

Dear Members

Cabinet

A meeting of the Cabinet will be on **Thursday 5 August 2021 at 6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Administration

CABINET - 5 AUGUST 2021

Chair - Councillor P M M Farrington

A G E N D A

- 1 Minutes of 1 July 2021 as circulated and published on 2 July 2021.
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

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Membership

Chair - Councillor P M M Farrington

- | | |
|------------------|-----------------------------------------------|
| P M M Farrington | - Leader |
| R M Smith | - Deputy Leader and Resources Portfolio |
| J M Pert | - Community and Health Portfolio |
| J K Price | - Environment Portfolio |
| F Beatty | - Economic Development and Planning Portfolio |
| C V Trowbridge | - Leisure Portfolio |

ITEM NO 4(a)(i)

ITEM NO 4(a)(i)

Contact Officer:	Alex Yendole
Telephone No:	07800 619530
Ward Interest:	Yarnfield and Cold Meece
Report Track:	Cabinet 05/08/2021 (Only)
Key Decision:	Yes

**SUBMISSION BY COUNCILLOR F BEATTY
ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

<p>CABINET</p> <p>5 AUGUST 2021</p> <p>Yarnfield and Cold Meece Parish Neighbourhood Area Application</p>

1 Purpose of Report

- 1.1 This report seeks Cabinet approval to designate Yarnfield and Cold Meece Parish as a Neighbourhood Area for the purpose of producing a Neighbourhood Plan within the remit of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 and further following such designation, to publish details of the same.

2 Proposal of Cabinet Member

- 2.1 To designate Yarnfield and Cold Meece Parish as a Neighbourhood Area (please refer to the **APPENDIX**).
- 2.2 Once so designated to authorise the publishing of the information set out below (sub- paragraphs (a) to (c)) on the Council's website and in such other manner so as to ensure that the designation is brought to the attention of people who live, work or carry on business in the neighbourhood area:
- (a) the name of the neighbourhood area;
 - (b) a map which identifies the area; and
 - (c) the name of the relevant body who applied for the designation.

3 Key Issues and Reasons for Recommendation

- 3.1 The Localism Act gained Royal Assent in November 2011 and amended the Town and Country Planning Act 1990 by inserting new powers to communities, principally town and parish councils, to prepare neighbourhood plans.
- 3.2 Neighbourhood plans must be prepared in general conformity with the adopted Local Plan. Neighbourhood plans cannot reduce the level of growth outlined in the strategic policies of an adopted Local Plan, but they will take precedence over non-strategic policies.

4 Relationship to Corporate Business Objectives

- 4.1 From the Corporate Business Plan 2021-2024 the following Corporate Business Objectives are relevant for the preparation of Neighbourhood Plans:

Corporate Business Objective 1 *'To deliver sustainable economic and housing growth to provide income and jobs.'*

Corporate Business Objective 2 *'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.'*

5 Report Detail

- 5.1 The main driver of the amendments introduced into the Town and Country Planning Act 1990 (hereafter "the 1990 Act") by the Localism Act 2011 was to encourage a more collaborative approach to plan making, with the Council and the community working more closely together.
- 5.2 The Borough Council has responded positively to the Localism agenda and has been proactive in embracing the new approach to plan making by incorporating Neighbourhood Planning into the Local Plan and providing advice to Parish Councils interested in the Neighbourhood Planning process. The process for producing a Neighbourhood Plan is set out below:-

Step 1: Getting started - Formal designation of the 'Neighbourhood Area'.

Step 2: Identifying the Issues

Step 3: Develop a vision and objectives

Step 4: Generate options

Step 5: Draft your Neighbourhood plan

Step 6: Consultation and submission

Step 7: Independent examination

Step 8: Referendum and adoption

Neighbourhood areas and relevant bodies

- 5.3 The Neighbourhood Planning (General) Regulations 2012 as amended originally came into force on 6 April 2012 (hereafter “the 2012 Regulations”) These Regulations together with the 1990 Act provide the procedure for the development of Neighbourhood Plans.
- 5.4 Where the application is received from a Parish Council for the designation of a Neighbourhood Area and that area covers all of the Parish Council area (and such area does not extend into any area outside of the Parish boundary or has already been designated) then, as a result of Regulation 5A of the 2012 Regulations and Section 61G of the 1990 Act, the Council has to designate the Neighbourhood Area proposed. Once the proposed area has been designated then, in accordance with Regulation 7 of the 2012 Regulations, certain details¹ regarding the designation have to be published on the Council’s website and in other ways so that the relevant information is brought to the attention of all persons living or working or carrying on a business in the proposed area.
- 5.5 This report seeks authority to designate the proposed neighbourhood area put forward in the application and once designated to seek authority to publicise the designation of the neighbourhood area. The name of the neighbourhood area, a map which identifies the area and the name of the relevant body who applied for the designation must all be published.
- 5.6 Yarnfield and Cold Meece Parish Council wishes to designate the whole of the Parish administrative area as a neighbourhood area; following a letter and map sent to the Borough Council dated 12 March 2021 (please refer to the **APPENDIX**).

6	Implications
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- 6.1 The cost associated with preparing a Neighbourhood Plan depends on the level of detail in each Neighbourhood Plan and any evidence needed to support the plan. The cost of producing a Neighbourhood Plan lies with the relevant Parish Council. There are several requirements under the Town and Country Planning Act 1990 as amended by the Localism Act and further, contained within the 2012 Regulations which result in a resource and cost implication for Stafford Borough Council. The bulk of which comes from the requirements to arrange an examination and referendum for the Neighbourhood Plan, and publishing the Neighbourhood Plan.

¹(a) the name of the neighbourhood area;

(b) a map which identifies the area; and

(c) the name of the relevant body who applied for the designation

- 6.2 The costs of each neighbourhood plan will vary, depending on what the plan seeks to address. Referendum costs will vary depending on whether the referendum is linked to an election or held as a stand-alone exercise.
- 6.3 The Minister for Planning provides funding of £20,000 per scheme for local planning authorities. A number of changes have been announced to provide greater support to those places encouraging neighbourhood planning including for non-parished areas as part of the process.
- 6.4 The costs incurred in arranging an independent Examination and Referendum are supported by grant aid from the Ministry of Housing, Communities and Local Government (MHCLG). Local Planning Authorities can claim £20,000 once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area, to cover the costs incurred by the Council.

<p>6.5 Financial</p>	<p>The costs incurred in arranging an independent Examination and Referendum are supported by grant aid from the Ministry of Housing, Communities and Local Government (MHCLG). £20,000 can be claimed once a referendum date has been set. It is expected that this grant will cover the full costs of supporting the Examination and Referendum. However, it should be noted that as the Council can only claim once an examination has been successful and a referendum date is set, there is a risk that if the examination were to be unsuccessful and not progressed, the Council would be liable to fund these costs.</p>
<p>Legal</p>	<p>The procedure relating to neighbourhood planning is contained within the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012 as amended. The process starts with the the submission of an application for an area designation by a qualifying body. A Parish Council is a qualifying body and in the event of application by a Parish Council which covers all of the Parish and not beyond the parish area then the Council as the local planning authority has to designate the area proposed an application and thereafter publish the Area Designation together with a plan of the area of the area and the name of the body / organisation proposing the designation.</p> <p>The Council is committed to meeting its obligations pursuant to the law and will support Yarnfield and Cold Meece Parish Council in meeting its requirements.</p>

Human Resources	Supporting the Parish Council in progressing the Neighbourhood Plan will require staff resources to be allocated.
Human Rights Act	This proposal is for the designation of the Yarnfield and Cold Meece Parish Neighbourhood Area and publication thereafter and no issues arise at this time.
Data Protection	Nil
Risk Management	The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

6.2 Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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Previous Consideration - Nil

Background Papers – File available in Development

CABINET

5 AUGUST 2021

Yarnfield and Cold Meece Parish Neighbourhood Area Application

**Yarnfield &
Cold Meece
Parish Council**

5, De Havilland Drive
Yarnfield
ST15 0SX
ycmclerk@gmail.com

12 March 2021

Mr Alex Yendole
Forward Planning Team
Stafford Borough Council
Civic Centre Riverside
Stafford
ST16 3AQ

Dear Mr Yendole,

**Town and Country Planning Act 1990
The Neighbourhood Planning (General) Regulations 2012, as amended
Application for designation of a Neighbourhood Area**

I am writing to request a designation of a Neighbourhood Area under Section 61 of the Town and Country Planning Act 1990.

On Tuesday 9th March 2021 Yarnfield and Cold Meece Parish Council resolved to apply for designation of the whole of the parish area as a Neighbourhood Area for the purposes of preparing a Yarnfield and Cold Meece Neighbourhood Plan.

Yarnfield and Cold Meece Parish Council considers that it is appropriate and desirable to designate the whole of the Parish as a Neighbourhood Area as this allows the Parish Council to consider the needs and requirements for the Parish as a whole.

Yarnfield and Cold Meece Parish Council is a "relevant body" within the terms of Section 61 G (2)(a) of the Town and Country Planning Act 1990. Regulation 5A relates to the designation of the whole of the area of a parish council, and states that:

"5A.-(1) This regulation applies where-

- (a) a local planning authority receive an area application from a parish council;
- (b) the area specified in the application consists of the whole of the parish council's area; and

(c) if any part of the specified area is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council's area.

(2) The local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood area.

(3) Where this regulation applies, regulations 6 and 6A do not apply."

This makes clear that the local planning authority must exercise their powers under section 61G to designate the neighbourhood area. You will note that the publicity requirements for neighbourhood areas do not apply in this instance, and the designation is not discretionary. Please find enclosed a copy of the plan showing the boundary of the proposed Neighbourhood Area (the Parish boundary).

I look forward to hearing from you. If you have any queries, please do not hesitate to contact me.

Yours sincerely

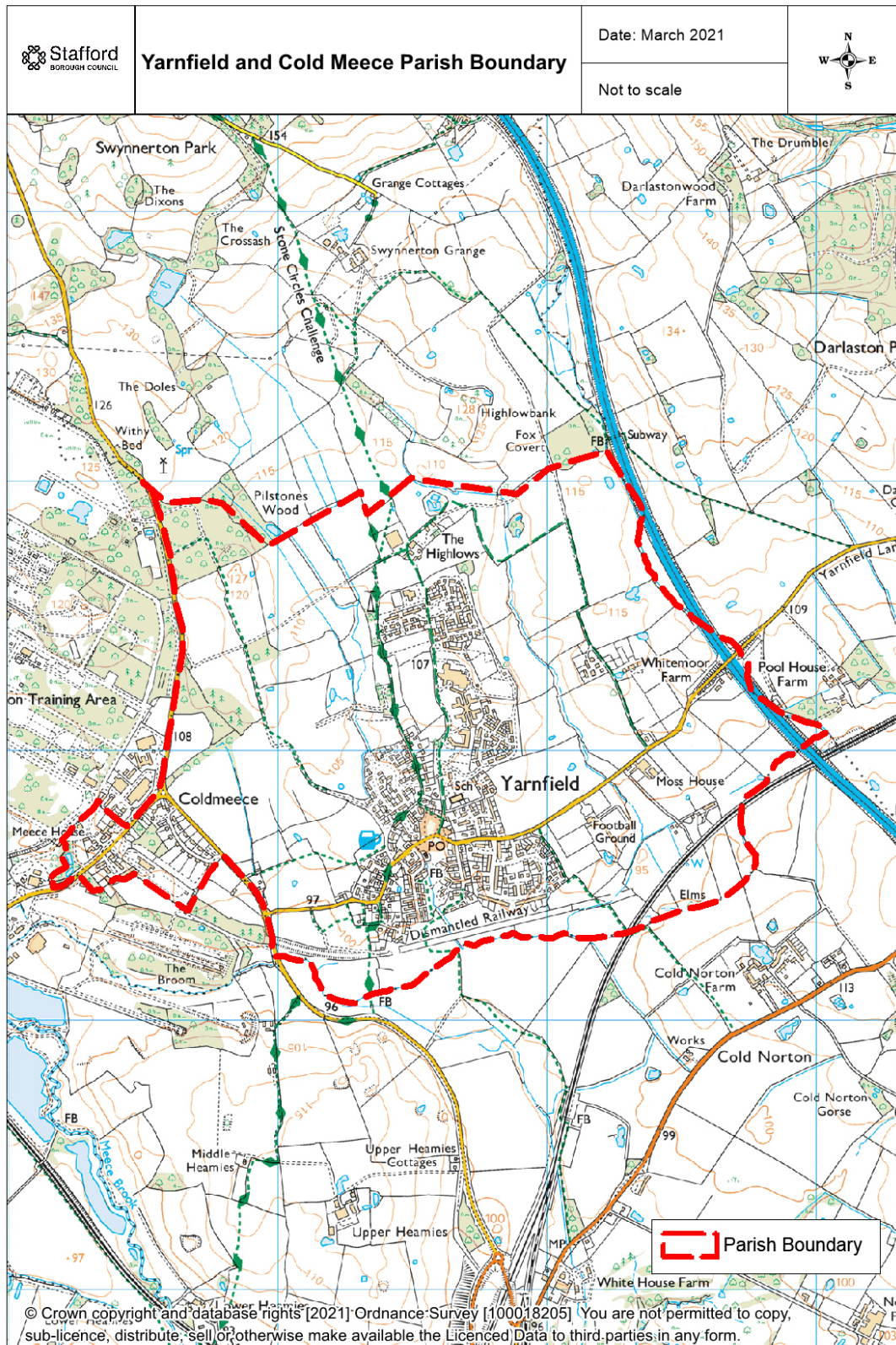


John Fraser

Parish Clerk

Yarnfield & Cold Meece Parish Council

Yarnfield and Cold Meece Parish Council Neighbourhood Plan Submission and Map - Dated 5 August 2021



ITEM NO 4(a)(ii)**ITEM NO 4(a)(ii)**

Contact Officer:	Maxine Turley
Telephone No:	01785 619460
Ward Interest:	Nil
Report Track:	Cabinet 05/08/2021 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR F BEATTY
ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

CABINET 5 AUGUST 2021 Government Grant Funding Stafford Borough Garden Community Proposals

1 Purpose of Report

- 1.1 To both seek extension to previously approved delegation arrangements associated with the grant funding secured to support the proposed Meecebrook garden community and to secure identical delegation arrangements for additional grant funding received in 2021.

2 Proposal of Cabinet Member

- 2.1 That authority to spend the Ministry of Homes Community and Local Government (MHCLG) Garden Communities grant of £750,000, received in 2019 be delegated to the Chief Executive, in consultation with the Meecebrook Programme Board, for the financial year 2021-22.
- 2.2 That authority to spend the Ministry of Homes Community and Local Government (MHCLG) Garden Communities grant of £360,000, received in 2021 be delegated to the Chief Executive, in consultation with the Meecebrook Programme Board, for the financial year of 2021-22
- 2.3 That the delegation be reviewed by Cabinet for subsequent financial years.

3 Key Issues and Reasons for Recommendation

- 3.1 On the 25 March 2019 the Council was awarded £750,000 by the MHCLG to support initial feasibility studies and programme management for the proposals of a new Garden Community in Stafford Borough.

- 3.2 At its meetings on the 5 September 2019 and subsequently on the 11 June 2020 Cabinet agreed to delegate authority to spend the grant funding to the Chief Executive in consultation with the Meecebrook Programme Board for the 2019/20 and 2020/21 financial year respectively. These approved Proposals also included a review mechanism for subsequent financial years.
- 3.3 During June 2020 a further funding bid was submitted to MHCLG to ensure continued progression of technical studies to support the development of the Garden Community. On the 4 June 2021 the Council was awarded a further £360,000 grant funding.
- 3.4 This report seeks to recommend the extension of the previously approved delegation arrangements to cover the financial year 2021-22 for both the grant funding received in 2019 (£750,000) and also the grant funding received in 2021 (£360,000).
- 3.5 The previous delegation reports included breakdowns of the future spend profile for the grant funding as approved by the Meecebrook Programme Board.
- 3.6 Table 1 below offers an update to that position in relation to grant funding received in 2019 totalling £750,000. The profile reflects the appointment of the Programme Manager in late 2019 and the impact of Covid 19 on delaying masterplanning and transport modelling work following the restrictions imposed as part of the Government response to the Coronavirus.

Table 1: Meecebrook Programme Spend Profile

Programme Item	2019/20	2020/21	2021/22	Unallocated	Total
	£	£	£	£	£
Technical studies including services and infrastructure		98,429.08	431,690.92		530,120
Development Vision and Masterplan Framework	35,000	20,100			55,100
Governance and Programme Management	19,452.42	62,774.94	57,772.64		140,000
Unallocated				24,780.00	24,780
Total	54,452.42	181,304.02	489,463.56	24,780	750,000

- 3.7 Table 2 below provides a funding allocation split for the grant funding received in 2020 totalling £360,000.

Table 2 : Meecebrook Programme Spend Profile

Programme Item	2019/20	2020/21	2021/22	Unallocated	Total
	£	£	£	£	£
Technical studies including services and infrastructure			205,000		
Development Vision and Masterplan Framework			65,000		
Governance and Programme Management			80,000		
Unallocated				10,000	
Total			350,000	10,000	360,000

4 Relationship to Corporate Business Objectives

- 4.1 As a key strategic proposal, and subject to the New Local Plan, delivery of Meecebrook will contribute towards the Corporate Business Plan's 2021-2024 vision, in particular the 4 key business objectives:

"To deliver innovative, sustainable economic and housing growth to provide income and jobs."

"To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing resilient communities that promote health and wellbeing."

"To tackle Climate Change by implementing our Climate Change and Green Recovery objectives"

"To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives."

