### **CABINET**

Notice of a Meeting, to be held in the Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday, 15th December, 2022 at 7.00 pm.

The Members of the Cabinet are:-

Councillor Clarkson – Leader of the Council

Councillor Bartlett - Deputy Leader and Portfolio Holder for Safety and Wellbeing

Councillor Bell – Portfolio Holder for Planning and Development

Councillor Buchanan - Portfolio Holder for Housing

Councillor Feacey - Portfolio Holder for Policy and Performance

Councillor Forest – Portfolio Holder for Environment, Property and Recreation

Councillor Iliffe – Portfolio Holder for Economic Development

Councillor Pickering - Portfolio Holder for Human Resources and Customer Services

Councillor Shorter - Portfolio Holder for Finance, IT and Digital

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition to the Cabinet if the issue is within its terms of reference or ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)

### **Agenda**

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### 1. **Apologies**

### 2. **Declarations of Interest**

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To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Minutes** 3 - 12

To approve the Minutes of the Meeting of the Cabinet held on 24<sup>th</sup> November 2022.

### 4. To Receive any Petitions

### 5. **Leader's Announcements**



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7 Dec	ember 2022	

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Agenda Item 2

### Declarations of Interest (see also "Advice to Members" below)

- (a) <u>Disclosable Pecuniary Interests (DPI)</u> under the Localism Act 2011, relating to items on this agenda. The <u>nature</u> as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.
  - A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).
- (b) Other Significant Interests (OSI) under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The <u>nature</u> as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.
  - A Member who declares an OSI in relation to any item will need to leave the meeting <u>before the debate and vote</u> on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.
- (c) <u>Voluntary Announcements of Other Interests</u> not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:
  - Membership of outside bodies that have made representations on agenda items, or
  - Where a Member knows a person involved, but does <u>not</u> have a close association with that person, or
  - Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5962/2193362.pdf">https://www.gov.uk/government/uploads/system/uploads/system/uploads/attachment\_data/file/5962/2193362.pdf</a>
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <a href="http://www.ashford.gov.uk/part-5---codes-and-protocols">http://www.ashford.gov.uk/part-5---codes-and-protocols</a>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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## Agenda Item 3

CA

Published 29th November 2022

Decisions effective from the 7<sup>th</sup> December 2022 unless they are called in or are recommended to the Council for approval

### **Cabinet**

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **24**<sup>th</sup> **November 2022.** 

### Present:

Cllr. Clarkson (Chairman); Cllr. Bartlett (Vice-Chairman);

Cllrs. Bell, Feacey, Forest, Iliffe, Shorter.

### Apologies:

Cllrs. Buchanan, Pickering.

### Also Present:

Cllrs. Campkin, Harman, Sparks, C Suddards.

### In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Director of Place, Space and Leisure, Director of Customer, Technology and Finance, Director of Health and Wellbeing, Assistant Director of Planning and Development, Assistant Director of Environment, Property and Recreation, Assistant Director of HR, Customer Services, Communications and Digital, Head of Economic Development, Head of Policy and Performance, Service Lead – Finance, Human Resources Manager, Communications and Marketing Manager, Principal Accountant, Senior Accountant, Senior Governance and Data Protection Officer, Member Services Manager.

### 218 Minutes

### Resolved:

That the Minutes of the Meeting of the Cabinet held on the 27<sup>th</sup> October 2022 be approved and confirmed as a correct record.

### 219 Leader's Announcements

The Leader said that most present would be aware that after 17 years as an Elected Member, and 10 years as the Executive Leader of the Council, he would not be standing in the forthcoming Local Elections in May 2023. Accordingly it had been his intention, albeit that he had not formally done so, to stand down as Leader at the next Full Council Meeting on 22<sup>nd</sup> December 2022, with effect from 1<sup>st</sup> January 2023.

He would have remained on the Council as a backbench Member foe the Charing Ward until the Election. However, the Conservative Group had asked him to remain as Leader of the Council until the end of this four year term and he had accepted their request and would now remain until the May Local Elections.

# 220 Report of the Overview and Scrutiny Consultation and Engagement Task Group

The Leader thanked the Overview and Scrutiny Committee for their report and a good piece of work which was appreciated by the Cabinet. He said recommendation (vii) would need to be handled carefully, but the Cabinet fully supported the recommendations.

### Resolved:

- That (i) the corporate consultation guidance be produced to provide Services with good practice for setting up future consultations. The guidance should include details on the different methods of consultation and set out some minimum standards that need to be complied with before and after a consultation has concluded.
  - (ii) non-conventional methods of consultation should continue to be explored by the Council in order to increase levels of engagement from residents such as video and Hello Lamppost.
  - (iii) the use of easy-read versions of consultation papers should be considered for all public consultations.
  - (iv) an internal advisory group should be formed for Officers to review consultations before they are published. The group would meet informally to test and feed back to Services about proposed surveys.
  - (v) a calendar of consultations is produced to ensure that the Council can oversee how many consultations are issued to residents during one period
  - (vi) work to increase subscribers to ABC publications should continue to be developed by the Council.
  - (vii) the Council explore options around creating a Citizens Panel to encourage local residents to give their views and options on services and issues that affect the Borough.
  - (viii) residents are engaged with the Scrutiny work programme each year, using the Council's communications channels.

### 221 Corporate Performance Report – Quarter 2 2022/23

The Portfolio Holder introduced the report which summarised performance against the Council's updated suite of Key Performance Indicators reflecting the Corporate Plan 2022-24 for the Quarter 2 period.

### Resolved:

That the performance data for Quarter 1 2022/23 be received and noted.

## 222 Data Protection Policy Suite (Periodic Review)

The Portfolio Holder introduced the report which advised that to ensure the Council's Data Protection Policy Suite remained relevant and fit for purpose, it required periodic review. The current policy was reviewed and agreed in March 2019 and this report provided a reviewing opportunity, with amendments proposed to reflect changes to the legislative data protection landscape and best practice guidance issued by the supervisory authority (ICO), since the policy was last reviewed.

### Resolved:

- That (i) the amended Data Protection Policy Suite be approved.
  - (ii) the Data Protection Officer be authorised, in consultation with the Portfolio Holder, to approve minor amendments to the policy inline with working arrangements and/or legislative change.

## 223 Draft Budget 2023/24

The Portfolio Holder introduced the report which presented the draft budget for 2023/24 for the General Fund and Housing Revenue Account. He advised that the draft budget had been balanced by funding the £2.87m deficit from the Economic Risk Reserves and was broadly in line with the figure highlighted within the Medium Term Financial Plan presented to the Cabinet in October, and which formed the basis for this draft budget. He reiterated that funding the 2023/24 deficit from reserves came with the expectation that Management, in conjunction with Portfolio Holders, would undertake a thorough and well considered piece of work to determine where the Council could make savings to reduce the deficit. This was a challenge of similar scale to the one faced at the height of austerity and would need the cooperation and vision of both Officers and Members to tackle the situation.

The budget would now be submitted to the Overview and Scrutiny Committee for review as well as the formal budget consultation processes and the Portfolio Holder stressed that any responses received during the consultation period would be welcomed and looked at closely. He also drew attention to the tabled paper which included some minor updates to the report and thanked the Finance Team for their hard work in pulling the report together against the backdrop of so much change nationally.

There was discussion amongst the Cabinet about the breakdown of budgets by Service and some concern that Portfolio Holders were being asked to 'sign up' to savings targets without the required level of detail. Officers clarified that there would be a full budget breakdown provided to Portfolio Holders before the scrutiny process. The Leader said whilst he was content to wait and have that sort of discussion as a Cabinet, he did have some concerns about the timetable and did not believe Budget Scrutiny should start until the Cabinet had had that opportunity to discuss the budget in more detail. Officers advised that savings targets were more about future years rather than the coming year but there may be a need to adjust the Budget Scrutiny timetable to take in to account the wishes of the Cabinet.

### Resolved:

- That (i) the draft budget for 2023/24 be approved.
  - (ii) the Cabinet, as Portfolio Holders, be informed and involved in progressing the savings required to reduce the budget deficit.
  - (iii) the draft Housing Revenue Account budget for 2023/24, at Section 2 to the report, be approved.
  - (iv) this report be used as the basis for budget consultation with the public, the business community, Parish Councils and staff.
  - (v) the draft budget as set out in the report be submitted to the Overview and Scrutiny Committee's Budget Task Group for formal scrutiny.

## 224 Financial Monitoring – Quarter 2 Report

The Portfolio Holder introduced the report and drew attention to the tabled papers which included his updated Portfolio Holder comments. The report presented the Quarter 2 budget monitoring position to 30<sup>th</sup> September 2022. The economic outlook had significantly changed since the budget was set, and had continued to be volatile throughout the second quarter and this was reflected within the report and the projections it contained. The forecast position to 31st March 2023 indicated an overall pressure on the General Fund of £2.1m (£1.7m at Quarter 1), with a pressure in services of £1.7m (£1.2m at Quarter 1). The Housing Revenue Account (HRA) was reporting a total underspend in year of £492,000 (£356,000 at Quarter 1). A full breakdown of movements was shown in the report. The report also provided an update on the Collection Fund, Treasury Management, Reserves and progress on savings identified in the 2022/23 budget.

### Resolved:

- That (i) the Quarter 2 forecast position for the General Fund and the Housing Revenue Account be noted.
  - (ii) the Collection Fund position be noted.

- (iii) the Treasury Management position be noted.
- (iv) the provisional reserve allocations as highlighted at Table 6 of the report be noted.

## 225 Right to Buy Lease Extensions

The report set out the basis for introducing a non-statutory route to simplify the lease extension process. In the absence of an agreed non-statutory route at present, leaseholders only had the option of the formal route which could be a cumbersome and time consuming process for all parties. The report set out a proposal to bring the formal and informal routes into line and provide each Right to Buy applicant a Right to Buy lease of 125 years.

### Resolved:

- That (i) the introduction of a non-statutory or informal Right to Buy Lease extension process be agreed.
  - (ii) the proposal to grant all new Right to Buy leases the minimum term of 125 years be agreed.

## 226 Ashford Town Centre Reset – Strategy and Action Plan

The Leader said that before consideration of this item he wanted to address the headline on the front page of that day's Kentish Express referring to future use of the former Debenhams building. This had been taken completely out of context from a paragraph in the report and there were no such plans as described in the newspaper. He considered it was wrong to completely mislead the public in such a way.

The Portfolio Holder introduced the report which introduced the Ashford Town Centre Reset Strategy and Action Plan. This would be delivered alongside other large scale strategic Town Centre projects such as the regeneration of the former Odeon building and the Masterplanning of the redevelopment of Park Mall shopping centre. He said he was excited to bring this report to the Cabinet and thanked Officers for their hard work in pulling this all together.

### Resolved:

- That (i) the Town Centre Reset Strategy be adopted and the key strategic priorities be noted.
  - (ii) the Town Centre Reset Action Plan be adopted and the recommended financial commitment as set out in the Action Plan from the range of identified funds be approved to help deliver a programme of project activity, physical interventions and outputs.

## 227 Residents Survey 2022

The Portfolio Holder introduced the report which advised that the Ashford Borough Council Residents' Survey was a biennial piece of research that aimed to capture the broad opinion of residents regarding Council services and engagement as well as their local area. The report outlined the response rate and summarised the results received, which would be used for the purpose of continued monitoring of public opinion regarding the Council and to gauge progress in key areas. The results would also be used by Services for the purpose of continued improvement and he thanked the Officers involved.

In response to a question, the Portfolio Holder advised that people had been contacted in writing to participate in the survey and were given the option to complete it on-line or to have a hard copy survey sent out. A Member said it was important to keep a close eye to ensure that all were catered for and that those who could not participate on-line were not left behind. The Leader said he agreed and considered there was no substitute for making yourself available to speak to people.

### Resolved:

- That (i) the results of the 2022 Residents' Survey be noted.
  - (ii) a future campaign through Ashford For You Magazine and social media on ways to get involved in volunteering be endorsed, including easily accessible and smaller scale opportunities.

# 228 Pre-Planning Application Advice – Revised Service and Charging Structure

The Portfolio Holder introduced the report which introduced proposed changes to the Council's pre-planning application advice service, which had been largely suspended since April 2022. It set out a revised approach to dealing with pre-application advice for different types of proposals and an amended charging regime that sought to place the service on a broad cost recovery basis, whilst improving the quality and reliability of the advice being provided for the benefit of customers.

### Resolved:

That the proposed customer service plan as set out at Appendix 3 to the report be endorsed.

### Recommended

That the new fees and charges set out in Appendix 3 to the report be approved and adopted and the Assistant Director for Planning and Development be given discretion to grant fee exemptions/reductions as listed with effect from: -

- 1st January 2023 for developments of 10 units or above, where not covered by separate PPA arrangements, and
- 1<sup>st</sup> April 2023 for all other proposals, but this date may be brought forward (or delayed in exceptional circumstances) by the Assistant Director for Planning and Development, in consultation with the Director of Place and Space, and the Portfolio Holder for Planning and Development.

### 229 Port Health Service - Restructure

The Portfolio Holder introduced the report which advised of the need to amend the staffing arrangements concerning the Port Health Service, due to directions given by DEFRA. It was important to note that DEFRA was underwriting all costs involved with the changes to the staffing and structure and there was no financial implications for the Council.

### Recommended:

- That (i) the proposed new Target Operating Model be adopted.
  - (ii) the potential redundancy costs (as set out in the Exempt Appendix to the report), in accordance with Section 10 of the Retirement, Redundancy and Discretionary Compensation Policy Statement, be noted.
  - (iii) the costs associated with the early release of pension (as set out in the Exempt Appendix to the report), in the event that a redundancy results, be noted, and the costs associated with early release of the Local Government Pension benefits be approved.
  - (iv) it be noted that KCC Pensions have not been able to fully assess historical scheme membership for postholder 6571 and the pension strain costs may change. DEFRA have undertaken to underwrite all costs associated with this reduction in headcount and it is on this basis that the Council is recommended to approve the release of the pension and the Deputy Chief Executive be given delegated authority to authorise any other additional costs that may be incurred once KCC Pensions have the full historical scheme membership details for this postholder.

## 230 Civic and Ceremonial Programme Board – Notes of 26th October 2022

The Leader said he wanted to draw attention to a couple of matters from this Meeting. Firstly it had been extremely interesting to learn of the connection between Ashford and the 59th (Newfoundland) Heavy Regiment Royal Artillery during Second World War. This was part of Ashford's forgotten history and he looked forward to the findings of the informal working group that was being set up to investigate further. Secondly, the announcement of the Coronation of King Charles III being set for

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Saturday 6th May 2023, meant that with the Local Elections on Thursday 4th, and Election Count on Friday 5th, it promised to be a busy weekend for all involved at the Council.

The Vice-Chairman of the Board wanted to draw attention to AIMREC's programme of events to recognise the 180th anniversary of the Railway arriving in Ashford in November 1842. This had been a great success and he said it was important to recognise that AIMREC had arranged this programme themselves, with the Council's support. It was very positive that they had taken the lead and he reminded Members that the photographic exhibition at the Ashford Gateway would remain on display until the 30th November.

### Resolved:

That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 26<sup>th</sup> October 2022 be approved and adopted.

## 231 Compliance and Enforcement Board – Notes of 25<sup>th</sup> October 2022

### Resolved:

That the Notes of the Meeting of the Compliance and Enforcement Board held on the 25<sup>th</sup> October 2022 be received and noted.

# 232 Local Plan and Planning Policy Task Group – Notes of 24<sup>th</sup> June and 16<sup>th</sup> September 2022

### Resolved:

That the Notes of the Meetings of the Local Plan and Planning Policy Task Group held on the 24<sup>th</sup> June and 16<sup>th</sup> September 2022 be received and noted.

## 233 Member Training Panel – Notes of 18th October 2022

### Resolved:

That the Notes of the Meeting of the Member Training Panel held on the 18<sup>th</sup> October 2022 be received and noted.

## 234 Schedule of Key Decisions to be Taken

### Resolved:

That the latest Schedule of Key Decisions as set out within the report be received and noted.

# 235 Economic Regeneration and Investment Board – Notes of 12<sup>th</sup> October 2022

### Resolved:

That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 12<sup>th</sup> October 2022 be received and noted.

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## Agenda Item 6

ASHFORD BOROUGH COUNCIL

Agenda Item No: 6

Report To: Cabinet

**Date of Meeting:** 15 December 2022

Report Title: Housing Revenue Account Business Plan 2022-2053

**Report Authors:** Jo Stocks–Principal Accountant

Job Titles: Mark James–Housing Development & Partnerships Manager

**Portfolio Holder:** Cllr. Andrew Buchanan – Housing **Portfolio Holder for:** Cllr. Neil Shorter – Finance and IT

### Summary:

This is the latest annual report provided to members by officers in both Housing and Finance, who have once again worked collaboratively to produce the Council's Business Plan to 2053.

The Business Plan has never been compiled at a time of such great uncertainty. In the context of an ever-evolving political landscape, challenging financial times including the cost of living crisis, the increasing emphasis being placed on environmental matters and ever-improving digital solutions, the priorities set out in this report have been carefully reassessed by officers.

There are a number of assumptions considered in the building of the Business Plan relating to maintenance and repairs (including disabled adaptations and damp and mould), better engagement with tenants (a focus on customer service), as well as the importance of maintaining income levels for maintenance and new build programmes.

The plan remains affordable and viable throughout the life of the 30-year plan, and the Council is able to deliver on the priorities of the HRA, including those linked to the Corporate Plan. There continues to be some headroom for additional borrowing to accelerate housing delivery once planning matters are resolved.

Though the plan is not without risk, these factors are reviewed frequently by officers who will continue to budget carefully and responsibly with long-term security in mind.

Key Decision: NO

Significantly
Affected Wards:

None

Recommendations: The Cabinet is recommended to:-

I. Agree the priorities of the HRA as set out in the Business Plan report, the updated HRA Business

Plan, and financial projections, and note the HRA Business Plan will be referred to Overview and Scrutiny (O&S) Budget Task Group, as part of the budget scrutiny process.

- II. Agree that dwelling rents are increased to the formula rent value on re-let
- III. Agree that decisions for acquisitions are taken on a case-by-case basis within the existing delegations by the Assistant Director for Housing giving due regard to the HRA Business Plan and its priorities
- IV. Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete necessary legal agreements and other documents to effect the above

### **Policy Overview:**

Building on solid foundations: delivering affordable homes in Ashford – delivery plan for 2019-2023

Housing Strategy Framework Priority 1 – Improve the supply of affordable housing to meet local housing needs in urban and rural areas, and Housing Statement 2018-2023

Reform of Housing Revenue Account (HRA) – Cabinet endorsed five key priorities for further spend, as a result of greater freedom within the HRA.

National Housing Strategy 2011 – delivering new homes under the affordable rent model.

A Charter For Social Housing Residents – Social Housing White Paper 2020.

A Guide to Developing Affordable Homes in Rural Communities (Kent Housing Group [KHG]) – February 2021

Housing Ombudsman Service – Spotlight on: Damp & Mould

## Financial Implications:

This paper provides an update to the financial position of the HRA over the next 30 years and forecasts the HRA Business Plan continues to be a balanced, viable business and is able to deliver its key priorities.

The complex financial model is a tool for testing existing priorities, the impact of changes in Government policies and changes in key business sensitivities to ensure plans remain affordable. It is used for a variety of "what if" scenarios, as part of the feasibility stage of all plans and projects.

Delivery of new-build Council housing is achieved using grant funding, HRA cash resources and Right-to-Buy receipts (known as 1-4-1 monies). This ensures the HRA remains able to meet its debt repayment commitments.

The rent cap of 7%, announced, as part of the Autumn Statement has been included in the modelling.

### **Legal Implications:**

Text agreed by Principal Solicitor – Strategic Development on 07 December 2022 Section 167 of the Localism Act 2011 gave effect to Schedule 15 of that Act and, since the coming into force of Schedule 15, English local authorities have been required to be self-financing in relation to their housing stock, financing their housing stock from their own rents.

It is not a legal requirement to produce an HRA Business Plan; however, it is good practice and helps to ensure that HRA-related statutory duties and financial requirements are met, and to provide a good framework for long-term strategic planning and to see the impact of decision-making and wider contextual concerns

## Equalities Impact Assessment:

See attached at **Appendix E**. The assessment does not identify any adverse impacts on any protected group

### Data Protection Impact Assessment:

The impact on Data Protection will be undertaken for each individual project at the appropriate time.

# Risk Assessment (Risk Appetite Statement):

Risk is identified as a separate section within the report and is considered a number of times when compiling the Business Plan. For example, risk assessments have been undertaken on each of the projects; in addition, risk in a wider context is closely monitored by the officers involved in each project, who meet regularly for discussion. The meetings identify any implications for the pipeline of sites being progressed or internal capacity issues.

### Sustainability Implications:

After assumptions were presented to members in previous reports, a survey of HRA assets has provided the level of detail necessary to understand the impact of carbon reduction measures on the HRA Business Plan. A plan to get HRA stock to an EPC 'C' rating is in place. Central to that ambition is the bid to the Social Housing Decarbonisation Fund (SHDF). In addition to this retrofitting work, new-build projects are assessed individually to include the potential costs and benefits of strong carbon-friendly design. All new developments are expected to achieve an EPC A, as the aim is to have properties that are zero-carbon in operation.

## Other Material Implications:

Design and construction standards will comply with Ashford spatial standards (complying with Residential Space and Layout SPD), Lifetime Homes (a standard the Council has set out for Registered Social Landlords) and Code for Sustainable Homes level 3 (which has been committed to for Page 17 Homes England purposes), and level 4 on energy.

Emphasis on the building envelope will deliver the greatest

benefits for landlord and tenant

Exempt from Publication:

YES IN PART - Appendix A only

This is not for publication by virtue of Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Local Government Act

1972 and the public interest in maintaining the

exemption outweighs the public interest in disclosing

the information

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## Report Title: Housing Revenue Account (HRA) Business Plan 2022-2053

### Introduction and Background

- 1. The HRA is a ring-fenced account, this means that the HRA, and its tenants do not contribute to the General Fund, which is funded by taxpayers. Conversely, being a self-financing model, it means the HRA is fully reliant on its own income streams for all of its expenditure, and has no reliance on the General Fund.
- 2. Rental income and service charges are the main income sources for the HRA, while expenditure items include repairs, maintenance and management costs. Additionally, expenditure includes interest charged on the borrowing that funds the Council's new-build affordable homes programme.
- 3. This report looks forward and assesses how the Council will tackle the challenges it faces in its HRA in the context of economic, environmental, political and social factors. For context, it also briefly touches upon the progress made since members received the last annual HRA update. It is clear that to move forward in the next 12 months some innovation and care is necessary, while still understanding the wider risks. These risks are clearly set out later in the paper.
- 4. The Business Plan continues to be an important strategic tool. One of the underlying rules that govern the ring-fence is that councils cannot budget for a shortfall. Therefore, while a Business Plan is not a legal requirement, it remains good practice to maintain one.
- 5. The Social Housing Regulator monitors social housing providers, ensuring they are financially viable and properly managed in order that they can perform their functions efficiently, effectively, and economically, so undertaking this regular business planning exercise is an important tool. The regulator has expressed the need for providers of social housing to adopt a flexible approach in such challenging times. That flexibility is critical when considering the need to provide better customer service, act quicker and deliver more homes, all with less financial resources. The plan has therefore been stress-tested to look at a number of "what if" scenarios.
- 6. Members will recall that the Council took on £113.7m of debt in April 2012 when self-financing was introduced. This enables the Council to retain its rental income, allowing investment in the building and buying of new properties, as well as ensuring that existing stock is properly maintained
- 7. The purpose of the Business Plan is to ensure that the plans and aspirations of the HRA remain affordable. Officers will adhere to the processes put in place to assess the viability of projects and acquisitions that provide fresh delivery. Additional constraints of the Prudential Code also ensure the HRA is never over-stretched. The HRA Business Plan report considers the priorities and ambitions of the HRA over the life of the 30-year model. It is, by its very nature, based on a series of assumptions, never more so than this year, despite rigorous horizon scanning to predict forthcoming changes.
- 8. Year one of the business plan is the 2022/23 budget. Officers then look at the HRA priorities and development plans to ensure that future years include as

- much detail as possible, including money for new homes, maintenance and engagement. Additionally, also for other necessities, such as an increased spend for disabled adaptations and ensuring there is sufficient budget to maintain, and where necessary, improve, housing standards, for example around the issues of damp and mould.
- 9. The Business Plan model is produced in consultation with finance officers, and with the assistance of a consultant from Housing Finance Associates, who has extensive experience of working closely with many councils with HRAs, as well as Housing Associations (known as Registered Providers, or RPs). The consultant also provides the role of "critical friend", giving the model independent scrutiny. This provides reassurance that what is being proposed is rational, robust and works over the 30-year period.
- 10. Members are asked to review and agree the updated HRA Business Plan, and financial projections, and note the HRA Business Plan will be referred to Overview and Scrutiny (O&S) Budget Task Group, as part of the budget scrutiny process.

### **Assumptions within the HRA Business Plan**

- 11. The HRA Business Plan is built on several assumptions, which are set out in the following pages. The first of these assumptions are the priorities the housing service is continuing to work towards within the HRA itself.
- 12. Members are asked to note the HRA priorities, redefined below in paragraph 13.
- 13. The HRA priorities are listed as follows:
  - a) <u>Continuing to have a good maintenance programme</u> providing a choice of well-managed, safe, quality homes, which meet Decent Homes standards, this will include the rectification and prevention of health hazards, such as damp and mould
  - b) <u>Decarbonisation</u> ensuring all Ashford's HRA properties achieve a minimum EPC 'C' rating
  - c) <u>Compliance with the Social Housing Regulator</u> ensuring that the Council is accountable to its tenants, putting customers at the heart of everything it does, delivering better customer service and contributing to the environmental, social and economic wellbeing of an area
  - d) Removing the stigma of social housing changing the way the council communicates with residents and ensuring tenants have the opportunity to be involved in decisions that affect them and that the Council has a greater knowledge of them
  - e) <u>Maximising new provision</u> accelerating the delivery of new build homes and acquisitions
  - f) <u>Supporting the Corporate Agenda</u> through decarbonisation, reducing homelessness, enhanced digital solutions that provide better knowledge of the Council's HRA customers, commercialisation and encouraging home ownership
  - g) <u>Ensuring optimum use of resource</u> review income and expenditure within the HRA to deliver savings through more efficient working practices and maximising income generation

### a. Continuing to have a good maintenance programme

14. Having good quality homes for tenants to live in has always been paramount, and successive Corporate Plans have placed an emphasis on this. Parts one and six of the Social Housing White Paper related to being safe in your home and having a good quality home and neighbourhood to live in. The Council must, therefore, deliver against these newly imposed obligations. This will be achieved by ensuring the following key areas continue to be a focus within the HRA Business Plan.

### Decent Homes

- 15. This legislation has been a key part of HRA maintenance programmes, since 2006. However, it has come under scrutiny recently. The Housing Ombudsman has suggested that Decent Homes no longer reflects present day concerns, as the measures are subjective and not necessarily measurable, therefore standards will be expected to improve, across the sector. It is unknown at this time how these changes will affect Ashford, however officers will continue to review any policy changes.
- 16. Damp and mould This issue, linked to Decent Homes, is worth singling out due to the current national interest in this issue following the media rightly reporting a coroner's verdict tragic death of a child in Rochdale. The Council's Housing service has produced a management action plan that details its approach to responding to reports of damp and mould. It is also briefing all internal stakeholders as to the Housing Ombudsman guidance on this matter and moving far away from 'lifestyle' as the assumption of causation. This will shift the responsibility from one of placing onus on the tenant to one of the Council adopting a zero-tolerance approach to damp and mould. All tenants will be written to, and those concerned will be asked to contact the Council, who will act quickly to rectify any issues.

### Disabled adaptations

- 17. Disabled adaptations are a critical part of the Council's endeavours in enabling people to live in their own homes, particularly as the population ages. The quarter two budget monitoring report (Cabinet, November 2022) highlighted the increase in the projected outturn, from £500,000, to £1,000,000. This was to ensure that some larger projects that have been required in this financial year are able to be completed, improving living conditions for those whom the adaptations are helping.
- 18. Officers have also noticed a change in emphasis in the way that reports requesting adaptations are coming through to the Council. This has seen occupational therapists not only request a specific adaptation that has prompted a visit but a suite of additional measures being requested as a full package. It has therefore been assumed that in future years the spend in this area will be around £700,000 per annum, historically £500,000 was included here. The increase in budget will not only help with installation but better maintenance of those adaptations.
- 19. A full report on Disabled Adaptations and Disabled Facilities Grants (DFGs) in the private sector, is also submitted to December's Cabinet meeting.

### New legislation

20. The Building Safety Act and the Fire Safety (England) Regulations 2021 make it a criminal offence not to comply with the Act. As part of the Corporate Plan ethos of 'Caring Ashford' it is essential that competence in this area is

demonstrated. This involves undertaking inspections, managing, documenting, evidencing, and recording compliance. Failure to adhere to the Building Safety Act and the Fire Safety (England) Regulations 2021 may result in criminal proceedings against the Council for non-compliance, a significant loss of reputation for the Council, limitless fines and residents living in potentially unsafe and poor quality accommodation at a time of heightened scrutiny on the sector.

### Stock condition survey

21. In the previous Business Plan report presented to members, a five-year rolling stock condition survey was being investigated. However, in view of the high cost of a stock condition survey we are looking at proposals for an internal resource to carry out our stock survey work on a rolling annual programme as a potential alternative in order to ensure value for money, as well as resilience. However, the £87,000 annual budget for the condition surveys remains included within the Business Plan.

### Price Per Property (PPP) and Price Per Void (PPV)

22. Officers have been in discussion with Equans, the repairs contractor, about PPV and PPP, which would be a move from the existing schedule of works arrangement, to a flat rate for every dwelling. A decision has yet to be taken on whether to move to PPP/PPV as officers are weighing up the substantial increase in costs with that of a potentially improved service at a time of increased emphasis on tenant satisfaction.

### Wider Planned Maintenance Assumptions

- 23. Inflation has been an important consideration in the budget build, as it continues to rise. This is having an impact on contracts and the cost of materials. Additionally there is a move towards affordable warmth, which is why the planned maintenance team has been heavily involved in the decarbonisation bid detailed in the next section. Furthermore, the life span of assets remains unchanged, however properties are assessed for need before works are carried out.
- 24. There has been significant underspend in this area over a number of years, more recently this can be attributed to Covid. In 2022/23 the underspend will be as a result of a number of vacancies within the planned maintenance team. The slippage in these works has been scheduled to be completed over the next three to five years, however this will be monitored by officers in both housing and finance.
- 25. Additional posts will be requested through the usual internal processes to seek additional surveying staff to aid compliance and contracts work. These costs have been built into the Business Plan.

### b. Decarbonisation

26. Decarbonisation is a priority within the HRA Business Plan, tying in with the Corporate Plan of Ashford and the Council being a 'Green Pioneer'. This will be achieved in two ways; firstly, the retrofit of the Council's existing stock and, secondly, the new build programme, which includes a number of different strategies to ensure the projects will be zero carbon in operation, thus ensuring quality homes for all council tenants and, potentially, savings on energy bills for those in retrofitted homes.

- 27. For example, the homes recently provided at East Stour Court, Berry Place and Halstow Way saw Standard Assessment Procedure (SAP) ratings, indicating the thermal efficiency of a building, of between 80 and 86. As a guide, anything over 100 would mean the buildings were actually a net producer of energy. The buildings were therefore rated EPC 'B'. The intention is that future developments would not only have a similar rating but also be 'zero-carbon in operation', where possible. In order to achieve this officers prioritise a 'fabric first' approach, concentrating on the structure and quality of the building's shell, in addition to more common 'high-ticket' measures, such as electric vehicle charging points and solar panels.
- 28. As discussed in previous updates to cabinet, it is the Council's intention that all of its social housing reaches at least an EPC C, by 2050. In order to understand the level of work necessary to achieve this the Council undertook a survey of its housing assets to establish the current energy ratings of the homes within its stock and the likely cost of retrofitting those homes that fall below the requirements.
- 29. It is now understood there are around 1,200 homes, within the HRA managed stock (circa 4,900 homes not including those in the Private Finance Initiative [PFI]), that fall below an EPC band C. This is anticipated to cost around £20m, however it is expected this will be partially offset by grant funding from the Social Housing Decarbonisation Fund (SHDF). The first bid seeks just over £5m grant funding for the £11.5m project cost.
- 30. The first part of the decarbonisation project is intended to be the retrofitting of 727 of the lowest EPC-rated homes. A cross-service officer working group, including the Climate Change Manager and officers from housing, has submitted the first round bid for funding from the Department for Business, Energy and Industrial Strategy (BEIS). This has been reported into the Council's Climate Change Advisory Committee.
- 31. The internal working group has also been working closely with Turner and Townsend, the 'accelerator', appointed by BEIS and E-ON, with whom it intends to collaborate, to deliver the programme following a successful bid. This work would need to be carried out in 2023/24 and 2024/25 to satisfy the conditions of any successful bid. The remaining homes could be delivered through a separate bid. It has been suggested that future bidding rounds will not be as generous as this round of funding. Therefore, an application to bid for a large number of homes was submitted in order to maximise funding.
- 32. It is anticipated that the remaining homes will cost a predicted, albeit less certain, £8m. Working at the planned pace, the Council would achieve an EPC C rating for all of its HRA stock by 2030, surpassing the Corporate Plan target of 2050. For the remaining work, it is hoped that future subsidy will lower this total and therefore reduce the burden on the Business Plan.
- 33. Showing leadership in this area is the Council's responsibility, as the lead organisation in the borough, enabling it to influence behaviour change in communities, to drive business transactions and markets and help stimulate the green economy. That is why the Council has taken the opportunity to bid for grant so seriously.
- 34. Also, a new post has been incorporated into the plan for a Tenant Engagement Officer, whose role would be to ensure the smooth implementation of all the necessary work. This is something recommended by the BEIS accelerator, who have found it necessary to have a specific

- resource to engage with residents to ensure they are aware of the work to be carried out, the merit of that work, and to ensure access is willingly provided when contractors are ready to undertake the work.
- 35. The model is currently assuming the PFI properties at Stanhope will be converted, for carbon reducing measures, by the Council after 2037, when the assets revert back to the council's ownership. The contract requires the Consortium to meet new standards and keep the SAP rating in these homes at 70 (a good level of energy efficiency). Officers are seeking advice as to how to progress this further and the matter is being raised at PFI board meetings, however at this time the PFI properties are an unknown quantity and have not been included in the estimates.
- 36. One point that is important to stress here is the ongoing work that will be undertaken with tenants whose properties have this work completed. Ensuring good ventilation in the homes that are retrofitted is vital and using digital solutions that measure humidity is essential to ensure that the Council is able to monitor the behaviour of residents. The Council's bid to the decarbonisation fund will address this through the digital solution to be employed and the tenant engagement process.

### c. Compliance with the Social Housing Regulator

- 37. The outcomes of new Social Housing Regulation Bill are intended to secure continued transparency, improvement, and accountability from those making decisions that affect social housing tenants, and to simplify the process of regulation. It also ensures compliance on major safety concerns through performance monitoring and the possibility of Ofsted-style inspections.
- 38. This necessitates a cultural shift, which would lead to a number of customer service improvements for the tenants. The Bill will shape the way in which the Council delivers its services to its tenants, who are also residents and customers. That terminology is important.
- 39. Performance across the whole Housing service must be improved and there must be more accountability as a result. Meaningful tenant engagement is the way forward. These residents must be able to influence the decision-making processes for the services that affect them.
- 40. In order to achieve this a Strategic Tenant Engagement Officer has been included within the plan to drive this work and cultural shift.
- 41. Focused monthly Housing Management Team meetings have seen officers work through an implementation plan, discussing the seven themes from the Government's original Social Housing Charter. Example work to date has:
  - Included a review of the complaints handling process within Housing (reviewing historic complaints to identify trends and opportunities for change or improvement) – this has been through internal discussion among housing officers
  - Seen a whole tenant and leaseholder survey conducted, which has led
    to the production of an action plan to address feedback where
    dissatisfaction has been expressed by tenants or leaseholders with an
    element of the service provided the wider results of this survey and
    its desktop analysis will be reported to Management Team fully in due
    course and shared with members

- 42. The headlines from the survey however, indicate around 80% of residents are satisfied with the service they receive from the Housing team. The same number believe their home is safe and well-maintained. However, 56% of residents believe the Council listens to them and acts on their feedback, and a similar percentage were happy with complaints handling and dealing with antisocial behaviour. As a result of this feedback it is important to focus on these areas of customer service, therefore provision has been made in the model for an additional post in this area.
- 43. The service has also been reviewing and planning for the introduction of the Tenant Satisfaction Measures (TSMs), published on Gov.uk in September 2022. From 1st April 2023 all RPs of social housing must publish information about how they are performing on areas such as repairs, safety checks, and complaints. This information will be comparable, allowing benchmarking among the RPs for the benefit of service users who can scrutinise the performance of their landlord. With the emphasis on listening to, and acting on, feedback, landlords will gain valuable insight from those tenants.
- 44. There are 22 TSMs (listed at Appendix C) covering five themes, 10 will be measured by the Council, as the landlord, and 12 will be measured by tenant perception surveys. As a landlord with stock totalling over 1,000 units the Council will be expected to publish performance on TSMs annually. In order to achieve this officers have been looking at the way in which it currently records compliance through its IT systems.
- 45. At the time of writing, a number of engagement sessions have been held with the Tenant Participation Advisory Service (TPAS) in order to understand how tenant services can be best designed to achieve the aims set out by the Social Housing Regulator and improve the engagement between the Council and its tenants. TPAS is in the process of producing a report with recommendations on how to progress this further.
- 46. In due course, a formal tenant engagement strategy will be produced, though an interim strategy, which sets out the vision and achievements to date will be worked on now and all officers involved in the tenant experience will be expected to embark on this new journey.
- 47. This work, and the two strategically focused tenant participation officer posts are included in the model, one of which is to specifically drive forward this agenda and the other is to focus predominantly on the Social Housing Decarbonisation Fund work as outlined above.

