

CABINET AGENDA

Tuesday, 16 October 2018 at 10.00 am in the Blaydon Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item Business

1 Apologies for absence

2 Minutes (Pages 5 - 8)

Cabinet is asked to approve as a correct record the minutes of the last meeting held on 18 September 2018

Key Decisions

3 Go Gateshead Sport and Leisure - Capital Programme Developments (Pages 9 - 18)

Report of the Strategic Director, Corporate Resources

4 Tenders for the Supply of Goods and Services (Pages 19 - 22)

Report of the Strategic Director, Corporate Services and Governance

Recommendations to Council

5 Gateshead Private Sector Housing Enforcement Policy (Pages 23 - 64)

Report of the Service Director, Development, Transport and Public Protection

6 Mandatory Licensing of Houses in Multiple Occupation Policy (Pages 65 - 96)

Report of the Service Director, Development, Transport and Public Protection

7 Local Digital Declaration (Pages 97 - 108)

Report of the Strategic Director, Corporate Services and Governance

Non Key Decisions

8 Treasury Management Performance to 30 September 2018 (Pages 109 - 114)

Report of the Strategic Director, Corporate Resources

9 Annual Fostering and Adoption Services Reports 2017-18 (Pages 115 - 160)

Report of the Strategic Director, Care, Wellbeing and Learning

- 10 Re-appointment of a Local Authority Governor** (Pages 161 - 164)
Report of the Strategic Director, Care, Wellbeing and Learning
- 11 Draft Housing Strategy 2019-2030** (Pages 165 - 204)
Report of the Service Director, Development, Transport and Public Protection
- 12 Gateshead Local Plan - Making Spaces for Growing Places (MSGP) (Development Management Policies, Allocations and Designations) - Submission Draft** (Pages 205 - 214)
Report of the Service Director, Development, Transport and Public Protection
- 13 Gateshead Thrive Fund 2018/19 Round One Applications** (Pages 215 - 230)
Report of the Acting Strategic Director, Communities and Environment
- 14 Property Management Report** (Pages 231 - 248)
Report of the Strategic Director, Corporate Services and Governance
- 15 Petitions Schedule** (Pages 249 - 252)
Report of the Strategic Director, Corporate Services and Governance
- 16 Exclusion of the Press and Public**
The Cabinet may wish to exclude the press and public from the meeting during consideration of the following item(s) on the grounds indicated:
- | Item | Paragraph of Schedule 12A to the Local Government Act 1972 |
|------|--|
| 17 | 3 |
| 18 | 3 |
| 19 | 3 |
| 20 | 3 |
- Key Decisions**
- 17 Speculative Office Development in Baltic Quarter** (Pages 253 - 258)
Report of the Service Director, Council Housing, Design and Technical Services
- 18 Accelerated Construction Programme - Expression of Interest for Funding** (Pages 259 - 266)
Report of the Service Director, Development, Transport and Public Protection

19 | **New Gibside Special School - Consultant Appointment** (Pages 267 - 272)

Report of the Service Director, Council Housing, Design and Technical Services

Non Key Decision

20 | **Gateshead Football Club** (Pages 273 - 278)

Report of the Strategic Director, Corporate Resources

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 18 September 2018

PRESENT: Councillor M Gannon

Councillors: C Donovan, J Adams, M Brain, A Douglas,
M Foy, L Green, G Haley, J McElroy and M McNestry

C49 MINUTES

The minutes of the last meeting held on 17 July 2018 were approved as a correct record and signed by the Chair.

C50 REGIONAL ADOPTION AGENCY UPDATE

Consideration has been given to the development of a Regional Adoption Agency (RAA) for the North East.

The alternative delivery model options to that being recommended, but which were discounted, included a joint venture between local authorities; a joint venture between the voluntary adoption agencies and the local authorities; and outsourcing to a voluntary adoption agency.

- RESOLVED -
- (i) That the progress and in particular the outcome of public consultation, with respect to the proposal for the adoption services of Gateshead Council, Newcastle City Council, North Tyneside Council, Northumberland County Council and South Tyneside Council to be combined to create a RAA be noted.
 - (ii) That the Business Case associated with the delivery of the RAA and the associated funding arrangements in relation to the local authority hosted model, as set out at appendix 2 to the report be noted.
 - (iii) That the preferred business model for the RAA being a local authority hosted model which will operate through the delegation of the Constituent Councils' Adoption Functions (as detailed in the report) to a host local authority pursuant to Sections 9EA and 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 be approved.
 - (iv) That North Tyneside Council will act as the Lead and Host Authority for the RAA and that the new arrangements will commence 1st December 2018 be approved.
 - (v) That the Heads of Terms, set out in appendix 3 to the report, for the Shared Services Agreement between the Constituent Councils which will govern the provision of the RAA be

approved.

- (vi) That the delegation of the Adoption Functions, as detailed in the report, pursuant to Sections 9EA and 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, from each of the Constituent Councils be approved.
- (vii) That Strategic Director, Corporate Services and Governance be authorised, following consultation with the Director of Public Health, Service Director Learning and Schools, Service Director Children and Families, Strategic Director Corporate Resources and the Cabinet Member for Children and Young People, to negotiate, finalise and complete the Shared Services Agreement between the Constituent Authorities prior to the arrangements set out above commencing.
- (viii) That the RAA being known as “Adopt North East” and that the identity and branding proposal set out in appendix 5 to the report be approved.

The above decisions have been made because the host delivery model option meets the requirements being placed on the Council by the Government in relation to the regionalisation of adoption services and is the most financially and legally efficient available option.

C51 REVISIONS TO THE COUNCIL'S RETIREMENT POLICY AND REDUNDANCY POLICY

RESOLVED - That consideration of this item be deferred.

C52 ANNUAL REPORT OF THE AUDIT AND STANDARDS COMMITTEE

Consideration has been given to recommending the Audit and Standards Committee Annual Report for 2017/18 to full Council.

RESOLVED - That the Council be recommended to endorse the Audit and Standards Committee Annual Report for 2017/18.

The above decisions have been made to strengthen the Council's arrangements for oversight by councillors of governance, audit, risk management, the internal control framework, value for money and efficiency.

C53 ANNUAL YOUTH JUSTICE STRATEGIC PLAN 2018-19

Consideration has been given to recommending the Council to endorse the Annual Youth Justice Strategic Plan 2018/19.

RESOLVED - That the Council be recommended to endorse the Annual Youth Justice Strategic Plan 2018/19.

The above decision has been made to allow the Youth Offending Team to fulfil its strategic and operational responsibilities.

C54 POST 16 SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) PROVISION IN GATESHEAD SPECIAL SCHOOLS

RESOLVED - That consideration of this item be deferred.

C55 NOMINATION OF LOCAL AUTHORITY SCHOOL GOVERNORS

Consideration has been given to the nomination of local authority governors to schools seeking to retain their local authority governor in accordance with The School Governance (Constitution) (England) Regulations.

RESOLVED - (i) That the following nominations be approved for a period of four years with effect from the date indicated:

School	Nomination	Date from
Barley Mow Primary	Councillor P Foy	18 September 2018
Blaydon West Primary	Councillor K Ferdinand	6 September 2018

(ii) That it be noted the term of office is determined by the Schools' Instrument of Government.

The above decision has been made to ensure the school governing bodies have full membership.

C56 RESPONSES TO CONSULTATIONS

Consideration has been given to responses to recent consultations.

RESOLVED - That the responses to the following consultations be endorsed:

- Preferred Options Local Plan Document – Durham County Council
- Draft Local Plan – Northumberland County Council
- Airport Masterplan 2035 – Newcastle International Airport

The above decision has been made to enable the Council to contribute responses to the consultations.

C57 WEST GATESHEAD BUS ALLIANCE

Consideration has been given to the extension of joint working with Nexus and bus operators to the west of Gateshead with the establishment of the West Gateshead Bus Alliance.

- RESOLVED -
- (i) That the Voluntary Agreement for the West Gateshead Bus Alliance through to 30 September 2023, as set out in appendix 2 to the report be approved.
 - (ii) That the Service Director, Development Transport and Public Protection be authorised to make any necessary minor changes to this Agreement, following consultation with the Cabinet Member for Environment and Transport before formal signing.

The above decisions have been made to support a sustainable transport system capable of supporting the borough’s environmental, social and economic objectives.

C58 PETITIONS SCHEDULE

Consideration has been given to the latest position on petitions submitted to the Council and the action taken on them.

- RESOLVED - That the petitions received and the action taken on them be noted.

The above decision has been made to keep Cabinet informed of the progress of action on petitions received.

Copies of all reports and appendices referred to in these minutes are available online and in the minute file. Please note access restrictions apply for exempt business as defined by the Access to Information Act.

The decisions referred to in these minutes will come into force and be implemented after the expiry of 3 working days after the publication date of the minutes identified below unless the matters are ‘called in’.

Publication date: 20 September 2018

Chair.....



REPORT TO CABINET
16 October 2018

TITLE OF REPORT: **Go Gateshead Sport and Leisure – Capital Programme Developments**

REPORT OF: **Darren Collins, Strategic Director, Corporate Resources**

Purpose of the Report

1. To seek Cabinet approval of the capital programme developments at Gateshead International Stadium and Blaydon Leisure and Primary Care Centre.

Background

2. Cabinet approved the Gateshead Sport Strategy on 13 December 2016 (minute no. C141) which clearly defines the strategic need for sports facilities across the Borough.
3. In 2012 Gateshead published a Playing Pitch Strategy (PPS). In order to ensure that information on provision and use of all pitch space is up to date, and to comply with Sport England's requirements for undertaking needs assessments for sports pitches, the Council has prepared a new PPS.
4. Building upon the work of the PPS, the Council has also prepared a Football Plan (GFP), which identifies challenges and opportunities specifically relating to football in Gateshead. The GFP has been prepared in partnership with the Football Association, with the aim of developing a plan for grassroots football in direct response to reductions in public subsidy.
5. Since then officers have progressed the implementation of the recommendations specifically relating to the provision of Football Pitches which includes:
 - i. Securing, protecting and enhancing the current provision where it is needed for meeting current or future needs;
 - ii. Enhancing playing fields, pitches and ancillary facilities through improving quality management of sites;
 - iii. Identifying key strategic playing pitch sites for improvement, development and investment. Focusing on securing sites, pitch quality and ancillary facilities (changing rooms and car parking);
 - iv. Increasing the provision of 3G pitches in Gateshead to meet training and competitive demand for football and rugby; and
 - v. Identify the feasibility of converting surplus/under used sand-based pitches to 3G.

6. The Gateshead International Stadium and Blaydon Leisure and Primary Care Centre are two sites specifically referenced within the Gateshead Sport Strategy documents as key strategic sites for investment.
7. Design and feasibility work has been undertaken over the last two years to support the progression of a scheme at both sites.
8. A Capital Programme allocation of £749,594 is available to support improvements to both sites, and as such external funding applications have also been submitted to support the delivery of the projects.

Proposal

9. The proposal is to progress the projects and specifically:
 - Replace the third generation Pitch facilities at Gateshead International Stadium (including replacement artificial turf, lighting and fencing where applicable).
 - upgrade the current playing field facilities at Blaydon Leisure Centre which in line with the planning permission granted (and associated conditions) on 19 September 2018 (minute number PD279) would include;
 - Converting and upgrading the sand based artificial turf pitch to a 3G Artificial Grassed Pitch (AGP) to Football Foundation specification.
 - Upgrade the current cinder-based track facility to a modern polymeric 6 lane athletics track to Sport England specification.

Recommendations

10. It is recommended that Cabinet:
 - (i) Approves the progression of the projects at Gateshead International Stadium, and Blaydon Leisure and Primary Care Centre.
 - (ii) Approves the Appointment of Robinson Low Francis Ltd (RLF) as the Principal Designer and Project Manager via the Football Foundation Framework and delegates responsibility to the Strategic Director, Corporate Services and Governance to agree the terms and conditions of the appointment, together with any variations that may be required during the projects;
 - (iii) Approves the awards and entering into contracts with the successful companies following a tender process (carried out by RLF through the Football Foundation framework) to deliver the schemes, subject to approval of the terms and conditions by the Strategic Director, Corporate Services and Governance in accordance with the Constitution;
 - (iv) Agrees to accept external funding from the Football Foundation and Sport England (if successful) to help finance the projects, subject to approval of the terms and conditions of the funding; and
 - (v) Delegates responsibility to the Strategic Director, Corporate Resources following consultation with the Strategic Director, Corporate Resources to formally accept the Football Foundation and Sport England awards and associated terms and conditions.

For the following reasons:

- (i) To support the recommendations of the Gateshead Sport Strategy documents, most notably the outcomes associated with the current Gateshead Football Plan.
- (ii) To improve access to sport and leisure provision for the residents of Gateshead.
- (iii) To support the sustainability of the Go Gateshead Sport and Leisure facility portfolio.

CONTACT: Lindsay Murray ext. 2794

Policy Context

1. The proposal supports the overall vision for Gateshead as set out in Council policy objectives such as 'Thrive'. The development sustainable sport and leisure provision supports conditions for volunteering and community cohesion, as well as promoting a healthy and active Gateshead.

Background

2. In 2015 Gateshead Council began the process of developing the Gateshead Sport Strategy documents to provide strategic direction in terms of current and future need of sporting facilities across Gateshead. Within the scope of this process the following three key strategic documents were produced;
 - a) Gateshead Built Sports Facility Strategy
 - b) Gateshead Playing Pitch Strategy
 - c) Gateshead Football Plan
3. In order to develop these strategic documents, Gateshead Council procured external expertise to help undertake the consultation studies and develop the strategy documents. Knight Kavanagh and Page were commissioned in 2015 to undertake this work.
4. Cabinet approved the Gateshead Sport Strategy documents on 13 December 2016 (minute no. C141) which clearly define the strategic need of sports facilities across the Borough. Since then officers have progressed the implementation of the recommendations specifically relating to the provision of Football Pitches and Bowling Greens.
5. In relation to football pitches the recommendations of the Gateshead Football Plan include:
 - a) Securing, protecting and enhancing the current provision where it is needed for meeting current or future needs.
 - b) Enhancing playing fields, pitches and ancillary facilities through improving quality management of sites.
 - c) Identifying key strategic playing pitch sites for improvement, development and investment. Focusing on securing sites, pitch quality and ancillary facilities (changing rooms and car parking)
 - d) Increasing the provision of 3G pitches in Gateshead to meet training and competitive demand for football and rugby.
 - e) Identifying the feasibility of converting surplus/under used sand-based pitches to 3G.
6. Officers have since progressed the recommendations of the Gateshead Football Plan, most notably the development of 3G pitch provision, which includes Gateshead International Stadium and Blaydon Leisure and Primary Care Centre.

Blaydon Leisure and Primary Care Centre

7. The outdoor facilities at Blaydon Leisure and Primary Care Centre consist of two grassed sports pitches (Rugby and Football), a cinder-based track, and a sand based artificial turf pitch (ATP). Both the ATP and track are in poor condition and significantly under-utilised with 6 hours of formal activity booked per week.
8. Blaydon Harriers Athletics Club (circa 300 members) currently hire the facilities for four hours per week (Tues/Thurs 6.30pm-8.30pm) and Ryton Triathlon (circa 70 members) currently hire the facilities on a Saturday afternoon for 2 hours per week. The Triathlon Club also utilise the swimming pool facilities in addition to this.

Gateshead International Stadium

9. In 2006 two third generation (3G) pitches were developed to support the growth of the site and football development. The lifespan of a 3G pitch is estimated at 8-12 years, depending on usage and the annual maintenance associated with the facility. The pitches are currently tested every 3 years by the Football Association to ensure that the playing standard is maintained and provide certification to enable competitive football to play on the facility. The current certificate is agreed annually subject to the production of a maintenance plan with a view to the development of a replacement pitch project.
10. The Capital Programme includes an allocation towards the development of these two sites, with the intention of securing external funding from both the Football Foundation and Sport England. A decision from both funders is anticipated by the 24th October 2018.
11. In order to access external funding from the Football Foundation, applicants must enter into an agreement with an external principal designer and project manager procured separately through an OJEU compliant framework.
12. An initial framework agreement was introduced by the Football Foundation in 2010 to address concerns over the quality of AGPs and the inconsistent through-life support offered by the industry at the time. The second iteration of the framework agreement commenced in October 2014 and remains valid until October 2018.
13. Robinson Low Francis LLP (RLF) was appointed as the Framework Managing Consultant working in partnership with Labosport Ltd and Surfacing Standards Ltd. who provide technical design, inspection and accredited testing services.
14. Six suppliers and installers undertake all of the work, these are: Fieldturf Tarkett SAS; Lano Sports NV; Limonta Smith JV Ltd.; Support in Sport (UK) Ltd.; TigerTurf (UK) Ltd and Thornton Sports Ltd.
15. Under the arrangements RLF will conduct a tender process with the above 6 six suppliers. The Council would then enter into a contractual arrangement with the successful contractor to deliver the scheme.

Proposal

16. The proposal is to progress the projects and accept external funding from the Football Foundation and Sport England (both awards to be confirmed by 24 October 2018) to help finance the projects, subject to agreement of the terms and conditions.
17. It is proposed to appoint RLF as the Principal Designer and Project Manager, who are responsible to undertake the tender process, carried out through the Football Foundation framework.

Sporting Impact of the Project

18. As well as the financial impact detailed above, the project will:
 - a) Deliver the outcomes of the Gateshead Sport Strategy Documents, specifically 'protecting' and 'enhancing' sporting provision in Gateshead, increasing participation in sporting activity and support the sustainability of the sports of Football and Athletics;
 - b) Support the service to deliver against the corporate policy objective 'Thrive' through;
 - i. Improving the numbers of individuals accessing sport and leisure facilities. As an example, it is anticipated that over 1000 people per week will access the Blaydon Leisure Centre site upon completion compared to the 400 people currently accessing the facilities.
 - ii. The delivery of the football development plans associated with both projects which will focus upon growing participation with targeted groups such as, women and girls, disability football, older people, and Asian/Minority ethnic groups.
 - iii. Support the development of educational activity on the sites, with the football association delivering coach education programmes to support recruit and upskill volunteers; and
 - c) Support the long-term sustainability of the Go Gateshead Sport and Leisure Service.

Consultation

19. In preparing this report, consultations have taken place with the following individuals, groups and organisations;
 - a) The Cabinet Members for Culture, Sport and Leisure
 - b) Blaydon and Felling Ward Councillors, (A number of councillors from neighbouring wards in the West of Gateshead have also been consulted throughout the process including Cllrs Bradford, Caffery, Charlton, and Geddes).
 - c) Blaydon Harriers and Athletics Club
 - d) Ryton Triathlon Club
 - e) Local Football Clubs and League Associations
 - f) Sport England
 - g) England Athletics
20. Council Officers have engaged a number of individuals throughout the development of the projects including Sport England, the Football Association, councillors, and local users of the facilities.

21. The existing users of the 3G Pitch at Blaydon Leisure and Primary Care Centre (Blaydon Harriers and Athletics Club and Ryton Triathlon Club), have expressed some concerns. Officers have conducted a number of formal consultation meetings with the users since October 2016.
22. As the project at Gateshead International Stadium is a refurbishment project, no formal planning application is required, however officers have engaged the current users such as Gateshead College who are supportive of the development. Gateshead College have confirmed that they will contribute £100,000 towards project costs.
23. A number of local football clubs (including the league associations) have been engaged in the process and provided letters of support to the projects at both Gateshead International Stadium and Blaydon Leisure and Primary Care Centre. These include;
 - a) Felling Magpies FC, Gateshead Juniors FC, Leam Rangers FC, Blaydon Youth and Community FC, Swalwell Juniors, Winlaton Juniors FC, Whickham Fellside FC
 - b) Gateshead & District Sunday League
 - c) Gateshead Apollo Youth League
24. As the proposals at Blaydon Leisure and Primary Care Centre include changes to surfacing of existing sporting facilities, Sport England must be engaged as a statutory consultee through the planning process. Officers have also engaged Sport England throughout the project development phase as well as formally through the planning process. Sport England are supportive of the proposals, however did lodge a 'technical objection' to the last set of plans considered by the Council's Planning Committee. Minor amends will be made to the final designs to accommodate this technical objection.
25. The planning application for Blaydon Leisure and Primary Care Centre was considered by Planning Committee on 19 September 2018, with permission granted, (minute number PD279).
26. Councillors from the Felling Ward have been consulted as part of the Gateshead International Stadium proposal, and the Blaydon Ward Councillors have been involved in the development of the proposals for the Blaydon Leisure and Primary Care Centre proposals. They are all supportive of the schemes.
27. The Cabinet Member for Culture, Sport and Leisure has been consulted with regards to these proposals.

Alternative Options

28. The option of not progressing with the facility will result in the inability to deliver a longer term sustainable model for football and athletics in the Borough, and therefore not support the delivery of local priorities as set out in the Gateshead Sport Strategy documents agreed by Cabinet in December 2016.

Implications of Recommended Option

29. Resources:

a) Financial Implications

The total project costs are £1.855m (Blaydon Leisure and Primary Care Centre project - £1.12m, and Gateshead International Stadium £0.735m for the project at (GIS), with the following source of funding;

- (i) Gateshead Council contributing £866,594 (40% of Project Costs), comprising S106 contribution of £117,000 and prudential borrowing of £749,594.
- (ii) Gateshead College contribution of £100,000 (GIS Project)
- (iii) Football Foundation contribution of £737,636 (Currently being assessed and will be confirmed by the 24th October 2018)
- (iv) Sport England Contribution of £150,000 (Currently being assessed and will be confirmed by the 24th October 2018).

The business plans associated with the schemes identify that the income levels associated with the developments will grow to £132,000 at Gateshead International Stadium, and £72,000 per year at Blaydon Leisure and Primary Care Centre.

The Strategic Director, Corporate Resources confirms that £866,594 is available within the Capital Programme to deliver the projects.

b) **Human Resources Implications** – There are no implications arising from this recommendation

c) **Property Implications** – In order to protect the level of investment and future sporting provision the Football Foundation, as a condition of the award, will request a legal charge be registered against the Council's freehold title of Blaydon Leisure Centre and Gateshead International Stadium. There is currently a charge registered against the freehold title of Gateshead International Stadium in favour of Sport England, the Football Foundation charge will become a second charge.

30. **Risk Management Implications** – There are no implications arising from this recommendation.

31. **Equality and Diversity Implications** – The proposals will result in improved access to Sport and Leisure facilities, and an Equality Impact Assessment Initial Screening pro-forma has been completed with no negative impact identified.

32. **Crime and Disorder Implications** – There are no implications arising from this recommendation.

33. **Health Implications** – The proposals will result in significantly improved sports provision providing increased opportunity and access to sport and leisure facilities, which are more accessible to groups less likely to access facilities.

34. **Sustainability Implications** – The proposals will result in an increase in participation and income within the Go Gateshead Sport and Leisure portfolio to support sustainability, but most importantly will support the long-term sustainability of the sport of Football and Athletics.
35. **Human Rights Implications** – There are no implications arising from this recommendation.
36. **Area and Ward Implications** – The Gateshead International Stadium is based within the Felling Ward, and the Blaydon Leisure Centre is based within the Blaydon Ward, however both facilities have a wider geographical impact.
37. **Background Information** – None.

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REPORT TO CABINET
16 October 2018

TITLE OF REPORT: Tenders for the Supply of Goods and Services

REPORT OF: Mike Barker, Strategic Director Corporate Services and Governance

Purpose of the Report

1. The purpose of this report is to ask Cabinet to consider the tenders received for the Mobile Voice and Data Services.
2. The background to this contract is contained in the attached appendix.

Proposal

3. Cabinet is asked to agree and note the recommendations below.

Recommendations

4. It is recommended Cabinet agree that the tender received from Telefonica UK Limited (O2) be accepted for the Contract for Mobile Voice and Data Services for an initial period of 60 months with the option to extend for a further 2 x 12 month periods.

For the following reason:

A comprehensive evaluation of the tenders received has been undertaken. The recommended tender is the most economically advantageous tender submitted.

CONTACT: Andrea Tickner

Extension: 5995

Policy Context

1. The contract for Mobile Voice and Data Services has been organised in accordance with the Council's Consolidated Procurement Policy.

Background

2. The contract is being arranged on behalf of Corporate Resources, IT Services.
3. The Council recently undertook a mini-competition under Lot 6 Mobile Voice and Data Services of the Crown Commercial Services (CCS) RM1045 Network Services Framework, the outcome of which was approved at Cabinet on 17th July 2018 to be awarded to Telefonica UK Ltd (O2).
4. During the 10 day standstill period that is required for all public procurements, the Council received a challenge from an unsuccessful Supplier which highlighted a technical error in the Council's process. There was no way to correct this error in line with the Public Contract Regulations and therefore a decision was taken to cancel that process and carry out a separate mini-competition under the same Framework.
5. The contract is for an initial period of 60 months with the option to extend for a further 2 x 12 month periods
6. There were no changes to the scope of the contract which provides the Council with Mobile voice and/or data services, including voice calls, SMS, voicemail services, mobile data connectivity, mobile e-mail services, mobile data applications, value added mobile services and mobile device management.
7. The estimated annual value of the contract is £164,000.
8. Tenders were received from the following companies:

EE Ltd, Hertfordshire
Telefonica UK Ltd (O2), Slough
Virgin Media Business Ltd, Hook
Vodafone Ltd, Berkshire
9. A comprehensive evaluation of the tenders has been undertaken against the following criteria:
 - Mandatory requirements: Grounds for Exclusion
 - Contract approach including Coverage within the Borough, Transition Plan, Billing, Online Portal Access, Support Services, Device Recycling Scheme and Exit Strategy.
 - Value for money.

Consultation

10. There has been no external consultation

Alternative Options

11. The anticipated value of this contract exceeded the threshold requiring competitive tenders to be invited in accordance with the EU Public Procurement Directives. The Council had the option to tender directly to the market, however there are a number of benefits of utilising existing frameworks including:
- Speed of process
 - Utilising a list of suppliers that have been pre-approved by Crown Commercial Services
 - Terms and Conditions of contract have been pre-determined
 - Potential economies of scale

Implications of Recommended Option

12. Resources:

a) Financial Implications –. The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report. It is anticipated that this contract will deliver savings in the region of 40% on the existing contract. The second mini-competition resulted in improved prices from the initial mini-competition.

b) Human Resources Implications – Nil

c) Property Implications - Nil

13. Risk Management Implication – Nil

14. Equality and Diversity Implications – The recommended tenderer meets the legal obligations of the Equality Act 2010.

15. Crime and Disorder Implications – Nil

16. Health Implications - Nil

17. Sustainability Implications – Nil

18. Human Rights Implications - Nil

19. Area and Ward Implications -Nil

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TITLE OF REPORT: Gateshead Private Sector Housing Enforcement Policy

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

1. This report seeks approval of the Gateshead Private Sector Housing Enforcement Policy, to enable use of the newly enacted provisions of the Housing and Planning Act 2016, that tackle the rogue landlords and property agents who knowingly rent out unsafe and substandard accommodation.

Background

2. The private rented sector is an important part of our housing market, housing 4.3 million households in England. In Gateshead, the number of private rented homes have increased from 8 – 15% of total homes in the Borough between 2006 and 2016.
3. Nationally, the quality of privately rented housing has improved over the past decade with surveys showing that 82% of private renters are satisfied with their accommodation and stay in their homes for an average of 4 years.
4. However, problems remain and in response the Government has created new legislation to help local authorities to tackle the rogue landlords and property agents who knowingly rent out unsafe and substandard accommodation. The purpose of the legislation is to compel those landlords and property agents to either improve the standard of any accommodation they rent out and to comply with their obligations, or to leave the sector entirely.
5. The Housing and Planning Act 2016 is the first primary legislation relating to private sector housing conditions since The Housing Act 2004. It requires local authorities to adopt a local policy to enforce the new duties within the Act relating to private sector housing.

Proposal

6. The legislation introduces a package of measures intended to enable local authorities to effectively tackle these rogue or criminal landlords and property agents. The package incorporates:
 - the extension of Rent Repayment Orders to include illegal eviction, or failure to comply with certain statutory notices (came into force on 06 April 2017)

- Financial penalties of up to £30,000 as an alternative to prosecution when landlords have committed certain housing related offences (came into force on 6 April 2017)
 - Banning orders to prevent the most serious and prolific offenders from engaging in letting and property management work (came into force on 6 April 2018)
 - a national database of rogue landlords/property agents convicted of certain offences (or who have received multiple financial penalties as an alternative to prosecution in relation to certain offences), intended to help local authorities to share information and make better enforcement decisions (came into force on 6 April 2018).
7. It is proposed that the above provisions of the Housing and Planning Act 2016 are implemented in Gateshead in accordance with the Housing and Planning Act 2016 Private Sector Housing Enforcement Policy at Appendix 2.

Recommendations

8. Cabinet is asked to recommend the Council to:
- (i) approve the Gateshead Private Sector Housing Enforcement Policy as set out in Appendix 2;
 - (ii) approve the use of the above provisions of the Housing and Planning Act 2016, that seek to tackle the rogue landlords and property agents who knowingly rent out unsafe and substandard accommodation; and
 - (iii) approve that the Council's Constitution is amended to include a delegation to the Service Director, Development, Transport and Public Protection to implement the above provisions on behalf of the Council.

For the following reasons:

- (i) The Council has a duty to comply with the new legislation.
- (ii) These powers have been made available to help to tackle the poor standard and management of rented homes and to provide local authorities with an alternative to prosecution.
- (iii) Use of the powers will protect tenants, discourage unscrupulous behaviour by landlords and complement other interventions and public and private investment in neighbourhoods where there are high concentrations of private rented homes.

CONTACT: Anna Tankerville extension 2358

Policy Context

1. The proposal to embed new legislation within the Housing and Planning Act 2016 to improve private sector rented housing in Gateshead, is consistent with the Council's strategic approach of making Gateshead a place where everyone thrives. It specifically supports the Council's pledges to put people and families at the heart of everything we do and to tackle inequality so people have a fair chance.

Background

2. The private rented sector is an important part of our housing market, housing 4.3 million households in England. In Gateshead, the number of private rented homes have increased from 8 – 15% of total homes in the Borough between 2006 and 2016.
3. Nationally, the quality of privately rented housing has improved over the past decade with surveys showing that 82% of private renters are satisfied with their accommodation and stay in their homes for an average of 4 years.
4. However, problems remain and in response the Government has created new legislation to help local authorities tackle the rogue landlords and property agents who knowingly rent out unsafe and substandard accommodation. The purpose of the legislation is to compel those landlords and property agents to either improve the standard of any accommodation they rent out and to comply with their obligations, or to leave the sector entirely.
5. The Housing and Planning Act 2016 is the first primary legislation relating to private sector housing conditions since The Housing Act 2004. It requires local authorities to adopt a local policy to enforce the new duties within the Act relating to private sector housing.

Proposal

6. The proposed local policy for Housing and Planning Act 2016 Gateshead Private Sector Housing Enforcement is attached as Appendix 2. The detail of how Gateshead will comply with the new duties is outlined below.

Rent Repayment Orders

7. Current powers relating to Rent Repayment Orders were created by the Housing Act 2004. A rent repayment order ("RRO") is an order which may be made by the First-tier Tribunal on the application of the local housing authority (LHA) or a tenant if the landlord commits certain offences related to the rented property. Under a RRO a landlord may be required to repay up to 12 months' rent to a tenant, or where the rent was paid (directly or indirectly) with Universal Credit or Housing Benefit, a RRO may require the landlord to pay the local housing authority a sum equivalent to the benefit received in that period.

8. The offences for which RROs could be used were previously very limited, such as where a landlord had failed to obtain a licence for a property that was required to be licensed. The additional circumstances where RROs can now be used have been extended by the Housing and Planning Act 2016 and now also include;
 - Failure to comply with an Improvement Notice, commonly used to require improvements to the standard of a rented home
 - Failure to comply with a Prohibition Order made to prevent rooms or unsuitable properties being used as rented homes
 - Breach of a Banning Order created to prevent the most serious and prolific offenders from engaging in letting and property management work
 - Use of violence by a landlord to secure entry to a rented home
 - Illegal eviction or harassment of tenants
9. The Housing and Planning Act 2016 sets out that the landlord must have committed one of the above offences, but need not have been prosecuted and convicted. The Council, in applying for the RRO must be able to satisfy the First-tier Tribunal that the offence has been committed by the landlord, beyond reasonable doubt.
10. Improvement Notices and Prohibition Orders are issued and made by the Council as the Local Housing Authority, specifically following investigation and action taken by Environmental Health Officers and Technical Officers within the Private Sector Housing Team, often following a request for help from a private rented tenant, and sometimes following a complaint from a resident living next to a poorly maintained rented property. The Team also undertakes pro-active inspections of rented homes provided by landlords whose tenants have had most cause for complaint in order to improve property and tenancy management standards, to improve the sustainability of tenancies, prevent homelessness and contribute to tackling neighbourhood issues such as waste issues and noise and anti-social behaviour.
11. The Council is not able to take direct action against landlords that use violence to secure entry to a rented home, this rests with Northumbria Police and the Crown Prosecution Service. The Private Sector Housing team has a close working relationship with Northumbria Police and intends to take steps to raise the profile of this offence amongst Police Officers so that where landlords are found by Police to have behaved in this way, the team is notified and consideration is given to whether a RRO is sought.
12. The Protection from Eviction Act 1977 makes it an offence for a landlord to behave in a way that intends to cause a private tenant to give up their tenancy. This might include harassment of a tenant that is behind with the rent or threatening to evict a tenant when they request that repairs be carried out. The Team can prosecute landlords who have been found to have committed this offence and would consider the seeking of a RRO to recover the rent that has been paid in these circumstances.

Financial Penalties

13. In relation to the regulation of private rented homes Financial Penalties are a relatively new concept. The Housing and Planning Act 2016 has created a mechanism for the

Council to impose a Financial Penalty on an individual or organisation as an alternative to prosecution, for the following housing offences contained within the Housing Act 2004;

- Failure to comply with an Improvement Notice
 - Offences in relation to licensing of Houses in Multiple Occupation
 - Offences in relation to licensing of homes included within Selective Landlord Licensing areas
 - Failure to comply with an overcrowding notice
 - Failure to comply with management regulations in respect of Houses in Multiple Occupation
14. Government consulted during 2015 in relation to the proposal to create Financial Penalties and expressed disappointment at that time in relation to the relatively low numbers of prosecutions for housing related offences. The consultation revealed that prosecutions were found to be time consuming, minimal in number due to the enforcement approach taken by local authorities (informal action first, followed by formal action when advice, guidance, support has been found to be ineffective), often unsuccessful in achieving particularly high fines at Court, and costly to Councils. Whilst some fines that result from successful prosecutions are helpful in changing landlord behaviour, they are paid to Government, and provide no ongoing resource for local authority enforcement activity.
15. The ability to prosecute for the above housing related offences has not been removed, Financial Penalties have been created as an alternative route to tackling rogue landlord behaviour, and whilst guidance has been provided in relation to how Financial Penalties will operate alongside other sanctions (i.e. a landlord cannot be prosecuted and issued with a Financial Penalty for the same offence) the legislation and statutory guidance do not offer clear direction on how a local authority should decide between prosecution and Financial Penalty. A proposal on how and when Financial Penalties will be used in Gateshead is included at Appendix 2.
16. In setting the Financial Penalty amounts, Ministers made clear that they expected this power to be used robustly as a way of tackling the worst landlords. In the House of Commons, Marcus Jones MP (Parliamentary Under Secretary of State at the Department for Communities and Local Government stated, *"It is important to raise the level of civil penalty to £30,000, because a smaller fine may not be significant enough for landlords who flout the law to think seriously about their behaviour and provide good quality, private sector rented accommodation for their tenants"*.
17. Aside from setting a maximum amount of £30,000, Government has issued statutory guidance and instruction that local housing authorities develop their own policy on determining the appropriate level of financial penalty in a particular case, with generally the maximum amount to be reserved for the very worst offenders. Statutory guidance also states that local authorities should use their existing powers to as far as possible make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty.

Banning Orders and Banning Order Offences

18. A Banning Order is an order by the First-tier tribunal that bans a landlord from;
- Letting housing in England
 - Engaging in English letting agency work
 - Engaging in English property management work, or
 - Doing two of more of those things

Breach of a Banning Order is a criminal offence.

19. Government has prescribed a number of offences that are relevant to letting and property management, that if a landlord be convicted of, a local authority can seek to 'ban' the landlord from the above activities, for a minimum period of 12 months. Banning Order Offences are wide ranging and include; unlawful eviction and harassment of a tenant, housing standards offences under the Housing Act 2004, overcrowding of a property, fire and gas safety offences, letting to someone disqualified from renting as a result of their immigration status, and serious criminal offences including fraud, specified violent and sexual offences, offences involving the mis-use of drugs, concealing criminal property, stalking, breach of a Community Protection Notice, theft, burglary, blackmail and handling stolen goods.
20. The breadth of Banning Order Offences represents a huge step forward in protecting potentially vulnerable people from renting their home from those that might seek to take advantage of them. Prior to this it has been possible in England to be a 'landlord' without any qualifications, background checks and with little fear of redress. We know that some privately rented property portfolios are used to some extent as a location for organised criminal groups activities to take place (housing of those who are trafficked, or farming of cannabis for instance) or as part of the business of organised criminal groups. Carrying out letting or property management work will become more difficult for such individuals and groups as a result of the existence of Banning Orders and Offences.
21. Local authorities are expected to document their own policy on when to pursue a Banning Order and to use this on a case-by-case basis. Government has recommended that the seriousness of the offence, previous convictions of the landlord and the harm that may (continue to) be caused to a tenant are factors that should be considered in deciding whether to apply for a banning order, and in deciding how long the ban should be in place. The policy should also seek to punish the offender in a way that is proportionate to the severity of the offence, at a high enough level to seek to drive the worst offenders from the sector and to deter others from repeating or committing similar offences. This proposed Policy is attached at Appendix 2.
22. Government has indicated that banning orders should be pursued for the most serious offenders and that local authorities should share information with other local housing authorities to establish whether a landlord has committed offences in other areas.

23. It is of note that a Banning Order does not invalidate any tenancy agreement held by the occupiers of a rented home, tenants do not lose their rights as a result of their landlord being subject to a Banning Order.

Database of Rogue Landlords and Property Agents

24. This is a new tool for local housing authorities in England to keep track of rogue landlords and property agents. Database users will be able to view all entries, including those made by other local housing authorities, enabling authorities to track individuals operating across boundaries and focus enforcement action on individuals and organisations who knowingly flout their legal obligations.
25. Local authorities must make an entry on the database for a person or organisation that has received a Banning Order and can make entries for a person who has been convicted of a Banning Order offence and/or who has received two or more Financial Penalties in respect of a Banning Order Offence within a period of 12 months.
26. Government guidance has been produced to help local authorities to decide whether to make an entry on the Database, and this has been reflected in the Policy included at Appendix 2.
27. The Database is operated by the Ministry of Housing, Communities and Local Government (MHCLG) and will operate as a password protected web-based portal. There is no charge for local authorities to use the Database.

Legal Position

28. These powers came into force in April 2017 and 2018. They are not retrospective and will not apply to offences committed before those dates. In relation to RROs, a duty has been placed on local authorities in that they must consider applying for a RRO when they become aware that a landlord has been convicted of any of the offences listed above. Similarly, the Council must update the Rogue Landlord Database when as a result of its activities, a landlord receives a banning Order.
29. Whilst Government has intended to allow local housing authorities to tackle rogue landlords through an alternative to prosecution, using RROs and Financial Penalties powers will require the same standard of proof to be met as a prosecution. This means that before taking any formal action, the Council should be satisfied that if the case were to be prosecuted in the magistrate's court, there would be a realistic prospect of conviction.
30. The Council would be required to demonstrate beyond reasonable doubt that the offence had been committed and would be required to provide this evidence in relation to Financial Penalties, should an appeal be made to the First-tier Tribunal and in any application for a RRO.
31. The powers have effectively changed the way enforcement for the prescribed housing offences can take place. Investigations and action to secure improvements to homes or to prevent tenants from living in dangerous accommodation will not change, but

Financial Penalties can be imposed, and repayment of rent sought without reference to a Court in relation to the offence, unless an appeal is made.

32. How the new powers will be used in Gateshead is included in the proposed Policy at Appendix 2.

Delegated Powers

33. The legislation makes clear that it is the role of the local housing authority to use the new powers. Within the Council, current Housing Act 2004 powers rest with Service Director, Development Transport and Public Protection, within Communities and Environment. This position is best placed to take decisions on the use of these new powers on a case by case basis in accordance with the proposed Policy.

Consultation

34. The Cabinet Members for Housing have been consulted on this proposed policy. Benchmarking has also been carried out with other North East Councils to ensure a consistent approach to enforcement and penalty setting.
35. If approved, the enforcement approach and potential for unscrupulous landlords and property agents to incur fines through the use of RROs and Financial Penalties will be included within Council News, with links on Gateshead Council's website and by alerts on social media. Information will be provided to national landlord's associations, which may have members operating in the Gateshead area, and to members of Gateshead Private Landlords Association.

Alternative Options

36. The Council must consider the use of RROs when a landlord or property agent has been convicted of one of the prescribed offences. The proposed policy approach set out at Appendix 2 will provide the Council with a clear and robust policy with which to undertake this statutory duty.
37. Should the Council's activities lead to a Banning Order, the Council must make an entry on the Rogue Landlords database.
38. The ability to impose a Financial Penalty has been provided as an alternative option to Prosecution. Government expects that local authorities develop their own policy on when it will be appropriate to prosecute and when to impose a Financial Penalty and to decide which option to pursue using that policy on a case by case basis. Prosecution may continue to be the most appropriate option where an offence is particularly serious or where the landlord has committed similar offences in the past. The policy sets out how the options will be considered on a case by case basis.

Implications of Recommended Option

39. Resources

a) Financial Implications -

Funding the inspection and enforcement activity

The Council already has the skills, mechanisms and authority in place through the Private Sector Housing Team within Communities and Environment to investigate the offences described and to take the forms of action that already exist with the Housing Act 2004. Development and early implementation work to use the new powers will be significant but within the scope of the Team and achievable with the resources available.

To increase the scale of inspection and enforcement relating to rented homes the Government has created the Rent Repayment Orders and Financial Penalties (Amounts Recovered) England Regulations 2017 alongside the Housing and Planning Act 2016. These regulations make provision about how a local housing authority must treat the monies recovered. Any such monies may be retained by the Council provided that they are used to fund functions given to a local housing authority under Parts 1 to 4 of the 2004 Act (inspection, enforcement, licensing), Part 2 of the 2016 Act (RROs) (or connected with the enforcement of, or promotion of compliance with the law of housing or landlord and tenant by a landlord or a property agent as they relate to the private rented housing). If those monies are not used for that purpose the Council must pay them into the Consolidated Fund.

The Strategic Director, Corporate Resources confirms that there are no financial implications for the Council unless monies earned from RROs and Financial Penalties fail to be re-invested in Private Sector Housing Team inspection and enforcement activity. Monies earned that are not reinvested in this way must be paid to the Consolidated Fund.

To track the use of the RRO and Financial Penalty powers and the monies earned the Private Sector Housing Team database 'Authority Public Protection' (APP) will be amended to include a framework against which activity and monies earned can be recorded and monitored. Corporate Finance's recommendations about invoicing those who incur a Financial Penalty and tracking debt using the Corporate 'Agresso' Financial Management system will be followed. Private Sector Housing Team management will work closely with Corporate Finance to ensure that the team is adequately staffed, and monies appropriately spent.

The costs that may be incurred in defending appeals to the First-tier Tribunal are difficult to quantify at this stage, and whilst very few appeals to Tribunal are currently made against Private Sector Housing related enforcement work it is possible that in making Financial Penalties, this will increase. It is encouraging that in the seventeen months since Financial Penalties came into effect, the First-tier Tribunal has received just six appeals in respect of appeals against Financial Penalties made by northern Local Authorities, and none have been quashed as a result. A Private Sector Housing Team member has recently met proactively with members of the Tribunal to better

understand their methods and to ensure that decisions made to impose Financial Penalties are robust and likely to be successfully upheld in the event of an appeal.

A robust policy approach to enforcement, and supervision and monitoring of the use of the Powers will be required to protect against unsuccessful enforcement action. This is set out in Appendix 2.

Debt recovery

RROs and Financial Penalties seek to influence the behaviour of the worst landlords. A proportion of landlords will pay when in receipt of the notice that the Private Sector Housing Team will issue when a Financial Penalty is imposed, or when a First-tier Tribunal orders the repayment of benefit monies received. It is likely that those whose behaviour is the most serious and prolific will seek to avoid their responsibilities and will require debt recovery action from the Council's Litigation team. Taking swift and timely action against these landlords will be critical to impact upon their behaviour in relation to the management of their rented homes.

The approach to Debt Recovery action is set out in Appendix 2 and has been created in consultation with Gateshead Council's Litigation Team.

Other financial implications

There will be no impact on compliant business, charities or voluntary bodies. There will be a financial impact experienced by those who break the law.

b) Human Resource Implications

Existing staffing resources within the Private Sector Housing Team will be used to develop and implement the policy. The ability to seek RROs or to impose Financial Penalties will not in themselves trigger more property inspections or enforcement activity at the outset but will provide additional routes to tackling the unscrupulous practices that already come to the Team's attention. Monitoring and review of the use of the RRO, Financial Penalty and Banning Order powers will be undertaken to ensure that any monies earned are reinvested in inspection and enforcement activity. This may allow in due course the appointment of additional staff. This monitoring and review will be carried out in consultation with the Council's Corporate Finance officers.

c) Property Implications - None

40. **Risk Management Implications** - It is essential that the implementation of the proposed policy approach set out within Appendix 2 is carefully managed and monitored to ensure that in the absence of Court proceedings decisions to impose Financial Penalties and to seek RROs are robust and in accordance with the agreed policy. To avoid reputational damage or the costs associated with avoidable successful appeals against enforcement action, evidence demonstrating offences will be sufficient, admissible, reliable and credible in accordance with the CPS Code for Crown Prosecutors.

41. **Equality and Diversity Implications** - The proposal will not discriminate against any groups or individuals within Gateshead in relation to their protected characteristics.
42. **Crime and Disorder Implications** - The new powers have been created to allow local authorities to tackle rogue and unscrupulous landlords. The worst offenders are sometimes also those that are connected with organised crime, and that use rented homes as part of their criminal activity. This might include the operation of brothels, cannabis farming or human trafficking. The ability to punish these offenders and to disrupt their activity within the private rented sector will contribute to tackling associated crime and disorder.
43. **Health Implications** - Housing condition and health are closely connected. Private Sector Housing Stock data for Gateshead shows that the areas with concentrations of privately rented homes that do not meet basic minimum standards are also those with the highest levels of deprivation. This proposal seeks to use the new powers to change the behaviour of those who let homes that are in a poor condition, or to encourage them to leave the sector entirely. It is intended that the condition of homes and the behaviour of those that manage privately rented homes will be improved as a result.
44. **Sustainability Implications** - None.
45. **Human Rights Implications** - None
46. **Area and Ward Implications** - Requests for help from private sector tenants are received and investigated from all areas and wards of Gateshead, and whilst there is no intention to target geographically the use of the new powers, it is possible that greatest activity will take place where demand from tenants, and the proportion of private rented stock is highest, in central Gateshead and parts of the west of the Borough.

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HOUSING AND PLANNING ACT 2016
PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

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1. Introduction

- 1.1. The Government has stated that it wants to support good landlords who provide decent, well-maintained homes, and avoid unnecessary regulation which increases costs for landlords and pushes up rents for tenants.
- 1.2. However, it has also pledged to crack down on rogue landlords who flout the law and knowingly rent out unsafe and substandard accommodation.
- 1.3. The Housing and Planning Act 2016 introduced measures to help local housing authorities deal more robustly with criminal, rogue and irresponsible landlords:
 - Financial penalties of up to £30,000 as an alternative to prosecution for certain specified offences;
 - Extension of rent repayment orders to cover illegal eviction, breach of a banning order, failure to comply with an improvement notice and certain other specified offences;
 - Database of rogue landlords and property agents who have been convicted of certain offences or received multiple Financial penalties;
 - Banning orders for the most serious and prolific offenders.
- 1.4. This Policy sets out how the above provisions will be implemented in Gateshead. Gateshead Council is the 'local housing authority' in Gateshead and is referred to in this Policy as 'the Council'.
- 1.5. For the purposes of this policy 'the Act' refers to The Housing and Planning Act 2016.

2. Financial Penalties

2.1. Purpose

2.2. Section 2 of this Policy details the use of Financial penalties as an alternative to prosecution under the Housing Act 2004 (as amended by the Housing and Planning Act 2016) and describes how the Council will use this new power, how the decision to prosecute or to impose a Financial Penalty will be made, and how the level of each Financial Penalty will be determined.

2.3. It is designed to ensure transparency, consistency and fairness in how and when Financial Penalties are imposed, it will play a significant role in helping the Council to create a level playing field for all landlords by dealing robustly with criminal, rogue and irresponsible landlords.

2.4. Legislation

- Housing Act 2004 S.249A (as amended) Schedule 13A
- Housing and Planning Act 2016 S.126 and Schedule 9

2.5. Background

2.6. The Housing and Planning Act 2016 ('the Act') has amended the Housing Act 2004 to introduce the ability of a local housing authority (LHA) to seek to impose financial or 'Civil' penalties on unscrupulous landlords as an alternative to prosecution. This power came into effect from 6 April 2017 and allows the Council to impose a Financial Penalty of up to £30,000 rather than pursue a criminal prosecution.

2.7. When introducing Financial Penalties through the Act, Government Ministers made it very clear that they expect local housing authorities to use their new powers robustly as a way of clamping down on rogue landlords.

2.8. In the House of Commons, Marcus Jones MP (Parliamentary Under Secretary of State at the DCLG) explained why the maximum penalty is £30,000:
"[it is necessary to] clamp down on rogue landlords, so the Financial penalty [has been increased] up to a maximum of £30,000".

2.9. *"It is important [to] raise the level of Financial penalty to £30,000, because a smaller fine may not be significant enough for landlords who flout the law to think seriously about their behaviour and provide good quality, private sector rented accommodation for their tenants".*

2.10. Although the Government states (in guidance that accompanied the Act) that, generally, it would expect the maximum Financial Penalty of £30,000 to be "reserved for the very worst offenders", it recommends that the actual amount imposed in any case should reflect the severity of the offence and take into account the landlord's previous record of offending.

2.11. The offences for which a Financial Penalty may be considered are contained within the Housing Act 2004 and are as follows;

S.30	Failure to comply with an Improvement Notice
S.72	Offence in relation to licensing of Houses in Multiple Occupation
S.95	Offences in relation to licensing of homes included in Selective Landlord Licensing areas
S.139	Failure to comply with an overcrowding notice
S.234	Failure to comply with management regulations in respect of Houses in Multiple Occupation

2.12. Principles of Financial Penalties

2.13. As the Housing and Planning Act 2016 has only recently been enacted, there are few legal precedents in relation to the use and levels of penalties.

2.14. Although the maximum Financial Penalty that can be imposed for an offence is £30,000, it is for the Council to determine the level of penalty.

2.15. Financial Penalties can only be used as an alternative to prosecution. This means that, if a Financial Penalty has already been imposed, the offender cannot be prosecuted for the same offence. Likewise, a person who has been (or is being) prosecuted for an offence cannot be issued with a Financial Penalty for the same offence.

