compensation can be considered where a customer complaint has been addressed through the complaints procedure. NWLDC will not pay compensation if we are unable to achieve our service standards due to circumstances beyond our control, for example:

- Exceptional weather conditions
- Accidental damage where NWLDC has not done something wrong – e.g. burst pipes, blocked drains or other events which could not have been predicted and/or were not previously reported
- Any alteration to the property or its services carried out by the tenant without written permission or to an adequate standard
- Loss or damage caused by tenants, visitors or adjacent occupiers
- The tenant prevents or delays NWLDC delivering a service, or contributes in some other way to the service failure

- The loss of water where a tenant is on a water meter and has not taken adequate steps to mitigate the loss.

3.2 Failure in standards of Service Delivery

A payment of £10 will be made by request where an officer of the Council or one of its contractors has failed to keep a pre-arranged appointment without a minimum of 24 hours notice.

3.3 Failure in Landlord's repairing obligations or failure to meet a repairs deadline

Where a Contractor has made reasonable efforts to gain access without success, or has carried out a temporary repair, then compensation will not be payable. In addition, if the delay in completing the work can be shown to be the tenants' responsibility, compensation will not be paid.

A payment will be made by request where:

- A reported repair is not completed within its specified timescale (£10 per job number)
 - Emergency/Out of Hours repairs – 24 hours from first reported
 - Urgent repairs – 7 calendar days from first reported
 - Routine repairs – 28 calendar days from first reported
 - Batched repairs – 90 calendar days from first reported
- A tenant has been required to use a dehumidifier for at least 7 calendar days, at £10 per 7 calendar day period
- A tenant has suffered from a loss of heating or hot water (£2 per calendar day for the loss of either facility (a maximum of £4 a day) from the day it was reported to the council until the day the repair was completed.

3.4 Loss or damage to persons, or personal property

Where liability for damage to persons or personal property is not in dispute, and where damage has occurred to tenants' possessions, either as a result of a failure to deal with a reported repair, or as a direct result of a rectified issue, we will consider claims up to a maximum of £2,500. Claims in excess of this amount will normally be referred to NWLDC's insurance provider.

In the event of any claim, we require receipts or other evidence from the claimant to justify the value of the loss.

3.5 Disturbance Payments

Where NWLDC wishes to undertake major repairs to a property, and the tenant is required to move out temporarily while the work takes place, a disturbance payment may be made. A disturbance payment is intended to ensure that the tenant is no worse off, and no better off than if they had not been obliged to move, and the financial payment made is to cover all removal and other moving home costs.

For more information about Disturbance Payments please refer to our Housing Decant Policy. A copy of this policy is available on the Council website or can be posted upon request.

3.6 Tenants Home Improvements

Tenants may make alterations to their home providing that written permission has been given by NWLDC prior to works taking place. It is the tenant's responsibility to obtain any other necessary

consents (i.e. planning permission), and to ensure that the work is completed to a high standard and in accordance with all necessary regulations (e.g. Building Control, Gas Safe, FENSA etc). NWLDC reserves the right to refuse the works prior to being undertaken, and to inspect the works during, and afterwards.

When a tenant leaves their home, under “The Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994”, compensation for improvements they have made can be paid, upon request. The value of the compensation is determined through an assessment process laid down in the regulations.

For more information about compensation for home improvements, please refer to our Housing Repairs Handbook . A copy of the handbook is available on the Council website or can be posted upon request.

3.7 Time and Trouble

We consider the extent of inconvenience a complainant has experienced to get a resolution to their problem. The most amount of compensation that can be offered for Time and Trouble is £250. In assessing whether time and trouble compensation is payable relevant factors could include:

- The length of time, including response times by the council, taken to deal with the problem and the complaint itself
- The time and effort required from the complainant
- Any specific difficulty experienced by the complainant in dealing with the council
- The degree of inadequacy of the council’s response to letters, phone calls or visits
- Whether there has been an element of wilful action on the part of the council that has resulted in poor management of the complaint
- The level of minor unquantifiable expenditure incurred by the complainant such as significant post, telephone or travel costs, whether the complainant was acting on behalf of others in pursuing the complaint, as a representative of a tenants’ group for example