### d. Removing social housing's stigma

- 48. Linked to the above work, it is vital the Council continues, as part of its commitment to the Corporate Plan to reinforce the "Caring Ashford" ethos. Housing shares the wider ambition that it is a long-term aim that the borough's towns, villages and rural communities are welcoming, safe places for all who live and work in them, offering a high quality of life where everyone is valued and respected.
- 49. This is the very essence of the Social Housing Regulation Bill, working to a level playing field, where tenure should not impact the quality or approach of service delivery. This echoes the strategy, detailed above, to empower and listen to tenants, ensuring their voices are heard.
- 50. Levelling up is a political aim expressed in the 2019 Conservative manifesto aimed at reducing the imbalances between, among other things, social

- groups. The work the Council has always undertaken to deliver new homes and quality housing for all is very much aligned with this goal and the Council continues to welcome these intentions.
- 51. Daily operations across the Housing service and the work undertaken following the publication of the Social Housing Regulation Bill, are leading towards a healthy position where the Council is meeting regulation standards and, as a result, visibly illustrating that the Council is attentive to all residents, regardless of the tenure of their home.

### e. Maximising new provision

- 52. The Council has strong aspirations to not only increase the number of homes within its housing stock, but to accelerate those numbers. If it fails to do so then there is a risk that some of the 1,500 households on the waiting list may present to the Council through the more financially and socially costly homelessness route. Additionally, without the ability to increase stock levels, those in temporary accommodation will not have a sustainable tenancy to move onto. However, with limitations imposed by the implications of the current economic climate, as well as the issue of nutrient neutrality at Stodmarsh, a number of projects are being slipped into future years.
- 53. Having completed three high-quality schemes in the past financial year at East Stour Court (29 homes for independent living), Berry Place (31 homes for independent living) and Halstow Way (17 homes for general needs),this leaves the Council with no projects able to progress on site within the Stour Catchment, though two schemes have planning approval 'subject to mitigation' these being:
  - 55 Mabledon Avenue (20 homes), formerly owned by Piper Joinery -All decontamination work has been undertaken, which means the Council is ready to procure a contractor, once Stodmarsh has been resolved
  - Kilndown, Stanhope where a 5-bedroom house will be provided to add to stock numbers. This is important given the lack of larger homes becoming available for families on the waiting list, given they are so infrequently provided through section 106 agreements.
- 54. The Council has been progressing pipeline sites through the planning system where it can, however there have been delays due to the current resource issues in Planning. However, outside the Stour Catchment, progress can be and is being made subject to planning permission in the usual way, and at Chapman's Close, Challock, a bespoke two-storey home is permitted and being built for a family with a disabled son whose needs are complex.
- 55. September saw plans for a 'zero-carbon in operation' independent living scheme at Oakleigh House for older persons and those with learning disabilities refused planning permission by the Planning Committee. These plans have been re-worked and re-submitted as there remains an obvious and identifiable need for such homes, subject to planning permission. A full inventory of pipeline sites, as well as their development status, is listed in **Exempt Appendix A**. As in previous years, members may also be interested **Appendix D**, which details delivery throughout the years.
- 56. Although Stodmarsh has affected the Council's ability to build new homes within the Catchment, there is still a significant need in the borough. As a result the Council's route to delivering new affordable housing has been through its acquisitions, such as the street purchase programme, the

acquisition of s106 homes (where RPs are unable or unwilling to step in, such as the acquisitions at Chilmington) and homes bought off-plan (notably at the New Quarter).

### Street Purchases

- 57. 'Street purchases' have previously been a quick and simple way to increase stock numbers. Homes bought off the open market, using right-to-buy receipts, have added over 110 homes to the HRA since the beginning of the 2019-20 financial year. These are existing properties, in many cases former Council homes, in areas where the Council has existing stock.
- 58. Previously the Council has concentrated on buying one and two-bedroom homes to act as 'move-on' accommodation for those in temporary accommodation (TA), thus reducing the need for expensive bed and breakfast (B&B) solutions within the General Fund. However, there is also a clear need for larger properties in the HRA, as four and five-bedroom homes are hard to come by through other means.
- 59. Unfortunately, the financial viability of this type of purchase does not result in an acceptable return for the Council, this is due to the current high cost of borrowing and the low rent, with larger homes and rural homes being particularly unaffordable.
- 60. However, it was agreed in last year's report that the Plan would cross-subsidise a small number of these homes in order to make them affordable and ensure that those on the waiting list with such a need would not be waiting endlessly. This continues to be the objective, but each purchase will be made on its own merits and therefore no provision for street purchases has been made in the Business Plan.

### Right sizing

- 61. Given that it is not possible to currently deliver new homes within the Stodmarsh Catchment, making the Council's existing stock work harder is paramount. Therefore right-sizing, ensuring residents are in homes appropriate to their needs, is critical. With the demand for family-sized accommodation continuing to increase, a scheme has been created to reward tenants who downsize their council home by offering help to find the right property as well as financial help to move. This is in addition to the over 50s assisted move scheme.
- 62. Mutual exchanges are being proactively encouraged as a way of finding solutions for those households on the waiting list. The promotion of the HomeSwapper website and dedicated resource to see the exchanges through is leading to an increased number of exchanges happening. There were 19 exchanges in the 2021-22 financial year.
- 63. It is vitally important that the Council is able to continue this important work given the difficulties in building, and the risks associated with borrowing if it chooses to acquire new homes.

### f. Supporting the corporate agenda

### Homelessness

64. Reducing homelessness is a General Fund function, but is intrinsically linked to the HRA, as officers across the wider development team provide TA and increase HRA provision simultaneously. As stated previously, it is not enough to provide more TA alone, as those people need accommodation to move-on

to. Without additional homes in the HRA, the pressure on temporary accommodation will only increase.

### Commercialisation

- 65. This is not just about deriving an income from the work the Council undertakes but working smarter, in a leaner way. Officers have been liaising with Development Officers across East Kent councils, to see what knowledge, capability and practices could reasonably be shared to enhance service delivery and accelerate new-build opportunities across the authorities' areas.
- 66. In addition, a number of savings have been included in the Business Plan, such as a reduction in Planned Maintenance costs of £2.5m in 2023/24 and £2m in 2024/25. As well as a savings target of £200,000 in each year.

### Digitalisation

- 67. Ensuring the Housing Service continues to adapt to technological advances is vitally important. The digital transition of lifelines is one such piece of work. Officers have established a cross-departmental working group to manage and simplify the transition to trial 4G standalone lifelines.
- 68. Enhancing customer service with technology, where possible, is an essential part of the better conversations needed with tenants. A new Customer Relationship Management (CRM) system is to be procured to facilitate this. Additionally, the data held on existing software must be improved to build up the knowledge base of both customers and stock.

### Benchmarking

69. Officers are continuing to investigate ways that Ashford can compare costs and ways of working with other, similar organisations, including other local authorities and housing associations. Unfortunately, due to staff turnover, this project has been temporarily delayed.

### g. Ensuring optimum use of resource

- 70. Adding strands of work to the HRA Business Plan to cover the ever-growing list of priorities that address the shifting landscape in which the housing service operates is necessary. There is a balance between adding costs to the Business Plan and ensuring the housing service is able to adapt to the challenges it faces. This is vital so that it does not fall behind in terms of provision and does not lead to perceptions of poor performance. However, it is necessary to review income and expenditure within the HRA to deliver savings through more efficient working practices and maximising revenue.
- 71. The Council has therefore committed to make savings within the Business Plan. This will be through a combination of natural wastage and savings in expenditure. It will not be a simple task to deliver, as reining in work streams and scaling back programmes of maintenance, new-build and acquisition have consequences.

### Other assumptions

72. In addition to the seven priorities above, there are a number of other assumptions built into the model. These assumptions are the backbone of the model and if incorrect may mean mitigations are needed urgently. Officers are aware of this and are keeping up-to-date with the latest information so any changes can be fed into the model and action taken as quickly as possible.

### Rent

- 73. In 2017 Government announced that for five years, from 2020, rents setting would be limited to CPI+1%. For 2023/24 this would mean a rent increase of 11.1%. However, as part of the Autumn Statement the Chancellor announced that the increase on rents would be capped at 7%. This has led to a reduction in income of £1,065,000 in 2023/24, but £32,000,000 over the life of the plan.
- 74. This cap on rent revenue has led to a number of mitigations being introduced, for example, the development plan has been extended over 10 years, instead of five. In addition, a number of savings have been incorporated into the plan, such as the £4.5m, over two years, on planned maintenance.
- 75. If the Council chooses not to accept this 7% increase, but instead opt for a lower increase, or perhaps a freeze on rents, it would lead to serious consequences for the model. The forecast rent loss is as follows:

One Year Cap	Loss in 2023/24 (compared to 7% cap)	Loss over life of model
Rent Freeze	£1.82m	£54.32m
5% cap	£0.52m	£15.52m
3% cap	£1.04m	£54.32m

- 76. This small percentage change in rent increase could affect development plans not only in the short-term but over the life of the plan. It is for this reason the Government's 7% cap has been incorporated into the model, as any further reduction would mean a significant loss of anticipated income.
- 77. The model assumes the cap on rent increases will only be in place for one year, at which point rent will increase by CPI+1% for one year. Following that, the five-year period of rent increase "certainty" comes to an end, so the assumption in the Business Plan is for a CPI only increase going forward.
- 78. While the rent increase is capped at 7% the formula rent is not, this continues to follow the previous guidance of a CPI + 1% increase. In addition to this the Government guidance on rent increases (Guidance on Rent for Social Housing 2014) states that "...we expect authorities to adhere to the limit on rent changes but to move the rent up to formula rent where the property is relet following vacancy". In order to both maximise rent revenue and to adhere to the guidance it is proposed that Cabinet recommend that following a vacancy the rent charged for each property be increased in line with the formula rent value.

### **Bad Debts**

79. Arrears levels are currently around 0.72% in 2022/23 and the assumptions in the business plan follow this trend. However, the current cost of living crisis may lead to an increase in this area. A 1% increase in arrears could lead to a £300,000 increase in the bad debt provision. It is therefore key that officers continue to monitor arrears and provide as much support to tenants as possible to enable them to keep up with their rent.

80. As part of the Autumn Statement the Chancellor announced that benefits would increase in-line with inflation, which, it is hoped will assist tenants to keep pace with increasing costs and therefore continue to manage their rents.

### Voids

- 81. The time taken to let homes remains higher than the Council's target of 17 days. At the time of writing, the average number of void days is around 30. This has remained high since the height of the pandemic, although the time taken has halved from where it was in the spring of 2022.
- 82. There are mitigating circumstances for this, which show the care with which properties are allocated by the relevant team. A number of the homes that have taken longer to allocate have required a very sensitive approach to letting, for example for geographical (rural) reasons or personal circumstances (an assisted move, liaising with an occupational therapist). The end result must be the right person in the right home in the right area.
- 83. In order to bring down void waiting times officers are reviewing the processes involved, such as those around returning keys, and implementing a pre-void process to ensure properties are returned in the expected state. Work will be done to ensure that any issues are raised with the void contractor quickly to reduce delays.

### Inflation

- 84. The impact of the cost of living crisis is being felt across all service areas, the HRA is no different. Contract costs are increasing due to the increasing cost of materials, employers may also be looking to increase wages, the cost of which will be pushed onto its customers. In this context, the customer is actually the Council.
- 85. Inflation in the coming year is currently difficult to predict, which makes forecasting over a 30-year period problematic. The model assumes that inflation over the next year will be 13%, reducing to 5.5% the following year and settling at 2% thereafter. As more information regarding future pressures comes forward, the plan will be re-modelled and any decisions regarding mitigating action will be brought to members as necessary.

### Interest rates

86. These have increased significantly since the start of the year and are expected to continue to rise, at least for the next year. The model takes this into account, which has made borrowing substantially more expensive than in previous years. This has reduced the viability of some potential development projects and reduces the borrowing headroom.

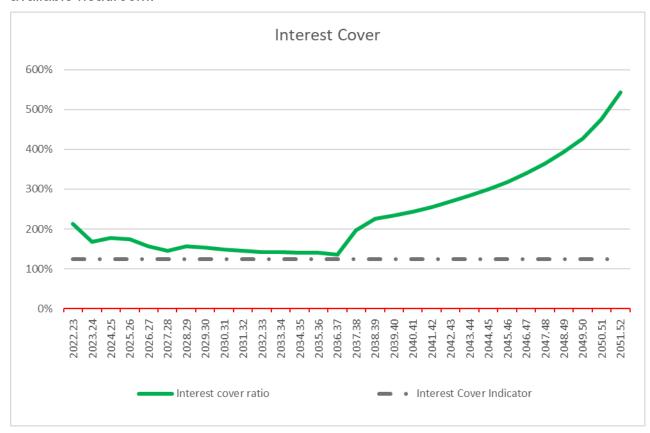
### Debt cap

- 87. As part of the HRA buy-out the Government removed the need for a debt cap in the autumn of 2018.
- 88. Without a Government-imposed debt cap the Council still needs to illustrate its approach is responsible. The approach officers have taken is to use an "Interest Cover Ratio". This is the number of times the HRA is able to repay its loan interest (based on net income). RPs have a minimum interest cover requirement of 125%. This is a sensible and prudent approach that has been implemented by the Council (HRA Business Plan Report December 2021).
- 89. With inflation and borrowing costs at the levels they are, but income lower, due to the rent cap, the problem is not just the viability of individual schemes.

Even if a proposed scheme acquisition were to be viable, this would impact the amount of headroom for borrowing in the HRA.

### Graph 1 - Interest cover

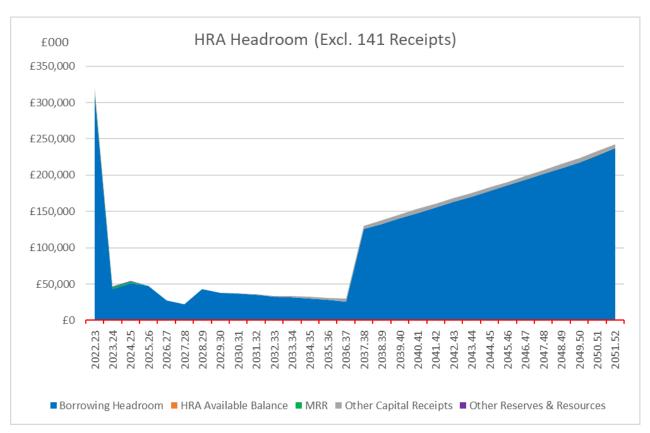
- 90. The dotted line, in the graph below, shows the 125% minimum cover required, with the green line showing how this varies throughout the life of the model. The increase shown in the interest cover, from 2036/37, is the impact of the PFI ending. While this will lead to an increase in management and repairs costs it will no longer see payments made to the contractor, benefitting the HRA as a result.
- 91. This table also demonstrates that while there is some borrowing headroom, in the current financial climate it may not take much to significantly affect the available headroom.



92. The borrowing headroom available can also be seen on graph 2, below.

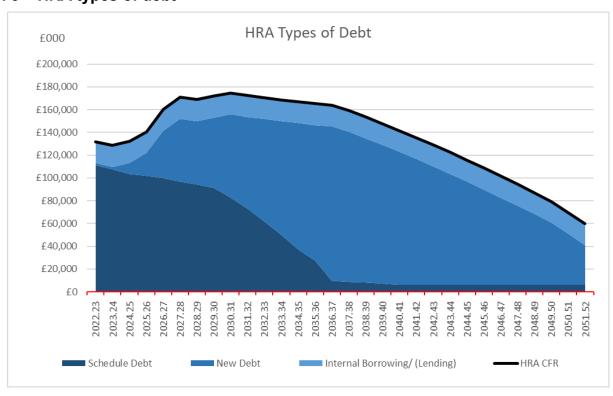
### **Graph 2 – HRA headroom**

The graph below follows a similar shape to that in Graph 1, but instead shows how much borrowing is potentially available at various stages throughout the 30 year plan.



93. Debt repayment continues to be a priority and Graph 3, below, shows that while the debt is not fully paid off during the plan, the trajectory of repayment is reducing.

Graph 3 - HRA types of debt



### Repairs and maintenance

94. Due to the uncertainty around inflation, projected costs in 2023/24 have been increased by 25% to reflect the current expectations. However, due to resource issues in the team it is unlikely that the anticipated schedule of works will be achieved. Therefore, the major works for the 2023/24 and 2024/25 financial years have been reduced by £2,500,000 and £2,000,000 respectively. A temporary post to assist with managing repairs functions and an additional compliance officer post have been factored into the plan to ensure the service is able to continue to respond to demand.

### Management Costs

95. As outlined above, in the HRA priorities section, there are a number of additional costs due to the implementation of the new Social Housing Regulation Bill, including an additional member of staff in the Area Management team to help better engage with residents. The need for this has been borne out by the results of the tenants' survey. Therefore including the post within the plan is the earliest possible illustration that the Council is listening to its customers.

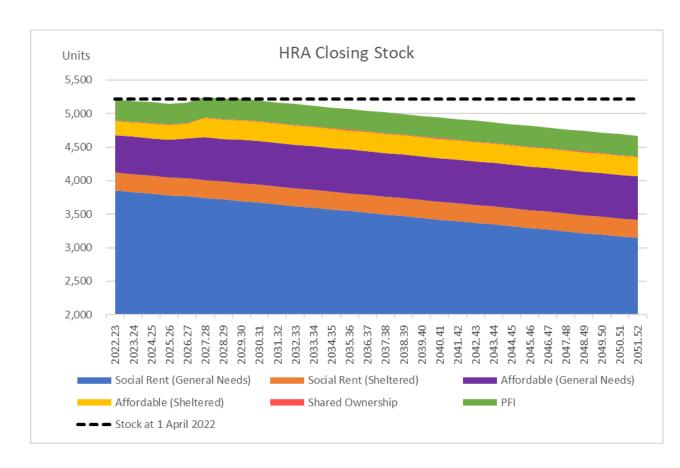
### PFI

96. The PFI at Stanhope is due to be returned to Ashford Borough Council management in 2036/37, at which time it is assumed there will be additional costs, per unit, for management, repairs and maintenance, as well as savings, due to there being no further payments to contractors. There will be a £3,000,000 loss in the Government grant but the effects on headroom are apparent from the previous graphs.

### Right to Buy

- 97. Based on historic information there are usually around 25 Right to Buy transactions completed per year. The model continues to base Right to Buy assumptions on this number, though in reality this is an unknown quantity due to the current uncertainty of the housing market, as well as the availability of mortgages to prospective buyers.
- 98. The impact of Right to Buy sales can be seen in **Graph 4**, below. The dotted line shows the current level of stock, which is around 5,200. The stock numbers increase to a maximum of 5,249 by 2027/28, however numbers then start to decline, with the final figure, at the end of the 30-year plan, of 4,667.

**Graph 4 – Anticipated stock levels throughout the 30-year Business Plan** 



### Risks to the HRA Business Plan

99. The past few years have seen an unprecedented level of uncertainty due to the concerns around leaving the EU, the effects of Covid, the war in Ukraine, the cost of living crisis, as well as changes in Prime Minister and Cabinet. These continue to have an effect on the finances of the HRA and therefore any assumptions that have been made are subject to change.

### Inflation

- 100. Increased inflation is possibly the biggest risk to the Business Plan at the current time, that and rising interest rates. With inflation at 11.1% in October and not expected to fall back to the Government target of 2% for a number of years, there will be an increase in the cost of materials and other costs associated with having multiple contracts. This would normally be at least partially offset with an inflationary increase in rents, however, the 7% cap on rent increases adds to the inflationary pressure on the Business Plan.
- 101. Unfortunately inflation is outside of the Council's control, however its effects can be mitigated against, as they become known. As such, the budgets and projects will be reviewed on a regular basis to ensure they are still affordable, and if not, officers will liaise with members, where necessary, to ensure decisions can be made to ensure long-term affordability.
- 102. The effect of inflation and the mitigations that have been put in place have already had an impact on the Business Plan. Last year members may recall that at the end of the 30-year projected period, the level of debt was around £190m (factoring in the estimated costs of decarbonisation). This year, at the end of the projected period of 30 years the debt level is actually only £78m but the affordability of the plan is that much tighter.

### Interest rates

103. This is another big risk to the plan. As the cost of borrowing rises, it affects the viability of acquisitions and new development projects. Each project added to the plan is looked at individually, taking the most recent information into account. If it is viable it is added to the model, if not then it is looked at again to see if any changes can be made to the project to increase its viability. The other option is to delay the project until borrowing costs are reduced.

### Stodmarsh

- 104. Achieving nutrient neutrality is one of the Council's Super Six corporate priority projects. However, this issue has caused, and continues to cause delays in plans for development plans.
- 105. A detailed update on the progress of the Council's strategic wetland solution is set out in a previous Cabinet report ('Stodmarsh Update', October 2022). The report confirms the Council anticipates that it will be in a position to submit a planning application for the first of two phases for the wetland in early 2023. At which point housing officers will be able to re-assess its development timeline.

### Covid-19

106. With restrictions relaxed and the Government's approach now one of 'living with Covid', this is far less influential on the Business Plan than it has been in the past two years. With an established approach to hybrid working, Ashford is well-equipped to avoid shortages in staff as it ensures a mix of home and office-based work for staff. Additionally, when development projects do get on site, social distancing will still be possible at groundworks stage, so if there is a need to re-introduce guidelines then projects should still be able to progress with relative ease. However, this continues to be a potential risk to projects in the Business Plan, and with China's continuing zero-Covid approach there could be some impact on the availability of materials. This continues to be monitored by officers.

### War in Ukraine

107. The sustained atrocities in Ukraine continue to have an impact on the cost of fuel and energy. This in turn, is affecting residents; officers continue to make tenants and residents aware of the ways in which assistance can be found, should it be needed. As part of the Kent Housing Group, the Council links in with themed events. An event in the spring of 2023 will see housing professionals from across the sector share learning. In addition to this, there are a number of other costs to the HRA, such as office costs, which have increased, as well as the cost of contractors, who will inevitably pass this pressure on to customers. The effect of this war on fuel and energy costs will likely be felt years after any potential resolution, and as such these unknowable and unpredictable costs are a risk to the plan.

### Government policy

108. The turbulence of national politics means the current Minister for Housing is the fifth MP to have held the post in 2022. While the tenure of ministers who have held this role is invariably short, this year has been particularly unstable for the sector. Colleagues in the South East Local Enterprise Partnership (SELEP) and Homes England had built a strong rapport with the post holder who began the year and collaborative progress was being made on

- discussions around first homes and Stodmarsh. Hopefully, this impetus will not be lost. It is too early to say how things may develop and change under the stewardship of the current minister.
- 109. In addition to this each new Prime Minister and their cabinet have varying priorities. At the time of writing the Autumn Statement has been announced, including the announcement of the 7% rent cap for 2023/24. Stability is crucial for the purposes of business planning and any changes in policy will be a risk to the model. However, officers will continue to monitor any policy changes and model their effects on the HRA.
- 110. The cap on rent increases is, currently for one year only, however this could change. This means that rent revenue is also a risk, as it is difficult to predict inflation over the next 30 years as well as the Government's response to it.

### Arrears

- 111. Tenant arrears will be a risk to the model, more so than in previous years, as the cost of living crisis will undoubtedly have an impact on some more vulnerable residents.
- 112. The rent increase cap of 7% is a lot lower than the 11.1% (CPI+1%) increase tenants would have been expecting. In addition to this the national living wage will also increase by 9.7% to £10.42. However, with the energy price guarantee expected to increase further in April, as well as food costs continuing to rise, tenants may be facing some difficult decisions.
- 113. Therefore, officers are on the case. Neighbourhood Housing Officers are responsible for income collection, and tenants' accounts are monitored on a weekly basis, in line with the Council's policy. This involves identifying those accounts where rent payments have fallen more than six weeks behind, then following up with the appropriate course of action, such as sensitive conversations, a repayment plan, as well as general advice about managing income and expenditure, and signposting to more specialist partnership or voluntary organisations, where appropriate.

### Voids

114. While the void process is being streamlined it does continue to be a risk to the model. Any staff shortages, or issues with contractors, will inevitably increase turn-around time. This is not only an issue in regards to lost rent income, but there is an associated impact to the General Fund, with fewer properties available for move-on accommodation for homelessness, leading to higher temporary accommodation costs in the General Fund.

### Right to Buy sales

- 115. If Right to Buy (RTB) sales were to increase substantially it would mean that there is additional funding, in the way of 1-4-1 money. However, this loss of properties would mean a reduction in stock levels that would not be able to be replaced as quickly as the Council would hope, due in part to the high replacement costs, which are much higher than the 1-4-1 contribution received, and other current planning concerns or viability issues.
- 116. Conversely, due to the current economic circumstances and the difficulties in getting, and affording, a mortgage, RTBs could reduce in number. If they were to substantially reduce, while helping to maintain the stock position it could have a detrimental effect on funding new projects. Again, inflation and interest rates will play a significant part here.

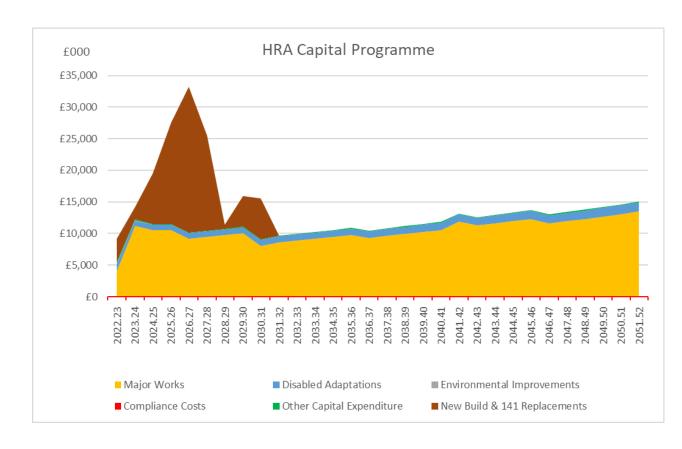
#### Availability of sites

- 117. As has been documented in previous reports, there is a lack of Council-owned sites on which to develop. It is for this reason that a number of land purchases have been made, under delegated authority, to secure s106 sites where appropriate and viable. This will eventually be the only route open to the Council to proceed. Officers from housing outlined the current approach used in a presentation to Overview and Scrutiny Committee in October 2022 and will continue to look at viable options to extend its pipeline opportunities for the future.
- 118. Therefore, in the context of the Business Plan, it is suggested that the Council continues to adopt a flexible position with regards acquisitions within its existing delegated processes, as outlined in recommendation iii.

### **Business Plan modelling outcomes**

- 119. The business modelling shows a balanced and sustainable Business Plan. However, a number of mitigations have been required to achieve this. This is due to several factors, as explained, such as increased borrowing costs, high inflation, and lower rent income, as a result of the 7% cap.
- 120. There is a need to maintain income levels throughout the life of the model, in order to ensure that plans and projects remain deliverable. This will involve a number of elements, including increasing rent revenue in line with inflation, where possible, as well as increasing the rent to the formula rent level (as per Government guidance) when a property becomes void. Also, void times need to be lowered this will not only mean an increase in revenue but will also mean shorter waiting list times. In addition to these measures, officers will monitor arrears levels and take action earlier to ensure that tenants do not fall into arrears with its associated welfare risks.
- 121. Historically the Council has been proactive in house building and buying, this usually results in loading the first five years of the model with those projects that are reasonably certain to go ahead. For this year's iteration of the model, the development projects have been spread over a longer period, the effect of this can be seen in the graph below:

### **Graph 5 – HRA Capital Programme**



- 122. This graph shows that instead of a peak in the first five years of the model, projects have been spread over ten years, with a second, albeit small peak, in capital expenditure. This effectively smooths out the capital expenditure and the associated costs, including borrowing costs. **Graph 3** (included earlier) is illustrative of the effects of this smoothing. It shows the debt increasing steadily, rather than a one-off peak, at which point the debt starts reducing as it begins to get repaid over the life of the plan.
- 123. The projects included in the plan, including anticipated timescales, are included at **Exempt Appendix A**.
- 124. **Appendix B** shows the revenue income and expenditure for the first 10 years of the plan. The final line of this table shows that a minimum balance of £1m is maintained. This trend continues throughout the 30-year model.
- 125. The table also shows the interest being repaid by the HRA. This figure peaks in 2032/33, in line with the borrowing required for the capital expenditure. Then as the debt is repaid the interest payments also reduce.
- 126. While the debt is not expected to be paid off in the next 30 years the downward trajectory is clear. However, the current economic climate is a reminder to ensure that all projects are financially viable and are able to fit within the model without creating undue pressure. This is because the future is unknown, so any small changes in Government policy or economic landscape could have a huge effect on the affordability of the business.

### **Equalities impact assessment**

127. Members are referred to the attached assessment in **Appendix E**. There are no adverse impacts on groups with protected characteristics.

### **Consultation planned or undertaken**

- 128. Consultation will continue to be held with ward members where acquisitions or proposals for development fall within their ward boundaries. As mentioned previously this has led to good outcomes and the engagement of ward members is always appreciated to help shape development schemes in particular. All sites within any future delivery programme are subject to planning approval and the formal consultation process as part of that. Consultation will take place with local residents and ward members, before proposed plans are submitted, giving them an additional opportunity to respond to the proposals outside of the formal planning consultation process.
- 129. Consultation, or rather engagement and conversation, with tenants is clearly required as the Council develops its tenant engagement plans, in line with the requirements in the Social Housing Regulation Bill. This is a focal point of the Council's HRA priorities and both at a strategic and operational level, the involvement of residents living in Council-owned homes will improve.
- 130. The Council will also consult, with those whose homes are part of the Social Housing Decarbonisation Fund bid. It is paramount that this work is undertaken and, as identified, engagement here is one of the keys to the success of delivering the necessary outcomes.

### **Next steps in Process**

- 131. The HRA Business Plan is used as a basis to build the 2023/24 budget, which was agreed by Cabinet on 24<sup>th</sup> November 2022, this will form part of the public consultation on the draft budget. The final budget report will be presented to Cabinet in February with final approval being sought through Council a week later.
- 132. The Council will progress its current priorities, including the delivery programme of sites included in the Business Plan and some sites not yet included in the HRA Business Plan model. This process will be reviewed as sites become more certain. There is some fluidity to the list, and it is important that it is regularly reviewed. Relevant stakeholders will be kept informed at all stages of the process.

### Conclusion

- 133. At a time of extensive contextual change and shift, the HRA Business Plan remains viable. It addresses the most pressing priorities that the Housing Service faces and adopts an approach that will see it enhance its customer services to residents. It also aligns its priorities with the Corporate Plan.
- 134. Adopting such an approach ensures the Housing Service remains at the forefront of housing in the county. It recently enjoyed success in the Kent Housing Group Excellence awards, with its Electrical Services team winning team of the year and some of its projects and officers highly commended. Officers in the service continue to be part of the countywide conversation through their leading roles in the Kent Housing Group board and sub-groups. Ashford's Housing team, in continuing to work with other local councils, RPs

and developers, is ensuring it is at the forefront of debate in Kent and its ambitions are clear to see.

### Portfolio Holders' Views

Cllr Andrew Buchanan, Portfolio holder for housing

- 135. The Housing Revenue Account is one of this authority's success stories. The conversations that have been held in the formulation of this year's plan and associated report have not been straightforward as this has not been an easy process. However, the result is a balanced plan that focuses on the major priorities affecting the sector and the services that our residents would want us to address being a green pioneer, delivering new housing, innovating, maintaining the safety, the look and the feel of our homes, listening to residents and acting on their feedback, and tackling homelessness.
- 136. Once again, the achievement of delivering a balanced plan in light of moving external factors beyond our control, particularly interest rates and inflation, is a substantial one. Though there must be flexibility to move and adapt our plans, the fundamental principles behind the plan are understood by all and it is with those as the guide that all officers will ensure the viability of the services provided.

Portfolio Holder for Finance, Cllr Neil Shorter

137. This report has been compiled at a time of much uncertainty and moving goalposts. Yet once again officers have been able to lay out a clear and well-argued path as to the stability of the HRA Business Plan. That they have been able to do so, with the specialist external support, is some achievement and illustrates the strength of our knowledge and skillsets in the Housing and Finance departments. I am pleased to see that corporate objectives can still be delivered upon despite the environment in which we are operating.

#### Contact and Email

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Description	2022.23	2023.24	2024.25	2025.26	2026.27	2027.28	2028.29	2029.30	2030.31	2031.32
Income										
Gross Rental Income	£27,873	£29,858	£31,699	£32,313	£32,851	£33,785	£35,327	£35,913	£36,683	£37,287
Void Losses	-£355	-£380	-£372	-£347	-£353	-£363	-£379	-£386	-£394	-£400
Other Rental Income	£4	£5	£5	£5	£5	£5	£5	£5	£5	£6
Tenanted Service Charges	£1,079	£1,141	£1,183	£1,215	£1,247	£1,281	£1,307	£1,333	£1,360	£1,387
Leasehold Service Charges	£139	£147	£152	£156	£160	£165	£168	£171	£175	£178
Non-Dwelling Income	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Grants	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
RTB - Administration	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Other Income	£3,035	£3,037	£3,038	£3,039	£3,040	£3,042	£3,042	£3,043	£3,044	£3,045
Total income	£31,775	£33,806	£35,705	£36,381	£36,952	£37,914	£39,470	£40,080	£40,873	£41,503
Expenditure										
General Management	-£10,174	-£11,376	-£11,756	-£11,952	-£12, 179	-£12,412	-£12,723	-£13,041	-£13,368	-£13,703
Special Management	-£1,048	-£1,158	-£1,207	-£1,237	-£1,271	-£1,306	-£1,337	-£1,369	-£1,402	-£1,436
Other Management	-£871	-£1,036	-£1,077	-£1,093	-£1,115	-£1,138	-£1,160	-£1,184	-£1,207	-£1,231
Bad Debt Provision	-£200	-£214	-£227	-£232	-£236	-£242	-£253	-£258	-£263	-£268
Responsive & Cyclical Repairs	-£4,854	-£6,059	-£6,735	-£6,875	-£7,059	-£7,271	-£7,458	-£7,662	-£7,859	-£8,108
Other revenue expenditure	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Total expenditure	-£17,147	-£19,843	-£21,003	-£21,390	-£21,860	-£22,370	-£22,932	-£23,514	-£24,100	-£24,746
Capital financing costs										
Interest paid on debt	-£4,052	-£4,216	-£4,242	-£4,440	-£4,921	-£5,463	-£5,616	-£5,648	-£5,858	-£5,912
Interest paid on 141 receipts	£0	£0	£0	£0	£0	£0	£0	-£349	-£457	-£499
Debt management expenses	-£80	-£92	-£96	-£97	-£99	-£101	-£103	-£105	-£107	-£109
Interest Received	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Depreciation	-£5,935	-£6,805	-£7,050	-£7,128	-£7,268	-£7,489	-£7,682	-£7,811	-£7,943	-£8,063
Capital financing costs	-£10,067	-£11,113	-£11,388	-£11,665	-£12,288	-£13,053	-£13,401	-£13,914	-£14,365	-£14,584
Appropriations										
Revenue provision (HRA CFR)	£0	-£3,850	-£3,132	-£3,372	-£2,885	-£2,664	-£3,024	-£2,786	-£2,414	-£2,149
RCCO	£0	-£1,635	£0	£0	£0	£0	£0	£0	£0	£0
Other appropriations	-£2,850	£0	£0	£0	£0	£0	£0	£0	£0	£0
Appropriations	-£2,850	-£5,485	-£3,132	-£3,372	-£2,885	-£2,664	-£3,024	-£2,786	-£2,414	-£2,149
Net income/ (expenditure)	£1,711	-£2,635	£181	-£46	-£82	-£173	£113	-£134	-£5	£25
HRA Balance										
Opening Balance	£2,119	£3,829	£1,194	£1,376	£1,329	£1,248	£1,075	£1,188	£1,054	£1,049
Generated in year	£4,561	-£2,635	£181	-£46	-£82	-£173	£113	-£134	-£5	£25
Appropriated in	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
Appropriated out	-£2,850	£0	£0	£0	£0	£0	£0	£0	£0	£0
Closing Balance	£3,829	£1,194	£1,376	£1,329	£1,248	£1,075	£1,188	£1,054	£1,049	£1,074

# Tenant Satisfaction Measures – Developed by the Regulator of Social Housing

### **Overall satisfaction**

1. Overall satisfaction with the service provided by the landlord. Measured by tenant perception survey

### Keeping properties in good repair

- 2. Satisfaction with repairs. Measured by: tenant perception survey
- 3. Satisfaction with time taken to complete most recent repair. Measured by: tenant perception survey
- 4. Satisfaction that the home is well-maintained. Measured by: tenant perception survey
- 5. Homes that do not meet the Decent Homes Standard. Measured by: landlords' management information
- 6. Repairs completed within target timescale. Measured by: landlords' management information

### Maintaining building safety

7. Satisfaction that the home is safe. Measured by: tenant perception survey

### Safety checks

- 8. Gas safety checks. Measured by: landlords' management information
- 9. Fire safety checks. Measured by: landlords' management information
- 10. Asbestos safety checks. Measured by: landlords' management information
- 11. Water safety checks. Measured by: landlords' management information
- 12. Lift safety checks. Measured by: landlords' management information

### Respectful and helpful engagement

- 13. Satisfaction that the landlord listens to tenant views and acts upon them. Measured by: tenant perception survey
- 14. Satisfaction that the landlord keeps tenants informed about things that matter to them. Measured by: tenant perception survey
- 15. Agreement that the landlord treats tenants fairly and with respect. Measured by: tenant perception survey

### **Effective handling of complaints**

- 16. Satisfaction with the landlord's approach to handling of complaints. Measured by: tenant perception survey
- 17. Complaints relative to the size of the landlord. Measured by: landlords' management information
- 18. Complaints responded to within Complaint Handling Code timescales. Measured by: landlords' management information

### Responsible neighbourhood management

- 19. Satisfaction that the landlord keeps communal areas clean and well-maintained. Measured by: tenant perception survey
- 20. Satisfaction that the landlord makes a positive contribution to neighbourhoods. Measured by: tenant perception survey
- 21. Satisfaction with the landlord's approach to handling anti-social behaviour. Measured by: tenant perception survey
- 22. Anti-social behaviour cases relative to the size of the landlord. Measured by: landlords' management information.