5	Report Detail
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- 5.1 Following the submission of a bid in response to the Government's Garden Communities prospectus on the 25 March 2019 the Council was awarded £750,000 to help to develop plans for a new garden community at Meecebrook in the north of the Borough. During June a further funding bid was submitted to ensure continued support for the Garden Community, on the 4 June 2021 the Council was awarded a further £360,000. Specifically, the funding secured is to be spent on progressing feasibility studies, programme co-ordination /management and specialist work.
- 5.2 The two awards of £750,000 and £360,000 of grant funding has been paid to Stafford Borough Council under section 31 of the Local Government Act 2003 grant for the purposes of progressing the Meecebrook Garden Community project.
- 5.3 At its meeting on the 5 of September 2019 and 11 June 2020, Cabinet approved the delegation from Cabinet to the Chief Executive, in consultation with the Meecebrook Programme Board, to authorise spend of the secured grant funding (up to £750 000) for financial year 2019/20. An annual review mechanism was included within the delegation as well as a revert requirement back to Cabinet if additional funding was secured.
- 5.4 The Meecebrook Programme Board held its first meeting in July 2019 and has continued to meet with the support of the Programme Delivery Team and Thematic working groups.
- 5.5 During 2019/20 the grant funding supported feasibility studies relating to transport and Master-planning (visioning), the appointment of a programme manager and support across a range of elements has been secured through the commissioning of a technical expert. This support continued through 2020/21 with legal support contracted, water studies tendered, and initial rail and transport studies.
- 5.6 The work programme to support the Meecebrook Garden Community is still ongoing and will be supported by the secured grant funding. As such, this report seeks approval to extend the previously approved delegation for both funding allocations for the financial year 2021/22.
- 5.7 Members should note that any proposals for a new garden community will be subject to the New Local Plan (2020-2040) process.

6	Implications
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6.1	Financial
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Central Government has provided initial grant funding of £750,000 to progress the project. A further grant of £360,000 has been received, providing a grant total of £1,110,000. Subject to Cabinet approval, the total expenditure agreed by the Chief Executive in consultation with the Meecebrook Programme Board will not exceed this figure. As such there are no direct financial implications for the Council during 2021/22 relating to this report except for staff resources and time spent on the project.

Set out in the table below is the revised anticipated spend per year for the initial 2019/20 allocation of grant funding.

Year	£
2019/20	54,452.42
2020/21	181,304.02
2021/22	489,463.56
Unallocated	24,780.00
TOTAL	£750,000.00

Set out in the table below is the proposed spend per year for the second 2020/21 allocation of grant funding.

Year	£
2019/20	£0
2020/21	£0
2021/22	£350,000
Unallocated	£10,000
TOTAL	£360,000

Legal	
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The Meecebrook Garden Community proposals will be considered through the New Local Plan, which will be subject to relevant Planning Acts and Regulations as well as subject to decision by Full Council prior to publications and adoption in line with the constitution. Funding received in 2019 will also support legal advice bespoke to the development of the Garden Community to ensure appropriate agreements are in place to enable high quality delivery.

Human Resources	The Meecebrook Programme Manager has been appointed to take forward the programme this fixed term two year contract is funded from the secured grant funding Received in 2019. This contract will be extended for a further 12months funded from the secured grant funding received in 2021. At this stage it is not anticipated that any external agency staff support will be required. A number of the elements of the work programme will require external contractors/companies employed to deliver the work.
Human Rights Act	Nil
Data Protection	Nil
Risk Management	<p>The secured Government grant funding is subject to Section 31 grant rules which means that the Council will not be required to repay any funding secured and in addition there are not set deadlines for when these funds are to be spent.</p> <p>Timely progress of the work programme associated with Meecebrook (supported by the secured grant funding) is critical. Any proposals for a new garden community will be subject to the emerging New Local Plan (2020-2040) process. A delay and or uncertainty attached to the progression of the New Local Plan (2020-2040) could result in;</p> <ul style="list-style-type: none"> - Not having an up-to-date Plan which would lead to Government planning policies overriding local policies, and - Stafford Borough adopted plan is more than five years old, however the Council has a five year housing land supply and as such the plan continues to be used when making planning decisions. <p>However, a delay in progress or uncertainty at the local level without a New Local Plan could lead to legal changes and or appeals with associated significant costs to the Council.</p> <p>The Council will seek to ensure that the grant funding is spent it should be notes that the following factors may have impact on the timing of that spend;</p> <ul style="list-style-type: none"> - Failure of key partners and other agencies to deliver evidence and key elements of the process on time, - Officer recruitment and retention difficulties, sickness absences leading to

	<p>inadequate capacity and skill base to progress work elements, and</p> <ul style="list-style-type: none"> - Programme amendments and slippage due to poor project management or inadequate resources identified to secure delivery. <p>Changes in land availability which have an impact of the overall deliverability of the proposed Garden Community.</p>
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<p>6.2 Community Impact Assessment Recommendations</p>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>The Meecebrook proposals could assist in delivering the New Local Plan which is designed to be inclusive to all residents and those interested in planning the future for the Borough.</p>
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Previous Consideration - Cabinet Approval 5 September 2019, and the 11 June 2020, Government Grant funding Stafford Borough Garden Community Proposal.

Background Papers - New Stafford Borough Local Plan 2020-2040 Issues and Options document <https://www.staffordbc.gov.uk/new-local-plan->

ITEM NO 4(b)(i)**ITEM NO 4(b)(i)**

Contact Officer:	Victoria Cooper
Telephone No:	01785 619385
Ward Interest:	Nil
Report Track:	Cabinet 05/08/2021 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR J M PERT
COMMUNITY PORTFOLIO**

CABINET 5 AUGUST 2021 Community Wellbeing Partnership - Update

1 Purpose of Report

- 1.1 To update members on the work that has been undertaken by the Community Wellbeing Partnership.

2 Proposal of Cabinet Member

- 2.1 That contents of the report be noted.

3 Key Issues and Reasons for Recommendation

- 3.1 The Council receives Locality Deal Funding (LDF) from the Staffordshire Commissioner (SC) on an annual basis to support the reduction of crime and anti-social behaviour in the Borough.
- 3.2 There are certain stipulations associated with this funding that the Council has to adhere to which are to:
- Work in partnership with statutory responsible authorities
 - Formulate a partnership plan that is published on the website.
 - Complete and submit a comprehensive evaluation to the SC.
 - Produce a spend plan for the allocated funding
 - To fully engage and support SPACE activity, taking advice and guidance from the team at the office of the Staffordshire Commissioner to ensure effective delivery of the programme.
 - Promote Smart Alerts
 - Contribute to Pan Staffordshire ASB Projects
- 3.3 The allocation of funding to the Council is at risk if there is no evidence of a current partnership plan on the website and also if the evaluation does not meet the SC requirements.

- 3.4 This report provides members with a comprehensive update of the 2020-21 evaluation and commissioned activity proposed for 21-22.

4 Relationship to Corporate Priorities

- 4.1 Community Safety interlinks with all corporate priorities but primarily sits within business objectives 2 and 3.

5 Report Detail

- 5.1 Safer Communities Partnerships are an important feature of the network of partnerships that help to tackle crime and disorder. The Police Reform and Social Responsibility Act 2011 has created a flexible framework for partnership working. This includes two inter-related duties to co-operate which set out a clear aim for partnership working across partners involved in community safety and criminal justice. The community safety duty specifies that a Police Crime Commissioner and the responsible authorities on a community safety partnership must co-operate and take account of one another's priorities.
- 5.2 There are five 'responsible authorities' that must work together by law to reduce crime in the local authority area and these are the Local Authority; Police; Fire and Rescue; Probation and Clinical Commissioning Groups. These responsible authorities are under a statutory obligation to work together to tackle crime, disorder and antisocial behaviour; alcohol and substance misuse, reduce reoffending and tackle any other behaviour which has a negative effect on the local environment.
- 5.3 The Staffordshire Commissioner implemented his 'Safer, Fairer, United Strategies during his first term. The strategy now focuses on Five priority areas: Early Intervention; Supporting Victims and Witnesses, Managing Offenders, Public Confidence and Modern Policing. The Council receives Locality Deal Funding from the Staffordshire Commissioner (SC) on an annual basis to support the reduction of crime and anti-social behaviour in the Borough. The funding has certain stipulations, (outlined in paragraph 3.2), and if the locality deal funding evaluation satisfies the requirements of the SC then the Council receives the full amount of funding, which it has done since the first full allocation made in 2014.
- 5.4 Priority areas for 2020/21 were identified through the evidence outlined in the Community Safety Strategic Assessment that was produced by the county council. Evidence from the strategic assessment has formed the basis of the Community Wellbeing and Safety Strategy 2020 - 2024. The strategic assessment identified the following issues for the Borough in 20/21:
- Drugs, alcohol and mental health
 - Domestic Abuse
 - Anti-social behaviour
 - Exploitation & Modern Slavery

The Community Wellbeing Partnership (CWP) agreed the issues identified above as priority areas and that it would continue to focus on prevention and early intervention. This meant the continuation of the work with schools, support of the sanctuary scheme and the commissioning of diversionary activities for those at risk of exploitation or committing anti-social behaviour.

5.5 The CWP was allocated a total sum of £72,041.25 by the SC. The CWP agreed to commission the following projects for 2020-2021:

- Re-solv – Substance Misuse and Mental Health
- Right Stuff Boxing Project – Anti-Social Behaviour (ASB) and Exploitation
- Sanctuary Scheme – Domestic Abuse
- CACH – Hate Crime
- Youth Net – Exploitation, ASB, County Lines

5.6 A comprehensive evaluation was submitted to the SC in May 2021 and a brief summary of progress and outcomes is contained below:

Right Stuff Boxing

During 2019/20 there were approximately 3,460 anti-social behaviour incidents reported to the police in Stafford. This is a fractional reduction compared to 2018/19 but remains lower than the force wide rate Force Area rate but in line with rates for England and Wales.

National research suggests that no single risk factor or set of risk factors emerge as predictors of future anti-social behaviour but a range of factors interact together and contribute to such patterns of behaviour. Demographic characteristics such as age, race and gender, educational underachievement, poor attendance at school, being excluded from school, socio-economic status, community disadvantage, being abused and witnessing anti-social behaviour within the family are all suggested factors.

Outcomes identified as part of this priority were:

- Young people will be identified at an early stage and will be engaged in the prevention programme.
- Less young people will be drawn into Organised Crime Groups and exploited.
- Reduction in recorded crime and anti-social behaviour as issues will be identified and addressed before they have chance to escalate.
- Residents feeling confident and not fearful of crime and ASB – measured through the new residents survey

This programme works with the District Inclusion Panel (now Send Hub) to identify those young people who are at risk. The Right Stuff Boxing Project has enabled those at risk of exclusion from school to be engaged in positive diversionary activity, which supports their mental and physical wellbeing. The project works to understand the underlying issues of the young people and to prevent issues occurring in the future. Support is provided by agencies to those young people at risk of criminal exploitation.

Outcomes achieved:

- Work placement provided for Health and Social Care student based at Stafford College
- 50 young people under 19 years accessing the project on a weekly basis – across school and wider community settings
- Young people accessing the project are classed as vulnerable - Nearly 75% of the young people referred on the programme have been subjected to domestic violence in all but one of these cases the Perpetrators are male.

Weston Road High School: Young person who is on a work placement at Right Stuff has provided support to challenging and vulnerable young people since September. She has provided them with the opportunity to flourish through the delivery of the ASDAN boxing award in association with The Right Stuff Boxing Project. She has also given a number of students the opportunity to access therapeutic support through mentoring sessions which involve talking through shared life experiences and potential triggers to unhealthy behaviour. Her work has stretched far beyond the confines of the school building, offering support for our young people both in the family home and by offering respite for parents by engaging our pupils in a variety of outdoor activities.

- Young people are either working towards the Bronze National Boxing Award; the Preliminary National Boxing Award or the Standard National Boxing Award

Testimonials and feedback from the young people:

Right Stuff provides a 'safe place' outside of the family home;

'It gives me the opportunity to talk all my problems through with someone who get it.....there is so much going on at home, this gives me headspace and makes me feel positive about myself'

Sanctuary Scheme

Domestic Abuse is recognised as an under-reported issue, with much abuse hidden. Stafford Borough has seen a significant upward trend in Domestic Abuse incidents since May 2014. Whilst this is not necessarily a negative trend, it has an impact on the CWP's ability to manage the issue from a resourcing perspective. Nationally reported increases in Domestic Abuse following the first national lockdown, and wider impact of COVID on society appear to have been seen in Stafford. In the 12 months to November 2020 there was a significant increase (9%) on the previous 12 months. There have been considerable spikes in reported monthly incidents in both July 2020 and August 2020 – both of which were just above the upper-most range of what is considered normal variation.

The Sanctuary Scheme enables us to work in partnership to prevent incidents of domestic and sexual abuse with target hardening measures. These measures allow victims of domestic abuse and their families to remain in their own property feeling confident in their security. The service provides immediate and appropriate responses and support to Domestic Abuse and Sexual Violence

Outcomes achieved:

- 35 individuals have been supported by the sanctuary scheme

Re-solv

In 2018-19 in Stafford there were around 730 calls to the Police relating primarily to Mental Health, and 520 Missing Persons incidents – rates of Mental Health calls are the second-highest in the force area (5.5 compared to 4.9 per 1,000) while Missing Persons reports are well below the force average (3.9 per 1,000 compared to 4.8).

Alcohol and mental health hospital admission rates are both high for hotspot areas identified within the Strategic Assessment with rates of both alcohol related admissions and mental health admissions high in a number of wards. This suggests that there are concerns within the residential community and not solely alcohol misuse associated to the night time economy.

Drugs and alcohol remain priority issues, however evidence suggests the nature of the challenge is changing; this is supported by information provided by drug expert witnesses and Staffordshire Police (i.e. New psychoactive substances or legal highs, exploitation of drugs markets, etc).

Evidence suggests that cannabis, legal highs, cocaine, crack cocaine and heroin are common amongst PDUs in the Borough. The use of Monkey Dust is an emerging problem.

Alcohol is a clearly still a key contributor to many aspects of community safety and is of wider concern than purely crime and disorder. The true influence of alcohol is likely to be greater than police figures would suggest. This assertion is based on A&E attendance data and the Crime Survey for England and Wales.

Re-solv are commissioned to provide a preventative/early intervention substance misuse and mental health outreach service. This service offers support to individuals, families and communities where substance misuse and/or mental health issues are becoming apparent, in hot spot areas identified as part of the geographical analysis in the strategic assessment.

Outreach workers engage with communities to help them identify those showing signs of mental ill health and substance misuse. Issues are positively addressed through early signposting. Support, awareness and education is available to individuals, families and communities affected by substance misuse and mental health. By proactively concentrating on prevention and early intervention, the programme supports the reduction of potential criminal behaviour and anti-social behaviour. This is achieved by empowering communities to help themselves, reducing anti-social behaviour, in particular behaviours associated with substance misuse.

Outcomes achieved:

For the 12 month period from 31 March 2020 Re-solv have directly reached

- 553 Adults in target hotspot areas
- 639 young people in target hotspot areas
- Delivered 83 sessions
- Recruited an additional 25 community champions*

*Recruitment of volunteers without face to face work and supervision has been harder during this period due to the pandemic- to compensate for this Re-solv have worked with 'organisational' volunteers who have worked in partnership to deliver and spread online and hard copy resources and materials.

Indirect Reach

Face to face delivery has obviously been difficult, and impossible in most cases. Consultation has told us that community members, teachers and professionals were keen to have resources they could use and share with others in lieu of face to face sessions while restrictions and social distancing were in place. This was especially important while most children were out of school and even now they are back but have a backlog of work to contend with. There was a request for interactive tools that could be used flexibly when there was time to do so flexibly. There have also been specific requests to respond to anxieties and needs of children making the transition from primary school to secondary school and a film has been developed about decision making and dealing with stress particularly around this transition period.

- 12 new online resources that can be used flexibly at a time that suits teachers or community members or other services have been created <https://www.re-solv.org/about-re-solv/locally-funded-projects/stafford-2/>

- Every School in the borough has been sent a range of age appropriate online resources
- Over 5000 hard copy resources, including those on “coping with Covid’ and mental health guides have been distributed
- A new Talking with our child about wellbeing :social media and gaming resource is being developed as part of the mental health series
- 2300 students at Stafford College have received online resources in lieu of outreach work.

Communities Against Crimes of Hate (CACH)

Hate crime has been widely acknowledged as being on the rise nationally and locally and CACH have experienced this year on year since this since 2011. With the resultant press coverage given to hate crime it has helped people identify that what they are experiencing is hate crime and also increased their confidence in reporting and seeking help for it thus further increasing reports.

In the last 10 years CACH has seen demand on its service increase exponentially both from the support to victims’ side of things and also in training and education as community groups, schools and other professional agencies such as housing providers realise that hate crime is more common place and that they need to be aware of it and know how to respond accordingly.

Outcomes achieved:

CACH have supported **51 individuals** living in Stafford Borough in 20/21

The motivation of the incidents were:

2020/21 up to 29/3/21 Individuals who reported to CACH.

Motivation for Incident (victim perception):

Race	31
Sexual Orientation	6
Disability (Physical)	4
Disability (Learning)	4
Gender Identity	3
Religion	2
Age	1
Total: 51 individuals	

The types of incidents individuals suffered were:

Verbal	28
Harassment	13
Threat	4
Assault	3
Malicious Comms	4
Damage/Graffiti	1
Total: 53 (real figure 51)	

2 individuals reported experiencing more than one type of incident

CACH have delivered education sessions to **500 young people** living or being educated in Stafford Borough in 20/21 despite the Covid restrictions. An online session for high Schools has been developed and there are plans to deliver more sessions this way later in the academic year.

Youth Net

Youth ASB was rising in and around the town centre of Stafford, complaints from visitors and businesses were becoming more frequent with the community trigger also being activated. British Transport Police were also reporting issues and through conversations at the Partnership Hub a picture of exploitation was beginning to build with information from childrens services, YOS and YOT. The number of enforcement notices and dispersal notices being issued were rising.

Youth Net provide early and direct intervention with young people to reduce the risk of their involvement in ASB and being criminally or sexually exploited. Through a support network, diversionary activities, signposting and ongoing support are provided to engage the young people.