4. AWARDING AND OFFSETTING COMPENSATION

Regardless of who investigates the compensation claim, compensation payments must be authorised as follows;

- Up to £200 – Team Leader
- Up to £500 – Team Manager
- £500 - £1,000 – Head of Service
- £1,000+ - Director

Following authorisation, we will write to the claimant and inform them of total award amount. The letter will contain a detailed list of all the factors considered and the costs awarded for each factor. Compensation will usually be offset against any arrears the claimant owes to the council unless there are exceptional circumstances. This will be in the order of Housing Rent, Council Tax/Housing Benefit Overpayment and Sundry Debts.

Attached with the letter will be a form that the claimant must sign and return to the Council to confirm agreement of the final award. The Council will normally make payments by BACS credit directly to a bank account within two weeks of receipt of the confirmation agreement signed by the claimant.

5. DISPUTES AND APPEALS

Where a tenant is not satisfied with a decision taken under this policy, they may appeal to the Head of Housing in writing within 10 days of the date of their compensation offer..

6. MONITORING AND POLICY REVIEW

Compensation payments are monitored as a means of improving service performance to our customers and to ensure consistency of approach and appropriate use of compensation awards. Service Standards, key performance indicators, audits and customer satisfaction are typical of monitoring systems in use but will vary according to the policy.

We will review this policy based on a three year cycle and if a business need arises. Next scheduled review date will be in May 2019.

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North West Leicestershire District Council

Policy for Discharging the Homeless Duty Through an Offer of Private Rented Accommodation

January 2017

1. Background

Local authorities have various duties under the homelessness legislation (Part 7 of the Housing Act 1996). The main homelessness duty requires the council to secure suitable accommodation for households who are:

- Homeless
- Eligible for assistance
- In 'priority need'
- Not intentionally homeless
- Have a local connection

This traditionally has been through the offer of social housing secured via the housing register.

The Localism Act 2011 amended the Housing Act 1996 to allow local authorities to discharge the main homelessness duty with an offer of private rented accommodation, without requiring the consent of the applicant.

The changes give greater freedom to local authorities to use good quality private sector accommodation to provide housing for households accepted as homeless. The government considers that allowing homeless households to turn down offers of suitable private rented accommodation and wait for an offer of social housing, was unfair to other people on the housing register, and to taxpayers who are funding temporary accommodation.

As part of its wider Welfare Reform objectives the Government has introduced changes to Housing Benefit legislation limiting the level of benefit payable for most social housing tenants to the appropriate Local Housing Allowance rate payable in the private rented sector. This is likely to have a disproportionate impact on single people under 35 who will only be entitled to payment at the single room rate which will lead to a shortfall on the rent for most self-contained bedsit or 1 bedroom accommodation in social housing. As there is a lack of shared housing in the social sector, shared housing in the private sector may be the most affordable option for these customers.

As with any offer made to an applicant to discharge the housing duty under the homelessness legislation, the private sector offer must be deemed to be 'suitable'.

These measures are voluntary and the council can continue to use the housing register to re-house households into social housing.

2. Policy Aims

When considering the Private Rented Sector for discharging the homeless duty the local authority must always undertake an assessment of the suitability of this option. In the

“Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012” the Secretary of State recommends that a local private rented sector offer policy should take account of individual household circumstances, and be developed with regard to prevailing housing demand and supply pressures in the local area in order to support the best use of available housing stock locally.

This policy sets out the criteria by which North West Leicestershire District Council will assess the suitability of a private sector offer.