# Ashford Borough Council Homes built or acquired via s106 or off-plan since 2011 (n.b excludes street purchases)

	-		,	
Site	Properties (tenure = affordable rent unless specified)	Building	Status	Handover
Hunter Close, Ashford	3 x 2-bed houses	2 bed House	Completed	23-Mar-11
Towers View, Ashford	5 x 1-bed bungalows	1 bed Bungalow	Completed	31-Mar-11
Towers View, Ashford	3 x 2-bed houses	2 bed House	Completed	31-Mar-11
Towers View, Ashford	2 x 2-bed bungalows	2 bed Bungalow	Completed	31-Mar-11
Breadlands Road, Quarry Close, Willesborough	7 x 2-bed houses	2 bed House	Completed	27-Apr-11
Blake Court, Willesborough	3 x 3-bed houses	3 bed House	Completed	31-May-11
Gerlach House, Ashford	2 x 1-bed flats	1 bed Flat	Completed	31-May-11
Orchard View, Bethersden	3 x 2-bed bungalows	2 bed Bungalow	Completed	11-Oct-11
The Chennells, High Halden	4 x 1-bed flats	1 bed Flat	Completed	04-Nov-11
Nine Acres, Kennington	2 x 2-bed bungalows	2 bed Bungalow	Completed	11-Nov-11
	-			
Sotherton, Willesborough	4x 1-bed flats (for people with learning difficulties)	1 bed Flat	Completed	17-Nov-11
Sotherton, Willesborough	1 x 1-bed bungalow (for a person with learning difficulties)	1 bed Bungalow	Completed	17-Nov-11
Arlington, Ashford	3 x 3-bed houses	3 bed House	Completed	01-Dec-11
Singleton Road, Ashford	4 x 2-bed houses	2 bed House	Completed	01-Dec-11
Bybrook Road, Ashford	2 x 3-bed houses	3 bed House	Completed	07-Dec-11
Bybrook Road, Ashford	1 x 3-bed house	3 bed House	Completed	20-Jan-12
Mardol Road, Ashford	3 x 3-bed houses	3 bed House	Completed	07-Dec-11
Mardol Road, Ashford	1 x 3-bed house	3 bed House	Completed	03-Feb-12
Cheeselands, Biddenden	5 x 2-bed bungalows	2 bed Bungalow	Completed	10-Feb-12
Beaver Lane, Ashford	2 x 2-bed houses	2 bed House	Completed	12-Mar-12
				1
Luckley House, Wye	9 x 1-bed flats	1 bed Flat	Completed	26-Mar-12
Orion Way, Ashford	2 x 4-bed houses	4 bed House	Completed	26-Mar-12
Orion Way, Ashford	7 x 3-bed houses	3 bed House	Completed	26-Mar-12
Birling Road, Ashford	1 x 3-bed house	3 bed House	Completed	27-Sep-13
Christchurch Road, Ashford	8 x 1-bed bedsits (for use as temporary accommodation) –	1 bed Bedsit	Completed	29-Aug-14
	note these properties sit in the General Fund			
Hawthorn, Appledore	4 x 2-bed flats	2 bed Flat	Completed	21-Nov-14
Hawthorn, Appledore	4 x 2-bed bungalows	2 bed Bungalow	Completed	18-Dec-14
Wind Hill, Charing	2 x 2-bed bungalows	2 bed Bungalow	Completed	18-Dec-14
Wind Hill, Charing	1 x 3-bed bungalow	3 bed Bungalow	Completed	18-Dec-14
Manse Field, Brabourne	2 x 3-bed houses	3 bed House	Completed	19-Dec-14
·			·	
Randolph Gardens, Kennington	8 x 3-bed houses	3 bed House	Completed	19-Dec-14
Riverview, Ashford	3 x 2-bed houses	2 bed House	Completed	19-Dec-14
Riverview, Ashford	1 x 3-bed house	3 bed House	Completed	19-Dec-14
Arcon Road, Ashford	3 x 3-bed houses	3 bed House	Completed	30-Jan-15
Simons Ave, Ashford	3 x 3-bed houses	3 bed House	Completed	30-Jan-15
Cryol Road, Ashford	4 x 3-bed houses	3 bed House	Completed	27-Feb-15
Cryol Road, Ashford	2 x 4-bed houses	4 bed House	Completed	27-Feb-15
Cryol Road, Ashford	1 x 6-bed house	6 bed House	Completed	27-Feb-15
Poppy Fields, Charing	7 x 2-bed houses (shared ownership)	2 bed House	Completed	16-Nov-15
Poppy Fields	1x 3-bed house (shared ownership)	3 bed House	Completed	16-Nov-15
Poppy Fields	13 x 3-bed	3 bed House	Completed	16-Nov-15
Farrow Court		1 bed Flat	·	20-Nov-15
	81 x 1-bed flats (14 for those with learning difficulties)		Completed	
Farrow Court	23 x 2-bed flats	2 bed Flat	Completed	20-Nov-15
Boxley, Ashford	2 x 3-bed houses	3 bed House	Completed	14-Dec-17
Noakes Meadow, Ashford	2 x 2-bed bungalows	2 bed Bungalow	Completed	19-Feb-18
Beecholme Drive, Kennington	2 x 3-bed houses	3 bed House	Completed	20-Mar-18
Priory Way, Tenterden	2 x 3-bed houses	3 bed House	Completed	20-Mar-18
Belmont Place, Ashford	3 x 2-bed flats	2 bed Flat	Completed	28-Mar-18
Jubilee Fields, Wittersham	4 x 3-bed houses	3 bed House	Completed	05-Dec-18
Brattle, Woodchurch	4 x 2-bed houses	2 bed House	Completed	13-Dec-18
Calland HRA 15-18	2 x 2-bed houses	2 bed House	Completed	19-Dec-18
Calland HRA 15-18	2 x 3-bed houses	3 bed House	Completed	19-Dec-18
Danemore, Tenterden		1 bed Flat		10 000 10
	123 x 1-bed flats	it bed Flai	Completed	15-Feh-10
	23 x 1-bed flats		Completed	15-Feb-19
Danemore, Tenterden	11 x 2-bed flats	1 bed Flat	Completed	15-Feb-19
Danemore, Tenterden Chequers Green, Shadoxhurst (*s106 acquisition)	11 x 2-bed flats 2 x 2-bed houses (shared ownership)	1 bed Flat 2 bed House	Completed Completed	15-Feb-19 01-Aug-19
Danemore, Tenterden Chequers Green, Shadoxhurst (*s106 acquisition) Chequers Green, Shadoxhurst (*s106 acquisition)	11 x 2-bed flats 2 x 2-bed houses (shared ownership) 2 x 2-bed houses	1 bed Flat 2 bed House 2 bed House	Completed Completed Completed	15-Feb-19 01-Aug-19 01-Aug-19
Danemore, Tenterden Chequers Green, Shadoxhurst (*s106 acquisition) Chequers Green, Shadoxhurst (*s106 acquisition) Kings Close, Shadoxhurst (*s106 acquisition)	11 x 2-bed flats 2 x 2-bed houses (shared ownership) 2 x 2-bed houses 4 x 1 bed flats	1 bed Flat 2 bed House 2 bed House 1 bed Flat	Completed Completed Completed Completed	15-Feb-19 01-Aug-19 01-Aug-19 14-Oct-19
Danemore, Tenterden Chequers Green, Shadoxhurst (*s106 acquisition) Chequers Green, Shadoxhurst (*s106 acquisition) Kings Close, Shadoxhurst (*s106 acquisition) Kings Close, Shadoxhurst (*s106 acquisition)	11 x 2-bed flats 2 x 2-bed houses (shared ownership) 2 x 2-bed houses 4 x 1 bed flats 1 x 2 bed house	1 bed Flat 2 bed House 2 bed House 1 bed Flat 2 bed House	Completed Completed Completed Completed Completed	15-Feb-19 01-Aug-19 01-Aug-19 14-Oct-19 14-Oct-19
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## **Equality Impact Assessment**

- 1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:
  - (a) No major change the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
  - (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
  - (c) Continue the policy if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
  - (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

### Public sector equality duty

- 2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
  - (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

# Appendix E to December 2022 Cabinet report

3. These are known as the three aims of the general equality duty.

#### **Protected characteristics**

- 4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership\*
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

### Due regard

- Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
- 6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
  - removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate

in public life or in other activities where it is disproportionately low.

- 7. How much regard is 'due' will depend on circumstances The greater potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, discretion, decisions statutory individuals, employing staff and procurement of goods and services.
- 8. In terms of timing:
  - Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
  - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
  - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### Case law principles

- 9. A number of principles have been established by the courts in relation to the equality duty and due regard:
  - Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's <u>must</u> be attached to any relevant committee reports.
  - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.

- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency will and discipline those carrying out the relevant function undertake to the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights
Commission has produced helpful
guidance on "Meeting the Equality
Duty in Policy and Decision-Making"
(October 2014). It is available on the
following link and report authors should
read and follow this when developing
or reporting on proposals for policy or
service development or change and
other decisions likely to engage the
equality duty. Equality Duty in decisionmaking

Lead officer:	Mark James
Decision maker:	Cabinet
<ul> <li>Decision:</li> <li>Policy, project, service, contract</li> <li>Review, change, new, stop</li> </ul>	Agree the priorities of the HRA as set out in the Business Plan report  Agree that decisions for acquisitions are taken on a case-by- case basis within the existing delegation afforded to the  Assistant Director for Housing giving due regard to the HRA  Business Plan and its priorities  Agree that the Council proceeds at risk with procurement
	where necessary to accelerate delivery on specific projects Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete necessary legal agreements and other documents to effect the above
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	15 <sup>th</sup> December 2021
Summary of the proposed decision:      Aims and objectives     Key actions     Expected outcomes     Who will be affected and how?      How many people will be affected?	Agree the priorities of the HRA as set out in the Business Plan report  Agree that decisions for acquisitions are taken on a case-by- case basis within the existing delegation afforded to the  Assistant Director for Housing giving due regard to the HRA  Business Plan and its priorities  Agree that the Council proceeds at risk with procurement  where necessary to accelerate delivery on specific projects  Authorise the Solicitor to the Council and Monitoring Officer  to negotiate, finalise and complete necessary legal  agreements and other documents to effect the above
<ul> <li>Information and research:</li> <li>Outline the information and research that has informed the decision.</li> <li>Include sources and key findings.</li> </ul>	Building on solid foundations: delivering affordable homes in Ashford – delivery plan for 2019-2023 Housing Strategy Framework Priority 1 – Improve the supply of affordable housing to meet local housing needs in urban and rural areas, and Housing Statement 2018-2023 Reform of Housing Revenue Account (HRA) – Cabinet endorsed five key priorities for further spend, as a result of greater freedom within the HRA. National Housing Strategy 2011 – delivering new homes under the affordable rent model. A Charter For Social Housing Residents – Social Housing White Paper 2020. A Guide to Developing Affordable Homes in Rural Communities (Kent Housing Group [KHG]) – February 2021 Housing Ombudsman Service – Spotlight on: Damp & Mould
What specific consultation has occurred on this decision?	Consultation will continue to be held with ward members where acquisitions or proposals for development fall within their ward boundaries. As mentioned previously this has led to good outcomes and the engagement of ward members is always appreciated to help shape development schemes in Page 45

- What were the results of the consultation?
- Did the consultation analysis reveal any difference in views across the protected characteristics?
- What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?

particular. All sites within any future delivery programme are subject to planning approval and the formal consultation process as part of that. Consultation will take place with local residents and ward members, before proposed plans are submitted, giving them an additional opportunity to respond to the proposals outside of the formal planning consultation process.

Consultation, or rather engagement and conversation, with tenants is clearly required as the Council develops its tenant engagement plans, in line with the requirements in the Social Housing Regulation Bill. This is a focal point of the Council's HRA priorities and both at a strategic and operational level, the involvement of residents living in Council-owned homes will improve.

The Council will also consult, with those whose homes are part of the Social Housing Decarbonisation Fund bid. It is paramount that this work is undertaken and, as identified, engagement here is one of the keys to the success of delivering the necessary outcomes.

# Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
AGE Elderly	High	Positive (major)
Middle age	High	Positive (major)
Young adult	High	Positive (major)
Children	High	Positive (major)
DISABILITY Physical	High	Positive (major)
Mental	High	Positive (major)
Sensory	None	Positive (major)
GENDER RE- ASSIGNMENT	None	Neutral
MARRIAGE/CIVIL PARTNERSHIP	None	Neutral

PREGNANCY/MATERNITY	None	Neutral
RACE	None	Neutral
RELIGION OR BELIEF	None	Neutral
SEX	None	Neutral
Men		
Women	None	Neutral
SEXUAL ORIENTATION	None	Neutral

### Mitigating negative impact:

Where any negative impact has been identified, outline the measures taken to mitigate against it.

Where the assessment has been carried out above it is on the basis of the new developments planned and new acquisitions in the pipeline.

### Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's <u>Essential Guide</u>, alongside fuller <u>PSED</u> <u>Technical Guidance</u>.

Aim	Yes / No / N/A
Eliminate discrimination, harassment and victimisation	N/A
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

### Conclusion:

 Consider how due regard has been had to the equality duty, from start to finish. Due regard has been considered throughout this proposal to each protected group.

 There should be no unlawful discrimination arising from the decision (see guidance above).

No unlawful discrimination has arisen from the decision.

 Advise on whether the proposal meets the aims of the equality duty or The effect on the community will be positive due to the aims of the programme delivery. No adjustments required.

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whether adjustments have been made or need to be made or whether any residual impacts are justified.	
<ul> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	The programme will be monitored by a Housing Project group with regular updates to our Portfolio Holder and Cabinet.
EIA completion date:	25 <sup>th</sup> November 2022

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

Document is Restricted



# Agenda Item 7

ASHFORD BOROUGH COUNCIL

Agenda Item No: 7

Report To: Cabinet

Date of Meeting: 15 December 2022

**Report Title:** Contract award for Ashford Borough Councils waste,

recycling and street cleansing service.

Report Author &

Job Title:

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Director of Place and Space

Portfolio Holder Cllr. Matthew Forest

**Portfolio Holder for:** Environment, Property and Recreation

Summary: Following Cabinet approval in April 2021, Ashford Borough

Council (council) and its waste collection partners in the Mid Kent Joint Waste Partnership (MKJWP) proceeded in joint procurement of the next contract for waste and recycling collection and street cleansing services. The Mid Kent Joint Waste Partnership (MKJWP); is between Ashford, Maidstone and Swale as Waste Collection Authorities (WCA) and Kent

County Council as the Waste Disposal Authority (WDA).

On the 30 November 2021, the partner councils' commenced the tender process for the next Mid-Kent waste collection and cleansing contract. The procurement process followed Competitive Dialogue under the Public Contract Regulations 2015 ("CPR's") which was conducted in stages. Dialogue involved written requests and responses for clarifications and each bidder had three separate face to face joint waste collection partner sessions.

The process resulted in final tender submissions being received by midday on Wednesday 26 October 2022. The submissions received have been evaluated and we have a recommended bidder (Bidder A) to put forward for Cabinet decision and potential contract award, to commence March 2024.

This report identifies the evaluation undertaken, the costs and the key changes and benefits that will occur. The report also presents the opportunity to further reduce service costs in the longer term beyond this contract, through the potential; development of a council owned depot. The report recommends the bidder for Members consideration.

Key Decision: YES

Significantly
Affected Wards:

ALL

Recommendations: The Cabinet is recommended to:-

- I. Approve the award of the waste and recycling collection and street cleansing contract to bidder A.
- II. Give approval to proceed in development of a depot for service provision.
- III. Recommend to Full Council that capital spend in the region of £6.2m is approved to acquire the fleet for the new contract.
- IV. Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.

**Policy Overview:** 

Currently, we have Alternate Weekly Collection (AWC) of recyclable and residual waste, and weekly collection of food waste from the kerbside. Central government guidance expects all local authorities to aim for 50% recycling for kerbside collections. Since 2014 Ashford Borough Council has been a top performer in Kent achieving greater than 50% each year. Resident satisfaction with the waste and recycling service has gone from 83% in 2020 to 90 % in 2022. Our recycling service is the simplest and easiest collection methodology for residents to follow with all Dry Mixed Recycling (DMR) in one wheelie bin container (comingled) with food waste collected separately. It is for these reasons that Members have directed that we follow the same methodology for the next contracted service.

The model for procurement required that bidders consider impacts of potential proposed central Government schemes such as Consistency (each collection authority having to collect a consistent set of mixed recyclable items). Deposit Return Schemes (DRS) and Extended Producer Responsibility (EPR). All of these potential changes have the ability to change the streams of waste available for collection at the kerbside. At this time it is unclear what requirements will change or when. The government have been clear that should changes be implemented that impose new burdens on waste collection authorities, then these will be covered by new The possible impacts of changes were burdens funding. considered when completing the specification that went to competitive dialogue. The bidder selected a fleet capable of meeting collection requirements with flexibility.

Financial Implications:

The outcome of the procurement process will see forecasted service cost increase by circa £2.2m per annum once the

contract goes live in late March 2024. The costs from the procurement exercises were anticipated as the Council was aware that the existing contract price was below market rates.

The current contract that is due to end October 2023 has been extended to March 2024 to allow for delivery of new fleet for the new contract. The extension is forecast to add circa £1.8m to the 2023/24 budget due to higher than expected inflation costs in 2022/23 and additional extension costs. The budget for 2023/24 is broadly in line with MTFP (Medium Term Financial Plan) assumptions although some additional pressure will be added from 2024/25 and will need to be factored into future MTFP models.

Members will recall the MTFP report outlined the challenge facing the council to balance the budget over the medium term. Whilst this forecast largely included the figures outlined in this report, it is imperative to deliver savings on the council's wider budget remains to ensure that there is adequate funding for this contract.

The recommendation to fund the fleet costs directly are anticipated to save the Council circa £220,000 per annum on current forecasts. This saving has already been factored into the contract costs above.

Legal and procurement Implications: (Text agreed by Principal Solicitor of the Council on 28/11/2022)

Household waste and recycling collections and street cleansing are critical public services and a statutory obligation.

Central Government objectives in strategy require authorities to select the best methodology to recover recyclable materials and reduce waste. The current target is 50% of materials recovered to be recycled, which this authority has achieved annually for the last seven reporting years.

Cabinet approved the direction of procurement on the 29<sup>th</sup> of April 2021.

The Mid-Kent Joint Waste Partnership engaged a consultant to undertake expert support in contract development, management support of the procurement and industry guidance.

The Mid-Kent Joint Waste Partnership engaged with officers at Kent County Council to ensure disposal facilities and routines were confirmed as part of the procurement process.

A fully compliant procurement procedure was undertaken using the Competitive Dialogue Procedure under the CPR's.

This involved the authorities releasing contract documents in stages with a closing date for each stage. Bidders were able to review the documents and submit clarifications during the stages, and also conducted face to face dialogues to identify concerns and negotiate amendments to the documents.

The partnership reached mutual agreement on the scores award against the criteria.

The result of the procurement will be announced through the media and information provided on the website once the stand still period has concluded.

## Equalities Impact Assessment:

The existing standards to ensure services are accessible to all residents will remain in place, regardless of the actual service provider. These include assisted collections for residents that require that support. As such, a further Equalities Impact Assessment is not required.

### Data Protection Impact Assessment:

Data protection has been considered as part of the procurement and tender process and contract arrangements with requirements covered in the contract agreement.

# Risk Assessment (Risk Appetite Statement):

The waste & recycling collection services are a statutory requirement placed on the Authority. This report seeks approval to award the new contract and continue with contracted services as a collection partner in the Mid-Kent Joint Waste Partnership.

The potential for legislative changes that impact on collection need has been considered and the most flexible fleet options have been provided, understanding that new burdens funding should accommodate any additional changes.

Fleet procurement will be undertaken by the contractor to the specified build quality and from agreed manufacturers but to ensure best value for the collection authorities, funding for fleet purchase will be secured by the local authorities at a preferential rate to that available to the commercial contract providers.

The cost of purchase for the new contract fleet is subject to change between ordering and delivery.

It was recognised in advance that the cost of services in the new contract would be significantly higher than current service provision which was procured approximately ten years ago.

Whilst submissions received have provided a cost for services that is itemised, the new contract will be subject to indexation prior to commencement which accounts for inflation in costs of services between submission and commencement.

The cost of staff resources will be subject to a 'TUPE true up' so that no bidders had a disadvantage in financing the cost of existing staff that TUPE to the new provider in consideration of likely pay rises in the coming year.

The Central Government is yet to confirm direction on a range of changes in waste Policy, which could impact on local authority collection services including Consistency in collections (what we collect and how), and the Deposit Return Scheme (DRS). This and the Extended Producer Responsibility (EPR) scheme have potential to alter the material presented as waste at the kerbside collection.

The collection methodology will be confirmed with the Environment Agency through a TEEP (Technically, Environmentally and Economically Practicable) assessment. The Association of Public Service Excellence identifies that 82% of authorities collect recyclables in the comingled method.

Alteration to twin stream or complete separation of recyclables presents risks. Twin stream collection is where a designated recyclate (for example paper and cardboard) are collected separately from other recyclables. Cost of implementing any change is a financial pressure as it will increase costs of service delivery method and containerisation costs. Residents lack space for additional containerisation. There is evidence that less recyclables are recovered in other areas of Kent that conduct twin stream collections.

### Sustainability Implications:

The provision of collection services in accordance with the specification ensures environmentally sustainable waste and recycling collection. The collection methodology in Mid-Kent has resulted in recovery rates above government targets in Ashford for the last seven reporting years, and it is envisaged to continue improving. The provision of street cleansing services ensures protection of the public realm and environment and is vital in the presentation of the borough.

The tender required submissions that reduced carbon emissions and water use, when compared to the current contract. The new services should result in approximately 30% reduction of carbon emissions.

Other Material Implications: None

Exempt from Publication:

Yes

Exempt Appendix 1 – Tender Price Breakdown

Background Papers:

Mid Kent Joint Waste Partnership Progress report November

2017.

Report to Cabinet – Procurement Direction for Ashford Borough Council Waste Recycling and Street Cleansing

Service 29 April 2021

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# Report Title: Contract award for Ashford Borough Councils waste, recycling and street cleansing service.

### Introduction and Background

- 1. In 2013, Ashford Borough Council entered into a partnership with neighbouring authorities Maidstone and Swale Borough Councils (the Partnership) and appointed Biffa Municipal Ltd to deliver a Mid Kent Joint Waste Collection and Cleansing Contract. This provided consistency of service across the three Boroughs for waste and recycling collection and improved recycling rates. The Partnership and contractor has remained in place through the procurement process of the new Mid-Kent Joint Waste Collection and Cleansing Contract.
- 2. This Partnership has brought together a wealth of knowledge and a range of skills sets, from across three authorities that have been invaluable in the operation of our current contract. Therefore, it was agreed with Members that we would look to procure our new service together.
- 3. The work for the new contract provision has followed a fully compliant OJEU process through procurement, led by Ashford Borough Council.
- 4. The procurement moved forward on the basis of retaining our current service method of Alternate Weekly Collection (AWC) where all dry mixed recyclables (DMR) are co-mingled and are collected in one bin one week and remaining residual waste is collected the other (alternate) week. Food waste is collected weekly.
- 5. The partnership authorities conducted procurement through competitive dialogue under the CPR's. This commenced on the 30<sup>th</sup> November 2021 and progressed in stages until the tender closed on 26<sup>th</sup> October 2022.
- 6. The structure of the contract and specification is driven towards sound environmental outcomes. The evaluation criteria also drove expectations of environmental benefits and social value as well as best value for money.

### **Process and Evaluation**

7. A cross party Member consulting group titled the New Waste Contract Working Group was formed following Cabinet direction, led by the Environment, Property and Recreation Portfolio Holder. Officers presented regular updates and sought confirmation on direction in matters such as the criteria and weighting of the evaluation, and alternatives in service delivery such as day changes, and collection of small waste electrical items (WEEE) and textiles. The Members also ensured that environmental and social values were required in the bidder submissions and considered in the evaluation process. Members feedback has been very valuable, insightful and much appreciated by officers, in shaping the new service to meet the needs of our residents.

- 8. The expectation of the new service was recognised by the Members New Waste Contract Working Group as being 'a very environmental contract'. Fundamentally the objectives in service delivery ensures the authority protects the environment and delivers services in the most efficient, effective and environmentally sustainable manner achievable.
- 9. The evaluation criteria held price as 40% of the evaluation, and quality as 60% of the evaluation. The evaluation content for quality consisted of sections in Technical, Quality Management Systems, Environment and Social Value.
- 10. The bidder A scored as follows:

Company	Price Score	Quality Score	Total
	(40%)	(60%)	(100%)
Α	40.00	41.80	81.80

- 11. The evaluation identifies the annual cost for collection and cleansing services for the Council, by bidder A, (subject to indexation prior to commencement), as £6.4m per annum (including fleet but excluding cost of finance).
- 12. The procurement process provided for authorities to fund the purchase of the fleet instead than the contractor. This method in procurement results in lowering the cost of the contract. The result is that there is a saving for Ashford Borough Council on the cost of finance by approximately £1.8 million across the life of the 8 year contract excluding indexation. (An 8 year time span for the new contract was chosen to take to market as it is the industry recognised effective life of collection fleet. This was confirmed as accurate and suitable by bidders in the competitive dialogue process)
- 13. The procurement process identified that international impacts have resulted in significant delays to the delivery of fleet for the next contract. It was agreed by Portfolio Holder, Cabinet and the members waste working group that the current waste contract be extended by negotiation with the current provider for 5 months to ensure new fleet could be provided for the start of the new contract, now commencing in March 2024.
- 14. The overall annual cost for Ashford for provision of the service, including provision of fleet, is itemized through a Bill of Quantities, and a breakdown is provided in the exempt **Appendix 1**.
- 15. The following are separated and identified in the exempt appendix and these are the annual cost of services for Ashford Borough Council. The annual cost of collection services for recycle collections and annual cost for waste collection service. The annual cost for street cleansing services. Additional separated costs are preliminaries, Additional or Small Service costs, and Day Works, all subject to indexation. The explanation of those cost types is below.
- 16. The annual cost of recycle collection, waste collection and street cleansing services are the specific costs related to those services. Preliminaries include bonds, insurance, depot provision and management costs. Additional or Small Service costs are items above normal service delivery work such as graffiti removal, pedestrian area washing, emergency services and additional high speed road cleansing. Day works are items conducted in addition to

- standard services and these include labour costs per hour for services and cost of container (bin) deliveries.
- 17. Street cleansing is currently provided on a "zoned basis" for the borough and the next contract will continue to do so. This means that areas such as the town centre (where there is highest footfall and highest littering and detritus) are zone 1, suburban areas are zone 2, and rural areas zone 3 and some High Speed Roads are zone 4. This identifies the inspection frequency for the contractor where they check the area ensuring cleansing is effective, and also provides the response time if not to standard. Officers have evaluated current performance which resulted in experience being used to make some alterations in zoning provision, to ensure the next contract delivered the right services in the right places. The contract remains output based which, whilst areas are in zones, means that a standard needs to be maintained across the borough. This dictates that areas of higher footfall see a more frequent cleansing regime and a more frequent street litter bin emptying regime, based on needs.

### **Depot**

- 18. The procurement process identified that there are limited suitable facilities in Ashford for use as a depot for this contract. This is recognised as presenting both an opportunity and a risk for the future that needs to be mitigated in identification and development of a new depot.
- 19. The cost of provision of a depot for Ashford Borough Council has been driven down through competitive dialogue and the negotiation of the bidder A at the potential depot operating site.
- 20. Officers are currently conducting feasibility studies at a potentially suitable alternate depot location. A cost benefit analysis (against potential alternate income generating / cost savings opportunities for this site needs to be completed for further consideration before we finalise the depot site for the new contract.

#### **Fleet**

21. The bidder A has presented options for carbon reduction that can be achieved including vehicle types, size and use of the vehicles and efficiency in collection and cleansing rounds. An expanded explanation of this is in paragraphs below. Solutions for electrification of the collection and cleansing fleet were also presented which identifies some changes that can be made now (electric tail lifts on the refuse collection fleet and some electric street cleaning fleet) and some change is likely to be achieved in future contracts. At present, the distances involved in servicing collections across a borough our size, negates the opportunity for electric RCV fleet. It is not efficient to provide a dedicated vehicle for short haul only as the collection services move across the borough deploying all fleet every day in geographical "sweeps" to cover the whole borough. It is considered that, based on emerging technical developments, eventually hydrogen vehicles are likely to be available in coming years, with vehicles being converted at a cheaper rate than new build. However, that will be for a future contract consideration.

- 22. The bidder has offered two electric street cleansing caged vehicles as part of the fleet. This will be accepted, subject to further confirmation that UK Power Network are able to provide supply to the agreed depot. The bidder identifies that the annual CO<sup>2</sup> saving in implementing this is 16 tonnes per annum.
- 23. To mitigate carbon emissions, the bidders' vehicles will be Euro VI which is the highest available standard at time of tendering. The collection and cleansing will have route optimisation applied from commencement of contract. This means that vehicles will travel the most efficient route saving time and reducing fuel consumption. The highway infrastructure in the borough has key routes that are subject to restrictions in service operations. This means that collections or street sweepers cannot operate on main routes in rush hours. The specification restricts the contractor from operating at those locations in those hours which leads to environmental benefit.
- 24. Further emissions will be reduced by ensuring restricted access routes are adhered to and driver behaviours are monitored to minimise emissions. Driver behaviours are monitored through on board systems which identify harsh acceleration, harsh breaking and excessive speed. This system leads to environmental benefits by reducing fuel use by efficient and professional operating of vehicles and increases vehicle life expectancy.
- 25. The new contract brings improved Quality Management Systems due to advances in systems and technology. Improved accountability is provided through on board systems for both collections and cleansing operatives. Information available to council officers and the public is also improved. Examples of improvements are actual location of the collection vehicle, real time information of when a street was cleansed or due to be cleansed. On board cameras also aid in monitoring standards, inspections and investigation of incidents.
- 26. The implementation of the in house Environmental Enforcement Team has had an impact on the trend of fly tipping in the borough (downwards), which has had a "knock on" effect to the required fleet provision on the contract. This resulted in the bidder revising the fleet asset required removing an initially dedicated refuse collection vehicle which is a saving of approximately £200,000 in capital, not including the additional human resource associated.

### **Financial Appraisal**

- 27. It was identified early in the procurement process that there would be an increase in the cost of service delivery as the current cost of contracted services are below market rates.
- 28. The impact of increased costs was factored into the Medium Term Financial Plan and the extension of the existing contract to March 2024 was broadly in line with forecasts for 2023/24. However, there is some further pressure to the 2024/25 forecast within the MTFP, and figures will be revised moving forward to reflect the most up to date costs.
- 29. Members will recall the MTFP report outlined the challenge facing the council to balance the budget over the medium term. Whilst this forecast largely

included the figures outlined in this report, it is imperative to deliver savings on the council's wider budget as a whole to ensure that there is adequate funding for this contract.

- 30. The outcome of the procurement process will see forecasted service cost increase by circa £2.2m per annum once the contract goes live in late March 2024. The current contract that is due to end October 2023 has been extended to March 2024 to allow for delivery of new fleet for the new contract. The extension is forecast to add an additional £1.8m to the 2023/24 budget due to higher than expected inflation costs in 2022/23 and additional extension costs.
- 31. A modelling exercise was undertaken alongside the procurement to assess the likely costs of contracting out and the bidder came well within the modelled cost, indicating lower profit and overhead margins were being applied relative to the model. The modelling indicated that delivering the service through a Local Authority Trading Company ("LATCo") (please see below under *Other Options Considered*) would be more expensive dependent upon pension contribution. However, not only is a LATCo option more expensive, it does not provide the resilience or buying power of the contracted service. Overall, the tender offers a value for money outcome.
- 32. The MKJWP identified to the interested parties at the initial stages that the authorities were willing to provide the funding for the cost of the capital provision of the fleet. This approach is being taken due to authorities having access to lower cost borrowing and provides opportunity for the partnership to realise cost savings in the life of the contract. This report seeks approval for the funding of that cost of capital.
- 33. The price at award will be subject to increases prior to commencement. The contract indexation will be applied in 2023 and the bidder priced wages according to TUPE information. A TUPE true up exercise will take place at commencement whereby any pay increases that have occurred between bid and commencement will be addressed.
- 34. During the tender process it was identified that due to international impacts on provision of items crucial to construction of vehicles that time to build is approximately one year. This resulted in an extension to the current contract from October 2023 to March 2024, to ensure new fleet, with frontline food pods that increase the capacity of the main body of the RCV, will be available for contract commencement. This new fleet style will reduce the number of vehicles required to complete the service, reducing capital budget requirements and carbon impact.
- 35. It is proposed that the Council acquires the new fleet for Ashford and therefore benefit from reduced financing costs and save approximately £220,000 per annum based on existing forecasts. To facilitate the acquisition of the fleet, Cabinet is asked to recommend to Council that capital expenditure of circa £6.2m (current anticipated cost of new fleet) be approved.

### **Service Opportunities for Changes**

- 36. Currently collections are conducted in the Alternate Week Collection method. This borough differs from other districts as the entire borough is either a recycle or waste collection week. Weekly food collections also occur and will continue to do so.
- 37. The collection day routine for the borough will alter in an improvement for service delivery to residents. The Alternate Week Collection method will remain and commences on the 27 March 2024, the borough will be split so that approximately half the borough has its recycling collected when the other half has its residual waste collected. This alteration provides resilience and flexibility in service delivery, allowing a greater opportunity to recover services in the event of inclement weather etc.
- 38. The collection day changes will deliver efficiencies in the use of the fleet and result in reduced carbon foot print. It will also provide longevity and relieve pressure in disposal operations at the Kent County Council Ashford Transfer Station. The plan for changes will be communicated to residents well in advance, as part of the communications plan for the new service.
- 39. The bidder has identified an alternative to collection of WEEE and textile from the current kerbside collection. This should lead to improvement in recovery of those materials, and should also lead to elimination of confusion where residents are placing those items in the kerbside bins, causing contamination.
- 40. The alternative collection of WEEE and textile is being offered as free with the bulk collection service, and through the provision of 'roadshow' collections to recover WEEE and textiles. WEEE and textiles will no longer be collected kerbside in the new contract.
- 41. The bidder intends partnering with a charity that will receive bulk items collected that are capable of being reused. This would be a positive outcome in supporting the charity and diverting material from the waste stream.

### **Proposal**

- 42. Cabinet is recommended to:
- 43. Approve award of the eight (8) year contract to the successful bidder; and
- 44. Give approval to proceed in consideration of a council owned depot for service provision.
- 45. Recommend to Full Council that capital spend to acquire the collection and cleansing fleet, estimated to be in the region of £6.2m is approved.
- 46. Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.

### **Equalities Impact Assessment**

47. The existing standards to ensure services are accessible to all residents will continue with the next service provider. These include assisted collections for residents that require that support and clinical collections. An Equalities Impact Assessment is not required.

### **Consultation Planned or Undertaken**

- 48. Presentations on models and intended direction in procurement were conducted with Members resulting in a report to Cabinet. Cabinet approved the report and direction in procurement on 29 April 2021.
- 49. Regular meetings were conducted with the cross party Member group. The cross party Member group were consulted and provided support in direction in the tender process, and viewed the contract documentation. The group recognised this as being a procurement that very much considers environmentally sustainable outcomes at its core.
- 50. Stakeholder engagement occurred across the Mid-Kent partnership with respect to requirements in Quality Management Systems with IT and Customer Services at each authority.
- 51. The authorities conducted independent evaluations of the bids. The views were then discussed as a partnership with the final outcomes in evaluation decision reaching mutual agreement.
- 52. The successful bidder will be awarded the contract, subject to the standstill period, in early January 2023.
- 53. The contractor's mobilisation plan will be confirmed in January 2023.
- 54. A Contract Transition Plan will be implemented to commence in January 2023 through to operations commencement in March 2024.
- 55. Collection day changes will be communicated to residents in advance.
- 56. Changes to collection of WEEE and Textile will be communicated in advance.

### **Other Options Considered**

The Mid-Kent Joint Waste Partnership had considered the model of establishing a Local Authority Trading Company (LATCo). This was also used as the model for comparison in evaluations. The estimated cost of implementing a LATCo was more compared to the bidders' annual cost of £6.4M. Through experience, we have discovered that contracted services provide resilience in their delivery model and buying power for fleet provision compared with those provided by an in house or LATCo model. This is due to the size of their organisations in terms of additional resources in times of need and has increased purchasing power to the size of their organisation and their place in the market. Examples of resilience by the contracted service for Ashford has been the depot fire, and the impact of COVID on resourcing. The establishment of a LATCo is not considered a viable option.

### **Reasons for Supporting Option Recommendation**

- I. Approve the award of the eight (8) year contract to bidder A
- 57. It is recommended that the Authority approve the award to bidder A:
  - a. The procurement followed a robust process whereby clarity in service provision and associated costs have been identified.
  - b. The bidder has provided an offer that is lower than alternatives of a LATCo or in house service.
  - c. The residents will continue to receive benefits of a regular routine of service that meets environmental objectives.
    - II. Approval to proceed in development of a depot for service provision.
- 58. It is recommended that the Authority supports consideration of its own depot for the collection and cleansing services as it could:
  - a. Provide resilience in a facility beyond the life of the next contract.
  - b. Will possibly reduce cost of the contract in provision of the depot. However this will be explored to ensure that the best value for money is offered to the council from any potential site.
    - III. Authorise capital spend to acquire the collection and cleansing fleet, estimated to be in the region of £6.2m.
- 59. It is recommended the Authority supports approval for funding to be provided for capital acquisition of the collection and cleansing fleet.
  - a. Funding this as an alternative to contractor financing is an estimated cost saving of £1.8m.
  - IV. Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.
- 60. This authorisation enables completion of legal requirements to finalise the award of the contract.

### **Next Steps in Process**

- 61. Officers will advise the partners within the Mid Kent Joint Waste Partnership of Cabinets decision and take that relationship forward in accordance with Members direction.
- 62. The other councils within the partnership will also be reporting to their cabinets/council as required for approval.
- 63. The contract will be awarded to bidder A with a stand still period being applied.
- 64. The confirmation will lead to fleet procurement to ensure timely delivery of vehicles.