The project aims to:

- Improve the safety of the identified cohort and young people in general
- Challenge, reduce or change the risk-taking behaviours
- Divert young people into positive diversionary activities
- Involve the parents/carers in the behaviour change/support
- Reduce the cost of agency time
- Gain knowledge – something to create a more sustainable community offer for young people

Outcomes achieved:

- During 20/21 the total number of young people engaged with through detached outreach work has been 1264, of which:
 - Male – 920
 - Female – 344
- 2460 activity bags were delivered to young people during lockdown, the doorstep interaction during lockdown when these bags were delivered was what was of importance. It enabled contact to continue and to provide support to the whole family.
- Emotional wellbeing sessions called THRIVE were delivered by Youth Net to school years 7, 8 & 11
- Intelligence from “the street” has been fed into the MACE panel. Youth Net has been able to support the panel with many cases.
- Social media became an increasingly important area of work with concerns that young females were being groomed and recruited on

line. Through social media young people have been referred to a number of agencies for support and education such as Princes Trust programmes, mental health support, CSE awareness, and work experience.

- 5.8. Following a refresh of the strategic assessment the CWP has submitted a spend plan for 21/22 to the SC. Corporate Business and Partnerships will provide an update report once full approval has been received.

6 Implications	
6.1 Financial	The allocation of funding to the Council, as responsible authority for community safety, is at risk if there is no evidence of a current partnership plan on the website and also if the evaluation does not meet the SC requirements. Funding (£2,500) is top-sliced from the payment of the locality deal funding to support the County Drugs and Alcohol service and £5,000 is to be contributed towards a pan Staffordshire ASB Service. This year the Strategic Assessment refresh was provided free of charge. A new serious violence duty is out for consultation by central government. It is unclear at this time if there will be any additional funding for local authorities to support this work or for any additional responsibilities that may come out of the Domestic Abuse Bill or Prevent Duty.
Legal	<p>The Safer Communities Partnership is a statutory body (under the Crime and Disorder Act 1998 with further regulation being provided by the Police Reform Act 2002 and the Police and Justice Act 2006) required by law to work with Police; Fire and Rescue; Probation and Clinical Commissioning Groups to tackle crime and anti-social behaviour in the Borough.</p> <p>Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on local authorities to tackle crime and disorder as part of their core or 'mainstream' work and requires them to consider the impact of their services in reducing crime and disorder</p>
Human Resources	
Human Rights Act	
Data Protection	
Risk Management	

<p>6.2 Community Impact Assessment Recommendations</p>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>The priority areas have been identified through a robust evidence base. Any services that are being commissioned will be inclusive. The ASB team will work closely with agencies who support individuals, using appropriate referral mechanisms and the Partnership Hub.</p> <p>Safeguarding concerns will be escalated to appropriate personnel. If referrals do not meet thresholds for safeguarding, then a referral will be made to the multi agency Partnership Hub for discussion and signposting.</p> <p>Powers within the Crime and ASB Act 2014 will be used in order to tackle ASB and disorder within the borough.</p> <p>Low crime and ASB rates will make the borough more appealing to live, work and visit. Ensure that reductions in crime and anti-social behaviour are communicated effectively.</p>
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Previous Consideration - Nil

Background Papers – File available in Policy and Improvement

ITEM NO 4(b)(ii)

ITEM NO 4(b)(ii)

Contact Officer:	Helen Marshall
Telephone No:	01785 619417
Ward Interest:	Nil
Report Track:	Cabinet 05/08/2021 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR J M PERT
COMMUNITY PORTFOLIO**

**CABINET
5 AUGUST 2021
Anti-Social Behaviour Policy**

1 Purpose of Report

- 1.1 To seek approval for the revised Anti-Social Behaviour Policy for Stafford Borough Council.

2 Proposal of Cabinet Member

- 2.1 That the policy be considered and approved.

3 Key Issues and Reasons for Recommendation

- 3.1 Stafford Borough Council has a statutory duty to investigate reports and complaints of anti-social behaviour under the Anti-Social Behaviour Crime and Policing Act 2014. This policy sets out the council's approach to investigating these reports and the enforcement options available to the Council, should this be necessary.
- 3.2 This policy sets out the Council's commitment to reducing anti-social behaviour, improving the quality of life for local people. If left unchallenged, anti-social behaviour can have a significant negative impact upon communities, including those who live, work, visit and invest in our borough.

4 Relationship to Corporate Business Objectives

- 4.1 This contributes to all the corporate business objectives and directly supports business objective 2: 'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing'.

5 Report Detail

- 5.1 The council has a statutory responsibility for community safety, as defined by the Crime and Disorder Act 1998. The Act states that the council must work with the police and other agencies (Responsible Bodies) to help prevent and reduce crime and disorder within the borough.
- 5.2 The Corporate Anti-Social Behaviour (ASB) Policy document sets out Stafford Borough Council's commitment to reducing anti-social behaviour, improving the quality of life for local people. We recognise that if left unchallenged, anti-social behaviour can have a significant negative impact upon the lives of our communities, including those who live, work, visit and invest in our borough. To support our commitment to reducing ASB we will:
- Place victims and witnesses at the centre of our procedures;
 - Remain objective until a thorough investigation has been carried out;
 - Make effective use of the powers, orders and mechanisms available to us to deal with ASB;
 - Participate fully in joint working with partner agencies to enable the best possible outcomes;
 - Raise awareness of what constitutes ASB and to address issues around tolerance;
 - Publicise and promote services available to divert from or tackle anti-social behaviour by signposting to other services.
- 5.3 The policy additional outlines the responsibilities of the borough council under the Anti-Social Behaviour Crime and Policing Act 2014.

These are as follows:

- Awareness raising, where tolerance can sometimes be an issue
 - Supporting victims
 - Investigation of ASB complaints
 - Enforcement, using the designated powers from the Anti-Social Behaviour, Crime and Policing Act 2014.
- 5.4 The enforcement options available to designated council officers are also outlined within the policy document.

5.5 The policy formalises the approach that Stafford Borough Council will take to support victims of anti-social behaviour and details the action that can be taken. In addition, the policy sits underneath the Community Safety and Wellbeing Strategy that has just been implemented and will be refreshed as part of that process moving forward.

5.6 It is recommended that the policy is approved.

6 Implications	
6.1 Financial	Staffordshire Police would be required to assist in the enforcement, working in partnership with Stafford Borough Council officers. There may be added costs for prosecutions and if Civil Injunctions were necessary. However other enforcement options would be explored in the first instance.
Legal	The Legal service has been and will continue to be consulted with for advice around enforcement options.
Human Resources	Nil
Human Rights Act	The Anti-Social Behaviour Crime and Policing Act 2014 is designed to put victims at the heart of an organisation's response to ASB, and gives professionals the flexibility to deal with any given situation.
Data Protection	There is a requirement in the Act to ensure that the council have effective information sharing procedures in place. We adhere to the new General Data Protection Regulations when sharing information with partnership agencies.
Risk Management	The council have and continue to implement the requirements of the Act to adhere to its statutory duty.

6.2 Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>ASB can and does affect anyone irrespective of; Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>The ASB team will work closely with agencies to support individuals with vulnerabilities, such as those listed above, using appropriate referral mechanisms and the Partnership Hub.</p>
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Previous Consideration - Nil

Background Papers – File available in Policy and Improvement



Anti-Social Behaviour Policy

2021- 2024

Policy Statement and Commitment

This Corporate Anti-Social Behaviour (ASB) Policy document supports Stafford Borough Council's vision "A prosperous and attractive borough with strong communities."

It contributes and supports all the corporate business objectives and in particular, business objective two: 'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work encouraging people to be engaged in developing strong communities that promote health and wellbeing'.

This policy sets out Stafford Borough Council's commitment to reducing anti-social behaviour and improving the quality of life for local people. It is recognised that if it is left unchallenged, anti-social behaviour can have a significant negative impact upon the lives of our communities, including those who live, work, visit and invest in our borough. To support our commitment to reducing anti-social behaviour we will:

- Place victims and witnesses at the centre of our procedures.
- Remain objective until a thorough investigation has been carried out.
- Make effective use of the powers, orders and mechanisms available to the council to deal with ASB.
- Participate fully in joint working with partner agencies i.e., Police and Housing providers, to enable the best possible outcomes for victims and communities.
- Raise awareness of what constitutes ASB and to address issues around tolerance.
- Publicise and promote services available, to divert from or tackle ASB by signposting to other services.

Our Approach and Responsibilities

The council has a statutory responsibility for community safety, as defined by the Crime and Disorder Act 1998.

The Police Reform and Social Responsibility Act 2011 created a flexible framework for partnership working. This includes two inter-related duties to co-operate which set out a clear aim for partnership working across partners involved in community safety and criminal justice. The community safety duty specifies that a Police Crime Commissioner and the responsible authorities on a SCP must co-operate and take account of one another's priorities.

There are five 'responsible authorities' that must work together by law to reduce crime in the local authority area. These are,

- Local Authority
- Police

- Fire and Rescue
- Probation
- Clinical Commissioning Groups

These responsible authorities are under a statutory obligation to work together to tackle crime, disorder, and antisocial behaviour; alcohol and substance misuse, reduce reoffending and tackle any other behaviour which has a negative effect on the local environment. Each partner agency brings a range of expertise and experience and when these skills are brought together, they can help to resolve issues more quickly and effectively. The council makes a significant contribution to dealing with all kinds of ASB and undertakes investigations, enforcement, and preventative activities.

In addition to this, the council has a statutory duty to investigate issues of ASB as per the Anti-Social Behaviour Crime and Policing Act 2014.

Corporate Business and Partnerships take the lead role in investigating all incidents of ASB and there are designated officers who can utilise the powers in the Anti-Social Behaviour Crime and Policing Act 2014. The main responsibilities of these officers are as follows:

- Awareness raising, where tolerance can sometimes be an issue
- Supporting victims
- Investigation of ASB complaints
- Enforcement, using the designated powers from the Anti Social Behaviour, Crime and Policing Act 2014.

The Community Wellbeing Partnership has developed a delivery group (made up of a range of partners) that has responsibility for supporting the delivery of the priorities identified in the annual strategic assessment, including anti-social behaviour.

In addition, the council has other service areas that are involved in investigating ASB. For example, the councils licensing service investigate Fly tipping and Dog fouling.

Definition

ASB can cover a wide range of behaviours. But generally, it is considered to include behaviour capable of causing nuisance or disturbance to any person or an act that causes, or is likely to cause harassment, alarm, or distress to one or more persons, not of the same household.

1 Anti-Social Behaviour Reporting

There are several ways in which you can report ASB to Stafford Borough Council.

Telephone: 01785 619000

Email: info@staffordbc.gov.uk

Online: on Stafford Borough Council's website:

<https://www.staffordbc.gov.uk/community-safety-anti-social-behaviour>

After the borough council receive a report of ASB, the complainant may then be asked to complete a diary sheet (if the complaint concerns a neighbour dispute or noise from a neighbouring property).

Following receipt of any diary sheets a decision will be made, as to the best way to proceed. For example, in cases of verbal abuse we may consider utilising sound monitoring equipment.

You may be also asked some additional questions, so that the level of risk from the behaviour occurring is assessed.

Cases may be discussed with partner organisations i.e., police, fire, housing providers, to see if they are also investigating any issues relating to the same individuals/ locations.

Once evidence has been gathered, consideration could be given to the use of the enforcement powers which are available to the borough council as outlined in Section 2.

The complainant/ victim would be kept updated by the relevant officers in terms of any planned action to be taken and any discussions or meetings that are taking place regarding their case.

Registered social landlords do have powers under the same Act that they can utilise so if you feel you are a victim of ASB and live in a property that is managed by a social landlord or want to complain about a tenant of a social landlord, you need to report your issues directly to them.

The police also have the same powers under the Act. ASB can be reported to the police via their non-emergency number: 101.

2 Action we can take

No Action

In some cases, no action will be taken. This will be because there is little or no evidence that the behaviour being reported constitutes ASB or where the alleged offender has co-operated with what has been required of them.

The borough council also recognise that individuals have different tolerance thresholds, so we would expect both parties to work together before issues escalate and a complaint is made. We will take a common sense approach when we receive complaints of ASB.

Letters and or Word of Advice

Occasionally a letter or phone call with an alleged perpetrator of low level ASB is all that may be required to resolve some issues. The perpetrator will be informed of the nature of the complaint about them; along with potential consequences should their behaviour continue or escalate.

Acceptable Behaviour/ Parenting Contracts

These are voluntary written agreements between an individual, the council and sometimes other agencies including education and Staffordshire Police. They are useful in dealing with children aged 10 plus and in relation to truanting and ASB. These agreements are not legally binding however they are useful in highlighting children's behaviour to their parents and letting them know the consequences if they are not adhered to.

Community Protection Warning Notices and Community Protection Notices

The Community Protection Notice (CPN) is intended to deal with, unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life, by targeting those responsible. Both the council and police have the authority to issue, and they can be served on anyone over the age of 16.

A Community Protection Warning must be served before a full CPN can be issued. Positive requirements and prohibitions can be included in both the CPN Warning and the Community Protection Notice and will include reasonable timescales for certain actions to be carried out or behaviours stopped. These notices can be posted, but in some cases, will be served on an individual by the Police or a Police Community Support Officer.

If a breach of the initial warning letter occurs, evidence will be gathered to prove a breach and a full Community Protection Notice will then be considered. Failure to comply with a CPN is a criminal offence.

If the full notice is breached; a Fixed Penalty Notice (FPN) will be issued either via Recorded Delivery or to an individual by a designated Local Authority Officer or the Police.

The council will then monitor whether the fines have been paid and will notify the Legal Team if no payment has been received within the 14-day period.

In certain cases, individuals or businesses may be asked to cover costs of any remedial work.

If further breaches then occur, Stafford Borough Council may consider prosecution.

If the Police have led on the full notice, they would prosecute via the Crown Prosecution Service, and Stafford Borough Council would prosecute through our in-house Legal Team if it is led by us.

There is no expiry date on Community Protection Notices or Community Protection Warning Notices, but these should be reviewed every 6 months. Reminder letters can also be sent to perpetrators should a significant amount of time pass and there be a risk of the perpetrator reoffending.

Civil Injunctions

This is a court order to stop or prevent individuals engaging in ASB. It can be used to stop issues escalating and positive requirements can be added to encourage the perpetrator to change their behaviour.

Injunctions can be used for anyone from the age of 10 years old. For juveniles, the Youth Offending team must be consulted before an injunction is sought from the courts.

Breach of an injunction can result in a fine or imprisonment for up to 2 years for over 18s. For children under 18 the court can issue a supervision order or detention of up to 3 months.

The council wouldn't consider the use of an injunction at the start of investigation, unless there were threats of violence made and that it was a proportionate power to utilise.

Public Spaces Protection Orders (PSPOs)

This order imposes conditions which may include multiple restrictions and requirements either throughout the borough or in specific areas for example parks or communal areas, where ASB is being caused and is detrimental to the community.

They are designed to ensure that most people can enjoy public spaces and feel safe. For example, restrictions can be imposed around the consumption of alcohol, noise, or dogs.

A breach of a PSPO can result in prosecution or a Fixed Penalty Notice issued by any delegated officer of the council or Police Officer.

Further information on Stafford Borough Council's PSPOs can be found at:

www.staffordbc.gov.uk/pspo

Closure Powers

This can be used by the police and authorised officers from Stafford Borough Council, where there are high levels of nuisance, disorder or illegal activity either currently ongoing or expected imminently. A Closure Notice can be served immediately closing the property for 48 hours. For a property to be closed longer than this, a Closure Order can then be requested through the court.

Criminal Behaviour Orders

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court. The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, and persistently being drunk and aggressive in public.

Prosecutions

In certain cases, prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect.

Prosecutions would be likely to follow if:

- A Fixed Penalty Notice is issued to an alleged offender and is unpaid within the 14 day payment period.
- An offence is of a size or nature where other enforcement actions are deemed insufficient.
- Previous actions have failed and there is no option for other enforcement action.
- The nature of the offence is deemed to be in the interest of the public.
- The offence has a serious or significant impact on the environment and community.

3 Community Triggers and Remedies

Any person has the right to activate a Community Trigger if they feel their complaint(s) regarding ASB has not been dealt with appropriately.

The Community Trigger is designed to ensure the council and our partners are responding to cases of persistent ASB, especially where the victim is vulnerable or at greater risk.

The trigger gives victims and communities the right to request a case review to examine how local agencies have responded to previous ASB complaints and to consider whether further action should be taken.

Stafford Borough Council along with our partners in the Community Wellbeing Partnership have agreed that the threshold for activating a Community Trigger will be:

- Three separate incidents have been reported in the last 6 months to the police, council, or social landlord.
- The last report was within one month of the date of the trigger application.

A victim of ASB or someone acting on their behalf can ask to activate the Community Trigger by telephoning Staffordshire Police on 101. Local partners are required to carry out a case review of their response, by sharing relevant information with each other.

At Stafford Borough Council we have also provided a reporting form for Community Triggers and members of the public can complete the form which will then be forwarded to the Police. This form is available on our website.

www.staffordbc.gov.uk/community-safety-anti-social-behaviour

A lead agency will then be identified in terms of updating the complainant, dependant on who the Community Trigger request was made to or other relevant factors.

The ASB Crime and Policing Act 2014, places a duty on the relevant bodies to respond to the victim at points in the Community Trigger process.

These include:

- The decision as to whether the threshold is met.
- The outcome of the review, and
- Any recommendations or actions agreed, as an outcome of the review.

4 ASB and Noise Monitoring

Sound monitoring equipment can be utilised by the council, for some antisocial behaviour cases.

Before installing any sound monitoring equipment, the relevant officers would need to have received completed diary sheets and have spoken to a representative from Environmental Health to prevent any duplication.

Sound monitoring equipment can be installed in a premise, on a maximum of three occasions. If behaviour which warrants further action is not detected on any of these occasions, then equipment will not be installed again, except in exceptional circumstances.

We would need to notify any parties that we have received complaints before the installation of any monitoring equipment. This would ensure that the Regulation of Investigatory Powers Act 2000 (RIPA) legislation would be adhered to.

5 Safeguarding Our Staff

Stafford Borough Council will not tolerate, under any circumstance, any threats, violence or abusive behaviour towards our staff or contractors. We will take firm action against any person who shows acts of aggression towards any person carrying out their work in respect of this ASB Policy or any other service. We may involve the police if it is appropriate.