This policy will compliment the current Allocations Policy approved by Cabinet on 5th March 2013, the Preventing Homelessness Strategy 2013 – 2018, and the following legislation

Localism Act 2011	Housing Act 2004
Homelessness (Suitability of Accommodation) (England) Order 2012.	Equalities Act 2010
Housing Act 1996	Human Rights Act 1998
Homelessness Act 2002	Homelessness Code of Guidance 2006
Allocation of Accommodation Code of Guidance	

3. Circumstances in which a Private Sector Offer will be made

North West Leicestershire District Council will *consider* making a ‘Private Sector Offer’ to fulfil our main homeless duty in all cases, and in determining whether an offer should be made, the Council will consider the following:

- The length of time the applicant has been owed the full homelessness duty
- The likelihood of social rented accommodation becoming available
- The availability of private rented accommodation at that time
- The needs of the applicant and their household
- The suitability of the applicant and their household for the available accommodation
- The suitability of the available accommodation
- The affordability of the available accommodation

This will mean that homeless households will no longer receive a guaranteed offer of social housing. This supports the current approach to prevent homelessness, wherever possible, and to encourage applicants to apply for housing through the housing register route, rather than through homelessness.

4. Suitability of Accommodation

The government introduced a Suitability of Accommodation Order in 2012 for Private Rented Sector Offers. The information below describes the steps North West Leicestershire District Council will take in order to assess that accommodation meets the guidelines.

The property must:

- Be in a reasonable physical condition

The property will be inspected by a member of the Environmental Health Team to identify any significant items of disrepair e.g. Missing internal doors, Lack of restrictors on upstairs windows, Lack of handrails on the stairs, Damp, Mould, Structural Defects

- Meet current Electrical regulations

The property will have a valid electrical safety certificate.

- Meet current Fire Regulations

Working, suitably located, smoke detectors are expected to be provided (battery or mains).

All furniture and furnishings supplied by the Landlord must also be shown to comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended).

- Meet current Gas Safety regulations

The property should have a valid gas safety certificate.

- Meet current HMO licensing regulations (where applicable)

Where HMO properties are used, the Private Sector Housing Team will be contacted to ensure that the property is compliant with relevant standards and legislation, including being licensed where appropriate.

- Meet current Energy Performance requirements

The property should have a valid energy performance certificate with a rating of at least E or above.

- The Landlord must be a fit and proper person

The landlord must protect their tenants' deposits using a Tenancy Deposit Scheme.

The landlord will be required to self certify, unless he/she is part of a recognised accreditation scheme, such as the Midland Landlord Accreditation Scheme (MLAS). Checks will be made that the landlord has a tenancy deposit scheme and is not / has not been subject to a banning order, and is not listed on the national database of “rogue” landlords when these measures from the Housing and Planning Act 2016 are introduced.

- **Tenancy Agreement**

The length of tenancy must be for a minimum of 12 months

The landlord must supply a written tenancy agreement. The tenancy agreement will set out in a clear and comprehensible way:

- The tenant’s obligations
- A clear statement of the rent and other charges, which will remain fixed for the minimum period
- The responsibilities of the landlord
- The tenancy agreement should not contain unreasonable terms, such as call out charges for repairs or professional cleaning at the end of the tenancy.

- **Suitable Location**

Within North West Leicestershire District, except where:

- Disruption would be caused by the location to employment, caring responsibilities or education of the household.
- The applicant will find it difficult to access medical facilities and other support which are used by, or essential to the well-being of, the household
- Proximity and accessibility is required to essential local services, amenities & transport.

Outside North West Leicestershire District where:

- The council considers it beneficial to move an applicant / household out of area, for example, to reduce the risk of domestic violence, other violence, or harassment or to assist persons in breaking away from detrimental situations, such as drug or alcohol abuse.
- The applicant consents to move away from North West Leicestershire District, or
- A person has very limited / no local connection to North West Leicestershire (for example, they may have approached the council having fled violence).

In order to confirm that a property meets these requirements and is considered suitable, it will have been inspected prior to offer by the council's Environmental Health team and will have a monthly rental in line with the Local Housing Allowance.

5. Suitability of the Applicant

Each case will be assessed on its own merits.

All households where a statutory homeless duty has been accepted may be considered for a Private Rented Sector Offer but a thorough assessment will be undertaken to ensure that this type of accommodation is an appropriate solution to the household's housing need. If private rented accommodation is not found to be appropriate then the household will be considered for a social tenancy.