- 65. The confirmation will lead to establishment of a contract transition working group and a contract transition project group to ensure that all elements of the transition from current to new provider are achieved in a timely manner.
- 66. A Transition Plan will be utilised for project management of the implementation of the new contract. The bidder will provide resources to specifically support this aspect of implementation. Updates will be provided to Members.
- 67. The collection day changes will be clearly communicated in advance to reduce any resident confusion.
- 68. Planning and development processes for any proposed depot will follow required consultations for approval. Stakeholder engagement will be undertaken to ensure benefits are clear, and that concerns are mitigated.
- 69. The confirmation will result in progression with the development process of a proposed depot.

### Conclusion

70. Environment, Property and Recreation seek approval to award the contract to bidder A and proceed in consideration of a council owned depot for service provision. The contract opportunity from the bidder ensures a high level of environmental protection and sustainability in the delivery methods and resources provided.

### Portfolio Holder's Views

- 71. This contract has environmental protection at its heart. It ensures the delivery of household collections and street cleansing to residents expectations whilst ensuring environmental sustainability objectives are met. The bidder has also offered solutions and outcomes that add further value in environmental and social value.
- 72. Ashford has been consistently the best in terms of rate of recycling and lower household tonnages since moving to Alternate Week Collections, and comingled recycling. The current approach is clearly working and is easy for residents to follow. Therefore continuing in that model can only lead to further improvement in our performance as a borough.
- 73. The Mid Kent Partnership is a strong relationship. This is clearly of benefit to the community and provides officers with the means to provide effective contract management and services. This is evidenced in the outcomes of the robust procurement process.

### **Contact and Email**

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

Document is Restricted



## Agenda Item 8

ASHFORD

Agenda Item No: 8

Report To: Cabinet

**Date of Meeting:** 15 December 2022

Report Title: Climate Change Guidance for Development Management

**Report Author:** Claire Marchant

Job Title: Team Leader – Plan Making & Infrastructure

Portfolio Holder: Cllr. Neil Bell Portfolio Planning & Development

#### Summary:

This report introduces a proposal to publish guidance entitled 'Climate Change Guidance for Development Management'.

The purpose of the guidance is to provide developers, applicants and decision makers with clarity as to what the Council expect certain types of new residential development to deliver in the way of infrastructure to help mitigate the impacts of climate change.

The infrastructure to be delivered includes solar photovoltaic (PV) arrays, EV charging provision and facilities for rainwater harvesting.

The guidance applies to the types of residential development defined in the draft of the guidance attached at **Appendix 1**. It includes new residential dwellings, changes of use to residential and certain types of householder development.

The guidance identifies a number of key objectives and provides instructions for developers and applicants on how to achieve these in order to meet the requirements of the guidance.

This Paper seeks approval from the Cabinet to publish the 'Climate Change Guidance for Development Management' and to treat it as a material consideration for the purpose of decision making for planning decisions.

**Key Decision**: No

Significantly
Affected Wards:

None significantly - Borough Wide effect

Recommendations: The Cabinet is recommended to:-

I. Approve the content of the Climate Change Guidance for Development Management attached

- at Appendix 1 to this Paper, subject to any changes to be made under II,
- Delegate responsibility for the final contents of the II. Climate Change Guidance for **Development** Management to the Assistant Director of Planning Development in consultation with Portfolio Holder for Planning and Development,
- III. Adopt the final Climate Change Guidance for Development Management as а Material Consideration for the purpose of making planning decisions.

### **Policy Overview:**

The existing Local Plan 2030 has a range of up-to date policies which currently enable the Local Planning Authority to contribute towards tackling climate change. These policies provide a framework for the proposed guidance.

Relevant policies in the Local Plan include Policy SP1 'Strategic Objectives' and several topic policies related to the promotion enhancement and protection of the natural environment including its biodiversity, landscape, water resources, opportunities for harnessing renewable energy and policies related to the promotion of sustainable transport.

### **Financial** Implications:

None

Legal Implications: Text agreed by Principal (Strategic Development) on 07 December 2022

Under legislation, local authorities can adopt planning policies in local plans and supplementary planning Solicitor documents. Both must follow prescribed procedures prior to their adoption, so cannot be adopted very quickly. Council's Ashford Local Plan 2030 was adopted as recently as 2019, and is not being reviewed at this time. the proposed expedited guidance is intended to give advice and explanation, but not to add new policy to the Local Plan at this time. Whilst the statutory primacy of the Ashford Local Plan 2030 will remain, the Plan includes a number of policies that closely align with the proposed guidance. Within this context the guidance is considered to be consistent with the Ashford Local Plan's overarching aims and objectives.

**Equalities Impact** See attached. **Assessment:** 

Data **Protection** None necessary. Impact **Assessment:** 

Risk (Risk Appetite Statement):

**Assessment** Adoption of the guidance falls within the council's risk appetite statement which sets out how the council will take a moderate amount of risk in achieving its strategic aims. The council's Corporate Risk Register identifies a risk of not meeting our climate commitments. This guidance is intended to reduce the likelihood of that risk occurring as well as being aligned to corporate plan objectives of becoming a Carbon Neutral Borough and specifically to seek opportunities for energy efficient homes. As the guidance is consistent with the Ashford Local Plan 2030, and intended to support policies within the Local Plan that frame the content of the guidance, there are no significant risks associated with the decision.

Sustainability Implications:

The report concerns guidance for developers aimed at delivering more sustainable forms of development by effectively tackling the causes and effects of climate change in the way we plan for new residential dwellings.

Other Material Implications:

**Material** The guidance does not replace the adopted Local Plan, which remains the starting point for decision making.

Exempt from NO

**Publication:** 

Background Appendix 1: Climate Change Guidance for Development

Papers: Management

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# Report Title: Climate Change Guidance for Development Management

### **Introduction and Background**

- 1. Local Planning Authorities are bound by a legal duty to ensure that, when taken as a whole, local plan policy "contribute to the mitigation of, and adaptation to, climate change" (Section 19 of the PCPA 2004).
- 2. The Council's Local Plan 2030 was prepared in compliance with this duty, and thus is cognisant of the need to consider climate change impacts and provides a strong framework for the delivery of sustainable development that is consistent with the National Planning Policy Framework (NPPF).
- 3. However, in the period since the examination into and adoption of the Ashford Local Plan 2030, the nature and extent of the climate change crisis has become more defined, and the level of advice and guidance required to mitigate and adapt to this new context has changed significantly.
- 4. Over the past 18 months, there have been a number of significant changes to legislative requirements as well as the introduction of numerous strategies and guidance aimed at tackling the climate change issue, and these can themselves be material considerations in planning decision-making.
- 5. Changes to legislative requirements, include stipulating that the UK shall achieve a 78% reduction in UK territorial emissions by 2035 compared to 1990 levels (endorsed by the Council in May 2021) and changes to Building Regulation requirements, including interim uplifts to Approved Document L 'Conservation of fuel and power', Approved Document F 'Ventilation', Approved Document O 'Overheating' and the introduction of Approved Document S 'Infrastructure for charging electric vehicles'.
- 6. In addition to the above, the Government published its Net Zero Strategy: Build Back Greener<sup>1</sup>, and the Royal Town Planning Institute (RTPI)/ Town and Country Planning Association (TCPA) issued guidance in the form of the document titled 'The Climate Crisis A Guide for Local Authorities on Planning for Climate Change'<sup>2</sup>.
- 7. In response to this unfolding context, ever increasing concerns relating to the impacts of climate change, and in synergy with priority 2 of the Council's draft Carbon Neutral Action Plan (ensuring the Council's decision making processes, including those as the Local Planning Authority, strategic documents, plans and procedures contribute to reducing carbon emissions

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attach ment\_data/file/1026655/net-zero-strategy.pdf

<sup>&</sup>lt;sup>2</sup> https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=ebf95a2f-490a-43ce-b2d0-73acb9b8b4fd

and increasing local resilience to climate change), officers within the Plan Making team have been working collaboratively with the Council's Climate Change Manager to consider how a greener approach to planning within the borough might be able to be achieved in the short term, via guidance that can be introduced now.

## **Climate Change Guidance for Development Management**

- 8. Officers are seeking the Cabinet's approval to introduce the 'Climate Change Guidance for Development Management'. A copy of the guidance is attached in **Appendix 1**.
- 9. The content of the guidance and the infrastructure types to be delivered in accordance with the guidance have been produced at Member's request.
- 10. The overarching aim of the guidance, is to help deliver more sustainable forms of development by reducing carbon emissions in new homes. In order to do this, the guidance advises that applicants should deliver solar photovoltaic (PV) panels, infrastructure for electric vehicle (EV) charging and facilities for rainwater harvesting.
- 11. The provision of Solar PV and infrastructure for EV charging will help mitigate the impacts of climate change by reducing reliance on petrol and diesel cars and energy from non-renewables sources, which in turn, will help reduce carbon emissions.
- 12. The provision of facilities for rainwater harvesting will encourage owner/occupiers to use water more sustainably to reduce pressure on mains water supply, which is important given that the borough is located in an area of 'water stress'.
- 13. The guidance predominantly applies to schemes proposing new-build residential dwellings and dwellings resulting from a material change of use. However, applicants proposing to carry out certain types of householder development are also encouraged to apply the guidance, which is clearly set out in the document.
- 14. The specific requirements of the guidance are limited to what officers consider can reasonably be introduced within the broad parameters of the Ashford Local Plan 2030 and current legislative requirements.

## **Costs to Developers**

- 15. National Planning Policy Guidance (NPPG) is clear that Supplementary Planning Documents (SPD) should not add unnecessarily to the financial burdens on development. Although this guidance is not an SPD, the same principles apply.
- 16. The provision of infrastructure for EV charging reflects the mandatory requirements under the Building Regulations, laid out in Approved Document S 'Infrastructure for charging electric vehicles'. Therefore, requiring applicants to provide infrastructure for EV charging is not anticipated to add

unnecessarily to the financial burdens on development. It will however, require developers to produce evidence at an earlier stage in the development process, as essentially, the guidance frontloads the requirements that would usually be introduced at the Building Regulation stage.

- 17. However, requiring applicants to demonstrate they can meet EV requirements at the planning application stage, will ensure that its provision is carefully considered early on in the design stages, which is of significant benefit. This will ensure that EV can be delivered in a manner that will not compromise the layout and design of a scheme, and will reduce the potential risk of developers having to amend proposals after planning permission has been given, in order to accommodate Building Regulation requirements.
- 18. In the case of solar PV, the guidance encourages developers to thoroughly explore how this might be integrated into certain types of new residential development.
- 19. Although, the provision of solar PV represents an additional cost to developers and applicants, delivering solar PV aligns with national and the Council's objectives to deliver significant reductions in carbon emissions as rapidly as possible, in order to reach net zero carbon target by 2050 in line with current legislation. Delivering solar PV also aligns with 'The Vision' for the borough set out in the Local Plan 2030, which includes adopting a positive approach to adapting to and mitigating against the effects of climate change by promoting (amongst other things) sustainable energy technologies.
- 20. Similarly, to solar PV, the provision of facilities for rainwater harvesting represents an additional cost to developers. However, the guidance proposes that developers provide an appropriately sized water butt as a minimum. The cost associated with providing a water butt is expected to be minimal when considered in context with the overall development, even for a householder proposing a modest extension. Furthermore, the delivery of rainwater harvesting facilities would align with objectives in the Local Plan 2030 that seek to secure long term reductions in water use, for example Policy ENV7 'Water Efficiency'.
- 21. In the case of both Solar PV and facilities for rainwater harvesting (i.e. a water butt), the additional costs associated with these types of infrastructure may result in a reluctance from developers to deliver them. In order to minimise this risk, the guidance adopts a flexible approach, in that it invites applicants who conclude they cannot deliver the infrastructure identified to demonstrate why they cannot comply with the guidance by submitting evidence that is both robust and transparent. However, the guidance states that this evidence must include information to demonstrate how the proposed development seeks to reduce carbon emissions through other means. For example through a fabric first approach (i.e. optimized glazing, enhanced ventilation and insulation, low carbon heating systems and water efficient fixtures and fittings). Evidence submitted to justify non-compliance with the guidance will then be assessed on a case by case basis.

## Proposal

- 22. This Paper recommends that the Cabinet agree the content of the 'Climate Change Guidance for Development Management' and approve its publication so that it can be treated as a material consideration for the purpose of decision making.
- 23. With regard to the status of the guidance, the guidance doesn't change the policies in the Local Plan which remains the starting point for decision-making. Instead, the guidance would be a material consideration which would be afforded weight by officers of the Council when determining planning applications or making recommendations to the Planning Committee.

### **Equalities Impact Assessment**

24. Members are referred to the attached Assessment. No significant issues require attention.

#### **Consultation Planned or Undertaken**

25. The Council is aware that many developers are already keen to incorporate measures to mitigate the impacts of climate change as developers recognise the importance of dealing with wider climate change issues and the desire from the market to live more sustainably. On account of this, and on account of the nature of the guidance no specific formal consultation has been undertaken.

## **Reasons for Supporting Option Recommended**

26. Given the fact that dealing with the issue of climate change is so important, the drafting of this guidance is the most appropriate mechanism available at this time, given that it can be produced and implemented quickly in order to take effect.

## **Next Steps in Process**

- 27. If the Cabinet agree to the recommendations proposed, the next step will be to publish the guidance on the website in order to draw to the attention of developers and the public that it will be treated as a material consideration to be applied to planning decisions.
- 28. The guidance requires applicants to submit a 'Climate Mitigation Statement' with their planning applications. The latest version of the 'Ashford Borough Council Validation Checklist' was agreed by Cabinet in November 2021, when it was also agreed to delegate authority to the Assistant Director for Planning & Development, in consultation with the Portfolio Holder for Planning & Development, to make any minor amendments to the local validation checklist. To reduce the potential for any delays once an application has been validated, it is proposed that a minor amendment is made to the validation checklist to include the submission of the 'Climate Mitigation Statement' as a validation requirement under this delegation.

- 29. Officers recognise the need to effectively tackle the causes and effects of climate change in the way we plan new buildings and so this guidance represents the first stage in the Council's move to embed climate change requirements in our planning policies and decisions.
- 30. Clearly the Local Plan process remains the most appropriate and legally-mandated vehicle to deliver a broader range of climate change planning policies to deal with the wider set of climate change issues, as the Local Plan process allows for evidence to be produced and plan viability to be considered as a whole set against relevant government policy. The intention is to formally commence the process for revising the Local Plan in 2023 and the scope of matters to be included in that review is now under consideration.

#### Conclusion

- 31. The approval of the 'Climate Change Guidance for Development Management' will provide applicants with useful advice to assist them in submitting planning applications that successfully help to mitigate the impacts of climate change.
- 32. The guidance will also provide decision makers with advice on how to evaluate proposals seeking to deliver solar PV, infrastructure for EV charging and facilities for rainwater harvesting.

#### Portfolio Holder's Comments - Cllr Neil Bell

33. The challenge of effectively tackling the causes and effects of climate change should not be underestimated. However, planning can play a vital role in helping to mitigate the impacts. Consequently, I support the approach to publish Climate Change Guidance for Development Management, which reflects the Council's corporate priorities and represents the first step towards ensuring that new residential development in Ashford is more sustainable.

#### **Contact and Email**

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## CLIMATE CHANGE GUIDANCE FOR DEVELOPMENT MANAGEMENT – DRAFT

#### Section 1 – Introduction

The core purpose of planning is to create sustainable places that support the environment and human health and wellbeing.

Planning therefore has a vital role to play in shaping and enabling development that minimises carbon emissions and adapts to increasing temperatures to help tackle the Climate Change issue.

The Council recognise this, and so are publishing this guidance note to introduce a new requirement that applicants of certain types of development should include certain types of infrastructure as part of their developments to help mitigate the impacts of climate change.

The types of infrastructure that the Council expect applicants to deliver are:

#### <u>Infrastructure type 1 - Solar Technology</u>

The Council recognises that it has a responsibility to contribute to energy generation from renewable and low carbon sources. To support this, this guidance requires applicants to include the provision of solar technology.

#### Infrastructure type 2 - Electric Vehicle (EV) Charging Points

The Council are committed to encouraging a shift to more sustainable less carbon emitting forms of transport. To support this, this guidance requires applicants to demonstrate that development is supported by adequate infrastructure for charging electric vehicles.

#### Infrastructure type 3 - Rainwater Harvesting

Ashford Borough Council recognise that water is a finite resource essential for human health and wellbeing as well as the natural environment. This guidance therefore requires applicants to demonstrate that they can deliver facilities for rainwater harvesting.

Ashford Borough Council has always recognised the need to care about the environment, and effectively tackling the causes and effects of climate change in the way we plan new buildings is essential.

Consequently, this guidance note represents the first stage in the Council's move to embed climate change requirements in our planning policies and decisions.

This guidance will act as a crucial component in the fight to tackle the impacts of climate change by helping to deliver more sustainable forms of development.

#### Purpose of the Document

The purpose of this Guidance Note is to provide applicants and decision makers with clarity as to what the Council expect schemes for certain types of residential development to deliver.

The guidance note clearly sets out the Council's objectives, and advises what evidence applicants must submit with their planning application to demonstrate that the infrastructure identified can be delivered.

Planning applications must be supported by an overarching 'Climate Mitigation Statement' to give the decision maker as much certainty as possible that development will comply with this guidance in an appropriate and proportionate way, that reflects the scale of the development proposed. The type of information and evidence to be provided is detailed within Section 3 of this guidance note under each of the infrastructure types identified.

The starting point should not be that this infrastructure cannot be provided. Applicants will be expected to demonstrate that they have thoroughly explored all options for its delivery. Applicants who conclude that they cannot deliver the infrastructure identified in accordance with this guidance, will be expected to demonstrate why, by submitting evidence that is robust and transparent. This evidence must include information to demonstrate how the proposed development seeks to reduce carbon emissions through other means. For example through a fabric first approach (i.e. optimized glazing, enhanced ventilation and insulation, low carbon heating systems and water efficient fixtures and fitting). This will meet the overarching aim of the guidance to tackle issues associated with climate change.

#### Who is this Guidance Note for?

This guidance applies to the following types of infrastructure across the whole of the Ashford Borough.

#### Infrastructure type 1 - Solar Technology

This applies to planning applications for:-

- New residential dwellings.
- Dwellings resulting from a material change of use.

Applicants proposing to carry out householder development involving the erection of an extension, outbuilding, a car port and/or a garage are encouraged to apply this guidance whether planning permission for the development is required or not.

Domestic solar panel systems typically have a capacity of between 1kW and 4kW. The Council have previously issued guidance titled 'The development of Domestic and Medium Scale Solar PV arrays up to 50kW and Solar Thermal (Guidance Note 1)' dated 2013.

NB - Applicants are advised that this guidance note supersedes all sections on pages 8 to 17 of that document that relate to domestic scale solar PV <4kW.

<u>Infrastructure type 2 - Electric Vehicle (EV) Charging Points</u>

This applies to planning applications for:-

- New residential dwellings.
- Dwellings resulting from a material change of use.

Applicants proposing to carry out householder development involving the creation of new parking provision in the form of new hardstanding, a car port and/or a new garage are encouraged to apply this guidance, whether planning permission is required for the development or not.

#### Infrastructure type 3 - Rainwater Harvesting

#### This applies to planning applications for:-

- New residential dwellings.
- Dwellings resulting from a material change of use
- Householder development where the development includes the following:
  - The erection of an extension(s) to a dwelling house
  - The erection of a standalone annexe
  - The erection of a new outbuilding
  - The erection of a car port or garage

For the purpose of the remainder of the guidance the development listed above is referred to as 'qualifying development'.

#### Are the Council's requirements an 'undue burden'?

The delivery of infrastructure for EV charging is already mandated through legislation under the Building Regulations.

As the requirements introduced through this this guidance note are consistent with the Building Regulations, the Council do not consider that the requirements will result in any additional costs to the developer.

The Council's aspirations for developers to install solar photovoltaics (PV) and facilities for rainwater harvesting could result in an additional cost to developers, although, the Council is aware that many developers are already keen to incorporate measures to mitigate the impacts of climate change as developers recognise the importance of dealing with wider climate change issues and the desire from the market to live more sustainably.

However, given that dealing with the impacts of climate change is so important, and that the guidance adopts a flexible approach, in that it affords developers the opportunity to submit evidence to make a case if they are unable to comply with the guidance for viability reasons, the Council considers that its requirements represent a reasonable and proportionate response to this important issue.

## Section 2 – Relevant Policy Context

The content of this guidance has been formulated to respond to the Council's existing portfolio of Local Plan policies and align with its corporate objectives.

#### The Ashford Local Plan 2030

The Council's Local Plan 2030 is cognisant of the need to consider climate change impacts and provides a strong framework for the delivery of sustainable development that is consistent with the National Planning Policy Framework (NPPF).

The Local Plan includes a number of planning policies which are relevant to this Guidance Note and which frame its contents.

#### 'The Vision'

The Vision for the Borough includes adopting a positive approach to adapting to and mitigating against the effects of climate change. This will be secured by promoting sustainable transport, sustainable energy technologies and encouraging sustainable building design; avoiding development in areas at greatest risk of flooding; protecting and enhancing green networks; carefully considering the location, layouts and design of new housing; promoting sustainable drainage and challenging water efficiency standards.

#### Policy SP1 Strategic Objectives

Policy SP1 Strategic Objectives sets out the Council's objectives to deliver 'The Vision'. Criterion (i) of Policy SP1 advances the climate change agenda, stating that 'planning applications' are expected "to ensure new development is resilient to, and mitigates against the effects of climate change by reducing vulnerability to flooding, promoting development that minimises natural resource and energy use, reduces pollution and incorporates sustainable construction practices, including water efficiency measures".

In addition to the above, the Ashford Local Plan 2030, also contains several topic policies which relate to areas of planning associated with climate change. These include policies related to the promotion enhancement and protection of the natural environment including its biodiversity, landscape, water resources and opportunities for harnessing renewable energy, and policies related to the promotion of sustainable transport.

The Council accept that the impacts associated with climate change will continue to shift and so the Council's aim is to introduce new policies and/or guidance in due course that sets out how development is expected to respond to wider climate change issues. Further details of these will be published at the appropriate time.

#### The National Planning Policy Framework (NPPF)

Since its original publication in 2012, the NPPF has taken a relatively consistent approach to climate change requirements stating that "plans should take a proactive approach to mitigating and adapting to climate change taking into account the long-

term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the rush of overheating from rising temperatures (footnote 53 applies)". Footnote 53 requires that this is undertaken in line with the objectives and provisions of the Climate Change Act.

In addition to the above, the NPPF was amended in July 2021 to include reference to the United Nations Sustainable Development Goals. These include:

- Sustainable Cities and Communities Making cities and human settlements inclusive, safe, resilient and sustainable; and
- Climate Action Taking urgent action to combat climate change and its impacts.

#### Planning Practice Guidance

Planning Practice Guidance reinforces how important it is for local planning authorities to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.

Planning Practice Guidance recognises that amongst other things, planning can help increase resilience to climate change impacts through the design of development [Paragraph: 001 Reference ID: 6-001-20140306].

### Related Requirements

Building Regulations have recently been updated to include several mandatory requirements which together with planning can help ensure that all new development minimises carbon emissions.

Changes to Building Regulation requirements include interim uplifts to Part L, Part F, and the introduction of Part O. Changes include the following:

- Approved Document L Conservation of fuel and power
  - Non -domestic buildings must achieve a 27% reduction in CO2 emissions
  - Domestic buildings must achieve a 30% reduction in CO2 emissions
- Approved Document F Ventilation
  - Amended and new requirements aimed at improving ventilation standards.
- Approved Document O Overheating
  - Amongst other things Part O seeks to minimise solar gain and remove excess heat, addresses the issue of orientation and introduces a standard for the maximum amount of glazing allowed in a single room.

In addition to the above, the government have also introduced Approved Document S, relating to infrastructure for charging electric vehicles.

#### **Further Information**

Further information explaining what the Government are doing nationally to tackle the issue of climate change is detailed in **Appendix 1**.

**Appendix 2** provides a summary of what the Council are doing corporately to help mitigate the impacts of climate change at a local level.

## Section 3 - Infrastructure Types

## Infrastructure Type 1 – Solar Photovoltaics (PV)

#### What do the Council want to see?

The Council's objective is to significantly increase the amount of energy generated from renewable and low carbon technologies, particularly for major residential development that involves 10 or more dwellings.

In order to deliver the overriding objective the Council expect qualifying development to demonstrate that prior to the occupation of any new dwelling, that dwelling is served by:

- a) A solar PV system(s) that generates approximately 50% of the yearly average energy consumption, or, an alternative amount agreed with the Council having regard to the evidence submitted
- b) Infrastructure that is using the most efficient and up to date technology, as feasible.
- c) Infrastructure that can be delivered in a manner that is sympathetic to the character of the surrounding environment.

The basis for encouraging applicants to install solar PV as a means to generate renewable energy, is enshrined in the national policy guidance and Local Plan policies referenced in **Appendix 3** of this guidance note.

Alternative technologies may be suitable, for example community wind turbines, however, the Council will consider alternative proposals on a case by case basis.

#### What information is needed to support my application?

The applicants 'Climate Mitigation Statement' provided in support of the planning application should include the following information:

- a. The scale of the proposed installation for example the amount of panels proposed to be provided per dwelling and confirmation of the amount of energy the installation will generate.
- b. If the amount of energy generated is less than 50% of the dwellings yearly average energy consumption, evidence to demonstrate why the development cannot reach the target encouraged in accordance with this guidance.
- c. Confirmation of the technology being used, and if it is not the most efficient and up to date technology the reasons why not.
- d. Details of the appearance of the solar PV panels.
- e. Elevations (for both roof and ground mounted arrays)
- f. For systems fixed of integrated into roof coverings, a roof plan identifying the location of the proposed system.
- g. For free standing ground-mounted systems, a block plan.
- h. Details of future maintenance.

#### What information is needed at outline stage?

'Climate Mitigation Statements' are also required to be submitted with outline or hybrid planning applications.

However, it is accepted that given the nature of an outline application, the Statement might contain less detail.

The minimum any Statement must set out, is confirmation that solar PV will be provided and a commitment that when reserved matters are submitted they will be accompanied with the requisite level of detail specified at (a) to (h) above.

#### What are the exceptions to the requirements set out above?

The starting point, in most cases, should be that Solar PV is to be provided. Applicants will be expected to demonstrate that they have thoroughly explored all options for providing solar PV.

Where applicants conclude that solar PV cannot be delivered in accordance with this guidance, the applicant will be expected to produce robust and transparent evidence justifying why. These reasons will normally relate to issues surrounding feasibility or the practicality of delivery, or a combination of these factors. The Council also recognise that in some locations for example area's that are inherently more sensitive such as conservations areas or Areas of Outstanding Natural Beauty (AONB), it may not be appropriate to support the installation of solar PV – i.e. the preservation or enhancement of the character of that area and/or the value of the landscape override the desire/benefits of installing solar PV.

When an application for development is submitted that affects a Listed Building, its setting, a conservation area or an Area of Outstanding Natural Beauty (AONB), Council officers will assess whether complying with the requirements of this guidance is reasonably practicable. Applications will be assessed on a case-by-case basis.

Historic England have provided comprehensive advice relating to the most appropriate and sensitive way to install solar PV panels on a historic building or within their setting.

Applicants, for qualifying development that affects Listed Buildings or their setting must demonstrate that they have had regard to Historic England's guidance which can be viewed <u>here</u>.

Irrespective of the reasons, applicants who do not intend to deliver solar PV, will be expected to demonstrate within their evidence how the proposed development seeks to reduce carbon emissions through other means. For example through a fabric first approach (i.e. optimized glazing, enhanced ventilation and insulation, low carbon heating systems and water efficient fixtures and fittings).

#### Planning conditions

Planning conditions will be applied to planning permissions for qualifying development that includes solar PV to ensure that it is delivered in accordance with the approved details. Some example conditions are provided in **Appendix 3**.

#### **Useful Information**

Delivering development that is of a high quality design and is sustainable is a key Council priority.

**Appendix 3** of this guidance note details the issues around design and future maintenance that applicants need to take into account when delivering Solar PV within a scheme.

Certain types of development are granted planning permission by national legislation without the need to submit a planning application. This is known as 'Permitted Development'. In many cases fixing solar panels to the existing roof of a domestic property and/or within its curtilage, is likely to be considered 'permitted development'. **Appendix 3** provides applicants with guidance to help determine if and when planning permission is required for solar panels.

# Infrastructure Type 2 – Electrical Vehicle Charging Points for New Residential Development

#### What do the Council want to see?

The Council are seeking to significantly increase the supply of EV charging points across the borough.

The Council's intention is to ensure that it delivers a well-designed, accessible and sustainable network of new electric vehicle charging points to encourage a shift towards more energy efficient vehicles.

The Council's overarching aim is to ensure that in future, qualifying development will have at least one EV charging point.

The Council's parking standards are set out in Policy TRA3(a) of the Local Plan 2030 (see below). As set out in Policy TRA3(a) residential development within the borough shall follow the design, layout and accessibility guidance contained within the Council's Residential Parking and Design Guidance SPD. Policy TRA3(a) and the Residential Parking and Design Guidance SPD provide an opportunity to increase EV charging capacity.

The Council's objective is to deliver residential parking that meets the requirements set out in Policy TRA3(a) of the Local Plan 2030 and in doing so, ensure that adequate provision for EV charging is integrated into the design/layout.

In order to deliver the overriding objective the Council expect qualifying development to demonstrate that:

- The development will be supported by adequate infrastructure to support EV charging as a minimum development must comply with the mandatory requirements set out in the Building Regulations i.e. one EV charging point shall be provided per residential dwelling.
- Infrastructure is installed using the most efficient and up to date technology.
- Infrastructure can be delivered in a manner that is sympathetic to the character of the surrounding environment.

The basis for encouraging applicants to install infrastructure for EV charging is enshrined in the legislation, national policy guidance and Local Plan policies referenced in **Appendix 4** of this guidance note.

#### What information is needed to support my application?

The applicants 'Climate Mitigation Statement' provided in support of the planning application should include the following information:

a. How many new EV charging points are to be delivered by the proposal, and its consistency with the Council's overarching objectives set out above and the requirements set out in the related sections of Approved Document S of the Building Regulations.

- b. Confirmation of the technology being used, and if it is not the most efficient and up to date technology (i.e. SMART) the reasons why not.
- c. Details of the type of power supply to be provided (i.e. standard, fast, rapid) see below.
- d. Details of the scale and appearance of any infrastructure above ground for example plugs, sockets and/or charging unit applicants are advised that irrespective of the scale of the qualifying development, the Council will expect all charging points to be fitted with a Type 2 plug as a minimum.
- e. A layout plan and/or map identifying the following:
  - o The location of vehicle parking spaces and/or bays, and
  - o The position of charging equipment and associated infrastructure for example ducting/cable routes.
- f. Where applicable, details of future management (see further below).

#### What information is needed at outline stage?

'Climate Mitigation Statements' are required to be submitted with outline or hybrid planning applications. However, it is accepted that given the nature of an outline application, the Statement might contain less detail, for example it might not include detailed layout information or detail of the scale and appearance of any infrastructure above ground.

However, the minimum any Statement must set out is an indication on a layout map where and how many EV charging points shall be provided, and a commitment that when reserved matters are submitted they will be accompanied with the requisite level of detail to support that application to be consistent with the details of this guidance.

#### What are the exceptions to the requirements set out above?

The starting point, in most cases, should be that infrastructure for EV charging will be provided. Applicants will be expected to demonstrate that they have thoroughly explored all options for providing infrastructure for EV charging.

Where applicants conclude that infrastructure for EV charging cannot be delivered in accordance with this guidance, the applicant will be expected to produce evidence justifying why. These reasons will normally relate to issues surrounding viability (see Approved Document S), feasibility or the practicality of delivery, or a combination of these factors. Whatever the reason for non-compliance with this guidance, the applicant will be expected to produce robust and transparent evidence to justify why.

The evidence submitted must include information to demonstrate how the proposed development seeks to reduce carbon emissions through other means. For example through a fabric first approach (i.e. optimized glazing, enhanced ventilation and insulation, low carbon heating systems).

Approved Document S of the Building Regulations is designed to stop the installation of EV chargers being prohibitively expensive. It therefore includes a £3,600 price cap, meaning each EV charger should not cost more than an average of £3,600 per charge point. If the cost is set to exceed this on a dwelling, then cable routes for charge points must be installed in the associated parking spaces, albeit the same £3,600 cap applies.

In accordance with Building Regulations Approved Document S to show that the connection cost is greater than £3600 at least two formal quotes should be submitted with the planning application as follows:

- a) At least one quote should be from a distribution network operator.
- b) Quotes should clearly show all of the following.
- i. The total connection costs for electrical infrastructure without electric vehicle charge points for all dwellings, as an average cost per dwelling.
- ii. The total connection costs with electric vehicle charge points for all dwellings, as an average cost per dwelling.
- iii. The average additional connection costs per electric vehicle charge point per dwelling if electric vehicle charge points are installed for all dwellings with associated parking spaces.
- iv. The maximum number of electric vehicle charge points that can be installed before the extra grid connections costs exceed £3600 per charge point per dwelling

Approved Document S states that the following building types, when undergoing a material change of use, are exempt from complying with the requirements of the EV charge point installation regulations if compliance would unacceptably affect the significance of the building or its surroundings.

- a. Those listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b. Those in a conservation area designated in accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- c. Those included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

When an application for qualifying development is submitted that affects a Listed Building, its setting or a conservation area, the Council's conservation officer may be asked to assess whether complying with the requirements of the electric vehicle charge point installation regulations is reasonably practicable. Applications will be assessed on a case-by-case basis.

### Planning conditions

Planning conditions will be applied to planning permissions for qualifying development that include infrastructure for EV charging to ensure that it is delivered in accordance with the approved details. Some example conditions are provided in **Appendix 4.** 

#### Useful information

Delivering development that is of a high quality design and is sustainable is a key Council priority.

**Appendix 4** of this guidance note details the issues around design, accessibility, signage and future maintenance that applicants need to take into account when delivering infrastructure for EV charging within a scheme.

**Appendix 4** also provides advice and information with regard to the type of infrastructure and technology available.

## Infrastructure Type 3 - Rainwater Harvesting

#### What do the Council want to see?

The Council are seeking to ensure that development is water efficient in order to reduce pressure on water supply and ensure that water is being used more sustainably.

The Council's objective, is to ensure that qualifying development includes the provision of appropriate facilities to harvest rainwater.

In order to deliver the objective **qualifying development** should demonstrate that it can facilitate the provision of at least one water butt – i.e. one water butt per new dwelling, extension, outbuilding, car port or garage.

The basis for encouraging applicants to install facilities for rainwater harvesting is enshrined in the legislation, national policy guidance and Local Plan policies referenced in **Appendix 5** of this guidance note.

#### What information is needed to support my planning application?

The applicants 'Climate Mitigation Statement' provided in support of the planning application should set out:

- a. Details of the type, size, capacity and number of water butts to be provided.
- b. A layout plan and/or map identifying the following:
  - The location of the system ensuring sufficient space is provided to enable it to be delivered.
  - Points of connection with downpipes.

Applicants who choose to install alternative rainwater harvesting systems should set out:

- a. Details of the type of system, its size, capacity and appearance.
- b. A layout plan and/or map identifying the following:
  - The location of the system ensuring sufficient space is provided to enable it to be delivered.
  - Points of connection with downpipes.
- c. In the case of a system that is powered, detailed technical specifications should be provided.
- d. Details of any associated infrastructure such as external sockets and/or control panels.
- e. Details of the position of any underground pipework/cable routes.

#### What information is needed at outline stage?

'Climate Mitigation Statements' are required to be submitted with outline planning and hybrid applications. However, it is accepted that given the nature of an outline application, the Statement might contain less detail.

The minimum any Statement must set out is confirmation of the type of rainwater harvesting system to be provided and a commitment that when reserved matters are submitted they will be accompanied with the requisite level of detail to support that application to be consistent with the details of this guidance.

#### What are the exceptions to the requirements set out above?

The Council expect all qualifying development to provide at least one water butt. For example one water butt per new dwelling, extension, outbuilding, car port or garage.

#### Planning conditions

Planning conditions will be applied to planning permissions for qualifying development that include rainwater harvesting facilities to ensure that the facilities are delivered in accordance with the approved details. Some example conditions are provided in **Appendix 5**.

#### Useful information

Delivering development that is of a high quality design and is sustainable is a key Council priority.

**Appendix 5** of this guidance note details the issues around design that applicants need to take into account when delivering facilities for rainwater harvesting.

**Appendix 5** also provides advice and information with regard to the type of rainwater harvesting facilities available.

## APPENDIX 1 - The National Response to Climate Change

The significance of Climate Change is reflected in the breadth of material associated with the delivery of the Governments agenda to tackle the issue. This includes legislation, policy, guidance and various strategies.

The Climate Change Act 2008 (amended in 2019) requires a 100% reduction in greenhouse gas emissions by 2050 (compared to 1990 levels). This is known as the net zero target.

In December 2020 the Independent Climate Change Committee (ICCC) published the 'Sixth Carbon Budget (SCB) - The UK's path to Net Zero'. The ICCC recognised that the Sixth Carbon Budget could only be achieved if 'Government, regional agencies and local authorities work seamlessly together'. The SCB, which was adopted by Government in June 2021 set a more ambitious target for the UK reduction in greenhouse gas emissions, which this Council endorsed in May 2021. This latest target, and current legislative requirement, stipulates that the UK shall achieve a 78% reduction in UK territorial emissions by 2035 compared to 1990 levels. In effect, bringing forward the UK's previous 80% target by nearly 15 years.

Following the update to the NPPF in July 2021, on the 19<sup>th</sup> October 2021 the Government published its <u>Net Zero Strategy</u>: <u>Building Back Greener</u> and its <u>Heat and Buildings Strategy</u>. These documents contain a broad range of commitments including ensuring the reformed planning system supports efforts to combat climate change, a commitment to review the NPPF, and the introduction of Building Regulations interim Future Homes and Buildings Standards. Later on 29<sup>th</sup> October 2021, the Housing, Communities and Local Government Select Committee issued a report following its inquiry into local government and the path to net zero. The Government response to this, published on 13<sup>th</sup> January 2022 commits to accelerating the legislation to introduce the full Future Homes Standard in 2024 as opposed to 2025.