2.16. Although only one Financial Penalty can be issued for each of the first 4 offences listed above, a Financial Penalty can be issued for each separate breach of the HMO Management Regulations.

2.17. Where the letting / managing agent and landlord have committed the same offence, the Council can impose a Financial Penalty on both of them. The level of the Financial penalty imposed on each offender may differ, depending on the circumstances of the case.

2.18. Deciding whether to impose a penalty or to prosecute

2.19. The same criminal standard of proof is required for a Financial Penalty as for prosecution. This means that, before taking formal action, the Council needs to satisfy itself that, if the case were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

2.20. To achieve a conviction in the magistrates' court, the Council must be able to demonstrate beyond reasonable doubt that the offence has been committed. The same principle applies in respect of Financial Penalties so, where a Financial Penalty is imposed and an appeal is subsequently made to the First-tier Tribunal, the Council will need to be able to demonstrate beyond reasonable doubt that the offence had been committed.

2.21. Prosecution may be the most appropriate option where an offence is particularly serious or where the offender has committed similar offences in the past. The following may also be taken into consideration;

- seriousness of the offence, including the circumstances of the tenant and the impact on the wider community
- culpability of the landlord
- track record of compliance of the landlord

2.22. A Financial Penalty of up to £30,000 can however be imposed where a serious offence has been committed and the Council believes that the most disruptive sanction to impose on a criminal, rogue or irresponsible landlord is a financial penalty (or penalties if there have been several breaches), rather than prosecution.

2.23. The use of Financial Penalties (and rent repayment orders) will not only prevent the businesses of criminal, rogue and irresponsible landlords from profiteering from illegal and dangerous practices, but it will also demonstrate the Council's commitment to ensuring that it is offenders (rather than good, responsible landlords or the local council tax payers) who pay for the cost of housing enforcement.

2.24. As the Council is allowed to retain the income it receives from Financial penalties, this course of action will also provide the Council with the opportunity to make a real impact on housing enforcement activity in the Borough.

2.25. Factors taken into account when deciding the level of Financial Penalty

2.26. Generally, the maximum Financial Penalties will be reserved for the very worst offenders. The actual amount levied in any particular case will reflect the severity of the offence and take account of the landlord's previous record of offending.

2.27. To ensure that the Financial Penalty is set at an appropriate level, the Council will consider the following factors that the Government has identified, in its statutory guidance, as being pertinent:

a) The severity of the offence

The more serious the offence, the higher the penalty should be.

b) The culpability and track record of the offender

A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

c) The harm caused to the tenant

This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be perceived), the higher the amount should be when the Council imposes a Financial Penalty.

The circumstances of the victim, including their vulnerability are highly relevant. Consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the offender committing the specific offence that is being considered. This means that even if some harm has already come to tenants, or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred. This will be determined on a case by case basis.

When assessing the level of harm, the Council will take all the circumstances of the case into account, and will have regard to whether the offence was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or the offender has demonstrated hostility towards the victim based on those characteristics.

The Council will also consider whether a prosecution is likely to have a significant adverse effect on the victim's physical or mental health, and whilst a prosecution may be taken due to the wider public interest to prosecute the case through the courts, an adverse effect on a victim may make a prosecution less likely.

Harm can include:

- Physical injury, damage to health and psychological distress to individual victims. The nature of the harm will depend on the personal characteristics and circumstances of the victim.
- Harm to the community, including economic loss and harm to public health
- Some types of harm are difficult to define but can reference public feeling about damage by behaviour to both individuals and society as a whole.

Examples of Physical Harm

- **Low harm** outcomes are usually significant enough to warrant medical attention and can include occasional severe discomfort, broken finger, slight concussion, moderate cuts, significant bruising, regular serious coughs or colds.
 - **Medium harm** outcomes include eye disorders, sleep disturbance, neuro-psychological impairment, dermatitis, severe stress, fractures, serious puncture wounds, severe strains, burns, migraines.
 - **High harm** outcomes include asthma, lead poisoning, legionnaires disease, chronic confusion, severe fever, serious fractures and burns, the loss of a hand or foot.
 - **Very high harm** outcomes include death, malignant tumours, paralysis, severe pneumonia, 80% burn injuries, and permanent loss of consciousness.
- d) **The punishment of the offender** - A Financial Penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
- e) **Whether it will deter the offender from repeating the offence** - The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with

all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

- f) **Whether it will deter others from committing similar offences** - While the fact that someone has received a Financial Penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a Financial Penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying Financial Penalties where the need to do so exists and (b) that the level of Financial Penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- g) **Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence** - The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

2.28. Punitive Charges

2.29. Officers will use the following Table of Punitive Charges as a starting point for determining, on a case by case basis, the level of Financial Penalty that should be imposed:

		Culpability			
		Low Little or no fault of landlord	Negligent Failure to take reasonable care	Reckless Foresight or wilful blindness	Deliberate Intentional breach
Harm and Severity of Offence	Low (Range) (£)	1,000- 3,000	2,000-4,000	3,000-5,000	4,000-6,000
	Starting point	2,000	3,000	4,000	5,000
	Medium (Range) (£)	2,000-4,000	4,000-8,000	6,000-10,000	8,000-12,000
	Starting point	3,000	6,000	8,000	10,000
	High (Range) (£)	2,000-6,000	6,000-10,000	10,000-14,000	16,000-20,000
	Starting point	4,000	8,000	12,000	18,000
	Very High (Range) (£)	3,000-7,000	8,000-12,000	16,000-20,000	20,000-30,000
	Starting point	5000	10000	18000	25000

2.30. To ensure that the punitive charge is set at an appropriate level, the Council will consider all of its findings against the factors (described in detail above) identified in the statutory guidance. Aggravating factors in the case will increase the amount from the starting point and, equally, any mitigating factors will cause the penalty to fall below the starting point.

- a) Examples of aggravating factors;
 - Poor history of compliance
 - Abuse of trust
 - Lack of remorse

- b) Examples of mitigating factors;
 - Good history of compliance
 - Circumstances at time of offence
 - Mental or physical illness
 - Culpability of victim
 - Genuine remorse

2.31. The costs of investigating, determining and applying a Financial Penalty

2.32. When setting a Financial penalty, the Council will also take into account the cost of investigating the offence(s) and preparing the case for formal action.

2.33. In keeping with the key principle of ensuring that the costs of enforcement are borne by the offender (rather than by good, responsible landlords or the local council tax payers), the costs associated with investigating, determining and applying a Financial Penalty will be reflected in the level of Financial Penalty that is imposed.

2.34. Cases that result in the Council issuing Financial Penalties entail investigative and preparation costs. These costs, comprise resources and officer time and will be built into the Financial Penalty.

2.35. Investigative Charges

2.36. Investigative costs have been calculated for each of the offences that are covered by Financial penalties by determining the average number of hours taken to complete the work, the hourly rate of the Officers involved and the service on-costs. The costs are then broken down into 3 levels: low, medium and high.

Offence	Cost of investigation (£)		
	Low	Medium	High
Housing Act 2004 section 30: Failure to comply with an Improvement Notice	200	300	400
Housing Act 2004 section 139: Failure to comply with an Overcrowding Notice	300	450	600
Licensing Offences			
Housing Act 2004 section 72 and 95: Failure to licence a licensable property	200	300	400
Housing Act 2004 section 72 and 95 Failure to comply with licence conditions	300	450	600

HMO Management Regulation Offences			
Regulation 3: Information not available / displayed	300	450	600
Regulation 4: Duty to take safe measures	300	450	600
Regulation 5: Duty to maintain water supply and drainage	300	450	600
Regulation 6: Duty to supply and maintain gas and water	300	450	600
Regulation 7: Duty to maintain common parts	300	450	600
Regulation 8: Duty to maintain living accommodation	300	450	600
Regulation 9: Duty to provide waste disposal facilities	300	450	600
Regulation 10: Duty of occupiers	300	450	600

2.37. The investigative costs incurred in dealing with a landlord's failure to comply with an Improvement Notice are significantly lower (compared to other offences) because the Council will already have charged some preliminary costs when serving the Improvement Notice. The additional costs will cover the work involved in confirming that the remedial action required by the notice is not completed, obtaining tenants' statements, interviewing any suspects under caution and deciding if there is a case to answer.

2.38. The other costs and bands reflect the complexity of the investigation, the numbers of witnesses interviewed, the obtaining of warrants to enter properties, and the cost of specific services, such as a locksmith to gain full access to the premises under investigation.

2.39. If an investigation leads to more than one Financial Penalty being imposed, the initial fixed investigatory costs will be divided equally and added to each Financial Penalty. There will only be one set of investigatory charges for each investigation/operation undertaken by the Council.

2.40. **Defence Charges**

2.41. A person who has been issued with a Financial Penalty has a right of appeal to the First-Tier Tribunal and this will involve a re-hearing of the Council's decision to impose the Financial penalty. The Tribunal has the power to confirm, vary (increase or reduce) or cancel the Financial penalty that the Council has issued.

2.42. The First-tier Tribunal can dismiss an appeal if it is satisfied the appeal is frivolous, vexatious or an abuse of process, or it has no reasonable prospect of success.

2.43. The Council intends to defend its decision to issue Financial penalties rigorously and this will involve not only officer time and resources but may also include specialist legal support.

2.44. The Council will robustly seek to recover its legal costs in the event that it is required to defend its decision at a Tribunal.

2.45. **Financial means to pay a Financial Penalty**

2.46. In setting a Financial Penalty, the Council may conclude that the offender is able to pay any Financial Penalty imposed, unless the offender has supplied suitable and sufficient financial information to the contrary.

2.47. It is for the offender to disclose to the Council such data relevant to his financial position as will enable the Council to assess what s/he can reasonably afford to pay.

2.48. Where the Council is not satisfied that it has been given sufficient reliable information, it will be entitled to draw reasonable inferences as to the offender's financial means from the evidence it holds and from all of the circumstances of the case which may infer that the offender can afford to pay any Financial Penalty.

2.49. As some offenders will own one or more properties in Gateshead, it is likely that they will have assets that they can sell or borrow against. After taking into account any mortgages on the property, the Council will determine the amount of equity that could be released from the property. If an offender claims that they are unable to pay a financial penalty and shows that they have only a low income, consideration will be given to whether any of the properties can be sold or refinanced.

2.50. **Procedure**

2.51. A Financial penalty can be imposed when one of the following Housing Act 2004 offences have been committed;

S.30	Failure to comply with an Improvement Notice
S.72	Offence in relation to licensing of Houses in Multiple Occupation
S.95	Offences in relation to licensing of homes included in Selective Landlord Licensing areas
S.139	Failure to comply with an overcrowding notice
S.234	Failure to comply with management regulations in respect of Houses in Multiple Occupation

2.52. The Council can only impose a Financial Penalty on a person where they are satisfied beyond reasonable doubt, that one of the above offences has been committed in respect of a premises in their district. The Financial penalty can only be imposed once a person in relation to the same conduct.

2.53. A Financial Penalty cannot be imposed where the person has been convicted of an offence in respect of the conduct being considered, or where criminal proceedings have already commenced in relation to the conduct.

2.54. **Notice of Intent**

2.55. Prior to imposing a Financial Penalty on a person under 249A of the Housing Act 2004, the Council must issue a Notice of Intent to impose a Financial Penalty on that person.

2.56. The Notice of Intent must be issued within 6 months of the first day that the Council had evidence of the offence taking place. If the offence is of a continuing nature then the notice of intent can be served at any time that the offence is continuing or within 6 months of the last date that it continued to occur.

2.57. The Notice of Intent must include;

- Amount of the penalty
- Reasons for proposing to impose the penalty
- Notice recipient's "Right to make Representations"

2.58. A person receiving a notice of intent can make written representations to the Council within 28 days from the date that the notice was issued.

2.59. **Final Notice**

2.60. At the end of the time period for representations, the Council should consider any representations received and then decide;

- Whether to impose a Financial Penalty
- If it decides to impose the penalty, the amount of the Financial Penalty

2.61. If the Council decides to impose a Financial Penalty then it must issue a final notice imposing the penalty.

2.62. The final notice must contain;

- The amount of the penalty
- Reasons for imposing the penalty
- Information about how to pay
- Period for payment (must be made 28 days from the day after the Final Notice is issued)
- Information about right of appeal
- Consequences of failure to comply with the notice

2.63. The Council may withdraw a notice of intent or final notice at any time, or reduce the amount specified in a notice of intent or final notice. Any withdrawal or reduction in the amount must be made in writing.

2.64. Appeals

2.65. A person receiving a final notice may appeal to a First-tier Tribunal against;

- The decision to impose the penalty
- The amount of the penalty

2.66. Appeal will result in the suspension of the final notice until the appeal is determined or the appeal withdrawn. The appeal will review the Council's decision but may also take into consideration new information that the Council was unaware of when it made its decision. The Tribunal may confirm, vary or cancel the final notice. Any variation cannot increase the amount of the penalty above the maximum amount the Council was able to impose.

2.67. Recovery

2.68. If the final notice remains unpaid, then the Council can apply for an order for payment by the County Court. The Council should present a certificate signed by the local authority's Chief Finance Officer which states that the amount due had not been received by a specified date. It will not be necessary at this stage to submit to the Court further supporting evidence, the certificate will be treated by the Court of conclusive evidence of that fact.

3. Rent Repayment Orders

3.1. Purpose

3.2. Section 3 of this Policy details the use of Rent Repayment Orders (RROs) as a means to require a landlord to repay a specified amount of rent.

3.3. Legislation

- Housing and Planning Act 2016 Part 2, Chapter 4.

3.4. Background

3.5. The Housing Act 2004 introduced RROs to require a landlord to repay the rent that had been paid in respect of a property that should have been licensed, but where he had failed to seek such a licence (and had therefore avoided the requirements to ensure that the property was well managed and of a good standard that would have formed part of the licence process).

3.6. RROs have now been extended through the Housing and Planning Act 2016 to cover a wider range of offences;

The Housing Act 2004	
S.30	Failure to comply with an Improvement Notice
S.32	Failure to comply with a Prohibition Order
S.72	Operating a Houses in Multiple Occupation without a licence
S.95	Operating a house without a licence in a Selective Landlord Licensing designated area
The Housing and Planning Act 2016	
S.21	Breach of a banning order
The Criminal Law Act 1977	
S.6	Using violence to secure entry to a property
The Protection from Eviction Act 1977	
S.1	Illegal eviction or harassment of the occupiers of a property

3.7. The offences within section 30 and 32 of The Housing Act 2004 must relate to hazards within the occupied premises let by the landlord, rather than just common parts.

3.8. When extended RROs were introduced in April 2017. Ministers made it clear that they expected this power to be used robustly as a way of clamping down on rogue landlords. In the House of Commons, Brandon Lewis MP made the following statement;
'This will enable Council to issue remedy payment orders for up to 12 months. That will give them a resource that it is hoped that they will use'.

3.9. Principles of Rent Repayment Orders

3.10. RROs can be granted via application to the First-tier Tribunal, to either the tenant or the Council. If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be repaid to the Council. If the rent was paid partially

by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent should be repaid on an equivalent basis.

- 3.11. A landlord does not have to have been found guilty of an offence through the courts for a RRO to be considered and made. A RRO can also be made against a landlord who has received a Financial penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty.
- 3.12. The maximum amount of rent that can be recovered is capped at 12 months.
- 3.13. The Council **must** consider a rent repayment order after a person is the subject of a successful Financial penalty and in most cases the Council will subsequently make an application for a RRO to recover monies paid through Housing Benefit or through the housing element of Universal Credit.
- 3.14. The Council will also offer advice, guidance and support to assist tenants to apply for a RRO if the tenant has paid the rent themselves.
- 3.15. The Council may apply for a RRO at the same time as a tenant if part of the rent paid during the specified period within an application was paid from either housing benefit/universal credit. The tribunal will calculate in applications where universal credit has been paid how much rent will be apportioned to the Council and the tenant.
- 3.16. For those applications where a landlord has not been convicted at court, a criminal standard of proof is required. This means that the First-tier Tribunal must be satisfied beyond reasonable doubt that the landlord has committed the offence, or the landlord has been convicted in the courts of the offence for which the RRO application is being made.
- 3.17. The Council will consult the Crown Prosecution Service Code for Crown Prosecutors for this purpose.
- 3.18. If the Council becomes aware that a person has been convicted through the courts of one of the above offences listed above in relation to housing in its area, the Council **must** also consider applying for a rent repayment order.
- 3.19. **Procedure**
- 3.20. **Deciding whether to apply for a rent repayment order and for how much**
- 3.21. The Council has a duty to consider applying for a RRO when one of the prescribed housing offences has been committed, these are detailed above.
- 3.22. Applications for RRO under these powers will only be considered in relation to an offence which was committed on or after 6th April 2017.
- 3.23. In deciding to make an application for a RRO, the Council will have regard to current guidance given by the Secretary of State.

- 3.24. The Council can impose a Financial Penalty and apply for a RRO for certain offences:
- Failure to comply with an Improvement Notice (section 30)
 - Offences in relation to the licensing of House in multiple Occupation (s72(1))
 - Offences in relation to the licensing of houses under Part 3 of The Housing Act 2004 (section 95(1)).

3.25. **Deciding how much rent to recover**

3.26. Where a landlord has been convicted of the offence to which the RRO relates – the First-tier Tribunal must order the maximum amount of rent is repaid (max 12 months).

3.27. Where a landlord has not been convicted of the offence to which the RRO relates, the following factors will be taken into consideration when deciding how much rent the Council should seek to recover:

a) **Punishment of the offender**

The government wish for RRO's to have a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. Factors that Council will consider are;

- the conduct of the landlord and tenant
- the financial circumstances of the landlord
- if the landlord has been convicted of similar offences

b) **Deter the offender from repeating the offence**

The level of the penalty should be set at a high enough level such that it is likely to deter the offender from repeating the offence.

c) **Dissuade others from committing similar offences**

The imposition of a RRO is in the public domain. The robust and proportionate use of RRO's is likely to help ensure others comply with their responsibilities.

d) **Remove any financial benefit the offender may have obtained as a result of commuting the offence**

An important element of an RRO is that a landlord is forced to pay rent and thereby loses much, if not all the benefit that accrued to them by not complying with their responsibilities.

3.28. **Notice of Intended Proceedings**

3.29. Prior to making an application to the First-tier Tribunal, the Council must issue a Notice of Intended Proceedings to the landlord. The notice may not be given after the end period of 12 months beginning with the day on which the landlord committed the offence to which it relates.

3.30. The notice of intended proceedings must:

- Inform the landlord that the Council is proposing to apply for a RRO and explain why.

- State the amount that the Council seeks to recover
- Invite the landlord to make representations within a specified period of no less than 28 days from the date the notice was issued

3.31. Consideration of Representations Received.

3.32. The Council will consider any representations made during the notice period before deciding to apply for a RRO.

3.33. Rent Repayment Order Application

3.34. The Council can make an application if:

- The offence relates to housing in their areas
- They have given the landlord a notice of intended proceedings.

3.35. The Council will wait until the notice period has ended before applying for a RRO. The application will include;

- A copy of the Notice of Intended Proceedings
- A copy of the Certificate of Conviction if there has been a conviction
- A copy of the Financial Penalty – Final Notice if one has been served.
- A statement from an Officer detailing whether a Financial Penalty-Final Notice was paid and any appeal outcome
- If there has been no prosecution or Financial Penalty, evidence to satisfy the Tribunal beyond reasonable doubt that the landlord has committed the offence.

3.36. Making of a Rent Repayment Order

3.37. The tribunal may make a RRO if satisfied beyond reasonable doubt that a landlord has committed a relevant offence (whether the landlord has been convicted).

3.38. Costs

3.39. The Rent Repayment Orders (Supplementary Provisions (England) Regulations 2007 provide that a LHA may apply an amount recovered under a RRO for the purposes of the reimbursement of the Council's administrative and legal costs and expenses.

3.40. Amount of order when satisfied that an offence has been committed

3.41. If the offence related to violence for securing entry/eviction/harassment, universal credit (or housing benefit) will be repaid for the period of 12 months ending with the date of the offence.

3.42. Amount of order following conviction

3.43. When there has been a conviction or a Financial Penalty (Financial Penalty Final Notice has been served in respect of the offence and; there is no prospect of appeal or any appeal has been determined or withdrawn) the Tribunal must award the maximum payable amount with no discretion.

3.44. For other related offences payment will be made for a period, not exceeding 12 months, during which the landlord was committing the offence.

3.45. Rent Repayment Order Recovery

3.46. The amount payable to the Council under a RRO is recoverable as a debt.

3.47. An amount payable to the Council under a RRO does not when recovered, constitute an amount of universal credit recovered by the Council.

3.48. The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017, outline the provisions about how the Council will deal with amounts recovered.

3.49. The Council can apply any amount recovered under a RRO in line with the above to meet the costs and expenses (whether administrative or legal) incurred in or associated with carrying out any of its enforcement functions in relation to the private rented sector. Any amounts recovered which is not applied for that purpose must be paid into the consolidated fund.

3.50. If the final amount due remains unpaid, the Council can apply for an order for payment by the County Court. The Council should present a certificate signed by the authorities Chief Finance officer which states that the amount due has not been received by a specified date. It will not be necessary at this stage to submit to the Court further supporting evidence, the certificate will be treated by the Court of conclusive evidence of that fact.

3.51. Any amount payable to the Council will be placed against the property as a legal charge until it has been paid.

3.52. Appeals

3.53. A person aggrieved by the decision to award a RRO by the First-tier tribunal may appeal to the Upper Tribunal.

4. Banning Order

4.1. Purpose

4.2. Section 4 of this Policy details the use of Banning Orders (BO) in relation to landlords and property managers who have been convicted of certain offences.

4.3. Legislation

- Housing and Planning Act 2016, Part 2, Chapter 2

4.4. Background

4.5. A BO is an order by the First-tier Tribunal, following an application from the Council that bans a landlord or property agent (letting agents and property managers as defined in Chapter 6 Part 2 of the HAP Act 2016) from;

- Letting housing in England
- Engaging in English letting agency work
- Engaging in English property management work, or
- Doing two or more of those things

4.6. The Housing and Planning Act 2016 enables the Council to apply to for a BO following conviction of an individual for a significant number of different offences under a number of different Acts, including certain housing offences.

4.7. To make use of BO powers the Council is required to have in place its own policy on when to pursue a BO and to decide which option it wishes to pursue on a case-by-case basis in line with that policy.

4.8. This policy takes account of the non-statutory guidance issued by the Government which makes clear that BO's are aimed at rogue landlords who flout their legal obligations and rent out accommodation which is substandard, and which also confirms the Government's expectation that BO's will be used for the most serious offenders.

4.9. Whilst there is no statutory maximum period for a BO, it must be for a minimum of 12 months for relevant offences committed on or after 6th April 2018. A BO can be made against a person if that person was a residential landlord or property agent at the time the offence was committed. The First-tier Tribunal will set the banning period but the Council is required to recommend a period as part of an application.

4.10. The breach of a BO is a criminal offence.

4.11. The power to apply for BO's in appropriate cases is one of a number of enforcement tools available to the Council which include prosecution, carrying out works in default, applying for Rent Repayment Orders and the imposition of Financial Penalties.

4.12. Banning Order Offences

- 4.13. BO offences are listed in The Housing and Planning Act 2016 (Banning Order Offences) Regulations (2017) and are divided into;
- Relevant housing offences (but not when the person has received an absolute/conditional discharge for that offence)
 - Immigration Offences
 - Serious Criminal Offences (when sentencing has occurred in the Crown Court).
- 4.14. In respect of the relevant offences that fall within the legislation below; BOs can only be sought if the offence is linked to the tenant or other occupier, or the property owned or rented out by the landlord;
- The Fraud Act 2006
 - The Criminal Justice Act 2003
 - The Misuse of Drugs Act 1971
 - The Proceeds of Crime Act 2002
 - The Protection from Harassment Act 1997
 - The Anti-Social Behaviour, Crime and Policing Act 2014
 - The Criminal Damage Act 1971
 - The Theft Act 1968

4.15. **Banning Order Applications**

4.16. The Council will have regard to current guidance issued by the Secretary of State in considering an application for a BO.

4.17. **Procedure**

4.18. **Determining the appropriate sanction**

4.19. The Council will consider the following factors when deciding whether to apply for a BO and when recommending the length of any BO;

a) The seriousness of the offence

All BO offences are serious. When considering whether to apply for a banning order the Council will consider the sentence imposed by the Court in respect of the BO offence itself. The more severe the sentence imposed by the Court, the more appropriate it will be for a BO to be made. For example, did the offender receive a maximum or minimum sentence or did the offender receive an absolute or conditional discharge? Such evidence will later be considered by the First-tier Tribunal when determining whether to make, and the appropriate length of a BO.

b) Previous convictions/rogue landlord database

The Council will check the rogue landlord database in order to establish whether a landlord has committed other BO offences or has received any Financial penalties in relation to BO offences. A longer ban may be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they

knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be aware of their legal obligations. For example, in the case of property agents, they are required to be a member of a redress scheme and any evidence of noncompliance could also be taken into account.

The Council will also consider the likely effect of the BO on the person and anyone else that may be affected by the order and will take into account the following:

c) The harm caused to the tenant

This is a very important factor when determining whether to apply for a BO. The greater the harm or the potential for harm (this may be as perceived by the tenant), the longer the ban should be. BO offences include a wide range of offences, some of which are more directly related to the health and safety of tenants, and could therefore be considered more harmful than other offences (such as fraud)

d) Punishment of the offender

A BO is a severe sanction. The length of the ban should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It is, therefore, important that it is set at a high enough level to remove the worst offenders from the sector. It should ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

e) Deterring the offender from repeating the offence

The goal is to prevent any further offending. The length of the ban should prevent the most serious offenders from operating in the sector again or, in certain circumstances; help ensure that the landlord fully complies with all of their legal responsibilities in future. The length of ban should therefore be set at a long enough period such that it is likely to deter the offender from repeating the offence

f) Deterring others from committing similar offences

An important part of deterrence is the realisation that (a) the Council is proactive in applying for BOs where the need to do so exists and (b) that the length of a BO will be set at a high enough level to both punish the offender and deter repeat offending.

Spent convictions as defined under the provisions of the Rehabilitation of Offenders Act 1974 will not be taken into account when determining whether to apply for and/or make a BO.

4.20. Having had regard to this policy, a decision to commence the banning order procedure in any case will be confirmed by the Service Director –Development, Transport and Public Protection who will also be responsible for considering any representations made by a landlord served with a notice of intention and for the decision to make an application for a BO, including the recommended duration of the ban.

4.21. Subject to its own legal advice and guidance provided by the Ministry of Justice, the Council will consider publishing details of successful BO including the names of

individual landlords. The Council will also consider making information on BO available on request by a tenant.

4.22. A BO can apply to a body corporate, and both a body corporate and an officer of a body corporate.

4.23. **Notice of Intention**

4.24. Prior to applying for a BO, the Council must issue the landlord/manger with a notice of its intention to do so. The Notice of Intent must be served within 6 months of the landlord being convicted of the offence.

4.25. The Notice of Intent must set out;

- That the Council is proposing to apply for a BO
- The reasons for the application
- The length of each proposed ban
- Notice recipients right to make representations

4.26. **Appeals**

4.27. A person receiving the notice of intent can make written representations within 28 days to the Council from the date the notice was issued. The Council will consider any representations received during the 28-day period and then decide whether to pursue a BO.

4.28. A landlord may also appeal to the First-tier tribunal against the decision to make a BO. An appeal cannot be made unless permission is granted by either the First-tier Tribunal or the Upper Tribunal.

4.29. **Request for Information**

4.30. The Council may require a landlord to provide information under Section 19 of the Act to enable them to decide whether to apply for a BO. This could include requiring the landlord to provide information on all the properties that the landlord owns.

4.31. It is an offence for a landlord not to comply with this request, unless they can provide a reasonable excuse. It is also an offence for a landlord to provide false and misleading information. The Council will consider exercising its powers in relation to Section 19 if a landlord or agent/manager fails to provide information or the information provided is found to be false or misleading.

4.32. **Role of the First-tier tribunal (FtT)**

4.33. The FtT has the power to make a BO against a landlord or property agent who has been convicted of a BO offence and who was a residential landlord at the time the offence was committed. They will do so on an application by the Council for the area in which the offence occurred.

4.34. The FtT determines the length of the BO following a recommendation from the Council in its application as to the length of ban they are seeking. The minimum duration of a ban is 12 months.

4.35. Factors the FtT will consider when deciding whether to make a banning order

- The seriousness of the offence of which the person has been committed
- Any previous convictions that a person has for a BO offence
- Whether the person is or has at any time been included in the rogue landlord's database; and
- The likely effect of a BO on the person and anyone else that may be affected by the order.

4.36. The FtT can also revoke or vary a BO upon application from the person against whom the BO has been made. Examples of variations include adding new exemptions to a ban, varying the banned activities listed on the order, varying the length of the ban and varying existing exceptions to a ban. The Council cannot vary or revoke a BO.

4.37. Enforcement and Impact

4.38. A landlord subject to a BO is prevented from:

- Letting housing in England
- Engaging in English letting agency work
- Engaging in English property management work, or
- Doing two or more of those things

4.39. A landlord subject to a BO is also unable to hold a licence for a House in Multiple Occupation (HMO) and their property may also be subject to a management order.

4.40. Consequences of Banning Orders

4.41. A person who breaches a banning order commits an offence.

4.42. The Council can consider two options on the identification of a breach:

- Prosecution (liable on conviction to imprisonment for a period not exceeding 51 weeks or to a fine or both)
- Financial Penalty

4.43. When a person is convicted of breaching a BO and the breach continues after conviction, the person commits a further offence and is liable on further conviction to a fine not exceeding 1/10 of level 2 on the standard scale or part of a day on which the breach continues.

4.44. If the Council chooses to impose a Financial Penalty in respect of a breach then the person may not be convicted of that offence. If the person has been convicted of an offence for the same conduct, or criminal proceedings for that offence been instituted against that person and the proceedings have not been concluded then the Council may not impose a Financial Penalty.

4.45. Financial Penalty for Breach of a Banning Order

4.46. The Council may impose a Financial Penalty on a person if satisfied, beyond reasonable doubt, that the persons conduct amounts to a breach of a BO.

4.47. Only one Financial Penalty may be imposed in respect of the same conduct unless the breach continues for more than 6 months, when a further Financial Penalty can be imposed for each additional 6 month period for the whole or part of which the breach continues,

4.48. The Council will determine the amount of the Financial Penalty in accordance with Section 2 of this Policy, and any current guidance made by the Secretary of State.

4.49. Banning Order Publicity

4.50. The Government encourages local housing authorities to publish details of successful BO's, including the names of individual landlord's and businesses, at a local level. Details of a BO will also be made available to a tenant upon request. The Council shall seek legal advice and consider local circumstances when determining whether a BO will be publicised.

4.51. Other Impacts of Banning Orders

4.52. A landlord is unable to transfer their property/ies to certain persons whilst a BO is in force. A prohibited person is:

- A person associated with the landlord (including family members, spouses and Financial partners)
- A business partner of the landlord
- A person associated with a business partner of the landlord
- A business partner of a person associated with the landlord
- A body corporate of which the landlord or person mentioned above is an officer
- A body corporate in which the landlord has a shareholding or other financial interest; or
- In the case where a landlord is a body corporate, any body corporate that has an officer in common with the landlord.

4.53. A BO does not invalidate a tenancy agreement held by the occupiers in the property regardless of whether the agreement was issued before or after the BO was made. This is to ensure an occupier of the property does not lose their rights under the terms and conditions of their tenancy agreement.

4.54. Management Orders

4.55. The Council will consider the use of management orders (MO) for properties affected by BOs if deemed necessary. A MO enables the Council to take over the management of a privately rented property in place of the landlord. A MO ensures that health and safety of occupiers and persons living or owning property nearby are protected, or

ensures that a property is still available to rent. The ability of the Council to take over the management of a private rented home under certain circumstances was created by Part 4 of the Housing Act 2004.

5. Rogue Landlord Database

5.1. Purpose

5.2. Section 5 of this Policy details how the Council will use the database of rogue landlords. The database is a new tool for LHA's in England to keep track of offences committed by rogue landlords and property agents. The database is operated by the Secretary of State for Housing, Communities and Local Government, but LHA's in England have responsibility for maintaining its content.

5.3. The new requirements permit the Council to add entries to the database. The Council can also view all entries on the database including those made by other LHA's to help keep track of known rogues', especially those operating across council boundaries to allow LHA's to target their enforcement activities on individuals and organisations who knowingly flout their legal obligations.

5.4. Legislation

- Housing and Planning Act 2016, Part 2, Chapter 3

5.5. Use of Information in the Database

5.6. The Council may only use the information obtained from the database:

- For purposes with its functions under The Housing Act 2004
- For the purposes of a criminal investigation or proceedings relating to a banning order offence
- For the purposes of an investigation or proceedings relating to a contravention of the law relating to housing or landlord and tenant.
- For the purposes of promoting compliance with the law relating to housing or landlord and tenant by any person in the database, or
- For statistical or research purposes

5.7. Making an Entry

5.8. Government guidance has been produced to assist the Council in deciding whether to make an entry onto the database and to provide practical guidance so that the database can be used effectively.

5.9. Under section 29 of the Act the Council **must** make an entry on the database for a person or organisation that has received a Banning Order following an application by the Council and no entry was made under section 30 before the banning order was made, on the basis of a conviction for the offence to which the banning order relates.

5.10. An entry made under section 29 must be maintained for the period for which the banning order has effect and must then be removed

5.11. Under section 30 of the Act, the Council **may** make an entry on the database for a person or organisation who has been convicted of a banning order offence that was committed at a time when they were a registered landlord or property agent; and/or

5.12. Received two or more Financial Penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or property agent.

5.13. **Deciding whether to make an entry under Section 30**

5.14. The Council will always consider whether it would be appropriate to make an entry on to the database when a landlord has been convicted of a banning order offence or received two or more Financial penalties over a 12-month period.

5.15. The database is designed to be a tool which will help LHA's to keep track of rogue landlords and focus their enforcement action on individuals and organisations who knowingly flout their legal obligation. The more comprehensive the information on the database, the more useful it will be to the Council. Such information will also encourage joint working between LHA's who will be able to establish whether rogue landlords operate across their local housing authority areas.

5.16. The Council is required to have regard to the following criteria when deciding whether to make an entry in the database under section 30;

- a) **The severity of the offence** – The more serious the offence, the stronger the justification for including the offence on the database
- b) **Mitigating factors** – where a less serious offence has been committed and/or there are mitigating factors, the Council may decide not to make an entry on the database. Mitigating factors could include personal issues, for example, health problems or a recent bereavement. The Council will decide on a case by case basis whether mitigating factors are strong enough to justify a decision not to record a person's details on the database.
- c) **Culpability and serial offending** – when an offender has a history of failing to comply with their obligations. Where there is a clear history of knowingly committing banning order offences and/or non-compliance, the stronger the justification for making an entry on the database. Conversely where it is a first offence and/or where it is relatively minor, the Council may decide that it is not appropriate to record a person's information on the database.
- d) **Deter the offender from repeating the offence** – the goal is to prevent landlords and property agents who have failed to comply with their legal responsibilities, repeating the offence. An important part of deterrence is the realisation by the offender that the Council has the tools and is proactive in recording details of rogue landlord and property agents, and, that they will be unable to simply move from one local authority area to another.
- e) **Deter others from committing similar offences** - Knowing they may be included on the database if they are convicted of a banning order offence or receive multiple financial penalties, may deter some landlord's from committing banning order offences in the first place.

5.17. Deciding how long a Database entry should last

5.18. The Council will have regard to the following criteria when deciding the period to specify in a decision notice:

- a) **Severity of offence** – the severity of the offence and related factors, such as whether there have been several offences over a period of time will be considered. Where an offence is particularly serious and/or there have been several previous offences; and/or the offences) have been committed over a period of time, then the decision notice may specify a longer period of time. When one or more of those factors are absent, it may be appropriate to specify a shorter period.
- b) **Mitigating factors** – these could include a genuine one-off mistake, personal issues such as ill health or a recent bereavement. When this is the case, the Council may decide to specify a shorter period in the decision notice
- c) **Culpability and serial offending** – a track record of serial offending or when the offender knew, or ought to have known, that they were in breach of their responsibilities may suggest a longer time period would be appropriate
- d) **Deter the offender from repeating the same offence** – the data should be retained on the database for a reasonable time period so that it is a genuine deterrent to further offences.

5.19. Procedure

5.20. The Council may make an entry onto the database if a person or organisation;

- Has been convicted of a banning order offence and the offence was committed at a time when the person was a residential landlord's or property agent
- Has within a period of 12 months, received a financial penalty in respect of a banning order offence committed at a time when the person was a residential landlord or a property agent. A financial penalty can and will only be taken into consideration if the period for appealing the penalty has expired and any appeal has been finally determined or withdrawn.

5.21. An entry made under section 30 must be maintained for the period specified in the decision notice as described below before the entry was made (or that period as has been reduced in accordance with section 36) and must then be removed at the end of that period.

5.22. Database Entry Decision Notice

5.23. Prior to making an entry on the database in respect of a person under s30, the Council must issue a decision notice. The decision notice must be issued within 6 months, beginning with the day on which a person was convicted of the banning order offence to which the notice relates, or, received the second of the financial penalties to which the notice relates.

5.24. The decision notice must;

- Explain that the authority has decided to make the entry in the database after the end of the period of 21 days beginning with the day on which the notice is given ("the notice period"), and
- Specify the period for which the persons entry will be maintained, which must be at least two years beginning with the day on which the entry is made.
- Summarise the notice recipients appeal rights

5.25. An entry on to the database will then be made once the notice period has ended and there is no appeal received.

5.26. The Council will take reasonable steps to keep information on the database up to date.

5.27. Appeals

5.28. A person receiving a decision notice may appeal to the First-tier Tribunal against;

- The decision to make the entry in the database in respect of the person, or
- The decisions as to the period for which the persons entry is to be maintained.

5.29. An appeal must be made before the end of the notice period specified in the decision notice, however the Tribunal may allow an appeal to be made to it after the end of the notice period if satisfied that there is good reason for the persons failure to appeal within the period (and for any subsequent delay).

5.30. The tribunal may confirm, vary or cancel the decision notice upon appeal.

5.31. If an appeal is received within the notice period then the Council will not make an entry in the database until;

- The appeal has been determined or withdrawn, and
- There is no possibility of further appeal (ignoring the possibility of an appeal out of time)

5.32. Removing or Variation of an Entry

5.33. An entry made in the database may be removed or varied;

5.34. If an entry was made based on one or more conviction all of which are overturned on appeal, the Council must remove the entry.

5.35. The Council *may* remove an entry or reduce the period for which the entry must be maintained under the following circumstances:

5.36. If the entry was made on the basis of;

- more than one conviction and some of them (but not all) have been overturned on appeal
- one or more convictions that have become spent (for the purposes of the Rehabilitation of Offenders Act 1974).

- that the person has received two or more financial penalties and at least one year has elapsed since the entry was made

5.37. The Council also have the power under the above circumstances to;

- remove an entry before the end of the two-year period
- reduce the period for which an entry must be maintained to less than the two-year period.

5.38. Receipt and consideration of requests to remove entries or reduce entry time periods

5.39. The Council will receive requests in writing from a person in respect of whom an entry is made in the database under s30 to remove an entry or reduce the period for which the entry must be maintained.

5.40. Request Decision notice

5.41. On receipt of a request in writing the Council must:

- decide whether to comply with the request, and
- give the person notice of its decision

5.42. If the Council decide not to comply with the request the decision notice must include the reasons for the decision and a summary of the persons rights of appeal.

5.43. Appeals against a decision not to comply with a request

5.44. Appeal by a person given a notice confirming that the Council has decided not to comply with the request can be made to the First-tier tribunal within 21 days beginning on the day on which the notice was given. On appeal the tribunal may order the Council to remove the entry or reduce the period for which the entry is maintained.

5.45. Power to Require Information

5.46. Under Section 35 of the Act the Council may require a person to provide specified information for the purpose of enabling them to decide whether to make an entry in the database in respect of the person.

5.47. The Council may require from a person that they have made an entry about or are proposing to make an entry about, any information needed to complete the persons entry or keep it up to date.

5.48. It is an offence, on conviction with a fine, for a person to fail to comply with the s35 requirement, unless the person has a reasonable excuse for the failure.

5.49. It is also an offence for the person to provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.

TITLE OF REPORT: **Mandatory Licensing of Houses in Multiple Occupation Policy**

REPORT OF: **Anneliese Hutchinson, Service Director, Development, Transport and Public Protection**

Purpose of the Report

1. To describe the legislative changes that come into effect in October 2018 relating to the regulation of Houses in Multiple Occupation (HMO) and to seek approval from the Cabinet and full Council to a revised Policy setting out how the law relating to HMOs will be implemented in Gateshead.

Background

2. The private rented sector is an important part of our housing market, housing 4.3 million households in England. In Gateshead, the number of private rented homes have increased from 8 – 15% of total homes in the Borough between 2006 and 2016.
3. HMOs form a vital part of this sector, often providing cheaper accommodation for people whose housing options are limited. HMOs are known to be commonly occupied by students but there are also a growing number of young professionals and migrant workers sharing houses and flats.
4. Some HMOs are occupied by the most vulnerable people in our society. These people live in properties that were not built for multiple occupation, and the risk of overcrowding and fire can be greater than with other types of accommodation.
5. Mandatory licensing of HMOs came into force in 2006 and originally applied to properties of three storeys or more with five or more people making up two or more separate households living in them. Licensing has been successful in helping to drive up standards and made these larger HMOs safer places to live in.
6. As demand for HMOs increased in the decade since mandatory licensing was first introduced there has been a significant increase in properties with fewer than three storeys being used as HMO accommodation, notably two storey houses originally designed for families and flats. Some have been used by opportunist rogue landlords who exploit their vulnerable tenants, and rent sub-standard, overcrowded and potentially dangerous accommodation. A Government Consultation exercise, carried out in 2016 also revealed that the growth of HMOs has had an impact on the local community, including where inadequate rubbish storage leads to pest infestation and health and safety problems.

7. Following this consultation, Government has created new regulations that extend the scope of mandatory HMO licensing so that properties used as HMOs in England which house 5 people or more in two or more separate households will in many cases require a licence. It is intended that this will help ensure they are not overcrowded and do not pose risks to the health or safety of occupiers or blight the local communities in which they are located. To this end, new mandatory conditions for licences have been created, to set out the minimum size to be applied to rooms used for sleeping and to add requirements relating to the provision of refuse disposal in licensed properties.

Proposal

8. The revised Gateshead Council Mandatory Licensing of Houses in Multiple Occupation Policy is attached as Appendix 2 to this report. The policy proposes how the provisions of The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, and the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, are implemented in Gateshead.
9. It is proposed that the fee payable for an HMO Licence is reviewed to reflect recent case law that requires that the Council accept the fee in two payments. The proposed fee structure is set out in Appendix 1, paragraph 18.

Recommendations

10. Cabinet is asked to recommend the Council to:
 - (i) Approve the revised HMO Policy in Appendix 2, that sets out how the Mandatory Licensing of Houses in Multiple Occupation will be implemented in Gateshead.
 - (ii) Approve an amendment to the Council's Constitution to include a delegation to the Service Director, Development, Transport and Public Protection to have responsibility for implementing the provisions of The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, and the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 in Gateshead.
 - (iii) Agree the reviewed HMO Licence Fee structure as set out in Appendix 1, paragraph 18 of the report.

For the following reasons:

- (i) The Council has a duty to effectively implement the Mandatory Licensing of HMOs in the Borough.
- (ii) Implementation of Mandatory HMO Licensing protects vulnerable tenants against unscrupulous landlords and communities against the impact of badly managed HMOs.

CONTACT: Anna Tankerville extension 2358

Policy Context

1. The proposal to embed new regulations within the HMO licencing legislation 2018, to extend the scope of mandatory HMO licencing in Gateshead, is consistent with the Council's strategic approach of making Gateshead a place where everyone thrives. It specifically supports the Council's pledges to put people and families at the heart of everything we do and to tackle inequality so people have a fair chance.

Background

2. Mandatory licensing of HMOs came into force in 2006 and originally applied to properties of three storeys or more with five or more people making up two or more separate households living in them. Licensing has been successful in helping to drive up standards and made these larger HMOs safer places to live in.
3. As demand for HMOs increased in the decade since mandatory licensing was first introduced there has been a significant increase in properties with fewer than three storeys being used as HMO accommodation, notably two storey houses originally designed for families and flats. Some have been used by opportunist rogue landlords who exploit their vulnerable tenants, and rent sub-standard, overcrowded and potentially dangerous accommodation. A Government Consultation exercise, carried out in 2016 also revealed that the growth of HMOs has had an impact on the local community, including where inadequate rubbish storage leads to pest infestation and health and safety problems.
4. Following this consultation, Government has created new regulations that extend the scope of mandatory HMO licensing so that properties used as HMOs in England which house 5 people or more in two or more separate households will in many cases require a licence. It is intended that this will help ensure they are not overcrowded and do not pose risks to the health or safety of occupiers or blight the local communities in which they are located. To this end, new mandatory conditions for licences have been created, to set out the minimum size to be applied to rooms used for sleeping and to add requirements relating to the provision of refuse disposal in licensed properties.

Proposal

5. The revised policy for Mandatory Licensing of Houses in Multiple Occupation in Gateshead is attached as Appendix 2. This policy replaces the previous one agreed by Cabinet on 25 April 2006. The detail of how Gateshead will comply with the new duties is outlined below.

Extended Scope of Mandatory HMO Licensing

6. Part 2 of the Housing Act 2004 provides for local housing authorities (LHA) to license HMOs in their areas if they meet the definition of an HMO prescribed under section 55 of the Act. The existing definition for Large HMOs requires properties with at least three storeys to be subject to mandatory licensing. This definition was introduced in

2004 to help address fire safety issues at a time when structurally large HMO's with a high number of occupants were seen as particularly at risk of fire hazards, partially due to the difficulty of escaping a fire in three storey buildings. Since then the pressures on the housing market have made this definition insufficient. There exists a growing number of HMO's which are occupied by 5 or more persons but do not fit the current definition of a Large HMO and are not subject to mandatory licensing because they comprise of less than three storeys.

7. The Prescribed Description Order 2018 has been created to extend the types of buildings that will be subject to mandatory licensing. From 1 October 2018, mandatory licensing will no longer be limited to certain HMOs that are three or more storeys high but will also include buildings with one or two storeys. This will bring within the scope of HMO licensing traditional single storey buildings such as bungalows and non-traditional residential buildings such as converted offices/works spaces, converted garages and outbuildings. In addition, flats above and below business premises, and those which are purpose built with two flats in the block will also be included. Rogue landlords who house tenants in these types of properties have been linked nationally with the exploitation of tenants that can occur at the bottom end of the housing market.
8. HMO licences include conditions that the licence holder must comply with. These range from conditions that seek to ensure appropriate management, use and occupation of the property to the taking of reasonable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house. The Housing Act 2004 created mandatory conditions relating to the provision of smoke and carbon monoxide alarms; gas safety and the safety of electrical appliances and furniture. The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 have introduced new conditions that must be included within new HMO licenses.

Mandatory national minimum sleeping room sizes

9. From 1 October 2018 LHAs must impose conditions as to the minimum room size which may be occupied as sleeping accommodation in the HMO. A room smaller than the specified size must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum. The purpose of this condition is to reduce overcrowding in smaller HMOs.
10. Statutory overcrowding may result if a person causes or permits an adult to sleep in a room with a floor area of less than 6.51m² (70ft²). Anything smaller than this space standard is deemed to be unsuitable for an adult to occupy as sleeping space. This standard is of general application. A recent Upper Tribunal ruling has caused uncertainty as to whether the standard applies to HMOs, opening the possibility of rooms which fail the overcrowding standards set out in section 326 of the Housing Act 1985 (and that are still in effect) being licensed as suitable for sleeping in. That uncertainty has now been removed by the clarification that compliance with this statutory space standard is a mandatory condition when an HMO licence is granted.
11. In addition, the new Regulations require the Council to impose conditions specifying the maximum number of persons over 10 years of age and/or persons under 10 years

of age who may occupy specified rooms provided in HMOs for sleeping accommodation.

12. An HMO licence holder commits an offence if, without reasonable excuse, the licence holder breaches the licence by; knowingly permitting the HMO to be occupied by more persons or households than is authorised by the licence; or failing to comply with a condition of the licence such as a prohibition against occupation as sleeping accommodation.
13. If convicted for such an offence the licence holder is liable to an unlimited fine or alternatively, the Council may impose a financial penalty of up to £30,000.

Waste disposal requirements

14. From 1 October 2018, LHAs will be required to impose a mandatory condition concerning the provision of suitable refuse storage facilities for HMOs. HMOs, occupied by separate and multiple households, generate more waste and rubbish than single family homes, and frequently allow waste to accumulate, which can cause a nuisance, a blight on local communities and pose a health risk. All licensed HMOs will need to comply with the scheme issued by the Council for the storage and disposal of domestic refuse pending collection. A licence holder's failure to comply with the scheme is a breach of the licence and a criminal offence. It is intended that this mandatory condition will enable local authorities to take quicker enforcement action without necessary recourse to the courts.

HMO Licence Fee Review

15. S63(3) of The Housing Act 2004 permits a LHA to require that any application for a licence, be accompanied by a fee. There is no cap provided by Central Government on the fee, however the calculated fee should cover all costs incurred by the LHA in carrying out their mandatory HMO Licensing function. The LHA is not permitted to seek a financial profit from licensing fees and recent case law has determined that the cost of a licence must be staged.
16. A fee structure is required to be fair and transparent, reflecting the actual costs of licensing and must be reviewed periodically.
17. For a number of years, the HMO licence fee has remained static and in 2018 a review has been undertaken to ensure that the fee remains accurate. This review has included benchmarking against other north east local authorities and has been calculated with the help of a Government Cost calculator and guidance that assists LHAs in determining fees and charges.
18. The proposed reviewed HMO licence fee structure is as follows:

	Payment due at time of Application	Payment due immediately following Grant of Licence	Total Fee
HMO Licence (up to 14 bedrooms)	£514	£341	£855
HMO Licence (15+ bedrooms)	£591	£341	£932
HMO Licence Renewal (up to 14 bedrooms)	£411	£341	£752
HMO Licence Renewal (15+ bedrooms)	£488	£341	£829
Variation of HMO Licence (at Licence Holders request)	£164	N/A	£164

Implementation

19. Communities and Environment's Private Sector Housing Team licence and enforce standards in HMO properties, respond to requests for service from tenants concerning property condition and management arrangements, and undertake inspections as part of the mandatory licensing of HMOs. An inspection takes place on receipt of an HMO licence application and once again during the period of the licence.
20. Five-year licences are granted to landlords who demonstrate that they offer good quality accommodation. In cases where the Council has concerns that management arrangements or property conditions are not wholly satisfactory, licences may be granted for a lesser period or in some cases refused.
21. Determining the actual number of properties that will require a licence is challenging due to a limited availability of data. Data from a range of sources is being explored.
22. Work is already underway to provide an online application and payment system for HMO applications. This will allow landlords to apply and pay for applications online, to help to reduce back office requirements.
23. Other preparation that has been undertaken includes; review of the mandatory HMO licence conditions and policy, revision of the HMO licence application form to ensure only information that is being used is being collected, and creation of a Service Standards so applicants know what to expect.
24. The HMO Licensing Policy that sets out how legislative changes introduced in 2018 will be implemented is included at Appendix 2. The purpose of the changes to the scope of licensing is to increase the number of properties that are subject to mandatory licensing in the private rented sector, and so to enable local authorities to detect more illegal activity so that it can better enforced. This enabling of better enforcement does not make illegal any existing legal activity.
25. The extended scope of mandatory licensing could identify an increased number of properties that are substandard and poor management practices that result in landlords breaching the conditions imposed. This could result in a greater number of

criminal prosecutions by the Council or the imposing of financial penalties in conjunction with the powers provided by the Housing and Planning Act 2016 (financial penalties as an alternative to prosecution). A greater volume of such enforcement action could result in a greater requirement for the Council to defend its action upon appeal.