6 Complaints

The Council recognise the importance of customer complaints and welcomes complaints as a valuable form of feedback about its services. The Council is committed to using the information it receives to help drive forward improvements.

You can complain in person at any council office, or you can telephone, fax or email your complaint using the details below:

Tel: 01785 619000

Fax: 01785 619119

Email: info@staffordbc.gov.uk

Online via the borough council's website:

www.staffordbc.gov.uk/Complaints

Community Impact Assessment

Title Of Community impact Assessment	Anti-Social Behaviour Policy
Date Conducted	20.05.21
Lead Officer and Service Area	Tracy Redpath – Corporate Business and Partnerships
CIA Team (To include a range of people with the appropriate knowledge and expertise in the subject area)	Helen Marshall Viki Ashcroft
Head of Service Sign off and Date	

Please ensure that you have read the following before completing the CIA

- A CIA will help you to identify the potential impacts, risks and benefits of your proposed policy, service or project. Doing this at an early stage enables engagement and research to be undertaken to identify actions that will either lessen the risk or maximise the benefits. The assessment will also help you to identify mitigating factors whereby risks may be balanced out to an extent by the benefits.
- This template should be used to support the development of a proposal during the planning stage, therefore should identify how it contributes to the Council's MTFs and Corporate Business Plan.
- A CIA Team should be identified with different, but relevant expertise to ensure that a full range of views are considered.
- Engagement and/or consultation should take place with appropriate and representative groups of people that are most likely to be affected. This must then be used to help shape the design/outcomes of the project. Please note that due to the publication of CIAs, it is advisable not to record personal details of members of the public, such as names or addresses.
- Once completed, the main findings from your CIA should be incorporated into your Cabinet report before submission and then included as an appendix. Please ensure that this is signed off by your Head of Service.

Community Impact Assessment

The table below describes what is required when completing the key sections of your assessment.

Which groups will be affected	Benefits	Risks	Mitigations / Recommendations
Which groups of people will be impacted by the proposed policy, service, or project? This could be people in a particular area, a street, or a group of people with similar characteristics e.g., older people, young people or people with care needs. Also consider staff, residents, and other external stakeholders.	Think about the impact the proposal may have on each of the different category areas and identify the benefits of each decision.	Think about the impact the proposal may have on each of the different category areas, and identify the risks associated with the proposal.	Set out any recommendations as to how the benefits will be maximised and the risks minimised. Also highlight any trade-offs that may occur.
	Please note: <ul style="list-style-type: none">• Potential impacts should not be included if it is considered highly unlikely that they would occur.• Where no major impacts have been identified, please state N/A.• Due to the publication of CIAs, it is advisable not to record personal details of members of the public, such as names or addresses.		
Evidence Base: (Evidence used/ likelihood/ size of impact) How certain are you about the assessment of each potential impact, and what evidence have you used to arrive at the decision? E.g. Data – population trends data, census data, service data. Research – national, regional, local research. Engagement/ Consultation – with partners, the public, the voluntary sector.			

Use the following template to highlight the impacts of your proposal on each of the following categories: the Public Sector Equality Duty (PSED), Health and Care, the Economy, the Environment, and Localities/ Communities.

Community Impact Assessment

Public Sector Equality Duty (PSED) – Use this section to identify if the proposal will impact on our legal obligations under the Equality Act 2010 for both residents and staff. In summary, those subject to the general equality duty must have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. Consider the following questions:			
1. Who is currently using the service, across the protected characteristics? 2. What relevant information is available from the Census and population trends data? 3. What were the findings of the engagement/consultation? 4. What do we know about their experiences and outcomes?		5. Is there any relevant national, regional and/or local sources of research/evidence available? 6. Is there any relevant information from partners or voluntary, community, social enterprise organisations? 7. What is the analysis of the impact on those with relevant protected characteristics?	
General Comments regarding protected characteristics		Stafford Borough Council has an equality policy which outlines the aims and objectives of the public sector duty and areas of consideration in order to demonstrate services, policies and procedures have been planned in a holistic and inclusive way.	
Protected Characteristics:	Who may be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
• Race		Anti-Social Behaviour can affect anyone irrespective of Gender, sexuality, age, disability, religion, or ethnicity. Equal access and delivery of service is not affected by these characteristics. However, it is acknowledged that some individuals can be targeted specifically because of these characteristics and therefore they can and will also be referred to specialist support as well as the support this policy relates to.	Referrals for specialist support will be made to Victims gateway, and or CACH who provide specific support for victims of hate crimes and ASB related to Gender, sexuality, age, disability, religion, or ethnicity.
• Disability			
• Sex			
• Age			
• Religion or Belief			
• Gender Reassignment			
• Sexual Orientation			
• Pregnancy and Maternity			
• Marriage and Civil Partnership			
Evidence Base: (Evidence used/ likelihood/ size of impact):			

Community Impact Assessment

Health and Care – Use this section to determine how the proposal will impact on resident's health and wellbeing, and whether the proposal will impact on the demands for, or access to health and care services.			
Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Mental Health and Wellbeing Will the proposal impact on the mental health/wellbeing of residents or services that support those with Mental Health issues?		The policy is designed to improve wellbeing of residents. The policy outlines the responsibility the Council has in reducing crime and disorder	The ASB team will work closely with agencies who support individuals with mental health issues, using appropriate referral mechanisms and the Partnership Hub. Re-Solv Stafford (a commissioned service) will provide community outreach services.
Healthy Lifestyles Will the proposal promote independence and personal responsibility, helping people to make positive choices around physical activity, healthy food and nutrition, smoking, problematic alcohol and substance use, and sexual health?		Alcohol and substance misuse can sometimes cause or contribute to anti-social behaviour. The policy sets out how the council could be able to deal with certain behaviours either through enforcement or other means. This will hopefully act as a deterrent to this type of behaviour.	The ASB team will work closely with agencies who support individuals with these issues, using appropriate referral mechanisms and the Partnership Hub.
Accidents and Falls Prevention Does the proposal reduce or increase the risk of: falls in older people, childhood accidents, road accidents, or workplace accidents?		The policy does not identify impacts in respect of this.	

Community Impact Assessment

Access to Social Care Will the proposal enable people to access appropriate interventions at the right time?		The policy does not identify impacts in respect of this.	
Independent Living Will the proposal impact on people's ability to live independently in their own home, with care and support from family, friends, and the community?		The policy does not identify impacts in respect of this.	
Safeguarding Will the proposal ensure effective safeguarding for the most vulnerable in our communities?		Reports of anti-social behaviour made by those who are considered to be vulnerable will be given priority. Face to face appointments may be made with potential victims, where the completion of diary sheets may not be possible for example.	Safeguarding concerns will be escalated to appropriate personnel. If referrals do not meet thresholds for safeguarding, then a referral will be made to the multi-agency Partnership Hub for discussion and signposting.
Evidence Base: (Evidence used/ likelihood/ size of impact) 			

Community Impact Assessment

Economy – Use this section to determine how the proposal will impact on the economy of Stafford Borough and the income of residents.

Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Economic Growth Will the proposal promote the Borough and make it easy for businesses to start up, innovate and expand?		Preventing and targeting anti-social behaviour within Stafford Borough will make the area more appealing to potential businesses and investors, encouraging new businesses to set up in the area and existing businesses to expand and innovate.	Powers within the Crime and ASB Act 2014 will be used to tackle ASB and disorder within the borough. Low crime and ASB rates will make the borough more appealing to live, work and visit. Ensure that reductions in crime and anti-social behaviour are communicated effectively.
Poverty and Income Will the proposal have an impact on income? Will it reduce the gap between high and low earners?		Although there is no direct impact on poverty or income from this policy, it is recognised that issues of ASB are more likely to occur in areas of deprivation in the borough.	The yearly strategic assessment that is produced for the Authority highlights that ASB disproportionately affect the most deprived and disadvantaged communities, and town and city centres. It states there are four areas in Stafford with particularly high levels of deprivation (ranked in the Top 20% most deprived nationally); <ul style="list-style-type: none"> • An area of Highfields & Western Downs ward which has significantly higher levels of overall deprivation than the national average, as well as high levels of unemployment and poor health and educational attainment across all age groups. • An area of Penkside ward which has high levels of overall deprivation as well as challenges with employment levels, education and qualifications, and health inequalities. • An area of Manor ward which has high levels of overall deprivation alongside education and employment challenges; • An area of Common ward which has higher levels of overall deprivation and considerable health

Community Impact Assessment

			inequalities, although levels of employment and education are better than the other three areas of high deprivation. This data ensures we target our approach and delivery of preventative work i.e. Youth Net
Workplace Health and Environments Will the proposal impact on working conditions and the health of the Borough's workforce?		The ASB legislation contains powers which require individuals to stop certain behaviours or actions. This could be used to help to ensure the safety of staff members and to improve the working environment.	To utilise the powers as appropriately as possible. Community Protection Notices or Civil Injunctions (Crime and ASB Act 2014) could be used to prohibit certain behaviours or to restrict access to specific buildings, teams or officers if required.
Access to jobs/ Good quality jobs Will the proposal create the right conditions for increased employment in more and better jobs?		The policy does not identify impacts in respect of this.	
Evidence Base: (Evidence used/ likelihood/ size of impact)			

Community Impact Assessment

Environment – Use this section to identify the impact of the proposal on the physical environment. How does the proposal support the utilisation and maintenance of Staffordshire’s built and natural environments, thereby improving health and wellbeing and strengthening community assets?			
Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Built Environment/ Land Use Will the proposal impact on the built environment and land use?		ASB legislation covers Japanese Knotweed, so could have an impact upon land use.	Liaise with colleagues in planning if necessary. Community Protection Warning Notices could be utilised to require a person or business to stop the spreading of or to remove Japanese Knotweed from an area of land. A breach of a CPN is a criminal offence, punishable by a Fixed Penalty Notice or prosecution.
Rural Environment Will the proposal impact on the rural natural environment or on access to open spaces?		The policy does not identify impacts in respect of this.	
Air, Water and Land Quality Will the proposal affect air quality (e.g. vehicle, industrial or domestic emissions), drinking water quality or land quality?		The policy does not identify impacts in respect of this.	
Waste and Recycling Will the proposal affect waste (e.g. disposal) and recycling?		The policy does not identify impacts in respect of this.	
Agriculture and Food Production Will the proposal affect the production of healthy, affordable,		The policy does not identify impacts in respect of this.	

Community Impact Assessment

culturally acceptable food?			
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Transport Will the proposal affect the ability of people/ communities/ business to travel? Will the proposal impact on walking/ cycling opportunities?		The policy does not identify impacts in respect of this.	
Noise Will the proposal cause disruptive noise?		The policy does not identify impacts in respect of this.	Although the policy does not in itself cause disruptive noise, we do have powers to investigate noise complaints (non-statutory nuisances). Noise which could be classed as anti-social can be investigated in person, or electronically and enforcement powers within the ASB Crime and Policing Act 2014 can be used in order to stop or prevent unreasonable noise from continuing. Community Protection Notices would be utilised for issues such as this.

Evidence Base: (Evidence used/ likelihood/ size of impact			
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Community Impact Assessment

Localities / Communities – Use this section to identify the impact of the proposal on communities. How will the proposal strengthen community capacity to create safer and stronger communities? It is important to recognise the different communities your proposal may impact upon, and identify any communities that could be more adversely impacted than others.			
Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Community Development/ Capacity Will the proposal affect opportunities to work with communities and strengthen or reduce community capacity?		The policy does not identify impacts in respect of this.	
Crime/ Community Safety Will the proposal support a joint approach to responding to crime and addressing the causes of crime?		The police and council work together and respond to reports of anti-social behaviour accordingly.	Utilising legislation appropriately and use of the Partnership Hub, by sharing information where we can signposting to other agencies/ services (for example Housing First). By working with partner agencies, we may be able to address some of the root causes of crime i.e., drug and alcohol misuse, mental health, homelessness.
Educational Attainment and Training Will the proposal support school improvement and help to provide access to a good education? Will the proposal support the improved supply of skills to employers and the employability of residents?		The policy does not identify impacts in respect of this. However, there is an indirect impact, through the activities delivered by commissioned services to address issues of ASB.	Right Stuff and Youth Net are two of the commissioned services delivered in Stafford Borough to help tackle and prevent ASB. They target individuals that are at risk of exclusion from school, and exploitation from others involved in crime and/ or ASB. These projects have had a positive effect of improving attendance at school for those at risk of exclusion, thus providing increased access to education.
Leisure and Culture Will the proposal encourage people to participate in social and leisure activities that they enjoy?		The policy does not identify impacts in respect of this.	
Volunteering Will the proposal impact on opportunities for		The policy does not identify impacts in respect of this.	

volunteering?			
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Best Start Will the proposal impact on parental support (pre or postnatally), which helps to ensure that children are school-ready and have high aspirations, utilising a positive parenting approach?		The policy does not identify impacts in respect of this.	
Rural Communities Will the proposal specifically impact on rural communities?		The policy does not identify impacts in respect of this.	
Evidence Base: (Evidence used/ likelihood/ size of impact)			

Community Impact Assessment

Checklist	Action Completed ✓	Comments/Actions
Does the project support the Corporate Business Plan, business objectives and MTFS.		
It is clear what the decision is or what decision is being requested.		
For decisions going to Cabinet, the CIA findings are reflected in the Cabinet Report and potential impacts are clearly identified and mitigated for (where possible).		
The aims, objectives and outcomes of the policy, service or project have been clearly identified.		
The groups who will be affected by the policy, service or project have been clearly identified.		
The communities that are likely to be more adversely impacted than others have been clearly identified.		
Engagement / consultation has been undertaken, and is representative of the residents most likely to be affected.		
Appropriate evidence has been provided and used to inform the development and design of the policy, service or project. This includes data, research, engagement/consultation, case studies and local knowledge.		
The CIA evidences how the Council has considered its statutory duties under the Equality Act 2010 and how it has considered the impacts of any change on people with protected characteristics.		
The next steps to deliver the project have been identified.		
Findings have been incorporated into the Cabinet report for consideration.		

Please return this completed CIA to Ella Smith: esmith@staffordbc.gov.uk

ITEM NO 4(b)(iii)**ITEM NO 4(b)(iii)**

Contact Officer:	Chris Butcher
Telephone No:	01785 619376
Ward Interest:	Nil
Report Track:	Cabinet 05/08/2021 (Only)
Key Decision:	Yes

**SUBMISSION BY COUNCILLOR J M PERT
COMMUNITY AND HEALTH PORTFOLIO**

CABINET 5 AUGUST 2021 Financial Penalties for Housing Standards Offences

1 Purpose of Report

- 1.1 To recommend the adoption of a Model Financial Penalty Matrix for housing standards offences, to replace the existing penalty matrices relating to offences under the following laws:
- Housing Act 2004
 - Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
- 1.2 To introduce the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, which will be implemented using the Model Financial Penalty Matrix

2 Proposal of Cabinet Member

- 2.1 It is recommended that a Model Financial Penalty Matrix is adopted to replace existing schemes, and to be used as the framework for assessing future financial penalties as new housing standards laws are enacted.
- 2.2 It is recommended that the enforcement of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 are included within the proposed new Model Financial Penalty Matrix.

- 2.3 To delegate authority for future technical amendments to the Model Financial Penalty Matrix as a result of changes in legislation, case law or guidance, to the Head of Service in consultation with the appropriate Cabinet Member.

3 Key Issues and Reasons for Recommendation

- 3.1 Stafford Borough Council currently operates three separate schemes to determine the value of financial penalties for offences under different laws that are enforced by the housing standards team. Each was developed separately as the relevant law was introduced.
- 3.2 It is considered likely that future legislation, and amendments to existing legislation, will make use of civil financial penalties in lieu of, or as an alternative to criminal prosecution. Given this, it is sensible to form a consistent approach in adopting future laws that allow for civil penalties, and to amend the existing set of adopted schemes with a Model Financial Penalty Matrix to give greater transparency, clarity and consistency, and to allow the new Model Financial Penalty Matrix to be adapted as further legislation comes into force.
- 3.3 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (*"The Electrical Safety Regulations"*) came into force in April 2021 and it is recommended that this is incorporated into the new Model Financial Penalty Matrix.
- 3.4 This review provides an opportunity to update the existing schemes, learning from how they have been interpreted in tribunals and with the experience of use.
- 3.5 The enforcement of housing standards laws has changed significantly over the past 10 years and is likely to continue to evolve. It is considered desirable to be able to amend the published Model Financial Penalty Matrix as a result of new statutory guidance or tribunal decisions swiftly, with any necessary changes agreed by the Head of Development in conjunction with the Cabinet Member for Community and Health. This would be within the overarching framework of the Model Financial Penalty Matrix proposed in this paper.

4 Relationship to Corporate Business Objectives

- 4.1 The enforcement of housing standards supports the delivery of Corporate Objective Two:
To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing resilient communities that promote health and wellbeing.

5	Report Detail
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Introduction

- 5.1 The rented housing sector is an important component of the housing mix, providing an essential housing option for all age groups. In Stafford Borough the vast majority of landlords comply with the law to provide safe and good quality housing, but there remains a small number of landlords who fail in their basic obligations to provide safe homes. Appropriate enforcement of the laws, aimed at protecting the health and safety of residents is important, not just to ensure that these outlier landlords are penalised, but that as the enforcing authority for housing standards the Council is seen to be taking active steps to protect residents from unacceptable standards. These include properties with no or inadequate heating, risks of falls or fire, damp and mould or the threat of illegal eviction.
- 5.2 Prior to 2014 housing standards laws were almost universally enforced in the criminal courts. Other than a few high-profile cases, it was generally considered that fines resulting from court action were relatively low and this could sometimes discourage local authorities from pursuing legal action.
- 5.3 From 2014 some new laws, most notably those aimed at ensuring that smoke detectors were installed in private rented properties, were enforced by civil financial penalties. This accelerated in 2016, with the Housing and Planning Act, that amended previous laws and enabled enforcement via a financial penalty rather than a criminal conviction.
- 5.4 Local authorities are given the freedom to set their own scheme of financial penalties within the legal parameters of each piece of legislation. There is a strict legal process to follow, and recovery of any penalty is as a civil debt. Appeals against any decision to issue a penalty are heard by a Tribunal rather than a Court.
- 5.5 The aim of the Housing Standards function is to ensure compliance for the safety of residents and accepts that there are occasions where a landlord may fall short of their obligations but is taking action to comply. Informal action and advice to landlords will continue, as it always has been, to be an important and routine option to address minor deviations from housing standards laws. Any decision to issue a civil financial penalty or indeed initiate prosecution proceedings against a landlord will follow the existing adopted enforcement policy which ensures that action is targeted against the worst offenders and only where appropriate to do so.
- 5.6 The process for issuing penalties will depend on the law that is enforced, but to date there are commonalities. In general, the process starts with a "Notice of Intent" that outlines the legal failure and the proposed penalty based on the agreed penalty matrix. The recipient is given a period of time to respond with representations that must be considered and a final decision made on whether to issue a penalty and the appropriate value.