Around about the same time, The Royal Town Planning Institute and Town and Country Planning Association published 'The Climate Crisis – A Guide for Local Authorities on Planning for Climate Change' (October 2021). The guide is intended as an introduction to some of the key issues associated with tackling the climate crisis.

Earlier this year, (17<sup>th</sup> January 2022) the Government published the <u>UK Climate Change Risk Assessment 2022</u> which identifies that even under low warming scenarios the UK will be subject to a range of significant and costly impacts unless significant further action is taken now. The assessment states that 'evidence shows that we must do more to build climate change into any decisions that have long-term effects, such as in new housing or infrastructure, to avoid often costly remedial actions in the future'.

On 2nd February 2022, the Government published its Levelling Up White Paper which supports the decarbonisation agenda and recognises changes to the planning system are needed to support the transition to net zero.

Ashford Borough Council recognise that it is important to act locally as well as globally and nationally. The Council therefore accept it has an important part to play in helping to tackling climate change, and are aware of the urgency and challenges associated with this responsibility.

## APPENDIX 2 - The Council's Response to Climate Change

Based on Tyndale analysis, for Ashford to make its 'fair' contribution towards the Paris Climate Change Agreement, the following should be noted:

- Ashford's carbon budget of cumulative carbon dioxide emissions is 4.1 million tonnes (MtCO2) for the period of 2020 to 2100. At 2017 CO2 emission levels, Ashford would use this entire budget within 7 years from 2020.
- To deliver a Parish aligned carbon budget, an immediate programme of CO2 mitigation to deliver cuts in emissions averaging a minimum of -13.7% per year is required. These are not solely in the Councils gift to deliver, as annual reductions in emissions require national and local action, however, the Councils community leadership role and standards can go a long way to enable this and deliver necessary behaviour change.

Ashford is the largest borough in Kent and as a consequence of its former designation as a strategic growth area for the South East of England (Sustainable Communities Plan July 2003), Ashford town in particular has seen significant growth in recent years.

According to data from the Office of National Statistics in Ashford the population size has increased by 12.5% from around 118,000 in 2011 to 13,700 in 2021. This is higher than the overall increase for England where the population grew by nearly 3.5 million to 56,489,800 (6.6%).

Given its fast-growing population, the pressure to develop in Ashford Borough is set to continue. The recently adopted Ashford Local Plan 2030 (February 2019) identifies a housing target of 13,118 new dwellings to be delivered in the borough in the period 2018 to 2030, together with a target of approximately 11,000 new jobs.

Regarding the impact of future growth on Climate Change, according to BEIS data, in 2018 the borough's total carbon emissions was 598.6 ktCO2<sup>1</sup>. The pie chart in Figure 1 below shows how different sectors make up this total. It should be noted that 70.2 ktCO2 is absorbed by land use such as forests, cropland and grassland.

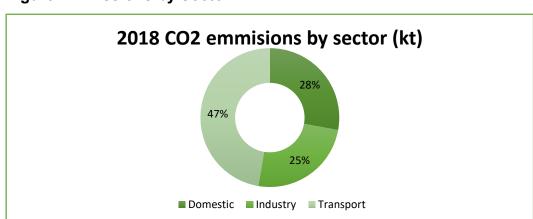


Figure 1 Emissions by Sector

<sup>&</sup>lt;sup>1</sup> Ashford to Zero Plan – Consultation Draft 2021

It is therefore essential that the Council act to reduce the output of CO2 emissions.

At present, the Councils ambition is to achieve a target of net zero carbon emissions by 2030 for the council's own estate and operations. For the rest of the borough, the Council are committed to working with residents, business, statutory and voluntary organisations to deliver significant reductions in carbon emissions across the borough as rapidly as possible, reaching net zero by 2050 in line with current legislation.

This commitment means that there is a requirement for urgent and immediate action and planning can help by ensuring that new residential development of the types identified seek to minimise carbon emissions.

## APPENDIX 3 – SOLAR PHOTOVOLTAIC (PV)

Solar photovoltaic (PV) panels generate electricity when exposed to sunlight. They are the most appropriate form of renewable energy generation for a building as they are a simple and durable technology and can be installed on both roofs, suitable facades and can also be ground mounted.

### National and Local Policy Context

Electricity demand is increasing, and the UK needs to decarbonise its power supplies in parallel with keeping up with this increasing demand. The provision of renewable energy within new development, such as solar, can make a vital contribution. It also provides benefits to occupants such as cheap energy and the ability to charge electric vehicles.

The NPPF confirms the government's commitment to sustainable development with one of the core planning principles being to:

"support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

Further detailed guidance is available in <u>Planning Practice Guidance for renewable</u> and low carbon energy.

Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

At a local level the Ashford Local Plan 2030 includes policy ENV10 'Renewable and Low Carbon Energy'. The policy is a permissive policy that sets out how proposals for renewable and low carbon energy generation will be considered.

In addition, the Council has established Renewable Energy Planning Guidance Notes 1 and 2 that have been approved by Cabinet. The guidance notes dated 2013 and titled 'The development of Domestic and Medium Scale Solar PV arrays up to 50kW and Solar Thermal (Guidance Note 1)' and 'The development of large scale (>50kW) Solar PV arrays (Guidance Note 2)' can be viewed <a href="here">here</a> on the Council's website.

With regard to 'The development of Domestic and Medium Scale Solar PV arrays up to 50kW and Solar Thermal (Guidance Note 1)', applicants are advised that this guidance note supersedes all sections on pages 8 to 17 of that document that relate to domestic scale solar PV <4kW.

## What issues around design does an applicant need to take into account?

#### **System Options**

There are a number of options for installing a PV array:

- Fixed over the roof covering
- Integrated into the roof covering
- Free-standing ground-mounted, set away from the building

In addition to the array, there are also options for the way the electrical energy generated is used or stored:

- Stand-alone Uses battery storage, usually in remote locations where all the energy is used locally.
- Grid-connected Either with or without battery storage, to maximise self-consumption and reduce export to the grid.

#### Orientation

Solar PV systems should be considered at the very earliest of design stages. The design and orientation of new residential buildings and residential extensions should be undertaken in a manner which, where possible, optimises the southerly orientation.

#### Location

Consideration should be given to shading, for example, applicants should consider the proximity of existing and future trees, as shading will affect performance.

#### Appearance

The effect of any solar installation on the character and appearance of the building and the wider locality should be carefully considered.

Installations should be designed to minimise their visual impact and in a way which responds to the form, proportions, and architectural detail of the recipient building or nearby buildings. This may include the following:

- Integrating solar PV's into the roof covering.
- Designing solar installations to complement existing windows and roof lights,
- Introducing a parapet to screen panels installed on flat roofs
- Choosing a colour and/or design that blends with building materials and surrounding landscapes such as a non-shiny anti-glare options that would be less conspicuous in the wider landscape.
- Installing arrays on outbuildings or extensions in order to minimise the impact on the principle/host building.
- Generally avoiding designs which may appear disproportionate and unbalanced.

## Future Management

Solar PV systems, like all electrical equipment, require regular maintenance to ensure continued and safe operation.

The applicant should include details of a maintenance schedule. This should detail how often equipment would need routine maintenance to ensure that it continues to function at full capacity. Maintenance regimes will vary depending on the size, type and location of the system and this should be reflected in the submitted maintenance schedule.

The operational life span of a solar PV array is around 25 years. Once the solar PV array ceases to produce energy, it is important that it is removed and disposed of in a manner that is appropriate in order to safeguard visual amenity.

## **Model Planning Conditions**

Prior to the first occupation of the dwelling, solar PV panels shall be installed on the [\*roof or wall\*] of the building in accordance with the approved details. The solar PV panels shall thereafter be maintained in accordance with [\*document title / date\*] and shall be retained in a working order.

**Reason:** In order to take account of the impact of development on climate change and to assist a shift towards the use of sustainable energy.

When the solar PV panels cease to produce energy all materials and equipment associated with the solar PV installation shall be removed from the site and the [roof or wall\*] shall be restored to a reasonable condition.

**Reason:** To protect the visual amenity and character of the area.

## Householder permitted development rights for Solar Panels

Certain types of development are granted planning permission by national legislation without the need to submit a planning application. This is known as 'Permitted Development'.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) contains permitted development rights for renewable energy. Permitted Development Rights for solar PV are laid out in Schedule 2 Part 14 Classes A and B of said legislation. The legislation is summarised in the Table 1 and Table 2 below:

## Table 1 Class A The installation or alteration of solar equipment on domestic premises

#### Class A - The following development is permitted under Class A:

The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on:

- · a dwellinghouse or a block of flats; or
- a building situated within the curtilage of a dwellinghouse or a block of flats (i.e. a garage or shed).

#### Development is only permitted provided:

- the solar PV or solar thermal equipment would not protrude more than 0.2 metres (200mm) beyond the surface of the wall or the roof slope
- the solar PV or solar thermal equipment would not exceed the highest part of the roof (excluding any chimney)
- In the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would not be installed on a wall which fronts a highway;
- the solar PV or solar thermal equipment would not be installed on a site designated as a scheduled monument;
- the solar PV or solar thermal equipment would not be installed on a building within the curtilage of the dwellinghouse or block of flats that are designated as a listed building.

Development permitted under Class A is only permitted provided the following conditions are met:

- Equipment on a building should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.
- When no longer needed equipment should be removed as soon as reasonably practicable.

## Table 2 Class B The installation or alteration of stand-alone solar equipment on domestic premises

#### Class B - The following development is permitted under Class A:

The installation, alteration or replacement of stand-alone solar for microgeneration within:

- · the curtilage of a dwellinghouse; or
- the curtilage of a block of flats

#### Development is only permitted provided:

- the installation of the stand-alone solar would not result in the presence;
- within the curtilage of more than 1 stand-alone solar;
- no part of the stand-alone solar would exceed 4 metres in height;
- in the case of land within a conservation area or which is a World Heritage Site the stand-alone solar; the stand-alone solar would not be nearer to any highway bounding the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway;
- the stand-alone solar would not be within 5 metres of the boundary of the curtilage;
- the stand-alone solar would not be within the curtilage of a listed building or on a site designated as a scheduled monument;
- the surface area of the solar panels forming part of the stand-alone solar would not exceed 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

Development permitted under Class B is only permitted provided the following conditions are met:

- Equipment on a building should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.
- When no longer needed equipment should be removed as soon as reasonably practicable.

If in any doubt as to whether planning consent is required, the Council recommend that installers obtain confirmation from the Council by submitting an application for a Lawful Development Certificate (proposed).

## APPENDIX 4 - ELECTRICAL VEHICLE CHARGING POINTS FOR NEW RESIDENTIAL DEVELOPMENT

## National and Local Policy Context

In November 2020 the Government announced plans to accelerate a greener transport future by ending the sale of new petrol and diesel cars in the UK by 2030.

The Government intend to facilitate this via a 2 phased approach. Phase 1 will see the phase-out date for the sale of new petrol and diesel cars and vans brought forward to 2030. Phase 2 requires all new cars and vans to be fully zero emission at the tailpipe from 2035.

The provision of infrastructure for charging electric vehicles will be critical to support these aims.

In assessing specific applications for development, paragraph 110 the NPPF requires appropriate opportunities to promote sustainable transport modes, given the type of development and its location. Paragraph 112 requires new development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

In January 2022 the Government adopted amendments to Building Regulations, to set out the requirement for new development to include EV provision. The amendments in Part S of Schedule 1 to the Building Regulations 2010 came into force in June 2022.

The mandatory requirements set by Building Regulations are reflected in the guidance in this document.

In accordance with Building Regulations Approved Document S 'Infrastructure for the charging of electric vehicles', the minimum requirement for EV charging points is summarised as follows:

- For new residential development where non-covered parking<sup>2</sup> is provided within the site boundary, one EV charging point per residential dwelling shall be provided.
- Where there are fewer parking spaces than there are dwellings, all of the parking spaces must include an EV charging point.
- The number of electric vehicle charge points that must be installed is the maximum number of electric vehicle charge points that it is possible to install at an average sum of £3600 or less for the connection cost of each electric vehicle charge point connection ("the £3600 cap").
- Where the number of parking spaces is both in excess of 10 spaces and the number of dwellings then safe cable routes must be provided to all spaces that are not EV charging points.

<sup>&</sup>lt;sup>2</sup> Non covered parking includes garages and car ports – i.e. these are not considered to be covered parking for the purposes of the Regulations.

At a local level, the Ashford Local Plan 2030 contains policies aimed at promoting sustainable modal shifts including Policy TRA4 'Promoting the Local Bus Network' and Policy TRA6. The Local Plan also includes Policy ENV12 'Air Quality' which seeks to ensure that major development proposals promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality.

In addition to the Local Plan, Priority 4 of the Council's 'Ashford to Zero Plan' focusses on encouraging and enabling a shift towards cleaner modes of transport and reducing car dependency. The Ashford to Zero Plan identifies that the Council will lead by example and implement a corporate approach to the installation and maintenance of EV charging points.

The roll out to increase the provision of EV chargers in the borough began in May this year (2022). Once the programme is complete a total of 88 parking spaces will be available for vehicle charging covering 14 different locations, primarily within Ashford and Tenterden town centres.

## What issues around design and layout does an applicant need to take into account?

#### Designing for major residential development

For the purpose of this guidance, major residential development is development that proposes to deliver ten or more dwellings.

#### Designing for private driveways

Private driveways must be designed with sufficient space to provide EV charging points and ensure pedestrians and bicycles have adequate space to access the property.

EV charging points must be conveniently located and capable of being accessed safely, for example to minimise the risk of tripping from cables.

For schemes that include car barns, applicants are encouraged to provide EV charging points inside the car barn wherever possible to help minimise their visual impact.

#### Designing for communal car parking areas

Car parks for communal use should be designed so that once spaces have been designated, EV charging points can be installed at the edge of a footway or bay where they can be easily and safely accessed.

EV charging points should be located where they can serve as many of the adjacent bays as possible. Developers should ensure that spaces are wide enough to aid usability of EV charge points (including those spaces equipped with passive provision for future use). Bays will need to be longer if the EV charge point is located within the bay.

Where EV charging points are located on a footway there should still be sufficient width for appropriate pedestrian use of the footway.

Approved Documents S and M of the Building Regulations specify accessibility standards. Applicants must evidence compliance with these standards in order to ensure that car parking layouts approved at planning application stage are deliverable.

For example car parking layout plans accompanying 'Climate Mitigation Statements' must show the adjacent carriageway and/or footway including margin widths. Car parking layout plans must also identify the number of parking spaces with electric vehicle charging points and if these are active or passive.

Care should be taken to prevent trip hazards from charging cables, for instance wall-mounted units should be avoided where there is a pathway in between the charging point and the vehicle.

#### Design and accessibility for people with disabilities

The design and layout of disabled bays with EVCPs should comply with the Equality Act 2010 guidelines and Department for Transport (DfT) Inclusive Mobility – a guide on best practice on access to pedestrian and transport infrastructure guidelines (2021). The design of the EVCPs shall permit compliance with the requirements of BS 8300:2009 and A1:2010 – Design of Buildings and their approaches to meet the needs of disabled people code of practice. EVCP units serving disabled bays should be positioned at a height and angle to allow wheelchair users access. In all cases, adequate space should be available on any footway for wheelchair users to navigate around the charging unit.

#### Designing for on street EV charging provision

Similar principles apply to on street EV charging provision. Installing an EV charge point on a pavement takes up valuable space so it is important to assess potential locations carefully. If a charge point excessively narrows the pavement, it will cause an obstruction impacting pedestrians, wheelchair users, people with pushchairs or those with a visual impairment.

Physical infrastructure for EV should ideally be located off the footpath. Where charging points must be located on the footpath, the pavement must remain of a width that ensures it is accessible to all users.

The positioning of street furniture must be carefully considered so that it does not restrict access to EV charging points or further restrict access to users of the footpath in combination with EV charging points.

To avoid creating a tripping hazard, charge points should not be placed at the back of a pavement or wall-mounted where this requires cables to stretch across a pavement.

Avoid installing charge points in locations where the available pavement space has already been restricted by other street furniture, such as road signs, feeder pillars, and bike racks.

#### Designing for minor residential development

For the purpose of this guidance, minor residential development is development that proposes to deliver nine dwellings or less.

As opposed to major residential development, in accordance with Policy TRA3a 'Parking Standards for Residential Development' of the Local Plan 2030 (above) minor residential development is required to provide parking on-plot.

In the case of minor residential development, Climate Mitigation Statements will be expected to evidence that EV charging provision can be delivered in accordance with the design and placemaking principles set out within 'Designing for private driveways', and 'future management'.

## Signage for EV charging provision

Car parks for communal use and on street EV charging provision must be clearly signposted to prevent them from being blocked by petrol or diesel vehicles.

Signage must be located close to the charging points. Painted bays are also encouraged provided they can be integrated without harm to visual amenity.

Signage must comply with <u>The Traffic Signs Regulations and General Directions</u> (TSRGD) 2016 if erected on the public highway or land that is proposed to be offered up for adoption. The requirement to comply with the TSRGD 2016 does not apply to private roads however use of similar signage (where necessary) is recommended to aid easy identification of EV charging points.

In accordance with Building Regulations Approved Document S future charging locations (those with passive provision) should also be signposted.

## Future Management

For developments (of all types) where parking is communal, details of how the parking spaces with EV charging points will be managed and how the charging system will operate must be included within the 'Climate Mitigation Statement'.

## **EV Charging Infrastructure and Technology**

#### What is active and passive provision?

Active charging points are fully wired and connected ready to use charging points at parking spaces.

In the case of passive provision, the underlying infrastructure is in place, for example, capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces, but the electricity supply is not activated.

Passive provision enables installation and activation at a future date, thus future proofing developments.

#### What is smart charging / smart functionality?

A smart charge point is one which is communications enabled and able to respond automatically to remote signals by adjusting the electricity consumption flowing through the charge point.

EV smart charging involves shifting charging to a different time of day, such as overnight when there is lower demand on the electricity system, or to times of high renewable energy generation. This can help reduce the need for costly electricity network reinforcement and increased generation capacity, and offers benefits to consumers too, including savings on their energy bills. Smart charging of EVs plays an important role in driving the transition to a smarter and more flexible energy system.

On 30 June 2022 the Government introduced secondary legislation through <u>The Electric Vehicles (Smart Charge Points) Regulations 2021</u> to mandate that all private (domestic and workplace) charge points sold in Great Britain must include smart functionality and meet minimum device-level requirements.

The Government define smart functionality as the ability to:

- (a) send and receive information; and
- (b) respond to this information by;
  - increasing or decreasing the rate of electricity flowing through the charge point; and
  - changing the time at which electricity flows through the charge point.

In order to respond to the Government overarching aim to maximise the use of smart charging technologies, the Council will expect all domestic charge points to include smart functionality.

#### What types of power supply are available?

Charging points are primarily defined by the power (in kW) that they can produce and the speed they are capable of charging an EV.

There are three main EV charging speeds:

Slow 3 kW: standard chargers are suited for overnight residential charging as a full charge would take 7-8 hours. These can be installed either off-street or on-street.

Fast 7 – 22 kW: fast chargers provide a full charge in 3 to 4 hours, meaning three or four users a day could charge. These EV charging points are most common on-street or in public car parks, as well as at retail locations and workplaces.

Rapid 50 kW: rapid chargers suit the needs of users who need to charge their vehicle quickly and because their cars are typically in use for many hours in the day. Rapid chargers can give an 80 per cent charge in 20-30 minutes, allowing a greater number of charges per day. However, due to their size and visual impact, they are mostly suited to off-street locations such as carparks and service stations.

Ultra 150+ kW: Commonly used in commercial settings.

#### What types of plug should I use?

Although a 3 pin plug can be used to charge an electric vehicle it is not the fastest or most efficient way of charging. For example, to fully charge a 40 kWh Nissan Leaf with a 3-pin plug and cable would take 13 hours and a 42.2 kWh BMX i3 would take 18.5 hours – this equates to around 8 miles of range for every hour of charge.

Charging with a 3-pin plug isn't the safest way to charge a vehicle either as the electrical demand can become too much. A dedicated EV charger is a much more suitable and safe option.

The Council will expect all EV Charging points to deliver Type 2 plugs.

## Model Planning Conditions

#### EV Charging for new dwellings:

Prior to the first occupation of the approved dwelling with a designated car parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one active electric vehicle charging point in accordance with the approved details.

The charging point shall be fitted with a Type 2 plug socket (or a socket that has a higher efficiency standard), have a minimum power rating output of 7kW (mode 3 AC) and must be SMART (enabling Wifi connection).

The charging point(s) shall thereafter be maintained in accordance with the [\*document title/date\*] and retained available in a working order for the charging of electric vehicles.

**Reason:** In order to take into account the cumulative impacts of development on air quality and climate change, to assist modal shift and encourage the use of sustainable transport modes through incorporating facilities for the efficient charging of plug-in electric and hybrid vehicles by scheme residents and visitors.

#### EV charging for apartments or flats:

Prior to the first occupation of any apartment or flat, infrastructure for electric vehicle charging providing [\*\*% or \*\*#] active charging points and [\*\*% or \*\*#] passive charging spaces (fitted with suitable electric vehicle charging ductwork capable of receiving the underlying infrastructure for future Electric Vehicle Charging points) shall be provided in accordance with the approved details.

Active charging points and future active charging points shall be fitted with a Type 2 plug socket (or a socket that has a higher efficiency standard), have a minimum power rating output of 7kW (mode 3 AC) and must be SMART (enabling Wifi connection).

The charging point(s) shall thereafter be maintained in accordance with the [\*document title/date\*] and retained available in a working order for the charging of electric vehicles.

**Reason**: In order to take into account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport modes by incorporating facilities for the charging of plug-in electric vehicles.

#### APPENDIX 5 – RAINWATER HARVESTING

## National and Local Policy Context

The Flood and Water Management Act 2010 (as amended) was brought into force to respond to pressure to introduce legislation to address the threat of flooding and water scarcity, both of which are predicted to increase with climate change.

Amongst other things, the legislation enables water companies to control nonessential uses of water more easily. Thus highlighting the significance of water efficiency which includes the conservation of water for re-use.

In March 2020, (post adoption of the Ashford Local Plan 2030) the Environment Agency published a National Framework for Water Resources.

It showed that if we continue to operate as usual, by 2050:

- the amount of water available in England could be reduced by 10 to 15 percent,
- some rivers could have between 50 and 80 percent less water during the summer,
- and, we will not be able to meet the demands of people, industry and agriculture.

This means higher drought risk, caused by the hotter drier summers, and less predictable rainfall. If significant action is not prioritised, then by 2050, around 3,435 million extra litres of water per day will be needed to address future pressures.

This includes 1,040 million litres per day to supply the growing population alone. The south east requires around 50% of the national public water supply need.

The South East faces the greatest pressures on public water supplies and requires around 50% of the national public water supply need. Failure to manage water resources in an appropriate way will reduce resilience, limit progress on environmental improvements and could lead to more frequent use of drought measures such as hosepipe bans.

At a local level, the Ashford Local Plan 2030 recognises that water is a finite resource essential for human health and wellbeing as well as the natural environment. We also recognise the water stress nature of the area?

To deliver efficiencies and manage demand, Local Plan Policy ENV7 'Water Efficiency' seeks to secure long term reductions in water use to 110 litres per person, per day in accordance with Building Regulations.

However, in light of the heightened prevalence of impacts associated with water scarcity (i.e. drought) the Council consider that further requirements should be introduced to help mitigate the effects.

This national and local context provide the framework for the requirements set out in the guidance contained within this document.

Ashford Borough Council recognise that water is a finite resource essential for human health and wellbeing as well as the natural environment.

Climate change is disrupting weather patterns, leading to extreme weather events, unpredictable water availability and exacerbating water scarcity. Currently household demand for water is a high proportion of the current effective rainfall which is available to meet demand, and as such the whole of South East Water's supply area is currently classified as 'an area of serious water stress'.

Ashford Borough Council recognise that solutions to these problems need to be developed locally in order to contribute to tackling wider spatial issue.

What issues around design and layout does an applicant need to take into account?

#### What size system do I need?

Planning applications for qualifying development must demonstrate that the size of the system to be provided has taken account of the following:

- a) Average annual rainfall in your area
- b) Number of bed spaces in the property
- c) Roof area
- d) Garden size

#### Design and layout

Rainwater harvesting systems should be provided having regard to the following:

- a. Location placing rainwater harvesting systems on frontages and/or adjacent to principle elevations and access points should be avoided.
  - Creating space for rainwater harvesting facilities along the side of buildings/extensions or to their rear will have a far more limited impact on the wider locality and the quality of the place.
- b. Screening In the case of large facilities for rainwater storage, consideration should be given to whether or not the facility can be screened this might include the creation of a means of enclosure.
  - Screening solutions should be integrated into the overall design of the building/extension as this has the benefit of creating a functionally coherent design that sits comfortably with the form, scale, architectural style and detailing of the proposed building or extension. This will be especially important where development is located within a designated conservation area, and or affects a Listed Building or its setting.

## Rainwater Harvesting Infrastructure and Technology

#### What is rainwater harvesting?

Rainwater harvesting is the collection and storage of rainwater for re-use.

Rainwater harvesting involves collecting water run-off from a structure or other impermeable surface.

Traditionally, this involves harvesting the rain from a roof via pipes/guttering and channelling the water into an over ground or underground tank, pit, or retention basin (pond) where it can be stored for future use.

#### Types of Rainwater Harvesting Systems

Rainwater collection systems can be as simple as collecting rain in a basic tank such as a water butt, or as elaborate as harvesting rainwater into large cisterns to supply demand for an entire household. The different types of rainwater harvesting systems are summarised in the table below.

Туре	Details
Water Butt	Water collected from different sources such as roofs and other impermeable surfaces can be filtered and stored in a waterbutt.
	This water can be used for a variety of purposes including gardening and washing cars.
Direct pumped (Submersible) system	This system is mostly used for domestic properties and commercial installations of a small size.
System	The system comprises a submersible pump which is located inside an underground tank.
	The water within the tank can be used to pump directly to washing machines and toilet cisterns. Mains water is supplied to the tank in small amounts to maintain supply.
Direct pumped (Suction) system	In this rainwater harvesting system, the pump is located inside a control unit within the building.
	The pump is located outside of the tank and the backup from the mains water supply is dealt with by a suction pipe so that mains water is not directed to an underground tank.

Indirect gravity	This type of system differs in that the harvested water is first pumped to a high level tank (header tank), then allowed to supply the outlets by gravity alone.
Indirect pumped	This arrangement is similar to an indirect gravity system, except that the internal tank can be at any level in the building, as it does not rely on gravity to supply the outlets.
Gravity only	In some situations it may be possible to have a system that functions purely through gravity, requiring no pump and therefore no energy use.

#### Where Can I Use Recycled Rainwater?

Recycled rainwater can be used for:

- Washing clothes using a washing machine
- o In the garden, for watering plants
- Toilet flushing
- Washing cars
- Cleaning building exteriors

Various factors can affect the quality of rainwater, including how frequently it rains, the levels of air pollution, and methods and tools used to collect, treat and store the water. To minimise the risk of pollution, the Council will require all types of systems to be fitted with a filter.

#### **Environment Agency Requirements**

The Environment Agency will not regulate harvested rainwater provided its use does not harm the environment – either alone or combined with other abstractions or transfers. Rainwater harvesting within a catchment must not affect the normal watercourse flow.

You do not need an abstraction licence to use water that only consists of harvested rainwater. However you may need a water abstraction licence if you combine harvested rainwater with ground or surface water, which you then abstract or transfer.

For further information please visit the GOV.UK using the link below.

https://www.gov.uk/government/publications/rainwater-harvesting-regulatory-position-statement/rainwater-harvesting-regulatory-position-statement

## **Model Planning Condition**

Prior to the [first occupation or first use] of any [dwelling or extension] a system for rainwater harvesting shall be provided with a connection to a rainwater downpipe in

#### CLIMATE CHANGE GUIDANCE FOR DEVELOPMENT MANAGEMENT – DRAFT

accordance with the approved details. The rainwater harvesting system shall be maintained and retained thereafter.

**Reason:** To allow residents to store rainwater on site for re-use thereby reducing the demand for mains water on site.

## **Equality Impact Assessment**

- 1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:
  - (a) No major change the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
  - (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
  - (c) Continue the policy if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
  - (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

#### Public sector equality duty

- 2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
  - (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

#### **Protected characteristics**

- 4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership\*
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

#### **Due regard**

- Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
- 6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
  - removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
- 7. How much regard is 'due' will depend on Page 114 the circumstances The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

#### 8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

#### **Armed Forces Community**

- 9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.
- 10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:
  - Current serving members of the Armed Forces (both Regular and Reserve)
  - Former serving members of the Armed Forces (both Regular and Reserve)
  - The families of current and former Armed Forces personnel.

#### Case law principles

11.A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's <u>must</u> be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights
Commission has produced helpful
guidance on "Meeting the Equality
Duty in Policy and Decision-Making"
(October 2014). It is available on the
following link and report authors should
read and follow this when developing
or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. <u>Equality Duty in decisionmaking</u>

Lead officer:	Claire Marchant	
Decision maker:	Cabinet	
<ul> <li>Decision:</li> <li>Policy, project, service, contract</li> <li>Review, change, new, stop</li> </ul>	Approve the content of the Climate Change Guidance for Development Management.  Delegate responsibility for the final contents of the Climate Change Guidance for Development Management to the Assistant Director of Planning and Development in consultation with the Portfolio Holder for Planning and Development.  Recommend to Full Council that the Climate Change Guidance for Development Management is treated by the Council as a Material Consideration for the purpose of planning decisions.	
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	15 December 2022	
Summary of the proposed decision:      Aims and objectives     Key actions     Expected outcomes     Who will be affected and how?      How many people will be affected?	The aim of the 'Climate Change Guidance for Development Management' is to provide developers, applicants and decision makers with clarity as to what the Council expect certain types of new residential development to deliver in the way of infrastructure to help mitigate the impacts of climate change.  The infrastructure to be delivered includes solar photovoltaic (PV) arrays, EV charging provision and facilities for rainwater harvesting.  The guidance identifies a number of key objectives and provides instructions for developers and applicants on how to achieve these in order to meet the requirements of the guidance.	
	The types of residential development affected includes new residential dwellings, changes of use to residential and certain types of householder development. The guidance would apply across the entire Ashford Borough.  The Paper to Cabinet seeks approval to publish the 'Climate Change Guidance for Development Management' and to treat it as a material consideration for the purpose of planning decisions.	
Information and research:	Officers of the Council have researched, legislation, government strategies and national policy guidance. Key sources are referenced within the guidance and include:  Page 117	

<ul> <li>Outline the information and research that has informed the decision.</li> <li>Include sources and key findings.</li> </ul>	<ul> <li>The Climate Change Act 2008 (amended in 2019),</li> <li>The Governments Net Zero Strategy: Building Back Greener, Heat and Buildings Strategy, UK Climate Change Risk Assessment 2022</li> <li>The Royal Town Planning Institute and Town and Country Planning Association published 'The Climate Crisis – A Guide for Local Authorities on Planning for Climate Change'</li> <li>The National Planning Policy Framework and National Planning Practice Guidance,</li> <li>Building Regulations Approved Document S</li> </ul>
Consultation:	No consultation undertaken.
<ul> <li>What specific consultation has occurred on this decision?</li> </ul>	
What were the results of the consultation?	
Did the consultation analysis reveal any difference in views across the protected characteristics?	
<ul> <li>What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
AGE	Low	Positive - Minor
Elderly		
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Middle age	Low	Positive - Minor
	D 440	(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will

		benefit all sections of the community)
Young adult	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Children	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
DISABILITY Physical	Low	Positive - Minor
1 Hysical		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Mental	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Sensory	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
GENDER RE- ASSIGNMENT	Low	Positive - Minor
	Page 119	(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)

MARRIAGE/CIVIL	Low	Positive - Minor
PARTNERSHIP		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
PREGNANCY/MATERNITY	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
RACE	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
RELIGION OR BELIEF	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
SEX	Low	Positive - Minor
Men		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Women	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
SEXUAL ORIENTATION	Low Page 120	Positive - Minor

		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
ARMED FORCES COMMUNITY	Low	Positive - Minor
Regular/Reserve personnel		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Former service personnel	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)
Service families	Low	Positive - Minor
		(Encouraging the delivery of infrastructure to help mitigate the impacts of climate change will benefit all sections of the community)

Mitigating negative impact:	N/A
Where any negative impact has been identified, outline the measures taken to mitigate against it.	

## Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's <u>Essential Guide</u>, alongside fuller <u>PSED</u> <u>Technical Guidance</u>.

Aim	Yes / No / N/A
Eliminate discrimination, harassment and victimisation	N/A
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A

3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

N/A

#### Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

The Council has considered the Equalities Act, however the recommendations and actions in the Cabinet Report are not specifically relevant to any of the protected characteristics.

The recommendations in the Cabinet Report will help the Council to mitigate the impacts of climate change by requiring developers and applicants proposing certain types of development to explore the delivery of infrastructure that will help reduce carbon emissions, and that will encourage owners/occupiers to reduce their reliance on mains water supply therefore using water more sustainably.

Mitigating the impacts of climate change will benefit the borough as a whole.

It is concluded that the proposals to Cabinet do not constitute discrimination or other prohibited conduct, and do not prejudice equality of opportunity and good relations between persons who share a relevant protected characteristic and persons who do not share it.

**EIA** completion date:

17 November 2022

## Agenda Item 9

Agenda Item No: 9

**Cabinet Members** Report To:

**Date of Meeting:** 15 December 2022

Report Title: Private Sector Housing Strategy

**Report Author:** Julian Watts

Job Title: Private Sector Housing Manager

Portfolio Holder: Cllr. Andrew Buchanan

Portfolio Holder for: Housing

Poor housing conditions can have a serious negative impact Summary:

on both the physical, mental and wellbeing of its occupants.

Currently the Council does not have a Private Sector

Housing Strategy. The proposed Strategy intends to outline the Council's approach to ensuring that residents across our borough live in homes that are safe, well maintained and

meet required standards

**Key Decision:** NO

Significantly

Affected Wards: All Wards

The Cabinet/Committee/Board is recommended to:-Recommendations:

> Approve the Private Sector Housing Strategy – Appendix 1

**Policy Overview:** 

**Financial** Implications:

No financial implications envisaged by adopting the strategy.

Legal Implications:

Text agreed by [title of Legal Officer] on

Strategy seen by legal – no amendments or comments made.

[date]

**Equalities Impact** 

See Attached - Appendix 2

**Data Protection** 

Assessment:

**Impact** 

Not required –N/A

**Assessment:** 

Risk Assessment (Risk Appetite Statement):

N/A

Sustainability Implications:

The strategy would play an important part of how the council engages with the private sector in addressing energy efficiency within homes and reducing the use of fossil fuels, which is a key component in achieving our carbon neutral targets. Failure to do this effectively will increase the risk of the council not meeting its commitments to be carbon neutral by 2050

Other Material Implications:

There are no other material implications.

Exempt from Publication:

No

Background Papers:

None

Contact: Julian.watts@ashford.gov.uk – Tel: (01233 330339)

## **Report Title: Private Sector Housing Strategy**

#### **Introduction and Background**

- 1. The Private Sector Housing team within the council provides a number of services, disabled facility grants, dealing with complaints about landlords, ensuring standards are maintained in houses of multiple occupation and overseeing park home licence conditions. Our primary function is to work with landlords to raise standards by ensuring their properties comply with housing legislation.
- 2. Poor housing conditions can have a serious negative impact on the physical, mental and wellbeing of its occupants. Currently the Council does not have a Private Sector Housing Strategy. The proposed Strategy intends to outline the Council's approach to ensuring that residents across our borough live in homes that are safe, well maintained and meet required standards

## **Proposal**

- 3. The proposed Private Sector Housing Strategy sets out how we intend to meet challenges and opportunities confronting the service and set out key priorities. Whilst housing conditions in Ashford are generally good, there are landlords who are failing to meet their obligations. The private rented sector provides a valuable component of our overall housing stock. The strategy will not just focus on improving housing standards by improving living conditions, but also include a range of services to improve people's wellbeing. The private sector team is committed to improving housing conditions across all tenures.
- 4. The Housing Strategy includes a delivery action plan on the various services we provide, which will be reviewed each year.

## **Equalities Impact Assessment**

5. Members are referred to the attached Assessment – **Appendix 2**. No key issues

#### **Consultation Planned or Undertaken**

6. The Strategy has been fully considered internally incorporating advice from a number of departments and is supported by the Portfolio Holder for Housing.

#### **Other Options Considered**

7. No other options were considered.

## **Reasons for Supporting Option Recommended**

8. N/A

#### **Next Steps in Process**

9. Once the Strategy has been adopted it will be made available on the Council's Website.

#### Conclusion

10. The Strategy will set out an action plan on how Private Sector Housing intends to improve standards, tackle rogue landlords, help increase the independence of disabled people through the disabled facilities grants scheme, reduce fuel poverty and improve energy efficiency of homes. This in turn will contribute to the delivery of our Corporate Plan themes of Caring Ashford and Green Pioneer.

#### Portfolio Holder's Views

- 11. It is important that everyone living in the borough can live in a safe, well-maintained home that is suitable for their needs. We understand good housing, as illustrated in the graphic below, plays an integral part in the health and wellbeing of everyone living in our society and it is widely recognised that there is a direct link between poor housing and poor health.
- 12. The Council is committed to ensuring that residents living in the private sector, whether that be as owner occupiers, or in rented accommodation, live in homes that are safe, well maintained and meet the required standards. The reliance on rented accommodation is expected to grow due to the high costs of buying a home and the limited supply of social housing.
- 13. This strategy and action plan sets out how we intend to improve standards, tackle rogue landlords, help increase the independence of disabled people through the disabled facilities grants scheme, reduce fuel poverty and improve the energy efficiency of homes. This in turn is contributing to the delivery of our Corporate Plan themes of Caring Ashford and Green Pioneer.