26. The clarification of minimum room sizes and requirement for maximum numbers of individuals per room to be clarified at the time a Licence is granted, and incorporation of these into the HMO licence and conditions should help a licence holder to avoid overcrowding and will simplify any enforcement action should this be necessary.
27. The waste disposal requirements on the Licence Holder should help to encourage HMO Licence Holders to take responsibility for waste issues and for communicating the requirements of how waste should be stored and disposed of to the tenants at their properties. Should any enforcement be necessary, incorporation of waste into the mandatory licence conditions allows the Council to impose a financial penalty for failure to comply with requirements, as an alternative to prosecution.

Delegated Powers

28. Within the Council, the power to issue mandatory HMO licences in accordance with the Housing Act 2004 rests with Service Director, Development Transport and Public Protection, within Communities and Environment. This position is best placed to take decisions on the continued issue of Mandatory HMO licences in the future, in accordance with the Policy set out at Appendix 2.

Consultation

29. The Cabinet Members for Housing have been consulted on this proposed Policy. Benchmarking has also been carried out with other North East Councils to ensure a consistent approach to licensing, enforcement and HMO licence fee setting.
30. Central Government has proposed that it is important that local authorities make landlords fully aware of the requirements of the extended mandatory HMO licensing requirement, and that local authorities are expected to carry out active promotion of the legislative change.
31. If approved, the Policy and extended scope of HMO licencing will be promoted within Council News, with links on Gateshead Council's website and by alerts on social media. Information will be provided to national landlord's associations, which may have members operating in the Gateshead area, and to members of Gateshead Private Landlords Association. HMO Licence Holders will be contacted directly about their portfolios.

Alternative Options

32. The operation of mandatory HMO licensing is a duty of the Council, and the Council does not have discretion to omit the legislative changes of 2018 from the licensing arrangements that are in place. The changes have prompted a review of the HMO Licensing Policy that is in place and this is set out at Appendix 2.

Implications of Recommended Option

33. Resources

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms the following:

Funding the licensing activity

The Council already has the skills, mechanisms and authority in place through the Private Sector Housing Team within Communities and Environment to carry out mandatory HMO licensing. The Housing Act 2004 allowed the Council to charge a fee for an HMO licence, and the renewal of a licence and this ability remains. The Government's intention at that time was that HMO licensing should be self-financing, with a fair and transparent fee structure that reflected the actual costs of licensing. Review of the Policy has been accompanied by a review of licence fees to ensure these are reflective of the work undertaken.

A recent court ruling has however set out that the HMO licence fee cannot be demanded in full at the time that the licence application is received. In order to comply with this ruling, the licence fee will be payable in two stages, with the cost associated with receiving and considering the licence application and the granting of the licence payable at the time of the application, and the residual cost of administering the licence for the remainder of the period that the licence remains in force, payable immediately after the licence is granted. This may have debt recovery implications.

Other financial implications

The HMO licence fee has a financial impact on landlords. Central Government has carried out a detailed Impact Assessment of the extended scope of HMO licencing, including the costs to landlords. The legislative change has been progressed with the view that extending HMO licensing to smaller HMOs will help to create a level playing field for legitimate landlords whose businesses are being undercut by rogue landlords who do not maintain their properties to the required standards, and the prospect that the wider regulation will strengthen the sector's reputation that rogue landlords and poorly maintained large HMOs will not be tolerated.

- b) **Human Resource Implications**

Existing staffing resources within the Private Sector Housing Team will be used to implement the new HMO legislation, in accordance with the Policy. Initial estimations of the likely number of additional properties that will be brought within the extended scope of mandatory licensing suggests that the workload will be manageable by the Team. Should the number be greater than estimated then consideration will be given to increasing staffing resource, on a cost recovery basis through the HMO licence fee.

c) Property Implications - None

34. **Risk Management Implications** - The Council has a statutory duty to implement mandatory HMO licensing. Failure to consider and respond to new legislation would cause any subsequent enforcement activity to be outdated and flawed and compromise the Council's ability to tackle poor housing standards in Gateshead. Failure to document a local Policy and to review fees and charges could leave the Council open to legal challenge.
35. **Equality and Diversity Implications** - The proposal will not discriminate against any groups or individuals within Gateshead in relation to their protected characteristics.
36. **Crime and Disorder Implications** - The extension of mandatory HMO licensing to cover more properties will provide greater opportunities to identify poorly managed properties, anti-social behaviour, and noise and waste problems, issues that are important to communities. In addition, the private rented sector is vulnerable to those that are connected with organised crime, and that use rented homes as part of their criminal activity. This might include the operation of brothels, cannabis farming or human trafficking. The ability to identify these activities, punish these offenders and disrupt their activity within the private rented sector will contribute to tackling associated crime and disorder.
37. **Health Implications** - Housing condition and health are closely connected. The Government in its Impact Assessment of the legislative changes predicted the following benefits; improved housing conditions and greater certainty over the quality of accommodation rented and good character of the landlord; greater assurance that when things do go wrong tenants can report such issues with greater confidence that they will be dealt with in a decisive manner. The Assessment also identified benefits to tenants who do not have a good relationship with their landlord and fear any repercussions if they do report issues, noting that housing enforcement officers will inspect will report an increased number of homes and discover the issues for themselves. This may protect tenants from the retaliatory evictions that result from tenants reporting housing condition problems.
38. **Sustainability Implications** - None.
39. **Human Rights Implications** - None
40. **Area and Ward Implications** - HMOs are present in all areas and wards of Gateshead. It is likely that the greatest number of additional HMOs that will now fall within the extended scope of HMO Licensing will be where demand for such accommodation, and the proportion of private rented stock is highest, in central Gateshead and parts of the west of the Borough.

Background Information

41. Further background information is contained in the report to Cabinet on 25 April 2006 on HMO policy.

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MANDATORY LICENSING OF
HOUSES IN MULTIPLE OCCUPATION
POLICY

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MANDATORY HMO LICENCING

This policy sets out how the Council as the Local Housing Authority (LHA) will implement the duty placed on it by Part 2 of the Housing Act 2004 (The Act) and how the Council will assist landlords to meet their legal requirement to licence their properties.

The purpose Mandatory HMO (HMO) Licencing is to prevent rogues who exploit their vulnerable tenants, and rent sub-standard, overcrowded and potentially dangerous accommodation from operating in the Borough.

Licensing under Part 2 of the Act will help ensure properties are not overcrowded and do not pose risks to the health or safety of occupiers or blight the local communities in which they are located.

Definition of Part 2 HMO

A building is an HMO that requires licensing under Part 2 of the Act if it—

- (a) is occupied by five or more persons; and
- (b) is occupied by persons living in two or more separate households; and
- (c) meets—
 - (i) the standard test under section 254(2) of the Act; or
 - (ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
 - (iii) the converted building test under section 254(4) of the Act.

Landlords Duty

It is the duty of the Landlord to apply, in the correct manner, for a licence for a property that meets the definition of an HMO that requires licensing under Part 2 of the Act.

A landlord will need to apply for a licence for every flat/house they own that meets the statutory definition of a Licensable House in Multiple Occupation (unless exempt by law).

The landlord will be required to demonstrate they are 'fit and proper' to hold a licence which means that any previous history such as criminal convictions or failure to comply with landlord and tenant duties will be considered.

Before a licence is issued, the proposed licence holder will be required to meet with an Officer of the Council who will outline the expectations and responsibilities of them as a licence holder.

The licence conditions will be explained in detail and the landlord will be required to demonstrate an understanding of this before a licence will be issued.

The Licensing Process

An Application.

The Council shall only accept Applications submitted on the *HMO Licence Application Form* that is available on-line or on request.

An application shall be considered duly made if it:

- Has been completed in full
- All necessary documents have been provided
- All declarations have been signed
- The HMO Licence fee has been paid.

A separate application must be made for each property.

The Fee

S63(3) of The Housing Act 2004 permits a Council to require that any application for a licence, be accompanied by a fee. There is no cap provided by Central Government on the fee, however the calculated fee should cover all costs incurred by the Council in carrying out their Mandatory HMO Licensing function. The Council is not permitted to seek a financial profit from licensing fees and case law has determined that the cost of a licence must be staged.

A fee structure is required to be fair and transparent, reflecting the actual costs of licensing and must be reviewed periodically.

The current HMO Licence fee is set out in the Council's Fees and Charges Booklet.

Refusal of an Application

An application will be refused when the application is not complete and following reasonable attempts by the Council, the Applicant has not subsequently provided the missing information.

The reasons for the Council refusing the Application will be given in writing to the Applicant within seven days of the decision to refuse the Licence being made.

The refusal of the Application will not prevent the Applicant from making a new application for a Licence for the same property.

When a licence has been refused the Council may decide to prosecute if the property continues to be operated as a HMO that is required to be licenced.

Acceptance of an Application

An application will be accepted when it has been deemed to have been duly made. It will then be processed in a reasonable time in accordance with the *HMO Licencing Service Standard* attached at Appendix 3.

Determining the correct person to hold the licence

The Council will accept a person as a Licence Holder if they are resident in the United Kingdom and can:

- Collect the rental income

- Arrange, manage and terminate tenancies
- Access all parts of the dwelling (agreed with the tenant by prior notice)
- Authorise and arrange repairs and maintenance as necessary

If the proposed licence holder is not available to manage the property, they will be advised to appoint a manager who is based locally and has the authorisation to deal with emergency repairs and other issues such as anti-social behaviour.

This manager should be named on the licence and must agree to abide by the licence conditions.

Depending on the circumstances the Council shall accept the following persons as Licence Holders:

- A Managing Agent; if they have a management agreement in place.
- A Leaseholder; if they have control of the property under a contract with the owner or it is a long lease.
- A company: but they must nominate the most appropriate person within the company to hold the licence.

Determining whether a person is a Fit & Proper person

The Licence Holder, a Manager and any other person involved in the management of the property must be a 'Fit and Proper Person' as defined in the Housing Act 2004 at the time the Licence Application is determined.

Determining whether to Grant or Refuse to issue a Licence

The Council shall consider each licence application on its own merit, exercising its discretion reasonably and proportionately.

Before making a decision whether to grant or refuse a licence the property will be inspected to ensure it meets the licencing criteria.

The Council have a duty to inspect the housing condition of the property and to minimise any inconvenience to the Applicant and occupants these two inspections shall be combined into one visit.

Grant of a Licence

Where the property, Licence Holder, Manager and any other relevant people meet the relevant criteria set out in the Housing Act 2004 a Licence shall be granted.

Contents of a Licence

The Licence shall authorise occupation of the property by not more than a maximum number of persons specified in the Licence.

The Licence shall also specify the maximum occupancy of each sleeping room in the property.

The Licence shall also specify such conditions as the local housing authority consider appropriate for regulating the management, use and occupation of the house concerned, and its condition and contents

These conditions are set out in Appendix 1.

Reduced licence period

In certain circumstances the Council will issue a licence for a reduced period.

This may occur when the Council is not completely satisfied with the proposed management arrangements for the property or if the proposed licence holder has failed to comply with previous licencing requirements of the Council.

A reduced licence period may also be considered at the request of the Applicant.

There will be no reduction in the Licencing Fee if a licence is granted for a period shorter than the maximum 5 years.

Refusal of a licence

Where the Council propose to refuse the grant of a licence a full explanation for the refusal of the Licence will be given in writing to the Applicant.

Where an application is refused the applicant may make a new application following the necessary changes required to meet the licencing criteria set out in the Housing Act 2004 and associated Regulations.

If an application is refused and there is no prospect of the property being licenced, then the Council will consider taking management control of the property with an Interim Management Order.

Variation of a Licence

The Council may, on its own initiative or following an application from the licence holder or other relevant person, vary a licence.

It may do so with the agreement of the licence holder or where it considers that there has been a change of circumstances since the grant of the licence.

There are several situations when a licence is required to be varied including:

- Change of manager (unless they are also the licence holder),
- There is a change of address or details of the licence holder or manager.

Revocation of a Licence

The council can revoke a licence on its own initiative or following an application from the licence holder or other relevant person.

The Council may consider revoking a licence if

- The licence holder has seriously breached a condition of the licence, or repeatedly breaches a condition of the licence
- The licence holder is no longer a fit and proper person
- The management of the house is being carried on by someone who is not a fit and proper person
- The property ceases to be one that requires a licence

Death of a Licence Holder

In the event of the death of the current licence holder occurring during the period of the licence, the licence ceases to be in force from the date of death. The licence cannot be transferred to another person.

For a period of 3 months from the date of death, and providing a copy of the death certificate is submitted, the house will be treated as being temporarily exempt from licencing as if a Temporary Exemption Notice (TEN) had been served.

At any time during the 3 months, a formal application may be made for a TEN. If approved by the Council, the TEN will be valid for a period of 3 months and will take effect after the initial 3-month period ends.

If the property remains in occupation after this period, then a complete application will need to be submitted to the Council along with any required supporting documents at the point of application. In this instance an administration fee will be charged.

Refund Policy

If a licence holder revokes or has their licence revoked by the Council before it expires, the Council will not give a pro-rata refund for any remaining time.

However, there are certain circumstances when a refund is due including:

- a duplicate application was made in error
- an application is made for a property that does not need to be licenced

If the Application is refused or withdrawn, and the Applicant chose to pay the full fee at the time the application was made, then the part of the fee that would have been due immediately following the Grant of the Licence must be refunded. This shall be returned by cheque within 28 days of the refusal or where an appeal against the decision to refuse to grant a licence, within 28 days of the conclusion of any appeal where the refusal is upheld.

There will be no refund where the Council revoke the Licence.

Public Register

Once the Council have approved the application, the relevant details from the licence will be entered onto a public register that the Council is obliged by law to keep.

An application for a licence, therefore, will constitute consent to a granted licence being entered on the public register.

Only information specified by legislation shall be entered on the Public register.

HMO Licencing enforcement

Letting a property without a licence is a criminal offence, liable to an unlimited fine on conviction.

Failure to comply with the conditions of a licence is also an offence liable to a fine of up to £5000 per condition breach on conviction.

As an alternative to prosecution, the Council may choose to impose a Financial Penalty of up to £30,000 in respect of the above offences.

A Licence Holder is also required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006.

APPENDICES

APPENDIX A – LICENCE CONDITIONS

In these conditions, “house” is the building or part of a building, which is licensed under Part 2 of the Housing Act 2004 (The Act). The “Council” is The Borough of Gateshead Council.

General Conditions relating to the Licence and Relevant People

1. This licence is **NOT** transferable.
2. A self-declaration must be produced to the Council **annually** for inspection to show that both the Licence Holder and the manager continue to meet the ‘fit and proper person’ criteria.
3. The Licence Holder and Manager must remain ‘fit and proper’ and the Licence Holder must notify the council within a period of **7 days** if they no longer meet the ‘fit and proper person’ criteria.
4. The Licence Fee is payable in two payments. The second payment is due immediately after the Licence has been granted. The Licence Holder must make this payment to the Council within 28 days of the date of the invoice setting out that this payment is due.

Conditions relating to the Occupation of the Premises

5. Each individual room shall be prescribed a maximum occupancy based upon the floor area of the room and on the age of the possible occupant and this occupancy must not be exceeded.
6. The Licence Holder must ensure that a room used as a sleeping room by a single person over the age of 10 years has a minimum floor area of 6.51m². For the purpose of this condition a floor area that has a ceiling height less than 1.5m is not to be taken into account in determining the floor area of that room.
7. The Licence Holder must ensure that a room used as a sleeping room by a two people over the age of 10 years has a minimum floor area of 10.22m². For the purpose of this condition a floor area that has a ceiling height less than 1.5m is not to be taken into account in determining the floor area of that room.
8. The Licence Holder must ensure that a room used as a sleeping room by a single person aged 10 years or younger has a minimum floor area of 4.64m². For the purpose of this condition a floor area that has a ceiling height less than 1.5m is not to be taken into account in determining the floor area of that room.
9. The Licence Holder must ensure that any room that has a floor area less than 4.64m² is not used as a sleeping room by any person. For the purpose of this condition a floor area that has a ceiling height less than 1.5m is not to be taken into account in determining the floor area of that room.

10. The Licence Holder must notify the Council, of any room in the HMO with a floor area of less than 4.64m².

Conditions relating to the safety of the residents

11. The Licence Holder must provide a valid landlords gas safety certificate (if gas is supplied to the property), on an annual basis. A copy must be submitted to the Council on request and to the occupier within 14 days of issue.
12. The Licence Holder must ensure that all furniture supplied by the landlord complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended), and that there are arrangements for the inspection of all items provided by the landlord to ensure they are maintained in a safe condition and to supply to the Council, on demand, with a Declaration by him as to the safety of the furniture.
13. The Licence Holder must provide a satisfactory Electrical Installation Condition Report (EICR) on the electrical installation at the Premises for the duration of the licence period. This must have been carried out by a 'competent person' who is a member of one of the government approved schemes i.e. NICEIC, NAPIT, ELECSA, BRE or registered to undertake electrical works in accordance with Part P of the Building Regulations. This report must be no more than 5 years old (unless a new installation certificate) and deem the electrical installation to be in at least a satisfactory condition. A copy must be submitted to the Council on request and to the occupier within 14 days of issue.
14. The Licence Holder must ensure that all portable electrical appliances supplied (as part of the tenancy) are in a safe condition, and in good working order. Any portable appliances provided must be tested on an annual basis and a (PAT) certificate must be submitted if requested by the Council.
15. The Licence Holder must ensure that there are either hard wired or 10 year battery operated smoke alarms installed on each storey of the house on which there is a room used wholly or partly as living accommodation (including a bathroom, lavatory, hall or landing). Smoke alarms must be kept in proper working order and tested on the day a tenancy commences with further testing on a regular basis and to supply the Council, on demand, with a declaration by him as to the condition and positioning of such alarms.
16. The Licence Holder must ensure that a carbon monoxide alarm is installed in any room in the Premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, and to keep any such alarm in proper working order and to supply to the Council, on demand, with a declaration by him as to the condition and positioning of any such alarm.

Conditions relating to the Management of Anti-Social Behaviour

17. The Licence Holder must ensure occupants of the house are aware of how they can report nuisance and Anti-Social Behaviour to the Council.

18. The Licence Holder must take reasonable and practicable steps following advice or recommendations from the Council following receipt of a complaint or to prevent or reduce anti-social behaviour by persons occupying or visiting the Premises. Evidence of such must be available to the Council upon request.
19. The Licence Holder must take reasonable and practical steps to stop the use of the property for illegal or immoral purposes. Evidence of such must be available to the Council upon request.
20. Where the Licence Holder is specifically invited they shall attend any case conferences or multi agency meetings arranged by the Council or the police to reduce or prevent ASB in relation to their occupier or Premises.

Conditions relating to Management of the Premises

21. The Licence Holder must reside in the UK.
22. At the beginning of a new tenancy the Licence Holder must provide occupiers with information that explains how they can make a complaint about the Premises and the arrangements in place to deal with emergency and other repairs.
23. The Licence Holder shall indicate to the occupiers how they intend to respond to any complaint including timescales for the steps they intend to take. Complaints must be responded to within a reasonable timescale.
24. The Licence Holder must supply to the occupiers of the Premises a written, signed statement of the terms in which they occupy it, (e.g. a tenancy agreement). Information provided to the occupier must include the following:
 - a. The name and address of Licence Holder or managing agent
 - b. A contact address and daytime telephone number
 - c. An emergency telephone number
 - d. A copy of the landlord licence including the conditions

This should be submitted to the Council on request.

25. On commencement of a new tenancy, the Licence Holder must compile a detailed inventory of all items, included within the tenancy and provide a copy to the occupier. This should be available to the Council on request.
26. The Licence Holder must ensure the property is adequately managed and as such have satisfactory maintenance arrangements in place.
27. Regular pre-arranged visits (at least every 6 months) by the Licence Holder to the property must be undertaken to determine effective tenancy and property management by the occupier. As a minimum the record must contain a log of who carried out the inspection, the date, the time and any issues found and action undertaken. Evidence of these visits/checks must be made available to the Council upon request

28. All repairs to the Premises or any installations, facilities or equipment within it are to be carried out by competent and reputable persons, and that they are completed to a reasonable standard.
29. The Licence Holder must ensure the Premises is kept in a good state of repair and free of category 1 hazards that could affect the health and safety of occupiers, and visitors to the Premises as prescribed under Part 1 of the Housing Act 2004.
30. The Licence Holder must improve and maintain their knowledge and competency by keeping up to date with current housing issues and regulation to enable the effective management of their Premises and occupiers. It is expected that Licence Holders will complete at least five hours training per year. Evidence of this must be available to the Council upon request and could include attendance at:
 - a. Training courses in relation to housing related matters
 - b. Landlord Forums
 - c. Presentations in relation to housing related matters
 - d. Landlord Association meetings
 - e. On-line training courses

Conditions relating to changes in circumstances

31. The Licence Holder must inform the Council within 5 working days if there is a change in the managing agent, to allow the Council adequate time to carry out fit and proper person checks and to vary the licence accordingly. A signed copy of the management agent contract must be submitted within 14 days of the instruction of a new managing agent.
32. The Licence Holder must inform the Council of any change in circumstances which may affect the suitability to remain as Licence Holder, including any change to the fit and proper person criteria or change in Premises ownership. This must be done within 5 working days of the changes taking place.
33. The Licence Holder must inform the Council of any change in circumstances which may result in the variation of the licence being required including change of address, surname or contact details. This must be done within 5 working days of the changes taking place.
34. The Licence Holder must ensure that within 28 working days of the Premises becoming vacant the Council's Environmental Health Officer is notified. The Licence Holder must ensure that all reasonable measures are taken to ensure that the Premises and curtilage are kept secure from unauthorised entry during periods when the Premises is unoccupied.

Conditions relating to the Management of Refuse and Waste

35. At the start of any new tenancy the Licence Holder must ensure there is no refuse or waste left inside the Premises or within the curtilage of the Premises from the previous occupier.

36. The Licence Holder must ensure at the start of any new tenancy there is a suitable number of green domestic waste bins and blue recycling bins provided at the Premises in relation to the number of occupiers. All bins must be clearly marked with the number/street of the Premises.
37. The Licence Holder must outline to the occupiers of the Premises in writing their responsibilities regarding storage and disposal of waste prior to the start of a new tenancy. Specific information should include details such as the day/week on which recycling/general waste and household waste is to be collected and how an occupier should dispose of bulky items such as furniture.
38. The exterior of the Premises and all boundary walls, fences and gates must be kept free from vandalism and/or graffiti.
39. Licence holders must respond reasonably and effectively if there are complaints concerning accumulations of waste and refuse at the Premises. Any waste removal by the Licence Holder must be removed lawfully by using a registered waste carrier with the appropriate permit.

APPENDIX B : FIT AND PROPER PERSONS

Who must be a fit and proper person

The Housing Act 2004 requires that specified people associated with the property are a Fit and Proper person for their role as either Licence Holder or Manager.

The Local Housing Authority can also extend this requirement to include business partners of proposed Licence Holders where the Local Housing Authority consider that the relationship is such that the third party will have some control of or decision making in the management of the House in Multiple Occupation.

Definition of a fit and proper person

The Housing Act 2004 and the Housing and Planning Act 2016 specify certain conditions that determine if a person is a fit and proper person.

The criteria are that the person must NOT have:-

- committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- practiced unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- contravened any provision of the law relating to housing, public health, environmental health, or of landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against you e.g. failing to comply with a Housing Act notice or have had works in default carried out by the Local Authority on a property'.
- been refused a licence or had a licence revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- been, or be, the owner or manager of a property which has had complaints from tenants or other sources regarding serious or repeated breaches of the conditions of a licence; in relation to HMO, additional or selective licensing under the Housing Act 2004.
- been, or be, the owner or manager of any property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- demonstrated any conduct or business practices which are considered by Gateshead Council to indicate unsuitability to be a licence holder or manager of a licensed property.
- a Banning Order under section 16 of the Housing and Planning Act 2016 is in force against him.



MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Service Standard

Introduction

The Council is the Local Housing Authority for the purposes of the Housing Act 2004 (the Act) and is under a duty to ensure all relevant properties are licensed as required by Part 2 of the Housing Act 2004.

Part 2 requires the Council to licence a House in Multiple Occupation that is occupied by five or more people who form 2 or more households and who are sharing an amenity such as a bathroom.

It is a criminal offence to let a privately rented property that should be licenced but is not licenced and failure to apply could lead to an unlimited fine or a financial penalty up to £30,000.

Failure to comply with any of the conditions of the licence is also an offence and could also lead to an unlimited fine or a financial penalty. It is also a criminal offence to make a false statement in an application for a licence.

Licence Applications

The law makes it a duty on the landlord of a property that requires a licence to apply for a licence, however the Council will take all reasonable steps to inform landlords of their duty.

Types of Application

The types of application relating to Licencing that will be accepted are:

Type of Licence	Description of Criteria
HMO Licence (full application per property) Part 2 Licence	The property is occupied by 5 or more persons, forming 2 or more households, sharing an amenity such as a bathroom.
Licence Variation	<p>Where a licence already exists; is not due to expire but there has been a change of relevant circumstances since the time the licence was granted, an application to vary the licence can be made by the licence holder or a relevant person.</p> <p>However, if the licence holder ceases to be involved in the management of the property at some point during the term of the licence i.e. if an owner parts company with the manager, who is the licence holder; or where the ownership changes, a new licence application must be made.</p> <p>This is because the licence is granted to the person managing or having control of the property and the legislation prescribes that a licence cannot be transferred to another person.</p>
Licence Revocation	When a Licence Holder or the Council has decided that a licenced property no longer meets the criteria for licencing they may apply for the licence to be revoked.

Application form can be downloaded from the council website;
<https://www.gateshead.gov.uk/>

HMO Licence Applications

On receipt of an application for a property to be licenced it will be checked by a member of the Private Sector Housing Team to confirm that all the necessary information and documentation has been provided and that the appropriate fee has been paid.

If the application is defective it will be returned to the applicant with a written document detailing the defects.

Upon receipt of a valid or complete (Duly made) application it will be considered and a decision made within 12 weeks.

Incomplete licence applications

Where an application is missing information that is required as part of the application process, one opportunity will be offered to supply the correct information.

Where information is still not supplied as required to comply with the requirements of an application the application will be returned. The applicant will be deemed to have not made a valid application and may be at risk of further investigation for failing to licence the property.

Determining whether a licence is to be granted

The Council will determine applications within 3 months of a valid application being made.

Granting a Licence

Prior to granting a licence the Council will consult with the applicant and any relevant persons about the licence conditions.

Following the service of a 'Proposal to Grant a Licence' Notice, representations can be made within a period of 14 days from the date of receipt of the Notice. Any representations made will be considered at this time and if necessary changes made to the licence.

Prior to the granting of a licence, the proposed licence holder will be invited to meet with a Private Sector Housing Officer at a convenient time and venue.

The meeting will provide an opportunity for the Council to become satisfied that the proposed licence holder is fully aware and understands their role and responsibilities, including the conditions attached to their licence.

Where a licence is refused, a full explanation for the refusal of the licence application will be given in writing to the applicant.

Variation of a Licence

Prior to carrying out a Variation of a Licence the Council will consult with the applicant and any relevant persons about the proposal to vary the licence. Any responses shall be taken into account before a decision whether to allow or refuse the variation is made.

The decision on whether to grant or refuse to vary a licence shall be made within 28 days and where refused, a full explanation for the refusal of the Variation of the Licence will be given in writing to the Applicant.

Revocation of a Licence

Where the Council intends to revoke a Licence, the Licence Holder and other relevant persons will be consulted and allowed 14 days to respond. Any responses will be taken into consideration before the final decision is made.

Where the Licence is revoked by the Council a full written explanation will be provided with the decision.

Where a Licence Holder makes an application to have a licence revoked then a decision on whether to grant or refuse to revoke the licence shall be made within 28 days and where a refused, a full explanation for the refusal to revoke Licence will be given in writing to the applicant.

Death of a Licence Holder

Following notification of the death of the Licence Holder the Council shall, for a period of 3 months from the date of death, and providing a copy of the death certificate is submitted, treat the property as being subject to a Temporary Exemption Notice (TEN).

If at the end of the three month period no application to extend the TEN has been agreed or no Application for a licence has been received, the Council may decide to prosecute for the offence of operating an HMO without a Licence.

Determination of Fit and Proper Person

The Council, upon receipt of the Application Form shall consider the declaration signed by the Applicant regarding the 'Fit and Proper' status of the Licence Holder, Manager or Other Person.

Where the Council has other information regarding a relevant person's status they may consult with other agencies, such as the Police, Probation Service and other Local Housing Authorities.

Where the Council determine that a person is not a 'fit and proper' person they shall firstly inform the person, who may make representations as to why they are a 'fit and proper' person. The Council shall take these representations into consideration before making a final decision.

Where the final decision is that the person is not a 'fit and proper person' the Council shall notify the applicant and allow the applicant to amend the licence application.

If no amended application is received within 14 days, the Application will be refused and the Council may prosecute for operating an HMO without a Licence.

Appeals against a decision by the Council

Throughout the licensing process the statutory procedure relating to the grant, refusal, variation, revocation, refusal to vary and refusal to revoke a licence is laid down in the Act.

The Council will provide all licence applicants and where appropriate other relevant persons, full details of the right to appeal to the First Tier Tribunal – Residential Property Tribunal, which is a body independent from the Council. In most cases, an appeal must be made within 28 days beginning with the date that the Decision is made.

If the Applicant is not content with a decision of the Council, they may appeal to the First Tier Tribunal (Property) in accordance with the appeal procedure provided with each written decision issued by the Council.

Licence Fee

There is a Fee for an HMO Licence. The first part of the fee must be paid at the time the application is made, and should the Licence be Granted, with the second payment being due immediately after the Grant of the Licence.

An applicant can decide to pay the full fee at the time the application is made. If the application is refused, then the fee that would have been due immediately after the Licence would have been Granted shall be returned by cheque within 28 days of the refusal or where an appeal against the decision to refuse to grant a licence, within 28 days of the conclusion of any appeal where the refusal is upheld.

Details of the current HMO Licence Fee is available at www.gateshead.gov.uk search 'Fees and Charges', or by contacting the Team using the details below.

Public Registers

The Housing Act 2004 requires that the Council to maintain a Register of properties subject to a Licence under Part 2 of the Housing Act 2004.

The Housing Act 2004 requires that the Council maintain a Register of properties subject to a Temporary Exemption Notice (TEN) under Part 2 of the Housing Act 2004.

The Council will update the Registers within 7 days of the Licence or TEN being granted/revoked or varied.

The Council will amend the register within 7 days following notification that there is an error in the Register.

Data Protection Act 2018

The Council is undertaking a Statutory Duty imposed upon it by the Housing Act 2004 and therefore is able to share and receive sensitive data about a person with other Agencies for the purposes of determining a Licence Application.

The Council is under a duty, placed upon it by the Housing Act 2004, to publish sensitive information about a person in the Public Register of Licences.

Contact Details

**Private Sector Housing Team
Gateshead Council
Civic Centre
Regent Street
Gateshead
Tyne and Wear
NE8 1HH**

**Email: privatesectorhousingcivic@gateshead.gov.uk
Tel: 0191 4332350**

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TITLE OF REPORT: Local Digital Declaration

REPORT OF: Mike Barker, Strategic Director, Corporate Services
and Governance

Purpose of the Report

1. Cabinet is asked to endorse and recommend the Council sign-up to the Local Digital Declaration.

Background

2. The Ministry of Housing, Communities and Local Government (MHCLG) and the Government Digital Service (GDS) have launched an initiative to support local government to design and build good digital public services.
3. Since 2011 central government, led by the GDS, have invested heavily in digital approaches and skills to improve how technology is used to modernise the delivery of public services. Key features of their programme are: designing services that best meet the needs of citizens, rather than the needs of organisations; and, using technologies that are an enabler, rather than a barrier to delivering digital public service transformation.
4. Following the success of digital transformation within central government and increasing demand from local government to support digital public service transformation, MHCLG has set-up a team to coordinate the sharing of tools, services and learning between councils and with central government.
5. Becoming a signatory to the Local Digital Declaration is a first step for the Council to access the new support and services being offered. Allowing the Council to build upon the progress already achieved on the Gateshead Digital programme.

The Declaration

6. As a signatory, the Council would be agreeing to certain commitments around how it will govern and deliver digital public service transformation. Appendix 1 provides the detail of the commitments.
7. The Local Digital Declaration (appendix 2) establishes a collective ambition for local public service transformation that builds on the models and approaches developed within central government. This ambition is set out in the following 5 principles:

- a) We will go even further to redesign our services around the needs of the people using them. This means continuing to prioritise citizen and user needs above professional, organisational, and technological silos.
- b) We will ‘fix our plumbing’ to break our dependence on inflexible and expensive technology that does not join effectively. This means on insisting on modular building block for the IT we rely on, and open standards to give a common structure to the data we create.
- c) We will design safe, secure, and useful ways of sharing information to build trust among our partners and citizens to better support the most vulnerable members of our communities, and to target our resources more effectively.
- d) We will demonstrate digital leadership, creating the conditions for genuine organisational transformation to happen, and challenging all those we work with to embrace the Local Digital Declaration.
- e) We will embed an open culture that values, incentivises and expects digital ways of working from every member of our workforce. This means working in the open wherever we can, sharing our experience, working collaboratively with other organisations and reusing good practice.

Funding Opportunities

- 8. To support local and central government to meet the ambitions outlined in paragraph 6, a £7.5 million Local Digital Fund has been launched by MHCLG. Once the Council has signed up to the declaration it will be eligible to submit a valid bid for funding of up to a maximum of £100,000.
- 9. Submitted bids must demonstrate how the Council is committing to the ambitions and standards of the declaration and how a proposal will stimulate and support digital service transformation in a collaborative way that benefits the wider local government sector.
- 10. Further funding will be made available in 2019 to support the training of senior leaders in digital skills, and training those involved in the delivery of digital services.

Proposal

- 11. It is proposed that the Council signs up to the Local Digital Declaration (Appendix 2).
- 12. As a signatory of the declaration the Council will have opportunities to build upon the successes of its Digital Programme. It will also enable the Council to

receive support and expertise from central government and provide access to learning and solutions from other councils.

13. This support from the MHCLG, in addition to the funding opportunities, will enable the Council to innovate in ways it may not on its own.

Recommendations

14. Cabinet is asked to endorse the Local Digital Declaration and recommend it to Council for endorsement and approval.

For the following reasons:

To ensure that the Council is able to access the support and funding required to deliver good digital public services that meet best practice and standards.

CONTACT: Roger Abbott/Nick Lamb

extension: 2188/2073

APPENDIX 1

Policy Context

1. The declaration builds upon the Council's approach to digital public service transformation as agreed in the Council's strategy *Digital Gateshead 2015 – 2020*.
2. The declaration also aligns with the Council's Thrive agenda: emphasizing the importance of understanding the needs of our communities in the delivery of modern public services; encouraging officers to take the initiative and be creative in trying innovative approaches and working with colleagues across the Council and with other local councils.

Background

3. As a signatory to the declaration the Council would have to demonstrate commitment to common standards for governance and delivery of digital public service transformation. Detail of those commitments are included in appendix 2.
4. The commitments include references to two standards documents created by GDS *The Technology Code of Practice* and *Digital Service Standard*. The Technology Code of Practice includes 12 criteria to help design, build and buy better technology, including but not limited to:
 - a) The use of open source technology and open standards, giving access to a range of solutions at lower cost;
 - b) Taking a cloud first approach to limit the cost of developing, keeping services secure and changing services as user needs develop;
 - c) Sharing and reusing technology and functionality across services to avoid duplication;
 - d) Making better use of data so that only the data needed is collected, that is made available to users where data is held about them and the adoption of an open by default approach to publication.
5. The Digital Service Standard includes standards for designing and building digital public services, including but not limited to:
 - a) Understand user needs before designing or building a service;
 - b) Using agile methods to iterate and improve frequently;
 - c) Consider end-to-end processes that are multi-channel;
 - d) Decisions that are made on data and performance are captured for use in continued service improvement.

6. Agile is a significant feature of the standards, outlined above. There is a distinction between how the Council currently understands the term. The references to agile in this report relates to the project management approach (an alternative to traditional methods, such as Prince2, that places emphasis on iterative over sequential delivery of projects) rather than the term widely used related to mobile, flexible working policies/approaches.

Consultation

7. The Leader of the Council has been consulted on this report.

Alternative Options

8. Cabinet can decide not to sign-up to the Local Digital Declaration, however, this will close the door to opportunities of funding and training that could support the development of better and more efficient digital public services.

Implications of Recommended Option

9. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no financial implications arising directly from this report. Any costs incurred in supporting any bids would be met from existing budgets.
 - b) **Human Resources Implications** – There are no HR implications arising from this report.
 - c) **Property Implications** - There are no property implications arising directly from this report.
10. **Risk Management Implication** – There are no direct risk management implications arising from this report.
 11. **Equality and Diversity Implications** – There are no equality and diversity implications arising directly from this report.
 12. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.
 13. **Health Implications** – There are no health implications arising from this report.
 14. **Sustainability Implications** – There are no sustainability implications
 15. **Human Rights Implications** - There are no human rights implications arising directly from this report.

16. **Area and Ward Implications** – There are no direct implications arising direct from this report.

Background Information:

Local Digital Declaration, GDS Digital Service Standard, GDS Technology Code of Practice

The Local Digital Declaration

A common aspiration for the future of local public services

July 2018

Introduction

This declaration affirms our collective ambition for local public services in the internet age, and our commitments to realising it. It commits us working on a new scale to:

- design services that best meet the needs of citizens
- challenge the technology market to offer the flexible tools and services we need
- protect citizens' privacy and security
- deliver better value for money

This joint endeavour was initiated by the UK Ministry for Housing, Communities and Local Government (MHCLG), the Government Digital Service (GDS), and a collection of local authorities and sector bodies from across the UK. We invite all local authorities and the organisations we collaborate with to join us by signing the Declaration and committing to deliver a first action from which we can all benefit.

The opportunity

Never before has it been possible to collaborate so effectively, to deliver services across so many boundaries, to interrogate our data so insightfully, to realise such great efficiencies, and to reshape public services for the benefit of all while retaining local sovereignty.

Great work has already been done to transform our services using digital tools and technology. But we have an opportunity to do more.

Our ambition

We want to co-create the conditions for the next generation of local public services, where technology is an enabler rather than a barrier to service improvements, and services are a delight for citizens and officials to use. We know that one size doesn't fit all, but by developing common building blocks local authorities will be able to build services more quickly, flexibly and effectively. Only in this more open and flexible market will we unlock our full potential for innovation.

Our ambition requires both a culture shift and a technology shift, and we've agreed 5 principles to help us do it:

1. We will go even further to redesign our services around the needs of the people using them. This means continuing to prioritise citizen and user needs above professional, organisational and technological silos.
2. We will 'fix our plumbing' to break our dependence on inflexible and expensive technology that doesn't join up effectively. This means insisting on modular building blocks for the IT we rely on, and open standards to give a common structure to the data we create.

3. We will design safe, secure and useful ways of sharing information to build trust among our partners and citizens, to better support the most vulnerable members of our communities, and to target our resources more effectively.
4. We will demonstrate digital leadership, creating the conditions for genuine organisational transformation to happen, and challenging all those we work with to embrace this Local Digital Declaration.
5. We will embed an open culture that values, incentivises and expects digital ways of working from every member of our workforce. This means working in the open wherever we can, sharing our plans and experience, working collaboratively with other organisations, and reusing good practice.

Our commitments

MHCLG will establish a delivery team to support all Declaration co-signatories in realising this ambition. It will play a leadership role within central government, advocating for the approach set out in this declaration. It will work with councils as equal partners to create the tools and conditions for reform, delivering common technical patterns and routes to procurement for core services. And, as part of a collective effort alongside local government networks, it will help local authorities find out about priority projects that support this mission and support the continued growth of the local digital community.

In addition, each co-signatory will commit to the following activities:

Our leaders, service managers, board members and politicians will:

- A. Make sure that digital expertise is central to our decision-making and that all technology decisions are approved by the appropriate person or committee. This will ensure that we are using our collective purchasing power to stimulate a speedy move towards change.
- B. Have visible, accessible leaders throughout the organisation (publishing blogs, tweeting and actively participating in communities of practice), and support those who champion this Declaration to try new things and work in the open.
- C. Support our workforce to share ideas and engage in communities of practice by providing the space and time for this to happen.
- D. Publish our plans and lessons learnt (for example on blogs, [Localgov Digital slack](#); at sector meetups), and talk publicly about things that have could have gone better (like the [GOV.UK incident reports blog](#)).
- E. Try new things, from new digital tools to experiments in collaboration with other organisations.

- F. Champion the continuous improvement of cyber security practice to support the security, resilience and integrity of our digital services and systems.

Our transformation, information technology and digital teams will:

- G. Research how to reuse existing user research, service design, common components, and data and technology standards before starting to design or procure something new.
- H. Build capacity in service-design, so that each service we transform is informally tested by our peers against our national [service standard](#) where appropriate (GDS will be publishing a local-friendly iteration).
- I. Where appropriate every new IT solution procured must operate according to the [technology code of practice](#), putting us in control of our service data, using open standards where they exist and contributing to their creation where they don't.
- J. Share knowledge about digital projects where there is an opportunity for potential reuse or collaboration with others.
- K. Work together to establish the trust frameworks we need to safely analyse and share personal data. This will allow us to better serve our shared customers and reduce the need to ask citizens for the same information multiple times.
- L. Work together to create common solutions that allow us to check people's eligibility for services with central government and others in real time with their consent.
- M. Take inspiration and ideas from a wide range of sources, and participate individually in communities of practice and interest outside the organisation (for example, [LocalGovCamp](#), [OneTeamGov](#), and related networks and events).

Co-publishers



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Title of report: Treasury Management – Performance to 30 September 2018

Report of: Darren Collins – Strategic Director, Corporate Resources

Purpose of the Report

1. The purpose of this report is to review Treasury Management performance for the six months to 30 September 2018, covering investments and borrowing. This is consistent with approved performance management arrangements.

Background

2. Cabinet will receive half yearly performance reports on the agreed Treasury Management budget identifying any variances. This report sets out the monitoring position at 30 September 2018.
3. Council agreed the Treasury Policy Statement and Treasury Strategy 2018/19 to 2022/23 which provided a framework for the Strategic Director, Corporate Resources to exercise his delegated powers on 22 March 2018.
4. Council also agreed the original General Fund budget for Treasury Management for 2018/19 on 22 February 2018. This was set at £11.710m.

Proposals

5. The projected outturn for 2018/19 at 30 September 2018 is £10.297m compared to the estimate of £11.710m, an underspend on budget of £1.413m.
6. The Audit and Standards Committee reviewed the Treasury Management performance to 30 September 2018 on 1 October 2018 and raised no comments for submission to Council.
7. It is important that effective budget monitoring and action planning is in place to ensure that spending in 2018/19 is contained within approved budgets as this will contribute to a sustainable financial position for the Council.

Recommendation

8. Cabinet is asked to note the Treasury Management Performance to 30 September 2018; to contribute to sound financial management and the long-term financial sustainability of the Council.

CONTACT: Clare Morton, ext. 3591

Policy Context

1. The proposals in this report are consistent with Council priorities and in particular they ensure that effective use is made of the Council's resources to ensure a sustainable financial position and support of the framework for achieving the Council's new strategic approach 'Making Gateshead a Place Where Everyone Thrives'. The Council recognises there are huge financial pressures on not just council resources, but those of partners, local businesses and residents. This requires the Council's decision-making to be policy and priority led and driven.

Background

2. The Prudential Code plays a key role in capital finance in local authorities. Local authorities determine their own programmes for capital investment that are central to the delivery of quality public services. The Prudential Code was developed by CIPFA, the Chartered Institute of Public Finance and Accountancy, as a professional code of practice to support local authorities in taking their decisions. Local authorities are required by regulation to have regard to the Prudential Code when carrying out their duties in England and Wales under Part 1 of the Local Government Act 2003.
3. In December 2017 CIPFA issued a revised Treasury Management Code of Practice and a revised Prudential Code (the Code) which represents best practice. The Council fully complies with the Code and this contributes towards achieving good practice.
4. Part 1 of the Local Government Act 2003 specifies the powers of a local authority to borrow for any purpose relevant to its functions under any enactment or for the purposes of the prudent management of its financial affairs. Borrowing is linked to the CIPFA Prudential Code for Capital which sets out a range of prudential and treasury indicators that must be calculated to ensure borrowing is affordable, prudent and sustainable. The Prudential Code refers to the need for a clear and integrated treasury strategy.
5. In addition, under Section 15 of the Local Government Act 2003, authorities are required to have regard to the MHCLG's guidance on Local Government Investments. This document stipulates the requirement for an annual investment strategy to be integrated into the Council's Treasury Strategy.
6. Under Part 4 of the Council's Constitution the Strategic Director, Corporate Resources will produce a Treasury Policy Statement annually, setting out the general policies and objectives of the Council's treasury management function.
7. The Council also provides a treasury management service to the Gateshead Housing Company through a Service Level Agreement.

Mid-Year Performance to 30 September 2018

8. This report sets out the latest position on the 2018/19 Treasury Management budget as at 30 September 2018 and projects interest on borrowing and investment income to the end of the financial year.
9. The projected outturn for 2018/19 at 30 September 2018 is £10.297m compared to the estimate of £11.710m, a projected under spend of £1.413m. The underspend is made up of several elements:
 - a) Borrowing costs are lower than budget due to lower levels of borrowing taken in the year to date and at lower rates than estimated due to management of cash flows and reliance on internal borrowing.
 - b) Investment interest achieved in the year to date has exceeded budgeted estimates, primarily due to increases in base rate and higher rates of return available in the market.
 - c) Investment interest received from loans to the Council trading companies is more than anticipated in budgeted estimates.
10. Appendix 2 details the budget for 2018/19 compared to an assessment of the projected outturn for the year.

Consultation

11. The Leader of the Council has been consulted on this report.

Alternative Options

11. There are no alternative options, as the Treasury Management mid-year performance report recommended for approval is required to comply with the policy on delegation, review requirements and reporting arrangements as outlined in the Treasury Policy Statement and Treasury Strategy.

Implications of recommended options

12. **Resources:**

a) Financial Implications - The Strategic Director, Corporate Resources confirms that the financial implications are set out in this report. There are no additional financial implications associated with the report itself.

b) Human Resources Implications - There are no human resources implications arising from this report.

c) Property Implications – There are no property implications arising from this report.

13. **Risk Management Implications**

The Treasury Policy and Treasury Strategy which informs activity in this area were prepared with the primary aim of minimising risk to ensure that the Council's principal sums are safeguarded. Maximising income is considered secondary to this main aim.

14. **Equality and Diversity Implications**

There are no equality and diversity implications arising from this report.

15. **Crime and Disorder Implications**

There are no crime and disorder implications arising from this report.

16. **Sustainability Implications**

There are no sustainability implications arising from this report.

17. **Human Rights Implications**

There are no human rights implications arising from this report.

18. **Area and Ward Implications**

There are no direct area and ward implications arising from this report.

Mid-Year Report - Performance to 30 September 2018**1. Investment Performance**

- 1.1 The latest projection of gross investment income for 2018/19 based on interest earned to date and expected interest to March 2019 is £0.559m, compared to the original estimate of £0.417m.
- 1.2 This gross investment interest is adjusted to account for £0.254m interest payable to third parties and interest receivable of £1.591m from various third parties, the most significant of which is Newcastle International Airport. This gives a projected net interest to the General Fund 2018/19 of £1.896m compared to the budget of £1.525m. The current variance to budget is mainly as a result of higher levels of interest received on loans to third parties than anticipated when the 2018/19 budget was set.

2. Rate of Return

- 2.1 The average rate of return is monitored for each investment type that the Council enters into and these are used to calculate an average rate of return for the Council for the year to date. The current rate of return is 0.70%, which is greater than the original estimate of 0.59%.
- 2.2 As a means of benchmarking, the average rate of return for the month and year to date is compared to the equivalent 7-day London Inter-Bank Bid Rate (LIBID), which is the rate that banks are willing to borrow money from each other. The monthly return of 0.06467% exceeds the LIBID 7-day rate equivalent of 0.04849%. The Council's year to date rate of return of 0.70050% is also well in excess of the equivalent LIBID 7-day year to date rate of 0.40245%.
- 2.3 The quarterly LINK Asset Services Investment Benchmarking report assesses both the rate of return and the risk of the counterparty to calculate a weighted average rate of return, which is used for comparison across other authorities. In the most recent report received, September 2018, the Council achieved a weighted average rate of return of 0.72% on its investments for Quarter 1 2018/19 which is in line with the risk adjusted expectations (0.61% to 0.74%) defined in the Benchmarking Report for our Group.
- 2.4 The rate of return would be expected to decrease during the year as investment balances reduce and current deposits are replaced with shorter, lower yielding deposits.
- 2.5 The investment market remains very difficult in terms of actuarial earning levels with much dependent in the near future on achieving a reasonable Brexit agreement which benefits both the UK and the EU. Given this scenario investment returns are likely to remain relatively low for the remainder of the year.

3. Borrowing

- 3.1 The total borrowing for the Council and the Housing Revenue Account (HRA) as at 30 September 2018 was £641.915m, which was within the operational borrowing limit of £850m. This borrowing is made up of £516.915m PWLB loans and £125m market loans.

- 3.2 The Treasury Strategy estimates for the 2018/19 financial year were based on a borrowing requirement of £78.363m. To date this year the Council has taken £5m long term borrowing from the PWLB. The timing of further borrowing will depend on a combination of cash flow requirements to support the capital programme and achieving preferential borrowing rates at the time.
- 3.3 The current forecast for interest payable on borrowing is allocated to the General Fund and the Housing Revenue Account (HRA) as shown in the following table:

	General Fund	HRA
Interest Payable	£12.193m	£13.942m
Average rate of interest	3.66%	4.15%

- 3.4 This represents a gross saving of £1.936m on the original estimate, of which £1.042m is a saving for the General Fund and £0.894m is for the HRA.

4. Summary of Mid-Year Performance

- 4.1 The projected net impact of investment and borrowing activity on the revenue budget in 2018/19 is an underspend of £2.307m, comprising £1.413m General Fund and £0.894m HRA.

General Fund	Estimate £m	Projected Outturn £m	Variance £m
Investments	(1.525)	(1.896)	(0.371)
Borrowing	13.235	12.193	(1.042)
Net Position	11.710	10.297	(1.413)

- 4.2 Investment returns are likely to remain relatively low during 2018/19 and beyond and interest rates are expected to be below long term borrowing rates therefore value for money considerations indicate that best value can be obtained by delaying new external borrowing and by using internal cash balances to finance new capital expenditure in the short term (this is referred to as internal borrowing).
- 4.3 The current approach of borrowing internally provides benefits in terms of reduced credit risk, as the Council has less cash invested than if it had gone to the markets and borrowed externally. This means that cash balances and investment returns, are historically low resulting in reduced levels of income, which is significantly outweighed by the savings achieved from avoiding external borrowing.
- 4.4 Internal borrowing does incur an additional element of interest rate risk on the overall treasury management position, but this is being taken into account and mitigated by the monitoring and review of potential borrowing options and overall market conditions.