The recipient of this “Final Notice” then has a period of time to appeal to a Tribunal should they feel that the offence had not taken place, or if the value charged did not reflect the circumstances of the case. The Tribunal is able to confirm, amend or quash the penalty charge.

- 5.7 At Stafford Borough Council there are three different penalty schemes that have been adopted in relation to laws as they come into force. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (*“The Electrical Safety Regulations”*) are the latest laws to include provision for enforcement via civil financial penalties and this will need to be reflected in a published penalty matrix.
- 5.8 In reviewing the inclusion of this new penalty it was considered an opportunity to review the other penalty matrixes that are already in place, to take into account recent caselaw, ensure consistency both for existing laws but also how we approach new civil penalties that come into force.

Updating the existing schemes of financial penalties

- 5.9 Civil Penalties were introduced with limited statutory guidance and with very little case law. Stafford Borough Council used this guidance to create a relevant scheme. Since then, there have been a number of legal judgements in First-Tier Tribunals which, whilst not binding, are valuable in assessing the current schemes in place and identifying where they need to be updated to give greater flexibility in the value of any penalty issued. This position is supported by enforcement officers who currently have little to no discretion to vary the penalty levels. This leads to a high proportion of appeals and can deter officers from issuing penalties given the time and resource costs associated with defending the appeals. As an example, under the current scheme, failure to obtain a licence to operate a HMO carries a £10,000 penalty with no room for mitigation other than by income. At a recent appeal the Tribunal noted the limitations of the matrix and found the defendant not guilty of a charge under this scheme. Allowing some defined areas of mitigation means that the value of the penalty more closely matches the culpability of the offence, and mitigation is seen to be being considered. Any mitigation would be required to be evidenced and the ultimate decision on whether to accept this is taken by the Head of Development under recommendation from the investigating officer.
- 5.10 There are currently three different penalty schemes for housing standards laws, and with the introduction of financial penalties for failings under the Electrical Regulations it is considered appropriate to set out standard criteria that can be applied to all of the laws that the Borough currently enforce via a civil penalty. This also provides a framework into which it will be possible to incorporate future laws that need to be enforced by a civil penalty. This aims to provide a consistent, transparent scheme.

The recommended model

- 5.11 This is a variation and expansion of the existing model that has been previously agreed and is currently used to enforce provisions of the Housing Act 2004. The underlying principles that formed that matrix remain, but have been modified and expanded to allow use for other types of financial penalty.
- 5.12 Under this proposal, each relevant law that is enforced by a civil financial penalty by the Housing Standards Team will have its own penalty matrix but is based on an overarching model template.

This model template is attached as **APPENDIX 1** to this report.

- 5.13 The underlying principle of the recommended model is that the value of a penalty is defined by reference to the maximum penalty that is allowed by the specific law and is modified by aggravating and mitigating factors that personalize each penalty to reflect the circumstances of the specific case.
- 5.14 For each law, offences are divided into Tier 1 or Tier 2. Tier 1 offences reflect the primary purpose of the legislation or offences that directly relate to safety. As an example, in the Electrical Safety Regulations failure to maintain the electrical installation is suggested to be a Tier 1 offence as it is the primary function of the regulations – to ensure the landlord maintains the safety of the electrical installation of privately rented properties. The same law requires that the landlord submit a copy of the electrical report to the council within 7 days of a request to do so. Failure to adhere to this would be a Tier 2 offence and would carry an intrinsically lower value of penalty.
- 5.15 The starting value of any financial penalty is defined by a percentage of the maximum value based on previous offences. For Tier 1 offences the starting point for a first offence is 20% of the maximum value. As an example, the electrical Regulations have a maximum penalty in law of £30,000 and therefore the starting value of a Tier 1 offence is £6,000 where there have been no previous penalties under this law. The starting point of a Tier 2 penalty is 20% of the Tier 1 offence under the same legislation, so in this case the starting value would be £1200.
- 5.16 In order to tailor a penalty to the specific details of the offence, a series of “*Aggravating and mitigating*” factors that add or subtract from the initial starting point of the penalty. A number of these are general in nature and reflect the desire to increase the penalty for offences of high culpability or where persons were placed at risk of harm or were vulnerable in nature as well as mitigating factors that reflect low culpability or late but complete compliance with the law.

- 5.17 The model allows for other factors to be included as aggravating or mitigating factors that are relevant to the specific law to be assessed via the recommended model. This is to ensure that where statutory guidance is available, relevant factors are included within the overall model of enforcement. The value of each premium of mitigating factor is 10% of the maximum value of the penalty as defined by the relevant law for Tier 1 offences, and 20% of that value for Tier 2 offences.
- 5.18 No penalty can be issued that is above the statutory maximum and the model includes a limit whereby no penalty can be lower than 20% of the starting value.
- 5.19 In recovering any debt owed as a result of a financial penalty, the income, savings and assets will be considered and where appropriate a payment plan considered on a case by case basis.
- 5.20 The Electrical Regulations would be included within this new proposed model.
- 5.21 If approved, the current models published for civil financial penalties associated with the following legislation would be amended to the use the proposed model
1. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (Redress Scheme Regulations)
 2. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (The Smoke Alarm Regulations)
 3. Housing and Planning Act 2016
- The existing and proposed models for each affected piece of legislation is attached as **APPENDIX 2**.
- 5.22 Alternative options were considered and rejected and these can be reviewed in **APPENDIX 4** to this report
- 5.23 An example of case study indicating how a financial penalty can be used is attached as **APPENDIX 5**
- 5.24 It should be noted that if the recommended changes to adopt a model template across all relevant housing standards laws are not supported, enforcement of the Electrical Safety Regulations will still need to be considered, and it is recommended in that case that the penalty charge scheme as set out in **APPENDIX 3** be adopted.

The Electrical Safety Regulations

- 5.25 These regulations affect most privately rented properties and require landlords to take active management steps to maintain the safety of the electrical installation. It broadly brings all properties into line with HMO properties that have had similar requirements since 2006.
- 5.26 The law requires landlords to ensure that the electrical installation of their rented properties is safe and is inspected at least every five years by a competent person. The laws also make it necessary for landlords to retain the electrical safety reports and to communicate the results to both tenants and where necessary local authorities.
- 5.27 There is a duty on local authorities to serve a “Remedial Notice” where it considers there is a breach of the requirements, and in addition failure to comply with the duties imposed by the regulations may be enforced by way of a civil penalty of up to £30,000, works in default or both. which is why it is important to agree a penalty charge system to support enforcement.
- 5.28 Further details of the legal duties and the proposed financial penalty charge model are attached as **APPENDIX 3**. The proposed scheme uses the same principles as with offences under Housing Act 2004 but have been updated to reflect the proposed overarching model for implementing civil financial penalties.

Recommendation to delegate authority

- 5.29 The law regarding civil financial penalties is maturing through published First and Upper Tier Tribunal decisions. Whilst First Tier decisions are not binding, review of these cases can help show the thinking of tribunal members that have a bearing on future cases.
- 5.30 Whilst enforcement decisions to issue civil penalties should be robustly defended where appropriate to do so, defending action at Tribunal is time consuming and penalty charge schemes should be able to be routinely reviewed to ensure that they remain relevant and inclusive of factors relevant in each case and with case law guidance as that develops.
- 5.31 The recommendation is that, in future, changes to the “Aggravating” and “Mitigating” factors as described in the preferred overarching Model Financial Penalty Matrix can be agreed by the Head of Development and Cabinet Member. This is to ensure that relatively minor technical changes that enhance the scheme and mitigate challenges can be instigated quickly.

6 Implications	
<p>6.1 Financial</p> <p>Legal</p>	<p>Nil</p> <p>The delegations that are needed in order to allow enforcement of the housing standards described in this report are already set out in the Council's Constitution.</p> <p>The Council's Constitution provides for delegations to the Head of Development for specific matters under the Housing Act 2004, at paragraphs 3.5.22 onwards.</p> <p>The scheme of delegations also contains a delegation, at paragraph 3.5.31, for enforcement of regulations relating to Smoke and Carbon Monoxide Alarms, and this includes reference at 3.5.31(c) to "a penalty charge in respect of a breach of the Regulations".</p> <p>The scheme of delegations also contains a delegation, at paragraph 3.5.30, for enforcement of regulations relating to Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014. This includes a reference to payment of "a monetary penalty of such amount as the authority may determine."</p> <p>The scheme of delegations already provides a delegation for enforcement of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, since paragraph 3.5.53 refers to "Matters under Sections 122-123 of the Planning and Housing Act 2016 with respect to the enforcement of Regulations relating to electrical safety in the private rented sector." The Electrical Safety Standard regulations were introduced via the 2016 Act.</p> <p>The scheme of delegations covers enforcement of the above matters and does not need to be amended in order for adoption of a Model Financial Penalty Matrix. For clarity it would be useful to add reference to the issuing of financial penalties at paragraph 3.5.53, when the Constitution is next reviewed.</p> <p>In addition the Council should publish the Model Financial Penalty Matrix on the Council web site, and make clear references to it in relevant policies. This is in order to give clarity and</p>

	certainty as to how the Model Financial Penalty Matrix will be used.
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil

6.2 Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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Previous Consideration – Nil

Background Papers - Nil

Appendices

The following are appended to this report

APPENDIX 1 – The proposed model template

APPENDIX 2 – the existing laws enforced by financial penalties and the proposed Amendments

APPENDIX 3 – The proposed financial penalty matrix for enforcing The Electrical Safety Regulations.

APPENDIX 4 - Alternative options considered and rejected

APPENDIX 5 – Example Case Study.

The proposed model for financial penalties

The general financial penalty matrix is to be used to develop schemes of civil penalties related to housing standards functions where the relevant law allows for penalties to be issued in lieu of prosecution and where there is no separate statutory penalty charge scheme.

The overriding aim is for the system to be transparent, reflect the seriousness of any offence and steeply increase to discourage repeat offenders.

Each piece of law enforced by a civil financial penalty will have a separate matrix, following the principles in the general financial penalty matrix below. To ensure transparency, a series of notes are added to expand on aggravating or mitigating factors that are relevant for each offence type.

Nothing in this matrix can supersede statutory provision and any financial penalty scheme devised using this model must have regard to any relevant statutory guidance.

The General Financial Penalty Matrix

Overarching Principles
All statutory provisions enforced by a civil penalty, where no other statutory guidance exists, is defined as Tier 1 for offences relating to safety or the primary function of the legislation, and Tier 2 for other offences.
No penalty can be set that is greater than the statutory maximum.
No penalty should be set that is less than 20% of the initial civil penalty as per stage 1.
No penalty should be lower than the cost of compliance with the relevant legislation.
In recovering the value of any financial penalty, The Council will consider the incomes, savings and assets of the perpetrator and where appropriate a payment plan considered.

Stage 1 - set Initial civil penalty value (note 1) (note 2)	Tier 1 Offences	Tier 2 Offences
1st offence	20% of max fine	20% of Tier 1
2nd subsequent offence by same person/company	50% of max fine	20% of Tier 1
Subsequent offences by same person/company	80% of max fine	20% of Tier 1

Stage 2 determine aggravating factors that add to the initial civil penalty (use all that apply)		
(Description of Factor) (note 3) (note 5)	+10% of max fine	20% of Tier 1

Stage 3 determine mitigating factors that are taken away from the initial civil penalty (use all that apply)		
Description of Factor (note 4) (note 5)	-10% of max fine	-20% of Tier 1

Note 1 Determining the starting value of a financial penalty.

The starting point for a financial penalty is based on the number of:

- Previous convictions, and/or
- Relevant civil penalties

issued to the same person or corporate entity for the same type of offence in the previous four years.

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 2 Tier 1 and Tier 2 Offences

Some pieces of law have different offences that address behaviour or require duties to be completed, but that have inherently different risk profiles that may need to be considered in terms of any civil penalty awarded. It is considered that a requirement to complete remedial works or take a course of action that protects the health or safety of residents or neighbours is inherently of greater significance than a requirement to provide documentation within a prescribed timescale.

In order to allow for this granulation of offences, laws can be divided into Tier 1 and Tier 2 Offences. These are defined as:

Tier 1 financial penalties are considered appropriate where:

- The offence in question is the primary function of the relevant piece of legislation, or
- The purpose of the relevant law is to protect health, safety or welfare

Tier 2 financial penalties are considered appropriate where:

- The offence is not the primary function of the relevant piece of legislation and
- The purpose of the relevant law does not directly relate to health, safety or welfare.

Example:

The Electrical Safety Regulations require a landlord to

- 1. keep the electrical installation safe. This is considered to be the primary purpose of the law and would be considered Tier 1*
- 2. to obtain a report every 5 years from a competent person. This relates directly to safety – without a competent person carrying out routine testing, there is a risk of harm, and would be considered Tier 1*
- 3. to provide a copy of the report to the tenant. Relates to the process of ensuring that relevant persons are notified that the installation is safe. It is still considered important, but does not relate to safety and would be considered Tier 2.*

There is no requirement to have Tier 2 financial penalties and there will be examples where it is not appropriate, but this allows the differentiation of offences where appropriate to do so.

Note 3 Aggravating factors.

After the starting point as per note 1 has been determined any relevant aggravating factors are considered and where appropriate to do so, the given value is added to the starting point to provide the maximum level of financial penalty.

At this stage it is possible for the notional penalty to be above the statutory maximum, but once mitigation and income are considered, if the value is still above the statutory maximum it will be capped as per the “general principles”.

Note 4 Mitigating factors.

After aggravating factors are considered and applied where appropriate, mitigating factors are considered and where there is sufficient and compelling evidence the relevant value will be discounted from the Financial Penalty.

In considering whether it is appropriate to include a mitigating factor, evidence shall be considered that has been gathered by the inspecting officer in the course of the investigation into the offence as well as any representations that have been provided following relevant statutory provision

Note 5 Further details of Aggravating or Mitigating Factors

For each factor considered relevant and appropriate to include within the penalty matrix, further detail must be given in a corresponding note to aid enforcing officers, offenders and the general public to understand when the factor will apply.

Current financial penalties and proposed replacement

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2a	Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (Current scheme)	4
2b	Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (Proposed scheme)	5
3a	Housing Act 2004 Section 249a (Current scheme)	6-10
3b	Housing Act 2004 Section 249a (Proposed scheme)	7-19

(CURRENT)

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

This statement is required under Regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and relates to matters that Stafford Borough Council (the Council) must have regard to in determining the amount of any penalty charge issued under Regulation 8 of the same Regulations.

The Regulations allow the Council to issue Penalty Charge notices where a relevant landlord has failed to take all reasonable steps to comply with a remedial notice. Such notices allow 28 days to:

1. Fit one or more smoke alarms in an occupied rented property.
2. Fit a carbon monoxide detector to a room with a solid fuel burning combustion appliance.
3. Take steps to check that each smoke or carbon monoxide alarm required by Regulations are working correctly at the start of a new tenancy.

In determining the amount a penalty charge the Council takes into account the following principles:

1. Financial penalty

Landlords issued with a penalty charge notice have been given 28 days to comply with statutory provisions that they should already have undertaken. It is not enough to recover the cost of completing the works as this in itself does not deter inaction that puts tenants' lives at risk.

The financial penalty should be set at an amount to ensure that those few landlords that flout the law are sufficiently penalised. The amount of financial penalty is set at £1,000 for the first offence and £5,000 for any subsequent offence, including where it can be established that the landlord has been issued with a Penalty Charge Notice from another local authority under the same provisions. This amount is modified by the mitigating provisions noted below.

2. Mitigating factors

The Council agrees to reduce the amount of the financial penalty element of the Penalty Charge in the following circumstances: .

- a. Early payment.
Where a relevant landlord issued with a penalty charge notice makes payment within 14 days of the service date, the financial penalty element of the penalty charge will be reduced by 50%.
- b. Discretion by Head of Environment.
A landlord may write to the Head of Environment within 28 days of date the Penalty Charge Notice is served requesting a right to review. Such a request should include such information as appropriate as to why he should not be required to pay the Penalty Charge. The Head of Environment may confirm, vary or withdraw the penalty charge notice.

(PROPOSED)

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

This statement is required under Regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and relates to matters that Stafford Borough Council (the Council) must have regard to in determining the amount of any penalty charge issued under Regulation 8 of the same Regulations.

The Regulations allow the Council to issue Penalty Charge notices where a relevant landlord has failed to take all reasonable steps to comply with a remedial notice. Such notices allow 28 days to:

1. Fit one or more smoke alarms in an occupied rented property.
2. Fit a carbon monoxide detector to a room with a solid fuel burning combustion appliance.
3. Take steps to check that each smoke or carbon monoxide alarm required by Regulations are working correctly at the start of a new tenancy.

In determining the value of a penalty charge the Council takes into account the following principles:

General principles
No penalty charge shall be issued above the statutory maximum of £5,000
No penalty charge shall be less than 20% of the starting value after all aggravating and mitigating factors are considered and after perpetrator income has been taken into account.
Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Housing Standards Team including any information provided following inspection and any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty
In recovering the value of any financial penalty, The Council will consider the incomes, savings and assets of the perpetrator and where appropriate a payment plan considered.