When deciding whether to make a private sector offer, the individual circumstances of each household will be considered, as set out below:

- Whether the applicant is vulnerable, requiring supported accommodation, or is considered unlikely to be able to adequately sustain a private rented tenancy
- Whether the applicant or a member of their household requires significant disabled adaptations to make the property suitable
- Whether the accommodation is affordable, having regard to the applicant's income, expenditure and savings, as well as Housing Benefit / Local Housing Allowance rates. To assist in the determination as to affordability an applicant may be required to receive money advice.
- Whether the applicant needs assistance with advance payments such as rent in advance or rent deposit. If the Money Advisor determines that a loan is affordable, the Council could assist with these via the Homelessness Prevention Fund. (The Rent Guarantee Scheme also offers a no cost option for rent in advance / rent deposit).
- Where a private sector property is available to discharge a full homelessness duty, all households currently owed that duty will be considered as to their suitability. Consideration will be given to their household size, the property type, location, access, the impact on the household in accessing work, schooling and other services, and their time in the priority band.

A full financial assessment will be carried out in order to ascertain a household's income and expenditure before finalising their suitability for a private rented offer.

- Where a household identifies what they believe to be an appropriate Private Rented property, the same assessment process will be carried out to ensure that the property is suitable to discharge the homelessness duty.

6. Offers of Accommodation

A private rented offer is defined by section 193(7AC), Housing Act 1996, as an offer of an assured short-hold tenancy made by a private landlord to an applicant in relation to which:

- It has been made available for the applicant's occupation by arrangements made by the local authority with a private landlord
- It is a fixed term Assured Shorthold tenancy for a period of at least 12 months.

The applicant must be informed in writing of the following matter (as mentioned in section 193(7AB), Housing Act 1996), when the Private Rented Sector Offer is made:

- The possible consequence of refusal or acceptance of the offer
- The right to request a review of the suitability of the accommodation
- The effect under new section 195A of a further application to the authority within two years of acceptance of the offer (the 're-application duty'). Any decision to discharge the homeless duty in this way will still be subject to the usual homeless request for a review under section 202(1)(f).

Where an applicant accepts an offer of accommodation, if they become homeless within two years of the tenancy start date, a new 'Re-application Duty' applies. This duty is regardless of whether or not they have a priority need, although they must remain eligible and be homeless unintentionally. This provides more of a 'safety net' for applicants for this two year period.

Should the household apply at this time to a different local authority it can be referred back to the original authority unless there is risk of harm.

Where an applicant refuses an offer of accommodation, the Council shall regard its duty under the homelessness legislation as met and no further duty to provide accommodation will exist. The applicant has a right to request a review of this decision (see section 7 Right to Request a Review).

7. Right to Request a Review

Applicants have the right to request a review of the council's decision that an offer of accommodation is suitable.

If the review is unsuccessful, applicants also have the right to appeal to the County Court, on a point of law.

8. Current Rent Deposit Scheme

North West Leicestershire Housing Choices Team have operated a Rent Deposit Scheme to assist household who are homeless or threatened with homelessness since 2008, and in recent years it has played an important part in assisting with the prevention of homelessness.

This existing scheme will be available to assist the Discharge of the Homelessness Duty into the Private Sector.

DRAFT

EXTRACT of MINUTES of a meeting of the POLICY DEVELOPMENT GROUP held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 8 MARCH 2017

Present: Councillor M Specht (Chairman)

Councillors N Clarke, J Cotterill, T Eynon, J Geary, D Harrison, G Hault, V Richichi, A C Saffell and N Smith

In Attendance: Councillors R Johnson and J Legrys

Portfolio Holders: Councillors R D Bayliss and T J Pendleton

Officers: Mr C Brown, Mr P Collett, Mr A Hunkin, Mr G Jones, Mr J Richardson and Mrs R Wallace

31. REVIEW OF HOUSING POLICIES

The Head of Housing presented the report to Members, explaining that policies were periodically reviewed and updated to provide officers with a framework for delegated decision making when delivering services. He then went through each of the four policies in turn.