TITLE OF REPORT: Annual Fostering and Adoption Services Reports 2017-18

REPORT OF: Caroline O'Neill, Strategic Director, Care, Wellbeing and Learning

Purpose of the Report

1. This report seeks Cabinet approval of the fostering and adoption annual reports.

Background

2. The annual reports illustrate the considerable level of activity across both the Fostering and Adoption services in Gateshead, and to fulfil the requirement for the Council to approve and publish a range of statutory annual reports.

Proposal

3. The annual reports provide information on the activities of the Fostering and Adoption Service for 2017/18. A summary of key issues are outlined below.

4. **Fostering Service Annual Report**

This is the Annual Report for Gateshead Council's Fostering Service covering the following areas for the period 1 April 2017 to 31 March 2018:

- Structure of the Fostering Service
- Payment for Skills
- Current foster carer population within Gateshead Council
- Referrals for fostering placements
- The use of Independent Fostering Agencies
- Recruitment and retention of foster carers
- Business undertaken by the Fostering Panel
- Service development

5. The report highlights the activities and work undertaken within the Service within this period.

6. **Adoption Annual Report**

The Adoption Service Annual Report 2017/2018 outlines the performance of the service during this period, detailing numbers of children adopted and adopters assessed and approved. The report also includes comments from users of the service in relation to the performance of the Service and evidences that the service continues to perform well in relation to key areas such as adoption support, recruitment of adopters for children requiring adoption and the secure placement of children with their new families, with very low levels of disruption. Recruitment of suitable adopters to meet the complex needs of waiting children will remain a priority

as will the continuing provision and development of post adoption support. Ongoing reform including the regionalization of adoption services remains a central Government priority and the service will continue to adapt to meet evolving demands.

Recommendations

7. It is recommended that Cabinet endorses the Annual Fostering and Adoption Services reports for 2017/18.

For the following reasons:

- (i) To ensure that the needs of children, young people and families continue to be met.
- (ii) To ensure most effective use of resources and alignment of programmes.
- (iii) To ensure the Council fulfils its statutory duties.

CONTACT: Jill Little

extension: 3420

APPENDIX 1

Policy Context

1. The annual reports reflect the former Council Plan and Children Gateshead, the plan for children, young people and families in Gateshead.
2. The key priorities for 18/19 will support the Thrive agenda.

Background

3. There is a statutory duty to publish annual reports of the activities of the fostering and adoption services. All such reports are presented here for approval.

Consultation

4. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

5. The Council must produce annual reports for fostering and adoption, therefore there are no alternatives to these reports being presented

Implications of Recommended Option

6. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no financial implications as a result of this report
 - b) **Human Resources Implications** – There are no specific implications arising from this report.
 - c) **Property Implications** - There are no specific implications arising from this report.
7. **Risk Management Implication** - There are no specific implications arising from this report.
8. **Equality and Diversity Implications** - No implications
9. **Crime and Disorder Implications** – No implications
10. **Health Implications** – No implications
11. **Sustainability Implications** - No implications
12. **Human Rights Implications** - No implications
13. **Area and Ward Implications** - No specific implications

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Fostering Annual Report – 2017/18

Introduction

It gives us immense pleasure to introduce Gateshead Council's 2017/18 Fostering Service Annual Report. As Lead Member for Children and Young People in Gateshead and Strategic Director of Care, Wellbeing and Learning we hold the responsibility to ensure that children requiring fostering receive high quality services which will support them. Our Fostering Service and team of foster carers work in partnership to ensure children live in safe, nurturing family homes where they can achieve their potential and enjoy their childhood.

This Annual Report provides a summary of the performance of the Fostering Service during the past year. It also includes analysis and comparative data for 2017/18, highlighting progress made over the past year and identifying potential areas for future development in the year ahead.

The national trend shows that over the next five years between 10 and 15 percent of older foster carers will retire and therefore it is a priority for us to ensure that we recruit enough new carers to replace those retiring but also to continue to increase the overall numbers of fostering households to between 200 and 230.

This year we will focus on:

- Continuing to develop the Staying Put Scheme to allow young people to stay with their foster families, beyond the age of 18, in line with recent legislative changes.
- Undertaking targeted recruitment campaigns to increase the number of foster placements for all ages of children.
- Developing the training and support offered to foster carers who are considering caring for teenagers with complex needs.
- Ensuring the recruitment strategy is robust enough to provide a choice of appropriate placements.
- Ensuring diligent work is undertaken with regards to placement stability.
- Continuing to reduce the use of Independent Fostering Placements.
- Monitoring and evaluating the Fostering Service's activities to ensure that the best performance and outcomes possible are achieved.
- Encouraging staff to attend training to ensure their knowledge and skills are at a level to meet the demands of the service.
- Considering the structure of the team to best utilise staff to meet the needs of the service.

We are extremely proud of the work carried out by the Fostering Service which provides the best possible service and opportunities for our Looked After children in Gateshead. Our thanks are extended to our Fostering Panel, Fostering Service and our Foster Carers for their continued dedication and hard work for providing the best service they can to the children in Gateshead. commitment.

We thank you all for everything you do every day.

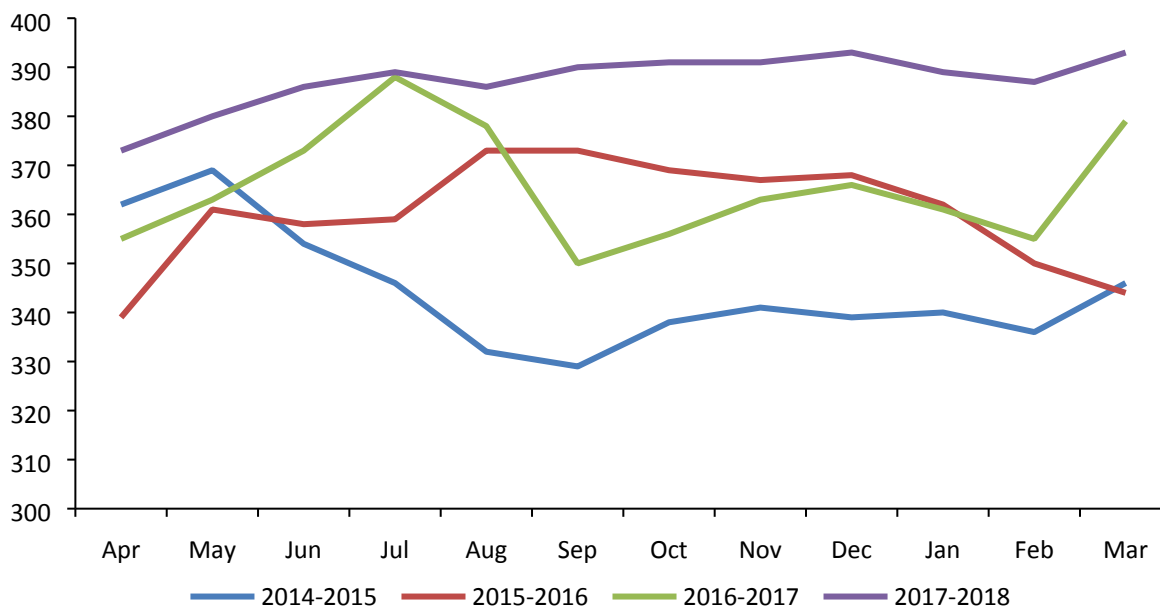
**Councillor Gary Haley
Cabinet Member for Children and Young People**

**Caroline O'Neill
Strategic Director of Care, Wellbeing and Learning**

The Fostering Service

The Fostering Service staff team is made up of 1 Senior Practice Supervisor, 3.5 Practice Supervisors, 13 Experienced Child and Family Workers, an Education Worker who liaises with the REALAC team and schools in the area and a part time Recruitment and Marketing Officer. The team is supported by a Business Support unit with dedicated support to foster carer payments, panel and duty administration.

Number of Looked After Children: April 2014 - March 2018



Over the last year the number of Looked After Children in Gateshead has ranged from 373 to 405 with most of these children being placed with in-house foster carers.

Many of the children leaving care throughout the year are those who are already living with relatives under Fostering Regulations where other legal orders are obtained to secure their permanence with that family i.e. Special Guardianship or Residence Orders. This does not free up any fostering placements within the Service and consequently resources and placements have continued to be limited. This issue of limited placement capacity is not unique to Gateshead as the Fostering Network estimates that there is a shortfall of 8,750 fostering placements across the whole of the U.K.

Payment for Skills

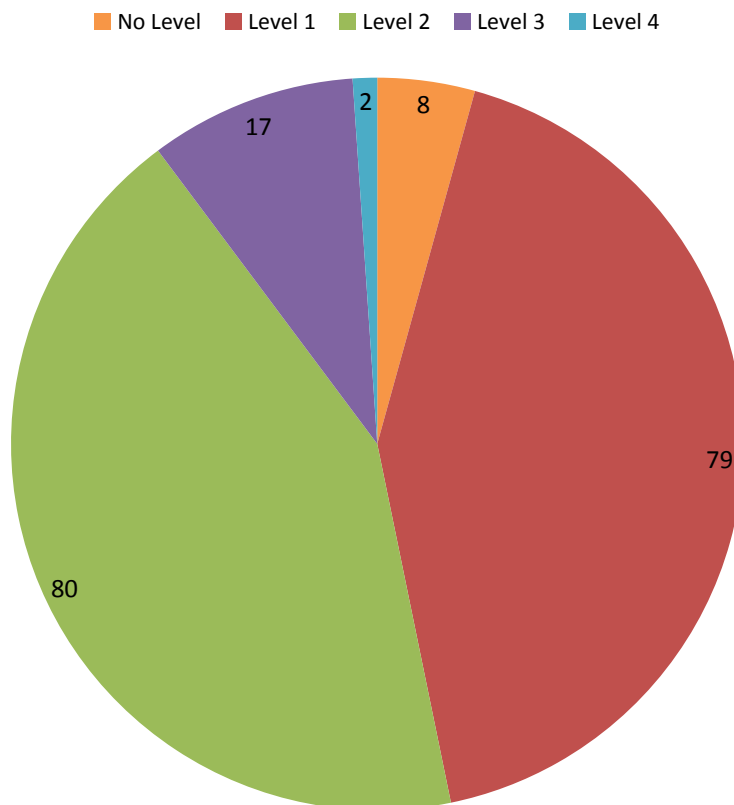
Gateshead Council seeks to continuously improve outcomes for Looked After Children to improve their life chances and opportunities. These outcomes are closely linked to the achievement of placement stability and ensuring that children have placement choice and are subsequently matched and placed with the right carers. These factors were at the heart of the Payment for Skills scheme which was developed to operate through a payment model that clearly defines the expectations and in September 2012 the scheme was approved by Cabinet for implementation within the Service.

There are four payment levels within the scheme structure; Level 1 being the lowest level of payment and Level 4 being the highest. The highest level of payment is based on the areas of greatest skills which are required to undertake the necessary care tasks. The payment levels were implemented for new and existing foster carers during 2013 and most foster carers are now on one of the four levels, linked to their

skills, knowledge and competencies. There is a small number of fostering households, primarily those approved as Connected Person foster carers, who choose not to progress onto Payment for Skills.

This evidence based approach is also being used in the assessment of new foster carers, with the Fostering Panel linking the recommendation of approval of new carers with the Payment for Skills level.

Breakdown of Foster Carers by Payment for Skills Level



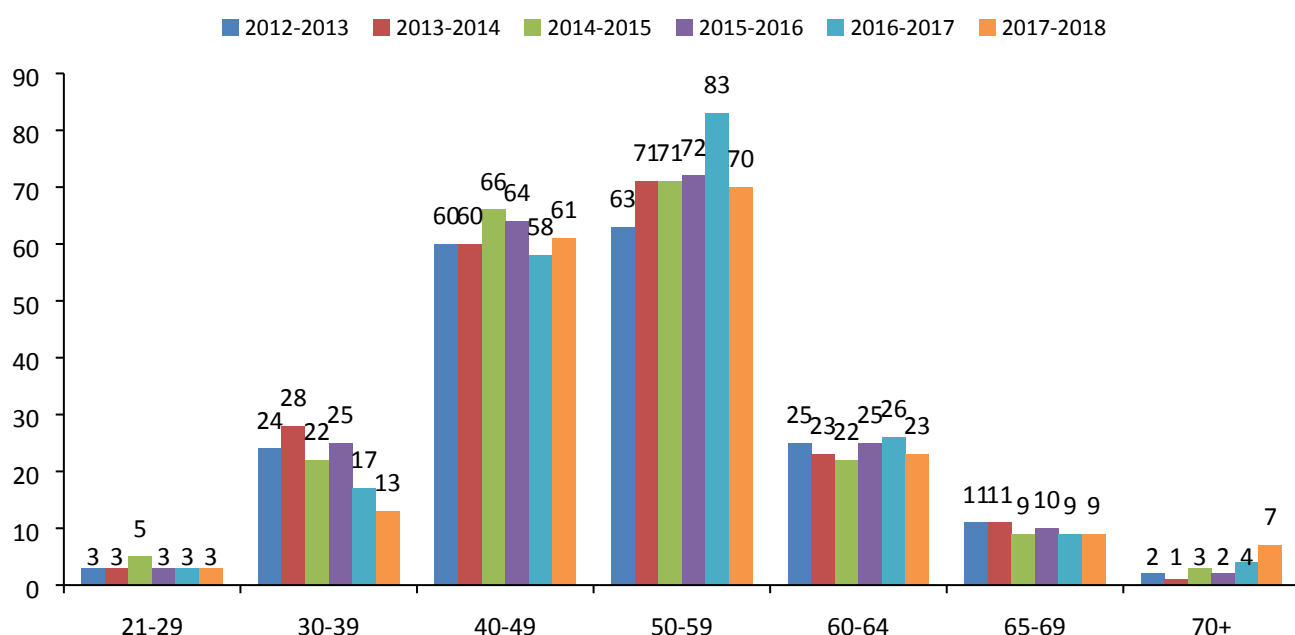
The Foster Carers

At 31st March 2018 there were 186 approved fostering households, a slight decrease on the previous year. During the year ending 31 March 2018, 23 new fostering households were approved at Fostering Panel, with 30 being deregistered. During the year ending 31 March 2017, 23 new fostering households were approved at Fostering Panel, with 30 households being deregistered.

The Fostering Service provides a wide range of resources including short break and emergency, short term, task centred and long term/permanent placements for Looked After Children and Young People. The Service also provides short breaks to families who have a child with a disability through the Home from Home scheme and we also have a growing number of foster carers who are providing placements for extended family members or connected children. Many foster carers can offer more than one type of placement, which increases the flexibility within the Service regarding the types of placements we can offer.

The majority of foster carers within Gateshead come from a White British ethnic background; however, we also have fostering households from the Pakistani and Orthodox Jewish communities. This reflects the shortage of foster carers from ethnic minorities that is experienced nationally. Though a high proportion of children in placement during the year ending March 2018 were White, our carers also provided placements for those from other ethnic groups.

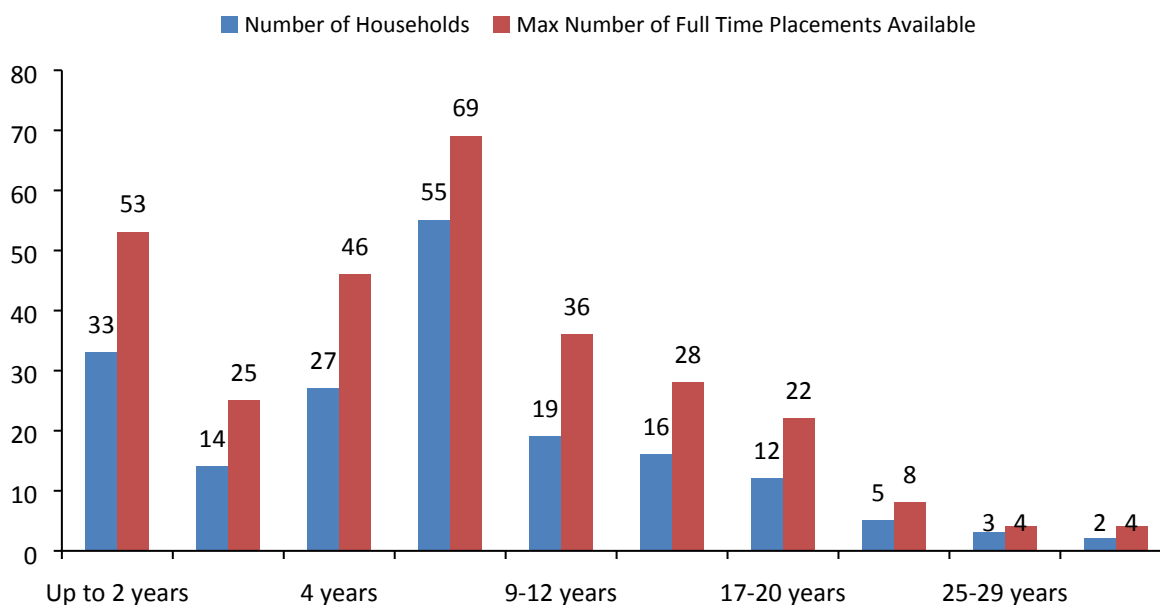
Age of Main Carer in Fostering Household



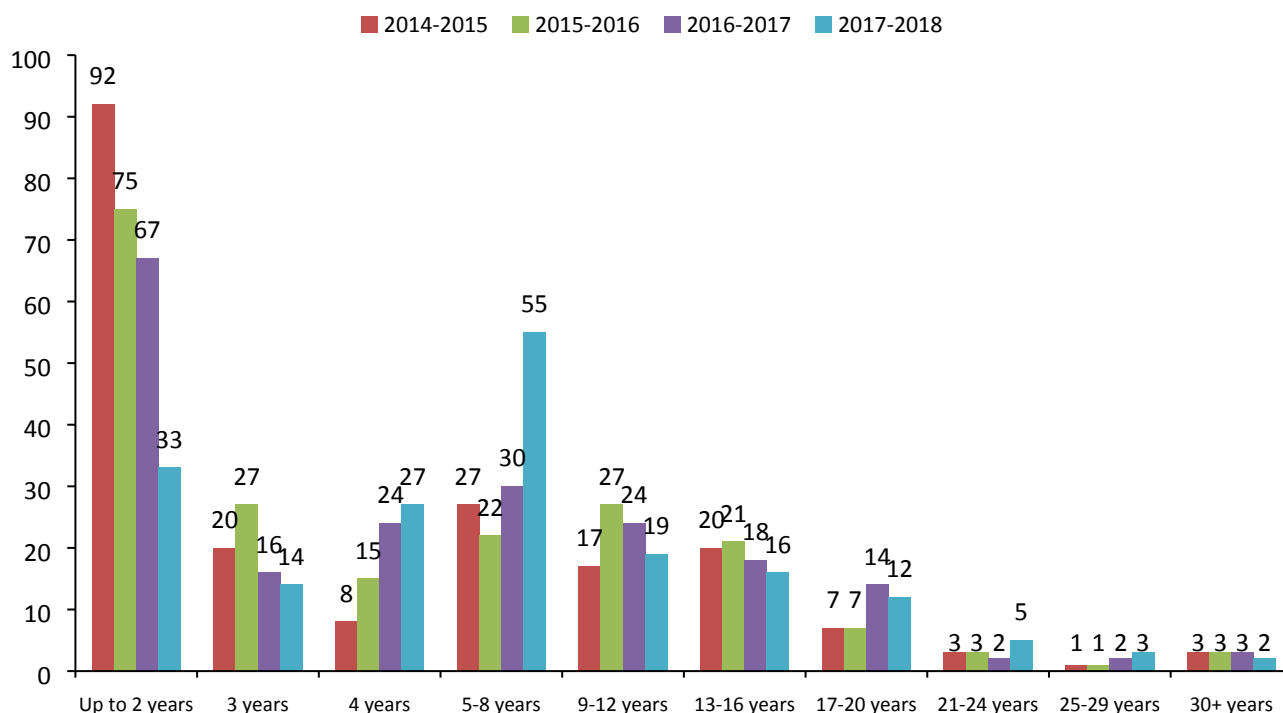
We continue to have a high proportion of older foster carers within the Service, with the average age of a foster carer being 52 years old. 58% (109) of main carers within fostering households are over the age of 50 and currently provide approximately 61% of the potential available full-time placements. This is similar to the figure of 62% reported last year.

The national trend shows that over the next 4 years between 10 - 15% of these older foster carers will retire and therefore it is a priority for us to ensure that we recruit enough new carers not only to replace those retiring but also to continue to increase the overall numbers of fostering households to between 200 and 230. This would provide a significant increase in placement choice and assist in reducing the numbers of children being placed in Independent Fostering Agencies.

Length of Approval and Available Full Time Placements 2017 - 18



Length of Approval: 2014-15, 2015-16, 2016-17 and 2017-18



The Fostering Service has recruited a number of new foster carers in the last 5 years, with 17% (33) of fostering households having 2 years or less service with the Authority. This number also includes Connected Person carers for specific named children. We also have a cohort of very experienced foster carers, with 11% of our fostering households having over 16 years' service. Two households have been fostering for at least 30 years, with one household reaching 41 years in November 2017.

Connected person

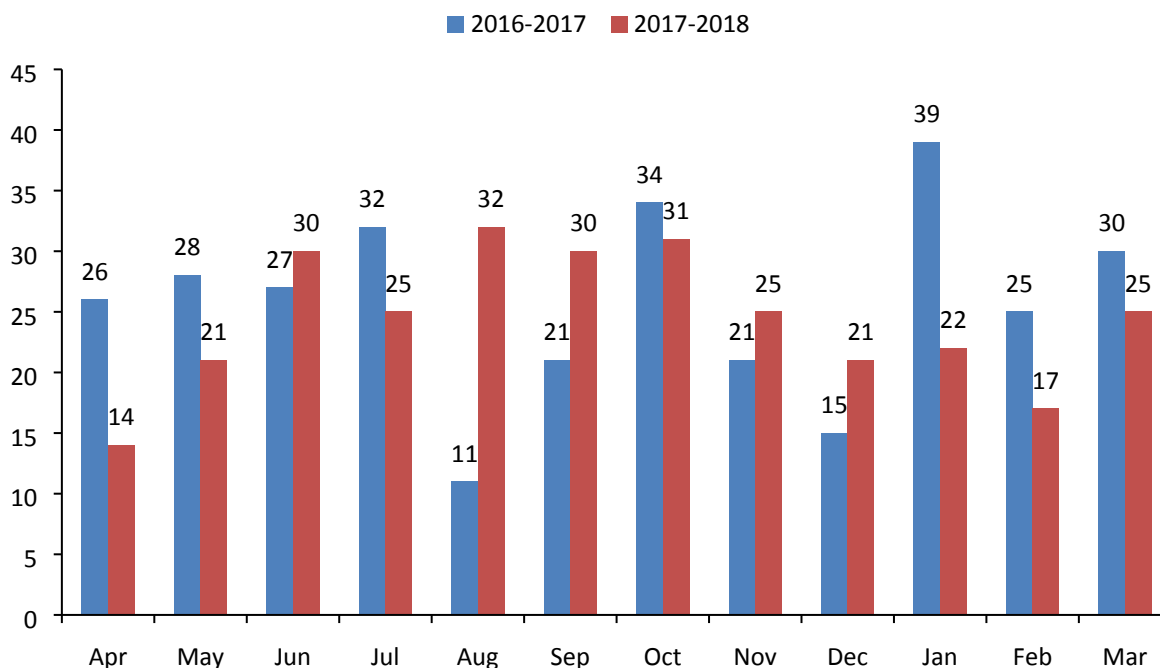
This area of work continues to increase as more children are being placed with family members, and given the tight timescales for assessments panel are monitoring these closely to ensure compliance with the regulations. To ensure compliance with regulations, this work is monitored and regularly reviewed by the practice supervisor of the long-term team. Numbers of current assessments have fluctuated between 12 and 36 and average around the 24. These assessments are also used towards court applications for Special Guardian Ship Orders and Child Arrangement Orders. This demonstrates multi agency working between the Fostering Service and the various social work teams.

The service recognises that these carers are often dealing with complex family situations and have implemented special support groups for connected person carers. We have also developed strong regional links with the national support group Grandparents Plus, with 2 of our connected person carers being regional mentors for this group.

Referrals for Placements

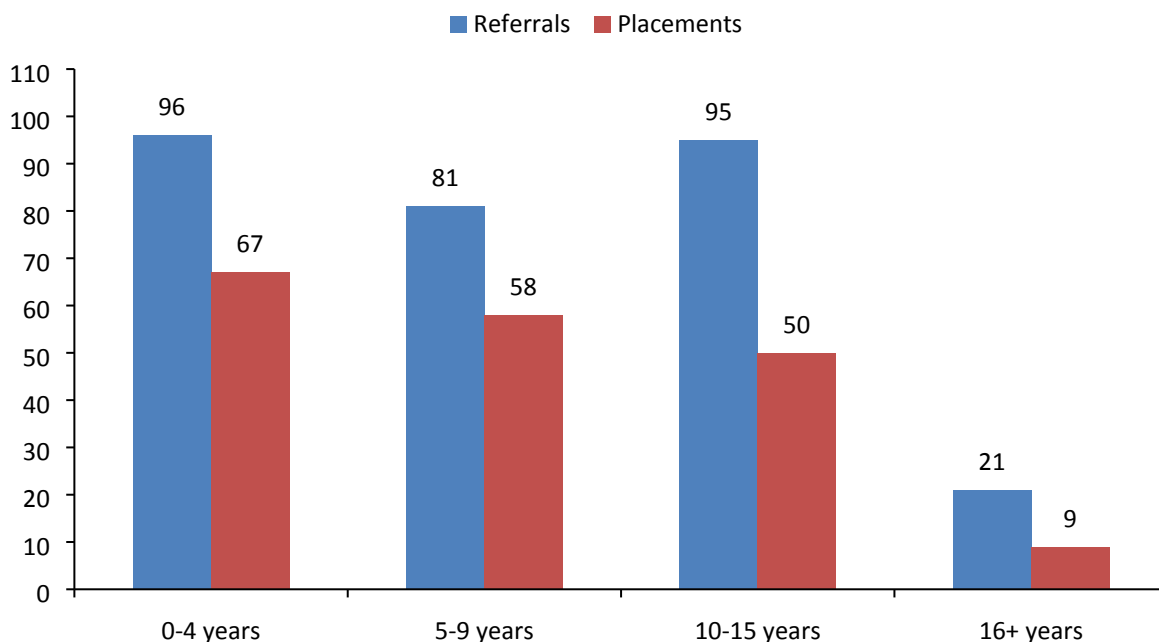
Gateshead's social work teams made 293 referrals to the Fostering Service for placements between 1 April 2017 and 31 March 2018. This is a decrease of 5% on the previous year. Of these referrals, 184 (63%) placements were subsequently made and 109 (37%) were withdrawn by social workers as alternative arrangements were made for the children in question including placements with family or friends.

Number of Referrals for Placements 2016-17 and 2017-18



In contrast to the previous year, the highest numbers of referrals during 2017-18 were received in August, September and October 2017. The highest demands for placements during the year were on the 0-4 and 5-9 years range.

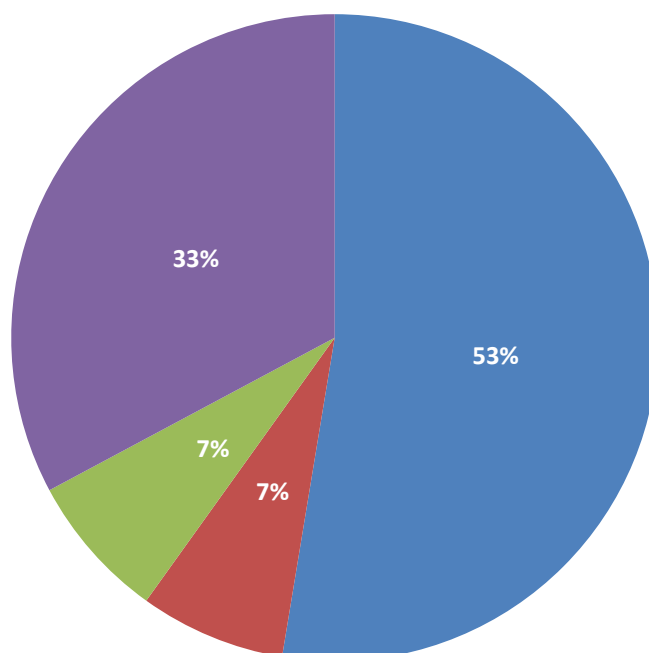
Number of Referrals and Placements Made, by Age Group 2017-2018



The majority of placement referrals from social work teams are for emergency requests where 53% of placements are needed within one working day of the referral being submitted. 14% are needed within 2-5 days and 33% of referrals were needed after six days.

Placement Identification Timescales

■ Same day ■ Next day ■ 3-5 days ■ 6+ days



Over the year 43 sibling groups were referred to the Service for a total of 97 children, a decrease of 15% compared to last year. Of those 43 groups, 29 were placed together. In general requests are primarily to keep siblings together. This is often difficult to achieve given the size of sibling groups referred and has resulted in a number of sibling groups being placed in Independent Fostering placements. However, in the last year the Service has worked on reducing the number of sibling groups having to be split and as a result, there have only been 2 groups placed separately.

Size of Sibling Group	Number Referred and Placed	Number of Groups Placed Together	Number of Groups Split	Total Children
2	24	23	1	48
3	3	2	1	9
4	2	2	0	8

Independent Fostering Placements

Occasionally, due to the type of placements requested and the availability of our own foster carers we are unable to place children in house. In this event the Service commissions placements through external independent fostering agencies, which are more expensive than placing a child with our own foster carers.

All Independent Fostering placements are approved and monitored by the regular External Placements Panel which is chaired by Elaine Devaney, Service Director – Social Work. Every effort is made to keep the use of these placements to a minimum, and to return children to our own foster placements as soon as possible. However, if there are ongoing care proceedings the Service is often directed by Court to leave the children in their placements until these proceedings are concluded.

As of 31st March 2018, Gateshead had 18 Independent Fostering Placements for children between 6-17 years. Of the 18 placements commissioned during the last financial year, the majority placements were needed for teenagers aged 14 years and older with complex and challenging behaviour where there were no in house foster carers with the necessary skills or space to accommodate them.

Several sibling groups were also placed in Independent placements where the requirement from social workers was to keep the children together and it was not possible to do this within the Service.

To the period 1 April to 31 March 2018 Independent placements ended for a total of 13 children which helped the Service's aim of reducing Independent placements.

Recruitment

The marketing plan for 2017/2018 focussed on providing a presence across a wide range of media channels with the aim of promoting fostering to those living within the Gateshead area and surrounding 20-mile radius.

Promotional activities were mainly generic, but focussed specifically on fostering to reach out to as many potential foster carers as possible throughout the year. The key messaging throughout the year was focussed around the following two core messages:

- Is caring for sisters' worth it? Absolutely...
- Is caring for a teenager worth it? Absolutely...

With both adverts giving the same message that Fostering is caring for life...fostering is a career for life. These messages were consistently applied across all advertising formats.

Promotional Activity

Promotional activity throughout the year has been ongoing and included the use of wider Council resources to target all Gateshead residents. The following outlines the main activity undertaken throughout the year.

Gateshead Council activity:

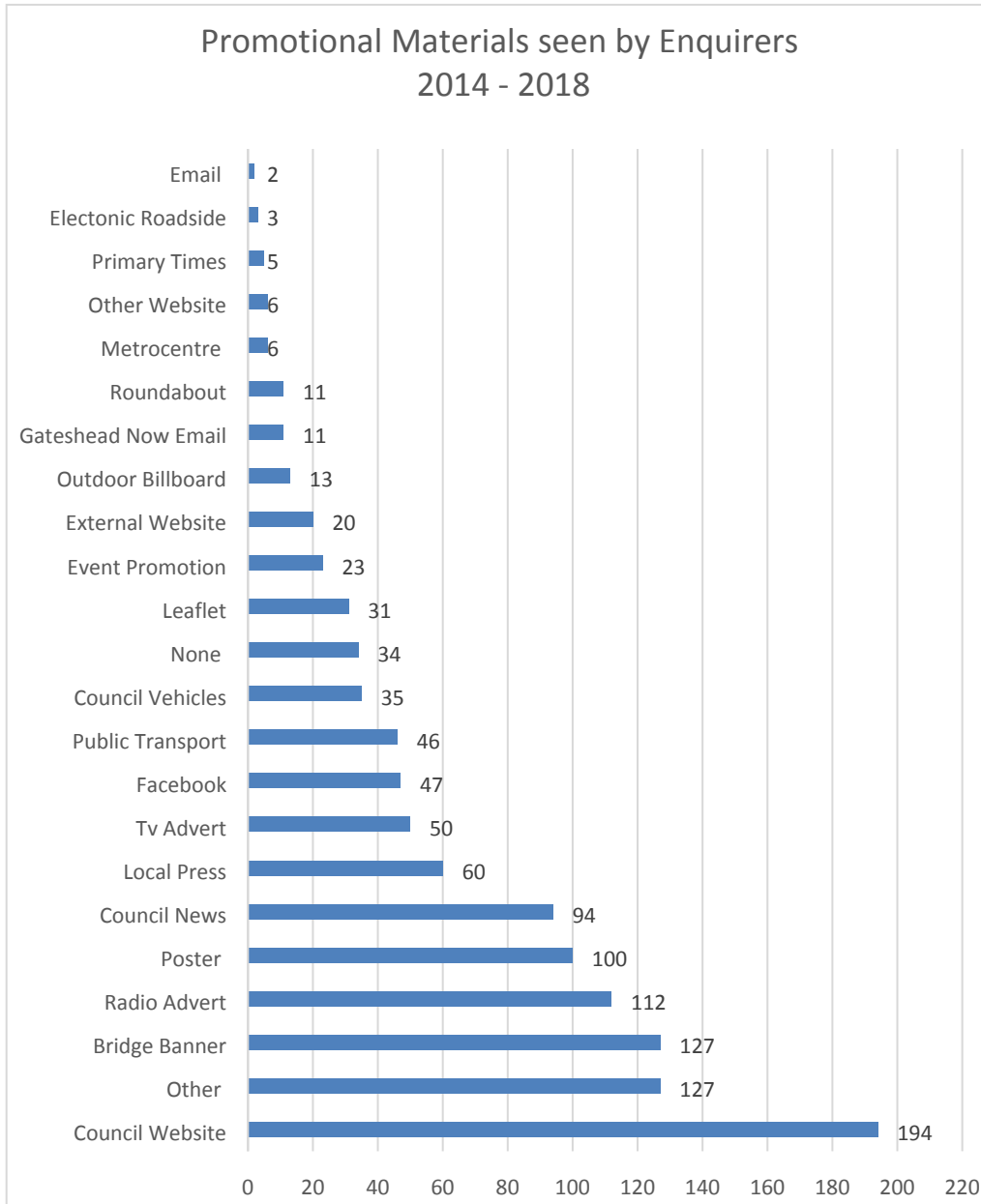
- Up to date information on the website
- Regular use of council TV screens in the Civic Centre and leisure facilities
- Regular adverts and features in Council News and Council Info
- Civic centre railing banners
- Banners in the civic centre foyer
- Gateshead Now – direct email to Gateshead residents
- Promotional stand during foster care fortnight in Gateshead Civic Centre

Other external activity:

This focussed on promoting fostering throughout the local region using radio, public transport, outdoor large format poster/digital sites, social media, poster/business card circulation to the local community and businesses.

So which channels are working for us?

The graph below shows the channels that our enquirers have said they have seen. This information details the responses collected between April 2014 and March 2018 and therefore captures advertising channels used during that period.



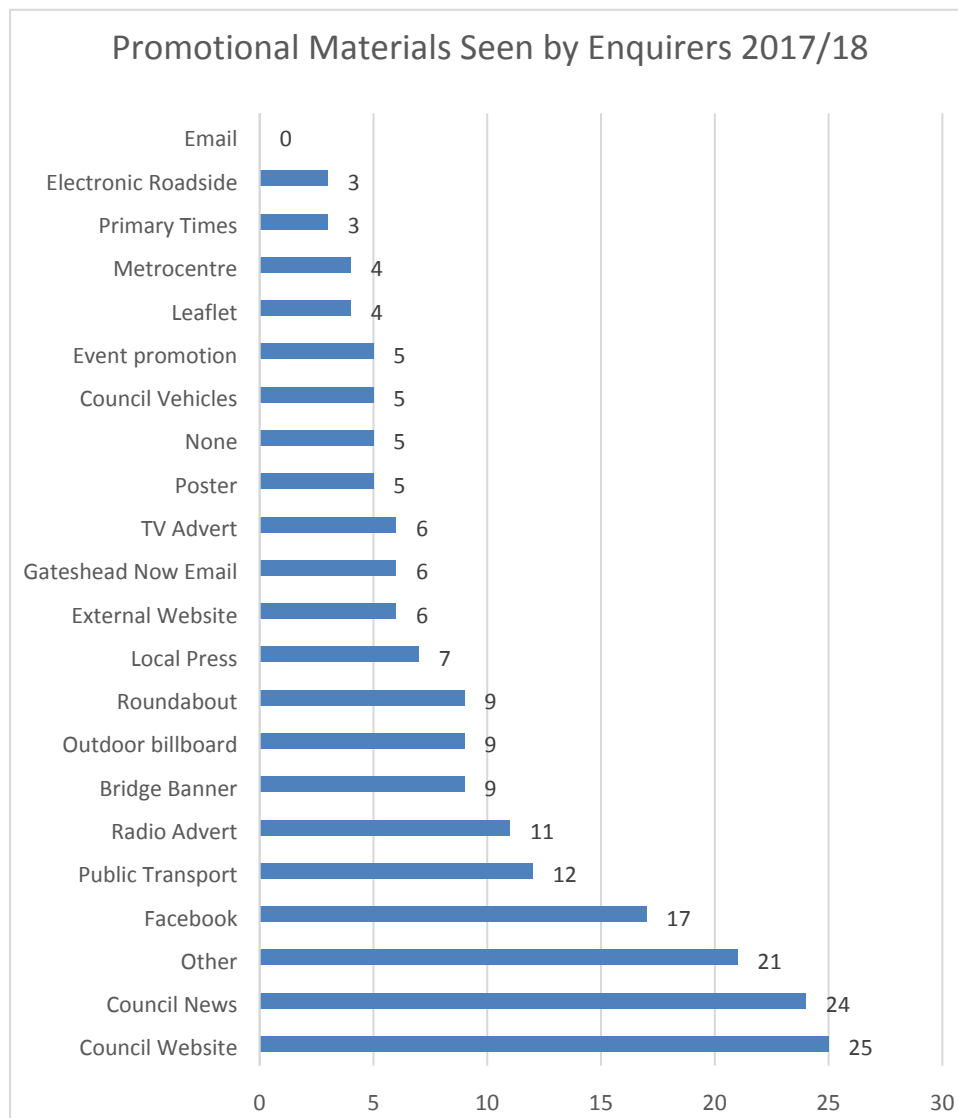
The top six channels cited overall are:

- Council Website
- Bridge Banner
- Radio Advert
- Poster
- Council News

- Local Press

Important note – Bridge banner display is no longer an option available to us as this ceased to be permitted from January 2017.

The graph below highlights which promotional materials have been seen by prospective foster carers between April 2017 and March 2018 and therefore captures advertising channels used during that period.



The top six channels sited in this specific this year are:

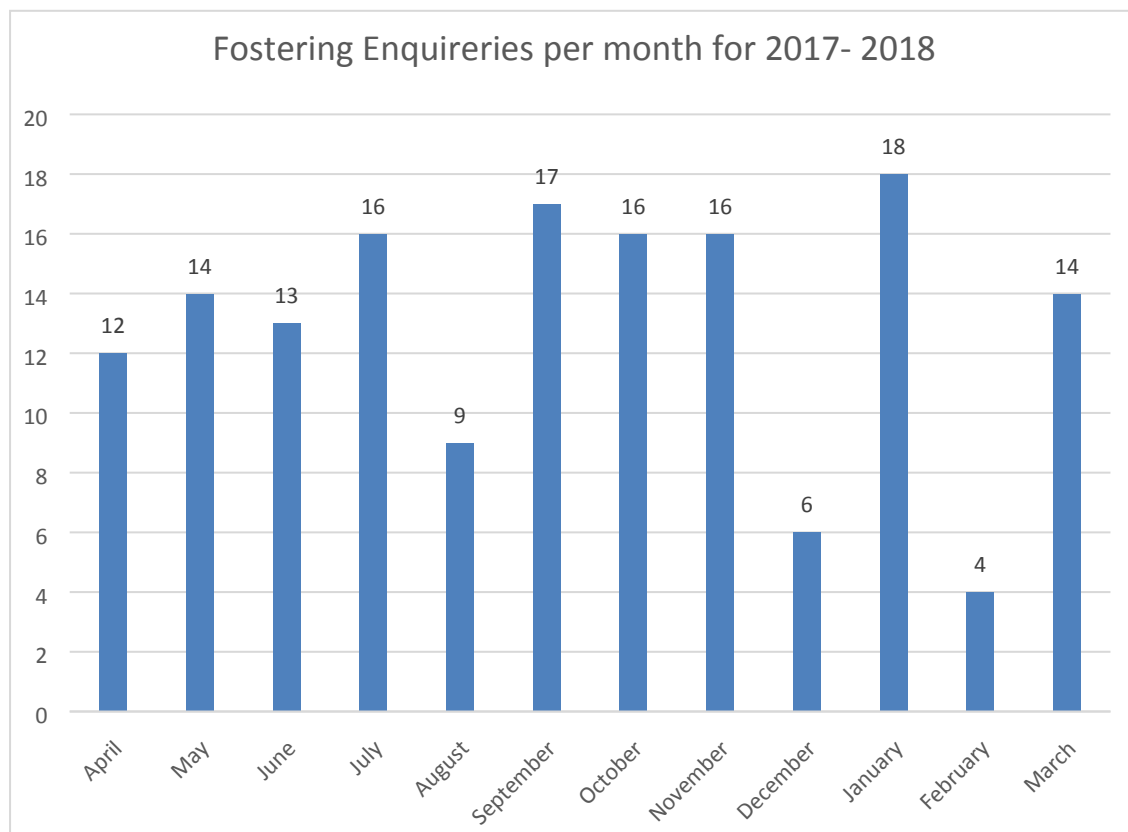
- Council Website
- Council News
- Facebook
- Public Transport
- Radio
- Bridge Banner/Outdoor Billboard/Roundabout Advertising

So, what does this tell us?

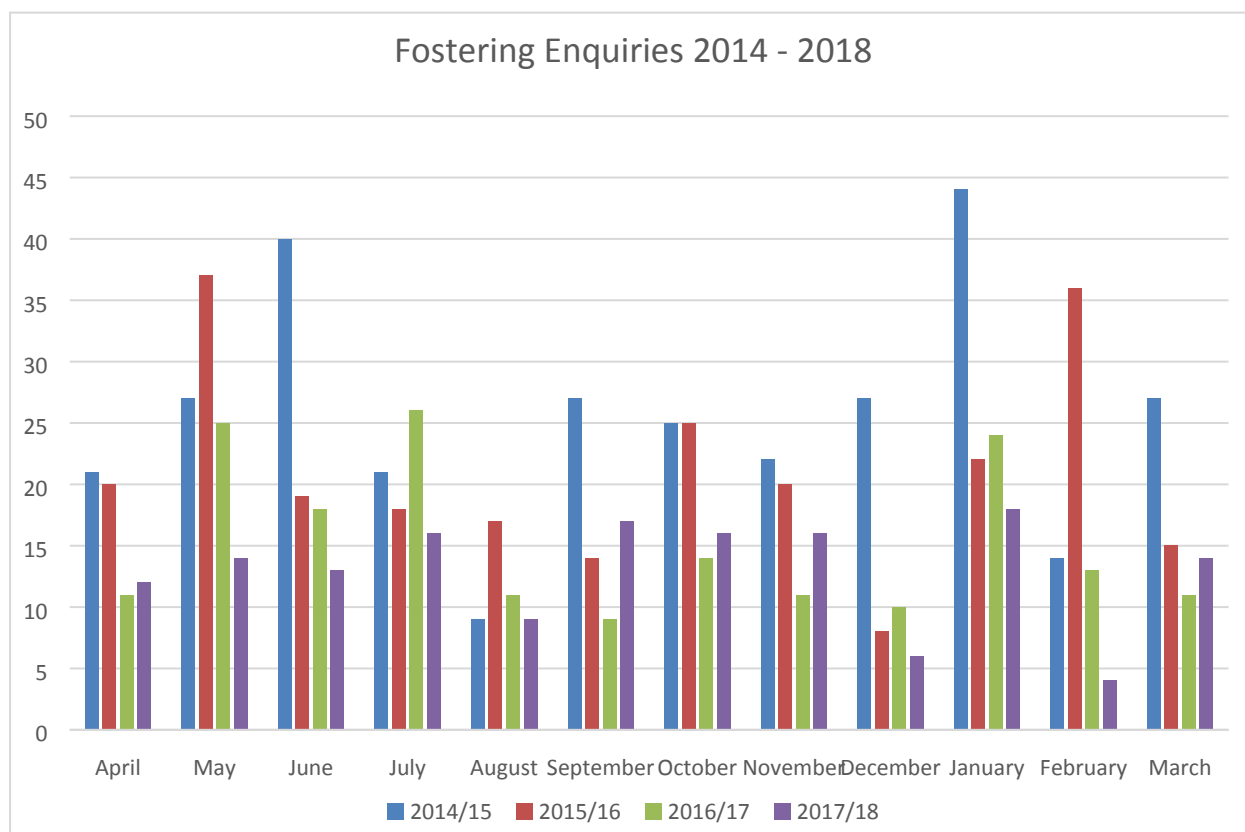
The service is making increased use of digital channels and we are starting to see an increase in enquiries via these channels. Enquirers are consistently using the website to find their information and the residents magazine is also consistently performs well and should continue to be used in a creative way. Other “paid for advertising fluctuates” in terms of effectiveness so this will be reviewed. This information will be analysed further to inform the marketing strategy for 2017/18 and beyond.

Enquiries

In the year to 31 March 2018 the service received a total of **155** enquiries, a decrease in 15% on the previous year, but not as high as the previous decrease. Going forward however, enquiry levels still need to increase further as this will ultimately lead to more foster carers joining Gateshead Council, thus enabling us to have more placements for children who need them. A more robust and specific approach to recruitment will aim to deliver an increase in enquiries.



The graph below shows the level of enquiries over the last four years.



Conversion Rate

The Local Authority Fostering Service benchmark for 2015 showed that nationally 11% of enquiries proceed to approved carers.

The conversion rate for the service during 2017/18 has remained steady at 14.8% (based on the number of approvals this year compared to the number of enquiries received).

The next steps

The recruitment strategy will be reviewed with input from Corporate Communications to ensure it is robust enough to deliver its objectives. The marketing plan will then be developed outlining how we will achieve the objectives.

Our priority will be to increase the number of foster placements for all children. A plan will have developed for the year to utilise the “free of charge” marketing tools as well as deliver “paid for” campaigns to ensure that the Gateshead Council’s Fostering Service receives our fair share of the market.

We are hoping to embrace the Fostering Network's findings from their report "Why Foster Care – The values and motivations profile of newly approved foster carers" - published in 2015, which identified the following key findings which can help us to understand the current thinking of newly approved adopters.

- 81% of newly approved foster carers share a common set of "Pioneer" values.
- At a time when the proportion of the UK population with Pioneer values is decreasing, the opposite is true of the foster carer cohort.
- Support available and peer recommendations are two of the primary motivators for selecting a fostering service.
- 41% of assessments are taking longer than eight months.

This research is up to date and therefore extremely important in helping us to achieve our objectives.

Retention

Retention of existing foster carers continues to be a high priority for the Fostering Service and foster carers are provided with extensive support and training.

Each fostering household is reviewed on an annual basis, chaired by an Independent Reviewing Officer (IRO). This process uses feedback from the foster carers, children in placement and children within the fostering family, as well as the carers' supervising social worker and social workers for children who are and who have been placed with the foster carers. This feedback is valued by the service and is used to develop and improve service delivery.

Retention of our current foster carers is pivotal in ensuring that we maintain our numbers of in-house foster carers. This will ultimately aid the service in respect of placement choice which then leads to greater placement stability for looked after children. This work is managed and overseen by the Practice Supervisor of the short-term team who will meet with foster carers who indicate that they no longer wish to foster. Exit interviews with foster carers who resign will also be undertaken to establish what the service could do to reduce the number of foster carers leaving.

Training

The service continues to develop the training offered to all approved foster carers. These include specialist subjects such as Attachment, Child Protection Awareness, Equality and Diversity, Emergency First Aid, Level 1 Food Hygiene, Life Story Work, Promoting Positive Behaviour, Recording Skills and Safer Caring Training. Full time foster carers are expected to complete these courses within the first 12 months of their approval, and Home from Home and respite carers are given 18 months to complete these. Foster carers are also encouraged to attend further training through their fostering career. These courses, as well as any refresher training they require, are identified through discussions with their supervising social worker and forms their professional development plan. This is also linked to the payment for skills criteria and levels.

Following feedback from approved foster carers the service has begun to deliver four of the mandatory training courses for people currently in the assessment process and there is an expectation of any prospective foster carer that they will have completed all four courses by the time their assessment is presented to Fostering Panel.

All foster carers under the Fostering regulations must complete their Training, Support and Development (TSD) Standards for Foster Carers within 12 months of approval. Preparation training and regular workshops are provided for foster carers to help them with the information they need to be able to

complete their portfolio, along with giving them practical hints and tips on gathering evidence and information.

The service also requires all foster carers on Payment for Skills level 2 or above to complete their Level 3 Diploma for the Children and Young People's Workforce. 5

All the carers who completed their TSD or Diploma were presented with certificates for their achievements at the Foster Carer Awards Ceremony.

The training offered and taken up by Gateshead's carers is monitored and evaluated to ensure we are providing our carers with the skills and knowledge they need to support young people and help them achieve the best possible outcomes.

Support Groups

Regular support groups for foster carers have continued to take place covering a wide range of relevant topics including Early Years, Advocacy, Sexual Exploitation, Long Term Training and Delegated Authority, with speakers regularly invited to attend. They have proven to be very successful with positive feedback from both foster carers and invited speakers.

A consultation with foster carers takes place annually to help develop the support groups and to find out what carers would like from future support groups. This information has been used by the service to shape the format and frequency of the groups. Non-attendance at support groups is also monitored by the service with foster carers being regularly reminded by their supervising social workers of the importance of attendance to their professional development along with the expectations of the Payment for Skills model.

Email updates

Regular emails to carers about the Service and its recruitment activity have continued throughout the year as well as updates via the Facebook page.

Christmas Party and Summer Family Fun Day

A fantastic Family Fun Day took place in July at Cardinal Hume School. Children could take part in a range of activities including face painting, bouncy castles, dancing, sport, craft and there was the opportunity to see a range of insects and small reptiles with the 'Bug Man' and be entranced by a magician!