## **Contact and Email**

- 14. Julian Watts Private Sector Housing Manager
- 15. 01233 330339



# Private Sector Housing Strategy 2022 – 2027

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#### **Foreword**

It is important that everyone living in the borough has the opportunity to live in a safe, well maintained home that is suitable for their needs. We are well aware that good housing, as illustrated in the graphic below, plays an integral part in the health and wellbeing of everyone living in our society. And that it is widely recognised that there is a direct link between poor housing and poor health.

#### Good housing is:



The Council is committed to ensuring that residents living in the private sector, whether that be as owner occupiers or in rented accommodation, live in homes that are safe, well maintained and meet the required standards. The reliance on rented accommodation is expected to grow due to the high costs of buying a home and the limited supply of social housing.

This strategy and action plan sets out how we intend to improve standards, tackle rogue landlords, help increase the independence of disabled people through the disabled facilities grants scheme, reduce fuel poverty and improve the energy efficiency of homes. This in turn is contributing to the delivery our Corporate Plan themes of Caring Ashford and Green Pioneer.

Good housing is and will continue to be fundamental to helping all our residents to live well and realise their full potential.

Cllr Andrew Buchanan

Portfolio Holder for Housing

#### 1. Introduction

Poor housing conditions can have a serious negative impact on both the physical and mental health and wellbeing of its occupants.

- Houses with serious disrepair and deficiencies such as inadequate fire safety measures, uneven floor surfaces, dangerous electrical wiring can lead to accident or injury.
- Cold and damp housing can have a major impact on illnesses such as heart disease, stroke and respiratory conditions and can also increase the risk of falls.
- Inadequate hygiene, sanitation and water supply can cause illness and disease such as gastrointestinal disease.
- There is a higher incidence of falls where people are living in unsuitable housing which needs adaptation, such as, hand rails, ramps, level access or adapted facilities for personal care needs.
- Children's development and educational achievement can be adversely affected by cold, damp conditions, overcrowding and lack of facilities.

A Building Research Establishment (BRE) report in 2021 estimated that poor housing in England could be costing the National Health Service (NHS) £1.4billion a year in treatment bills. Most common hazards are those that cause injuries on stairs, while the costliest issue for the NHS (£857million p/a) is poor quality housing leading to excess cold.

#### 1.1 Overview of Private Sector Housing in Ashford Borough

The majority of homes in the borough are owner occupied (70%), with 16% in the private rented sector.

Total number of dwellings	52,397 <sub>[JS1]</sub>
Owner occupied	36,490 (70%)
Private rented	8,549 (16%)
Social rented	7,358 (14%)

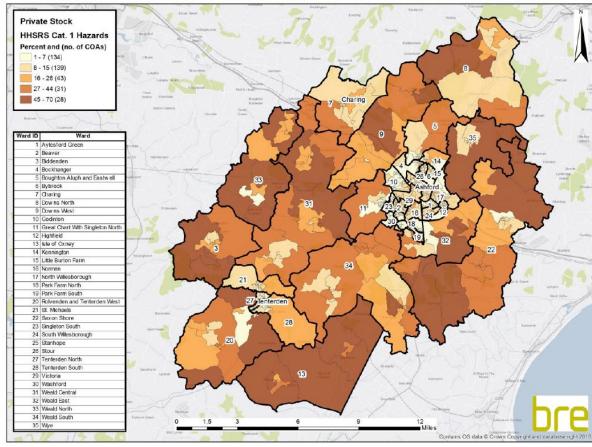
Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017

The Health and Housing Safety Rating System (HHSRS)<sup>2</sup> was introduced to enable the assessment of dwellings to avoid or at the least to minimise potential hazards. Potential hazards are scored with the most serious falling in to Category 1.

The BRE study identified 6,495 dwellings in the private sector have category 1 hazards. In the private rented sector, 893 dwellings have category 1 HHSRS hazards. The highest concentrations of all HHSRS hazards in the private sector are found in the wards of Isle of Oxney, Biddenden and Downs West. The estimated total cost of mitigating category 1 hazards in Ashford's private sector stock is £18.9 million

<sup>&</sup>lt;sup>1</sup> https://bregroup.com/press-releases/bre-report-finds-poor-housing-is-costing-nhs-1-4bn-a-year/

<sup>&</sup>lt;sup>2</sup> Housing Health and Safety Rating System (England) Regulations 2005 (SI 2005 No 3208)



Percentage of private sector dwellings in Ashford with the presence of a HHSRS category 1 hazard

Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017

A good standard of energy efficiency in dwellings is important for people to be able to adequately heat their homes and not fall into fuel poverty. Reducing energy usage in domestic dwellings is also critical in efforts to reduce greenhouse gas emissions and tackle climate change.

An Energy Performance Certificate (EPC) gives a property an energy efficiency rating from A (most efficient) to G (least efficient) and is required whenever a new building is constructed, or an existing building is sold or rented out. Therefore not all dwellings will have an EPC. The EPC ratings correspond to a range of SAP ratings from 1-100, with 100 being the best. The Standard Assessment Procedure (SAP) methodology works by assessing how much energy a dwelling will consume when delivering a defined level of comfort and service provision.

Number and percentage of Ashford's private sector stock falling into each of the EPC ratings bands, SAP rating in brackets.

	Private Sector		Private Rented Stock		
	Count	Percent	Count	Percent	
(92-100) A	0	0.0%	0	0.0%	
(81-91) B	135	0.3%	74	0.9%	
(69-80) C	9,780	21.7%	2,894	33.9%	
(55-68) D	20,317	45.1%	3,731	43.6%	
(39-54) E	8,950	19.9%	1,214	14.2%	
(21-38) F	4,471	9.9%	475	5.6%	
(1-20) G	1,386	3.1%	161	1.9%	

Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017 In 2020 the proportion of households' fuel poor in Ashford was 8.7% (4527 households)<sup>3</sup>. This is measured in England using the Low Income Low Energy Efficiency (LILEE) method. The Ashford rate is lower than that for England (13.2%) and Kent (9.8%) but slightly higher than the South East average (8.6%).

Houses in multiple occupation (HMO) are where a property is rented out by at least 3 people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen.

In 2016 it was estimated there are 712 HMOs in the borough<sup>4</sup>. There are 164 licenced HMOs known to the council and recorded on the public register<sup>5</sup>. As a result of changes to the licencing of HMO's in 2018 it is estimated there over 100 unlicensed HMO properties in the borough.

Empty properties are potentially a wasted resource and considered long term empty if unoccupied for more than 6 months. Council tax records are used to determine the number of empty properties in the borough. Currently there are 323 registered properties considered long term empty of which 105 have been empty for more than 2 years.

There are five residential park home sites in the borough who have site rules lodged with the council. This covers a total of 400 park homes.

#### 1.2 Challenges

The main challenges in ensuring the private sector housing stock is safe and well maintained are:

- Tackling irresponsible, rogue and criminal landlords in the private rented sector
- Bringing empty homes back into use
- Identifying and licencing homes in multiple occupation
- Ensuring disabled facilities grant funding matches increasing need
- Reducing number of households in fuel poverty
- Improving the energy efficiency of homes
- Implementing the forthcoming Renters Reform Bill

#### 1.3 The Council's Role

The council has a number of statutory functions in relation to private sector housing. The main focus of our work is to ensure properties within the private sector are in a good state of repair, decent and safe to live in. There is a responsibility for investigating, maintaining, enforcing and improving housing standards and conditions.

We provide advice, assistance and enforcement with regard to:

- Empty properties
- Disabled facilities grants

<sup>&</sup>lt;sup>3</sup> https://www.gov.uk/government/statistics/sub-regional-fuel-poverty-data-2022

<sup>&</sup>lt;sup>4</sup> BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017

<sup>&</sup>lt;sup>5</sup> https://www.ashford.gov.uk/housing/landlord-advice/houses-in-multiple-occupation/

- Park Homes
- Unauthorised encampments
- Houses in multiple occupation
- Caravan sites
- Energy efficiency

The council's approach is to resolve problems and achieve the right outcomes at the earliest possible stage. When appropriate we will look to engage with other agencies such as Kent Fire and Rescue Service (KFRS), in order to rectify problems in a constructive manner. We will carry out our functions in an equitable, practical and consistent manner to secure a safe and healthy environment for all residents, in accordance with the National Concordat on Good Enforcement<sup>6</sup>.

Where possible an informal approach will be taken to resolve issues with landlords and tenants, through education, raising awareness, advice or signposting to other agencies. When enforcement action is necessary this will be taken in line with our Private Sector Housing Enforcement and Prosecution Policy<sup>7</sup>.

#### We will work to:

- Protect the health, safety and welfare of residents
- Improve management and conditions in the private rented sector
- Actively seek to reduce fuel poverty
- Assist disabled residents to access adaptations through our disabled facilities grants
- Bring empty properties back in to use
- Ensure mobile home sites (park homes) are safe and well managed
- Be transparent, consistent, fair and proportionate when taking enforcement action

## 2. Corporate Context

The Corporate Plan 2022 – 20248 has an overarching ambition setting out the vision for the borough:

The Ashford Ambition - To be a thriving, productive and inclusive borough in 2030 and beyond; a vital part of Kent and the South East where local businesses, social enterprises, communities and the public sector provide collective leadership to promote shared prosperity, happiness and wellbeing.

Well maintained, safe and sustainable homes are central to achieving this ambition. Outcomes of the three themes of the Corporate Plan are supported by this strategy.

- Green Pioneer Homes are energy efficient and cheaper to heat and renewable energy generation and consumption increases.
- Caring Ashford Communities feel safe and secure and the lives of people with the worst health and well-being outcomes are improved.

https://webarchive.national archives.gov.uk/ukgwa/20090609003228/http://www.berr.gov.uk/files/file10150.pdf

<sup>6</sup> 

 $<sup>^7\</sup> https://www.ashford.gov.uk/housing/landlord-advice/private-rented-sector/private-sector-housing-enforcement-and-prosecution-policy/$ 

<sup>8</sup> https://www.ashford.gov.uk/your-council/policies-and-strategies/corporate-plan-and-our-performance/

• Targeted Growth - Our town centres are lively, safe places where people of all ages live, work and visit.

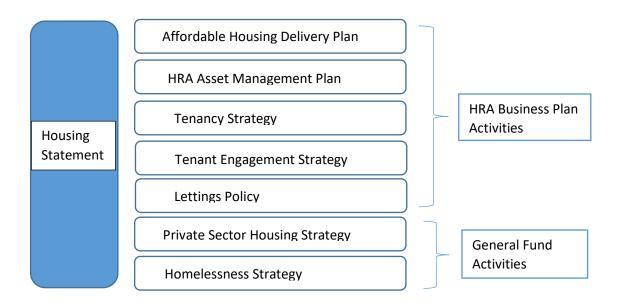
Reducing greenhouse gas emissions by improving the energy efficiency of housing in the borough is a key component of the council's Carbon Neutral Strategy and Action Plan<sup>9</sup> target to reach net zero carbon across the borough by 2050.

Priority 6	Outcomes
Reduce the environmental footprint of	Lower carbon footprint of buildings within the
buildings through retrofitting existing buildings	borough through new build regulation, private
and improved building standards within new	and public sector retrofit initiatives and use of
build developments	renewable energy and heat networks where
	appropriate.
	Increase net biodiversity where new building
	takes place.
	Reduce fuel poverty.

Our overarching priorities for housing [JS2] across the borough are:

- 1. Increase the supply of homes that are affordable to local households and meet local housing needs.
- 2. Promote and enable homes and neighbourhoods that reduce greenhouse gas emissions and contribute to enhancing the natural environment
- 3. Support housing initiatives that encourage independence, good health and community cohesion

This Private Sector Housing Strategy is one of a suite of housing strategies that supports achieving these overarching priorities.



 $<sup>^9</sup>$  <u>https://www.ashford.gov.uk/media/kbujmb2k/climate-change-strategy-and-climate-action-plan-june-2022-appendix-2-final.pdf</u>

<sup>8 |</sup> Page

## 3. Our Priorities for Private Sector Housing

The importance of good conditions in the private sector housing stock cannot be underestimated. Poor housing conditions can cause or aggravate a number of health related illnesses at a cost to other public services such as the NHS.

More people are seeking to rent a home as open market prices to purchase a home continue to rise and social housing is allocated to those most in housing need.

Meeting our carbon neutral targets and reducing fuel poverty are both reliant on improving energy efficiency in homes across the borough.

Bringing empty properties back in to use creates new homes and improves the local area where these homes may have fallen into disrepair.

Supporting resident's ability to remain living independently within their own homes through adaptions improves health and wellbeing.

Our priorities for private sector housing are:

- Safe and decent homes in the private rented sector
- Well maintained homes within Houses in Multiple Occupation
- Improving energy efficiency and reducing fuel poverty
- Empty homes brought back into use
- Well managed residential park home sites
- An efficient disabled facilities grant service

#### 3.1 Priority 1: Safe and Decent Homes in the Private Rented Sector

The private rented sector is a housing option for those who are unable to afford to purchase a home on the open market, do not qualify for social housing or prefer the flexibility renting offers.

Market prices have risen across all property types in the last year. The affordability ratio is calculated on April 2022 prices and fulltime resident based earnings in 2021 (£598.30 per week)<sup>10</sup>.

#### Open market house prices to buy

Affordability ratio Average house price May 2021 April 2022 Percentage change All property types £319,321 £352,220 10.3% 11.3 Detached 18.2 £506,181 £568,760 12.4% Semi-detached £341,468 10.7% 10.9 £308,500 Terrace £256,142 £277,916 8.5% 8.9 Flats and Maisonettes | £173,603 £187,506 8% 6.0

Source: Land Registry UK House Price Index

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<sup>&</sup>lt;sup>10</sup> https://www.kent.gov.uk/\_\_data/assets/pdf\_file/0020/8183/earnings-in-kent.pdf

The Office for National Statistics (ONS) shows an increase of 3.1% for private rental prices in the South East over the 12 months to May 2022<sup>11</sup>.

The private rent sector is increasing as more people turn to renting to find a place to live. Just over 4.4 million households live in the private rented sector, 19% of all households, compared to 14% in 2008-9<sup>12</sup>. A snap shot of prices within a 5 mile radius of Ashford in June 2022 identified a selection of properties available for rent.

It is recommended that rent should not exceed approximately 35 - 45% of take home pay. For lower quartile earnings in Ashford (approximately £1520) this equates to £525 – £625 rent pcm<sup>12</sup>.

#### Private rents

No. of bedrooms	Lowest £pcm	Highest £pcm	Number of properties	
1 (house share)	450	550	2	
1	675	1200	12	
2	775	1100	42	
3	1100	1950	15	

Source: www.rightmove.co.uk/ on 27/6/2022

The majority of landlords and letting agents offering rented property in the Ashford area provide well managed accommodation that is properly maintained. However there are irresponsible, rogue and criminal landlords that let unsafe and unsuitable properties.

It is estimated that 893 private rented dwellings have category 1 HHSRS hazards, which is a hazard that is a serious and immediate risk to a person's health and safety. Under the Housing Act 2004 the council has a duty to respond to complaints and reports of poor housing, investigate and, where necessary, to take enforcement action to rectify the issue.

Tenants living in homes with damp or mould are at an increased risk of experiencing health problems and some people are more sensitive to mould than others, with some groups being especially vulnerable. The Private Sector Housing Department intends to ensure that those in the private rented sector including social tenants are supported appropriately in such cases while resolutions are found. We will investigate all complaints that are reported to us and ensure enquiries are taken very seriously.

Damp and mould will be assessed under the HHSRS and the council will follow the relevant guidance in deciding the level of action. Currently the HHSRS is currently under review by the government and the council awaits further guidance to strengthen our powers.

The table below shows the range of issues dealt with by the Private Sector Housing Team over the last 5 years.

Types of service requests received over the last 5 years

https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/indexofprivatehousingrentalprices/may2 022

<sup>11</sup> 

<sup>&</sup>lt;sup>12</sup> https://www.halifax.co.uk/mortgages/help-and-advice/renters/how-much-rent-can-i-afford.html

<sup>&</sup>lt;sup>12</sup>https:/www.gov.uk/government/statistics/English-private-landlord, survey-2021-main-report.html

Year	PSH General complaint- includes several issues	PSH Damp and mould growth only	PSH Electrical faults only	HMO Overcrowding cases	Housing Association general complaints for disrepair	PSH Harassment cases	HMO Fire precaution visits	HMO Amenities visits	PSH Overcrowding cases	PSH Disrepair various	PSH Unauthorised encampment
2017- 18	122	7	0	7	0	0	20	19	3	18	11
2018- 19	100	2	0	11	0	1	4	27	3	9	10
2019- 20	86	9	0	13	0	0	6	41	0	10	6
2020- 21	90	9	1	37	3	6	1	19	1	6	10
2021- 22	89	6	22	22	13	3	2	30	1	10	4

In June 2022<sup>13</sup> the government issued a white paper 'A fairer private rented sector'. This sets out a long-term vision for a private rented sector (PRS) that is fit for the 21st century and delivers a better deal for tenants and underlines the government's commitment, through the Renters Reform Bill<sup>14</sup>, to ensure all private landlords adhere to a legally binding standard on decency. This includes plans to:

- Abolish Section 21 'no-fault' evictions and introduce a simpler tenancy structure
- Apply the Decent Homes Standard to the PRS for the first time
- Introduce a new Property Portal to help landlords understand their obligations
- Introduce a housing ombudsman covering all PRS landlords and providing redress for tenants

To create a fairer, more secure, and higher quality Private Rented Sector where:

- All tenants should have access to a good quality, safe and secure home
- All tenants should be able to treat their house as their home and be empowered to challenge poor practice
- All landlords should have information on how to comply with their responsibilities and be able to repossess their properties when necessary
- Landlords and tenants should be supported by a system that enables effective resolution of issues
- Local councils should have strong and effective enforcement tools to crack down on poor practice

<sup>&</sup>lt;sup>13</sup> https://www.gov.uk/government/publications/a-fairer-private-rented-sector

<sup>&</sup>lt;sup>14</sup> https://www.gov.uk/government/news/governemnt-to-deliver-new-deal-for-renters

We welcome the proposed Renters Reform Bill to support better regulations within the private rented sector, leading to improved safety within tenant's homes. We anticipate that the PSH Team will be responsible for implementing parts of the Bill, most likely in relation to the Landlord National Register (landlord portal) and the Decent Home Standard. Having access to a landlord register would help to improve the rented sector by enabling us to target areas of poor housing and potentially identify rogue landlords. The Decent Home Standard, as currently in place for the social housing sector, would be applied to the private rented sector.

As the Bill passes through Parliament, it will set out and clarify the role of the local authority in implementing and enforcing the proposed regulations. We await government guidance on how it will be enforced and resourced to ensure we can proactively undertake these additional duties.

Currently the assistance the council offers to landlords and tenants includes:

Landlord Accreditation Scheme: Free landlord accreditation scheme offers financial help for improving energy efficiency through the ABC Energy Efficiency Grant for certain energy improvements. This includes replacing existing gas boilers up to £2,000 (all applications will be subject to available funding) and access to discounted professional training.

UK Entry Home Office Inspection: Available to those applying for a visa to prove to the Home Office that; the accommodation has been checked; a full home inspection has been carried out; there are the required number of rooms; there are no hazards present; there is a valid gas certificate.

Responding to complaints about disrepair and working with tenants and landlords to resolve issues informally or take enforcement action if needed.

#### Our key objectives to achieve Priority 1 are:

- 1.1 Engage with private sector landlords to promote good practice, required standards and changes to legislation
- 1.2 Address disrepair and poor housing conditions
- 1.3 Tackle the issue of rogue landlords

So local people can access homes in the PRS that are safe, well managed and suitable for their needs

#### 3.2 Priority 2: Well-maintained Homes within Houses in Multiple Occupation

Houses in Multiple Occupation (HMO's) are often seen as problematic and poorly managed but they do provide a valuable source of accommodation for those unable to afford to buy or rent self-contained accommodation.

HMO's provide accommodation where some facilities, such as kitchen and bathroom maybe shared with tenants from another household. The licencing of HMOs was introduced in 2006 under the Housing Act 2004.

In 2018 the licensing requirements were amended and from then a licence is required from the local authority if all of the following apply:

- It is rented to 5 or more people who form more than 1 household
- Some or all tenants share toilet, bathroom or kitchen facilities
- At least 1 tenant pays rent (or their employer pays it for them)

Following the amendments to HMO licencing there was an influx of properties requiring a licence. A licence lasts for 5 years. Since the initial increase in licencing, following the amendments, the number of applications has declined with licences only being issued to newly converted HMO's or properties identified from proactive work.

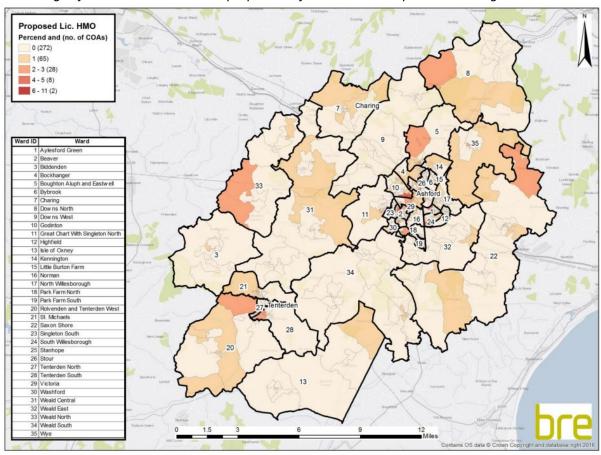
All HMO's must meet certain standards to ensure the health and safety of the occupants. Where an HMO is inspected and fails to meet the standards the council has a duty to act upon 'Category 1 Hazards' and the discretion to act if necessary for 'Category 2 Hazards'.

The type of property in Ashford, namely town houses, lend themselves to being ideal for HMO's. It is estimated that possibly there are in the region of 200 properties that could be HMOs in the borough. Some of these may be providing sub-standard accommodation. Identifying and inspecting such properties is ongoing.

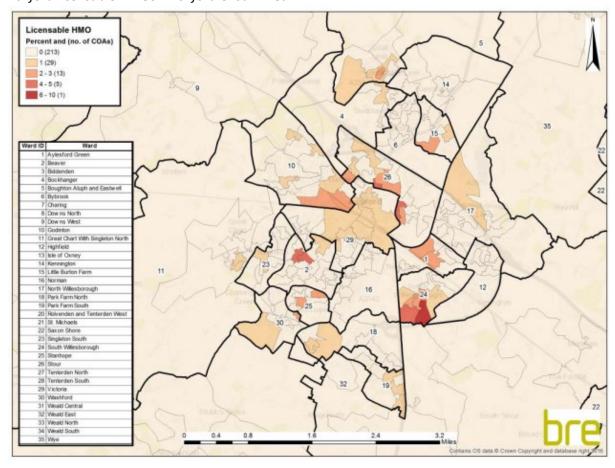
During the 2 year period between 2019 and 2021, 52 possible HMO's were investigated resulting in the issuing of 8 licences. In the same period a total of 31 HMO licence applications were received, all were approved. Any issues relating to the management and/or condition of an HMO were resolved informally, preventing the need to take enforcement action.

In 2021/22 there were 54 service requests specific to the management and/or condition of HMO's

Percentage of licensable HMOs under proposed definition based on private dwellings



Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017



Ashford licensable HMOs – Ashford Urban Area

Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017

#### HMO's and planning permission

In most cases planning permission will not be needed if:

The house is being lived in by members of a single household (basically a family) – No limit on number of members of the household.

Those living together as a single household and receiving care – Limit is no more than six people.

Those living together as a single household who do not fall within the definition of a house in multiple occupation – Limit is no more than six people.

House in multiple occupation (small HMO): Shared properties occupied between 3 and 6 unrelated individuals who share basic amenities – Limit is no more than six people

Planning permission will be required if:

There are more than six unrelated people in occupation or the dwelling is in an area covered by an Article 4 direction. An Article 4 Direction <sup>15</sup> limits the works that can be carried out without the need for planning permission. As a result in some areas, permitted development rights have been removed by making an Article 4 direction. From 1<sup>st</sup> December 2012 permitted development rights

<sup>&</sup>lt;sup>15</sup> https://www.ashford.gov.uk/planning-and-development/do-i-need-planning-permission/planning-for-houses-in-multiple-occupation/

were removed by way of an Article 4 Direction for the change of use from single dwellings to houses in multiple occupation (small HMO) in the wards shown below.

- Aylesford Green ward
- Beaver ward
- Little Burton Farm ward
- South Willesborough ward

Therefore, if such use commences after this date planning permission will be required.

In respect of HMO's the council currently carries out inspections, issues licences and provides advice to landlords as well as dealing with complaints of poor conditions from tenants.

#### Our key objectives to achieve Priority 2 are:

- 2.1 Promote high standards in licenced HMOs
- 2.2 Address disrepair, poor management and breaches of licence
- 2.3 Reduce the number of unlicensed HMOs in the borough

So HMO's offer a respected form of accommodation where tenants are treated fairly and landlords are compliant with the regulations

#### 3.3 Priority 3: Improving Energy Efficiency and Reducing Fuel Poverty

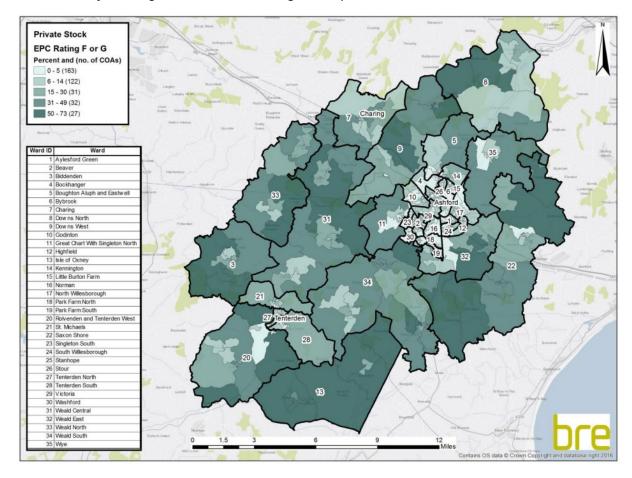
Homes that are hard to heat are costly to run, emit unnecessary levels of greenhouse gases and where the occupier cannot afford the fuel bill may live in a cold damp home. This can lead to the occupier needing to make choices on how to budget for fuel, food and other essentials, reducing spend in one area to supplement another, which is detrimental to health and wellbeing.

Improving the energy efficiency of homes either reduces the amount of fuel required or the home can be heated to a more adequate temperature for the same amount or less fuel.

The average Simple SAP rating for all private sector dwellings in Ashford is 57, which is the same as England but worse than South East (58). For owner occupied stock the figure is 56 and for private rented stock it is 62.

A proportion of private sector stock in Ashford could benefit from energy efficiency improvements with an estimated 11,509 dwellings (26%) having un-insulated cavity walls. Furthermore, there are an estimated 6,411 dwellings (14% of Ashford's private sector stock) which have less than 100mm of loft insulation with 2,182 (5%) having no loft insulation at all.

5,857 (3.0%) of private sector dwellings and 636 (7.4%) of private rented dwellings in Ashford are estimated to have an EPC rating below band E. From April 2020 landlords will not be permitted to rent properties if the EPC rating falls below band E. It is the local authorities' duty to ensure adherence to this requirement.



Distribution of dwellings with F or G EPC ratings in the private rented stock

Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017

The council can assist in improving energy efficiency of private sector homes through signposting to a range of national schemes. For example the links below are for organisations that provide advice on energy efficiency and grants:

- Energy saving Trust https://energysavingtrust.org.uk
- Simple energy advice <u>www.simpleenergyadvice.org.uk</u>
- Green Doctors <u>www.groundwork.org.uk</u>

From 2020, fuel poverty in England is measured using the Low Income Low Energy Efficiency (LILEE) indicator. Under this indicator, a household is considered to be fuel poor if:

They are living in a property with a fuel poverty energy efficiency rating of band D or below and when they spend the required amount to heat their home, they are left with a residual income below the official poverty line.

There are 3 important elements in determining whether a household is fuel poor:

- household income
- household energy requirements
- fuel prices

Previously, from 2013, the Low Income High Costs (LIHC) definition was used in England to determine fuel poverty. Whereby households were considered fuel poor if:

- They have required fuel costs that are above the median level (High Cost); and
- Were they to spend that amount they would be left with a residual income below the official poverty line (Low Income).

The highest concentrations of fuel poverty (Low Income High Costs definition) in the private sector are found in the wards of Norman, Aylesford Green and Victoria and for excess cold the highest concentrations are in Isle of Oxney, Biddenden and Downs West<sup>16</sup>.

In addition to signposting residents to regional and national energy efficiency schemes and websites such as Kent Solar Together and Governments Boiler upgrade scheme and Sustainable Warmth grants scheme, the council offers the following assistance to landlords, tenants and owner occupiers:

Up to £2000 towards energy efficiency improvements for landlords joining the Ashford Landlord Accreditation Scheme.

Winter Warmth Grants for older and vulnerable households to improve heating and insulation in their homes. The maximum grant funding available is £4,000, but in exceptional circumstances and with the agreement of the Private Sector Housing Manager a larger grant may be awarded.

Referrals to the Energy Company Obligation (ECO) funding for eligible households living in fuel poverty, on low incomes and vulnerable to the cold, for insulation upgrades and new heating systems.

#### Our key objectives to achieve Priority 3 are:

- 3.1 Reduce number of fuel poor households in the borough
- 3.2 Increase take up of energy efficiency measures in the private sector

So private sector housing contributes to reducing the borough's carbon footprint through improved energy efficiency and homes are cheaper and easier to heat.

#### 3.4 Priority 4: Empty Homes brought back into use

Most empty properties in the borough are privately owned. Across the borough there are 323 properties that have been empty for more than 6 months of which 105 are empty and unfurnished for more than 2 years. With housing in short supply they are a wasted resource and can have a detrimental effect on neighbourhoods and the local environment. The council has a range of powers from informal advice and encouragement through to enforcement action to bring empty properties back into use. Currently there are negotiations with owners of 10 long term empty properties.

There are a number of reasons why a property maybe empty:

Property owned by a company or organisation which they have no current plans to address

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<sup>&</sup>lt;sup>16</sup> Source: BRE Integrated Dwelling Level Housing Stock Modelling and Database for Ashford Borough Council, 2017

- Properties due to be renovated or going through probate
- Unresolved ownership usually following the death of the owner
- Owner may be institutionalised hospital, prison etc.
- Poor property condition where costs of bringing it back into use are high
- Properties deliberately being kept empty by disreputable landlord operating in the borough

The focus is on empty properties which blight a neighbourhood and are subject to vandalism. Often these are in isolated areas or a standalone property in a street or road and are subject to complaints, debts (council tax arears) or are in a poor condition.

Before any enforcement action can be taken it is necessary to demonstrate that an informal approach to engaging the owner to make use of their property has been taken. This includes identifying and then informing the owners of options such as:

- Interest free loans of up to £30,000 from the No Use Empty<sup>17</sup> initiative
- The ABC lettings<sup>18</sup> scheme whereby a property can be managed to generate rentable income

Identifying the owner of an empty property can be time consuming and the level of grant available often falls short of the cost of refurbishment.

#### Our key objectives to achieve Priority 4 are:

- 4.1 Encourage long-term empty homes back into use
- 4.2 Reduce number of problematic long-term homes properties

So problematic long term empty homes are brought back in to use providing much needed accommodation and improving neighbourhoods

#### 3.5 Priority 5: Well Managed Residential Park Home Sites

The council is obliged under the Caravan Sites and Control of Development Act 1960 – Duty on Local Authorities to licence all privately owned residential caravan sites including park home sites and holiday sites. This is to ensure they are fit for purpose. The Mobile Homes Act 2013 introduced additional measures to improve standards and enforcement options. This means that the local authorities will be able to charge fees for issuing, transferring, or altering conditions in a site licence. Authorities will also be able to charge fees for the administration and monitoring of site licences. Where a local authority considers that a park owner is failing or has failed to comply with a site licence condition it can serve a compliance notice on the park owner listing the steps that need to be taken, within a specified time period, to comply with the requirements of the site licence.

The majority of park homes in Ashford are well managed and well maintained. The council has assisted park owners to improve their sites and will continue to work with site owners to ensure their sites are maintained and resident's rights are protected.

<sup>&</sup>lt;sup>17</sup> https://www.no-use-empty.org.uk/

<sup>&</sup>lt;sup>18</sup> https://www.ashford.gov.uk/housing/abc-lettings/

#### Our key objective to achieve Priority 5 is:

5.1 Ensure Park Home sites operate according to their licence

So site licence conditions are adhered to and residents are confident to raise concerns with the operator which are given due consideration.

#### 3.6 Priority 6: An Efficient Disabled Facilities Grant Service

To assist people with disabilities to remain living at home and retain their independence and safety, the requests for Disabled Facilities Grants (DFGs) to install adaptions in the home are likely to increase.

Number of DFG applications received over the last 5 years:

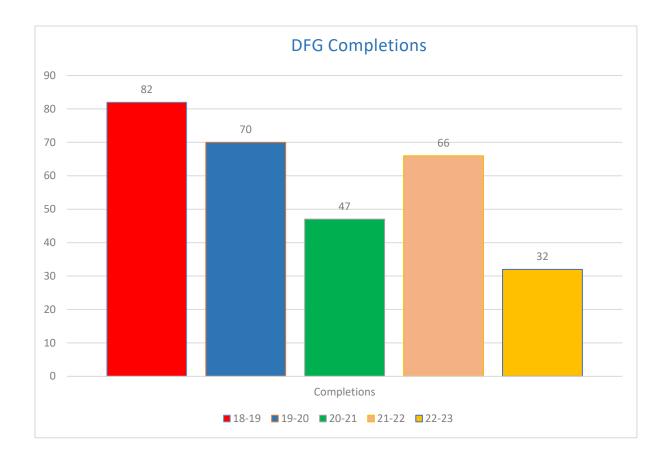
Applications received	Year
96	2017-18
142	2018 -19
111	2019-20
88	2020-21
141	2021-22

The council has a statutory duty in relation to mandatory DFGs for essential adaptations to allow disabled people to continue to live within their own homes. The maximum mandatory grant is set at £30,000, which is decided by a means test (except in the case of children under the age of 19), based on income and capital. In some instances applicants may have to pay a contribution towards their adaptations. There is currently additional discretionary funding available through the Better Care Fund which provides:

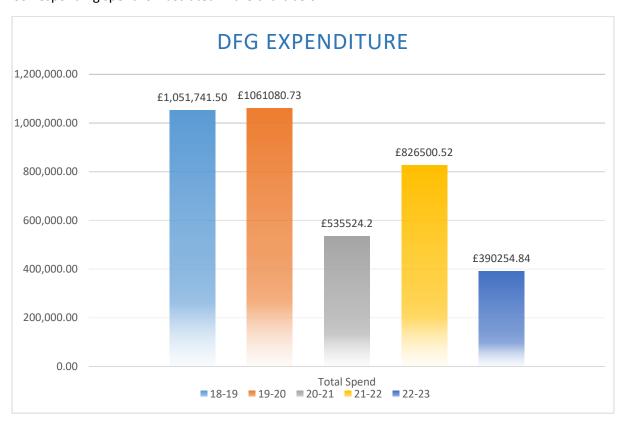
- £10,000 top up on existing mandatory DFG limit of £30,000. Total amount £40,000.
- Provide a more generous means test, discounting the first £10,000
- No means test for grants for stair lifts up to £5,000 under the hospital discharge scheme
- Boiler replacements for vulnerable and elderly residents.

Ashford Borough Council uses the services of the Home Improvement Agency (Town and Country Housing) to manage our DFG referrals. This service will include, liaising with all applicants when filling out applications to project managing the works. Grant applicants can use the services of other agencies if they so wish.

The chart below shows the number of completed DFG schemes over the last 5 years. 2020/21 was impacted by the coronavirus pandemic restricting access to homes to undertake works.

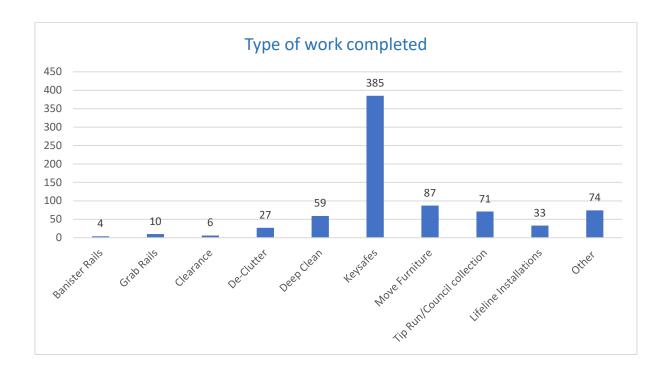


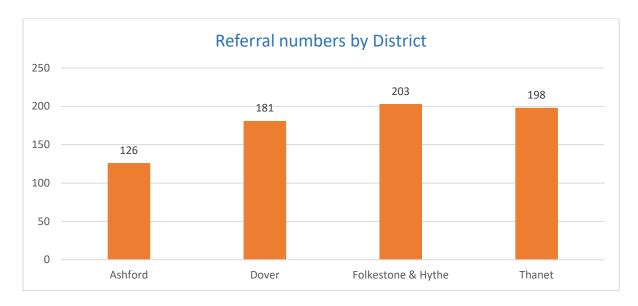
#### Corresponding spend is illustrated in the chart below



The council part funds a hospital care coordinator at the William Harvey Hospital to assist in reducing bed-blocking. The scheme focuses on providing care in the community, which provides a significant opportunity to free up hospital beds. Five local authorities across East Kent, are currently taking part in the scheme, for which Ashford Council part funds with Dover District Council.

The charts below showing the type of adaptions carried out in resident's homes under the scheme for April 21- March 22 and referrals for each local authority:





#### Our key objectives to achieve Priority 6 are:

- 6.1 Support disabled residents to live independently at home
- 6.2 Maximise funding available for DFGs

So disabled residents are assisted to live independent lives in their own homes through timely and appropriate adaptations

## 4. Resources and Funding

#### 4.1 The Private Sector Housing Team

The Private Sector Housing (PSH) team is one of the smallest teams in Kent, with 2.1 fulltime equivalents. This means that reactive works such as dealing with complaints, enforcement action and our mandatory functions takes priority. Therefore the capacity to undertake proactive work to identify unlicensed HMO's, establish ownership of empty properties and increase energy efficiency in the private sector is limited.