Starting value of penalty charge (note 1)	£
1 st offence	1000
2nd subsequent offence by same person/company	2500
Subsequent offences by same person/company	4000
Aggravating factors (use all that apply)	
Acts or omissions demonstrating high culpability. (note 5)	500
Large housing portfolio (note 6)	500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 8)	500
Mitigating Factors (use all that apply)	
Evidence of Low culpability	-500

(Current)

Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

Penalty Charge

Failure to belong to a recognised redress scheme

(a) First offence 1,000.00

(b) For each subsequent offence 5,000.00

A person on whom a notice of intent is served may within 28 days beginning with the day after the date on which the notice was sent make written representations and objections to the enforcement authority in relation to the proposed imposition of a monetary penalty.

The Head of Environment may confirm, vary or withdraw the value of the penalty.

(Proposed)

Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

Penalty Charge

Where Stafford Borough Council is satisfied on the balance of probabilities that a person has failed to comply with the requirement to belong to a redress scheme under:

- Article 3 (requirement to belong to a redress scheme: lettings agency work) or
- Article 5 (requirement to belong to a redress scheme: property management work),

the authority may by notice require the person to pay the authority a monetary penalty (a “monetary penalty”) of such amount as the authority may determine.

In determining the amount of a penalty charge the Council takes into account the following principles:

General principles
No penalty charge shall be issued above the statutory maximum of £5,000
No penalty charge shall be less than 20% of the starting value after all aggravating and mitigating factors are considered and after perpetrator income has been taken into account.
Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Housing Standards Team including any information provided following inspection and any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty
In recovering the value of any financial penalty, The Council will consider the incomes, savings and assets of the perpetrator and where appropriate a payment plan considered.

Starting value of penalty charge (note 1)	£
1 st offence	1000
2nd subsequent offence by same person/company	2500
Subsequent offences by same person/company	4000
Aggravating factors (use all that apply)	
Acts or omissions demonstrating high culpability. (note 5)	500
Large housing portfolio (note 6)	500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 8)	500
Mitigating Factors (use all that apply)	
Evidence of Low culpability	-500
Rapid action taken to address failings (note 13)	-500

(Current)

**The Housing Act 2004 Section 249a Financial penalties as
alternative to prosecution**

**Charging table for determining value of Financial Penalties imposed under
Housing Act 2004**

(Full detail of the published policy can be found online at the following address

www.staffordbc.gov.uk/Civil-Penalties-Matrix

Failure to comply with an Improvement Notice (Section 30)		£
1st offence 1)	(note	5000
2nd subsequent offence by same person/company	(note 2)	15000
Subsequent offences by same person/company 7)	(note	25000
Premiums (use all that apply)		
Acts or omissions demonstrating high culpability 8)	(note	+2500
Large housing portfolio (10+ units of accommodation)	(note 3)	+2500
Multiple Category 1 or high Category 2 Hazards	(note 4)	+2500
Vulnerable occupant and/or significant harm occurred as result of housing conditions 5)	(note	+2500
Perpetrator demonstrates Income to be less than £440/week 6)	(note	-50%

Offences in relation to licensing of HMOs		£
under Part 2 of the Act (Section 72)	(note1)	
Failure to obtain property Licence (section 72(1))	(note 1)	10000
2nd subsequent offence by same person/company 2)	(note	30000
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%
Breach of Licence conditions (Section 72(2) and (3)) - Per licence breach		5000
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%

Offences in relation to licensing of HMOs under Part 3 of the Act (Section 95)		£
Failure to Licence (section 95(1))	(note 1)	10000
2nd subsequent offence by same person/company	(note 2)	30000
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%
Breach of Licence conditions (Section 95(2)) - Per licence breach		5000
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%

Offences of contravention of an overcrowding notice (section 139)		£
1st relevant offences	(note 1)	5000
2nd subsequent offence by same person/company	(note 2)	15000
Premiums (use all that apply)		
Acts or omissions demonstrating high culpability	(note 8)	+2500
Vulnerable occupant and/or significant harm occurred as result of overcrowding	(note 3)	+2500
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%

Failure to comply with management regulations in respect of HMOs (Section 234)		£
1 st relevant offences	(note 1)	1000/offence
Second subsequent offences by same person/company for the same offence		3000/offence
Premiums (use all that apply)		
Acts or omissions demonstrating high culpability	(note 8)	+2500
Large housing portfolio (10+ units of accommodation)	(note 3)	+2500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	(note 5)	+2500
Perpetrator demonstrates Income to be less than £440/week	(note 6)	-50%

NOTES

Note 1 – Offences that may be dealt with by way of imposing a financial penalty

The starting point for a financial penalty is based on the number of previous convictions or imposition of a financial penalty for the same type of offence in the previous four years.

After the starting point has been determined, relevant Premiums are added to the starting amount to determine the full financial penalty to be imposed

No single financial penalty may be over £30,000. Where the addition of all relevant premiums would put the penalty above the maximum, it shall be capped at £30,000

Note 2 - 2nd subsequent offence by same person/company

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 3 - Large housing portfolio (10+ units of accommodation)

The premium is applied where the perpetrator has control or manages of 10 or more units of accommodation.

For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 4 - Multiple Category 1 or high Category 2 Hazards

This premium will apply where the failure to comply with the Improvement Notice relates to three or more Category 1 or high scoring Category 2 hazards associated with different building deficiencies. For the avoidance of doubt this means that where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.

For the purpose of this premium, a high scoring category 2 hazard is defined as one scored following the Housing Health and Safety Rating System as "D" or "E".

Note 5 - Vulnerable occupant and/or significant harm occurred as result of housing conditions

This premium will be applied once if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.

For purposes of this premium a vulnerable person is defined as someone who forms part of a vulnerable group under Housing Health and Safety Rating System relating to hazards present in the property or an occupant or group of occupants considered by the Council to be at particular risk of harm that the perpetrator ought to have had regard.

For purposes of this premium, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm under the Housing Health and Safety Rating System Operating Guidance.

At the time of publication this document can be found at www.gov.uk and a summary table is below.

Hazard	Vulnerable age group (age of occupant)
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal Hygiene, Sanitation and Drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
falling between levels	under 5 years
Electrical hazards	under 5 years
Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

Note 6 - Perpetrator demonstrates Income to be less than £440/week

This premium will be applied after all other relevant premiums have been included and if applicable will reduce the overall financial penalty by 50%.

To be applicable, the person served by the Notice of Intent must provide sufficient documented evidence of income.

The figure of £440/week is to be calculated after omission of income tax and national insurance.

The Council reserves the right to request further information to support any financial claim, and where this is incomplete or not sufficiently evidenced may determine that the premium should not be applied.

Note 7 - Previous history of non-compliance with these provisions

This premium is applied where there has been a conviction or imposition of a financial penalty for the same type of offence in the previous four years.

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 8 – Acts or omissions demonstrating high culpability

This premium will be applied where, the person to which the financial penalty applies, acted in a reckless or deliberate manner in not complying with the statutory notice or previous relevant formal advice.

(Proposed)
**The Housing Act 2004 Section 249a Financial penalties as
alternative to prosecution**

Charging table for determining value of Financial Penalties

The following tables present the starting values, aggravating and mitigating factors that are to be considered in determining the value of a financial penalty issued for the following offences:

- Failure to comply with improvement notice (Housing Act 2004 Section 30)
- Licensing of HMOs under Housing Act 2004 Part 2 (Housing Act 2004 Section 72)
- Licensing of houses under Housing Act 2004 Part 3, (Housing Act 2004 Section 95)
- Failure to comply with overcrowding notice, (Housing Act 2004 Section 139(7))
- Management regulations in respect of HMOs. (Housing Act 2004 Section 234)

General principles (to be applied to all financial penalties made for offences under Housing Act 2004)	
No penalty charge shall be issued above the statutory maximum of £30,000	
No penalty charge shall be less than 20% of the starting value after all aggravating and mitigating factors are considered and after perpetrator income has been taken into account.	
Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Housing Standards Team including any information provided following inspection and any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty	
In recovering the value of any financial penalty, The Council will consider the incomes, savings and assets of the perpetrator and where appropriate a payment plan considered.	

Failure to comply with an Improvement Notice (Housing Act 2004 Section 30)	
Starting value of penalty charge (note 1)	£
1 st offence	6000
2nd subsequent offence by same person/company	15000
Subsequent offences by same person/company	24000
Aggravating Factors (note 2)	
Acts or omissions demonstrating high culpability. (note 4)	3000
Large housing portfolio (note 5)	3000

Multiple Category 1 or high Category 2 Hazards (<i>note 6</i>)	3000
Vulnerable occupant and/or significant harm occurred as result of housing conditions (<i>note 7</i>)	3000
Mitigating Factors (<i>note 3</i>)	
Evidence of Low culpability (<i>note 11</i>)	-3000
Rapid action taken to address failings (<i>note 12</i>)	-3000
Partial Compliance (<i>note 13</i>)	-3000

Offences relating to the licensing of HMOs under Part 2 of the Act (Section 72(1) and 72(2))	
Offences relating to failure to licence within a Selective Licensing Area defined by Part 3 of the Act Section 95(1))	
Starting value of penalty charge (<i>note 1</i>)	£
1 st offence	6000
2nd subsequent offence by same person/company	15000
Subsequent offences by same person/company	24000
Aggravating Factors (use all that apply)	
Acts or omissions demonstrating high culpability (<i>note 4</i>)	3000
Large housing portfolio (<i>note 5</i>)	3000
Evidence of management failings leading to antisocial behaviour affecting residents of wider neighbourhood of property. (<i>note 8</i>)	3000
Property not licenced for 12 months or longer. (<i>note 9</i>)	3000
Mitigating Factors (use all that apply)	
Evidence of Low culpability (<i>note 11</i>)	-3000
Rapid action taken to address failings (<i>note 12</i>)	-3000

Offences relating to failure to comply with conditions, restrictions or obligations provided by licences issued under Part 2 and Part 3 of the Act (Section 72(3)) and Section 95(2)) (Note 10)		
Starting value of penalty charge (note 1)	Tier 1 (£)	Tier 2 (£)
1 st offence	6000	1200
2nd subsequent offence by same person/company	15000	3000
Subsequent offences by same person/company	24000	4800
Aggravating Factors (use all that apply)		
Acts or omissions demonstrating high culpability (note 4)	3000	600
Large housing portfolio (note 5)	3000	600
Evidence of failure to comply with three or more licence conditions. (note 6)	3000	
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 7)	3000	600
Mitigating Factors (use all that apply)		
Evidence of Low culpability (note 11)	-3000	-600
Rapid action taken to address failings (note 12)	-3000	-600

Offences of contravention of an overcrowding notice (section 139) (note 1)	
Starting value of penalty charge (note 1)	£
1st relevant offences	6000
2nd subsequent offence by same person/company	15000
Subsequent offences by same person/company	24000
Aggravating Factors (use all that apply)	
Acts or omissions demonstrating high culpability (note 4)	3000
Vulnerable occupant and/or significant harm occurred as result of overcrowding. (note 6)	3000
Mitigating Factors (use all that apply)	
Evidence of Low culpability (note 11)	-3000
Rapid action taken to address failings (note 12)	-3000

Failure to comply with management regulations in respect of HMOs (Section 234) <i>(Note 10)</i>		
Starting value of penalty charge <i>(note 1)</i>	Tier 1 (£)	Tier 2 (£)
1st relevant offences	6000	1200
2nd subsequent offence by same person/company	15000	3000
Subsequent offences by same person/company	24000	4800
Aggravating Factors (use all that apply)		
Evidence of failure to comply with three or more regulations within this statute. <i>(note 6)</i>	3000	
Acts or omissions demonstrating high culpability <i>(note 4)</i>	3000	600
Large housing portfolio <i>(note 5)</i>	3000	600
Vulnerable occupant and/or significant harm occurred as result of failure to comply with regulations <i>(note 7)</i>	3000	600
Mitigating Factors (use all that apply)		
Evidence of Low culpability <i>(note 11)</i>	-3000	-600
Rapid action take to remedy failings <i>(note 12)</i>	-3000	-600

Notes to accompany charging table.

Notes 1-4 set out the overall process for determining the value of a given financial penalty. Notes 5-12 give detail on specific other issues.

Note 1 Determining the starting value of a financial penalty.

The starting point for a financial penalty is based on the number of:

- Previous convictions, and
- Final Notices of a Financial Penalty as per Housing Act 2004 schedule 13a

issued to the same person or corporate entity for the same type of offence in the previous four years.

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 2 Aggravating factors.

After the starting point as per note 1 has been determined any relevant aggravating factors are considered and where appropriate to do so, the given value is added to the starting point to provide the maximum level of financial penalty.

At this stage it is possible for the notional penalty to be above the statutory maximum, but once mitigation and income are considered, if the value is still above the statutory maximum it will be capped as per the “general principles”.

Note 3 Mitigating factors.

After aggravating factors are considered and applied where appropriate, mitigating factors are considered and where there is sufficient and compelling evidence the relevant value will be discounted from the Financial Penalty.

In considering whether it is appropriate to include a mitigating factor, evidence shall be considered that has been gathered by the inspecting officer in the course of the investigation into the offence as well as any representations that have been provided following a Notice of Intent as per Housing Act 2004 Schedule 13a.

Note 4 Acts or omissions demonstrating high culpability.

This premium will be applied where, the person to which the financial penalty applies, acted in a reckless or deliberate manner in not complying with the statutory notice or previous relevant formal advice.

Note 5 Large housing portfolio.

The premium is applied where the perpetrator has control or manages of 10 or more units of accommodation.

For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 6 Multiple failings

This factor is to recognise multiple failings within the same legal notice, licence condition or piece of law. The following note details how this is determined

Multiple Category 1 or high Category 2 Hazards

To be included where an Improvement Notice relates to three or more Category 1 or high scoring Category 2 hazards associated with different building deficiencies. For the avoidance of doubt this means that where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.

For the purpose of this factor, a high scoring category 2 hazard is defined as one scored following the Housing Health and Safety Rating System as “D” or “E”.

Evidence of failure to comply with three or more licence conditions.

To be included where there is evidence of failure to comply with three or more separate licence conditions issued with a licence under Housing Act 2004 Parts 2 or 3 irrespective of whether they are defined as “Tier 1” or “Tier 2”.

Evidence of failure to comply with three or more regulations within this statute.

To be included where there is a evidence of a failure to comply with three or more regulations, irrespective of whether they are defined as “Tier 1” or “Tier 2”.

For the avoidance of doubt, multiple failures of the same offence do not apply, it is based on evidence of failure of duties under separate provisions within the regulations.

Note 7 Vulnerable persons.

This note applies to the following aggravating factors:

- Vulnerable occupant and/or significant harm occurred as result of housing conditions .
- Vulnerable occupant and/or significant harm occurred as result of failure to comply with regulations.
- Vulnerable occupant and/or significant harm occurred as result of overcrowding.

This factor will be applied if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.

For offences relating to failure to comply with an Improvement notice a vulnerable person is defined as someone who forms part of a vulnerable group under Housing Act 2004 Section 9 Operating Guidance for the Housing Health and Safety Rating

System relating to hazards present in the property or an occupant or group of occupants considered by the Council to be at particular risk of harm that the perpetrator ought to have had regard.

At the time of publication this document can be found at www.gov.uk and a summary table is below.

Hazard	Vulnerable age group (age of occupant)
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal Hygiene, Sanitation and Drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
falling between levels	under 5 years
Electrical hazards	under 5 years
Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

For all other purposes a vulnerable person is defined as:

A person who suffers, or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering due to age, disability or severe financial insecurity”

This factor applies where an occupant is vulnerable and, due to the underlying failure to comply with the relevant legislation is placed at additional risk or harm compared with a non-vulnerable resident.

For purposes of this factor, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm as recorded in Housing Act 2004 Section 9 Operating Guidance for the Housing Health and Safety Rating System.

Note 8 Evidence of management failings leading to antisocial behaviour affecting residents of wider neighbourhood of property.

This factor will be applied where there is evidence that, in addition to the underlying failure to licence under Part 2 or Part 3 of the Act, that there is compelling evidence to indicate that during the period that the property was not licenced when it should have been the perpetrator failed to take adequate steps to manage the relevant property in such a way as to mitigate antisocial behaviour stemming from residents or from the property as a whole.

Without prejudice to the generality of this point this includes:

- Direct antisocial behaviour stemming from the actions of residents of the relevant property affecting the local neighbourhood.
- Indirect nuisance on neighbouring properties caused by inaction to address the condition of the property such as rubbish in gardens or overgrown vegetation.

Note 9 Property not licenced for 12 months or longer.

This factor will be applied where there is evidence that the relevant property has been operating as either of the following for 12 months or more prior to the offence date by the same person or corporate entity but without a licence application being properly submitted.

- A property requiring a licence under Housing Act 2004 Part 2
- A property within an area of selective licencing under Housing Act 2004 Part 3

Note 10 Tier 1 and Tier 2 Offences

Where the relevant offence lists separate penalty values for Tier 1 and Tier 2 offences, further detail is provided in the tables below.

The Management of Houses in Multiple Occupation (England) Regulations 2006	Offence Tier
3.Duty of manager to provide information to occupier	Tier 2
4.Duty of manager to take safety measures	Tier 1
5.Duty of manager to maintain water supply and drainage	Tier 1
6.Duty of manager to supply and maintain gas and electricity	Tier 1
7.Duty of manager to maintain common parts, fixtures, fittings and appliances	Tier 1
8.Duty of manager to maintain living accommodation	Tier 1
9.Duty to provide waste disposal facilities	Tier 2
10.Duties of occupiers of HMOs	Tier 2

Licence Conditions (Housing Act 2004 Part 2)	Offence Tier
Conditions relating to:	
Managing Antisocial Behaviour.	Tier 1
Compliance with statutory duties.	Tier 1
Reporting changes in circumstances relating to ownership/usage/layout/no. of occupants.	Tier 1
Safety of electrical appliances or installation.	Tier 1
Provision of Carbon Monoxide alarms where required.	Tier 1
Requirement for remedial works to be completed within specified timescale.	Tier 1
Room size requirements.	Tier 1
Other - Safety/Nuisance to residents or others.	Tier 1
Provision of information/documents on demand to the Council.	Tier 2
Providing required information to tenants.	Tier 2
Other – non-safety/information/documentation	Tier 2

Note 11 Low culpability.