This year there were also sessions in drumming, cheerleading, spray painting and jewellery making. Feedback from the carers and young people in attendance continued to be very positive and they welcome the opportunity to spend "quality time" with their families and fellow foster families, as well as colleagues from across the service.

Children enjoyed a visit from Santa at the annual Christmas Party, and carers met for a Christmas coffee morning, complete with mince pies and Christmas raffle. We also held a coffee morning for Foster Care Fortnight to acknowledge the excellent work foster carers do.

Foster Carer Awards Ceremony 2018 – Foster 4 Life

The annual Foster Carer Awards were held on 24 April 2018, at the Lancastrian Suite in Gateshead, recognising the dedication and hard work of all the Council's foster carers. In Gateshead there are 395 children placed in short term and long-term foster placements, including those placed with relative and friend foster carers.

The theme of our annual event, which sees the Council acknowledge the fantastic job our foster carers do looking after the children in their care, was "VIP". The "VIP" theme was chosen to demonstrate to our foster carers how important they are to Gateshead Council and more importantly to the children in their care.

Caroline O'Neill, Strategic Director - Care, Wellbeing & Learning was warmly welcomed, for the first time, to this event. Caroline explained what a privilege it was to spend an evening with so many foster families and hear about the work of the fostering service and, moreover, the achievements of Gateshead Council's Foster Carers.

Councillor Gary Haley formally opened the event introducing the theme for the evening and thanking foster carers for the invaluable work they do.

The evening saw the acknowledgement of the following:

- 17 sets of new foster carers welcomed to the service,
- 6 sets of foster carers achieving their certificates for Department of Education, Training, Support & Development Standards,
- 11 foster carers achieving a Bridging Unit, Level 2 or Level 3 Diploma for the Children and Young People's workforce, and
- Long Service awards were presented to 24 sets of foster carers for achieving their 5, 10 and 15-year anniversaries.

In addition to these achievements we presented three categories of awards that were nominated by colleagues and other professionals and a set of awards nominated by our looked after children.

These awards were:

- **Extra Mile Award** – Acknowledges foster carers who regularly go above and beyond what is expected of them in delivering an exceptional standard of care. Eight sets of carers received awards in this category. Some of the nominations were for the following:
 - Providing stability to three children via a long-term placement arrangement.
 - Ensuring adoption introductions went smoothly.
 - Managing three complex placements and being excellent advocates.
 - Showing resilience and commitment to young people.
 - Never losing focus of the child's needs whilst facing own health issues.
 - Always putting the best interests of the young person first.
- **Unsung Hero Award** – For foster carers who epitomise dedication and drive and always deliver on their promises in an unassuming way. Nineteen sets of carers received awards in this category. Some of the nominations were for the following:
 - Exceptional support to the training programme.
 - Being respected in the local community as a foster carer and for being a brilliant role model.

- Providing respite care to two children in addition to their two long term placements.
 - Providing exceptional mother and baby placements.
 - Displaying an amazing insight into the needs of children.
- **Outstanding Newcomer of the Year Award** – For foster cares who have joined the organisation since 1 April 2016, who show real drive, exceptional performance, enthusiasm and motivation. Five sets of carers awards in this category. The nominations were for:
 - Accepting placements outside their age range and providing excellent care to children with very complex needs.
 - Providing a long-term placement, rather than their preference for short term, and establishing a wonderful relationship with the children.
 - Showing significant insight into the needs of Looked After Children as well as being extremely flexible.
 - Providing a supportive, child centred placement for a young person whilst demonstrating their confidence, motivation and passion for their role.
 - Accepting a sibling placement within two weeks of approval and working hard to enable the children to meet their developmental milestones.
 - **Most Amazing Carer** – Nominated by our Looked After Children. Seven sets of carers received awards in this category.

The event was inspiring for all who attended and the following quotes from children in foster care demonstrate the real difference foster carers in Gateshead make to the children in our care.

- *“They are always kind to us and when the dark times strike and we say they give us hope and make us happy. When we’re all happy it brings joy to my heart. They are my light at the end of the tunnel. Together we can make anything happen.”*
- *“My carers are amazing because through everything they have for themselves they always seem to put us as foster children first. They have stuck by us and helped us through the tough times and got us to where we are. Through the four years that I have been here I don’t think that I would have been able to have a life the way I have.”*
- *“You are amazing because you are very supportive. They helped me get the correct support in school which helped me pass my exams. They have done everything for me for the past 7 years and I couldn’t ask for anyone better. They helped me boost my confidence up and joined me in cadets and I am really happy that they did because I’ve been there for nearly 4 years and I want to join the navy when I finish my course at Newcastle College.”*

Fostering Panel

In broad terms the role of the Fostering Panel provides an independent perspective on the business of the Fostering Service, informed by a range of expertise to monitor and quality assure social work practice in the best interests of children and young people in foster care. It provides recommendations to the Agency Decision Maker that accurately reflects the facts of the cases presented.

Service Director Elaine Devaney was appointed as Agency Decision Maker in 2016.

There is a need for Fostering Services to maintain a Central List of panel members consisting of a multidisciplinary membership of experienced professionals. No business can be conducted by panel unless at least the following people are present:

- The Chair or one of the Vice-Chairs
- One member who is a social worker (who may or may not be employed by the Fostering Service) with at least 3 years relevant post-qualifying experience
- Three other members from the Central List
- At least one member of the panel must be independent (this can be the Chair or Vice-Chair) – Regulation 24 (1)

The UK National Standards for Foster Care 2011 (14.8) recommends that:

“...the number, skills, knowledge and experience of persons on the central list are sufficient to enable the fostering service to constitute panels that are equipped to make competent recommendations to the fostering service provider, taking into account the nature of the children and carers that the service caters for”

Gateshead’s fostering service continues to operate 2 panels per month, with membership being made up from the central list. Each panel has a consistent membership and is chaired by the same panel chair to ensure consistency and continuity when dealing with all panel business.

All panel members have an annual panel review, where they are consulted about their views, discuss how they are developing their role on panel, identify any areas of development and make suggestions on how panel can be improved. The review is carried out by Kim Leighton – panel chair and the Senior Practice Supervisor who acts as agency advisor at panel.

All new Panel members are given induction training, which is held over a half day and covers Panel’s statutory function and business as well as the expectations of Panel members. This ensures people are fully aware of the legislation relating to panel, the function and running of panel and the expectations on panel members. People who have attended this training have given positive feedback and feel that it has helped them in their role as a panel member

Training is also provided to all Panel members on a bi-annual basis. This year, the training has primarily focused on the implementation of the new Regulations, the Form F assessment process and analysis, Foster Carer Review paperwork and the long-term matching process.

The panel met nineteen times during the year to meet the increasing needs of the service.

Activity	2017-18
Form F assessments	13
Connected person	10
De-registrations of foster carers	20
De-registrations of connected persons	10

Foster carer reviews	46
Matching children and carers	16
Non-progression of Form F assessments	0
Extension to Regulation 24 - 16-week temporary approval period	27

Number of placements

The Service has acquired 13 new sets of non-connected person foster carers who can potentially offer up to 28 full time placements, if siblings can share a room. Panel have been flexible with their approval categories in relation to the age range and have tried to approve people up to the age of 18 if they agree with this. They have recommended preferences in relation to the age range rather than being specific, which ensures carers do not need to come back to panel if they take a slightly older or younger child than their preference. In addition, 10 new sets of connected persons foster carers were approved throughout the year, for a total of 15 children.

De-registrations

The 'Local Authority Fostering Services in England performance benchmark report 2013/14' shows that nationally 12% of foster carers left their service. In Gateshead 30 sets of foster carers were de-registered at panel, equating to 15%. The figure is slightly higher than the national average but, as we can see from the table below, there is a higher level of retiring carers which has contributed to this higher rate the number of de-registrations in Gateshead has remained at a similar level to the last financial year.

REASON	NUMBER
Resignation	7
Retirement	10
Change of personal circumstances e.g. return to work, new partner	1
Allegations/concerns	1
Child Arrangement Order or Special Guardianship Order for carer	4
Connected person – rehabilitation home	6
Impact on Family/Unable to manage fostering task	1

Panel Feedback Forms

The agency has implemented feedback forms for everyone attending panel. This includes all social workers, prospective foster carers and approved foster carers. This feedback is monitored by the Fostering Team Manager and used to improve panel. The feedback forms have largely identified that

people attending panel have a positive experience, they feel that they are made to feel welcome and the questions they are asked are relevant.

Service Development

In addition to working to implement any proposed new governmental reforms to fostering practice, the key areas for development within the Fostering service are:

- Increase the number of Care Leavers Staying Put with their foster carers as this improves their outcomes and gives them support from a family that knows them.
- Promote placement choice and stability by undertaking targeted recruitment campaigns to increase the number of foster placements for all ages of children as identified in the sufficiency strategy.
- Promote placement stability by developing and implementing further training and support offered to foster carers who are considering caring for teenagers with complex needs.
- Provide tailored placements for children with complex needs by targeted recruitment, specialist training for foster carers, bespoke support packages and reviewing the payments for carers who take the most challenging and complex placements.
- Promote children being placed in or close to Gateshead by recruiting in house fostering provision and working with external provision to manage demand.
- Ensure there are robust quality assurance mechanisms in place that monitor timescales for assessments, permanence planning, quality of work, children's voices and placement stability.
- Ensure the service can meet service delivery in the most effective way by reviewing the structure and the service delivery model.
- Strengthen the management and coordination of the child's journey by developing fostering and residential provision through a placement team.

Adoption Service Annual Report

April 2017 – March 2018

Introduction

It gives us immense pleasure to introduce Gateshead Council's 2017/18 Adoption Service Annual Report. As Cabinet Member for Children and Young People in Gateshead and Strategic Director of Care, Wellbeing and Learning we hold the responsibility to ensure that children requiring adoption receive good quality services which will support them. Achieving positive outcomes for children and the provision of effective support for all those affected by adoption is a crucial component of the work of the Adoption Service and fits well within the strategic vision for Gateshead, Vision 2030, which sets out targets for the improvement of the lives of Gateshead residents.

This Annual Report provides a summary of the performance of the Adoption Service during the past year. It also includes analysis and comparative data for 2017/18, highlighting progress made over the past year and identifying potential areas for future development in the year ahead.

The Service continues to operate against a backdrop where major structural and procedural reform is being proposed. One of the key challenges for the Service in the forthcoming year will be to ensure the continuing provision of effective services for adoptive families and children requiring adoption, whilst also managing the impact of significant changes for both the Service and its staff.

The Adoption Team has always been committed to doing its best to secure positive outcomes for children and young people and for a small percentage of children, the most effective way to achieve this will be through the provision of new permanent families.

This year we will focus on:

- Building on our recruitment approach to attract potential adopters from within a 50-mile radius of Gateshead and increasing enquiries.
- Exploring opportunities for continued collaborative working with other local authorities and voluntary adoption agencies in order to maximise placement choices for children.
- Meeting the increasing demand for post adoption support as children with more complex needs continue to be placed for adoption. We will continue to make effective use of the Adoption Support Fund for adopted children and for previously Looked After Children who are placed with Special Guardians.
- Continuing exploration and development of “fostering to adopt” opportunities to reduce delay for children.
- Continuing to manage the changes and the requirements of the Adoption Reform Agenda which requires local authorities to move to a system whereby adoption services are delivered on a regional basis by 2020. The development of the Regional Adoption Agency (Adopt North East) is scheduled to “go live” in December 2018.
- Mentoring our performance and systems to effectively analyse outcomes and identify potential areas for future service development.

We are extremely proud of the work carried out by the Adoption Service and would like to thank them, our Adoption Panel, Adoptive families as well as staff from within the council and other organisations for their continued dedication and hard work in making adoption a positive outcome for many children in Gateshead.

We thank you for everything you do ...every day.

**Councillor Gary Haley
Cabinet Member for Children and Young People**

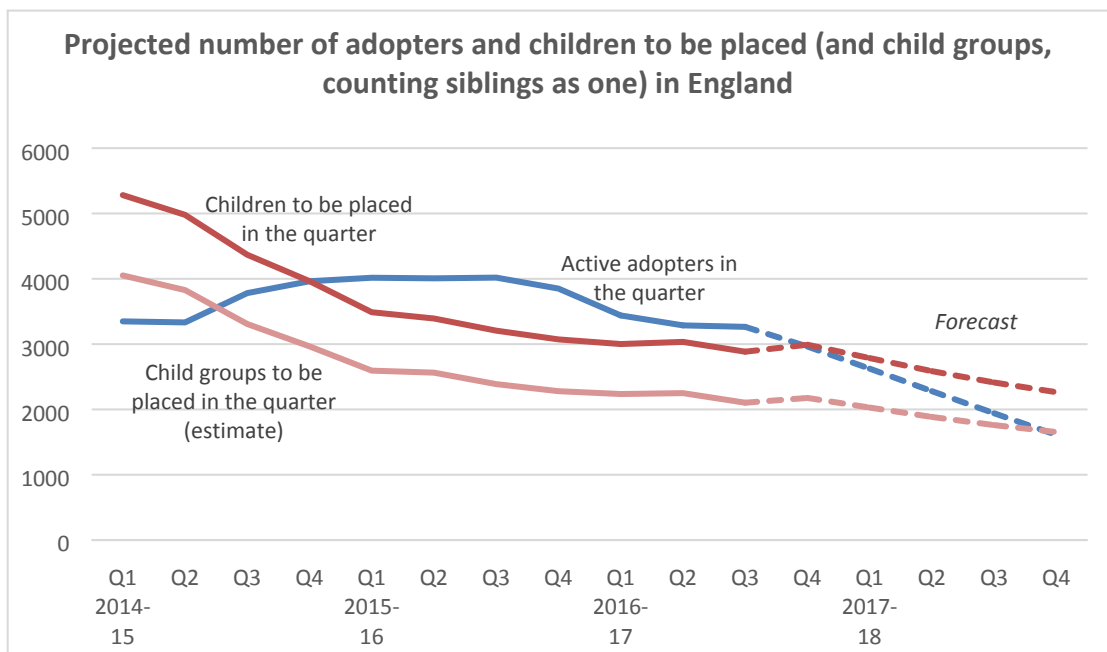
**Caroline O'Neill
Strategic Director of Care, Wellbeing and Learning**

Background

In April 2018 the National Adoption Leadership Board (ALB) published data gathered from local authority adoption agencies in England. The purpose of this research is to identify current trends in adoption and to provide estimates as to the future numbers of children likely to require adoptive placements and the number of adoptive families potentially available to meet that need.

The number of looked after children who were adopted in 2017 decreased, continuing a decline we saw last year from a peak 5,360 in 2015. This fall was expected as since 2015 the number of looked after children with a placement order has decreased, as has the number of looked after children who were placed for adoption.

4,350 looked after children were adopted in 2017, down 8% on 2016 and down 19% of the peak of 5,360 in 2015. This fall follows a period of increasing numbers of looked after children being adopted since 2011.



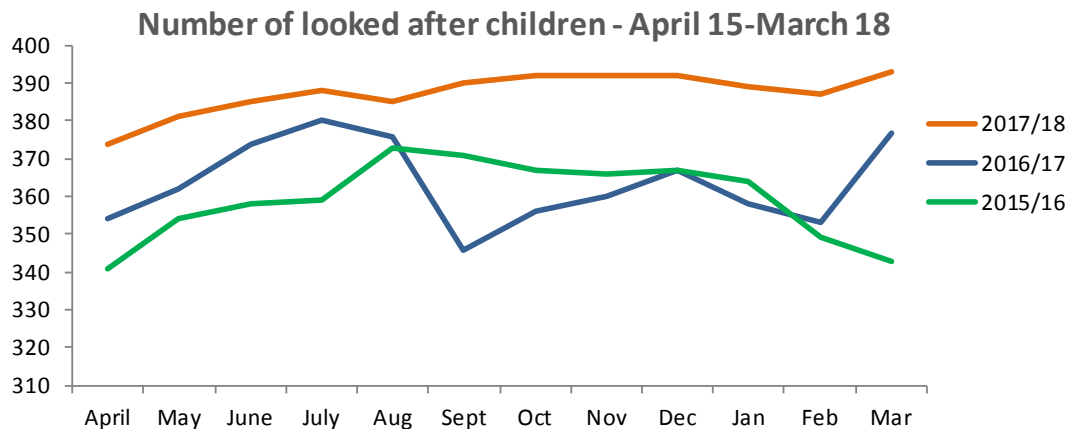
In reality only, a proportion of the 1654 children identified in the table above as “waiting” to be placed are actually waiting, as this overall figure includes children who have been matched to adoptive families and not yet placed, together with children who have previously been identified as requiring adoption but where the plan has subsequently changed.

Whilst a “surplus” of adopters might look like sufficiency, the numbers of adopters coming forward is also falling and consideration also needs to be given to the fact that collectively the families waiting may not be able to meet the needs of many of the children waiting, and this in turn represents a further challenge in relation to future adopter recruitment.

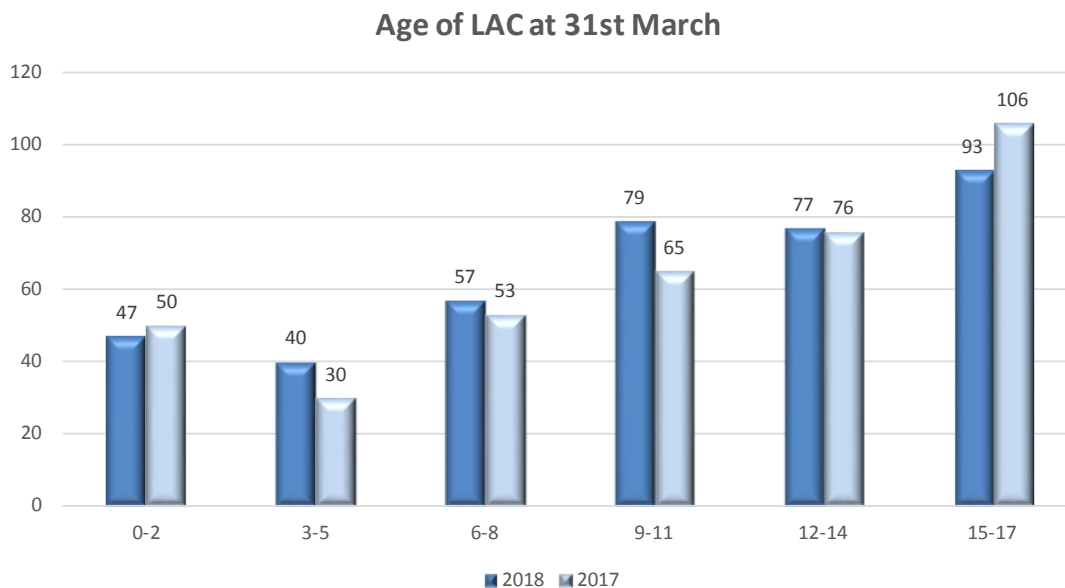
Data published shows that in September 2017 there were 870 children with a placement order and 680 approved adopters. This continues to demonstrate the need for more adopters to be recruited and approved in the future than is presently the case, not just by our Service, but by all agencies nationally.

Over the last year the number of Looked After Children (LAC) in Gateshead has ranged from 374 at its lowest to 393 at its highest. The Gateshead Looked After rate per 10,000

children is 98.2, higher than the regional rate of 92 and significantly higher than the national rate of 62 per 10,000.



When comparing ages of our LAC, with the exception of our 0-2 and 15-17 year olds we have seen an increase in each of our age bands. LAC aged 8 and under made up 37% of our LAC population as at 31st March 2018.



The number of Placement Orders granted has remained similar to last year. As at 31st March 2018 there were 393 Looked After Children of whom 30 had a placement order granted (7.6%). This compares to 31 out of 377 as at 31st March 2017.

Continuation of this trend together with increasing numbers of Looked After Children will undoubtedly have implications for effective adopter recruitment in the year ahead, coupled with the ongoing need for the Service to broaden the pool of available families by attracting more prospective adopters able and willing to consider older children, sibling groups, and children with more complex needs.

Our Performance April 2017 - March 2018

Children Adopted

Throughout April 2017 - March 2018, **25** children placed for adoption by Gateshead Council had been successfully adopted, and a further **16** children were also in placement with their adoptive families, awaiting hearings for adoption orders. In addition, members of the team were also actively family finding for a further **14** children.

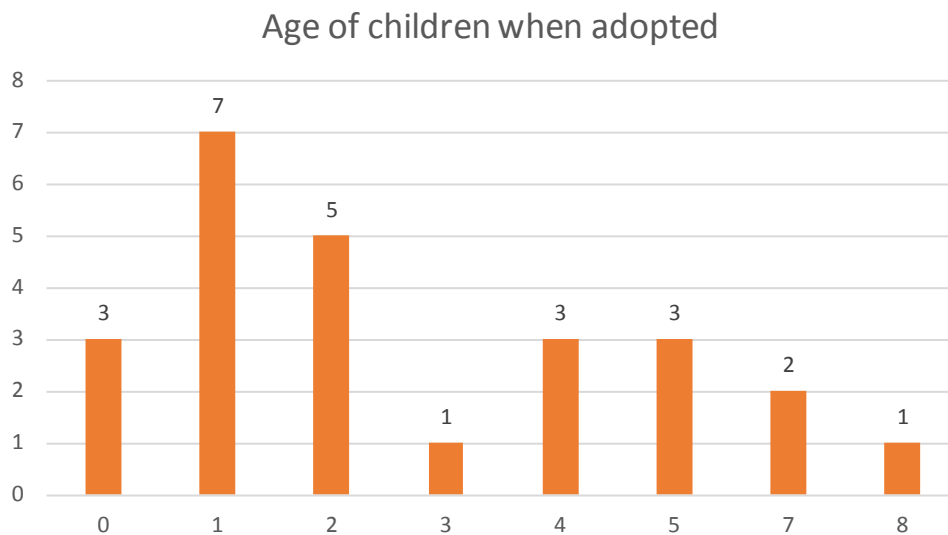
For some of this latter group the Service had already predicted that it would need to look outside of its own internal resources, given the children's specific needs or a requirement to place geographically outside the north-east.

Of the **25** children adopted during the year 2017/18

- **14** were girls **11** were boys.
- **14** children were placed individually and **11** children were part of a sibling group (4 groups of 2 children and 1 group of 3 children).

The average age at adoption in England for the year ending 31st March 2017 was 3 years 4 months, one month younger than in 2016.

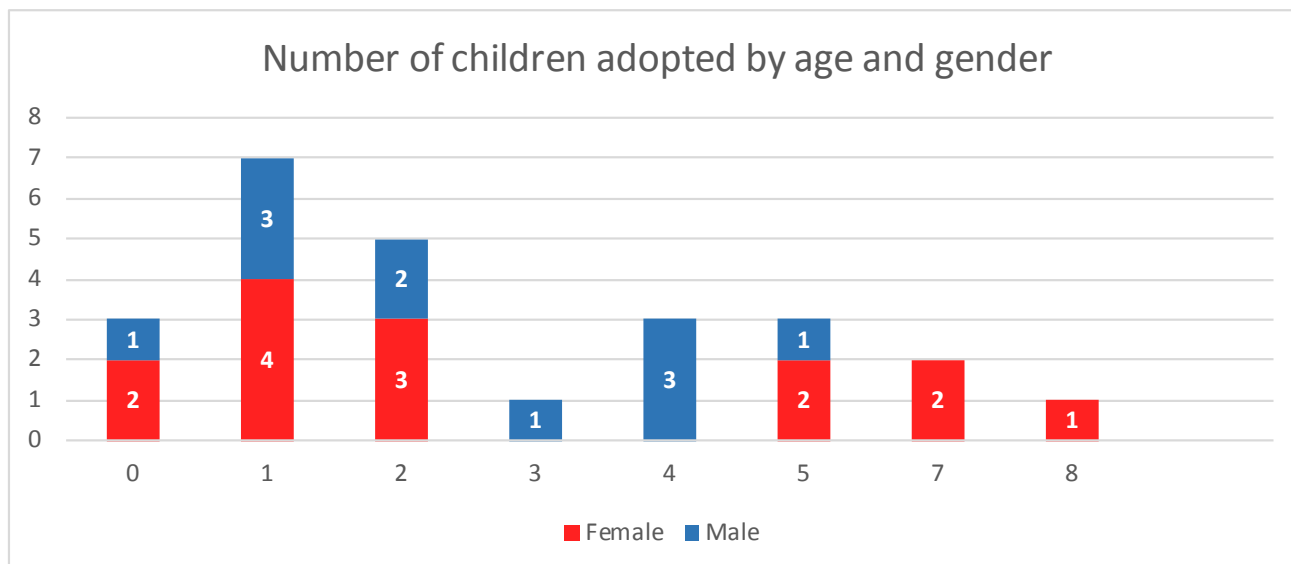
The average age of children adopted during the year was 3 years, 1 month.



Unlike in 2016/17 where all the children who were adopted were aged 4 and under, in 2017/18 this reduced to 75% of our adopted children were aged 4 or under, the oldest children adopted this year was aged 8.

Figures for England reveal that 51% (2,240) of children adopted during the year ending 31st March 2016 were boys and 49% (2,110) were girls.

14 girls were adopted in Gateshead in 2017/18, 11 boys were adopted.



For the year April 2017 to March 2018 **25** adoptions took place, of which **18** (72%) were within the best interest timescale of taking no more than twelve months between the date it was decided the child should be placed for adoption and the date their adoptive placement started. This is a decline in performance from the previous year where there were **23** adoptions of which **19 (82.6%)** were in timescale.

Where cases were out of timescale during the year April 17 to March 18 the Service was able to identify the reasons, such as children having very complex background needs which impacted significantly on family finding, e.g. a sibling group of 2 slightly older children where one child was identified with potential genetic risk and further assessment was undertaken to determine if siblings should be placed separately. A slightly older girl who presented with complex health needs and complexities in finding a suitable family for 2 slightly older boys where family finding was affected by safeguarding issues and the children needing to be placed outside of the North East. Protracted legal proceedings due to further assessment and parenting work.

Gateshead Key Indicators	Average time between entering care and moving in with adoptive family (days)		Average time between court authority and deciding on a match (days)		Number and percentage of children adopted from care	
	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18
	392	409	105	184	23 (14.3%)	25 (14.5%)

In relation to timescales for entering care and moving in with the adoptive family (14 months) again there has been an improvement in these figures from the previous year. For **16** of the **25** adopted children this timescale was achieved and for those outside of timescale the reasons are similar to those previously. In addition, in some cases the court process took much longer than anticipated to conclude and necessitated adjournments and/or additional requests for further assessments and reports. This was an improvement from the 2016/17 figure of **13** out of **23**.

Of the **25** children adopted from care in 2017/18 60% (**15**) were matched with adopters assessed and approved by Gateshead and **10** were placed with adopters assessed by external agencies.

For several years the Service has been able to provide at least two-thirds of the families for Gateshead children requiring adoption from within its own internal resources.

Adopters for whom no suitable matches can be identified with Gateshead children within 3 months of their approval will continue to be encouraged and supported in their consideration of appropriate and suitable links with children from other agencies, and to submit their details to the Adoption Register, which is not only of benefit to children elsewhere in the country waiting for adoption but also assists the Service to offset some of its costs in purchasing external placements for children when needs cannot be met via our own resources.

At the time of writing this report we currently have no families whose details are on the Register for whom there are no suitable in-house links.

Where we are unable to meet needs from within our own resources we will continue to proactively make use of external resources such as the Adoption Register to locate families for children. At the time of writing this report there are currently 1123 active children on the Register, of whom 71 are from the North-East region, including 4 children from Gateshead.

The level of family finding being undertaken within the Service has increased since year end March 2017 and the Service is currently in the process of attempting to identify prospective adoptive families for 20 children and also has advance notice in respect of a further 4 children whose cases are currently in court proceedings, or due to enter proceedings, and depending on the final outcome may potentially require adoptive placements.

Adopters Approved

Within the year April 2017 to March 2018 Gateshead Council Adoption Panel recommended approval for **13** prospective adoptive families recruited and assessed by the Adoption Team. This is a decrease on the previous year's figure and reflects the national difficulties in recruiting adopters.

Quarter	Apr-June 17	Jul-Sept 17	Oct 17-Dec 17	Jan-March 18
Number of families approved	3	5	2	3

The majority of the families (**9**) were couples but this cohort also included **2** same sex couples and **2** single adopters.

"Thank you will never be enough for making my dream come true. S is amazing and a lifelong ambition filled to be a mum at last."

Adopters October 2017

It is also pleasing to see that seven adoptive families approved during the year were “second time adopters” i.e. adopters who had previously adopted a child via Gateshead Council and had subsequently applied to us to adopt again.

The current assessment process is a two-stage process with the expectation that the first stage is completed within two months and the second part within four months. Where the Service has been unable to meet this deadline, we have been able to identify the reason. In the main this has generally been due to our awaiting the return of essential information from other agencies, such as police and health checks, without which it is not possible to proceed. One adopter experienced a bereavement, and another requested that their completed assessment was delayed going to panel due to a health issue.

Quarter	Apr-June 17	Jul-Sept 17	Oct 17-Dec 17	Jan-March 18
Assessments completed				
Within Timescale	1	2	1	1
Outside Timescale	2	3	1	2
Reasons	1 delayed by staff/adopter holidays 1 delayed as awaiting return of checks and references	1 delayed by adopter having a bereavement 2 delayed as awaiting return of checks and references	1 delayed as awaiting return of checks and references	1 delayed going to panel at adopters request 1 delayed as awaiting return of checks and references

At the date of writing this report the Service currently has **8** prospective adoptive families under assessment, with a further **8** adoptive families already approved and awaiting placements. There are links already in progress for a number of these families, so it is anticipated that several Gateshead children currently requiring adoptive placements should be matched and placed with some of these families in the next few months.

“You have allowed us to find and become what we desired – a family! There aren’t enough words to convey our thank you.”

Adopter January 2018

Matches

During April 2017 to March 2018 Gateshead Adoption Panel considered matches for **28** children with their prospective adoptive families, two more than the previous year. This figure includes **15** children placed individually, **5** sets of sibling groups of two and **1** sibling group of three. Seven of the **28** children were adopted during the year April 2017 to March 2018 and a further **17** of these children are currently placed with their adoptive families, awaiting their adoption.

Matches per quarter	Apr-June 17	Jul-Sept 17	Oct 17-Dec 17	Jan-March 18	Total
Total	9	5	5	9	28
Individual children	4	1	2	4	11
Sibling Groups	5	4	3	5	17
Matched in house	8	3	3	7	21
Matched with external adopters	1	2	2	2	7

The overwhelming majority of the matches, 19, (68%), were made with adopters recruited and assessed by Gateshead Adoption Service. This performance is an improvement on our performance last year.

"I'd like to formally thank you for your hard work and support to myself and my husband for the duration of our adoption journey. We felt well informed throughout our assessment to adopt and our social worker continued to be a great support to us after we were matched to a child."

Adopters June 2017

The Service continues to consider holding Life Appreciation Events for children over the age of 3, children with complex needs and sibling groups in order to help inform the prospective adopters of the childrens' background and history and likely needs following placement.

The Service has also started to introduce 'Bump Into Meetings' which allows prospective adopters to meet the child or children they are considering from a distance to help inform decisions and also future support. An example of this is some potential adopters who were considering an older child and they went to his nursery where they were shown around as parents and in doing so were able to observe the child in class.

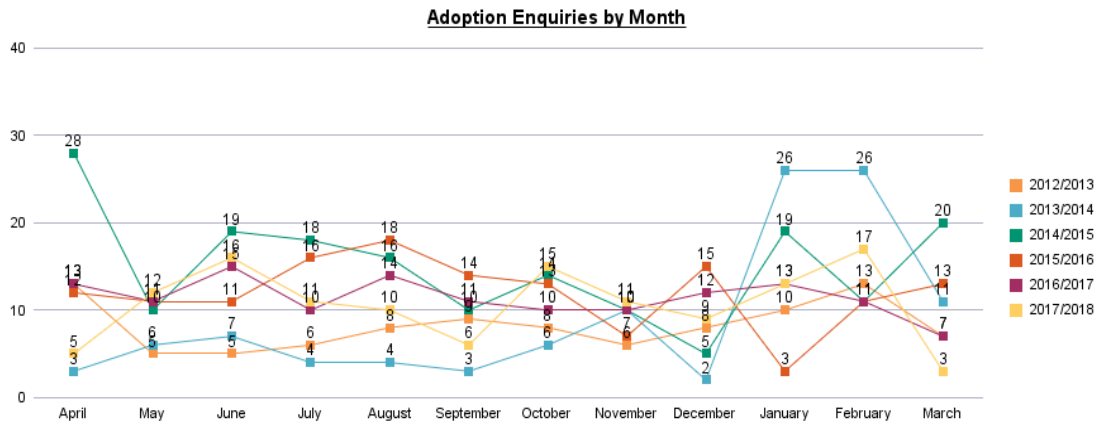
Adopter Recruitment

The Service has utilised various methods to recruit adopters during the past year including:

- Radio campaigns
- Regional outdoor (billboard) advertising
- Public Transport advertising

- Poster distribution to local community
- Social Media
- Metro Centre External advert
- Council News/Council Info/Gateshead Now/Plasma TV screens
- Council Website and other appropriate websites.

The graph below provides information on the trends in adoption enquiries for the past six years. The enquiry level for 2017/2018 has reduced by only 6.5% compared to 2016/17 but is still higher than the rates of 2012/13 and 2013/14. This reduction does not cause concern for the service but highlights the need to continually review the marketing approach in order not to lose our share of the market.



Whilst the number of enquiries decreased in 2017-18 compared to 2016-17, the service did see an increase in referrals from neighbouring authorities who have signposted prospective adopters to other authorities.

Table – Enquiries by Month

Enquiries by Month	2015/2016	2016/2017	2017/2018	Total
April	12	13	5	30
May	11	11	12	34
June	11	15	16	42
July	16	10	11	37
August	18	14	10	42
September	14	11	6	31
October	13	10	15	38
November	7	10	11	28
December	15	12	9	36
January	3	13	13	29
February	11	11	17	39
March	13	7	3	23
Total	144	137	128	409

When looking more specifically at the numbers of enquiries we can see that throughout 2017/18 we experienced an increase in enquiries over six months of the year, saw a decrease in enquiries for five months of the year and maintained the level for one month of the year. Enquiry patterns fluctuate depending on marketing activity and we use this information to evaluate how effective our channels and campaigns are.

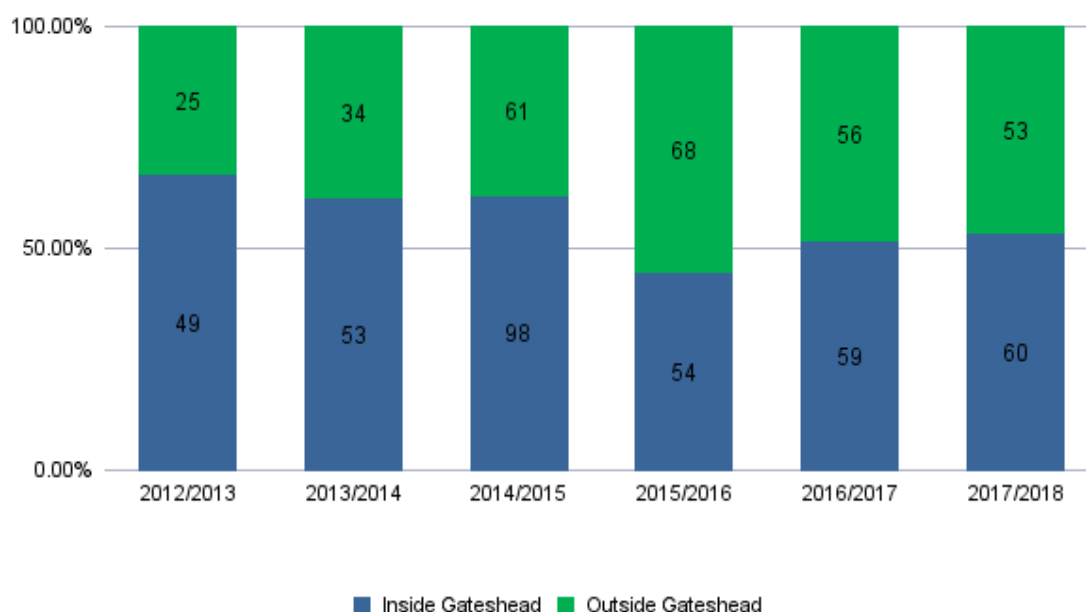
Out of **128** enquiries received in 2017/18 we issued **18** registrations of interest forms. This represents a conversion rate of **14.1%**; which equates to nearly 1 in every 7 enquiries progressing to the stage of being invited to register an application. This is a reasonable outcome given we know that a high proportion of enquirers will approach a number of agencies before finally deciding on which agency to register their interest with.

The table below evidences the origin of the enquiries received by the Service. Given that one of the service aims is to offer an assessment to potential adopters within a fifty-mile radius we will continue to promote Gateshead Council across a broad geographical area in order to attract prospective adopters from outside the Council boundaries. This is particularly pertinent as there are occasions when the Service needs to identify options for children requiring placements outside the immediate vicinity.

Table – Enquiries by Area

Enquiries by Area	2015/2016	%	2016/2017	%	2017/2018	%	Total	%
County Durham	7	4.83%	9	6.87%	11	8.94%	27	6.77%
Cumbria	1	0.69%					1	0.25%
Gateshead	55	37.93%	59	45.04%	60	48.78%	174	43.61%
Glasgow City			1	0.76%			1	0.25%
Hartlepool			1	0.76%			1	0.25%
Newcastle Upon Tyne	13	8.97%	16	12.21%	6	4.88%	35	8.77%
North Tyneside	9	6.21%	8	6.11%	8	6.50%	25	6.27%
Northumberland	12	8.28%	7	5.34%	13	10.57%	32	8.02%
Redcar and Cleveland	1	0.69%					1	0.25%
South Tyneside	10	6.90%	10	7.63%	6	4.88%	26	6.52%
Stockton-on-Tees			1	0.76%			1	0.25%
Sunderland	15	10.34%	3	2.29%	9	7.32%	27	6.77%
Not Recorded	22	15.17%	16	12.21%	10	8.13%	48	12.03%
Total	145	100%	131	100%	123	100%	399	100.00%

Adoption Enquiries by Location



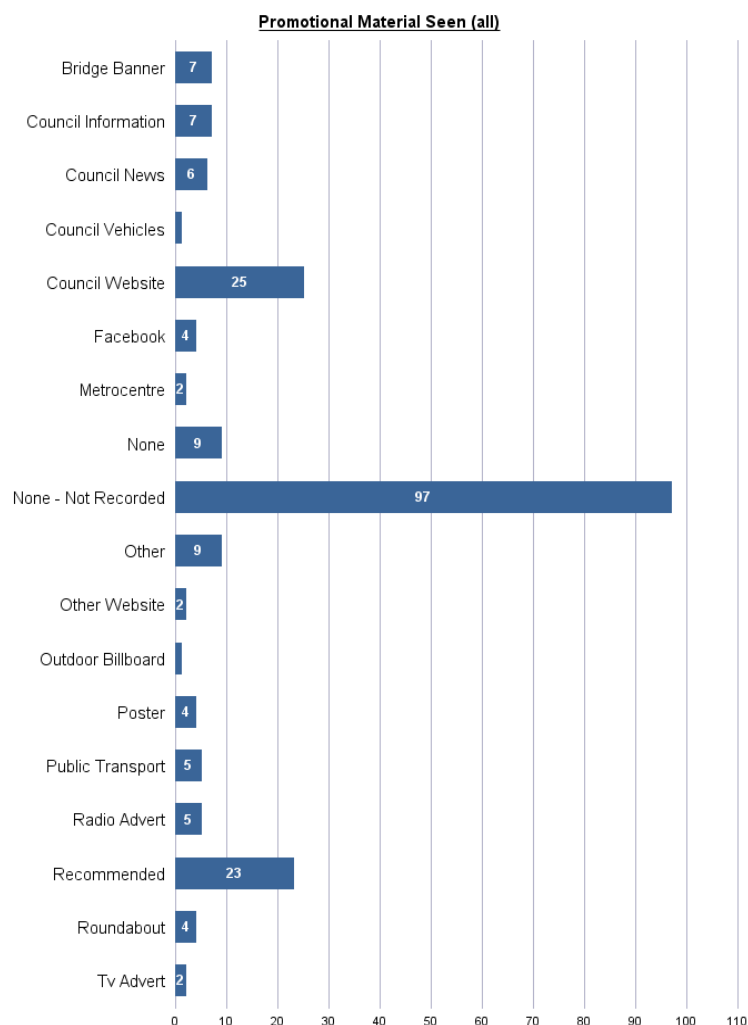
The highest number of enquiries have continued to come from within the Gateshead area (49 % in 2017/18 compared to 45% in 2016/17). We have also been able significantly increase our level of enquiries from County Durham, Northumberland and Sunderland, whilst maintaining enquiry level from North Tyneside. We have however, seen a decrease in enquiries from Newcastle and South Tyneside so these areas could be targeted more next year to ensure we maximise enquiries from those areas. We will ensure that the level of adopter recruitment from within the immediate locality is also maintained by continuing to make full and effective use of “Free of charge” tools such as Council News, Council Website, Council Info and Gateshead Now.

In order to monitor the effectiveness of our recruitment activity we routinely ask all our enquirers which of our promotional materials they have seen. The table below shows which promotional materials which have been seen by enquirers since 2012.

Overall, the top six channels cited are:

- Council Website
- Recommended
- Radio Adverts
- Bridge Banners
- Council News
- Billboard

Table - Promotional Materials



23 individuals commented that they came to us “by word of mouth” and indicated that Gateshead Council had been recommended to them by friends, colleagues or professionals. Further feedback also indicates that a large proportion of enquirers have found the sections on adoption on the Council website very informative and helpful. This feedback will also be utilised to help inform and improve our communication and recruitment plans for the year ahead.

The Service has held six information evenings and quarterly training sessions for prospective adopters in the past year and it would be our intention to maintain this level in the year ahead.

“Absolutely brilliant and great facilitation. Easy environment and a really nice informative atmosphere.”

Adopter April 2018

Family Finding for Children

The service will continue to utilise a wide range of family finding methods for children such as the Adoption Register, Be my Parent, Children who Wait and access national and voluntary sector resources as required. Members of the team will also continue to be involved in regional family finding events and meetings such as Activity days.

Future Family Finding

Based on a three year average of children on placement orders, assuming that the majority of those children will become adopted, then we can estimate that the number of children that may require adoption stands at 33 / 8% (August 2016/2017/2018).

However, these figures should be monitored on a regular basis to see if trends change.

For consideration

- If there were a 1% decrease, then we would need to recruit adopters for 29 children.
- If there were a 1% increase, then we would need to recruit adopters for 37 children.

It would therefore seem sensible to plan our recruitment strategy for the year ahead to meet a minimum need for **33** placements.

There will always be identified placement needs which simply could not be met from within our own resources and for which the agency will need to seek external placements from either regional or national partners.

Similarly, there will be the continuing need to monitor the level of recruitment of in-house adopters on a regular, ongoing basis and have suitable contingency plans in place to broaden the choice of suitable placements in the event that the agency experiences further rises in the number of placement orders and/or Looked After children for whom the plan may become adoption.

Recruitment of adopters in the year ahead will need to continue to focus on prospective adopters able to consider young children and young sibling groups, but given the trends suggested by the work of the ALB and the increasingly complex background of children being placed for adoption, the Service will need to continue marketing and recruitment activity to attract applicants who would be able to consider placements of older children and sibling groups, as well as very young children with complex developmental and health issues.

Foster for Adoption

We have incorporated information about Fostering for Adoption into all our information and publicity for prospective adopters. We promote Fostering for Adoption right from our first contact with potential adopters and it is discussed at Information Evenings, Initial Visits, Preparation training and during assessment. Fostering for Adoption will not be suitable for all adopters so this is an aspect that would be robustly explored with prospective adopters both during the assessment process and following approval. Effective links are also in place with the Fostering Service to provide additional input and training with regard to the fostering requirements for prospective adopters who might be interested in offering such placements.

Since the implementation of Fostering for Adoption the Service has been able to offer seven Foster for Adoption placements. The background circumstances of each placement have been very different, and the experience of the adopters involved to date has been varied, partly as a result of requirements of the courts

The Service currently has three Foster for Adoption placements and one of these is our first placement with an external agency.

'We met Susie within 24hours of her being born; we are the family she has known from birth. Our home is her home. She is settled and happy as part of our family. Our son Sam, adores her. Practically and emotionally she is our daughter, even if that is not yet legally the case.'

Foster for Adoption family June 2018

Adoption Support

In 2015-16 the government invested £19.3 million towards the creation of the National Adoption Support Fund (ASF). The fund came into operation on 1st May 2015 and is intended to be used for payments for therapeutic interventions to help support adoptive families. Recent announcements have confirmed that the ASF will continue to operate with increased funding every year until 2020, following which it is hoped plans will be in place to ensure its future sustainability.

Since the inception of the Adoption Support Fund the Adoption Service has made many successful applications to the Fund.

Funding has been used to commission services such as therapeutic life-story work and counselling for adoptees, therapeutic parenting sessions for adoptive parents, and therapeutic respite and short-breaks for children in adoptive families.

Since implementation the remit of the fund has been further expanded and access to funding for therapy is now available to Special Guardians of children who were previously Looked After. The Service now has experience of successful applications to provide therapeutic life story work for children placed with Special Guardians.

The Service will continue to review and consider what changes can be made in terms of its existing service provision to help develop and enhance the current "Gateshead adoption support offer".

We continue to facilitate a parenting skills group course for adopters as and when required and continue to run our annual "Summer Fun Day" for adopters in July each year. This day provides a great opportunity for adopted children and their parents to get together and enjoy activities and provides an excellent informal support opportunity as adoption social workers are also available on the day.

In addition to information sessions and training for prospective and approved adopters, a group session specifically for extended family members of prospective adopters who were likely to provide support to placements is offered. The aim of these sessions is to provide information about the nature of adoption, the likely background factors for children requiring adoption and offer advice as to how family members can best help support their adopters. Our next session will be held in the Autumn.

The service has also maintained its involvement in local initiatives, such as the Sage Music Project, which not only provides support to adopters, but helps children's development and attachment using music. The Project has this year expanded to offer a further session for older children after school.

We also continue to work alongside other adoption agencies in the region to run a monthly "Waiting Adopters Group". This group provides support to approved adopters who are waiting to be matched with a child or children. These groups are generally well attended and offer further training to Adopters on specific themes or issues.

Our post-adoption contact post-box system currently manages **506** different contact agreements involving both adopters and birth families. Each separate contact agreement can include several individuals in addition to birth parents and adopters, e.g siblings, grandparents etc. Consequently, the amount of information involved in such exchanges, and people affected by post adoption contact who may need support, will vastly exceed this figure. Capacity to manage this will become more pertinent given the number of arrangements continues to rise each year, and currently is up by a further **39** agreements on the previous year's figures.

As well as dealing with an increased number of contacts our input and support to birth family members affected by adoption and adopters requiring support post adoption also appears to be increasing. There has been a rise in the referrals from families who are resident in Gateshead but who adopted children via other adoption agencies. Once that agency's statutory responsibility for providing support has ceased it becomes the responsibility of the agency where they are residing.

Our existing Service Level agreement with After Adoption currently enables us to pass on a small number of adoption support and access to birth record cases and to offer families requiring a support service the option of input that is independent of the local authority, thus adding capacity and flexibility to our adoption support offer.

Disruptions, Adopters Withdrawing, Changes of Plan for Children.

The Service has not experienced any adoption disruptions in this year, however there is significant support being provided to two families experiencing difficulties with children.

Both families include children who were placed by Gateshead and are living out of the area. The children have complex needs which have become more apparent since their placement in their adoptive family. One of the children is now receiving support from Services in their home authority but we have been able to access funds to provide therapy through the Adoption Support Fund and have funded respite and additional support for the child to be able to access out of school activities.

The other child who is not yet legally adopted is also receiving therapy funded through the Adoption Support Fund and the Adopters themselves are engaging with additional support through their agency.

For the year 2017/18 five potential adoptive families withdrew from the process. Two approved adoptive families decided to withdraw due to no suitable match being identified for them. One family withdrew after attending stage one preparation training reaching the decision that adoption was not for them considering the needs of their birth child. The remaining two families could not be progressed beyond stage one due to issues in relation to statutory checks.

During the year 2017/2018 the plan for adoption was subsequently changed in respect of five children, where authority to place for adoption was not obtained or the plan became long-term fostering or placement with member of the extended birth family.

Complaints and Compliments

For the year 2017/18 the Council's Complaints section has one record of a formal complaint in relation to the Service which needed to be addressed. More positively, the Complaints Section has received 12 compliments from a variety of sources including social workers, applicants going through the process and those who have successfully adopted. A selection of some of these comments has been incorporated into various sections of this report.

"A big massive thank you for everything you have done for us. You have been amazing! We could not have asked for better support!"

Adopters October 2017

Central List Membership for Adoption Panel – April 2017 to March 2018

The following members of the Central List have attended at least one meeting of the Panel this year:

Ian Gates, Independent Chair

Paul Forbes, independent, (Vice-Chair)

Councillor Peter Mole - retired in April 2018

Karen Wilson, Social Worker, Fostering Team

Debbie Wilkinson, Team Manager, Safeguarding and Care Planning – until October 2017

Janet Dugdale, Team Manager, Safeguarding and Care Planning

Jill Smith, Clinical Psychologist – left June 2017

Ann Forster, Adopter

Sharon Jones, Adopter

New Panel Members:

Councillor Mary Foy

Emma McManus, Assistant Team Manager, Fostering Service

Dave Telfer, Social Worker, Safeguarding and Care Planning

Medical Adviser and Panel member:

Dr Carmen Howey

Panel Advisers:

Janice Cook, Angela Simmons-Mather/Legal Services

Debbie Wilkinson, Adoption Team Manager

Panel Administrator:

Sonia Forster until March 2018

Laura Ward

Adoption Service Quality Assurance Framework

The Adoption Service has a robust quality assurance system in place to ensure that feedback is received at various stages of the adoption process. All feedback is collated and used to inform service planning. The table below outlines each stage of the quality assurance process:

Adoption Service Quality Assurance Framework:		
Stage	Mechanism	Person completing assessment
1.	Training Evaluation Form.	Completed by prospective adopter following attendance at training.
2.	Quality Assurance Visit (Pre-Adoption Panel).	Adoption Team Manager or Senior Practitioner.
4.	Adoption Panel Attendance Feedback Form.	Adopter and Child's Social Worker.
5.	Satisfaction Survey completed following adoption order.	Adopter and Child's Social Worker.

During the past year most of the feedback received through these processes has been extremely positive. The comment below is reflective of the type of feedback received.

"The panel was well conducted and put us at ease while always professional. We were able to ask questions as well as the panel asking us. Thank you for making it a pleasant experience."