Listed below are the services we currently provide within PSH.

- Dealing with unauthorised encampments
- Park homes licensing and monitoring of site licence conditions
- Disabled facilities grants
- Energy efficiency grants
- Complaints within the private rented sector.
- Enforcement of MEES & Electrical Safety Standards
- Liaising with external agencies
- UK Entry inspections
- Empty properties monitoring and working to bring them back into use.
- Undertaking reports and statistics for government

#### 4.2 Funding and Income

Revenue to support the functions of the PSH team come from a variety of sources. Some sources of funding are dependent on the number of inspections/licences completed or issued so can fluctuate from year to year. Income for 2021/22 is shown in the table below.

#### Income for 2021/22

Funding Source	Private rented/Owner	HMOs	Energy efficiency	Park Homes	DFGs
UK Entry Home Office Inspections	£1,488				
Government Funding /Sustainable Warmth Scheme			£1.6M		
Better Care Fund					£893,572.00
ABC General Fund					£90,000
HMO licensing Fees		£6,764.52			
Park Home Pitch Fees				£1,868.10	

UK Entry Home Office Inspections: The council undertake inspections and provide reports for those applying for visas from Commonwealth Nations to live or stay in the UK to ensure accommodation is free from serious hazards. The fee for an inspection 2021/22 was £120. The fee increase each year in line with inflation, for 2022/23 is £124. Alternatively, other private companies can provide similar visa/immigration inspection reports and further details can be found on the internet.

Regional Housing Board Winter Warm Grants: This funding is recycled through a local land charge being put on the grant, to help assist others in the future.

Better Care Fund: Since April 2015, central government funding for DFGs has been provided through the Better Care Fund (BCF). This funding is allocated to upper-tier authorities with part of the allocation being ring-fenced for the provisions of DFGs which in turn is passed on to district and borough councils. The Better Care Fund is due for review by government and any decrease in funding would seriously impact the ability to meet the demand for DFG's.

ABC General Fund: The council budgets to provide additional funding to enhance the DFG service.

HMO licencing: The current fee for licencing a new HMO or renewal after 5 years is £802.00. Following the introduction of licencing in 2006 and the amendments in 2018 we can predict where there are likely to be peaks of renewals.

Year	renewal 21/22	renewal 22/23	renewal 23/24	renewal 24/23
Number	12	44	49	18
Income	£6,764.52	£24,803.24	£27,621.79	£10,146.78

Park Home Pitch Fees: The council can use its discretion whether to charge for all or any aspect of the site licensing. Currently the annual licensing fee applies only to commercial sites and covers part of the cost of monitoring park homes in the borough. The fee is calculated on a price per unit based

on the total cost of carrying out our licensing functions for our sites divided equally by the total number of units over all our relevant protected sites (10 or more units).

### 5. Governance and Monitoring

The disabled facilities grants scheme is monitored through key performance indicators which are regularly updated with a number of DFGs completed and the amount of DFG budget spent.

In addition to our DFG grants monitoring, Private Sector Housing provides a number of performance indicators for both the Housing Department and Corporate KPIs, including a number of enforcement notices, request for services and a number of new licensed HMOs. These indicators are provided on a monthly basis and will become part of the strategy.

The action plan which forms part of the strategy sets out a number of targets which will be monitored and reviewed on a yearly basis to ensure the strategy is current and targets are achievable.

Progress is reported to the Assistant Director for Housing and the Portfolio Holder for Housing.

## 6. Action Plan

Objective	Action	Partners	Timescale	Resources	Target	
Priority 1: Safe and Dec	ent Homes in the Private Rent	ted Sector				
Outcome: Local people c	Outcome: Local people can access homes in the PRS that are safe, well managed and suitable for their needs					
1.1 Engage with private sector	a) Hold a yearly landlord forum	National Residential Landlords Association	September/October each year	Officer time	<ul><li>1 forum per year</li><li>2 new landlords</li></ul>	
landlords to promote good practice, required	b) Update webpages with any legislative changes		As necessary	Officer time	accepted on to accreditation scheme	
standards and changes to legislation	c) Review and publicise the landlord accreditation scheme	Communications Team	By end of 2023	Officer time	each year	
1.2 Address disrepair and poor housing conditions	a) Investigate complaints and take appropriate action	KFRS	On-going	Officer time	Issue 8 enforcement notices under the Housing Act 2004 per year     Issue 10 enforcement notices to improve electrical safety.     Reduce the number of MEES non-compliant dwellings	
	b) Ensure electrical safety standards are being met	Housing Options Team ABC Lettings KFRS	On-going	Officer time		
	c) Ensure the requirements of the Domestic Minimum Energy Efficiency Standards MEES are met	KEEP	On-going	Officer time		
1.3 Tackle the issue of rogue landlords	a) Investigate and take action where illegal evictions are attempted	Legal Services Citizens Advice	On-going	Officer time	Where appropriate bring a case to court within 6 months	
	b) Use the national database to identify and report rogue landlords		On-going	Officer time		

Priority 2: Well-maintain	ned Homes within Houses in	Multiple Occupation			
Outcome: HMO's offer a	respected form of accommod	lation where tenants are treate	d fairly and landlords a	re compliant with t	he regulations
2.1 Promote high standards in licenced HMOs	a) Provide advice and guidance to HMO landlords	Communications Team National Landlords Association	On-going	Officer time	<ul> <li>Write to 20 known landlords</li> <li>Review information on website quarterly</li> </ul>
2.2 Address disrepair, poor management and breaches of licence	a) Investigate complaints and take appropriate action	Fraud Investigation Service Community Safety Unit Police	On-going	Officer time	<ul> <li>Proactively inspect between 50-100 properties per year</li> </ul>
	b) Work in partnership with other agencies to identify and resolve hazards in HMOs	KFRS	On-going	Officer time	
2.3 Reduce the number of unlicensed HMOs in the borough	a) Undertake proactive work to identify unlicensed HMOs		On-going	Officer time	Identify up to 10     unlicensed HMOs     each year
	b) Keep an up to date public register of HMOs		Quarterly	Officer time	,
	c) Promote benefits of using a licenced HMO through ABC media	Communications Team	Yearly promotion	Officer time	
Priority 3: Improving En	ergy Efficiency and Reducing	Fuel Poverty			
Outcome: Private sector easier to heat.	housing contributes to reduci	ng the boroughs carbon footpri	int through improved er	nergy efficiency and	d homes are cheaper and
3.1 Reduce number of fuel poor households in the borough	a) Work in partnership to identify and promote schemes and funding opportunities	KEEP Communications Team	On-going as determined by funding streams	Government funding KCC Funding	• Identify between 30 - 60 homes deemed to be fuel poor.
	b) Undertake awareness raising campaign about help available aimed at fuel poor households	Climate Change Team Communications Team KEEP	On-going with focus in conjunction with other events such as Big Green Week	Officer time	

	1 ,	T			
3.2 Increase take up of	a) Promote and signpost	KEEP	On-going with focus	Government	• Improve 10-20
energy efficiency	households to energy	Climate Change Team	in conjunction with	funding	properties
measures in the	efficiency schemes	Communications Team	other events such	Officer time	<ul><li>Run 2 targetted</li></ul>
private sector			as Big Green Week		campaigns each year
	b) Use C-Path tool for		On-going within	Officer time	
	targeted campaigns		Sustainable		
			Warmth		
			programme		
	c) In private rented sector	National Landlord	On-going	Officer time	
	target improvements at	Association			
	F&G rated properties	KEEP			
	under MEES regulations				
<b>Priority 4: Empty Home</b>	s brought back into use				•
Outcome: Problematic la	ong term empty homes are bro	ought back in to use providing	much needed accommo	dation and improvi	ng neighbourhoods.
4.1 Encourage long-	a) Promote options	KCC - No Use Empty	On-going	Officer time	Assist in returning up
term empty homes	available to owners	Communications team			to 3 long term
back into use	through ABC media and				empty properties
	targeted campaigns				into use per year
4.2 Reduce number of	a) Take a proactive	KCC - No use-empty	On-going	Officer time	Maintain a rolling
problematic long-term	approach to identifying				programme of 10
homes properties	the owners of problematic				problematic empty
	homes properties				homes in negotiation
					3
	b) Work with the owners	KCC – No Use Empty	On-going	Officer time	
	to find suitable options to	. ,			
	bring homes back in to use				
	c) Where necessary take	KCC – No Use Empty	On-going	Officer time	
	enforcement action	Legal Services			
	against owners of				
	problematic long-term				
	empty homes				
Priority 5: Well Manage	d Residential Park Home Site	S		I	
	onditions are adhered to and r		e concerns with the opera	ator which are aive	n due consideration.
		,			

5.1 Ensure Park Home sites operate according to their licence	a) Respond to resident complaints and take necessary action	KRFS	On-going	Officer time	Undertake one site inspection per year per commercial site
	b) Ensure compliance with site licence conditions and serve compliance notice if required	Legal Services	On-going	Officer time	
•	Disabled Facilities Grant Servi				
		endent lives in their own homes		· · · · · · · · · · · · · · · · · · ·	
6.1 Support disabled residents to live independently at home	a) Promote the DFG service	HIA KCC (OT service)	On-going	Officer time	<ul> <li>Average time taken from referral to completion 6 months or less</li> <li>Deal with 50 hospital referrals</li> </ul>
	b) Work in partnership with other agencies to assess referrals and deliver adaptations	KCC (OT service) HIA	On-going	Officer time	
	c) Continue to part fund the hospital care coordinator	William Harvey Hospital Dover DC	Next review April 2023	Officer time	
6.2 Maximise funding available for DFGs	a) Make most effective use of Better Care Fund resources	KCC HIA	On-going	Officer time	<ul> <li>Ensure at least 85%         of the DFG budget is         spent per year</li> <li>Complete 70 DFGs</li> </ul>
	b) Continue to provide additional funding from ABC resources	Finance Team	Review in line with annual budget setting process	Officer time	per year

# 7. Glossary

BRE	Building Research Establishment - centre of building science in the United
	Kingdom, owned by charitable organisation the BRE Trust.
Carbon Neutral	Balancing emissions of carbon dioxide with its removal.
DFG	Disabled Facilities Grant.
EPC	Energy Performance Certificate - tells how energy efficient a building is and
	gives it a rating from A, very efficient, to G, inefficient.
Greenhouse	Greenhouse gases trap heat in the atmosphere and warm the planet. The
Gases	main greenhouse gases are; water vapour (H2O), carbon dioxide (CO2), nitrous
	oxide(N2O), methane (CH4) and ozone (O3).
HHSRS	Housing health and safety rating system - a risk-based evaluation tool to help
	local authorities identify and protect against potential risks and hazards to
	health and safety from any deficiencies identified in dwellings.
HIA	Home Improvement Agency - local not-for-profit organisations located
	throughout the country and they assist elderly people to improve, repair,
	maintain, or adapt their home.
НМО	House in Multiple Occupation - residential properties where 'common areas'
	exist and are shared by more than one household.
KCC	Kent County Council.
KEEP	Kent Energy Efficiency Partnership
KFRS	Kent Fire and Rescue Service.
LIHC	Low Income High Costs Definition of Fuel Poverty - households are defined as
	being low income (LI) if their remaining income after expenditure on fuel costs
	is then less than 60% of the median income after housing costs (AHC).
LILEE	Low Income Low Energy Efficiency indicator of fuel poverty - a household is
	considered to be fuel poor if they have a fuel poverty energy efficiency rating
	of band D or below and if they were to spend their modelled energy costs, they
	would be left with a residual income below the official poverty line.
NHS	National Health Service.
SAP	Standard Assessment Procedure - SAP ratings show the energy performance of
	a property on a scale of 1 to 100. Calculations are made based on the size,
	shape and physical characteristics of a house (including insulation levels) to
	calculate the rate of heat loss through walls, roofs, windows, doors and floors.
PRS	Private Rented Sector.
PSH	Private Sector Housing.

# Appendix 2

# **Equality Impact Assessment**

Lead officer:	Julian Watts Private Sector Housing Manager
Decision maker:	Cabinet
<ul> <li>Policy, project, service, contract</li> <li>Review, change, new, stop</li> <li>Date of decision:</li> <li>The date when the final decision</li> </ul>	To adopt – Private Sector Housing Strategy  15 December 2022
is made. The EIA must be complete before this point and inform the final decision.	
Summary of the proposed decision:	Poor housing conditions can have a serious negative impact on both the physical, mental and wellbeing of its occupants. Currently the Council does not have a Private Sector Housing Strategy. The proposed Strategy intends to outline the Council's approach to ensuring that residents across our borough live in homes that are safe, well maintained and meet required standards  Adopting the strategy will play an important part in how the council engages with the private sector in addressing energy efficiency within homes and reducing the use of fossil fuels, which is a key component in achieving our carbon neutral targets.  The proposed Private Sector Housing Strategy sets out how we intend to meet challenges and opportunities confronting the service and set out key priorities. Whilst housing conditions in Ashford are generally good, there are landlords who are failing to meet their obligations. The private rented sector provides a valuable component of our overall housing stock. The strategy will not just focus on improving housing standards by improving living conditions, but also include a range of services to improve people's wellbeing. The private sector team is committed to improving housing conditions across all tenures.
Information and research:	_
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<ul> <li>Outline the information and research that has informed the decision.</li> </ul>	The Strategy is a combination of existing services brought together in one document setting out how we intend to meet challenges going forward.
<ul> <li>Include sources and key findings.</li> </ul>	
Consultation:	
<ul> <li>What specific consultation has occurred on this decision?</li> </ul>	Consultation process included relevant Managers within Housing , including the Portfolio Holder (Cllr. Buchanan) and Legal Services (Samantha Clarke)
<ul> <li>What were the results of the consultation?</li> </ul>	
<ul> <li>Did the consultation analysis reveal any difference in views across the protected characteristics?</li> </ul>	
<ul> <li>What conclusions can be drawn from the analysis on how the decision will affect people with different</li> </ul>	

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

protected characteristics?

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
AGE	Low	Positive ( Minor)
Elderly		
Middle age	Low	Positive (Minor)
Young adult	Low	Positive (Minor)
Children	Low	Positive ( Minor)
DISABILITY	Medium	Positive ( Minor)
Physical		
Mental	Low	Neutral
Sensory	Low	Neutral
GENDER RE- ASSIGNMENT	None Dogo 159	Neutral

MARRIAGE/CIVIL PARTNERSHIP	None	Neutral
PREGNANCY/MATERNITY	None	Neutral
RACE	None	Neutral
RELIGION OR BELIEF	None	Neutral
SEX Men	None	Neutral
Women	None	Neutral
SEXUAL ORIENTATION	None	Neutral

### Mitigating negative impact:

Where any negative impact has been identified, outline the measures taken to mitigate against it.

### Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's <u>Essential Guide</u>, alongside fuller <u>PSED</u> <u>Technical Guidance</u>.

Aim	Yes / No / N/A
Eliminate discrimination, harassment and victimisation	N/A
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

#### **Conclusion:**

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of

Adopting the PSH strategy will not have any potential for discrimination or adverse impact for people living within the borough.

No unlawful discrimination will result from implementing the strategy.

The strategy meets the aims of the equality duty and no adjustments are required.

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the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.	The action plan set out in the strategy will be reviewed ensure it meets current objectives. A review may also be required in light of any new legislation or any changes in the council's policy.  The overall Strategy will be reviewed every five years
<ul> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	
EIA completion date:	18/11/22

# Agenda Item 10

Agenda Item No: 10

Report To: Cabinet

**Date of Meeting:** 15<sup>th</sup> December 2022

**Report Title:** Disabled Facilities Grants and Disabled Adaptations

**Report Author:** Sharon Williams

Job Title: Assistant Director of Housing

Portfolio Holder: Cllr. Buchanan

**Portfolio Holder for:** 

**Summary:** This report sets out the findings of a review into the Councils'

processes for administering Disabled Facilities Grants (DFG's) and disabled adaptations in the Council housing

stock

The review followed a motion passed at Full Council on 20<sup>th</sup> October 2022 and focused on the application process. External advice was sought from Foundations who reviewed the Council's approach in the context of the relevant the legislation and the most recent government guidance 'Disabled Facilities Grants (DFG) Delivery: Guidance for

Local Authorities in England - March 2022'.

The outcome of the review confirmed that the Council is working within the scope of the legislation and guidance, however a series of recommendations have been identified to further improve service delivery. This includes a refresh of the Council's policy documents in relation to disabled Adaptations and improved information on the Council's website.

Key Decision: NO

Significantly
Affected Wards:

ΑII

Recommendations: The Cabinet is recommended to:-

I. Note the responses to the issues identified at Full Council on 20<sup>th</sup> October 2022 and the outcome of the review into processing applications for Disabled Facilities Grants (DFG's) and Adaptations in the Council Housing Stock set out in the report.

II. Agree the recommendations set out in the Foundations report at Appendix 3.

**Policy Overview:** 

The Council has a mandatory duty to process DFG applications under the Housing Grants, Construction and regeneration Act 1996. The council has also set out a range of discretionary grants to top up grant funding where there may be a shortfall between the grant available and the costs of the work.

**Financial** Implications:

The budget for DFG's for the financial year 2022/23 is £1.5m and the current projected spend for the same period is between £1.1m to £1.5m.

The budget for adaptations in the Council stock is currently £500,000, but the actual spend this year is predicted to be £1,000,000. In view of this the HRA budget for 2023/24 is recommended to be set at £700,000.

**Legal Implications:** Text agreed by Principle Litigator on

[07/12/2022]

The recommendations include actions to update policy, improve accessibility and clarify some aspects of the process to ensure the service continues to operate within the scope of legislation and guidance in respect of both DFGs and tenant adaptations.

**Equalities Impact** Assessment:

Not Required because there are no material changes to the processes.

**Data Protection Impact** 

Assessment: No new systems are being introduced at this stage

Exempt from **Publication:** 

NO

Background Papers:

Housing Grants, Construction and Regeneration Act 1996. This is also supported by guidance issued by government in the Disabled Facilities (DFG) Delivery: Guidance for Local Authorities in England – March 2022.

Contact:

Sharon.williams@ashford.gov.uk - Tel: (01233)330803

# Report Title: Disabled Facilities Grants and Adaptations in the Council Housing Stock

### **Introduction and Background**

- 1. Historically the Leader of the Council expressed a desire to 'level the playing field' for disabled people regardless of tenure. At that time waiting lists for DFG's for those in the private sector and adaptions in the council stock could be very lengthy and could take up to 2 years or more.
- 2. The Leader set a target of 6 months for the average time taken to process grant or adaptation works. To support this target, members agreed to part fund an Occupational Therapist to be co-located within the housing department to provide a dedicated service to Ashford. In addition the budget for adaptations in the Council Housing Stock was increased to £500,000.
- 3. A policy for dealing with adaptations in the Council stock had been introduced in 2014 with the aim for Ashford Borough Council to take responsibility as a landlord for responding directly to the needs of disabled tenants, without placing the onus on them to apply for a DFG. The aim was to speed up processing of applications and to directly fund works via the housing revenue account.
- 4. This approach significantly reduced the average waiting time across all tenures down to around 6 months and only those cases with a significant build such as an extension or major alterations taking longer than this to deliver. The approach worked well in terms of managing caseloads and in reducing wait times.
- 5. As a result of the impact of the pandemic the arrangement to fund a dedicated Occupational Therapist to co locate with the housing department ceased. However despite some delays during the height of the lockdown period of the pandemic and also restrictions on accessing homes, the wait times have remained relatively short and cases are processed as soon as they are referred with recommendations from the OT service. In the HRA many minor adaptations are undertaken within 6 weeks but more major works are generally completed within an average of 6 months. Exceptions to this are again where the works are major and / or complex or where specialist equipment is required.
- 6. Mandatory Disabled Facilities Grants are limited to a maximum of £30,000 with any costs over this needing to be met by the applicant. However the Council has adopted a discretionary grant fund designed to assist those struggling to afford to pay the top up themselves. Applicants assisted with this discretionary fund would otherwise not be able to proceed with their grant works.

- 7. Whilst a budget has been set in the HRA for £500,000 those tenants requiring adaptations will not be refused assistance if the budget is spent. So far in 2022 /23 the HRA is likely to spend in the region of £1,000,000 on adaptations. This increase represents not just the increasing prices of materials and labour but also the need for increasingly complex works and extensions.
- 8. The Council also takes a pragmatic view for those on the housing waiting list with a need for adaptations. Where it is unlikely for a suitable property to become available to meet a disabled persons needs we look to identify a property suitable for adaptation to meet the need.
- 9. In some examples where we have had small plots of land on infill sites, the housing department has built bespoke properties designed to meet the needs of challenging cases. The council won an award for such an approach with its new build fully adapted bungalows at Cryol Road for example.
- 10. More recently concern was raised via full council that the processes that the council were following may be disadvantaging applicants and that the approach may be illegal.
- 11. A motion was passed at Full Council on 20<sup>th</sup> October 2022 to conduct a review of the disabled facilities grant application process and the council housing adaptations. The review specifically addressed seven specific issues raised in the motion. As set out below
  - Issue 1 ABC Policy to not carry out adaptations for Council tenants deemed to be under occupying
  - Issue 2 –ABC is engaging an Occupational Therapist (OT) (part paid by ABC? And getting their opinion before 'allowing' a resident to submit a DFG application delaying the receipt of a valid DFG application
  - Issue 3 ABC could be allowing the O.T's opinion to override the needs given by the disabled person themselves (and the views of parents and carers)
  - Issue 4 ABC's new 5 year tenancy agreement would seem to be at odds with a condition of disability grants where the tenant must guarantee that they will be resident in the adapted property for at least 5 years.
  - Issue 5 ABC Does not seem to have a disabled facilities grant policy or equivalent alternative available for disabled tenants.
  - Issue 6 The availability of DFG's to ABC (Council) Tenants with disabilities, and processes for Council tenants with disabilities to apply for DFG's does not appear to be signposted or communicated on ABC's public facing website.
  - Issue 7 In communications ABC has referred to limited resources in relation to disabled adaptations, and /or implied limitations of resources

through raising issues around having to transfer money from one budget to another.

- 12. A full copy of the motion is attached at for information at appendix 1.
- 13. As part of the review advice was sought from Foundations (the government appointed national body for Home Improvement Agencies who is recommended in the governments good practice guidance), the Council's Legal Department, the Home Improvement Agency (Town and Country) and the Occupational Therapy team.
- 14. The scope of the review was to consider the Council's processes and approach against the legislation and the governments good practice guide called 'Disabled Facilities Grants (DFG's) Delivery: Guidance for Local Authorities in England' which was published earlier this year in March 2022.

### The Independent Reviewers Findings

- 15. The opinions of an independent external reviewer were sort, namely Foundations who have provided two reports attached at Appendix 2 and 3.
- 16. Their responses and commentary to the said issues is set out below for Cabinet accordingly.

# Issue 1 – ABC Policy to not carry out adaptations for Council tenants deemed to be under occupying

#### Foundations Response

"ABC's policy states that it aims to provide a faster and more straightforward service for delivering adaptations for ABC's tenants, whilst recognising that they are entitled to apply for a statutory DFG. A landlord may withhold permission for adaptations to be carried out, but should not do so unreasonably.

The Equality and Human Rights Commission have suggested that social landlords which manage housing stock for the local community need to balance the needs of the individual resident against the needs of the wider community. This could include considerations relating to under-occupancy given the general demand for, and shortage of, family-sized accommodation, especially if this is linked with an offer of alternative suitable accommodation within a reasonable timeframe.

The McKeown judgement did not test the Council's refusal as landlord, but as administrator of the DFG process, with the judgement concluding that each purpose for which a DFG could be applied should be considered on its own merit, and that it was not possible to refuse an adaptation for one purpose even if there were other DFG purposes which were not being met."

#### **Legal Services Advice**

The Council cannot have a blanket policy to not carry out adaptations for Council tenants deemed to be under occupying. Therefore this will be clarified

when the current policy is reviewed, to reflect the current practice of considering applications on a case by case basis.

The Council's policy as relating to Council tenants should also make clear that council tenants can also apply through the DFG application process, including in under occupancy cases, however this is not necessary for them to be considered for an adaptation.

Issue 2 –ABC is engaging an Occupational Therapist (OT) (part paid by ABC? And getting their opinion before 'allowing' a resident to submit a DFG application delaying the receipt of a valid DFG application

#### Foundations response

"In order to determine an application for a DFG it is necessary to identify the relevant works that meet one of the purposes for which a DFG may be given. The local authority must next be satisfied that the relevant works are both necessary and appropriate, and reasonable and practical. The necessary and appropriate test has to be considered before the reasonable and practicable test.

A local authority which is not itself a social services authority shall consult the social services authority – Housing Grants Construction and Regeneration Act (HGCRA) S24(5).

It is usual for the DFG process to be initiated by a resident contacting social services to request an assessment of their needs for a possible adaptation. It is also usual for a DFG not to be pursued where such an assessment doesn't identify any needs which meet one or more of the purposes for which a DFG can be given, or where the relevant works have been considered to be neither necessary and appropriate, or following that assessment, reasonable and practicable.

If a disabled person submitted a direct application for a DFG these assessments would still need to be made. Furthermore an application cannot be considered without the submission of a specification for the work, any necessary plans and at least two estimates (HGCRA 2(2)). Starting the process with the assessment avoids the need for an applicant to incur potentially abortive time, effort and costs in preparing the specification, plans etc without knowing whether the works would be deemed to be necessary and appropriate, and reasonable and practicable, as the HGCRA requires these tests to be satisfied before a grant application can be approved.

It is of course important that such assessments are person-centred and delivered in a timely manner."

#### **Legal Services Advice**

Review of the current process/policy is required to ensure appropriate triage of applications is undertaken and clarify that whilst it is more practical and desirable for an applicant to first engage with the OT, this is not an essential prerequisite to an application.

Issue 3 ABC could be allowing the O.T's opinion to override the needs given by the disabled person themselves (and the views of parents and carers)

#### **Foundations Response**

"The DFG Guidance states that assessments should be person-centred (Section 4.33).

The Guidance goes on to state (Section 4.40) that the starting point and continuing focus should be the needs experienced and identified by the client and their carers. The process should be one of partnership in which the older or disabled person and carers are the key partners.

All partners should work to ensure that each adaptation is delivered sensitively, is fit for the purpose identified by the client, their family, or their carers, and within a timeframe that is made explicit at the outset. Neither the Guidance nor the HGCRA suggest that the disabled person's needs are paramount."

#### **Legal Services Advice**

The current policy is silent as to how views of, for example, parents and carers may be submitted to ABC. Consideration should be given to how this can be incorporated within a reviewed policy to ensure that these views are given appropriate weight. However officers were not presented with any evidence of carers, parents or partners complaining that their views have been inappropriately disregarded.

Issue 4 – ABC's new 5 year tenancy agreement would seem to be at odds with a condition of disability grants where the tenant must guarantee that they will be resident in the adapted property for at least 5 years.

#### **Foundations Response**

"The HGCRA requires an applicant to confirm that they intend that the dwelling to be adapted will be their only or main residence throughout the grant condition period. The requirement is to confirm an <u>intention</u>, not a guarantee, and is also qualified by the phrase 'or for such shorter period as [the applicant's] health or other relevant circumstances permit' (HGCRA S 21, 22 & 23)"

#### **Additional Note**

It appears that the reference to a 5 year tenancy agreement refers to the fixed term tenancies that ABC used to issue some years ago. ABC has now reverted back to issuing secure lifetime tenancies so in addition to the information above this is unlikely to arise in the future.

Issue 5 – ABC Does not seem to have a disabled facilities grant policy or equivalent alternative available for disabled tenants.

**Foundations Response** "The Council clearly has a policy for council tenants which seeks to provide tenants of the council with a faster and more straightforward service whilst recognising that a tenant can apply for a statutory DFG. The review brief for Foundations does not include consideration of how the Council publicises the adaptations' process for either private sector residents or council tenants. It also does not include any consideration of data relating to timescales for processing adaptations."

#### **Additional Note**

The existing policy document pre dates the most recent guidance from Government which was published in March 2022 and therefore does require a review and developing a new policy reflective of the guidance is recommended. In addition officers agree that the access to information and guidance on the Councils website and also in other forms should be improved.

Issue 6 – The availability of DFG's to ABC (Council) Tenants with disabilities, and processes for Council tenants with disabilities to apply for DFG's does not appear to be signposted or communicated on ABC's public facing website.

Officers accept that improvements need to be made to the promotion of DFG's and adaptations on the Council's website and also in other formats. In view of this Foundations were not asked to consider how adaptations are promoted and publicised for either the council's own tenants or residents living in the private sector (whether as owners or tenants). A very large scale engagement with the tenants is underway at present and this point will be covered in that exercise. Officers will also work with the in house web team to ensure that relevant key words are linked to the relevant pages.

Issue 7 – In communications ABC has referred to limited resources in relation to disabled adaptations, and /or implied limitations of resources through raising issues around having to transfer money from one budget to another.

#### Foundations Response

"The DFG Guidance states that 'refusal to accept applications due to a lack of resources is unlawful' (B118) and lack of resources cannot be cited as grounds for not approving a valid DFG application.

This would not apply where an adaptation for a Council tenant is not being dealt with as a DFG, but is being considered under an alternative process. Such adaptations are funded from the HRA and may be subject to budgetary decisions, although councils should generally try and ensure that access to adaptations is equitable across tenures.

Over recent years the significant increase in the DFG budget has generally meant that most councils have had a sufficient DFG budget to meet demand.

However, the DFG budget is now fixed in cash terms until 2024/25 which in effect means a real terms reduction in the amount of funding available over this period.

In these circumstances many councils will need to face difficult decisions about how to balance competing financial demands for essential services with a limited budget. This could involve supporting the DFG budget from the general rate fund and/or managing the process of administering DFG applications."

#### **Legal Advice**

DFG applications should not be refused on grounds of lack of resources. The same should be applied to council tenants as they should be treated no less favourably and there is no evidence that this is not being followed. The Council's policy should reflect this.

#### **Additional note**

It is unclear what communication is referred to in the issue presented and no information has been presented to officers to enable such communication to be fully considered in this response. However there is no reference to limited resources within the current policy.

#### **Additional Recommendations**

- 17. Foundations were asked to review policies and procedures relating to the delivery of adaptations which considered issues beyond the 7 issues identified in the motion to Full Council. Due to the timescales involved in meeting the deadline to bring this report back to the December Cabinet, it was necessary to focus on the specific area around delivery of adaptations. A copy of Foundations findings is attached at Appendix 3 which continues a list of recommendations for improving the processes and arrangements for delivery of adaptations.
- 18. It is suggested that the recommendations contained within the Foundations report are included within an action plan for delivery in the new year to enhance service delivery. This should also include a review of the Council's policies to reflect the recent government guidance and an urgent action to improve access to information on the Council's website and in other formats.
- 19. The recommendations are anticipated to be fully implemented by the summer of 2022

### **Equalities Impact Assessment**

20. An Equalities Impact Assessment is not required for this report as there is no significant change in approach

#### **Consultation Planned or Undertaken**

21. Once the new draft policy is completed consultation will be undertaken with relevant agencies, Foundations and with service users from all tenures.

### **Reasons for Supporting Option Recommended**

22. Whilst the Council is operating processes for adaptations in Council stock and DFG's within the legislation, it is important to ensure that policies are updated to reflect the governments most recent good practice guidance.

### **Next Steps in Process**

23. The recommendations contained within the Foundations report will form the basis of an action plan to review and update the Council's policies in relation to adaptations and to deliver the recommended actions.

#### Conclusion

24. In conclusion the advice provided by the government appointed organisation Foundations did not find that the Council was operating outside of the legislation, however it was identified that the Council's policies needed to be updated to reflect the recent government guidance published in March 2022.

#### Portfolio Holder's Views

25. I am satisfied that the review has invited an independent view for a government appointed agency. Whilst the processes followed have not been found to be illegal, I endorse the recommendations for enhancements in the context of continuous improvement and to ensure that we are reflecting the good practice issued in March 2022.

#### **Contact and Email**

26. Sharon Williams – sharon.williams@ashford.gov.uk

#### This Council notes:

- 1) That, as a local housing authority, Ashford Borough Council has a statutory duty under the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act) to provide adaptations for those who qualify for a Disabled Facilities Grants (DFG) including its tenants with disabilities.
- 2) That the courts have quite clearly stated that a Council can't use limited resources as an excuse for not meeting statutory requirements in relation to Disabled Facilities Grants (DFGs). In other words, it has to find money from *somewhere* to meet its *legal* duties in this area. These are three relevant extracts regarding this issue:

'I conclude, therefore, that, ... local housing authorities are not entitled to take resources into account in deciding whether or not to approve a DFG for section 23(1) purposes.' (R v Birmingham City Council 1998)

'To permit a local authority to avoid performing a statutory duty on the grounds that it prefers to spend the money in other ways is to downgrade a statutory duty to a discretionary power.' (R v Birmingham City Council 1998)

- '...local housing authorities are obliged to approve DFGs within section 23(1) purposes whatever the resource implications of doing so may be.' (R v Birmingham City Council 1998).
- 3) That Ashford Borough Council has a duty to ensure that its tenants with disabilities are treated fairly and in accordance with the guidelines, which have been considered and adjudicated on by the Courts.
- 4) That the Council has already been made aware of a number of potential issues around DFGs by way of a question raised at the last full council in July including:
  - That the policy approved by Cabinet in July 2014, not to carry out adaptations for disabled tenants deemed to be 'significantly' under occupying, could potentially be unlawful.
  - b. That ABC engaging an Occupational Therapist (OT) and getting their opinion before 'allowing' a resident to submit a DFG application could be regarded as delaying the receipt of a valid DFG application and may be unlawful.
  - c. That ABC could be putting the OT in a position of acting as a 'gatekeeper' and could be allowing the OT's opinion to override the needs given by the disabled person themselves (and the views of parents and carers) and that this may have the effect of overriding 'the primacy of the disabled persons perspective'.

- d. That ABC's new 5-year tenancy agreements could be at odds with a legal condition of disability grants where the tenant must guarantee that they will be resident in the adapted property for *at least* 5 years.
- e. That not clearly signposting or communicating the availability of DFGs to ABC (Council) tenants with disabilities, and processes for Council tenants with disabilities to apply for DFGs, on ABC's public facing website, may be unlawful. This was the case on July 18th 2022 before the last full council and continued to be the case as at 13th October 2022.
- 3) That the Council must not be left in a position where it may be found to be acting unlawfully or be found by an ombudsman to be guilty of maladministration in regard to its statutory duties around DFGs.
- 4) That the Council has a duty to proactively address all aspects of its provision and processing of DFGs so that it avoids wasting public money and officer time on unnecessary court cases and cases brought before an ombudsman.

#### This Council resolves:

- 1) To undertake a full, thorough, and objective review into how the Council is currently addressing its statutory Disability Facilities Grants responsibilities towards its tenants with disabilities.
- 2) That this review is conducted in an open, objective, and honest way and with the required expertise to ensure that members, officers, and residents are completely certain of the current legal position with regards to how ABC meets its statutory DFG duties towards its tenants, and that all necessary corrective actions are identified.
- 3) That corrective actions for all issues identified during this review are undertaken within the shortest possible time frame and that no issues remain uncorrected by the end of 2022.
- 4) That above all, it will ensure that all laws and guidelines, including those which have been considered and adjudicated on by the Courts, relating to DFGs and Council tenants with disabilities are fully complied with.

### Appendix 2

#### Adaptations Issues - Foundations' comments



#### Issue 1

ABC's policy states that it aims to provide a faster and more straightforward service for delivering adaptations for ABC's tenants, whilst recognising that they are entitled to apply for a statutory DFG. A landlord may withhold permission for adaptations to be carried out, but should not do so unreasonably. The EHRC have suggested that social landlords which manage housing stock for the local community need to balance the needs of the individual resident against the needs of the wider community. This could include considerations relating to underoccupancy given the general demand for, and shortage of, family-sized accommodation, especially if this is linked with an offer of alternative suitable accommodation within a reasonable timeframe. The McKeown judgement did not test the Council's refusal as landlord, but as administrator of the DFG process, with the judgement concluding that each purpose for which a DFG could be applied should be considered on its own merit, and that it was not possible to refuse an adaptation for one purpose even if there were other DFG purposes which were not being met.

#### Issue 2

In order to determine an application for a DFG it is necessary to identify the relevant works that meet one of the purposes for which a DFG may be given. The local authority must next be satisfied that the relevant works are both necessary and appropriate, and reasonable and practical. The necessary and appropriate test has to be considered before the reasonable and practicable test.

A local authority which is not itself a social services authority shall consult the social services authority - HGCRA S24(5).

It is usual for the DFG process to be initiated by a resident contacting social services to request an assessment of their needs for a possible adaptation. It is also usual for a DFG not to be pursued where such an assessment doesn't identify any needs which meet one or more of the purposes for which a DFG can be given, or where the relevant works have been considered to be neither necessary and appropriate, or following that assessment, reasonable and practicable. If a disabled person submitted a direct application for a DFG these assessments would still need to be made. Furthermore an application cannot be considered without the submission of a specification for the work, any necessary plans and at least two estimates (HGCRA 2(2)). Starting the process with the assessment avoids the need for an applicant to incur potentially abortive time, effort and costs in preparing the specification, plans etc without knowing whether the works would be deemed to be necessary and appropriate, and reasonable and practicable, as the HGCRA requires these tests to be satisfied before a grant application can be approved. It is of course important that such assessments are person-centred and delivered in a timely manner.

#### Issue 3

The DFG Guidance states that assessments should be person-centred (Section 4.33). The Guidance goes on to state (Section 4.40) that

The starting point and continuing focus should be the needs experienced and identified by the client and their carers. The process should be one of partnership in which the older or disabled person and carers are the key partners.

All partners should work to ensure that each adaptation is delivered sensitively, is fit for the purpose identified by the client, their family, or their carers, and within a timeframe that is made explicit at the outset.

Neither the Guidance nor the HGCRA suggest that the disabled person's needs are paramount.