Anti-Social Behaviour Policy

Councillor J Geary referred to the management of complaints at section five of the policy and suggested that the timeframe specified should be '3 working days' rather than 'earliest possible time' as he believed it was too loose. It would also then be aligned with other timeframes specified within the policy. The Head of Housing was happy to put the change to Cabinet when the policy was considered.

Councillor N Smith asked what the process would be if a tenant was dissatisfied with the response from an officer and how it would be resolved. The Head of Housing stated that differences were often irreconcilable regarding the outcome but officers do all that they could. If a tenant was dissatisfied with how an issue had been handled then the corporate complaint process could be followed. He confirmed that the aim of the policy was to make it clear what could and could not be done.

In response to a question from Councillor D Harrison, the Head of Housing explained that as part of the sign up process, all new tenants were informed of their rights and responsibilities which included anti-social behaviour. He also added that all new tenants had an introductory tenancy for the first twelve months which made it easier for the authority to evict them from the property if there were any significant problems.

Councillor N Clarke asked if concentrating resources on the more high profile cases, better results were expected and if so how the resolutions of the cases would be monitored. The Head of Housing commented that it was always challenging to monitor the outcomes of anti-social behaviour cases as people could sometimes be left unsatisfied due to not receiving their desired outcome, which was often unrealistic, despite the officers doing all that they could legally do. The proposed policy meant that officers could be more specific about what could or could not be done and to listen to what people wanted to achieve, before offering realistic advice. He added that tenant satisfaction surveys would gauge how satisfied residents were with the anti-social behaviour service, plus other tenant feedback would be monitored in order to learn and improve.

Tenancy Policy

In response to a question from Councillor J Geary, the Head of Housing advised that the appropriate support agencies referred to in section 3.5 of the report in relation to vulnerable tenants were a Nottingham Community HA Support Service as well as housing officers. There was also specialist support available from other agencies.

Councillor N Clarke referred to the major change coming to tenants regarding the introduction of fixed term tenancies, which would mean the loss of secure tenancies for a high number of people within his constituency. He asked if a report could be brought back to the committee once the government's guidance had been released in the autumn. The Director of Housing was happy to bring a further report on the subject to committee and commented that it would be interesting to see how much discretion the authority would have on the issue.

Compensation Policy

Councillor T Eynon found the language used confusing and it was not clear until later in the document that there was a standard set of payments applied to some issues. The Head of Housing agreed to look into the language used to ensure clarity.

Homeless Duty

Councillor J Geary suggested that the fourth paragraph under the background section of the policy relating to former arrangements under which private rented properties could be turned down in order to wait for a council property be re-written as it was very unclear.

Councillor N Clarke asked why the decent home standard was not referred to in the suitability of accommodation section of the policy. The Head of Housing explained that there was a lot more to the decent home standard than was needed for this policy but it had not yet been thought necessary to roll it out nationally to the private sectors. Therefore the policy mirrored the decent home standard to a certain extent without actually making reference to it. Councillor N Clarke stated that he just wanted reassurances that people would be given a decent standard of home. The Head of Housing assured Members that officers do all they can to ensure a decent standard of home and there were checks in place. He also reminded Members that tenants would not be paying the local authority rent in these cases, it would be paid to the private landlord, as the authority was just discharging its homelessness duty.

In response to a question from Councillor M Specht, the Head of Housing explained that tenants who were entitled to benefits in these instances would apply in the usual way and once housing benefit was received the rent would need to be passed on to the landlord themselves. These changes in who the benefit was paid to were a result of the soon to be introduced universal credit.

In response to a question from Councillor N Smith, the Head of Housing explained that the rent was set by the landlord and as there was a limit on the amount of housing benefit that could be claimed, the tenant would have to make up the difference if the rent was above the benefit received.

It was moved by Councillor J Geary, seconded by Councillor D Harrison and

RESOLVED THAT:

Comments provided by the Committee be considered by Cabinet when discussing the report at its meeting on 25 April 2017.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.40 pm

Likely to contain exempt information under paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 9.

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