Adopters July 2017

Key Issues and Aims for the Year Ahead

In 2018/19 the key issues for the Adoption Service will be to:

- To build on our recruitment approach to attract potential adopters from within a 50-mile radius of Gateshead, and to increase the numbers of enquiries from potential adopters, particularly those who might wish to consider older or more complex children or sibling groups.
- To explore opportunities for continued collaborative working with other Local Authorities and voluntary adoption agencies to maximise placement choices for children.
- Meet the increasing demand for post adoption support as children with more complex needs continue to be placed for adoption. Continue to make effective use of the Adoption Support Fund for adopted children and also for previously Looked After Children who are placed with Special Guardians.
- Continued exploration and development of “fostering to adopt” opportunities to reduce delay for children.
- To continue to manage the changes and the requirements of the Adoption Reform agenda which requires local authorities to move to a system whereby adoption services are delivered on a regional basis by 2020. The development of the Regional Adoption Agency, Adopt North East is scheduled to ‘go live’ in December 2018.
- Continued monitoring of our performance and systems to effectively analyse outcomes and identify potential areas for future service development

Conclusion

The Service has achieved several positive outcomes during the past year. Twenty-five children have been successfully adopted and a number of children are currently placed with their adoptive families awaiting adoption. We managed to recruit a sufficient number of adopters to meet our needs during the year and placed several children for adoption with a low level of placement disruption. We continue to promote initiatives such as fostering to adopt when appropriate. The Service has also continued to develop its adoption support offer, making sensible use of the adoption support fund. Furthermore, members of the Service have played a full and constructive part in much of the regional work that has been undertaken by local authority and voluntary sector partners in respect of the development of the Regional Adoption Agency, (Adopt North East).

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TITLE OF REPORT: Re-appointment of a Local Authority School Governor

REPORT OF: Caroline O'Neill, Strategic Director Care, Wellbeing and Learning

Purpose of the Report

1. Cabinet is asked to reappoint a local authority governor in accordance with Article 51 (Articles of Association of Academies) to the academy seeking a local authority governor appointment.

Background

2. Academies - Academy Articles of Association (article 51) states the local authority may appoint a local authority governor to academies. The proposed appointee has received Disclosure and Barring Service clearance for appointment in an academy.

Proposal

3. It is proposed that Cabinet approves the reappointment of the local authority governor to the academy as shown in Appendix 1.

Recommendations

4. It is recommended that Cabinet:
 - (i) approves the reappointment of the local authority governor as set out in appendix 1; and
 - (ii) notes the term of office, as determined by the Academy's Articles of Association, is a period of four years.

For the following reason:

To ensure the Academy has full membership.

CONTACT: Leone Buchanan

extension: 8534

Policy Context

1. **Academies**

Academy Articles of Association come into force in each individual academy on the date of incorporation under the Companies Act 2006 (amendments to articles may subsequently arise). In accordance with Article 51 the local authority may appoint the local authority governor.

Consultation

2. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

3. The alternative option would be to make no nomination/appointment to the vacancies, leaving governing bodies/management committees under strength and less likely to demonstrate the correct configuration.

Implications of Recommended Option

4. **Resources:**

a) **Financial Implications** - The Strategic Director, Corporate Resources confirms there are no financial implications arising from this report.

b) **Human Resources Implications** - None

c) **Property Implications** - None

5. **Risk Management Implication** - None

6. **Equality and Diversity Implications** - None

7. **Crime and Disorder Implications** - None

8. **Health Implications** - None

9. **Sustainability Implications** - None

10. **Human Rights Implications** - None

11. **Area and Ward Implications** - None

12. **Background Information**

Individual Academy Articles of Association.

13. Local Authority Governor Academy Reappointment

Academies

In accordance with individual Academy Articles of Association the following Local Authority governor is nominated for a period of four years with effect from the date stated below:

Academy	Reappointment	Date from
The Cedars	Cllr Maria Hall	17/09/2018

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TITLE OF REPORT: Draft Housing Strategy 2019-2030

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

1. To bring forward a draft Housing Strategy for consideration, with a view to carrying out formal public consultation.

Background

2. The Housing Strategy 2013-18 was approved by Cabinet in April 2013 and is due for review.
3. The review is being led by the Spatial Planning and Housing Strategy Team, within Development, Transport and Public Protection, Communities & Environment (C&E). It is being carried out in collaboration with relevant services across the Council, with The Gateshead Housing Company, and in consultation with Councillors.

Purpose of the Housing Strategy

4. The overarching purpose of the Strategy is to support the delivery of the Council's strategic objectives of sustainable housing and economic growth, as set out in the Local Plan ("Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030), and the wider objectives of improved health and wellbeing, equality, and sustainable neighbourhoods, within the Making Gateshead Thrive pledges.
5. The aim of the Strategy is to identify clear housing objectives and priorities, put forward a vision for the housing offer in Gateshead, and set a framework for how the Council will deliver services and interventions, and work in partnership with others, that will help achieve those objectives; using increasingly scarce resources proportionately and effectively.
6. The Strategy also sets a framework for how the Council will fulfil its housing-related, statutory functions and duties, including:
 - i. assessing and planning for local housing need (Housing Act 1985; Care Act 2014);
 - ii. considering housing conditions in its area (Housing Act 2004)
 - iii. enforcing housing standards (Housing Act 2004)
7. It is intended that the Strategy will also satisfy the Council's statutory requirement (the Homelessness Act 2002) to publish a Homelessness Strategy (now to be known as a homelessness and rough sleeping strategy, following the publication of the Government's Rough Sleeping Strategy in August 2018).

Proposal

8. The proposal is an overarching Strategy, extending to 2030.
9. The Draft Strategy is structured around three areas of focus that are integrally linked and cross-cutting, requiring integrated and collaborative working:
 - i. **Supply** - *Delivering the homes we need*. To ensure the supply of new housing, and use of existing stock, best meets current and future needs and aspirations, and creates thriving mixed communities.
 - ii. **Standards** - *Ensuring our homes sustain health and wellbeing*. To improve the quality, condition and management of housing so that all residents benefit from safe, healthy and well-managed homes;
 - iii. **Support** - *Supporting our residents to thrive*. To help residents access, and sustain, a home which promotes their wellbeing;
10. The Draft Strategy is summarised in tabular form within the document; setting out:
 - Objectives
 - What we want to achieve
 - How we will do this
11. It is intended that the following documents will be linked to the Strategy:
 - The Gateshead Strategic Tenancy Policy (under review)
 - Financial Assistance Policy 2014-19 (This mirrors the NE Policy, which will be reviewed through the NE Home Loan Partnership)
 - The Council's Stock Asset Management Strategy (in development)
 - Gateshead Council's Enforcement Policies

Recommendations

12. It is recommended that:
 - (i) The Draft Strategy should form the basis for public consultation, for a period of six weeks, the period to run as soon as possible.
 - (ii) The principle methods of consultation will be the Council's Consultation Portal and use of Council News.
 - (iii) Further consultation with Councillors will be held through a seminar and Corporate Advisory Group briefings as required.
 - (iv) A final draft is brought back for consideration by Cabinet following the consultation.

For the following reasons:

To ensure appropriate and wide consultation on the draft strategy is held and to allow Cabinet to consider possible revisions to the draft strategy in the light of feedback from the consultation.

CONTACT: Deborah Cassidy extension: 3945

Policy Context

1. The Draft Housing Strategy is set within a wide strategic context including:
 - Central Government policy and guidance
 - Making Gateshead Thrive
 - The Local Plan for Gateshead
 - The NE LEP's Strategic Economic Plan

Background

2. The draft Strategy sets out three overarching strategic objectives:
 - Sustainable housing and economic growth
 - Sustainable neighbourhoods
 - Improved health & wellbeing
3. In addition to these overarching objectives there are a number of other key themes embedded within the draft Strategy:
 - The integration of strategic planning for Housing and Health.
 - Prevention - so minimising demand for Council services, reducing wider, social care and health costs, and improving health & wellbeing;
 - Supporting the long-term sustainability of the Council's housing stock, and the Housing Revenue Account (HRA).
4. The draft Strategy reflects the Council's dual role as Local Housing Authority, and housing provider and developer.
5. The intention is that the Strategy links to the Council's emerging approach to tackling poverty, and Health & Wellbeing Strategy review.
6. The draft Strategy, and the proposed actions and interventions identified within it, are evidence based, drawing from many sources of data and intelligence, including:
 - Gateshead & Newcastle Strategic Housing Market Assessment 2017/18 (SHMA)
 - Local Housing Assessment 2017/18
 - Joint Strategic Needs Assessment (JSNA)
 - Local Index of Need
 - Dwelling level stock condition modelling 2018
 - Social Care Demand Analysis:
 - *Learning Disabilities; Older people; Young people and children; Vulnerable adults*
 - Council stock demand and sustainability analysis
 - Gateshead Homelessness and Multiple and Complex Needs Health Needs Assessment (HHNA)
 - Gateshead Director of Public Health Annual Report 2017

7. The breadth of intelligence is also key to the detailed development and planning of future service activity and intervention, and ongoing monitoring of performance against the objectives set out in the draft Strategy. Action Plans will be produced to achieve this.
8. The draft Strategy aims to address some fundamental issues:
 - The need to accelerate housing delivery, and overcome the constraints of viability and low development values
 - To achieve a balanced and sustainable housing market, and mixed, thriving neighbourhoods and communities.
 - The need to respond to a growing, ageing population
 - To address inequalities:
 - Vulnerable households on low income occupying poor housing
 - Fuel poverty – Excess winter mortality
 - People living in inappropriate accommodation
 - Homelessness
 - How to sustain the Borough's working age population
 - The need to prioritise and target activity, reflecting reduced resources for service delivery
 - The need to drive the integration of strategic planning for Housing and Health, in the context of increasing revenue costs of care support
 - Recognition of the need for ongoing renewal and strategic area regeneration; not all stock is, or will remain, fit for the future.
9. With specific regard to the Council's homelessness duties, the Housing Strategy will be supported by the interventions, and action planning, around the recommendations of the 2017 Homelessness and Complex Needs Health Needs Assessment (HHNA), and the Council's Homelessness Reduction Act 2017 Implementation Plan, which together should satisfy the Government's current Homelessness Code of Guidance on Homelessness Strategies. At this point in time, it is considered that draft Strategy does align with the principles contained within the Government's August 2018 Rough Sleeping Strategy, however, much of the detail will need to be addressed through detailed delivery, action planning.

Consultation

10. The Cabinet Members for Housing, Economy and Health & Wellbeing have been consulted and the draft Strategy was the subject of a Members Seminar held on 12th September.
11. The draft Strategy was the topic of discussion at the Gateshead Residential Development Network, Business Breakfast on 12th September (the Network comprises market housing developers and social housing providers).

Alternative Options

12. The Council has no duty to produce a Housing Strategy, however, it is required to:
- prepare a Homelessness and Rough Sleeping Strategy;
 - to keep the condition of housing in its area under review; and
 - ensure the housing needs of the Borough are met.

An overarching Housing Strategy provides a framework which helps to ensure the coordination, joining-up, and prioritisation of activity and resource allocation, around these statutory housing functions, as well as other strategic housing functions and service activity.

Implications of Recommended Option

13. **Resources:**

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the costs associated with consultation will be met from existing resources. Any financial implications arising from consultation will be subject to a future report.
- b) **Human Resources Implications** – There are no human resource implications arising from this report.
- c) **Property Implications** - There are no direct property implications arising from this report.

14. **Risk Management Implication** - An overarching Housing Strategy provides a framework which helps to ensure the coordination, joining-up, and prioritisation of activity and resource allocation, and the implementation of statutory housing functions, as well as other strategic housing functions and service activity. The risk of not progressing and consulting on the Housing Strategy is that resources will be used less efficiently and that housing activity across this and other services is less effective and/or coordinated.

15. **Equality and Diversity Implications** - An Equalities Impact Assessment, Initial Screening has been undertaken which identifies predominantly neutral impact on Protected Characteristics, however, a general positive impact is identified for older people and people with disabilities.

16. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.

17. **Health Implications** – The intention is that the draft Strategy would have positive impact on the health and wellbeing of the Borough and its residents.

18. **Sustainability Implications** - The overarching purpose of the Strategy is to support the delivery of sustainable housing – including the supply of new housing, and use of existing stock, which best meets current and future needs and aspirations, and creates thriving mixed communities.

19. **Human Rights Implications** - There are no human rights implications arising from this report. The Council has a Statement of Community Involvement in place which will be complied with in consulting and engaging with the local community.
20. **Area and Ward Implications** - The draft Strategy considers the Borough as a whole, and would therefore have implications for all Wards

Background Information

Gateshead Housing Strategy

2019 - 2030

- 
- Delivering the homes we need
 - Ensuring our homes sustain health and wellbeing
 - Supporting our residents to thrive

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Annexes

1. Tenancy Strategy
2. Financial Assistance Policy
3. Council Stock Asset Strategy

Insert photo(s)
Recent housing development; Established neighbourhood, Residents

Foreword



Housing is a key determinant of everyone's health and wellbeing; it is therefore vital that we continue to strive to improve people's lives by ensuring we have the right number, type and quality of homes in the Borough that meet the needs and aspirations of our current and future residents.

I am pleased, therefore, to introduce Gateshead's new Housing Strategy 2019-2030, which aims to:

- Deliver sustainable housing and economic growth
- Improve health and wellbeing
- Prevent and tackle the root causes of homelessness
- Tackle the social and financial exclusion of some of our poorest households
- Support educational attainment
- Contribute to a better environment for future generations; and
- Build respect and community cohesion within our neighbourhoods.

The Strategy directly supports the Council's five pledges within "Making Gateshead a place where everyone thrives". Our aim through this strategy is to ensure that people who live, or would like to live, in Gateshead can access, sustain, and remain in a home that meets their needs, and is safe, secure and affordable, in a thriving neighbourhood, at whatever stage of life they are.

I believe that through this strategy, and its supporting Action Plans, we are able to build upon the strengths of what has already been achieved, and set clear priorities about how we will meet the challenges of the future, so that Gateshead is a place where people thrive.

Photo

Signature

Councillor
Portfolio for Housing

Introduction



Purpose of the Strategy

The Strategy is an overarching document, that provides a framework for all our housing-related strategic functions and activity, incorporating all the statutory housing documents the Council has a duty to produce, including a homelessness and rough sleeping strategy¹. It includes a range of actions and interventions that will help deliver our key housing and “thrive” objectives, and ensure the Council meets its statutory housing related duties.

Taking the Strategy to 2030, means we can achieve continuity and include longer term planning. It also links to the period the Gateshead Local Plan; our spatial planning framework. A supporting Action Plan will be reviewed, updated, and where appropriate, revised, on an annual basis, and in accordance with Government guidance and legislation. During the Strategy period, where evidence demonstrated a need for a review of the Strategy, in part or whole, this will be done in a proportionate and timely way.

The Strategy is summarised in Appendix 1, and the steps that we intend to take to make the strategy happen are set out in further detail in delivery Action Plans.

Our priority objectives

More than ever, given the continued economic and financial challenges, and waves of new policy and legislation from Central Government, we need to ensure our objectives and priorities are clear, that we are focused on delivering services and interventions that will achieve them, and that we use our increasingly scarce resources proportionately and effectively. We will need to continue to strive and campaign for deliverable and sustainable solutions that are appropriate for Gateshead, and that work for local people.

This Strategy builds on, and continues to drive forward our housing objectives under the strategic themes set out in the 2013-18 Housing Strategy - **Supply, Standards** and **Support**. Under these three themes, our priority objectives and desired outcomes are set out, and we identify how the Council intends to deliver them, working together with residents, partners, investors, and stakeholders.

These themes are integrally linked and cross-cutting, and together these objectives will promote:

Sustainable Housing, Economic Growth and Communities, and Health and Wellbeing

Supply

- Ensure the supply of new housing, and use of existing stock, best meets current and future needs and aspirations, and creates thriving, mixed communities.
- To utilise land efficiently and sustainably
- Securing a range of homes that ensure all residents are able to access a home that meets their needs, and improves housing choice
- Sustaining our working age population
- Reducing the number of empty homes

Standards

- Improve the quality, condition and management of housing so that all residents benefit from safe, healthy and well-managed homes, and local environment
- To drive up the quality of new-build design, space standards, accessibility and adaptability

Support

- Help residents access and sustain a home which promotes their wellbeing
- To tackle homelessness and its root causes

¹ The requirement to publish a Homelessness Strategy under the provisions of the Homelessness Act 2002 (following publication of the Governments Aug 2018 Rough Sleeping Strategy, to be rebranded as “Homelessness and Rough Sleeping Strategies”; a Tenancy Strategy, required under the Localism Act 2011; and financial assistance policy, required under the Regulatory Reform (Housing Assistance) Order 2002.

Embedded within the Strategy are the following fundamental aspirations of the Council:

- i. The integration of health and housing in our strategic planning
- i. A move towards a wider prevention agenda that will tackle the root cause of vulnerability and inequity (preventing homelessness is a key element of this objective)
- ii. Sustainable economic and housing growth
- iii. Sustainable, mixed and thriving communities

The Strategy is linked directly to policy objectives set out in:

- Making Gateshead a place where everyone thrives – Tackling inequality
- Gateshead Local Plan, including “Planning for the Future, the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne” (CSUCP), and the emerging document “Making Spaces for Growing Places”
- Substance Misuse Strategy 2017-22
- the NE Local Enterprise Partnership’s Strategic Economic Plan

It will also directly link with other emerging work including:

- Tackling Poverty
- Health & Wellbeing Strategy review

This Housing Strategy also reinforces Gateshead Council’s commitment to mitigate the impact that Welfare Reform continues to have on the wellbeing and health of our most vulnerable residents.

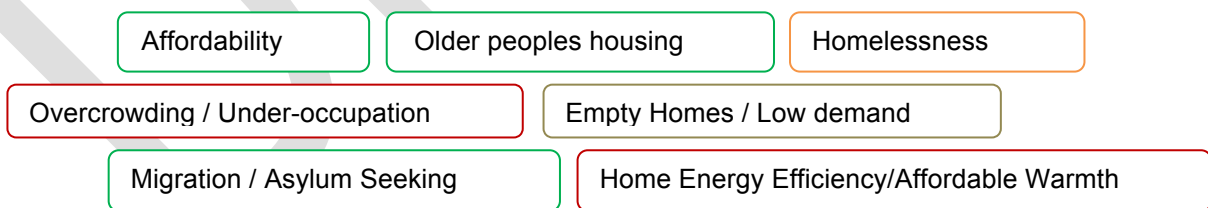
How has the Strategy been developed?

The Strategy has been developed through a multi-disciplinary approach, involving a wide range of Council Services that are key to delivering our housing functions and duties. Our Councillors have helped shape the Strategy, and consultation has been undertaken with partners and stakeholders in the housing field, to establish consensus on the priorities for intervention through the delivery period.

The Evidence

Evidence that underpins this Strategy has been drawn from a number of sources, including:

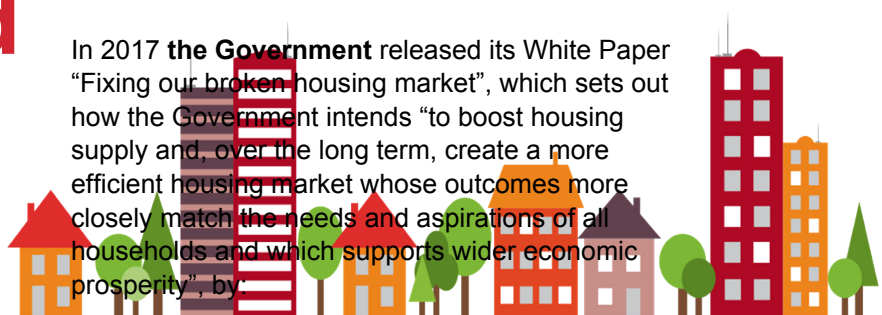
- A suite of Topic Papers, prepared to inform the Housing Strategy and delivery, action planning:



- Gateshead & Newcastle Strategic Housing Market Assessment 2017/18 (SHMA)
- Local Housing Assessment 2017/18
- Joint Strategic Needs Assessment (JSNA)
- Local Index of Need
- Dwelling level stock condition modelling 2018
- Social Care Demand Analysis:
 - *Learning Disabilities; Older people; Young people and children; Vulnerable adults*
- Council stock demand and sustainability analysis
- Gateshead Homelessness and Multiple and Complex Needs Health Needs Assessment (HHNA)
- Gateshead Director of Public Health Annual Report 2017

National and Regional Context

In 2017 the Government released its White Paper “Fixing our broken housing market”, which sets out how the Government intends “to boost housing supply and, over the long term, create a more efficient housing market whose outcomes more closely match the needs and aspirations of all households and which supports wider economic prosperity”, by



- planning for the right homes in the right place
- building home faster
- diversifying the housing market
- helping people now

In its Autumn Budget of 2017, the Government committed £15.3 billion new funding for house building over a five-year period (taking the total to over £44 billion). It reinforced commitment to new build; help to first-time buyers; bringing land forward for housing through changes to the Planning system; driving innovation and skills in the construction sector; bringing empty properties back into use; and homelessness prevention. It also recognises that local authorities and the private sector will need support to deliver.

Recent legislation and policy including, the Housing and Planning Act 2016, Neighbourhood Planning Act 2017, the Homelessness Reduction Act 2017, and the Rough Sleeping Strategy, has introduced significant changes and new responsibilities for the Council, that will impact directly on how we deliver our housing and thrive objectives.

The Government remains committed to continued reform of the welfare system, however, it has recognised that more support to Universal Credit claimants is required to protect the most vulnerable.

The August 2018 Green Paper “A new deal for social housing”, marks a fundamental shift in the Government’s approach to social housing, recognising its important role in ensuring the housing needs of the population are met.

Homes England (formerly the Homes and Communities Agency), is the Governments new, national housing, land and regeneration agency for England, launched in January 2018. It has responsibility for:

- increasing the number of new homes that are built in England, including affordable homes and homes for market, sale or rent
- improving existing affordable homes and bringing empty homes back into use as affordable housing
- increasing the supply of public land and speeding up the rate that it can be built on
- regulating social housing providers to make sure that they’re well managed and financially secure, so maintaining investor confidence in the affordable housing sector and protecting homes for tenants
- helping to stimulate local economic growth by using public land and investment, and attracting private sector investment in local areas

Homes England will continue to administer much of the Government’s funding commitment to housing, set out in the Autumn Budget in 2017, this includes all grant funding for Affordable housing; mainstream and specialist housing (approximately £9 billion nationally to 2020/21).

The North Eastern Local Enterprise Partnership (LEP) is a business-led vehicle committed to promoting and developing real economic growth in the North East.

The LEPs Strategic Economic Plan recognises the importance of strengthening housing delivery, to help ensure that our housing offer, and quality of place, supports and responds to economic and population growth and the growing diversity of our households. The Plan promotes innovation-rich development that can help facilitate new energy generation and digital applications.

The North East Home Loans Partnership – The Partnership presides over the NE Private Sector Housing Renewal Financial Assistance Policy (1st April 2015-31 March 2019), which sets out the approach adopted by partner North East Local Authorities to the provision of financial assistance for

private sector housing renewal work; it reflects the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, and the Local Government Act 2000.

The Policy sets out a framework for the range of advice, practical support, and loan and grant assistance, that may be made available by the partner Local Authorities, together with the eligibility criteria and the conditions that will be applied. It brings together assistance which is made under alternative statutory powers such as the provision of mandatory Disabled Facilities Grants under the Housing Grants Construction and Regeneration Act 1996 (as amended).

Within the framework of the Policy, the support and financial assistance available within each Local Authority are will be dependent upon budgetary and other constraints.

The Policy was first adopted by Gateshead Council in 2010, and has remained an integral part of the Council's Housing Strategy since.

Local Context

Making Gateshead Thrive

This Strategy, and the interventions and activity it promotes, underpin the Council's five pledges aimed at making Gateshead a place where everyone thrives:

- Put people and families at the heart of everything we do
- Tackle inequality so people have a fair chance
- Support our communities to support themselves and each other
- Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the Borough
- Work together and fight for a better future for Gateshead.

Local Plan

The Local Plan and its associated documents provide the spatial planning framework for Gateshead.

"Planning for the Future, the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne" (CSUCP), was adopted by Gateshead Council and Newcastle City Council in March 2015. The CSUCP sets out strategic policies guiding land use in Gateshead, and demonstrates a sufficient quantity of sites capable of accommodating anticipated growth in housing and the economy up to 2030.

The housing objectives contained within the Local Plan are reflected within this Housing Strategy. Continued analysis of our housing requirements, and monitoring of how well our interventions are delivering against our objectives, will inform reviews of the Local Plan and Housing Strategy.

Health and Wellbeing Strategy

Housing is a basic human need and good quality homes are essential to ensuring that residents have the best physical and mental health possible. A warm, dry home, free from hazards and with sufficient space is a positive contributor to health and wellbeing. Conversely, poor housing and homelessness are key drivers of social exclusion, and contribute to lower life expectancy and preventable causes of death. Each year 233 people per 100,000 in Gateshead die from causes considered to be preventable, compared to the England average of 185 per 100,000.

Overall the Building Research Establishment has calculated that poor housing costs the NHS at least £600 million per year.

Nationally each year, 1 in 3 people over 65 and almost 1 in 2 people over 85 experiences one or more falls, many of which are preventable. A fall at home that leads to a hip fracture costs the state £28,665 on average. Short and long-term outlooks for patients are generally poor following a hip fracture, and are a major cause of people moving from their own home to long-term residential or nursing care.

Research shows that rough sleepers have a life expectancy of over 30 years less than other people. Preventing people from becoming homeless and removing the need for anyone to sleep rough are therefore key drivers within this strategy.

In addition to basic housing requirements, other factors that help to sustain well-being include affordability, security of tenure, a positive relationship with landlords and neighbours, modifications for those with specialist needs and the perception of the neighbourhood.

To make a real and long-lasting difference, we need to ensure that strategic planning (and funding) for health, social care, and housing is joined-up. Housing is therefore recognised as an important element of our Better Care Fund (BCF) planning process.

Economic Growth

Housing plays a major role in the local economy, and the economic performance and resilience of the Borough. Achieving the right mix and quality of homes, influences: job creation; the ability to retain our working age and economically active population; income generation for the Borough (including Council-Tax); and investment into the Borough and within local communities.

The Council has identified four, priority, strategic economic growth areas that are key to delivering the Borough's economic and housing growth objectives:

- Urban Core
 - Gateshead Quays
 - Baltic Quarter
 - Gateshead Town Centre
 - Exemplar Neighbourhood
- Team Valley
- Follingsby
- Metro Green

The priority growth areas offer multiple development and investment opportunities that will help transform Gateshead and deliver thriving communities and prosperity.

Attractive and sustainable neighbourhoods are important for good economic performance and job growth. For neighbourhoods to be attractive and sustainable they must offer a variety of good quality homes, a sustainable mix of tenures, and cater for a range of household size and type.

Poor and unpopular housing can act as a drag on neighbourhood sustainability, and consequently area regeneration has been, and remains, an important element of strategic planning in Gateshead, including the improvement, or demolition and replacement, of low-demand poor quality housing.

Quality, standard and choice of housing can also have a fundamental economic impact on households, and so their ability to thrive (including the life chances of children): affecting their ability to sustain good physical and mental health; attain skills and sustain employment; cause or prevent poverty; and support or prevent social mobility.

Wider economic benefits arise from construction-related activities, including all the associated professional and financial services. Research indicates that for every house built there are 4.5 person years of employment as a result of the direct, indirect and induced effects of the investment. Every £1 invested in construction output, be that new build or refurbishment, generates £2.84 in total economic activity.

Benefits also accrue from the investment and employment opportunities afforded by housing-related activity outside the construction industry. This includes activity associated with housing management (e.g. Arm's Length Management Organisations, Registered Providers, professional landlords, letting agents), buying and selling (estate agents, surveyors, conveyancers, financial advisors, retailers) and housing advice and support.

Longer-term, increasing the supply of new homes helps to control overall price levels; sales and rents – this enables more people to access their own home. Coupled with improvements in choice, this can improve labour market flexibility and place competitiveness; this is key to attracting or deterring both workers and businesses into an area.

Housing wealth and assets also play a powerful role in the economy via consumption, investment and the indirect effects on enterprise.

Housing Sectors and Tenure

This Strategy covers all housing tenures within Gateshead.

A mixed housing offer is essential to a sustainable and successful housing market and to support economic growth in Gateshead. It is key to ensuring choice and affordability for all. The Council's objective is to help ensure that all housing sectors and tenures make a positive contribution to meeting the housing needs of the Borough, creating mixed, thriving communities. It is particularly important that developers and housing providers recognise the needs of a growing ageing population and contribute towards the provision of a range of housing options and tenures for this sector.

Owner occupation

Market: The national aspiration for home ownership remains strong, and for many it offers stability, security and control, however, the Council recognises the need for home ownership to be sustainable, linked to sustainable lending.

Intermediate Market: Options including shared ownership, rent-to-buy, Starter Homes, discounted market sale (see Glossary), bring diversity to our market, meeting different needs and increasing people's choice of affordable housing. It is important however, that residents looking to enter this sector have clear and sound advice.

Private Rented Sector

A good quality, well managed, tenant focused private rented sector, including build to rent, increases choice, and offers flexibility and ease of mobility for tenants. The Council also recognises that poorly managed and maintained private rented properties are occupied by some of our most vulnerable residents.

Social Housing Sector

In Gateshead, social housing remains a vital element of our overall housing stock, and part of a balance housing market, sustainable neighbourhoods and thriving, mixed communities. It provides security, stability and affordability for tenants, and it will play a key role in meeting our future need for good quality, affordable housing for those unable to access market housing, and including the needs of our growing, older population. Social Housing includes the provision of accommodation offered at both Affordable rent, Social rent, and Shared Ownership (see Glossary).

It will be vital that this sector is also able to continue to make a significant contribution to meeting the diversity and complexity of housing needs of our most vulnerable population, through the provision of a range of specialist and supported accommodation that actively promotes independence and wellbeing.

The Council as housing provider

Existing and new housing stock

Gateshead Council has retained a significant social housing stock of approx. 19,300 homes, and is the single largest provider of social housing in the Borough, comprising 21% of all housing in Gateshead. In keeping with the diverse geography of the Borough, and demographics of our population, the Council's housing stock is similarly wide ranging, with a mix of general needs housing, including low rise houses, bungalows, flats and maisonnettes, mid-rise flats, and 25 multi story blocks, as well as a range of Sheltered Schemes, Extra Care, and specialist supported accommodation.

Approximately 20% of the Council's stock is of non-traditional construction, bringing with it particular challenges in terms of investment, energy efficiency and sustainability.

Management of the Council's homes, including repairs and planned investment, is delivered in partnership with the Council's arm's length management organisation, The Gateshead Housing Company (TGHC). In terms of tenancy management, TGHC provide an area-based model, focused on supporting new and sustaining existing tenancies. As well as dealing with core housing issues, the Company works with and supports tenants on a variety of other arising issues, including financial inclusion initiatives and advice relating to health and wellbeing, and opportunities around employment and education; specialist advice and intervention is drawn-in from other services and external organisations when required.

There continue to be significant pressures on the sustainability of the Council's housing stock, brought about by the imposed reduction in social rent (from CPI plus 1% to a reduction of 1% each year until April 2020), and the continued reduction in the stock through the Right to Buy. In addition to these financial concerns, demand for certain types of property has reduced in some areas. The Council is currently undertaking a review of the sustainability of all Council housing, which will inform the development of a new Asset Strategy and investment model.

In addition to being such an important provider of affordable homes, the Council has a key role to play in terms of facilitating and developing new housing of all tenures, and a mix of housing types. The Council is currently contributing to housing growth through direct development, including a mix of social rented housing, accommodation for specialist care and support, intermediate market and low-cost home ownership, delivered through the Council's Trading Company, and through the Gateshead Regeneration Partnership. Whilst still maintaining a mixed economy in terms of housebuilding, this innovative approach is delivering development, that will help meet the Borough's housing needs, including on sites that are not attractive to private housebuilders, and providing homes which the market is not able, or willing, to deliver.

Our tenants

Like many households within the Borough, Council tenants are experiencing growing pressures on household finances, and as 68% of Council tenants receive some support towards their rent through housing benefit, this makes many of them vulnerable to the specific impacts brought about through Welfare Reform, and the introduction of Universal Credit. The full impact continues to unfold; however, it is wide ranging, affecting some households' ability to sustain their tenancy, and on the Council as housing provider due to an increase in rent arrears.

Our Objectives

What we have already achieved

Page 180

- Over 3400 new homes built between 2010 and 2018
 - Over 770 new Affordable Homes
 - Over 73% of new homes built on brownfield land
- A new model of supported accommodation for young people commissioned 2018
- An adopted Local Plan
- Over 1,000 private sector homes improved as a result of Local Authority intervention since 2013
 - through the introduction of 5 Selective Licensing Schemes
 - through support, advice and enforcement action
- Over 600 empty homes brought back into use or demolished, as a result of advice, support, financial assistance, enforcement activity, and area renewal, over the last five years.
- Homelessness preventions increasing each year - 4,711 in 2017/18.
- 3,486 properties (Council and private) adapted to meet the needs of residents with disabilities, between 2013 and 2018, supporting households to remain in their own homes and live as independently as possible.
- Over 2,600 private homes have benefited from Falls Prevention work since 2012
- 8,800 households have accessed a Council home between 2013 and 2018.
- 56% of properties in Gateshead are with a SAP rating of 65+ (above EPC band D); on course for meeting our 2020 target of 60%.
- 33% reduction in carbon emissions from Gateshead's homes since 2005
- A new approach to tackling noise nuisance and anti-social behaviour that has led to customer satisfaction in the services provided by the Council, and reduced repeat demand for service.

What we need to focus on

Housing Supply - *Delivering the homes we need*

“To ensure the supply of new housing and use of existing stock best meets current and future needs and aspirations.”

This theme is about how our existing stock and the provision of new homes, meets the current and future housing needs and aspirations of people living in, and wanting to move to Gateshead. It's about having the right homes, in the right place, at a price or rent that is affordable and allows choice; through a balance of housing types and tenures.

We need to deliver sustainable housing growth in order to meet our future housing need. Increasing the supply of good quality homes will also support economic growth. We are looking for variety and quality in the local housing market, that will enable households to move as their circumstances and needs change. We want people to be able to move into the housing market, either renting, or purchasing their first home, we need to retain families and our working population, and enable older people to live in homes that best sustain their independence whilst meet their changing needs and aspirations, and keeping them safe.

The Council recognises the importance of all housing tenures; the aspiration for home ownership; the flexibility and choice that can be offered by well managed private rented homes; and the need for good quality, affordable social housing to ensure that the housing needs of those unable to afford market housing is met.

As well as meeting need, increasing the supply of good quality homes helps to control overall price levels (sales and rents) – giving choice, and enabling more people to afford a home they need. A diverse housing offer also improves labour market flexibility and economic competitiveness, and delivers direct economic benefits through jobs in the construction industry, and income from Council Tax.

It is important there is acknowledgement that, to achieve our strategic housing objectives, we continue to require public subsidy, together with longer-term, patient capital investment, to bring forward development where viability, market conditions and lower development values are barriers, and to help us achieve sustainable housing growth, including through the prioritisation of development on brownfield land.

We also need to make best use of our existing stock, bring empty properties back into use, and drive strategic area regeneration where there are indicators of low demand and poor housing market sustainability.

What's driving our intervention

- 11,000 gross new homes required between 2010 and 2030
 - Assessed need for 3,277 new affordable homes 2015-2030
- By 2030, the population of Gateshead aged 65 + will have grown by 10,646
 - 5,440 of which will be 75+
 - 372 of which (aged 65+) expected to require supported care accommodation
- Loss of working age population
- Affordability gaps
- 1,764 Overcrowded households (2015 - based upon the bedroom standard)
 - 933 households living in social rented homes
 - 260 households living in private rented homes
 - 571 households living in owner occupation
- At the end of March 2018 there were 7,429 applicants seeking rehousing in Gateshead on the Housing Register. 683 of these had a priority need (including 233 urgent needs).
 - 277 awards are for medical reasons
 - 209 priority awards are for overcrowding
 - 94 applicants are looking to downsize
 - 55 applicants have a property award either because of, or to prevent homelessness
- Demand for some specialist supported accommodation currently outweighs supply, evidenced by
 - waiting lists for extra care accommodation across the Borough
 - unmet demand, including hospital discharge blockages, and
 - too many people being placed in inappropriate accommodation and high cost residential or nursing care settings.

There are also voids within some existing supported accommodation which may be undesirable due to design, quality, layout, location, or affordability.
- Uncertainty of future revenue funding for social care and support, and specialist and supported accommodation
- Growing pressure on Adaptations/DFG budgets
- Low demand - Up to 6% of homes are empty in some Wards of the Borough
- Lower development value + high remediation costs

What we will do

HOUSING SUPPLY - Delivering the homes we need
Objectives
Securing the right mix of housing (tenure and type) in the right location, to meet population projections, support independent living of older, disabled and vulnerable residents, and deliver our targets for sustainable economic and housing growth
To make our neighbourhoods sustainable places of quality and choice

To utilise land efficiently and sustainably, including using brownfield sites and vacant properties.	
To ensure best use is made of our existing housing stock and assets	
Securing a range of affordable homes that ensure all residents can access a home that meets their needs, helping to reduce homelessness and dependency on Houses in Multiple Occupation	
Reducing the number of empty homes, and increasing the number of empty homes brought back into use.	
Increasing and sustaining our working age population	
What we want to achieve	How will we do this
<ul style="list-style-type: none"> 11,000 gross additional homes between 2010 and 2030. 	<ul style="list-style-type: none"> Accelerating the pace and diversity of housing development, by bringing forward Council owned land through the Land Development and Disposal Plan Driving and delivering our priority, strategic economic growth areas plans. Continuing to review the need for strategic, place-based regeneration – Which may involve the demolition and replacement of low demand poor quality housing. Continue to engage with the housing market to drive diversity and capacity Continuing to develop our capability to deliver in-house development By delivering homes through Gateshead Regeneration Partnership
<ul style="list-style-type: none"> 60% of new homes to be suitable and attractive to families (3 + bedrooms) 	<ul style="list-style-type: none"> Through application of our Local Plan policies and required obligations; to deliver: <ul style="list-style-type: none"> Affordable Homes NDSS By monitoring the number and concentration of houses in multiple occupation, and through the application of Local Plan policy that aims to prevent over concentration.
<ul style="list-style-type: none"> 72% of homes over the next 15 years on brownfield sites 	<ul style="list-style-type: none"> By endeavouring to identify, secure, and pool funding that will unlock unviable brownfield land for housing – Including bidding for Government funding By focusing service activity (engagement and enforcement) on bringing forward vacant and derelict land that has potential for housing development
<ul style="list-style-type: none"> Sufficient affordable home to meet assessed need: <ul style="list-style-type: none"> Reduction in overcrowding Fewer households living in accommodation that fails to meet their need due to medical or welfare grounds Fewer people living in temporary accommodation 	<ul style="list-style-type: none"> Through our planning policy requirement for 15% of new private homes on larger sites to be affordable. By ensuring the future sustainability of the Council's housing stock, through a review of the sustainability of all Council housing, and implementation of a revised Asset Strategy. By ensuring up-to-date stock condition surveys have been carried out on all Council homes by 2023. Revisiting Models for Capital investment through an Asset Strategy that sustains homes and neighbourhoods. Monitoring of management and repairs and maintenance services. By encouraging Registered Social Housing Providers to: <ul style="list-style-type: none"> retain a range of good quality, affordable homes in Gateshead, and take into consideration the Council's Strategic Tenancy Policy. Invest in the provision of new affordable homes within Gateshead Through the development of a protocol to support the acquisition of former Council homes or empty homes where acquisition will contribute to regeneration of communities or support the sustainability of neighbourhoods, and satisfies affordable housing need. Opportunities to introduce external grant to support the business case will be explored

	<ul style="list-style-type: none"> Continue to assess what affordable means to different groups, and how best we can address affordability gaps
<ul style="list-style-type: none"> Fewer empty properties – no more than 3% of the Borough's total stock, and no Ward area to have a void rate above 4.5% 	<ul style="list-style-type: none"> To resource service activity that will bring empty properties back into use, and keep under review the effectiveness and sufficiency of resources. Continue to monitor empty properties and target long term empties, and areas where concentrations of EPs are impacting negatively on neighbourhood sustainability, and economic performance. Impose Council Tax premiums on long term empty properties Carry out continuous monitoring and review of the make-up and sustainability of Council's own housing stock, to inform decisions about investment, ensure we make best use of it, and that it remains fit for the future. Together with the Gateshead Housing Company, review management practice and ensure our Allocation and Lettings Policy are fit for the future.
<ul style="list-style-type: none"> A range of supported and specialist housing (which contains assistive and health technology) that will give people more choice, and meet specific needs of our residents, and fewer people living in inappropriate accommodation 	<ul style="list-style-type: none"> Use demand analysis (SHMA; JSNA; Social Care demand analysis and service data) to allow us to plan and seek to commission, or directly develop, a range of specialist accommodation, and commission support where needed, either to people in their own home or in supported or specialist accommodation. Through the commissioning of sufficient and appropriate specialist and supported accommodation, or support to people in their own home, and reduce the reliance on residential and nursing care accommodation.
<ul style="list-style-type: none"> A range of aspirational and affordable mainstream homes that provide for our growing, older population, and households that include people with disabilities, that will allow them to live independently for longer, and cost effectively. 	<ul style="list-style-type: none"> As above and below Through the emerging local plan policies within Making Spaces for Growing Places; including a requirement that at least 25% of all new dwellings on developments of 15 or more to be built to accessible and adaptable standards. Continue to engage with the housing market to drive diversity and capacity
<ul style="list-style-type: none"> The release of more existing family homes onto the market, where under-occupation is no longer sustainable or in the interest of health and wellbeing of any household. 	<ul style="list-style-type: none"> As above By reviewing incentives/subsidy for those people that are deemed to be under occupying Council homes, and considering solutions that will deliver affordable and sustainable housing options for households.
<ul style="list-style-type: none"> Sustain Gateshead's working age population at a minimum of the 2018 baseline of 128,300 	<ul style="list-style-type: none"> As above Promoting Gateshead as an attractive location to work and live. Working with partners, including the NE LEP, to ensure we understand how best to develop and regenerate our housing stock to meet the aspirations of economic growth sectors.
<ul style="list-style-type: none"> No child living in a House in Multiple Occupation 	<ul style="list-style-type: none"> By seeking to gather evidence on the incidence of families with children living in HMO, and understanding the impact on health and well-being. By ensuring appropriate and sufficient alternative affordable, temporary, or specialist and supported accommodation is available within the Borough.

Housing Standards - *Ensuring our homes sustain health and wellbeing*

“To improve the quality, condition and management of housing so that all residents benefit from safe, healthy and well-managed homes.”

This theme covers quality, condition, energy efficiency, and management of homes, and relates to all tenures, and both existing and new properties.

Housing is both a key determinant of health and wellbeing, and a key influence on the sustainability of neighbourhoods and local and Borough wide housing markets.

Factors that impact on the quality and suitability of homes include:

- good property maintenance and management;
- energy efficiency of properties – low carbon (linked also to fuel poverty/ affordable warmth);
- a positive relationship with landlords and neighbours;
- noise and anti-social behaviour
- design, space standards and accessibility, that help meet aspirations and also the requirements of those with specific needs; and
- the location and infrastructure of the neighbourhood

Problems such as damp and mould growth, excess cold, disrepair and structural defects, can present serious hazards to health:

- Increased risk of cardiovascular and respiratory disease – Contributing to excess winter mortality
- Injury due to trips and falls
- Fire
- Exposure to lead or carbon-monoxide
- Mental health problems - anxiety and depression

The Housing Act 2004 requires all Local Authorities to keep under review the housing conditions in their area. The Act provides powers, and imposes duties, to take appropriate action, including:

- Enforcement of the Housing Health and Safety Rating System (HHSRS), where serious hazards are found to exist within any premises.
- Mandatory Licensing of Houses in Multiple Occupation (HMO)
- Selective Landlord Licensing

By continuing to drive-up housing standards in Gateshead, we will have a direct impact on health inequalities; improve healthy life expectancy; reduce social care costs; reduce hospital admissions linked, in particular, to falls in the home and excess cold; help reduce the incidence of crime and anti-social behaviour; reduce homelessness, and improve wider neighbourhood and housing market sustainability.

Not only do we need to improve much of our existing housing stock, we need to ensure that new housing in Gateshead is of good design, good space standards, and incorporates inclusive design solutions. This will help attract people to live and remain in Gateshead, and help improve the long-term health and wellbeing of our population.

What's driving our intervention

8.9 % of all dwellings in Gateshead are predicted to fail the Housing Health and Safety Rating System (HHSRS), containing at least one Category 1 Hazard (11% of private rented homes, and 10% of owner occupied homes) – Most prevalent hazards are falls (6%) and excess cold (1.9%) - based on 2018 Dwelling Level Stock Condition Model.

- *Falls account for over 50% of injury-related hospital admissions in over 65s*
 - *On average 1320 hospital admissions to the QE hospital for falls in Gateshead every year,*
- *More than 426 deaths from preventable causes in Gateshead every year*
 - *282 excess winter deaths between Aug 2013 and July 2016*
- *Over 25% (2017) of our private housing stock is pre1919 – inherently more difficult to maintain, adapt and make energy efficient.*
- *All Council housing stock requiring assessment of future investment options*
- *Over 400 complaints received about private sector property condition in 2017*

What we will do

HOUSING STANDARDS - Ensuring our homes sustain our health and wellbeing	
Objectives	
Maintaining and driving-up standards in all tenures, to ensure the housing offer in Gateshead is safe and healthy, well managed, energy efficient, marketable, desirable, fit for the future, and sustainable	
To drive up the quality of new-build design, space standards, accessibility and adaptability - Important to ensure our housing offer is attractive, sustains a diverse population, and improves health & well-being	
What we want to achieve	How will we do this
<ul style="list-style-type: none"> Reduced inequity in healthy life expectancy, health and well-being including: <ul style="list-style-type: none"> Lower excess winter mortality rate Fewer hospitalisations due to falls in the home 	<ul style="list-style-type: none"> Using evidence from our Dwelling Level Stock Condition Modelling, to ensure targeted service activity and proportionate intervention to improve standards - through engagement; regulation; enforcement). Monitor and analyse service data, and respond proportionately and effectively to evidence of poor property and tenancy management, and unscrupulous behaviour of PRS landlords, that may lead to a threat to health & wellbeing or homelessness – through engagement and enforcement activity. Through the application of Local Plan policy and Development Management practice, that delivers high quality housing and urban design, amenity and space standards, and accessibility/adaptability, in new housing development across the Borough. Analyse health data and housing standards data, to ensure we effectively target our service activity (proactive intervention; enforcement; financial assistance) to support our most vulnerable residents Continue to effectively resource falls prevention initiatives
<ul style="list-style-type: none"> No one living in accommodation that does not provide a safe and healthy environment – All properties free from both unnecessary and avoidable hazards 	<ul style="list-style-type: none"> As above Identify Category 1 HHSRS Hazards within Council homes, through stock condition surveys and property inspections and taking remedial action accordingly, and tackling general property disrepair through an evidenced based investment approach. By actively carrying out inspections of private rented properties to be let to tenants on Housing Benefit. Actively ensuring that landlords with properties in Selective Licensing Areas, who have shown they are unwilling or unable to reach required standards, are unable to secure a licence to let or manage those properties. Provide a responsive Council home repairs service, that provides best value and is customer focused.
<ul style="list-style-type: none"> Neighbourhood and housing market sustainability 	<ul style="list-style-type: none"> Continue to monitor the success of existing Selective Landlord Licensing Schemes, and keep under review indicators that evidence the need for further SLL. To continue to commit resources to mandate and convene private landlord and tenant meetings, in response to requests for support and complaints. To continue to work with the Police and other organisations to reduce anti-social behaviour Driving and delivering strategic, place-based regeneration – which, subject to viability and funding, may involve reinvestment in properties and estates, as well as the demolition and replacement of poor quality, unsustainable housing, across all tenures.
<ul style="list-style-type: none"> Improved energy efficiency of the housing stock, to help reduce fuel poverty and help meet climate change obligations and targets 	<ul style="list-style-type: none"> Explore further opportunities to introduce district energy schemes across the housing stock, including potential to expand the Gateshead Town Centre scheme.

<ul style="list-style-type: none"> ○ 60% of existing properties to have a SAP rating of 65 or greater by 2020, and all homes by 2030 	<ul style="list-style-type: none"> ● Continue to invest in energy improvement measures within the Council’s own housing stock, with a focus on non-traditional, hard to heat (and hard to treat) homes e.g. external, or internal wall insulation. ● Continue to explore opportunities for external funding to supplement investment and promote innovative solutions, across housing of all tenures, focusing on the most vulnerable residents. ● Continue to integrate and develop energy efficiency schemes within the Chopwell Masterplan Area
<ul style="list-style-type: none"> ● A sustainable Council housing stock and Housing Revenue Account, that delivers homes that are safe and healthy environments. 	<ul style="list-style-type: none"> ● Through a review of the sustainability of all Council housing, and implementation of a revised Asset Strategy ● By ensuring up-to-date stock condition surveys have been carried out on all Council homes by 2023 ● Revisiting Models for Capital investment through an Asset Strategy that sustains homes and neighbourhoods. ● Monitoring of management and repairs and maintenance services. ● A clear and robust Gateshead Standard for our Council owned homes, that is locally set and satisfies statutory requirements. ● Aligning investment decisions with development opportunities to support the Council’s plans for new housing growth

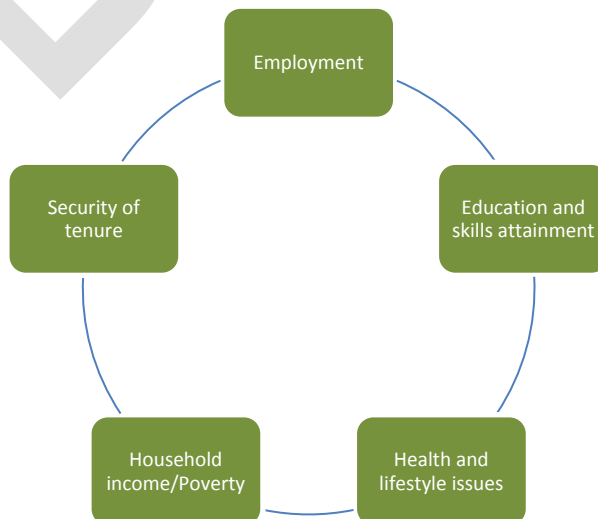
Housing Support - *Supporting our residents to thrive*

“To help residents access, and sustain, a home which promotes their wellbeing”

Housing Support covers a broad spectrum of help given to people (across all tenures), and, given the varied needs and vulnerabilities of our population, it is fundamental to ensuring that we achieve our strategic aim of “making Gateshead a place where everyone thrives”

We know that a significant proportion of our residents are vulnerable, or “just coping”, and this can affect their ability to secure or sustain a home that meets their needs, and is safe and healthy. It is these residents that require more help and support from the Council and others.

Factors influencing the ability of individuals and households to access and sustain a home suitable to their needs include:



Not having, or being able to sustain, a suitable, safe, and affordable home can impact directly upon physical and mental health and well-being, lead to social exclusion, have a negative impact on family and social relationships, and affect the educational attainment and long-term life chances of children. Individuals or households experiencing disadvantage, and the many causes of social exclusion, are more likely to find themselves in poor or overcrowded housing, homeless, or threatened by homelessness, and similarly vulnerable to unscrupulous behaviour and other harm.

Housing Support can help break this cycle of disadvantage and inequity, and is provided in many ways, and by a range of organisations, including the Council and the Gateshead Housing Company, registered housing providers, the voluntary and community sector, and the NHS.