This factor will apply where the perpetrator provides sufficient evidence that they only marginally fell short of their legal obligations, for instance:

- significant efforts were made to address the risk, breaches or offences, although they were inadequate to mitigate the underlying cause to issue the penalty;
- they have offered a reasonable defence for why they were unaware of the risk, breach or offence.
- Failings were minor and occurred as an isolated incident.

It will not be sufficient to claim not to have known of the legal requirement or deficiency that forms the underlying reason for the financial penalty in order to benefit from this factor.

It will also not apply where the underlying failure was due to the inaction of the perpetrator in properly managing rented properties, responding to complaints of poor standards, carrying out routine visits, instruct others to assist where necessary etc.

Note 12 Rapid action take to remedy failings.

This factor will apply where, on notification of the offence, the perpetrator took rapid action to remedy the underlying failings which could mean:

- Undertaking remedial works to address the deficiencies noted
- Making a full and complete licence application for the relevant property

In order to benefit from this factor, it is the responsibility of the perpetrator to provide sufficient evidence of compliance. It will not be sufficient to simply claim works have

been completed, but photographs, videos, arrangements with Housing Standards officers to visit are all appropriate measures to demonstrate compliance.

In assessing whether “rapid action” was taken, Stafford Borough Council will take into account the extent of the remedial works or actions required and the time taken from receipt of any requirement to action. This could be evidence of quotes for works, agreed start dates from contractors etc.

Note 13 **Partial Compliance**

This factor will apply when, on inspection by an officer from Stafford Borough Council following expiry of the Improvement Notice, partial but not complete compliance with the notice was observed. This will only be applied where, on a re-scored inspection following Housing Health and Safety Rating System, there are no category 1 hazards remaining and where a significant portion of the required works have been completed as determined by the inspecting officer.

The Electrical Safety Regulations penalty matrix

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 provide duties for landlords of certain rented domestic properties in relation to managing risks associated with the electrical installation. Without prejudice to the wording of the regulations these include:

- Ensure national standards for electrical safety are met. These are set out in the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671.
- Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
- Supply the local housing authority with a copy of this report within 7 days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.

The full wording of the regulations can be found online and at the time of draft are located here : <http://www.legislation.gov.uk/ukSI/2020/312/contents/made>

Where a local housing authority is satisfied, beyond reasonable doubt, that a private landlord has breached a duty under regulation 3, the authority may impose a financial penalty of up to £30,000.

The regulations detail the steps required by a local authority to take as well as the right of a landlord to make representations and the right of appeal against any subsequent decision to issue a financial penalty.

In determining the value of a financial penalty Stafford Borough Council will have regard to the matrix below.

In using this matrix, the council has regard to the non-statutory guidance issued by the government “Guide for local authorities: electrical safety standards in the private rented sector” available from www.gov.uk

No penalty charge shall be issued above the statutory maximum of £30,000
No penalty charge shall be less than 20% of the starting value after all aggravating and mitigating factors are considered and after perpetrator income has been taken into account.
Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Housing Standards Team prior to and including any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty
In recovering the value of any financial penalty, The Council will consider the incomes, savings and assets of the perpetrator and where appropriate a payment plan considered.

Failure to comply duties under with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 <i>(Note 8)</i>		
Starting value of penalty charge <i>(note 1)</i>	Tier 1 (£)	Tier 2 (£)
1st relevant offences	6000	1200
2nd subsequent offence by same person/company	15000	3000
Subsequent offences by same person/company	24000	4800
Aggravating Factors (use all that apply) <i>(note 2)</i>		
Evidence of failure to comply with multiple duties. <i>(note 6)</i>	3000	
Acts or omissions demonstrating high culpability <i>(note 4)</i>	3000	600
Large housing portfolio <i>(note 5)</i>	3000	600
Vulnerable occupant and/or significant harm occurred as result of failure to comply with regulations <i>(note 7)</i>	3000	600
Mitigating Factors (use all that apply) <i>(note 3)</i>		
Evidence of Low culpability <i>(note 9)</i>	-3000	-600
Rapid action take to remedy failings <i>(note 10)</i>	-3000	-600

Note 1 Determining the starting value of a financial penalty.

The starting point for a financial penalty is based on the number of:

- Previous convictions, and
- Final Notices of a Financial Penalty as per Housing Act 2004 schedule 13a issued to the same person or corporate entity for the same type of offence in the previous four years.

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 2 Aggravating factors.

After the starting point as per note 1 has been determined any relevant aggravating factors are considered and where appropriate to do so, the given value is added to the starting point to provide the maximum level of financial penalty.

At this stage it is possible for the notional penalty to be above the statutory maximum, but once mitigation and income are considered, if the value is still above the statutory maximum it will be capped as per the “general principles”.

Note 3 Mitigating factors.

After aggravating factors are considered and applied where appropriate, mitigating factors are considered and where there is sufficient and compelling evidence the relevant value will be discounted from the Financial Penalty.

In considering whether it is appropriate to include a mitigating factor, evidence shall be considered that has been gathered by the inspecting officer in the course of the investigation into the offence as well as any representations that have been provided following a Notice of Intent as per Housing Act 2004 Schedule 13a.

Note 4 Acts or omissions demonstrating high culpability.

This premium will be applied where, the person to which the financial penalty applies, acted in a reckless or deliberate manner in not complying with the statutory notice or previous relevant formal advice.

Note 5 Large housing portfolio.

The premium is applied where the perpetrator has control or manages of 10 or more units of accommodation.

For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 6 **Multiple failings**

Evidence of failure to comply with three or more separate duties within regulation 3 within this statute.

To be included where there is a evidence of a failure to comply with three or more regulations, irrespective of whether they are defined as “Tier 1” or “Tier 2”.

For the avoidance of doubt, multiple failures of the same offence do not apply, it is based on evidence of failure of duties under separate provisions within the regulations.

Note 7 **Vulnerable persons and/or serious harm.**

This factor will be applied if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.

a vulnerable person is defined as:

A person who suffers, or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering due to age, disability or severe financial insecurity”

This factor applies where an occupant is vulnerable and, due to the underlying failure to comply with the relevant legislation is placed at additional risk or harm compared with a non-vulnerable resident.

For purposes of this factor, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm as recorded in Housing Act 2004 Section 9 Operating Guidance for the Housing Health and Safety Rating System.

Note 8 **Tier 1 and Tier 2 Offences**

Where the relevant offence lists separate penalty values for Tier 1 and Tier 2 offences, further detail is provided in the tables below.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	Regulation	Offence Tier
Ensure national standards for electrical safety are met. These are set out in the 18th edition of the ‘Wiring Regulations’, which are published as British Standard 7671.	3(1)(a))	Tier 1
Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.	3(1)(b))	Tier 1
Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.	3(3)(a)	Tier 1
Supply a copy of this report to the existing tenant within 28 days of the inspection and test.	3(3)(b)	Tier 2

Supply a copy of this report to a new tenant before they occupy the premises.	(3(3)(e)(i)	Tier 2
Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.	3(3)(e)(ii)	Tier 2
Supply the local housing authority with a copy of this report within 7 days of receiving a written request for a copy.	3(3)(c)	Tier 2
Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.	3(3)(d)	Tier 2
Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.	3(4) – 3(6)	Tier 1

Note 9 Low culpability.

This factor will apply where the perpetrator provides sufficient evidence that they only marginally fell short of their legal obligations, for instance:

- significant efforts were made to address the risk, breaches or offences, although they were inadequate to mitigate the underlying cause to issue the penalty;
- they have offered a reasonable defence for why they were unaware of the risk, breach or offence.
- Failings were minor and occurred as an isolated incident.

It will not be sufficient to claim not to have known of the legal requirement or deficiency that forms the underlying reason for the financial penalty in order to benefit from this factor.

It will also not apply where the underlying failure was due to the inaction of the perpetrator in properly managing rented properties, responding to complaints of poor standards, carrying out routine visits, instruct others to assist where necessary etc.

Note 10 Rapid action take to remedy failings.

This factor will apply where, on notification of the offence, the perpetrator took rapid action to remedy the underlying failings which could mean:

- Undertaking remedial works to address the deficiencies noted.
- Obtaining copies of existing electrical reports and provide them to the relevant party

In order to benefit from this factor, it is the responsibility of the perpetrator to provide sufficient evidence of compliance. It will not be sufficient to simply claim works have been completed, but photographs, videos, arrangements with Housing Standards officers to visit are all appropriate measures to demonstrate compliance.

In assessing whether “rapid action” was taken, Stafford Borough Council will take into account the extent of the remedial works or actions required and the time taken from receipt of any requirement to action. This could be evidence of quotes for works, agreed start dates from contractors etc.

Alternative options considered and rejected

In reviewing the existing civil penalty models, the following options were considered and rejected.

1. Maintain the current models and create separate penalties for new legislation

As noted above there are currently three penalty charge schemes that have been adopted and each are published on our website. The first two are extremely simple and have very little discretion built into the model. The third is more comprehensive and forms the basis for the proposed changes.

All three can be seen as the “existing models” within Appendix 2.

These models could remain and be supplemented with additional models/matrices to support new legislation, including the Electrical Regulations.

It is not considered the preferred option for the following reasons :

- a. Weaknesses in the current schemes. It is important to note that these schemes were drafted at a time where there was very limited guidance, no case law or examples of Tribunal decisions that could help with drafting. Whilst absolutely acceptable at the time of creation, the underlying legal framework has matured and the current schemes look dated as a result. As noted above, two of the schemes are extremely simple and contain little to no discretion to take into account the particulars of any offence. It is likely that any appeal against penalties issued under the Smoke Alarm Regulations or the Redress Scheme Regulations would be difficult to defend, and may also put off enforcement where there are some but not complete mitigating circumstances. With regards to the penalty charge matrix under the Housing and Planning Act, this has been criticised by the First Tier Tribunal and whilst the Tribunal must have regard to our legally set scheme, the weakness in some areas , particularly when enforcing HMO licensing provisions means that it is more difficult to defend appeal decisions. Other regional local authorities have moved away from this system because of the weaknesses in these areas.
- b. Missed opportunity to set direction. It is considered that this is an opportunity to bring into line a number of pieces of legislation into one scheme of enforcement that gives greater transparency and rigour. It is inevitable that they will be new pieces of legislation enforced by civil penalty that require a penalty charge matrix to be developed. By setting out a scheme that will work not only for existing pieces of law but also new pieces that are brought into force this sets the council in good stead in terms of transparent and proportionate enforcement of housing standards legislation.

2. The Nottingham Model

Nottingham City Council has developed a detailed model for assessing financial penalties for failings under Housing Act 2004 and it could be adapted for use for some other penalties including the Electrical Regulations. Nottingham City Council have allowed other authorities to use this model as long as they are referenced as the source. Some other authorities in Staffordshire, including Stoke on Trent have moved to use this model. It has some admirable features in that it uses a series of steps to make a detailed assessment of the offence taking into account the severity of the offence, the culpability of the offender as well as the of their

financial position in terms of both rental and other income as well as the value of any works or actions that form the basis of the offence.

It is not considered the preferred option for the following reasons:

- a. Complexity. The features that are admirable in giving significant flexibility to calculating a penalty sum also make the system complex to use and unclear to those not intimately familiar with it. The system references nine tables to determine the final amount, with decisions having a significant material impact on the final sum to be issued as a penalty. This complexity not only prevents the wider sector from understanding the model, but it is suggested that the complexity is an incentive to appeal against any decision in the hope of a lower penalty outcome. Defending appeals is time consuming and should be avoided where practicable whilst recognizing the right of appeal. It is hoped that a transparent and simple model is less likely to be subject to the appeal process. However, elements of the Nottingham model have been incorporated into the recommended model to give greater flexibility in determining the value of any penalty.
- b. Reliance on financial information. Part of the model relies on being able to obtain information on the financial position of the offender, including incomes from different sources. For Nottingham City Council and other Unitary Authorities, this information can come courtesy of powers derived from Consumer Protection laws enforced by Trading Standards functions. In lower tier authorities such as SBC, that route is not available. To be clear, the model can be used without access to in depth information, but for the worst offences would limit the ability to issue the largest penalties. It would also appear odd to adopt a scheme knowing that we would be unable to make sure of one facet of it.
- c. Limited application. This model was designed with reference to offences under Housing Act 2004. Stoke City Council have made some adaptations to include the Electrical Regulations in the Nottingham Model, but it is not a perfect fit, and would not be appropriate to use for other housing standards legislation including for Regulations around Letting Agent Redress Schemes or Smoke and Carbon Monoxide Alarms. It may be that Nottingham release further updates or changes to their system to include these measures, but it will likely mean the need for different models to manage the adjudication of civil penalties from new pieces of law.
- d. Reliance on others. Adoption of this system would also mean an acceptance that future changes or amendments should be adopted. This could be an advantage, but Nottingham is not within the wider group of local authorities that share best practice with Stafford Borough Council and we would have no involvement in the development.

A copy of the methodology that makes up the Nottingham Model for is available on demand from Housing Standards.

Example use of a financial penalty

This is an example of the type of case where a civil penalty could be used. The example will give an overview of the case, and the steps taken to determine the value of the penalty charge to be issued. This is not based on a single real case, but this type of complaint and the landlord response reflect actual complaints that the team have received.

This case study is not expected to provide the full detail on the process and of the correspondence that would be part of a real complaint and is to give an overview of the process.

Case Example.

Mrs Smith is 65 year old tenant. In February she made a complaint that her heating was not working and her landlord has said that she is going to arrange a repair but it had been two weeks and no action had been taken. She made a complaint to the Housing Standards Team who contact the landlord and also arrange an inspection. The landlord explained that she lived out of the area, and was struggling to arrange a contractor to complete works.

The inspection was completed a week later and the heating still had not been addressed. The inspection also noted no loft insulation, no handrail on the stairs and damp and mould affecting a bedroom due to a water leak.

The Housing Health and Safety Rating System inspection concludes that there are Category 1 hazards present and there is a duty in law to take action. An Improvement Notice is served on the landlord requiring remedial action to address the hazards present. No appeal against the notice is received. When the notice expired, the Housing Standards Officer carried out a second visit. The handrail had been fitted, but no action had been taken to address the heating, insulation or roof defect. No further correspondence was made from the landlord and the tenant said that an engineer had attended to repair the boiler but concluded that it was not repairable and no other visits had been made.

The officer concluded that the Improvement Notice had not been complied with, which is an offence under Housing Act 2004, and one where a Financial Penalty may be considered in lieu of prosecution. An initial report is given to the Health and Housing Manager setting out the case details and recommendations. A decision is made to progress with a civil penalty instead of prosecution.

Initially the value of the penalty was determined using the agreed penalty charge matrix as follows:

Failure to comply with an Improvement Notice (Housing Act 2004 Section 30)		
Starting value of penalty charge	£	
1 st offence	6000	There is no evidence of previous offences under this law and therefore the starting point is the 1 st offence
Aggravating Factors		
Vulnerable occupant and/or significant harm occurred as result of housing conditions	3000	Due to her age, Mrs Smith is “vulnerable” to the hazard of “excess cold” which was one of the hazards contained in the Improvement Notice.
Mitigating Factors (note 3)		
None considered (to be reviewed)		No contact received by landlord at this time, but will be reconsidered if presentations received.
Total	9,000	

A Notice of Intent to issue a Financial Penalty was served and the landlord was given time to make representations.

In a letter, the landlord apologised for the failing, but said that because she lived out of the area she could not find a contractor to attend the property. She said that the heating was working when the tenant moved in, and requested that the council offer rehousing to the tenant.

The representation was reviewed to consider whether there was evidence of any mitigating factors that would indicate that the landlord had low culpability or that had subsequently completed remedial action.

The officer concludes there is no evidence of such factors and prepares a Final Notice alongside evidence received to date. This is reviewed by the Legal Services to confirm that we consider that the offence had taken place and that the value of the penalty is consistent with the matrix we have adopted.

The Final Notice of a Financial Penalty was issued to the landlord alongside her rights of appeal against the decision.

ITEM NO 4(c)(i)

ITEM NO 4(c)(i)

Contact Officer:	Tracy Redpath
Telephone No:	01785 619195
Ward Interest:	Nil
Report Track:	Cabinet 05/08/2021 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR J K PRICE
ENVIRONMENT PORTFOLIO**

**CABINET
5 AUGUST 2021
Climate Change and Green Recovery Progress Report**

1 Purpose of Report

- 1.1 To provide an update on the activities that have been undertaken by the Council in relation to climate change and green recovery.

2 Proposal of Cabinet Member

- 2.1 That the progress is noted and that the report is submitted to council in September 2021.

3 Key Issues and Reasons for Recommendation

- 3.1 In 2019, Stafford Borough Council declared a climate change emergency and committed to become a carbon neutral authority by 2040. Since the declaration was made, preliminary work has been progressing to enable this to be achieved.
- 3.2 As part of that declaration, it was agreed that a progress report be submitted to full council to outline the activities that have taken place and have been undertaken by officers. This report is set out in section 5 below.

4 Relationship to Corporate Business Objectives

- 4.1 Climate change and green recovery are cross-cutting issues that contribute and support the over-arching vision and business objectives contained in the Corporate Business Plan.