#### Issue 4

The HGCRA requires an applicant to confirm that they intend that the dwelling to be adapted will be their only or main residence throughout the grant condition period. The requirement is to confirm an <u>intention</u>, not a guarantee, and is also qualified by the phrase 'or for such shorter period as [the applicant's] health or other relevant circumstances permit' (HGCRA S 21, 22 & 23)

#### Issue 5

The Council clearly has a policy for council tenants which seeks to provide tenants of the council with a faster and more straightforward service whilst recognising that a tenant can apply for a statutory DFG. The review brief for Foundations does not include consideration of how the Council publicises the adaptations' process for either private sector residents or council tenants. It also does not include any consideration of data relating to timescales for processing adaptations.

#### Issue 6

As noted above the current review does not include consideration of how adaptations are promoted and publicised for either the council's own tenants or residents living in the private sector (whether as owners or tenants).

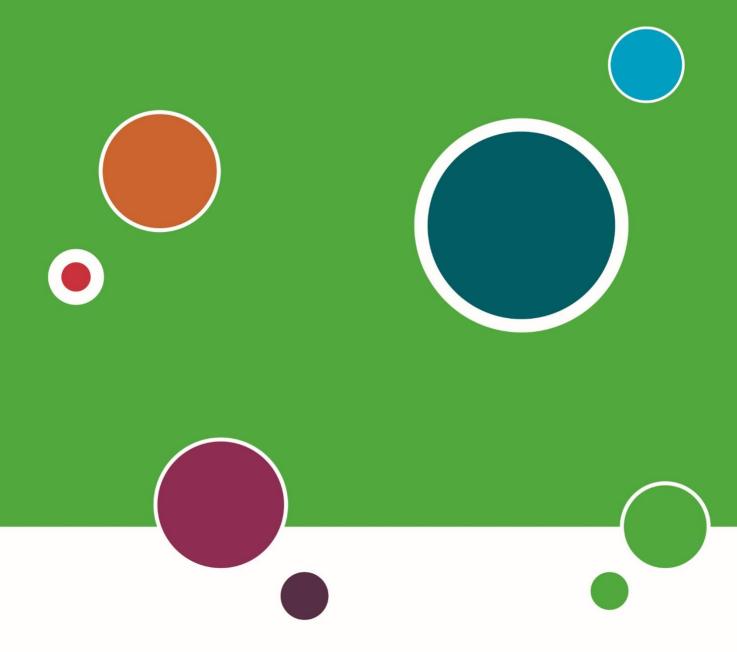
#### Issue 7

The DFG Guidance states that 'refusal to accept applications due to a lack of resources is unlawful' (B118) and lack of resources cannot be cited as grounds for not approving a valid DFG application. This would not apply where an adaptation for a Council tenant is not being dealt with as a DFG, but is being considered under an alternative process. Such adaptations are funded from the HRA and may be subject to budgetary decisions, although councils should generally try and ensure that access to adaptations is equitable across tenures. Over recent years the significant increase in the DFG budget has generally meant that most councils have had a sufficient DFG budget to meet demand. However, the DFG budget is now fixed in cash terms until 2024/25 which in effect means a real terms reduction in the amount of funding available over this period. In these circumstances many councils will need to face difficult decisions about how to balance competing financial demands for essential services with a limited budget. This could involve supporting the DFG budget from the general rate fund and/or managing the process of administering DFG applications.

Dave Eldridge

Regional Adviser, Foundations





Review of the Organisation and Delivery of Adaptations for Disabled People for Ashford Borough Council

Foundations, December 2022

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# Introduction

Foundations has been the UK Government appointed National Body for Home Improvement Agencies (HIAs) in England since 2000. Since 2015 our role has expanded to lead on improving the delivery of the Disabled Facilities Grant (DFG). Foundations provides several services to support local authorities and Home Improvement Agencies improve their delivery of the DFG. These include in-depth service reviews as well as shorter pieces of work including workshops and consultations with Foundations' team of locally based Regional Advisers.

Ashford Borough Council commissioned Foundations to carry out a review with the following aims:

- i) To consider the structure, organisation and management of the teams/services involved in carrying out the key stages in the management and processing of DFG applications as described in the DFG Guidance.
- ii) To consider the above for both residents living in the private sector (homeowners and tenants of private landlords or housing associations) and tenants of Ashford Borough Council.

# Background and Context

The framework for the review was provided by the key stages of delivering home adaptations described in the DFG Guidance<sup>1</sup> which was issued by the Department for Levelling Up Housing and Communities and the Department of Health & Social Care in March 2022. The Guidance describes five key stages:

Stage 0: first contact with services

Stage 1: first contact to assessment and identification of the relevant works

Stage 2: identification of the relevant works to submission of the formal grant application

Stage 3: grant application to grant approval

https://www.gov.uk/government/publications/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england

Stage 4: approval of grant to completion of works

The focus for this review is those functions related to the delivery of adaptations which are carried out by Ashford Borough Council or its agents and accordingly this review has focused on stages 2-4. This is because where responsibility for local government functions is split between the county council and the district or borough council Stage 0 and Stage 1 stages are usually carried out by the social services authority. Stages 2-4 are further described in the Guidance as:

Stage 2 • Application form and eligibility information • Design and costing of adaptations

Stage 3 • Check application is correct • Issue approval letter

Stage 4 • Arrange and carry out the works • Ensure all is satisfactory and make payment

# Methodology

Due to the short timeframe for the completion of the review the proposal was based on a review of written policies and procedures relating to the delivery of adaptations. The documents which have been reviewed are listed in Appendix B. However it was subsequently decided to include interviews with key staff involved in the operational delivery of adaptations. Unfortunately it was not possible to arrange an interview with Dave Green who has operational responsibility for adaptations for adaptations for tenants of the Council, but the following staff were interviewed with regards to adaptations in the private sector:

### **Ashford Borough Council**

- Julian Watts, Private Sector Housing Manager
- Gary Clarke, Senior Private Sector Housing Officer

#### **Town and Country Housing**

- Donna Crozier, Operations Manager
- Sue Peirson, East Kent HIA Casework Manager
- Tristan Bruce, Surveyor Manager
- Jasmin Harrison, Casework Coordinator

The review has also referenced the Government's DFG Guidance and Adapting for Ageing: Good Practice and Innovation in Home Adaptations<sup>2</sup> published by the Centre for Ageing Better in 2018.

The review considered the adaptations' process for both residents in the private sector and for the Council's own tenants. Adaptations are often classified as either minor adaptations, typically valued at less that £1,000, or major adaptations costing over £1,000. The reason for this is that under the Care and Support Regulations 2014 social services has a statutory duty to arrange minor adaptations and the provision of equipment free of charge with the cost being met from social services. For adaptations costing over £1,000 private sector residents are usually required to make an application for a Disabled Facilities Grant, and similarly there is a usually a separate process for Council tenants. This review has only considered the process for major adaptations.

The brief for the review did not include consideration of timescales for processing adaptations and this report does not therefore include any discussion of the length of time which a resident may have to wait for adaptations.

The review was carried out by Dave Eldridge, London and Southeast Regional Adviser for Foundations.

# **Processes and Procedures**

# Stage 2 – Identification of the Relevant Works to Submission of the Formal Application

In the DFG Guidance this stage covers the process following receipt of an assessment (usually from an Occupational Therapist) to submission of a formal application for a Disabled Facilities Grant. It includes confirming eligibility, completion of the application form and supporting documents and preparation of a priced schedule of the works to which the assessment relates.

The Council receives the assessment for adaptations for private sector residents from Kent County Council Occupational Therapists. This is submitted by e-mail and logged by the Private Sector Housing Team who also complete basic eligibility checks including whether

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<sup>&</sup>lt;sup>2</sup> https://ageing-better.org.uk/sites/default/files/2018-10/Adapting-for-ageing-report.pdf

the applicant is in receipt of a passported benefit and therefore eligible for a full grant for the identified works. The OT referral includes a basic description of the works and in the case of recommendations for stairlifts includes a quotation for the cost of the works. For more extensive works the recommendations may include a request to confirm the works are feasible before a detailed specification is prepared.

For adaptations for council tenants the process appears to be similar, with an e-mail being sent to the planned maintenance inbox and it is assumed that the content of these referrals is similar to those received for private sector residents. The Council's own Procedure Guide also states that adaptations' referrals may also be received from other agencies such as' a doctor, scheme manager or external company such as High Kent', although Annexe A, the Procedure Policy, simply refers to 'OTs working for other bodies such as the Intermediate Care Team'. It is possible that the policy, which is dated July 2014, may pre-date the Procedure Guide and...

...it is recommended that both documents are reviewed for consistency and clarity.

In the case of referrals for private sector residents the occupational therapist will usually flag what are described as 'critical' cases. Where this is the case, the Council may carry out a feasibility assessment prior to onward referral to Town and Country Housing, the Council's commissioned Home Improvement Agency (HIA) or will refer the case on to the HIA noting that it is deemed to be 'critical'. Cases are otherwise processed in date order. Adaptations for council tenants are prioritised on receipt by the award of points based on the tenant's responses to a Council questionnaire given to the tenants when the OT's assessment is carried out, with additional points awarded each month to reflect waiting times.

With regard to referrals relating to residents in the private sector it is not clear how the term 'critical' is defined. For Council tenants, whilst there is a more systematic approach to assessing priority, the approach is subject to the tenant's own interpretation of their circumstances and could be seen as lacking an objective frame of reference.

It is therefore recommended that a clear prioritisation process is developed which should be applied to applicants across all tenures to ensure a tenure neutral and objective assessment can be made regarding prioritisation. The DFG Guidance recommends that request for adaptations should be categorised on the basis of complexity and urgency and provides a list of circumstances which should be treated as urgent.

For private residents, once the Private Sector Housing Team have completed the basic checks the assessment details are e-mailed to the HIA. Where the adaptations are for an adult who is not in receipt of a passported benefit the HIA supports the applicant to complete

the DFG test of resources as well as completing the application forms. The HIA also manages the discretionary aspect of the test of resources as set down in the Council's discretionary housing assistance policy, although it is not clear where this element of the discretionary assistance is described. Visits are scheduled using Foundations Case Manager, a customer records and workflow system developed by Foundations specifically for Home Improvement Agencies.

The role of Home Improvement Agencies often includes a discussion of alternative housing options where the cost of works is likely to be high or where the adaptations may not be feasible, but for Ashford residents this discussion is initiated at the assessment stage (Stage 1).

Whilst the review did not include consideration of the role of OTs it may be useful to consider whether this function is best carried out by KCC at the assessment stage or at Stage 2 by the HIA or Ashford Council, both of which have a more direct relationship with assessing and identifying housing options, with a similar role being carried out by Neighbourhood Housing Officers for Council tenants.

The application procedure for adaptations is different for Council tenants who are not required to complete an application form and are also not subject to a means-test.

For private residents the development of a specification and estimates for the proposed adaptations depends on the nature of the work. Whereas prior to Covid a site visit often involved the Council's Senior Private Sector Housing Officer this is usually now only the case where the works are complex and a feasibility assessment may be required. In such cases the OT may also be involved in a site visit. As noted above feasibility studies may also be carried out prior to the referral being made to the HIA in a small number of cases following a request from the OT to the Council, typically where complex adaptations are being considered for a child.

Adaptation proposals need to be agreed by the applicant, the OT and the Council, with a turnaround time of 10 days in the case of straightforward works and 15 working days in the case of more complex adaptations. Pricing is via a schedule of rates for straightforward adaptations such as a wet room with this process being managed by the HIA's surveyor once the proposed works have been agreed. For more complex adaptations the works are tendered with this process managed by the HIA. The use of electronic communication since COVID has improved efficiency as has the need for less involvement from Council officers. However, there may need for greater clarity in TCH's role and responsibilities, since TCH's surveying staff may find themselves having to manage the client's expectations and manage requests for explanations and/or variations based on the OT's recommendations which are

themselves simply an outline of the work required and lack detail. This issue has a become more prominent post-COVID with fewer site visits from the Council's staff. One perception of TCH's role is that they are the Council's agent with the role being to ensure that the OT's recommendations are developed into a schedule of works and successfully delivered. An alternative perception is that they primarily act as the applicant's agent to arrange the delivery of adaptations as specified by the OT.

It is therefore recommended that a protocol (or similar) is developed to clarify the respective roles and responsibilities of the Council and the HIA. This may be best addressed in the context of a review of the commissioning arrangements for the HIA or, pending that, by a review of the current Service Level Agreement.

It may also be useful for applicants to be provided with a clear set of information about what work may or may not be included in DFG-funded adaptations. Such information may help to manage the expectations of applicants and could support the role of the HIA's surveyors. This reflects one of the good practise features identified in Adapting for Ageing where one of the three overarching elements of good practice is helping DFG applicants 'navigate the system'.

DFG applicants may wish to vary the works, with the DFG being used to offset the cost of a more extensive scheme than has been recommended by the OT. The Council has a procedure document relating to this and it is also referred to in the Council's DFG information leaflet, but...

...it may be useful to consider developing a guide to 'own schemes' jointly by the Council and the HIA to provide more information about this option for people who may be interested in exploring this. It may also be useful to review the content and style of both the current procedure note and the waiver letter.

Where the adaptations involve specialist equipment (e.g. stairlifts, through floor lifts and wash/dry toilets) KCC OTs will usually obtain one quote for the work with TCH obtaining a second. Given the specialist nature of such equipment it may be appropriate to review how such works are procured, particularly with regard to stairlifts and through floor lifts, though this relates in large part to the role of KCC's OTs and is therefore outside the scope of this review.

Little information has been provided about how works are specified for Council tenants and how the tenant's views are taken into account in the development of the schedule of works. It is therefore difficult to make any observations with regard to this aspect of adaptations for Council tenants. There is detailed discussion in both the procedure and the policy about

circumstances in which adaptations may be refused. However it is not clear what information is provided for Council tenants about how the council deals with requests for adaptations and the grounds on which requests may be declined. The DFG Guidance is clear that 'the provision of clear, concise, easy to understand and readily accessible information is a vital aspect of providing a good service' (p 30) and...

...it is recommended that the Council reviews what information is provided to Council tenants to ensure that this is the case. This should include timescales for the processing of adaptation requests.

## Stage 3 – Grant Application to Approval

For private residents this process seems to be dealt with promptly and efficiently. The interviews with staff from both the Council and the HIA confirmed that most applications are approved within two weeks, and many more quickly than this. The delivery of speedy adaptations is one of the three overarching elements of good practice identified in the Centre for Ageing Better's report Adapting for Ageing. Although not part of the review brief and acknowledging that approvals are only one part of the overall process it appears that adaptations for Ashford's private sector residents are delivered without undue delay. Examination of data on the end-to-end journey would enable greater scrutiny of the overall timescales involved and would provide evidence about how Ashford's performance compares with the best practice timescales set down in the DFG Guidance

Approval documents are issued by the HIA using Council letterheads and the HIA also instructs the successful contractor. At approval stage the Council will also provide additional discretionary funding where the works exceed the statutory maximum grant. This additional funding is incorporated into the grant approval. The mandatory and discretionary elements of the approved sum are identified in the approval document. It is important to ensure that the applicant is aware of the distinction between the statutory and discretionary elements of any grant funding, especially if different repayment provisions are applied, and previous comments about the provision of information to applicants may apply to this issue as well.

The Council places a local land charge on the property where the grant has been approved for an owner, and this is discussed with the applicant by the HIA when the application documents are being prepared. Where the applicant is required to contribute towards the cost of DFG-funded adaptations this is also discussed with the applicant by the HIA, and the applicant is asked to sign a form to confirm their agreement with this.

This stage is not replicated for adaptations for Council tenants as grant approval is not required. No documents relating to the approval of the adaptation works for Council tenants was seen as part of the review and it is therefore not possible to comment on this aspect of communication with the tenant whose home is to be adapted.

## Stage 4 – Approval of Grant to Completion of Works

For private residents this stage is documented in the Council's DFG Procedure and no particular issues were identified either in the documentation or in the discussions with the staff involved. The Council relies on TCH to complete a final inspection of the works and the information provided suggests that the OT's sign off is limited to a phone call to the applicant to make sure they are happy with the works. The council issues a post completion questionnaire to the resident. An anonymised selection of these has been viewed, all of which provide positive feedback.

It is however recommended that consideration is given to inspecting a percentage of all completed adaptations to complement the feedback from residents and ensure that the responses provide an accurate reflection of resident satisfaction with the works.

For Council tenants there is little information in the documentation provided about this stage. It is assumed that as with adaptations for private residents that the work is subject to final approval by an Occupational Therapist although this is not detailed in the documentation. As the properties are all owned by the Council it is assumed that post-work inspections take place, but there is no evidence of feedback being sought from tenants. A selection of complaints mentioning Disabled/Adaptation for the period 2019 – 2022 was viewed as part of the documentation provided for the review. Eight of the nine complaints which related to adaptations concerned Council tenants. These covered a variety of circumstances, and it is not possible to draw conclusions from this sample.

However, if post-work feedback is not currently sought from tenants it is recommended that this is introduced with the results monitored to provide information on which to base any necessary service improvements which may be identified.

## **Additional Comments**

During the course of the review a number of other issues were identified. Although these did not necessarily form part of the brief these are included in the report and identify areas of the overall service for further consideration.

# Commissioning and Monitoring Arrangements for Town and Country Housing

The service delivered by TCH is contracted by KCC. The current service is out of contract with KCC and operates against a specification that is over ten years old and is not fit for purpose as it references services and funding that are no longer available. In common with other local councils, Ashford has agreed a supplementary service level agreement with TCH which seems to mirror many of the basic requirements in the KCC specification. The KCC specification includes a number of Key Performance Indicators, many of which do not relate to the service currently being provided. The much shorter SLA contains no Key Performance Indicators. Neither contract appears to be regularly monitored.

It is recommended that the commissioning arrangements for this service should be reviewed, relevant Key Performance Indicators should be agreed between the parties to the contract and the service should be regularly monitored.

A review of the service specification would also allow a fuller consideration of the functions which are delegated to TCH and the functions which are retained by the Council. This was noted in the discussion about Stage 2. In general the relationship seems to work well and both parties were positive about each other's roles. However, there is a significant underspend on the DFG budget.

It is recommended therefore that consideration is given to improving throughput whilst at the same time delivering a person-centred service focused on enabling Ashford's private sector residents to continue to live safely, well and as independently as possible in their own homes.

## **Data Management and Workflow Control**

TCH use Foundations Case Manager which is a customer relationship management system which allows for the capture of key data and enables effective workflow management. It was

specifically designed for use by Home Improvement Agencies. Since it is a cloud-based system it is possible to allow third parties to access it at a variety of different levels. Currently Ashford's staff have no access to this system. Ashford's own case management consists of the M3 system complemented with a spreadsheet. M3 is a simple data system that captures worksheet records and produces a worksheet number that is used throughout the life of a case. The system enables the retention of all digital data and or scanned files, can enable payments and collects information for filtering reports when and if required. The spreadsheet is a simple excel system that captures a comprehensive set of data related to each DFG application. However, many local systems have found that reliance on spreadsheets is not an effective way of capturing data and managing workflows, especially as systems become more complex.

As part of a review of the commissioning and monitoring arrangements it is recommended that case management systems are reviewed to ensure workflows can be effectively tracked and monitored and data collected and utilised for monitoring and reporting purposes.

## **Discretionary Housing Assistance Policy**

Ashford has a discretionary housing assistance policy. However given the significant underspend on the DFG budget it may be appropriate to review this to ensure that it is effective in providing housing-focused grants which complement the mandatory framework and help to meet the overarching aims of the Better Care Fund.

## Conclusions

This review has been conducted in a relatively short space of time. The brief focused on part of the overall adaptations process and didn't include some key elements such as data analysis which would have enabled a fuller picture to emerge particularly with regard to delivery timescales and spend. Although the brief included adaptations for council tenants as well as for residents in the private sector, most of the content relates to adaptations in the private sector. This reflects a number of factors including the greater complexity of the delivery arrangements and the need for a formal process for applying for a DFG. It was also not possible to arrange interviews with the key staff involved in managing the delivery of adaptations for Council tenants.

A number of recommendations have been identified in the report. These are summarised in Appendix A. Some of the recommendations will be relevant irrespective of tenure and some are specific to the service for either council tenants or private sector residents. Inevitably there are more recommendations relating to the private sector for reasons noted elsewhere in the report. Nonetheless it is hoped that the report will provide the basis for further consideration about how the adaptations' services for the residents of Ashford can be taken forward.

# **Appendices**

## Appendix A – List of Recommendations

- i) that the Procedure Guide and the Procedure Policy for Council tenants are reviewed for consistency and clarity.
- ii) that a clear prioritisation process is developed which should be applied to applicants across all tenures to ensure a tenure neutral and objective assessment can be made regarding prioritisation. The DFG Guidance recommends that request for adaptations should be categorised on the basis of complexity and urgency and provides a list of circumstances which should be treated as urgent.
- that consideration is given to how alternative housing options are discussed with applicants and whether this function is best carried out by KCC at the assessment stage or at Stage 2 by the HIA or Ashford Council, both of which have a more direct relationship with assessing and identifying housing options, with a similar role to be carried out by Neighbourhood Housing Officers for Council tenants if this does not already happen.
- iv) that a protocol (or similar) is developed to clarify the respective roles and responsibilities of the Council and the HIA. This may be best addressed in the context of a review of the commissioning arrangements for the HIA or, pending that, by a review of the current Service Level Agreement.
- v) that all applicants are provided with a clear set of information about what work may or may not be included in DFG-funded or Council-funded adaptations.
- vi) that consideration is given to producing a guide to 'own schemes' jointly by the Council and the HIA to provide more information about this option for people who may be interested in exploring this. Additionally that the content and style of both the current procedure note and the waiver letter.
- vii) that the Council reviews what information is provided to both private sector residents and Council tenants applying for adaptations about the overall end to end process. This should include information regarding timescales for the processing of adaptation requests in addition to the statutory timescales noted in the current DFG guide produced by the Council.
- viii) that if post-work feedback is not currently sought from Council tenants it is recommended this is introduced, with the results monitored to provide information on which to base any necessary service improvements which may be identified.

ix) that consideration is given to inspecting a percentage of all completed adaptations to complement the feedback from residents and ensure that the responses provide an accurate reflection of resident satisfaction with the works.

x) that the commissioning arrangements for the HIA service should be reviewed, with relevant Key Performance Indicators agreed between the parties to the contract and

the service to be regularly monitored.

xi) that in view of the current DFG underspend consideration is given to improving throughput whilst at the same time delivering a person-centred service focused on enabling Ashford's private sector residents to continue to live safely, well and as

independently as possible in their own homes.

xii) that as part of a review of the commissioning and monitoring arrangements it is recommended that case management systems are reviewed to ensure workflows can be effectively tracked and monitored and data collected and utilised for monitoring and reporting purposes.

## Appendix B – List of Key Documents Reviewed

### **Ashford Borough Council**

DFG questionnaire

DFG Process (private sector residents)

**DFG Information Leaflet** 

**DFG Offset Process** 

Discretionary Grants Procedures 2019

Waiver Letter

**Grant Approval Letters** 

DFG Timeline 2017

Own stock - Disabled Adaptations procedure

Own stock – Disabled Adaptations flowchart

### **Kent County Council**

HIA Specification 2012-2105

Sample of anonymised OT recommendations

## Ashford Borough Council/Town & Country Housing

Service Level Agreement 2022-23



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# Ashford Borough Council: Local Plan & Planning Policy Task Group

Notes of a Virtual Meeting of the Local Plan & Planning Policy Task Group held on Microsoft Teams on **4 November 2022.** 

#### Present:

Cllr. Bartlett (Chairman)

Cllrs. Mrs Bell, Blanford, Heyes, Ledger, Spain, Sparks, Walder and Wright.

### Also Present:

Cllr Michael

#### In attendance:

Spatial Planning Manager; Team Leader – Plan Making and Infrastructure; Placemaking Team Leader – Spatial Planning; Deputy Team Leader – Plan Making and Infrastructure; Policy Planner – Plan Making: Planning Officer – Plan Making; S106 Agreements Monitoring Officer; S106 Monitoring Support Officer; Principal Solicitor - Strategic Development; Member Services Officer.

## 1 Apologies and substitutions

1.1. Apologies had been received from Cllrs Bell and Harman, and from the Director of Place, Space and Leisure.

## 2. Declarations of Interest

2.1

Cllr Bartlett	Made a Voluntary Announcement that he was a member of Sevington Parish Council. Made a Voluntary Announcement that he attends KALC meetings on their behalf.	Item 6
Cllr Blanford	Made a Voluntary Announcement that she was the ABC representative for the Kent Downs AONB Joint Advisory Committee. Made a Voluntary Announcement that she was a member of WKPS.	Item 7
Cllr Ledger	Made a Voluntary Announcement that he was a member of Shadoxhurst Parish Council, chairs their Planning Sub-Committee, and attends KALC meetings on their behalf and was part of a team that wrote the document.	Item 6
Cllr Spain	Made a Voluntary Announcement that he was a member of the Committee of the Friends of Bybrook Nature Reserve.	Item 6
Cllr Walder	Made a Voluntary Announcement that she was a founding member of the Tenterden Wildlife group.	

## 3. Notes of the last Meeting

3.1 The Notes of the meetings of 24 June 2022 and 16 September 2022 were received and noted.

# 4. Infrastructure and Developer Contributions SPD Update

- The Team Leader Plan Making and Infrastructure introduced the report, outlining recent history of the Section 106 review. A presentation then followed, detailing the recommendations of the Mid-Kent Audit in December 2021, and the progress of action points which stemmed from the review. Two actions were outstanding but on track to be completed by the end of the year. Three actions had been deferred, as the anticipated functionality of the new planning software required improvement to deliver them; Mid-Kent Audit were aware and had agreed to an extension until the Spring of 2023. A report would be prepared for the Audit Committee on 29 November. In addition, the Overview & Scrutiny Task Group recommendations were progressing simultaneously. The process mapping had been completed. Workshops and informational documentation were being prepared, to be delivered to parish councils. Member training was to be undertaken after the election in May 2023. Heads of Terms were being reviewed and additional items were under consideration for inclusion. Some outcomes and decisions were dependent on the approval of the Levelling Up and Regeneration Bill now in progression through Parliament. He outlined the next steps to complete the remaining actions, review the Kent Minerals and Waste consultation, review and engage with Kent County Council regarding their Section 106 guidance commencing in December, prepare and submit an Infrastructure Funding Statement to Task Group at the February 2023 meeting, and look to produce a draft SPD in the summer of 2023.
- 4.2 A Member asked that unparished areas be included in consultations and workshops; this was agreed.
- 4.3 The Chairman posed a question regarding Community Infrastructure Levy and whether the funds were directed appropriately to local need; he was reassured that safeguards existed through the involvement of an independent examiner at the time of any CIL creation. The Government is reviewing S106 and CIL and may introduce an Infrastructure Levy.
- 4.4 A Member asked if there was a formula to define amounts of funding for local community investment. He felt greater local consultation should take place, and questioned the delivery of S106 funding which is tied to occupational trigger points. This led to a wider debate regarding potential non-compliance by developers, and mechanisms which could be applied or adopted to provide increased assurance of delivery. Members were asked to advise officers if they are concerned that trigger points are being reached and payments are not being made.
- 4.5 A Member asked if, in the current financial situation, we would ask developers for increased funding, or divide the agreed funding into smaller pots. The Team Leader Plan Making and Infrastructure confirmed that in the current financial climate the next few years were likely to be challenging, and this could potentially impact the amount of S106 money available.

4.6 A Member was surprised by KCC's request for an uplift to the borough councils' infrastructure contributions and confirmed her support for ABC to challenge that. She offered to assist in supporting the training of parish and town councils and community forums to help them understand Section 106.

#### Resolved:

The Local Plan and Planning Policy Task Group noted the updates in the presentation.

# 5. Levelling Up and Regeneration Bill and Other Planning Reforms Update

- 5.1 The Team Leader Plan Making and Infrastructure referred to the report, with further information that, due to very recent government re-shuffles, the Secretary of State for Levelling Up Michael Gove intended to resume the progress of the Bill as he had left it in July 2023, following his reinstatement as Secretary of State for Levelling Up and Regeneration. It was believed this would mean a swifter conclusion than anticipated on the NPPF amendments. The Growth Plan, published in September, had intended to remove the barriers and make way for a new Planning Infrastructure Bill, but it was noted that the future of these initiatives including plans to create Investment Zones was now uncertain.
- 5.2 A Member questioned whether ABC had been consulted when KCC had put forward the Newtown Works and the Brompton site to be part of the Investment Zones programme. Whilst she supported this, there were other sites included where the acceleration and removal of environmental policies would be detrimental. As submission deadlines had been very tight, ABC had been able to propose these developments, but not had the opportunity to comment on other districts' submissions.

### Resolved:

The Local Plan and Planning Policy Task Group noted the contents of the report.

## 6. Defining the Boundaries KALC (December 2020)

- 6.1 The Team Leader Plan Making and Infrastructure thanked a Member for providing a copy of the report. Whilst ABC had not made a response to it at the time, the opportunity to do so now was welcomed.
- 6.2 A Member suggested KALC take the lead to approach other partners such as PROW and the AONBs, to gather opinion. Two parish councils did not have representatives on KALC, but there was other linkage to ensure inclusion.

6.3. It was agreed the Team Leader – Plan Making and Infrastructure could formally share the responses with KALC.

#### Resolved:

The Local Plan and Planning Policy Task Group noted the contents of the report and agreed the responses at Appendix 1 to form the basis of an ongoing dialogue in preparation of the Ashford Local Plan 2030 review process with local councils and community forums; the responses also to be formally shared with KALC.

# 7. Update on High Weald and Kent Downs AONB Management Plans, Projects and Issues for 2022

- 7.1 The two Policy Planners Plan Making and Infrastructure explained they were ABC's officer representatives to the High Weald AONB and the Kent Downs AONB respectively. They attended Joint Advisory Committee and Officer Steering Group meetings. The High Weald AONB were reviewing their Management Plan, proposing two new components.
- 7.2 Members were informed the current EU funding for the Kent Downs AONB unit was to cease in March 2023, and local authorities were being asked to increase their contributions on the High W.
- 7.3 It was agreed 6-monthly updates to the Task Group would be useful.
- 7.4 It was confirmed that funds available via the Government's Shared Prosperity fund would be apportioned by KCC, following approval by the Government.

### Resolved:

The Local Plan and Planning Policy Task Group noted the contents of this Report.

## 8. Member Tracker

- 8.1 The Member Tracker was discussed. It was noted that several high priority matters would be engaging the time of Strategic Planners in the coming months.
- 8.2 The Team Leader Plan Making and Infrastructure was asked to circulate the current Solar Guidance note.

#### Resolved:

The contents of the Tracker were noted.

## 9. Date of Next Meeting.

The next meeting had been arranged for 16 December 2022, at 10am, via Teams.

Councillor Bartlett
Chairman – Local Plan & Planning Policy Task Group

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## Agenda Item 12

Agenda Item No: 12

Report To: CABINET

15<sup>TH</sup> DECEMBER 2022 Date:

**Report Title:** SCHEDULE OF KEY DECISIONS TO BE

**TAKEN** 

Job Title:

Report Author and Danny Sheppard, Member Services Manager

Portfolio Holder: Portfolio Holders are individually specified in the attached

Schedule.

To set out the latest Schedule of Key Decisions to be taken by Summary:

the Cabinet of Ashford Borough Council.

**Key Decision:** NO

Significantly Affected Wards: Where appropriate, individual Wards are indicated.

That the Cabinet receive and note the latest Schedule of Recommendations

**Key Decisions.** 

**Policy Overview:** Under The Local Authorities (Executive Arrangements)

> (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

**Financial** Implications: Nil

Legal

Implications: n/a

Equalities Impact n/a

Assessment

Other Material

Implications:

Nil

**Exempt from** 

publication:

No

Background

Papers:

None

danny.sheppard@aglefo1d99bv.uk – Tel: 01233 330349 Contacts

## CABINET SCHEDULE OF KEY DECISIONS TO BE TAKEN

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Paul Bartlett; Neil Bell; Andrew Buchanan; Peter Feacey; Matthew Forest; Nathan Iliffe; Alan Pickering; and Neil Shorter.

Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at The Town Hall, 24 High Street, Tenterden, during opening hours, or at <a href="https://ashford.moderngov.co.uk">https://ashford.moderngov.co.uk</a>

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
	15 <sup>th</sup> December 2	2022			
Housing Revenue Account (HRA) Business Plan 2022- 2052 (including Financing and Affordable Homes Programme)	To detail the financial position in the HRA and ask Members to agree Housing's priorities for the next year.	Cllr Buchanan	Sharon Williams/Mark James	Open (Exempt Appendix)	20/12/21
New Waste Contract	To update on the procurement process of the next Mid-Kent waste collection from March 2024 and cleansing contract and seek approval for award of contract to the successful bidder.	Cllr Forest	Tracey Butler	Open	5/1/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Climate Change Guidance for Planning	To introduce a proposal to publish guidance on this issue. Once produced the guidance will be a material consideration applied to planning decisions.	Cllr Bell	Clare Marchant	Open	20/10/22
Private Sector Housing Strategy	To set out an action plan on how Private Sector Housing intends to improve standards, tackle rogue landlords, help increase the independence of disabled people through the disabled facilities grants scheme, reduce fuel poverty and improve energy efficiency of homes.	Cllr Buchanan	Julian Watts	Open	20/10/22
Disabled Adaptations Review	To set out the law relating to DFG's and adaptations in the Council stock with reference to the leading case law and good practice guidance from the government. The council's policies and procedures will be tested against the law and guidance and identify any areas for improvement.	Cllr Buchanan	Sharon Williams	Open	24/10/22
	26 <sup>th</sup> January 20	)23			
Revenues & Benefits Recommended Write- Offs Schedule	Proposed formal write-off of debts	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	29/1/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Social Value Policy	To recommend processes and procedures to obtain more value from our contractors/suppliers/partners to help us address some of the challenges and opportunities we face in our communities around Social Value.	Cllr Shorter	Aymi Laws	Open	16/11/22
Bockhanger Update		Cllr Buchanan	Sharon Williams	Open	3/11/22
	23 <sup>rd</sup> February 2	023			
Revenue Budget 2023/24	To present the draft revenue budget for 2023/24 to the Cabinet for recommendation to Council.	Cllr Shorter	Lee Foreman	Open	28/2/22
Financial Monitoring – Quarterly Report	Quarterly budget monitoring report	Cllr Shorter	Lee Foreman	Open	28/2/22
Corporate Performance Report	The report seeks to give Members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.	Cllr Feacey	Tom Swain	Open	28/2/22
Infrastructure Funding Statement		Cllr Bell	Daniel Carter	Open	20/12/21

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Achieving Nutrient Neutrality Supplementary Planning Document (SPD)	To seek approval of the draft Supplementary Planning Document for public consultation. The Supplementary Planning Document (SPD) will set out guidance on the nutrient neutrality process, including what information developers should submit with planning applications and details of the Council's strategic mitigation to address the Stodmarsh nutrient neutrality requirement.	Clir Bell	Daniel Carter/ Harriet Turner	Open	11/11/22
Local Development Scheme		Cllr Bell	Claire Marchant/ Ian Bailey	Open	29/11/22
Brompton Development	To update of the progress of the discussions with both Brompton and the Developer in bringing forward the proposed development including the setting up a of joint venture company.	Cllr Iliffe	Paul McKenner	Open	28/7/22
	30 <sup>th</sup> March 20	23			
Annual Pay Policy Statement (including Review for 2023/24)	A review of the annual Pay Policy Statement and Ashford Living Wage Allowance.	Cllr Pickering	Michelle Pecci/ Joy Cross	Open	1/4/22
Covert Surveillance Report		Cllr Clarkson	Samantha Clarke	Open	11/4/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
	27 <sup>th</sup> April 202	3			
	May 2023				
	NO MEETING DUE TO BOROUGH	COUNCIL ELEC	CTIONS		
	25 <sup>th</sup> June 202	23			
Corporate Plan Annual Report 2022/23	To present the Annual Report 2022/23 highlighting performance against the Corporate Plan priorities.	Cllr Clarkson/ Feacey	Tom Swain	Open	4/7/22
Final Outturn 2022/23	Final budget outturn for previous financial year.	Cllr Shorter	Lee Foreman	Open	4/7/22
Review of Parking Charges/Strategy		Cllr Bartlett	Alison Oates	Open	1/12/22
	27 <sup>th</sup> July 202	3			
Revenues & Benefits Recommended Write- Offs Schedule	Proposed formal write-off of debts	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	30/7/21
	31 <sup>st</sup> August 20	23			
	KEEP CLEAR FOR H	OLIDAYS			

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
	28th September	2023			
Financial Monitoring – Quarterly Report	Quarterly budget monitoring report	Cllr Shorter	Lee Foreman	Open	30/9/22
Corporate Performance Report	The report seeks to give Members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.	Cllr Feacey	Tom Swain	Open	30/9/22
Broadband and Digital Infrastructure Update	To update on projects and initiatives to improve broadband in the Borough and outline the work that the team suggests can take place in the coming year.	Cllr Bell	Thomas Jenkins	Open	30/9/22
	26 <sup>th</sup> October 20	023			
Medium Term Financial Plan	To ask Cabinet to note the Medium Term Financial Plan ahead of this year's Budget process.	Cllr Shorter	Lee Foreman	Open	28/10/22
Corporate Commercial Property Strategy – Annual Report	To advise of the revenue performance of the Council's corporate property portfolio during the last financial period and to advise of proposals to increase profitability in the coming financial period.	Cllr Forest	Eloise Duffy	Open	28/10/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
	30 <sup>th</sup> November 2	.023			
Corporate Performance Report	To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.	Cllr Feacey	Tom Swain	Open	28/11/22
Council Tax Base 2023/24	To present for approval the estimated 2023/24 Council tax base calculation for the Borough and each parished area, on which the major preceptors and local Parish Councils will base their requirements.	Cllr Shorter	Lee Foreman	Open	28/11/22
Draft Budget 2023/24	To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&S Task Group and public consultation.	Cllr Shorter	Lee Foreman	Open	28/11/22
Financial Monitoring – Quarterly Report	Quarterly budget monitoring report.	Cllr Shorter	Lee Foreman	Open	28/11/22

If you wish to contact a Report Author by email, unless stated otherwise, the addresses are; first name.surname@ashford.gov.uk

1/12/22