National research (supported by findings of our own Homelessness and Multiple and Complex Needs Health Needs Assessment 2017 - HHNA) has demonstrated that investment in the right advice and support activity, provided at an early stage and in a timely way, not only helps address inequalities and make a difference to individuals and families lives and life-chances, but saves money in the long run, by:

- reducing social exclusion
- sustaining tenancies and preventing homelessness
- reducing the demand on more expensive crisis services such as A&E; specialist housing including residential and nursing care homes; and preventing time spent in prison
- reducing repeat demand for services
- increasing community cohesion

Support can be a one-off engagement, where information, advice or guidance is given that helps people to find a suitable solution to their housing issue, or it can be ongoing; short-term, tapering, or long-term.

It may cover support with everyday tasks including organising payment of bills or rent; managing debt; developing life skills; or support to modify behaviour such as hoarding, anti-social behaviour, or domestic violence, and it may be financial support.

The Council and our partners want to provide our residents with the right type of advice and support, that is proportionate, timely, and at its heart promotes independence and equality. Supporting vulnerable people to thrive, of all ages, and preventing households from becoming homeless or needing to access crisis services, are key drivers within this theme. We need to think innovatively about how we deliver quality housing support services with fewer resources, particularly for vulnerable and homeless residents

The Council supports the principles of “Housing First” – an approach to supporting homeless people, including those with high needs, to live in their own home. This approach requires a stable and independent home together with personalised (intensive where necessary) support.

As we implement the recommendations of our HHNA, and our Homelessness Reduction Act 2017 Implementation Plan, we will be in a better place to understand vulnerability and respond to individual’s multiple and complex needs, and so deliver effective and efficient support, and meets our wider prevention and thrive objectives.

What’s driving our support intervention

- *Gateshead is the 73rd most deprived area out of the 326 Local Authority areas in England.*
- *Vulnerable communities*
 - *491 adults with learning disabilities in receipt of long term support from social care services at the end of March 2018*
 - *2187 older people in receipt of long term support from social care services at the end of March 2018*
 - *392 children living in the care of Gateshead Council (looked after children and young people) March 2018*

- 428 children and young people living in Gateshead (aged 5 to 18) with autism. An estimated 1,227 adults aged between 18 and 64 are believed to have an autistic spectrum disorder, with a further 361 aged 65 and over.
- 129 children and young people (aged 5-15) with physical disabilities (2017)
- 49% of Gateshead residents said they had a long-standing health problem, disability or infirmity
- Approximately 490 Asylum seekers and refugees being supported within the Borough at Nov 2017
- Other vulnerabilities
 - 4,579 domestic violence or abuse related incidents in 2016/17
 - Over 1,900 people accessed Gateshead's treatment and recovery service for alcohol and drugs related conditions in 2015/16
- 40.5% of single income, concealed households in Gateshead earn below the income level required to rent a lower quartile 1 bed flat.
- 1,764 Overcrowded households (2015 SHMA estimates - based upon the bedroom standard)
 - 933 households living in social rented homes
 - 260 households living in private rented homes
 - 571 households living in owner occupation
- Approximately 60% of household who rent are receiving Housing Benefit.
- Around 36% of households predicted to be in Fuel Poverty
- Avoidable, premature, or inappropriate admissions to supported or care accommodation, and hospital
- Demand for home adaptations continues to grow – 569 homes adapted in 2017/18
- By March 2018 1,504 council tenants were in receipt of Universal Credit and affected by the built-in delay before receiving a first payment. 479 of these required the support of an Alternative Payment Arrangement. At the end of March 2018 Council tenants on Universal Credit owed an average £592 each in rent arrears; 4 x more than other tenants.
- Following the introduction of Universal Credit, at least 1,865 council tenants have had to manage with weekly reductions averaging £13.23 in their housing benefit entitlement because they are deemed to under-occupy their homes. Over 40% of these tenants were in rent arrears at March 2018.
- 655 households assessed as Homeless in critical or priority need in 2016/17
- Evidence from our HHNA
- Additional duties under the Homelessness Reduction Act 2017
- Unscrupulous behaviour of PRS landlords – unlawful evictions
- Increase in the termination of private rental tenancies as the main reason for households presenting as homeless/threatened with homelessness; from 16% to 39% (2015-2017)
- Benchmarking and review of best practice – e.g. Housing First principles

What we will do

HOUSING SUPPORT - Supporting our residents to thrive

Objectives

To ensure the most appropriate and effective range of housing related support is available, where it is needed, to help residents, access and sustain a home which promotes their independence and wellbeing through their life-course.

To tackle homelessness and its root causes	
What we want to achieve	How will we do this
<ul style="list-style-type: none"> Reduced inequity in health and wellbeing <ul style="list-style-type: none"> Improved healthy life expectancy 	<ul style="list-style-type: none"> Review how we understand, identify and address the needs of vulnerable people (through Public Service Review) Review the range of support activity carried out by the Council and others, and ensure it remains customer focused, targeted, cost effective, builds independence and supports our overarching prevention agenda. As below
<ul style="list-style-type: none"> An eradication of homelessness in Gateshead, and reduced demand for services from those threatened with homelessness. No one living in emergency accommodation such as shelters and hostels without a plan for rapid rehousing into affordable, secure and decent accommodation 	<ul style="list-style-type: none"> Through earlier intervention and prevention, as proposed in the Council's Homelessness Reduction Act 2017 Implementation Plan Implementing the recommendations of the HHNA By providing accommodation, together with personalised support, that satisfies "Housing First" principles
<ul style="list-style-type: none"> People are increasingly able to live independently, and sustain independence 	<ul style="list-style-type: none"> By developing and delivering new models for provision of support and supported accommodation that at their heart will have seamless pathways to independence, and help people to fulfil their potential; that include step-up and down opportunities, between lower and higher-level support and supported accommodation; and ensure effective outcome monitoring frameworks are in place <ul style="list-style-type: none"> By ensuring the principles of promoting and sustaining independence are embedded within all commissioned support services, supported accommodation, and residential care. Review the effectiveness of Tyne & Wear Homes, our Choice Based Lettings portal. By ensuring that our emerging Better Care Fund Spending Plan supports elderly and disabled residents to live independently and safely. Through the development of a new policy that will set out how we will ensure best outcomes from our awarding of Disabled Facilities Grants to private home owners and tenants, and funding of adaptations to Council tenants' homes. Through the most effective allocation of Disabled Facilities Grant and Adaptations funding; using assistive and health technology; and resourcing falls prevention activity. Continue to provide and develop integrated support and advice to Refugees and Asylum Seekers in Gateshead that helps their successful integration, self-sufficiency, and supports their health and well-being.
<ul style="list-style-type: none"> Reduced demand for services; reduced revenue costs to the Council and wider public purse 	As above and below
<ul style="list-style-type: none"> Reduced ASB and community tension 	<ul style="list-style-type: none"> As above and below By undertaking a review of service activity provided across the Council, and by partners, to ensure an effective and joined up approach.
<ul style="list-style-type: none"> Helping to reduce avoidable hospital admissions, and help deflect demand from specialist and supported housing. 	<ul style="list-style-type: none"> As above and below Through the commissioning of sufficient and appropriate supported accommodation, and support and care

<ul style="list-style-type: none"> • Fewer delayed hospital discharges - The process of discharging people from hospital back to their own home, or to appropriate temporary or settled supported accommodation, is timely and delivers the best outcome for people. 	<ul style="list-style-type: none"> • By ensuring people’s access to the most suitable accommodation and support is based on timely and sound assessment of need. • Through the commissioning of sufficient and appropriate supported accommodation, and support and care
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Working together

For us to successfully meet our strategic housing objectives, and our pledges for “making Gateshead a place where everyone thrives”, we need to continue to work collaboratively with our partners and other stakeholders, to ensure our interventions are effective and efficient, and deliver measurable and robust outcomes.

Key Stakeholders

Social & Private Tenants | Owner-Occupiers | Concealed Households | Homeless Households
 Housing Advice Services | Housing Care and Support Providers | The Gateshead Housing Company |
 Registered Providers | Specialist Housing Providers | Private Landlords | Landowners | Housebuilders |
 Investors | Contractors | Estate and Letting Agents | Financial Services | Homes England

Partnership working

Health & Wellbeing Board
 NHS
 Gateshead Care Partnership
 Local Enterprise Partnership
 Gateshead Regeneration Partnership
 NE Home Loan Partnership
 Community Safety Partnership

6. Delivery, Performance and Risk

Delivery

This Strategy has set out what the key housing challenges are, and the activity needed to deal with them. Action Plans will set out the priority activity the Council will undertake to meet our targets and deliver the desired outcomes.

Effective use of the Council's limited, human and financial resources will be critical to delivering the aims and objectives of this Strategy. A secondary objective of the Strategy is to ensure that priorities for housing are aligned with other strategic planning across the Council.

The Council will continue to use its resources to complement the resources available to individuals, the third sector, the private sector, and other public-sector bodies.

Performance

Actions and targets will be monitored on a periodic basis, and the whole Action Plan will be reviewed, on an annual basis, and updated, and where appropriate revised accordingly. Performance will be reported to the Council's Senior Management Groups, relevant Portfolio holders, and partnership boards. Where performance is falling below target then measures to mitigate will be considered.

To ensure partners, who are critical to delivery, are fully engaged in this strategy we will work together through a range of existing and new partnerships, aimed at building mutual understanding, supporting learning and innovation, that will help to shape service activity and interventions, and ensure best use of resources.

Risk

The Council will develop a risk register and mitigation plan as part of the action planning process with our partners

Equality Impact Assessment

An EIA of this draft strategy has been carried out and is available on the Council's web site (*link to be inserted*)

APPENDIX 1 – Strategy Summary ***ENSURE THIS MATCHES THE ABOVE TABLES***

Gateshead Housing Strategy 2019-30

Our approach to delivering these objectives, is summarised in the table below, and the steps that we intend to take to make this happen are set out in further detail in the Action Plan in Appendix x

HOUSING SUPPLY - <i>Delivering the homes we need</i>	
Objectives	
Securing the right mix of housing (tenure and type) in the right location, to meet population projections, support independent living of older, disabled and vulnerable residents, and deliver our targets for sustainable economic and housing growth	
To make our neighbourhoods sustainable places of quality and choice	
To utilise land efficiently and sustainably, including using brownfield sites and vacant properties.	
To ensure best use is made of our existing housing stock and assets	
Securing a range of affordable homes that ensure all residents can access a home that meets their needs, helping to reduce homelessness and dependency on Houses in Multiple Occupation	
Reducing the number of empty homes, and increasing the number of empty homes brought back into use.	
Increasing and sustaining our working age population	
What we want to achieve	How will we do this
<ul style="list-style-type: none"> 11,000 gross additional homes between 2010 and 2030. 	<ul style="list-style-type: none"> Accelerating the pace and diversity of housing development, by bringing forward Council owned land through the Land Development and Disposal Plan Driving and delivering our priority, strategic economic growth areas plans. Continuing to review the need for strategic, place-based regeneration – Which may involve the demolition and replacement of low demand poor quality housing. Continue to engage with the housing market to drive diversity and capacity Continuing to develop our capability to deliver in-house development By delivering homes through Gateshead Regeneration Partnership
<ul style="list-style-type: none"> 60% of new homes to be suitable and attractive to families (3 + bedrooms) 	<ul style="list-style-type: none"> Through application of our Local Plan policies and required obligations; to deliver: <ul style="list-style-type: none"> Affordable Homes NDSS By monitoring the number and concentration of houses in multiple occupation, and through the application of Local Plan policy that aims to prevent over concentration.
<ul style="list-style-type: none"> 72% of homes over the next 15 years on brownfield sites 	<ul style="list-style-type: none"> By endeavouring to identify, secure, and pool funding that will unlock unviable brownfield land for housing – Including bidding for Government funding By focusing service activity (engagement and enforcement) on bringing forward vacant and derelict land that has potential for housing development

<ul style="list-style-type: none"> ● Sufficient affordable home to meet assessed need: <ul style="list-style-type: none"> ○ Reduction in overcrowding ○ Fewer households living in accommodation that fails to meet their need due to medical or welfare grounds ○ Fewer people living in temporary accommodation 	<ul style="list-style-type: none"> ● Through our planning policy requirement for 15% of new private homes on larger sites to be affordable. ● By ensuring the future sustainability of the Council’s housing stock, through a review of the sustainability of all Council housing, and implementation of a revised Asset Strategy. ● By ensuring up-to-date stock condition surveys have been carried out on all Council homes by 2023. ● Revisiting Models for Capital investment through an Asset Strategy that sustains homes and neighbourhoods. ● Monitoring of management and repairs and maintenance services. ● By encouraging Registered Social Housing Providers to: <ul style="list-style-type: none"> ○ retain a range of good quality, affordable homes in Gateshead, and take into consideration the Council’s Strategic Tenancy Policy. ○ Invest in the provision of new affordable homes within Gateshead ● Through the development of a protocol to support the acquisition of former Council homes or empty homes where acquisition will contribute to regeneration of communities or support the sustainability of neighbourhoods, and satisfies affordable housing need. Opportunities to introduce external grant to support the business case will be explored ● Continue to assess what affordable means to different groups, and how best we can address affordability gaps
<ul style="list-style-type: none"> ● Fewer empty properties – no more than 3% of the Borough’s total stock, and no Ward area to have a void rate above 4.5% 	<ul style="list-style-type: none"> ● To resource service activity that will bring empty properties back into use, and keep under review the effectiveness and sufficiency of resources. Continue to monitor empty properties and target long term empties, and areas where concentrations of EPs are impacting negatively on neighbourhood sustainability, and economic performance. ● Impose Council Tax premiums on long term empty properties ● Carry out continuous monitoring and review of the make-up and sustainability of Council’s own housing stock, to inform decisions about investment, ensure we make best use of it, and that it remains fit for the future. ● Together with the Gateshead Housing Company, review management practice and ensure our Allocation and Lettings Policy are fit for the future.
<ul style="list-style-type: none"> ● A range of supported and specialist housing (which contains assistive and health technology) that will give people more choice, and meet specific needs of our residents, and fewer people living in inappropriate accommodation 	<ul style="list-style-type: none"> ● Use demand analysis (SHMA; JSNA; Social Care demand analysis and service data) to allow us to plan and seek to commission, or directly develop, a range of specialist accommodation, and commission support where needed, either to people in their own home or in supported or specialist accommodation. ● Through the commissioning of sufficient and appropriate specialist and supported accommodation, or support to people in their own home, and reduce the reliance on residential and nursing care accommodation.
<ul style="list-style-type: none"> ● A range of aspirational and affordable mainstream homes that provide for our growing, older population, and households that include people with disabilities, that will allow them to live independently for longer, and cost effectively. 	<ul style="list-style-type: none"> ● As above and below ● Through the emerging local plan policies within Making Spaces for Growing Places; including requirements 90% of all new dwellings on developments of 15 or more to be built to accessible and adaptable standards. ● Continue to engage with the housing market to drive diversity and capacity
<ul style="list-style-type: none"> ● The release of more existing family homes onto the market, where under-occupation is no longer sustainable or in the interest of health and wellbeing of any household. 	<ul style="list-style-type: none"> ● As above ● By reviewing incentives/subsidy for those people that are deemed to be under occupying Council homes, and considering solutions that will deliver affordable and sustainable housing options for households.
<ul style="list-style-type: none"> ● Sustain Gateshead’s working age population at a minimum of the 2018 baseline of 128,300 	<ul style="list-style-type: none"> ● As above ● Promoting Gateshead as an attractive location to work and live. ● Working with partners, including the NE LEP, to ensure we understand how best to develop and regenerate our housing stock to meet the aspirations of economic growth sectors.

<ul style="list-style-type: none"> No child living in a House in Multiple Occupation 	<ul style="list-style-type: none"> By seeking to gather evidence on the incidence of families with children living in HMO, and understanding the impact on health and well-being. By ensuring appropriate and sufficient alternative affordable, temporary, or specialist and supported accommodation is available within the Borough.
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HOUSING STANDARDS - *Ensuring our homes sustain our health and wellbeing*

Objectives

Maintaining and driving-up standards in all tenures, to ensure the housing offer in Gateshead is safe and healthy, well managed, energy efficient, marketable, desirable, fit for the future, and sustainable

To drive up the quality of new-build design, space standards, accessibility and adaptability - Important to ensure our housing offer is attractive, sustains a diverse population, and improves health & well-being

What we want to achieve

How will we do this

- Reduced inequity in healthy life expectancy, health and well-being including:
 - Lower excess winter mortality rate
 - Fewer hospitalisations due to falls in the home

- Using evidence from our Dwelling Level Stock Condition Modelling, to ensure targeted service activity and proportionate intervention to improve standards - through engagement; regulation; enforcement).
- Monitor and analyse service data, and respond proportionately and effectively to evidence of poor property and tenancy management, and unscrupulous behaviour of PRS landlords, that may lead to a threat to health & wellbeing or homelessness – through engagement and enforcement activity.
- Through the application of Local Plan policy and Development Management practice, that delivers high quality housing and urban design, amenity and space standards, and accessibility/adaptability, in new housing development across the Borough.
- Analyse health data and housing standards data, to ensure we effectively target our service activity (proactive intervention; enforcement; financial assistance) to support our most vulnerable residents
- Continue to effectively resource falls prevention initiatives

- No one living in accommodation that does not provide a safe and healthy environment – All properties free from both unnecessary and avoidable hazards

- As above
- Identify Category 1 HHSRS Hazards within Council homes, through stock condition surveys and property inspections and taking remedial action accordingly, and tackling general property disrepair through an evidenced based investment approach.
- By actively carrying out inspections of private rented properties to be let to tenants on Housing Benefit.
- Actively ensuring that landlords with properties in Selective Licensing Areas, who have shown they are unwilling or unable to reach required standards, are unable to secure a licence to let or manage those properties.
- Provide a responsive Council home repairs service, that provides best value and is customer focused.

- Neighbourhood and housing market sustainability

- Continue to monitor the success of existing Selective Landlord Licensing Schemes, and keep under review indicators that evidence the need for further SLL.
- To continue to commit resources to mandate and convene private landlord and tenant meetings, in response to requests for support and complaints.
- To continue to work with the Police and other organisations to reduce anti-social behaviour

	<ul style="list-style-type: none"> Driving and delivering strategic, place-based regeneration – which, subject to viability and funding, may involve reinvestment in properties and estates, as well as the demolition and replacement of poor quality, unsustainable housing, across all tenures.
<ul style="list-style-type: none"> Improved energy efficiency of the housing stock, to help reduce fuel poverty and help meet climate change obligations and targets <ul style="list-style-type: none"> 60% of existing properties to have a SAP rating of 65 or greater by 2020, and all homes by 2030 	<ul style="list-style-type: none"> Explore further opportunities to introduce district energy schemes across the housing stock, including potential to expand the Gateshead Town Centre scheme. Continue to invest in energy improvement measures within the Council’s own housing stock, with a focus on non-traditional, hard to heat (and hard to treat) homes e.g. external, or internal wall insulation. Continue to explore opportunities for external funding to supplement investment and promote innovative solutions, across housing of all tenures, focusing on the most vulnerable residents. Continue to integrate and develop energy efficiency schemes within the Chopwell Masterplan Area
<ul style="list-style-type: none"> A sustainable Council housing stock and Housing Revenue Account, that delivers homes that are safe and healthy environments. 	<ul style="list-style-type: none"> Through a review of the sustainability of all Council housing, and implementation of a revised Asset Strategy By ensuring up-to-date stock condition surveys have been carried out on all Council homes by 2023 Revisiting Models for Capital investment through an Asset Strategy that sustains homes and neighbourhoods. Monitoring of management and repairs and maintenance services. A clear and robust Gateshead Standard for our Council owned homes, that is locally set and satisfies statutory requirements. Aligning investment decisions with development opportunities to support the Council’s plans for new housing growth

HOUSING SUPPORT - Supporting our residents to thrive	
Objectives	
To ensure the most appropriate and effective range of housing related support is available, where it is needed, to help residents, access and sustain a home which promotes their independence and wellbeing through their life-course.	
To tackle homelessness and its root causes	
What we want to achieve	How will we do this
<ul style="list-style-type: none"> Reduced inequity in health and wellbeing <ul style="list-style-type: none"> Improved healthy life expectancy 	<ul style="list-style-type: none"> Review how we understand, identify and address the needs of vulnerable people (through Public Service Review) Review the range of support activity carried out by the Council and others, and ensure it remains customer focused, targeted, cost effective, builds independence and supports our overarching prevention agenda. As below
<ul style="list-style-type: none"> An eradication of homelessness in Gateshead, and reduced demand for services from those threatened with homelessness. No one living in emergency accommodation such as shelters and hostels without a plan for rapid rehousing into affordable, secure and decent accommodation 	<ul style="list-style-type: none"> Through earlier intervention and prevention, as proposed in the Council’s Homelessness Reduction Act 2017 Implementation Plan Implementing the recommendations of the HHNA By providing accommodation, together with personalised support, that satisfies “Housing First” principles

<ul style="list-style-type: none"> • People are increasingly able to live independently, and sustain independence 	<ul style="list-style-type: none"> • By developing and delivering new models for provision of support and supported accommodation that at their heart will have seamless pathways to independence, and help people to fulfil their potential; that include step-up and down opportunities, between lower and higher-level support and supported accommodation; and ensure effective outcome monitoring frameworks are in place • By ensuring the principles of promoting and sustaining independence are embedded within all commissioned support services, supported accommodation, and residential care. • Review the effectiveness of Tyne & Wear Homes, our Choice Based Lettings portal. • By ensuring that our emerging Better Care Fund Spending Plan supports elderly and disabled residents to live independently and safely. • Through the development of a new policy that will set out how we will ensure best outcomes from our awarding of Disabled Facilities Grants to private home owners and tenants, and funding of adaptations to Council tenants' homes. • Through the most effective allocation of Disabled Facilities Grant and Adaptations funding; using assistive and health technology; and resourcing falls prevention activity. • Continue to provide and develop integrated support and advice to Refugees and Asylum Seekers in Gateshead that helps their successful integration, self-sufficiency, and supports their health and well-being.
<ul style="list-style-type: none"> • Reduced demand for services; reduced revenue costs to the Council and wider public purse 	<p>As above and below</p>
<ul style="list-style-type: none"> • Reduced ASB and community tension 	<ul style="list-style-type: none"> • As above and below • By undertaking a review of service activity provided across the Council, and by partners, to ensure an effective and joined up approach.
<ul style="list-style-type: none"> • Helping to reduce avoidable hospital admissions, and help deflect demand from specialist and supported housing. 	<ul style="list-style-type: none"> • As above and below • Through the commissioning of sufficient and appropriate supported accommodation, and support and care
<ul style="list-style-type: none"> • Fewer delayed hospital discharges - The process of discharging people from hospital back to their own home, or to appropriate temporary or settled supported accommodation, is timely and delivers the best outcome for people. 	<ul style="list-style-type: none"> • By ensuring people's access to the most suitable accommodation and support is based on timely and sound assessment of need. • Through the commissioning of sufficient and appropriate supported accommodation, and support and care

Appendix 2

Resources

The resources currently available or proposed to deliver our objectives are set out below:

Housing Supply Resources

Partnerships	Staffing
<p>The Council has worked in partnership with Newcastle City Council to develop the adopted joint Core Strategy and Urban Core Plan (our Local Plan).</p> <p>The Council has embarked on an innovative approach to delivery through the Gateshead Regeneration Partnership – A partnership between the Council, Galliford Try and Home Group. Its purpose is to utilise the resources of the public and private sector to deliver new build housing on Council owned land, and in priority regeneration areas.</p> <p>Registered social housing providers (RPs) continue to be a vital part of our housing market, and key to help in the Council deliver housing supply objectives. We will continue to welcome the expertise and resources provided by this sector, and continue to develop joint initiatives, to help meet our housing needs of our most vulnerable residents.</p> <p>The Council will work with the Local Enterprise Partnership (LEP) to deliver our housing and economic growth objectives</p>	<p>A number of services across the Council have a role in the supply of housing. This includes:</p> <ul style="list-style-type: none"> ▪ Spatial Planning – developing the overarching spatial framework and policies for land use; including housing delivery ▪ Land Development Group – developing and delivering the Council’s Land Development and Disposal Plan ▪ Corporate Asset Strategy Team – Identifying Council land and buildings that may be used for residential purposes ▪ Housing Growth Team – coordinating housing strategy and supply measures across the Council ▪ Capital Projects Team – delivering housing and regeneration projects ▪ Development Management – assessing the suitability of planning enquiries and application ▪ Property Services – managing and disposing of Council owned land and dwellings ▪ TGHC – managing the stock of Council owned housing dwellings ▪ Private Sector Housing – Tackling private empty properties and bringing empty homes back into use
Funding	Other Resources
<p>The Council’s 2018/19 to 2022/23 capital programme comprises over £40.8m of planned investment in relation to housing supply projects, including site preparation; GRP and in-house development; estate regeneration projects, including land assembly.</p> <p>The Council has created a Housing Investment Fund, pooling Council’s available resources, to increase the supply of homes in Gateshead.</p> <p>The Council will continue to work with partners to maximise the amount of public sector resources that are invested in Gateshead. This would largely be through the new Ministry for Housing, Communities and Local Government, and the Homes England. But could include funding from the Regional Growth Fund, National Lottery and European Regional Development Fund.</p>	<p>Council owned land and buildings – the Council will plan strategically to bring forward land and buildings for housing through the Land Development and Disposal Plan.</p>

Housing Standards Resources

Partnerships	Staffing
<p>The Council will work in partnership with the NHS, through the Health and Wellbeing Board, to help ensure that we are able to continue to deliver improvements to the health of people in Gateshead, through our housing activity and interventions.</p> <p>In relation to Housing Standards we have one main strategic partnership:</p> <ul style="list-style-type: none"> ▪ Tyne & Wear Heads of Service Group (which is supported by a housing policy officers group and a private sector housing group) – to look at cross authority partnership working and benchmarking. <p>Gateshead Council, in partnership with other North East local authorities and NEPO, are in early stages of exploring the potential for creating an ESCO (Energy Supply Company).</p> <p>There are also several forums which the Council continues to engage with, including:</p> <ul style="list-style-type: none"> ▪ Gateshead Private Landlords Association – working with private landlords on the management of private rented homes and tenancies. ▪ The Energy Savings Trust and Warm up North – tackling fuel poverty and delivering energy efficiency measures across the Borough <p>It is our intention to continue to engage with these existing groups and to ensure we have a clear understanding of how best we can work together towards shared objectives</p> <p>.</p>	<p>Council Owned Homes and Neighbourhoods The Council commits revenue funding each year to deliver services that help manage, maintain and improve Council owned homes and neighbourhoods. This includes the Council Housing Services, and our Housing Management Services delivered by The Gateshead Housing Company</p> <p>Other Public-Sector Homes The Council engages with Registered Social Housing Providers through a range of partnership initiatives which require the support of Council Officers. This includes officers from:</p> <ul style="list-style-type: none"> ▪ Strategic Housing – investment planning and stock renewal ▪ TGHC – management of Council homes, including lettings ▪ Community Safety – anti social behaviour and crime <p>Private Sector Homes The Council employs 18 full time members of staff within its Private Sector Housing Team to deal with regulation and enforcement of property condition and management across our private sector stock.</p> <p>Energy Efficiency The Energy Services Team will oversee the Council's role regarding energy efficiency measures across all tenures as well as delivering key projects such as the Town Centre District Heating scheme</p>
Funding	Other Resources
<p>The Council's 2018/19 to 2022/23 capital programme and HRA comprises over £90.1m of planned investment in Council owned homes and Neighbourhoods, including energy efficiency projects.</p> <p>Other Social Housing The Council does not have any specific funding to support Registered Providers to improve their housing stock, however indirectly they will continue to benefit from improvements as a result of the Council's capital investment in projects such as the Falls Prevention Scheme; DFGs; and energy efficiency initiatives delivered by the private sector.</p> <p>Private Sector Homes The Council continues to work with partners including Homes England; NE Regional Private Sector Housing Renewal Partnership; the NHS; Department of Energy and Climate Change, to invest in private sector homes.</p>	<p>20,177 Council owned homes (19,424 TGHC managed)</p>

Housing Support Resources

Partnerships	Staffing
<p>The Tyne and Wear Homes partnership will:</p> <ul style="list-style-type: none"> ▪ Enable social housing to be advertised, and let, in a clear and transparent manner ▪ Help residents to access the right information and advice to find a home that meets their needs <p>With private sector providers, through the commissioning and funding of support services and supported accommodation</p> <p>The Gateshead Older People’s Assembly</p> <p>The NHS Clinical Commissioning Group</p> <p>The NE Regional Private Sector Housing Renewal Partnership:</p> <ul style="list-style-type: none"> ▪ Oversees the NE Financial Assistance Policy, and Housing Renewal Loan Scheme 	<p>The Council provides housing advice and support through:</p> <ul style="list-style-type: none"> ▪ The Gateshead Housing Company – covering Housing Options, Homelessness prevention, Tenancy Support, Debt Advice; Syrian Refugee Project. ▪ The Private Sector Housing Team (within Development, Transportation and Public Protection) – covering support and guidance to homeowners, tenants and landlords. <p>These services also provide strong links into other functions within the Council including:</p> <ul style="list-style-type: none"> ▪ Care Wellbeing & Learning <ul style="list-style-type: none"> ▪ Adult Social Care ▪ Children’s Services ▪ Commissioning ▪ Housing Benefit ▪ Economic Development - Employment Support ▪ Public Health
Funding	Other Resources
<p>Housing advice and support is funded through:</p> <ul style="list-style-type: none"> ▪ Rental income from our housing stock (HRA), ▪ Grant funding from the Ministry for Housing Communities and Local Government (HCLG) ▪ Mainstream Council resources. <p>Supported accommodation and home adaptation:</p> <ul style="list-style-type: none"> ▪ Better Care Fund 	<p>Services are delivered principally from the Civic Centre, but with increased use of web-based approaches</p> <p>The Council and partners will also continue to provide outreach and regulatory services in various hubs across the Borough and where appropriate home visits.</p> <p>The Council from April 2013 has been responsible for crisis support, and has developed a Local Discretionary Payments Scheme to help people who lack necessities such as food and fuel, and to assist people adjust to the impact of Welfare Reform (including “bedroom tax”).</p>

Appendix 3

Glossary of Terms

Affordable Housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Affordable Homes Programme: The government funded Affordable Homes Programme supports the delivery of new affordable homes through a mixture of new investment and greater flexibility for social housing providers to make the best use of existing and future assets.

Affordable Rent

Defined as up to 80% of the local market rent in the private sector in the local area

Arm's Length Management Organisation (ALMO): An organisation specifically set up by a local authority to manage and improve all or part of its housing stock. In Gateshead the ALMO is The Gateshead Housing Company (TGHC).

Anti-Social Behaviour (ASB): ASB is any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life.

Black and Minority Ethnic (BME): Term for describing anyone who would not categorise his or her ethnicity as White British.

Category 1 Hazard: Serious hazards with a high score as assessed by the Housing Health and Safety Rating System (HHSRS) e.g. excess cold, falls of the level, falls on the stairs. Local Authorities are required to take action where a Category 1 Hazard has been identified.

Choice Based Lettings: Scheme for the allocation of social housing designed to offer more choice and (CBL) involvement for customers in selecting a new home. Social rented housing is advertised allowing customers to 'bid' (register an interest) in those homes.

Disabled Facilities Grant: Government funding to local housing authorities to provide and improve adaptation services to disabled people enabling them to continue to stay in their own homes.

Energy Company Obligation (ECO): ECO will take over from the existing obligations the Carbon Emissions Reduction Target (CERT) and the Community Energy Saving Programme (CESP). These existing obligations are due to end in December 2012 and the ECO will take over in addressing energy efficiency in the domestic sector.

Empty Homes: There is no single definition used, but generally the Government is concerned that problematic empty properties (those that are not subject to a transactional process) are brought back to occupation.

Green Deal: The Green Deal is a new government initiative to help home owners employ more green technologies in their properties. The idea is to install new green technology in your property with no upfront costs. You will pay back the costs through your energy bill over a period of time.

House in Multiple Occupation (HMO): Property in which more than one household shares basic amenities, such as kitchens and bathrooms (e.g. bedsits). Regulations exist to control the repair standards and provision of amenities in these properties.

Housing Health and Safety Rating System (HHSRS): The HHSRS, enables the evaluation of the potential risks to health and safety of occupants or visitors, from any deficiencies identified in dwellings. The HHSRS provides Local Authorities with a means of assessing whether dwellings provide adequate protection from potential hazards that may impact on health and safety, so enabling appropriate action (including enforcement) to be taken. The System allows assessment of the 29 main, potential housing related hazards.

Housing Revenue Account (HRA): Local authorities are required to maintain a separate account, the HRA, defined by Section 74 and Schedule 4 of the Local Government and Housing Act 1989. This account sets out the expenditure and income arising from council housing provision

Intermediate Housing: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low-cost homes for sale and intermediate rent.

Joint Strategic Needs Assessment (JSNA): The process that identifies current and future health and wellbeing needs considering existing services, and informs future service planning taking into account evidence of effectiveness.

Local Enterprise Partnership (LEP): A partnership between local authorities and businesses formed in 2011 to help determine local economic priorities and lead economic growth and job creation within its local area.

Local Plan: The Local Plan sets out the vision and objectives that will underpin all the Council's development plan documents, and sets out the spatial strategy for meeting known and anticipated development requirements to 2030, including the number of dwellings required.

Market Housing: Private housing for rent or sale, where the price is set in the open market.

Registered Providers: Also known as Housing Associations or Registered Social Landlords (RSLs). They (RP) are not for profit organisations that provide social housing and are regulated through Homes and Communities Agency (HCA).

Social Rent: Rent for which guideline target rents are determined through the national rent regime. This formula rent takes account of values of properties (including a "bedroom weighting"), and local earnings relative to national earnings.

Specialist and supported accommodation: “Means any housing scheme where accommodation is provided alongside care, support or supervision to help people live as independently as possible in the community. This includes all tenures and also covers emergency, short term and long-term arrangements.”

Standard Assessment Procedure (SAP): Is the methodology used to assess and compare the energy and environmental performance of dwellings.

Strategic Housing Land Availability Assessment (SHLAA): Local planning authorities are required to prepare a SHLAA to establish realistic assumptions about the availability, suitability and viability of land to meet the identified need for housing within the ‘Local Plan’ period.

Strategic Housing Market Assessment (SHMA): The SHMA is an important piece of work that reviews the overall picture of housing in an area. It assists local authorities and their partners in developing their understanding of how the housing market works and assists with strategic decision making.

Sustainable Communities: Sustainable communities are communities planned, built, or modified to promote sustainable living. They tend to focus on environmental sustainability (including development and agriculture) and economic sustainability. Sustainable communities can focus on sustainable urban infrastructure and/or sustainable municipal infrastructure.

Sustainable Community Strategy (Vision 2030): The Sustainable Community Strategy sets out the targets to be achieved through effective partnership working between public and private sector organisations, voluntary and community sector groups, local businesses and the residents of the borough.

Tenancy Strategy: A local housing authority must prepare and publish a strategy setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to: (a) the kinds of tenancies they grant, (b) the circumstances in which they will grant a tenancy of a particular kind, (c) where they grant tenancies for a term certain, the lengths of the terms, and, (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

Tenure: The nature of the structure by which people own or rent their home. Categories are usually broken down as follows: Owner Occupied, Private Rented, Affordable/Social Rented.

Welfare Reform Act (2012): This Act introduces a wide range of reforms that will deliver the commitment made in the Coalition Agreement and the Queen’s Speech to make the benefits and tax credits systems fairer and simpler by: creating the right incentives to get more people into work by ensuring work always pays, protecting the most vulnerable in our society, and, delivering fairness to those claiming benefit and to the taxpayer.

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TITLE OF REPORT: **Gateshead Local Plan – Making Spaces for Growing Places (MSGP) (Development Management Policies, Allocations and Designations) – Submission Draft**

REPORT OF: **Anneliese Hutchinson, Service Director, Development, Transport & Public Protection**

Purpose of the Report

1. To seek Cabinet approval to:
 - I. Publish the Making Spaces for Growing Places (MSGP) Submission Draft Local Plan document for consultation (see link at end of report) (in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012), which sets out detailed development management policies, land allocations and designations
 - II. Publish for consultation the Submission Draft MSGP Policies Map, which will be made available as both a printed 'hard-copy' document, and as an interactive web-based resource;
 - III. Publish for consultation the Plan's supporting evidence base; and
 - IV. Delegate authority to the Service Director, Development, Transport and Public Protection, following consultation with the Cabinet Members for Environment & Transport, Housing and Economy to make any changes necessary to MSGP and supporting documentation for public consultation.
 - V. Delegate authority to the Service Director, Development, Transport and Public Protection, following consultation with the Cabinet Members for Environment & Transport, Housing and Economy to prepare Duty to Co-operate statements and enter into a Memorandum of Understanding with surrounding authorities.

Background

2. The Council has a statutory duty to prepare a Local Plan. In March 2015 Gateshead Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (CSUCP), a Local Plan document which was prepared jointly with Newcastle City Council. The CSUCP forms Parts 1 and 2 of Gateshead's Local Plan, setting out borough-wide strategic policies (including the allocation of housing and employment growth sites), while providing a detailed policy framework supporting the development of Gateshead's Urban Core.
3. Progression of MSGP, which will form Part 3 of Gateshead's Local Plan, will ensure that Gateshead has the land use policies to meet our communities' needs, and deliver the Council's strategic ambitions. It will help to create and sustain thriving communities and a more prosperous economy. Development, including provision

for new homes, jobs growth and a portfolio of employment land, will be focused in sustainable locations predominantly in the built-up area. Specifically, MSGP will:

- Allocate a range of sites for housing development, further to provision within the CSUCP, to meet Gateshead's identified housing needs, including accommodation needs for Gateshead's elderly and disabled residents
 - Encourage jobs and investment through the designation of employment areas and the allocation of a range of employment sites
 - Designate the boundaries of district and local centres in Gateshead's retail hierarchy, and set a local threshold for retail impact assessments
 - Set out policies on the design and accessibility of development
 - Designate Gateshead's natural and built environment assets, including, for example, Conservation Areas, Areas of Special Character, Local Wildlife Sites and Wildlife Corridors
 - Designate settlement envelopes within the Green Belt.
 - Promote access to a healthier environment through, for example, the designation of green infrastructure and the setting of standards for open space and play facility provision, and through policies on climate change, flood risk and air quality
 - Make provision for the management of natural resources, including minerals, the restoration of former quarry sites and sustainable waste management
4. MSGP does not propose to include detailed policies for sites in the Urban Core (these are provided within CSUCP) or at Metrogreen (it is intended that a forthcoming Metrogreen Area Action Plan will establish a detailed policy framework for development of Metrogreen). However, some MSGP designations will apply to these areas, including some natural environment and heritage designations, and safeguarded land for transport schemes, for example. In addition to allocating housing and employment growth sites, the CSUCP also designated a revised Green Belt boundary to reflect the extent of these allocations, and other minor adjustments to the boundary as identified through the Strategic Land Review.
5. Minor revisions to the Green Belt are proposed by MSGP. This follows from the recommendation of the Inspector who conducted the Examination into the CSUCP that such sites, smaller than those considered through the CSUCP and not strategic in terms either of their effect on the Green Belt or the resulting scale of development in the relevant rural settlement, should be considered. A call for sites was undertaken in 2015 which allowed for such sites to be submitted. Of those brownfield Green Belt sites found suitable for housing and proposed for allocation, in only two cases, at Greenside, did this require a change to the Green Belt boundary.

Preparing the Plan

6. Preparation of the Plan began in 2012 when Cabinet approved for consultation the Scoping Report on MSGP. The initial intention was to progress MSGP alongside preparation of the CSUCP, however, resources were ultimately focused on getting

the CSUCP progressed and adopted, at a time of significant change in national policy and legislation.

7. A Draft Plan was prepared and published for six weeks consultation from October to December 2017, following approval from Cabinet on 17th October 2017. The Council implemented a number of measures in consulting on the Plan including:
 - Direct mail to consultees
 - Consultation with Councillors
 - Use of the consultation Portal
 - Use of the Council website
 - An article in Council News
 - Council Info
 - Leaflets (appendix 5)
 - Drop in events at Birtley (14th November), Blaydon (6th November), Gateshead Civic Centre (22nd November) and Felling (27th November).
8. In addition to the more traditional methods of consultation the need to take advantage and maximise the engagement opportunities through the use of social media was also recognised. A virtual drop in event for the 15th November 4-5.30pm was undertaken on Twitter, with assistance from Newcastle University. The Council's social media accounts were also used to raise awareness of consultation on the plan and to publicise drop-in events.
9. The consultation yielded 431 responses and a summary of each is set out in the feedback report attached (see link in appendix 4). The main issues raised through the consultation include:
 - Concern regarding the impact on development viability of housing standards policies
 - Concern regarding the transport implications of new development
 - Concern over the adequacy of housing allocations
 - Objection to the potential harm caused by increased development on the natural environment
 - Concern from Historic England that the evidence supporting proposed housing and employment allocations does not make clear that potential adverse impacts on heritage assets can be avoided.
 - Objection to the level of regulation on air quality
 - Concern regarding the impact of policies requiring new open space on the viability of development
 - Concern that policies restricting uses on employment land might result in an inflexible approach to future development
 - Support for the overall sustainable approach of the plan

10. The Submission Draft Plan includes a number of amendments and updates, reflecting the comments received and updated evidence, and in particular on the viability and deliverability of sites, which will also be published to support consultation on the plan. A number of sites have been developed and are therefore no longer included in the Plan. A table setting out the changes to the plan, and reasons for, is included in appendix 5 – key changes include:
 - 2 employment sites no longer proposed to be allocated
 - Kingsway Interchange, Chowdene Bank
 - Land at Green Lane, Pelaw
 - 20 housing sites no longer proposed to be allocated (although this would not preclude housing development on those sites and there is ongoing work to try and bring these sites forward) including:
 - BAE Systems, Birtley/Lamesley
 - Highfield Primary School, Chopwell and Rowlands Gill
 - 15 new housing sites proposed to be allocated including:
 - North of Gullane Close, Pelaw and Heworth
 - South of Pelaw Metro Station, Pelaw and Heworth
 - Inclusion of a monitoring framework
11. A revised version of the National Planning Policy Framework (NPPF) was published in July 2018 and officers have taken into account the changes to national policy in preparing the Plan. The NPPF states that each Local Planning Authority must ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area (para 31). It includes a strong emphasis on housing delivery, a new definition for affordable housing, a requirement for viability testing at plan making stage and to undertake a review of Local Plans every 5 years. The CSUCP was adopted in March 2015 and a review will be carried out by March 2020.
12. The Council has worked to ensure that proposals and policies in the submission draft MSGP are informed by a proportionate and up-to-date evidence base, addressing the issues and needs relating to housing, employment, infrastructure, minerals, the natural and historic environment, health and well-being, and viability and deliverability. The Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review (ELR) provide key elements of the evidence base supporting MSGP: these documents identify suitable sites in Gateshead that are recommended for allocation for housing and employment development. It is important that these evidence base documents are based upon sound and up-to date evidence. Accordingly, updated versions of both the SHLAA and ELR, which reflect a call for sites issued during the previous stage of consultation, have been prepared and published in support of the Plan, along with an updated viability and deliverability report.
13. In preparing the Plan the Council continues to work closely with colleagues in Newcastle City Council (who are at a similar stage in preparing their equivalent plan) in order to ensure alignment and conformity with policies in the CSUCP, and in updating joint evidence and in addressing common issues. Collaborative working has also provided opportunities to share resources. We have also held a number of

meetings with other neighbouring authorities and statutory agencies, as part of the Duty to Cooperate, to ensure cross-boundary and other issues arising from the Plan are adequately addressed.

14. A policies map has been prepared to set out the plan's proposed designations and site allocations. An interactive version of the map will also be available through the Council's website.
15. Once adopted MSGP will form part 3 of the Council's development plan and guide decisions about development proposals. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Existing UDP Policies

16. The policies once adopted would supersede any remaining saved policies originally published as part of the Unitary Development Plan (UDP) in 2007.

Proposal

17. It is proposed that Cabinet notes the content of the submission draft MSGP Local Plan document and agrees that it can form the basis for public consultation starting 29th October and ending on 9th December 2018.

Recommendations

18. It is recommended that Cabinet approves:
 - (i) The publication for consultation of the Making Spaces for Growing Places (MSGP) Submission Draft Local Plan document (Appendix 2).
 - (ii) The publication for consultation of the Submission Draft MSGP Policies Map (Appendix 3).
 - (iii) The publication for consultation of the Plan's supporting evidence base, including an updated Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review (ELR), and a new Viability and Deliverability Report (see link under background at the end of this report).
 - (iv) Delegating authority to the Service Director, Development, Transport and Public Protection, following consultation with the Cabinet Members for Environment & Transport, Housing and Economy to make any changes necessary to MSGP and supporting documentation for public consultation.
 - (v) Delegating authority to the Service Director, Development, Transport and Public Protection, following consultation with the Cabinet Members for Environment & Transport, Housing and Economy to prepare Duty to Co-operate statements and enter into a Memorandum of Understanding with surrounding authorities.

For the following reason:

To progress the development of the Gateshead Local Plan as required by government policy and statutory obligations under Planning and Compulsory Purchase Act 2004, Localism Act 2011 and Town and Country Planning (Local Plans) Regulations 2012 (as amended).

CONTACT: Anneliese Hutchinson extension: 3881

Policy Context

1. Work on producing a Local Plan for Gateshead that is in accordance with the NPPF is ongoing, the current focus being on the preparation of the MSGP Local Plan document, following on from the adoption of the CSUCP in 2015.
2. As part of the Local Plan, MSGP will contribute to and help deliver both Vision 2030 and the Council's pledge of making Gateshead a place where everyone thrives. MSGP will allow us to plan for economic and population growth, and to support health and wellbeing, through provision for employment, housing (particularly family homes), and all related facilities in ways that will ensure a sustainable and positive future for Gateshead. This means directing development to accessible, sustainable locations (on previously developed land or along transport routes) benefiting and sustaining our villages and neighbourhoods, the wider economy and the environment. Gateshead Council's ambition is for a range of housing types in different locations to meet housing need and ensure that there is a competitive housing market in Gateshead.

Background

3. MSGP has been prepared in the context of the adopted CSUCP, which sets out the broad approach to development within Gateshead and Newcastle to 2030, and was referred to in the Inspector's Report as an inherently sustainable strategy. The CSUCP was prepared in the context of a shared vision set out in a Bridging Document - Developing Sustainable Cities – which confirms that:

By 2030 Gateshead and Newcastle will be prosperous and sustainable cities that are unique and distinctive places - where people choose to live, work and visit because everyone can realise their full potential and enjoy a high-quality lifestyle.

4. As an overarching spatial plan, the CSUCP adopts a presumption in favour of sustainable development which means all development will be expected to be:
 - fully inclusive, irrespective of cultural background, ethnicity and age, to meet the diverse needs of all residents and communities;
 - well-connected and accessible by sustainable modes of transport;
 - well designed to promote community cohesion, and wellbeing, and to reflect and enhance the area's character and natural environment; and
 - contributing towards the reduction of carbon emissions and adapted to the effects of climate change
5. The Plan will ensure that the role of Gateshead Centre, as part of the Urban Core, is strengthened, and that development needs are accommodated in the most appropriate locations.
6. MSGP, once adopted, will complement the CSUCP by bringing forward and updating designations and allocations of land currently set out in saved Unitary Development Plan policies. MSGP will provide the detail against which planning applications for development can be considered and determined, ensuring that the impact of proposals on flood risk, health and the natural and historic environment, for example,

are fully taken into account. The Plan is supported by a robust evidence base including an assessment of viability and of the infrastructure needed to support proposals in the Plan.

Next Steps

7. The proposed timetable for progressing the Plan is set out in the Local Development Scheme. Following consultation on the submission draft document between October to December 2018, full Council will be asked to consider the representations and authorise submission to the Secretary of State under Section 20 of the Act. Following submission there will be a public examination of MSGP which is likely to take place summer 2019.

Proposed Timetable	
Consultation on draft plan (Regulation 18)	October – December 2017
Analysis of Representations	December – January 2017/18
Preparation of Submission Draft DPD	January – May 2018
Consultation on Submission Draft DPD (Regulation 19)	October – December 2018
Consider modifications / Prepare Submission Document	December – February 2018/19
Submission of DPD to Secretary of State	February 2019
Pre-Hearing	May 2019
Examination hearings	June 2019
Receipt of Inspector's final Report	August 2019
Considered by Full Council	October 2019
Adoption	October 2019

8. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended), once adopted, the Plan will form part of the statutory Gateshead Local Plan for the area and will be a material consideration when determining planning applications.
9. The Development and Allocations LDD will be a more detailed and locally specific planning document for Gateshead, which will allocate and designate land to ensure its future protection and include robust policies for the management of development.
10. Gateshead's Local Plan will ultimately consist of 4 Parts:
 - Part 1 Strategic Policies (CSUCP Plan)
 - Part 2 Urban Core Policies (CSUCP Plan)
 - Part 3 Development Management Policies, Designations and allocations (MSGP Plan - anticipated adoption in 2019)
 - Part 4 Metrogreen Policies (Metrogreen AAP currently being progressed)

Alternative Options

11. There are no realistic alternatives other than to proceed with consultation and progression of the draft MSGP document. The consequence of relying on out of date policies is that they may only be accorded limited weight. Given the age of the saved UDP policies this would increase the likelihood of new developments being assessed and decided in an unplanned way and reduce the ability of Gateshead to resist inappropriate development.

Implications of Recommended Option

12. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the costs associated with consultation will be met from existing resources.
- b) **Human Resources Implications** – There are no human resource implications arising from this report.
- c) **Property Implications** - There are no direct property implications arising from this report.

13. **Risk Management Implication** – Progressing and ultimately adopting MSGP will ensure Gateshead's Local Plan has full weight when it comes to planning decisions and will help to ensure the delivery of sustainable development in Gateshead, supporting economic and housing growth and providing greater certainty to local communities and the development industry on where and how development should take place. A consequence of not progressing and consulting on MSGP would be a reliance on out of date policies that may only be accorded limited weight. This would increase the likelihood of new developments being assessed and decided in an unplanned way and reduce the ability of Gateshead to resist inappropriate development.

14. **Equality and Diversity Implications** – The Sustainability Appraisal for MSGP incorporates an Equality Impact Assessment which has determined that the Plan meets the Council's Equality Duty.

15. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.

16. **Health Implications** - The Sustainability Appraisal for MSGP incorporates a Health Impact Assessment and the Plan contains proposals designed to improve health and wellbeing.

17. **Sustainability Implications** - The Sustainability Appraisal for MSGP assesses the sustainability implications of the Plan.

18. **Human Rights Implications** - There are no human rights implications arising from this report. As part of the Local Plan process the Council has a Statement of Community Involvement in place which will be complied with in consulting and engaging with the local community.

19. **Area and Ward Implications - All**

Appendices

Copies of the Appendices will be available in the Members' room and will be accessible on-line.

2. [Submission Draft MSGP Local Plan document](#)
3. [Submission Draft MSGP Policies Map](#)
4. [Consultation Feedback Report](#)
5. [Amendments to Draft MSGP](#)

Background Documents

6. [Updated Evidence](#)

TITLE OF REPORT: Gateshead Thrive Fund 2018/19 Round One Applications

REPORT OF: Anthony Alder, Acting Strategic Director, Communities and Environment

Purpose of the Report

1. To consider the recommendations of the Gateshead Thrive Fund Advisory Group to Cabinet, specifically:
 - (i) Round 1 applications for funding from the Gateshead Thrive Fund
 - (ii) Sporting Grants to Individuals/Talented Athlete Scheme

Background

2. This report has been prepared by The Community Foundation for Tyne & Wear and Northumberland, in accordance with the agreement between the Council and the Community Foundation to administer and develop The Gateshead Thrive Fund.
3. Council has agreed that the purpose of The Gateshead Thrive Fund (formerly the Capacity Building Fund/Gateshead Fund) is to support voluntary organisations and community sector groups to build their capacity and sustainability, to achieve funding stability and to plan for the future. The Fund encourages different ways of working (e.g. delivering services, collaboration and/or partnership working) so that the organisation can become more sustainable.

Financial position

4. The Council agreed a budget of £300,000 for The Gateshead Thrive Fund for 2018/19, comprising the Local Community Fund £66,000, and Thrive Main Fund £234,000.
5. In addition, Cabinet agreed Advisory Group's recommendation of 20th February 2018, that the remaining £117,000 funding from 2017/18 should be carried forward to 2018/19. With the addition of returned funding allocated in 2017/18 this has resulted in a total available budget for 2018//19 of £443,360.
6. The budget for Sporting Grants to Individuals/Talented Athlete Scheme is £12,000 per year, offering support to talented individuals to compete in events such as the Olympics and Commonwealth Games and other major international events. This is in addition to the retrospective awards for individuals who compete on an individual basis or selected for a team.

Advice from the Gateshead Thrive Fund Advisory Group

7. The Advisory Group met on 18th September 2018 to consider the allocation of funding for the first round of applications from the main fund. 19 applications were received requesting a total amount of funding of £189,608.
8. The Advisory Group recommended 11 funding applications are approved, totalling £112,792, the recommendations for round 1 are attached at Appendix 2 paragraph 4, and Appendix 3.
9. The Advisory Group also considered applications for Sporting Grants to Individuals/Talented Athlete Scheme. 30 applications for Sporting Grants to Individuals/Talented Athlete Scheme have been recommended, totalling £7,600 and are attached at Appendix 2 paragraph 4.
10. The Advisory Group agreed the proposal to approve Talented Athlete/Sporting Grants to Individuals applications on a rolling basis via an email process with Cabinet sign off following Advisory Group meetings. This proposal addresses the issue that many applicants may have to wait a considerable time for payment of their grants, which could lead to hardship, as many may be from low-income households.
11. The Advisory Group has ensured that all organisations recommended for funding have demonstrably evidenced need and impact. The minutes of the meeting are attached at Appendix 2.

Recommendations

12. Cabinet is requested to consider the recommendations of the Gateshead Thrive Fund Advisory Group from 18th September 2018 and to:
 - i. Approve the recommendations for Round 1 of The Gateshead Thrive Fund, as set out in Appendix 2 paragraph 4 and Appendix 3.
 - ii. Approve the recommendations for Sporting Grants to Individuals/Talented Athlete Scheme as set out in Appendix 2 paragraph 4.
 - iii. Approve the recommendation from Advisory Group regarding the Talented Athlete/Sporting Grants applications proposal as set out in paragraph 14 of this report. .

For the following reasons:

- To ensure that the Gateshead Thrive Fund is used to maximise benefits to local communities and is managed effectively.
- To build capacity and sustainability in voluntary and community organisations in Gateshead.

CONTACT: Tony Alder

Ext: 3880

Policy Context

1. The Council is committed to supporting and maintaining a vibrant voluntary and community sector in the Borough. The Council funds voluntary and community sector organisations, supporting their running costs, specific activities and building their capacity. The Council asks organisations to demonstrate how activities support the Council's policies and priorities (Vision 2030 and Making Gateshead a Place Where Everyone Thrives).

Background

2. A three-year agreement for the development and administration of the Gateshead Thrive Fund (formerly the Capacity Building Fund/Gateshead Fund) by the Community Foundation for Tyne & Wear and Northumberland was signed in August 2016. This covers administration of the Main Fund, Gateshead Volunteers Month Small Grants Programme, Community Grants Programme, and Sporting Grants to Individuals/Talented Athlete Scheme, together with exploring the development and growth of the Gateshead Fund.
3. The Gateshead Thrive Fund is an open application process for new and existing groups and organisations based or working in Gateshead and delivering activities and services for the benefit of local people. The Fund will support organisations to build their capacity and sustainability as well as small grassroots community groups to help the Council's five pledges within its five-year strategic approach, 'Making Gateshead a Place Where Everyone Thrives':
 - Put people and families at the heart of everything we do
 - Tackle inequality so people have a fair chance
 - Support our communities to support themselves and each other
 - Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the borough
 - Work together and fight for a better future for Gateshead
4. The Council has agreed that applications to the Gateshead Fund will be considered by the Gateshead Thrive Fund Advisory Group, who will make recommendations to Cabinet. Advisory Group met on 18th September 2018 to consider the first round of 2018/19 funding applications from voluntary and community organisations, as well as Sporting Grants to Individuals/Talented Athlete Scheme.
5. Advisory Group agreed to continue with the Fund's 2017/18 principles and the recommendation to rebrand the Fund the The Gateshead Thrive Fund. The Main Grants Programme is intended to support organisations to achieve funding stability and plan for the future. Funding is available to support:
 - business and financial planning
 - the development of new ways of working
 - capacity building activity, including staff, volunteer and management committee training, strengthening organisational structures and systems
 - the costs of asset transfers

Consultation

6. This report has been prepared following consultation with the Gateshead Thrive Fund Advisory Group.
7. The fund priorities have been agreed following discussion on the Community Foundation's Research Report recommendations, comments from the Gateshead Fund Advisory Group and feedback from the VCS engagement event. They set out how the Gateshead Fund could be effectively utilised for the benefit of the VCSE and communities in Gateshead.

Alternative Options

10. The applications have been recommended based on the Gateshead Thrive Fund criteria. The Council could decide not to award any funding to voluntary and community organisations however this would prevent the Council investing in support to community organisations and charities in Gateshead which could have a detrimental effect on the viability of the sector and Gateshead residents.

Implications of Recommended Option

11. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the financial proposals set out within the report can be met from the current Gateshead Thrive Fund budget.

A financial summary is attached at Appendix 2.

- b) **Human Resources Implications** – There are no human resources implications for the Council from the proposals.
- c) **Property Implications** - There are no property implications for the Council from the proposals.

12. **Risk Management Implication** - There are no risk management implications for the Council from the proposals.

13. **Equality and Diversity Implications** - The applications will support the voluntary and community sector to deliver services to vulnerable groups across Gateshead.

14. **Crime and Disorder Implications** – There are no crime and disorder implications for the Council from the proposals.

15. **Health Implications** - The applications will support the voluntary and community sector to deliver services and Public Health priorities to improve the health and wellbeing of vulnerable groups across Gateshead.

16. **Sustainability Implications** - The applications will support the sustainability of the voluntary and community sector based and working in Gateshead.
17. **Human Rights Implications** - There are no Human Rights implications for the Council from the proposals.
18. **Area and Ward Implications** - The applications will support all wards in the Borough as membership of some of the organisations concerned is drawn from across the Borough.

Background Information

The minutes and papers for the Gateshead Thrive Fund Advisory Group meeting held on 18th September 2018 are appended to this report.

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GATESHEAD THRIVE FUND ADVISORY GROUP**Date: 18th September 2018****Advice to Cabinet**

1 APOLOGIES FOR ABSENCE

Apologies were received from Cllr. H. Haran, Cllr. J. Eagle, Cllr. L. Green

2 DECLARATIONS OF INTEREST

Cllr. Donovan declared an interest in the following two applications:

- Bensham and Saltwell Alive
- Rutherford AFC

Cllr. Hood declared an interest in the following applications:

- Birtley Community Partnership

Cllrs. Donovan and Hood were not present when the applications were considered and did not take part in the decision-making process.

Cllr. Hood declared an interest in the following Sporting Grants for Individuals application and did not take part in the decision-making process:

- Ellen Proud

3 FUND MANAGER'S REPORT

The Advisory Group was informed of the background to the Fund, its administration and promotion by the Community Foundation, as well as the approach taken to Round 1 of the Gateshead Thrive Fund in 2018.

It was noted that the Fund offers the following strands:

- Community Grants between £500 and £1,500 for small grassroots organisations (The Community Grants programme)
- Support for key delivery organisations with grants between £1,501 and £10,000 (The Main Grants programme)
- Collaboration with the Newcastle City Futures pilot matched Crowdfunding platform "Tyneside Crowd" to provide the opportunity for The Gateshead Fund to 'go further' and lever in additional support from the private sector and individuals.

The Advisory Group was advised that there will be two rounds for both the Main Grants Programme and the Community Grants Programme, the latter to be run as a rolling fast-track programme, with Round 1 opening May 2018 and Round 2 opening

in September 2018.

The Advisory Group was given a summary of Fund activity:

- June 2018: Gateshead Volunteers' Month small grants fund - 28 applications recommended for funding.
- May – July 2018: Round 1 of the Community Grants Programme – seven applications recommended for funding.

A summary of support available for applicants was presented and it was noted that organisations are invited to discuss their projects with the Community Foundation prior to submission of an application to advise on suitability and eligibility. Paper application forms are available, although this option had not been requested.

It was noted that the closing date for Round 1 was extended until 3 August 2018 to allow applicants who had started the online application process to complete and submit their applications.

Round 1 of the Gateshead Thrive Fund attracted 19 applications with a total value of £189,608; all applications were received by the extended deadline. All were considered, with four noted as outside Fund criteria and four not recommended for funding. The remaining 11 were recommended for funding by the Community Foundation, with grant awards totalling £112,792.

A summary table of the applications received, and the Community Foundation's assessment reports and recommendations relating to them were also tabled for the Advisory Group's consideration.

The Advisory Group noted that two applications were from groups not based in Gateshead and there was some discussion of the Fund criteria, which is aimed at organisations already based and working in Gateshead.

There were 30 Sporting Grants to Individuals/Talented Athlete Scheme awards recommended, totalling £7,600.

The Advisory Group were asked to consider the proposal to approve Talented Athlete/Sporting Grants to Individuals applications on a rolling basis via an email process with Cabinet sign off following Advisory Group meetings. This proposal addresses the issue that many applicants may have to wait a considerable time for payment of their grants, which could lead to hardship, as many may be from low-income households.

RESOLVED - That the information in the report be noted.

RESOLVED – That Talented Athlete/Sporting Grants applications to be considered on a rolling basis with email approval by Advisory Group and Cabinet sign off following Advisory Group meetings.

4 ROUND 1 APPLICATIONS AND FUNDING RECOMMENDATIONS

Financial Summary

Financial Summary September 2018		
Gateshead Thrive Main Fund <i>funding available to organisations in 2018/19 (£255,360 Main Fund allocation+£8,328 GVM balance transferred to Main Fund)</i>		£263,688
Funding available for Sporting Grants to Individuals/Talented Athlete Scheme		£12,000
Total Funding available:		£275,688
	Funding Requested	Funding Recommended
Round 1: - 19 applications received	£189,608	
Round 1: - 11 applications recommended	£113,692	£112,792
Round 1: 30 Sporting Grants to Individuals/Talented Athlete Scheme awards	£7,600	£7,600
Total funding recommended:		£120,392
Remaining Funding for Organisations 2018/19:		£150,896
Remaining Funding for Sporting Grants to Individuals/Talented Athlete Scheme 2018/19:		£4,400

Round 1 Applications to the Gateshead Thrive Fund - Advice to Cabinet

Cabinet is asked to note the following applications **outside Fund criteria and not recommended:**

Ref #	Organisation	Amount requested	Amount awarded
190830	Little Theatre (Gateshead) Limited	10,000	0
190835	Warriors Community Project CIO	10,000	0
190823	3 Steps Project CIC	9,816	0
190834	The Other Perspective	6,100	0

Cabinet is asked to approve the following applications as **not recommended for funding:**

Ref #	Organisation	Amount requested	Amount awarded
190792	Gateshead Youth Organisations Council	10,000	0
190812	The Kittiwake Trust	10,000	0
190822	2 Way Tenancy Solutions CIC	10,000	0

190808	Living History North East	10,000	0
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Cabinet is asked to approve the following applications **recommended for funding**:

Ref #	Organisation	Amount requested	Amount awarded
190804	Bensham and Saltwell Alive	£30,000	£30,000
190827	Comfrey Project CIO	£10,000	£10,000
190805	Birtley Community Partnership	£10,000	£10,000
190809	Rutherford AFC	£9,840	£9,840
190754	Blaydon Youth and Community Centre	£9,598	£9,598
190717	Society Matters CIC	£9,250	£9,250
190817	Saltwell Park Model Boat Club	£6,650	£6,650
190811	Teamwork Development Trust CIC	£6,280	£6,280
190787	Earth Doctors Ltd.	£10,000	£10,000
190831	Low Fell Running Club	£2,674	£2,674
190761	High Spen Community Group	£9,400	£8,500

Cabinet is asked to note the following action:

It was agreed that a meeting would be arranged between members of the Advisory Group and the Trustees of the Comfrey Project CIO to discuss their work during a site visit.

Cabinet is requested to note the Sporting Grants to Individuals/Talented Athlete Scheme awards as listed below:

Category A - £100

R2017/111	Maximus Murray	Ryton Tri Club
R2018/01	Nikita Sung	Apollo Trampoline Club
R2018/02	Aidan Sung	Apollo Trampoline Club
R2018/69	Owen Donaldson	Ryton Rockets Basketball Club

Category B - £200

R2017/107	Sophie Robinson	Gateshead Synchro
R2017/123	Joel Brown-King	Gateshead Harriers & Athletics Club
R2017/137	Daniel Toward	Birtley Young Peoples Club
R2018/04	Ellen Proud	South Tyneside Gym Club
R2018/08	Olivia Morris	Apollo Trampoline Club
R2018/13	Aimee Lawson	Crawcrook Judo Club
R2018/18	Molly Elliott	Birtley Athletics Club
R2018/32	George Stewart	Kielder Water Sailing Club
R2018/33	Beth Pringle	Gateshead Harriers & Athletics Club
R2018/42	Brooke Mottram	Tees Valley Titans
R2018/65	Alexander Brown	Northern Hope Gymnastics
R2018/73	Ellen Donaldson	Charnwood College Riders
R2018/77	James Harrison	North Star Trampoline Club
R2018/80	Scott Mears	British Cycling
R2018/85	Adam Strickland	Gateshead & Whickham ASC

R2018/86	Liam Reveley	Blaydon Harrier & Athletics Club
R2018/87	Sarah March	Gateshead & Whickham ASC
R2018/88	Adam Barrett	Gateshead & Whickham ASC
R2018/93	Abigail Cass	Sunderland City Dive Team
R2018/94	Daniel Walsh	Gateshead Harriers & Athletics Club
R2018/95	Declan Murray	Gateshead Harriers & Athletics Club

Category C - £400

R2018/26	Jon Evans	Tynemouth Squash Club
R2018/49	Duncan Rowlands	Laszlo's Fencing
R2018/52	Harry Outterside	England College FA
R2018/90	Emily Stewart	Gateshead Harriers & Athletics Club
R2018/96	Charlie Myers	Middlesbrough Athletics Club

Talented Athlete Scheme - £1,000

R2018/83	Matthew Loftus	Northern Allstars (Goalball)
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5. Any other business

5.1 Innovation and Development Fund update

The Advisory Group were advised of the launch of the Innovation and Development Fund. It was noted that there had been a high level of interest at the launch event, with the enhanced leadership programme, aimed at medium-sized organisations, proving popular.

The Advisory Group were advised that consideration of applications will be undertaken at a separate panel meeting with presentations from groups to the Advisory Group in February 2019, with subsequent Cabinet sign-off.

5.2 GeNErosity Festival

The Advisory Group were advised of the purpose of the Festival, which is to celebrate and develop philanthropy in the North East region and were invited to attend any events that were of interest, both inside and outside Gateshead.

Chair: Councillor C. Donovan

Members Present: Councillors I. Patterson, M. Hood, C. McHugh

In Attendance: Ian Stevenson, Gateshead Council
Nils Stronach, Community Foundation
Sue Martin, Community Foundation

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Gateshead Thrive Fund Round 1 2018/19: Table of recommendationsApplications outside Fund criteria

	Ref. #	Organisation	Project	Amount requested	Amount recommended	Reason for recommendation
1	190830	Little Theatre (Gateshead) Limited	New Rehearsal Space at Little Theatre Gateshead	10,000	0	Outside criteria – Fundraising/Capital request: The application is a request for a contribution to a large refurbishment project to build new rehearsal facilities and does not meet the core aims of the Fund to support funding stability and plan for the future.
2	190835	Warriors Community Project CIO	Community Centre Heating Project	10,000	0	Outside criteria – Capital request: The application is a request for a grant towards the installation of a heating system and does not meet the core aims of the Fund to support funding stability and plan for the future
3	190823	3 Steps Project CIC	3 Steps	9,816	0	Outside criteria – CIC core activities/Governance: The proposed project is delivery of the CIC's usual activities and does not meet the core aims of the Fund to support funding stability and plan for the future.
4	190834	The Other Perspective	BAME/Refugee Self-Employment Support	6,100	0	Outside criteria – CIC core activities: The requested funding will cover delivery of the CIC's usual activities rather than the core aims of the Fund to support funding stability and plan for the future.
Total applications				£35,916	£0	

Community Foundation serving Tyne & Wear and Northumberland

outside Fund criteria		
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Applications not recommended for funding

Ref. #	Organisation	Project	Amount requested	Amount recommended	Reason for recommendation	
1	190792	Gateshead Youth Organisations Council	Gateshead Youth Council	10,000	0	The proposed project does not closely meet the Fund criteria relating to capacity building, funding stability or future planning.
2	190812	The Kittiwake Trust	Borderline Books	10,000	0	The proposed project does not closely meet the Fund criteria relating to capacity building, funding stability or future planning.
3	190822	2 Way Tenancy Solutions CIC	2 Way Employment/Financial Capability Programme	10,000	0	The proposed project does not closely meet the Fund criteria relating to capacity building, funding stability or future planning.
4	190808	Living History North East	Hopscotch: Exploring children's play across Gateshead 1950s onwards	10,000	0	The proposed project does not closely meet the Fund criteria relating to capacity building, funding stability or future planning.
Total applications not recommended			£40,000	£0		

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Community Foundation serving Tyne & Wear and Northumberland

Applications recommended for funding

Ref. #	Organisation	Project	Amount requested	Amount recommended	Reason for recommendation	
1	190804	Bensham and Saltwell Alive	Best of Bensham Partnership - Connecting Assets	£30,000	£30,000	Funding will support development of new ways of working, building the capacity of three organisations alongside longer-term planning.
2	190827	Comfrey Project CIO	Supporting the Core of The Comfrey Project - Salary Costs	£10,000	£10,000	Funding will enable implementation of a new Business Plan, add to staff capacity, as well as addressing the needs of the most vulnerable communities in Gateshead
3	190805	Birtley Community Partnership	The Hub Core Fund	£10,000	£10,000	Funding will support work towards organisational stability, with increased income generation, and also support a vital community hub.
4	190809	Rutherford AFC	Rutherford Sustainability Project	£9,840	£9,840	Capital funding will match fund other grants to purchase equipment, which will enable the Club to build their capacity, expand their activities for the benefit of the community.
5	190754	Blaydon Youth and Community Centre	Increasing capacity 2018 and beyond	£9,598	£9,598	Funding will enable consultant support and an organisational review, which will build the capacity of staff, volunteers and management.
6	190717	Society Matters CIC	Society Matters - Skills and Training that Count	£9,250	£9,250	Funding will support developing new ways of working and build the capacity of staff and volunteers.
7	190817	Saltwell Park Model Boat Club	Saltwell Park Model Boat Clubhouse	£6,650	£6,650	Capital funding will support a new Clubhouse, which will be a valuable investment for the future and will increase benefits for the wider community,
8	190811	Teamwork Development Trust CIC	Planning Teamwork's Future during its 30th Year of Service Delivery	£6,280	£6,280	Funding will support business and financial planning as well as capacity building activities through training.

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Community Foundation serving Tyne & Wear and Northumberland

9	190787	Earth Doctors Ltd.	One loaf at a time	£10,000	£10,000	Funding for capital items will help establish a new and more permanent site, which will increase capacity and open up new opportunities.
10	190831	Low Fell Running Club	Taking Low Fell Running Club to the 'next level.'	£2,674	£2,674	The work will provide opportunities at a grassroots level, building the confidence of residents and supporting sustainability.
11	190761	High Spen Community Group	The High Spen Heroes	£9,400	£8,500	The project will provide an opportunity to create a shared local pride and identity, acting as a catalyst for further community action.
				Total recommended applications	£113,692	
				Total Round 1 funding requested	£189,608	
				Total recommended for funding		£112,792

TITLE OF REPORT: Property Management

REPORT OF: Mike Barker, Strategic Director Corporate Services and Governance

Purpose of the Report

1. To seek approval of surplus declarations of Council property and to the surrender and award of new leases of Council property as set out in the attached appendices.

Background

2. The background for each matter is set out in the attached appendices.

Proposal

3. It is proposed to approve the recommendations set out below.

Recommendations

4. It is recommended that Cabinet:
 - (i) declares Tynedale House Promoting Independence Centre, Ryton, surplus to the Council's requirements;
 - (ii) declares Felling Park Depot, Holly Hill, Felling, surplus to the Council's requirements; and
 - (iii) accepts the surrender of the current leases of Site 6b Saltmeadows Road, from Tyne & Wear Fire and Rescue ("the Tenant"); the re-grant of a 125 year lease to Tyne & Wear Fire and Rescue on the terms outlined in appendix 3 and authorises the Strategic Director, Corporate Services and Governance to agree the detailed terms; and
 - (iv) accepts the surrender and renewal of the current lease of Site 9 South Shore Road, East Gateshead Industrial Estate from Cool Designs Limited ("the Tenant"); the grant of a new lease for a term of 125 years to the Tenant on the terms outlined in appendix 4 and authorises the Strategic Director, Corporate Services and Governance to agree the detailed terms.

For the following reason:

To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.

CONTACT: Lesley Pringle / Steve Hayles extension: 3490 / 3466

Surplus Declaration of Tynedale House Promoting Independence Centre, Holburn Lane, Ryton

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and Making Gateshead a Place Where Everyone Thrives.
2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate through the disposal of an uneconomic asset.

Background

3. The property, known as Tynedale House Promoting Independence Centre (Tynedale PIC), which is shown edged black on the attached plan is currently held by the Council for the benefit, improvement and development of the borough pursuant to section 120 of the Local Government Act 1972.
4. At its meeting on 12th July 2016 Cabinet approved the closure of Tynedale PIC as the first phase of the review of support for people living independently (Minute No C33). The property is, therefore, no longer required by the Council for this purpose and is surplus to its requirements.
5. Alternative uses by the Council have been considered but nothing suitable could be identified. The property has however been identified as suitable for redevelopment and future proposals for the property will be the subject of a further report.

Proposal

6. It is proposed that the property be declared surplus to the Council's requirements.

Consultation

7. In preparing this report consultations have taken place with the Leader, Deputy Leader and Ward Councillors for Ryton, Crookhill & Stella who have raised no objections to the proposal.

Alternative Options

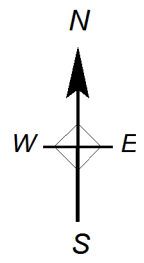
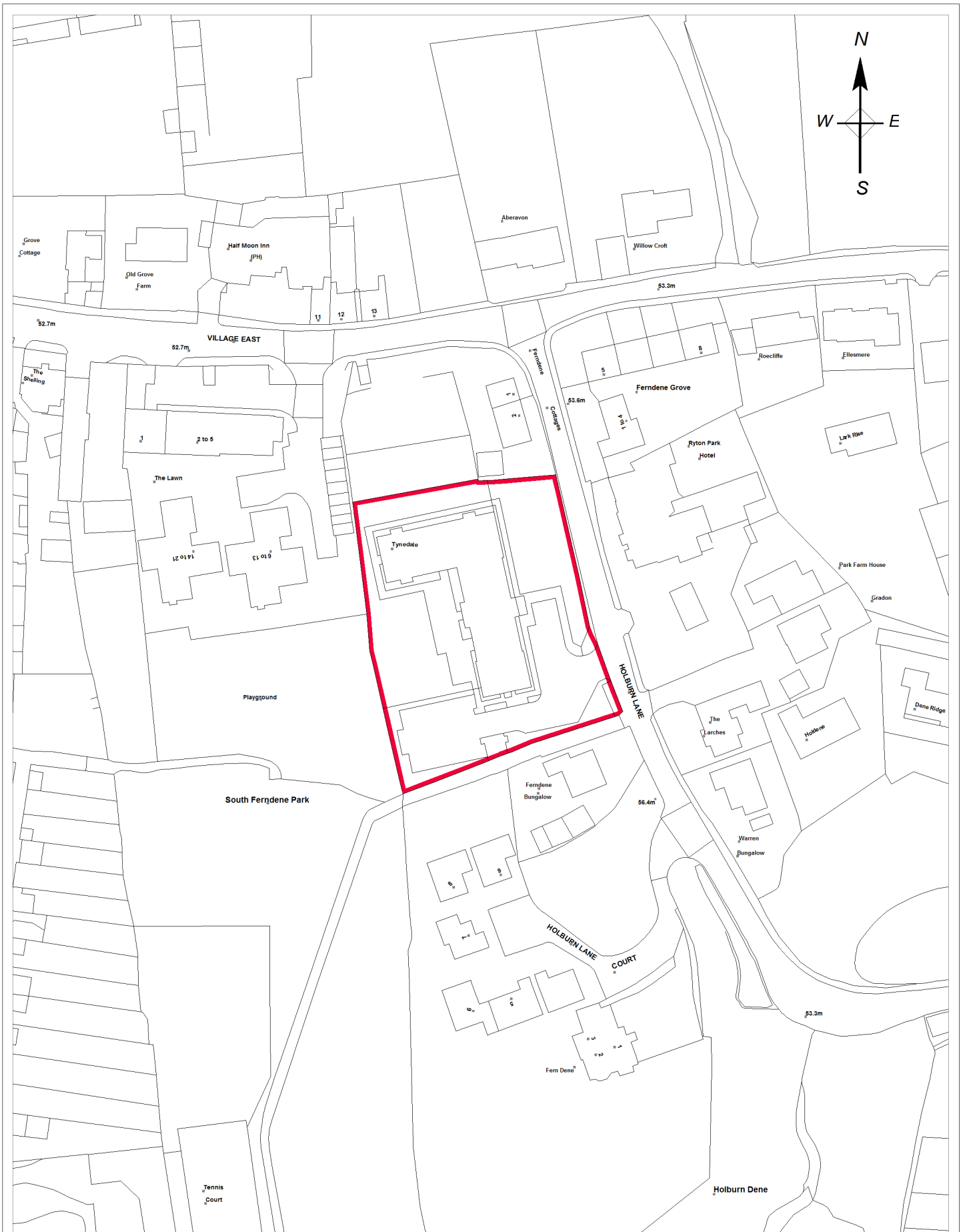
8. The option of retaining the property has been discounted as there is no further requirement for service delivery.


Implications of Recommended Option

9. **Resources:**

- a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that any revenue savings will be taken into account.

- b) **Human Resources Implications** - There are no implications arising from this recommendation.
 - c) **Property Implications** – As the property is no longer required for operational purposes, declaring it surplus will ultimately result in a reduction in the Council's property and a subsequent reduction in utility and other property costs.
10. **Risk Management Implication** – There are no implications arising from this report.
 11. **Equality and Diversity** - There are no implications arising from this recommendation.
 12. **Crime and Disorder Implications** – There are no implications arising from this report.
 13. **Health Implications** - There are no implications arising from this recommendation.
 14. **Sustainability Implications** – There are no implications arising from this report.
 15. **Human Rights Implications** - There are no implications arising from this recommendation.
 16. **Area and Ward Implications** – West and Ryton Crookhill & Stella
 17. **Background Information** – Minute No C33 (2016)



Title Tynedale House APU Holburn Lane, Ryton		<small>© Crown Copyright and database rights 2011. Ordnance Survey license number 100019132.</small>		 www.gateshead.gov.uk
Scale 1:1250	Date Created 3rd September 2010	Drawn By C Lines	Drawing Number Asset ID 000096	
		Date Printed 2nd May 2014		Rev 01
		O/S NUMBER NZ1564NW		Corporate Asset Strategy Legal and Corporate Services Gateshead Council

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Surplus Declaration of Felling Park Depot, Holly Hill, Felling, Gateshead

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and Making Gateshead a Place Where Everyone Thrives.
2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate through the disposal of an uneconomic asset.

Background

3. The land and buildings which are shown outlined in black on the attached plan have been previously used as a grounds maintenance depot for Felling Park ('the subject property'). The subject property is currently held by the Council for the benefit, improvement and development of the borough pursuant to section 120 Local Government Act 1972.
4. The subject property is no longer required for operational requirements and the service is being delivered from Park Road and the subject property is vacant.
5. The site has been identified as a potential development site and the future use will be the subject of a further report.

Consultation

6. In preparing this report consultations have taken place with Leader, Deputy Leader and Ward Councillors for Felling who have raised no objections to the proposal.

Alternative Options

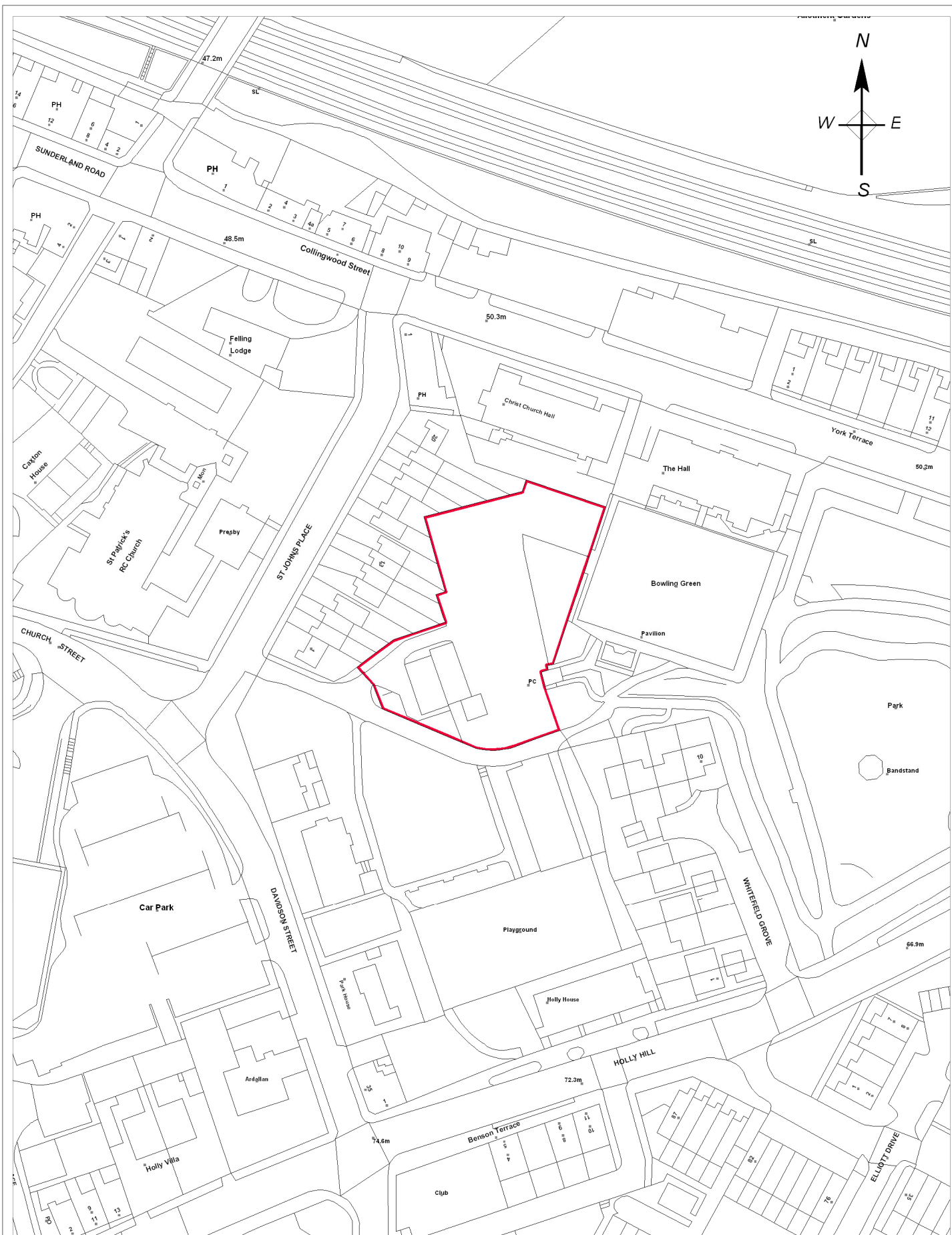
7. The option of retaining the subject property has been discounted as service delivery has been relocated and the on-site buildings are in poor condition for any alternative use


Implications of Recommended Option

8. Resources:

- a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that there are no financial implications arising from the surplus declaration.
- b) **Human Resources Implications** - There are no implications arising from this recommendation.
- c) **Property Implications** - The future disposal of the subject property will result in a reduction in the Council's overall property portfolio thus reducing operational costs.

9. **Risk Management Implication** – There are no implications arising from this recommendation.
10. **Equality and Diversity** – There are no implications arising from this recommendation.
11. **Crime and Disorder Implications** – There are no implications arising from this recommendation.
12. **Health Implications** - There are no implications arising from this recommendation.
13. **Sustainability Implications** - There are no implications arising from this recommendation.
14. **Human Rights Implications** - There are no implications arising from this recommendation.
15. **Area & Ward Implications** – East & Felling.
16. **Background Information** - None



Title Felling Park Depot Holly Hill, Felling, Gateshead		<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council (D. S. Licence no. 100019132) 2010</small>			
Drawing Number Asset ID 002681		Rev 00		Corporate Asset Strategy Team Legal and Corporate Services Gateshead Council	
Scale 1:1250	Date Created 20th August 2010	Drawn By Gillian Hall	Date Printed 20th August 2010	O/S NUMBER NZ2761NE	

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Surrender and New Lease of Site 6b Saltmeadows Road

Policy Context

1. The proposed new letting is consistent with the overall vision for Gateshead as set out in Vision 2030 and supports the Thrive agenda.
2. The proposed letting accords with the provisions of the Corporate Asset Strategy and Management Plan 2015-20.

Background

3. The Tenant currently holds a lease for site 6b Saltmeadows Road and is in the process of selling the site to Houltts Ltd. As part of the sale the purchaser wishes to surrender the lease and agree a new lease for a term of 125 years.
4. The existing lease is for a term of 99 years from 1 April 1986 to 31 March 2085, with a 5 year rent review pattern. The current rent is £8,910 per annum.

Proposal

5. It is proposed to grant a new 125 year lease from a date to be agreed with a 5 yearly rent review pattern with an initial rent of £13,000 per annum.

Consultation

6. In preparing this report, consultations have taken place with the Leader and Deputy Leader. Ward Councillors have also been consulted.

Alternative Options

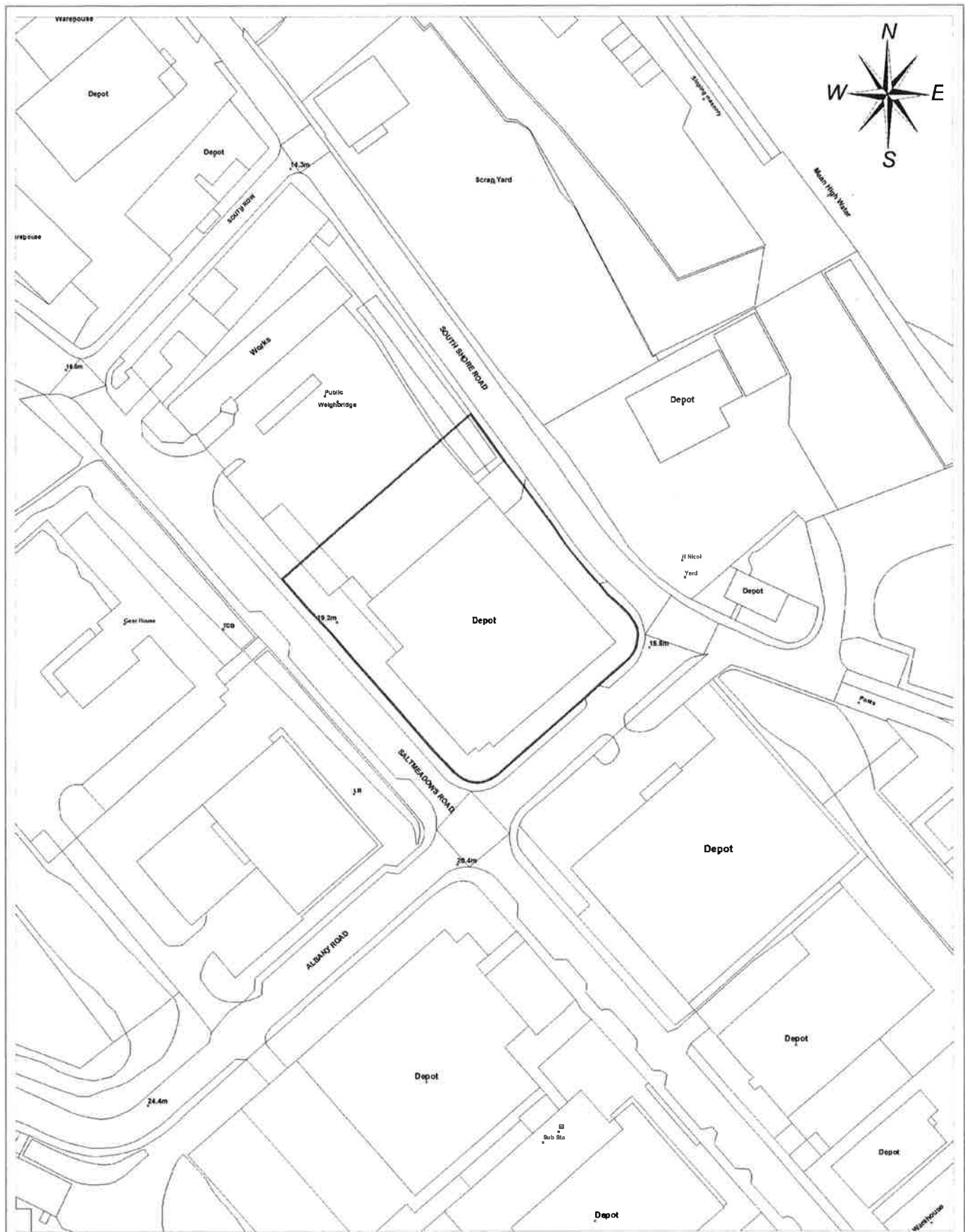
7. The only alternative to surrendering the existing lease and granting a new one would be to allow the current lease to continue, in which case the length of the lease term will continue to decrease creating problems for the Tenant in respect of obtaining finance secured against the site, which is not in the interest of the Tenant or the Council.


Implications of Recommended Option

8. **Resources:**
 - a. **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no significant financial implications arising from this report.
 - b. **Human Resources Implications** - There are no human resource implications arising from this report.

c. Property Implications – In securing this letting the Council is ensuring that it continues to maintain the best rental stream from its non-operational portfolio whilst mitigating its liabilities as to outgoings.

- 9. Risk Management Implication** – There are no additional risk management implications arising from this report.
- 10. Equality and Diversity Implications** – There are no equality & diversity implications arising from this report.
- 11. Crime and Disorder Implications** – There are no crime & disorder implications arising from this report.
- 12. Health Implications** – There are no health implications arising from this report.
- 13. Sustainability Implications** – There are no sustainability implications arising from this report.
- 14. Human Rights Implications** – There are no human rights implications arising from this report.
- 15. Area and Ward Implications** – Central & Bridges



Title Site B Saltmeadows Road Gateshead		<small>© Crown Copyright and database rights 2016. Ordnance Survey licence number 100011132.</small>		 Gateshead Council
Scale 1:1250	Date Created 11th September 2018	Drawn By Chris Aslam	Drawing Number EM20/01/110/053	
		Date Printed	O/S NUMBER NZ2663NE	
<small>Legal, Democratic and Property Services Corporate Services and Governance Gateshead Council</small>				

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Surrender and New Lease of Site 9 South Shore Road, Gateshead

Policy Context

1. The proposed new letting is consistent with the overall vision for Gateshead as set out in Vision 2030 and supports Thrive.
2. The proposed letting accords with the provisions of the Corporate Asset Strategy and Management Plan 2015-20 in particular supporting business growth and maximising income.

Background

3. The site is currently occupied by Cool Designs Limited (“the Tenant”). The site is shown edged black on the attached plan.
4. The Tenant wishes to surrender their lease with the proposal that a new lease for a term of 125 years is to be granted. The granting of a new lease would allow the Tenant to secure funding. All the relevant financial checks have been carried out and are satisfactory.
5. The existing lease is for a term of 99 years from 01 December 1965, the current rent is £5,100 per annum with a 20 yearly rent review pattern.

Proposal

6. It is proposed to grant a lease for a term of 125 years to Cool Designs Limited from a date to be agreed at a rent of £7,500 per annum with a 5 yearly rent review pattern.

Consultation

7. In preparing this report, consultations have taken place with the Leader and Deputy Leader. Ward Councillors have also been consulted and are supportive of the proposal.

Alternative Options

8. The only alternative to surrendering the existing lease and granting a new one on the terms set out above would be to allow the current lease to continue. This would result in a loss of rental income to the Council. In addition, if the lease is not surrendered and a new one granted, the length of the lease term will continue to decrease and create problems for a tenant in respect of obtaining finance secured against the site which would not be in the interest of the tenant or the Council. The lease would remain on a twenty yearly rent review pattern and not five as proposed again resulting in a loss of income to the Council.

Implications of Recommended Option

9. Resources:

- a. **Financial Implications** – The Strategic Director, Corporate Resources confirms that additional income of £2,400 per annum would be generated as a result of this report.
- b. **Human Resources Implications** - There are no human resource implications arising from this report.
- c. **Property Implications** – In securing this letting the Council is ensuring that it continues to maintain the best rental stream from its non-operational portfolio whilst mitigating its liabilities as to outgoings.

10. **Risk Management Implication** – There are no additional risk management implications arising from this report.

11. **Equality and Diversity Implications** – There are no equality & diversity implications arising from this report.

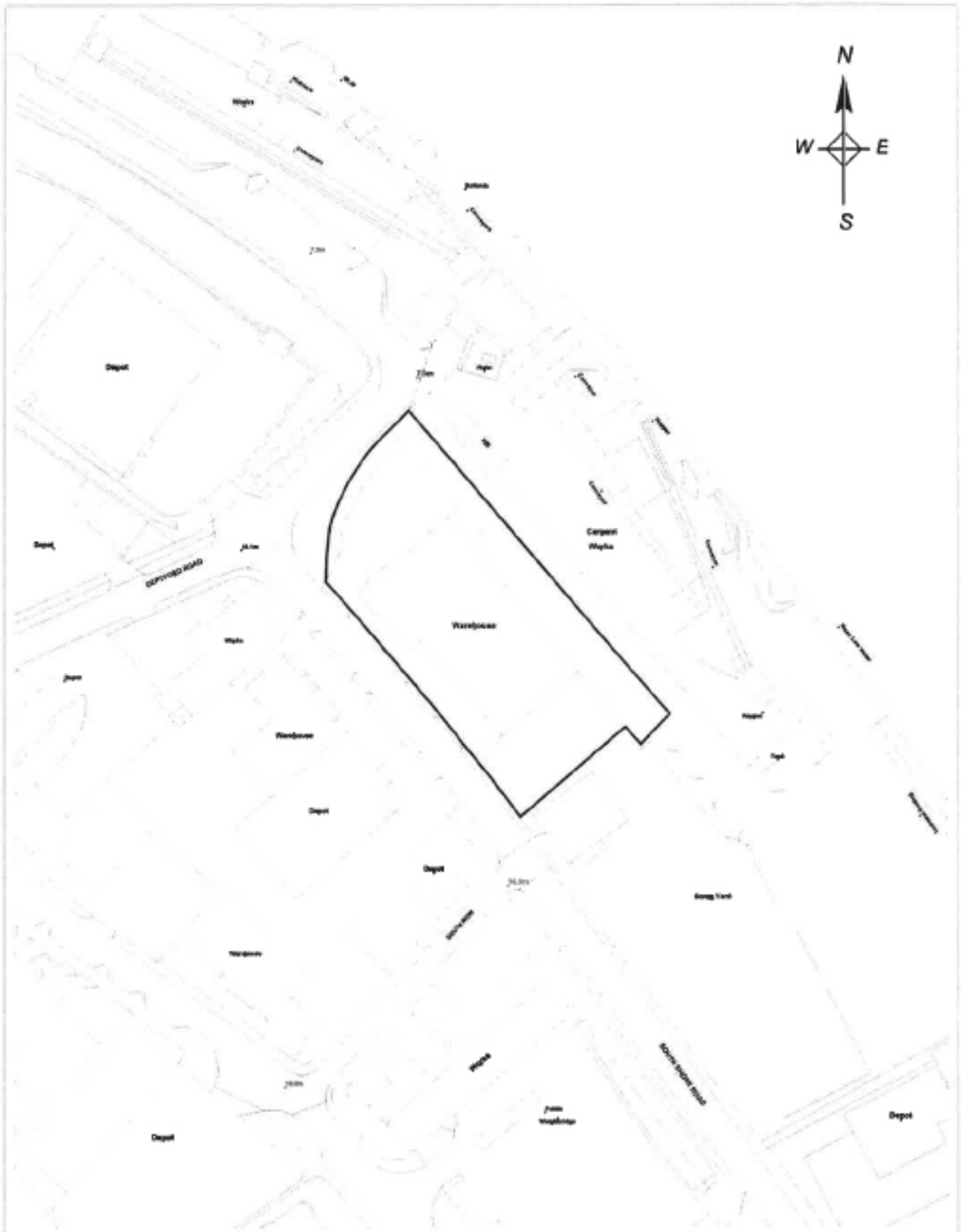
12. **Crime and Disorder Implications** – There are no crime & disorder implications arising from this report.


13. **Health Implications** – There are no health implications arising from this report.

14. **Sustainability Implications** – There are no sustainability implications arising from this report.

15. **Human Rights Implications** – There are no human rights implications arising from this report.

16. **Area and Ward Implications** – Central & Bridges



Title Land at South Shore Road Gateshead		<small>© Crown Copyright. Single licensed. Gateshead Council 2012. All rights reserved.</small>		 www.gateshead.gov.uk
SCALE 1:1250	DATE 1st June 2012	DRAWN BY HB	Plan No: EM2001/110608	
				Property and Design Services Development & Enterprise Gateshead Council

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TITLE OF REPORT: Petitions Schedule

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Purpose of the Report

1. To provide an update on petitions submitted to the Council and the action taken on them.

Background

2. Council Procedure Role 10.1 provides that any member of the Council or resident of the borough may submit a petition to the Leader of the Council, to another member of the Council nominated by the Leader, to the Chief Executive or a Strategic Director.

Proposal

3. The Cabinet is asked to note the petitions received and actions taken on them.

Recommendations

4. It is recommended that Cabinet note the petitions received and action taken on them.

For the following reason:

To inform the Cabinet of the progress of the petitions.

CONTACT: Mike Aynsley extension: 2128

APPENDIX 1

Policy Context

1. The information is provided in accordance Council Procedure Rule 10.2 whereby progress of petitions is to be reported regularly to meetings of the Cabinet. The procedure supports the Council Plan.

Background

2. Council Procedure Rule 10.1 provides that any member of the Council or resident of the borough may submit a petition to the Leader of the Council, to another member of the Council nominated by the Leader, to the Chief Executive or a Strategic Director.

Consultation

3. This report has been prepared following consultation as set out in the schedule.

Alternative Options

4. There are no alternative options.

Implications of Recommended Option

5. Resources:

a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no financial implications arising from this report.

b) **Human Resources Implications** – Nil

c) **Property Implications** - Nil

6. **Risk Management Implication** - Nil

7. **Equality and Diversity Implications** - Nil

8. **Crime and Disorder Implications** – Nil

9. **Health Implications** - Nil

10. **Sustainability Implications** - Nil

11. **Human Rights Implications** - Nil

12. **Area and Ward Implications** - Borough wide

Background Information

13. Petitions schedule attached.

APPENDIX 2

PETITIONS SUBMITTED TO GATESHEAD METROPOLITAN BOROUGH COUNCIL

DATE RECEIVED	REF	FROM	ISSUE	FORWARDED TO	ACTION TO DATE
22.06.17 Submitted to the Deputy Leader of the Council	07/17	Petition from Keser Girls School	Petition requesting a crossing on Whitehall Road	Strategic Director, Communities and Environment	It is anticipated that a response/report will be issued by the end of October 2018.
23.11.17 Submitted to Councillor Twist	10/17	Petition from residents of Whickham	Petition requesting the installation of 2 pedestrian crossings at Parkway, Whickham	Strategic Director, Communities and Environment	The lead petitioner has been contacted and advised that some works will be undertaken to address the issues raised. It is proposed that the petition be removed from the schedule.
01.02.18 Submitted to Strategic Director, Corporate Services and Governance	01/18	Petition from GMB	Petition against the propose parking restrictions on Shearlegs Road, Albany Road and Park Road	Strategic Director, Communities and Environment	The petition has been received in response to the Council's transport consultation on proposed waiting restrictions in the Shearlegs Road area. The petition is being considered together with other representations received.
16.03.18 Submitted to Councillor Turnbull	02/18	Petition from Residents of Crossfield Park	Petition requesting the closure of the cut through on Crossfield Park	Strategic Director, Communities and Environment	A site visit with local councillors has been completed and options are being considered.
24.05.18 Submitted to Councillor Haley	04/18	Petition from residents of Wolseley Close, Teams	Petition regarding lack of a footpath, street signage and car parking for Teams Centre	Strategic Director, Communities and Environment	There has been a meeting on site with local residents and ward councillors. Works will be undertaken to the parking areas and signage. It is proposed that the petition be

					removed from the schedule.
19.07.18 Submitted to Councillor Dick	05/18	Petition from residents of Victoria Avenue, Felling	Petition requesting the enforcement of traffic calming on Victoria Avenue	Strategic Director, Communities and Environment	Ward councillors have been requested to confirm if they wish Victoria Avenue to become part of a 20mph zone. Their responses are awaited.
20.09.18 Submitted to Councillor Dick	06/18	Petition from residents of Stoneygate Lane, Felling	Petition requesting the introduction of a residents parking scheme.	Strategic Director, Communities and Environment	The petition is currently being considered by officers.
5.10.18 Submitted to Councillor Lee	07/18	Petition from residents of Beacon Lough East	Petition requesting the reinstatement of CCTV around Beacon Lough East Shops	The Gateshead Housing Company	The petition is currently being considered by officers.
5.10.18 Submitted to Councillor Lee	08/18	Petition from residents of Beacon Lough East	Petition requesting the removal of bushes from Harebell Road, Beacon Lough East	The Gateshead Housing Company	The request petition is currently being considered by officers. They are compiling a Sustainable Community Scheme for the removal of the bushes.

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

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