5 Report Detail

- 5.1 The council has recognised that it has an important role in responding to the threat of climate change and in response to this formulated a Climate Change and Green Recovery Strategy that was approved at full council in November 2020. The strategy outlined what the commitments would be over the next 20 years with a focus upon:
- Reducing emissions from our own activities
 - Working in partnership with Government, Elected Bodies and Elected Members, Partners and Residents across the Borough to take action that contributes to carbon neutrality and sustainable development within communities and across the natural environment
 - Mitigating and adapt to climate change
 - Continuing to implement our green recovery objectives.
- 5.2 The work to implement the strategy was delayed due to the Covid-19 and all staff teams being heavily involved in the response to the pandemic, ensuring that our most vulnerable residents were supported. Work in relation to responding to the pandemic has been continuing since the beginning of the year, but despite this we have managed to progress our climate change agenda and have formulated a delivery plan which is contained in the **APPENDIX**. Below contains a thematic summary of the work conducted by the Council since the implementation of the strategy in November 2020.
- 5.3 **Responsible Officers:** A new internal Climate Change and Green Recovery Group has been set up to oversee and co-ordinate this agenda and to monitor performance and progress. The group contains officers from across the authority who have the experience and specialisms in each of the workstream areas contained in the strategy. We have also appointed a full time Corporate Climate Change Officer who has been working in the Corporate Business and Partnerships Team on a full time basis since June.
- 5.4 **Reducing emissions from our own activities:** One of our commitments is to be a carbon neutral organisation by 2040 and in order for us to understand our carbon emissions we commissioned a carbon audit that was completed in May 2021. As the majority of our staff have been working from home over the past 18 months, the carbon audit utilised information from 2019 – 2020 in order to provide a more realistic baseline. The audit highlighted that buildings, waste and transport are the highest emitters and that the priority focus needs to be on these areas. As part of our recovery strategy and planning we acknowledged that now there are opportunities to create a new normal, building on what we have achieved over the past 12 months and linking it to the Digital Customer Strategy, promoting the digital workplace supported by appropriate infrastructure and linking this to our climate change objectives.

Below is a breakdown of the council's carbon of emissions by area of operation 2019/2020:

Stafford Borough Council – Carbon Emissions by Area of Operation 2019/20

Energy	Gas	12%
	Electric	14%
	Water	1%
LPG Consumption		0%
Process Fuel		4%
Waste Handling		29%
Commercial Fleet		5%
Staff/Member Travel		1%
Freedom Leisure		34%

We want to reduce our carbon emissions as much as possible but we are pragmatic and recognise that some of our services will continue to produce some emissions. In order for us to achieve our net zero commitment, we are currently investigating options for carbon sequestration, (removing carbon from our atmosphere) where the carbon emissions cannot be reasonably reduced any further, for example by planting more trees.

- 5.5 **Working in Partnership:** For the past six months the council have been working in partnership with Keele University, Centre for Alternative Technology (CAT) and local authorities across Staffordshire and Stoke on Trent. The purpose of the partnership is to take a collaborative, problem solving, systematic approach and to experiment, learn and make sense of what is required in order for us to achieve our vision of carbon neutrality. The partnership aims to create knowledge from and for the system, build capacity for implementation, build networks to sustain results, and create solutions with a deeper understanding of root causes.

So far this process has looked at the carbon zero requirements pan Staffordshire and Stoke on Trent, the journey so far, and started mapping this out across the following themes:

A. Structures

- Social
- Technological
- Environmental
- Economic
- Political

B. Communication and Collaboration

C. Values and Mindsets

In addition to this, work is underway to set up a small panel of community representatives to work with us to support the development of a climate change pledge and information packs for residents in line with the Sustainable Staffordshire initiative being run by Staffordshire County Council. We will also want this group to support, and be advocates of, our approach to community engagement and to work with communities and elected members. We are also in discussions with Keele and CAT to develop carbon literacy training that will be rolled out to our staff, members and businesses.

- 5.6 **Mitigate and Adapt to Climate Change:** The council has undertaken a comprehensive risk based assessment of vulnerabilities to weather and climate and identified the priority risk areas for the council. This is being fed into the refresh of the Local Climate Impact Profile which is already underway. The next steps will be to produce an action plan that will address those significant vulnerabilities and also identify opportunities.
- 5.7 **Continue to implement our green recovery objectives:** During this year we have committed to follow the Lawton principles of delivering more, bigger, better and connected habitats and in order for us to achieve this we are developing a local nature recovery strategy and working to support the Borough's Nature Recovery Network. We are also continuing to work in partnership to improve air quality by assessing the air quality/nitrogen dioxide for Southern Staffordshire Special Area of Conservation.
- 5.8 This report provides a summary of the work undertaken since November 2020 in relation to climate change and green recovery and the recommendations are to note the progress and submit the report to council in September 2021.

6 Implications	
6.1 Financial	
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil
6.2 Community Impact Assessment Recommendations	We will continue to take the opportunity to work at a local level to tackle the effects of climate change, by working with and encouraging local residents, local businesses and other organisations – to focus on green recovery, reduce their energy costs, reduce congestion, to mitigate and adapt to the impacts of climate change in order to improve the local economy and the environment.
Previous Consideration - Nil	
Background Papers - Corporate Business and Partnerships	

Climate Change and Green Recovery Delivery Plan 2021

Objective CC1: Reducing Emissions from our own Activities

Ref	Action	Outputs	Owner
1.1	Reduce emissions from our own activities	The achievement of carbon neutrality from council own emissions by 2040 (as per the climate emergency declaration 2019)	Corporate Business and Partnerships working with Climate Change and Green Recovery Group, all service areas, Maloney Associates

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
1.1.1	Audit the carbon balance of our council activities	Within existing resources
1.1.2	Formulate a delivery plan with realistic targets for energy, water, travel and transport.	Within existing resources
1.1.3	Continue with the work in relation to Organisational Recovery and Hybrid working	Within existing resources
1.1.4	Monitor the progress being made against the milestones in this Delivery Plan on a quarterly basis	Within existing resources
1.1.5	Provide annual reports on progress made to council	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Objective CC2: Work in partnership with Government, Elected Bodies and Elected Members, Partners and Residents across the Borough to take action that contributes to carbon neutrality and sustainable development within communities.

Ref	Action	Outputs	Owner
2.1	Encourage Elected Members to work with their communities to raise awareness of and identify opportunities to implement sustainable low carbon initiatives and promote community action on reducing emissions	1. To work in partnership with elected members and staff to increase carbon literacy. 2. To encourage local communities to transition to a low carbon lifestyle. 3. To work with partner organisations and stakeholder groups to deliver climate action initiatives. 4. To work with neighbouring authorities to share examples of best practice, and to ensure climate change is addressed across boundaries. 5. The adoption of a collaborative approach to deliver climate action across the borough.	Corporate Business and Partnerships working with elected members, partner organisation, residents

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
2.1.1	Climate change pledge developed and agreed.	Within existing resources
2.1.2	Communities signed up to climate change pledge.	Within existing resources
2.1.3	Carbon Literacy Training rolled out to staff and members	Within existing resources
2.1.4	Information packs developed to promote carbon neutral/energy efficient schemes; how to reduce single use plastics and live more sustainably/healthy (consideration given to digitally excluded).	Within existing resources

APPENDIX

Climate Change and Green Recovery Delivery Plan 2021

Ref	Action	Outputs	Owner
2.2	Work to support residents who are in financial difficulty and are vulnerable with energy efficiency measures	1. More energy efficient homes 2. Less people living in fuel poverty	Health and Housing working with Specialist energy agent, Staffordshire County Council, Community Wellbeing Partnership

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
2.2.1	Annual contract targets for volume of households supported to improve energy efficiency and/or reduce/remove fuel poverty, through measures installed and advice provided.	Within existing resources

Ref	Action	Outputs	Owner
2.3	Work with government and elected bodies to determine best practice and use this to raise awareness in our communities, businesses, and contractors		Corporate Business and Partnerships working with Centre for Alternative Technology, Keele University, residents, Staffordshire Climate Change Working Group. Communications, Climate Change and Green Recovery Group

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
2.3.1	Participation in Countywide Climate Change Group.	Within existing resources
2.3.2	Small panel of community representatives set up to support formulation and delivery of community-based initiatives.	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Objective CC3: Mitigate and Adapt to Climate Change			
Ref	Action	Outputs	Owner
3.1	Refresh the Climate Change Adaptation Strategy	1. Integration of climate change principles into the procurement process to timescale 2. Identification of relevant campaigns to timescale 3. Progress of Adaptation Strategy 4. Deployment of climate change adaptation measures 5. Publication of Adaptation Strategy	Corporate Business and Partnerships working with SBC colleagues/sections, SCC external partners, Climate Change and Green Recovery Group, Communications, Streetscene

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
3.1.1	Produce Local Climate Impact Profile.	Within existing resources
3.1.2	Produce a Climate Action Plan.	Within existing resources
3.1.3	Work with council services and partners to ensure vulnerabilities and opportunities not yet addressed are featured in strategies and action plans	Within existing resources
3.1.4	Production of an action plan of next steps in addressing significant vulnerabilities and opportunities	Within existing resources
3.1.5	Delivery of a comprehensive risk-based assessment of vulnerabilities to weather and climate - now and in the future.	Within existing resources
3.1.6	Identification of priority risks for all council services.	Within existing resources
3.1.7	Identification of the most effective adaptive responses.	Within existing resources

Climate Change and Green Recovery Delivery Plan 2021

Objective CC4: Continue to implement our green recovery objectives			
Ref	Action	Outputs	Owner
4.1	Follow the Lawton Principles of delivering more, bigger, better and connected habitats	1. Enhance existing habitats throughout the Borough. 2. Seek opportunities to create new habitats. 3. Ensure connectivity through a network of high-quality connected habitats throughout the Borough. 4. Well managed Blue and Green infrastructure	Ecology and Landscape Officer, Principal Planning Officer, Strategic Planning and Placemaking working with Wildlife Trust and Environment Agency, Freedom Leisure, Sport England, Allotment Associations, Operations

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone	Resources Budgets / Sources of Funding:
4.1.1	Developing Local Nature Recovery Strategy.	Within existing resources
4.1.2	Deliver Stafford Brooks project	Stafford Brooks, Biodiversity Net Gain
4.1.3	Investigate green network enhancements in Stafford and Stone	Within existing resources
4.1.4	All major development to deliver 10% biodiversity net gain to support the Borough's Nature Recovery Network.	
4.1.5	Develop/implement new Open Space strategy	
4.1.6	Deliver Cannock Chase SAC projects	

APPENDIX

Climate Change and Green Recovery Delivery Plan 2021

Ref	Action	Outputs	Owner
4.2	Work in partnership to improve air quality		Operations and Strategic Planning and Placemaking Manager working with key partners and community groups such as Staffordshire County Council and The University of the Third Age, Cannock Chase SAC Partnership, Development Management

Milestones for Delivery in Year 1 (2021/22)

Ref	Milestone
4.2.1	Assessment of air quality / nitrogen dioxide for Southern Staffordshire SACs
4.2.2	Monitor and review air quality across the Borough to determine whether national air quality objectives are being met.

ITEM NO 4(c)(ii)**ITEM NO 4(c)(ii)**

Contact Officer:	Bill Waller
Telephone No:	01785 619676
Ward Interest:	Forebridge and Littleworth
Report Track:	Cabinet – 05/08/2021 (Only)
Key Decision:	Yes

**SUBMISSION BY COUNCILLOR J K PRICE
ENVIRONMENT PORTFOLIO**

CABINET 5 AUGUST 2021 Land East of Fairway - Local Nature Reserve Declaration

1 Purpose of Report

- 1.1 To consider the declaration of a Local Nature Reserve (LNR) on land adjacent to Fairway, Stafford (Forebridge and Littleworth wards).

2 Proposal of Cabinet Member

- 2.1 That Stafford Borough Council declares the council owned land at Fairway a Local Nature Reserve (LNR) as indicated on the map in **APPENDIX 1**.

3 Key Issues

- 3.1 The Council owns a large area of floodplain meadow between the Rivers Sow and Penk, east of Fairway. It also owns connected land west of Fairway along the River Sow – accessed by the Riverway path. (See boundary map - **APPENDIX 1**).
- 3.2 The main area of floodplain meadow has been grazed by a local farmer via a grazing licence. It has great potential to be enhanced for biodiversity through habitat management creating an asset rich in wildlife for the local community to enjoy.
- 3.3 Declaring the land a Local Nature Reserve is in accordance with National legislation and the Council's strategic aims. This includes the Climate Change and Green Recovery Strategy, and the emerging Nature Recovery Network and Biodiversity Strategy

- 3.4 Many complementary initiatives are now underway in the area including HS2 Trent and Sow Parklands, Stafford Brooks partnership, the Areva development and a local community interest group.

4 Relationship to Corporate Priorities

- 4.1 The Corporate Business Plan 2021-2024 recognises the Climate Change and Green Recovery Strategy.
Section CC4 of the strategy states – *“We will carry out measures to increase accessible green space and enhance our Nature Recovery Network in order to protect and increase our biodiversity, benefit health and wellbeing, and provide climate change adaptation.”*
- 4.2 The Natural Environment and Rural Communities Act (2006) Section 40 states that: *“Every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”* SBC has a duty to manage its land in accordance with this act – particularly as woodland and floodplain grazing marsh are Priority Habitats under the Act.

5 Background

- 5.1 Local Nature Reserve (LNR) is a statutory designation. LNRs are declared by local authorities that have a legal interest in the land concerned and lie within the area of land the local authority controls. They provide a community resource for recreation, relaxation and education. Additionally, they support habitats and species that are important at a local (and often national) level. In most cases the local authority that carries out the declaration must own the Local Nature Reserve. By designating a LNR, a local authority agrees that an area of land should be managed as a nature reserve and protected from inappropriate uses or development.
- 5.2 The Council’s Climate Change and Green Recovery Strategy CC4 supports the increase in accessible, biodiverse open space.
- 5.3 The NPPF states that “When determining planning applications, local planning authorities should apply the following principles: (d) development whose primary objective is to conserve or enhance biodiversity should be supported; **while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.**”
- 5.4 From an ecological perspective, the land is in poor quality. It is improved grassland with no floral diversity and subsequently no habitat value for invertebrates, mammals or birdlife.
- 5.5 Historically, the Sow floodplain would have been rich in floodplain meadow flowers and wetland birds such as Curlew, Snipe and Lapwing, plus a great diversity of butterflies and other insects.

- 5.6 The Natural Environment and Rural Communities Act 2006 (NERC) Section 40 clearly states that Local Authorities now have a statutory duty to actively conserve biodiversity, which includes biodiversity restoration and enhancement. The Borough Council has a duty to manage this land in manner more favourable to biodiversity.
- 5.7 The Government's 25 Year Environment Plan and the upcoming Environment Bill all place weight on restoring and connecting habitats.
- 5.8 The Stafford Borough Nature Recovery Network and developing Local Nature Recovery Strategy highlight the importance connecting and enhancing habitats, both for restoring biodiversity and natural processes that store carbon. River corridors function both as habitat and as a means of connecting corridors allowing movement along them. The Rivers Sow and Penk are important features within the Borough's Nature Recovery Network.
- 5.9 One of the primary factors in ecological restoration is the necessity of connecting habitats – the idea is to move beyond isolated oasis of nature reserves and reconnect them - thus allowing flora and fauna the ability to move through the landscape. This principle was key to the Government's White Paper on the environment (2011).
- 5.10 The location of the proposed LNR allows links with other designated areas on the River Sow floodplain. This includes Baswich Meadows SSSI and Rawbones Meadow SSSI. It also compliments the Perkins Engineering Local Wildlife Site, an area of wet woodland on the north bank of the Sow. The new LNR would play an important role in strengthening this ecological connectivity through habitat enhancement.
- 5.11 The HS2 Trent and Sow Parklands and Cannock Chase AONB Group was created to support additional funding and mitigation from the effects of HS2 Phase 2A on a sensitive landscape. Its aim is "*Conserving and enhancing the area's special character and qualities to provide lasting benefit for its communities*". As part of the agreed mitigation there will funding to enhance the biodiversity and habitats within the project area. This area includes the River Sow corridor from Baswich canal bridge to the Sow and Trent confluence at Great Haywood. By designating a Local Nature Reserve the Council will contribute to this wider landscape improvement work – extending and connecting the project from Stafford to Great Haywood.
- 5.12 Management aims will be to restore the floodplain meadows – both through re-seeding an appropriate mix of floodplain meadow flowers and the planting of Black Poplar trees. Once a familiar site along rivers, the Black Poplar is now a rare tree. A small stand of them still exists within the Areva development – indicating the former presence of them in the floodplain and the appropriateness of restoring them along the river. This supports Landscape Character restoration as well as biodiversity. There are further opportunities for tree planting on site.

- 5.13 Works will need to be phased and will incur a cost of £2,000 a year for the first 3 years. Annual management costs will chiefly be for hay cuts if required at £1,000 per annum thereafter.
- 5.14 There are financial implications for this proposal. Day to day management costs can be covered from the existing Biodiversity budget. However, the existing grazing licence brings in £2,040 per year rental income to the Council through a budget managed by Legal. Grazing can continue but on a reduced level which will mean a reduction in rental fees. It is also proposed that the remaining grazing rental be redeployed into the Biodiversity Budget to increase the scale and speed of enhancement works.
- 5.15 The net result of a phased reduction in grazing numbers would be a gradual loss of the rent – probably by 50%, though this is counter-balanced by a possible Agricultural Stewardship agreement for the Biodiversity budget.
- 5.16 There is the potential to enter the land within an Agricultural Stewardship scheme that would generate an income that would contribute towards annual management. It is not possible to accurately state what amount this award would be however, Higher Level Stewardship payments for Stone Meadows, roughly comparable in size, are £2,000 per year.
- 5.17 Biodiversity Net Gain payments, due to be introduced with the Government's Environment Bill, will also provide the opportunity for funding enhancement work on the Council's LNRs.
- 5.18 The Riverway path runs from the centre of Stafford along the River Sow where the formal path ends by the Fairway Bridge and is part of the Way for the Millennium. The path acts as a transitional connection between town and countryside enhancing Stafford's blue and green infrastructure. It makes an ideal gateway to the new LNR.
- 5.19 The proposed LNR contains a section of The Way for the Millennium and is a public footpath – linking Stafford with the towpath of the Staffordshire and Worcestershire Canal. The right of way will not be altered or affected by the proposal. Staffordshire County Council's Rights of Way Officer has been consulted and there are no issues.
- 5.20 The development on the former Areva site will enhance its existing open space to the south in a complementary way to the LNR. This land has the potential to link with the Council's land creating a *de facto* larger nature reserve. A dialogue has developed between the developer and their ecologists with the Council Ecologist to ensure a harmonious management regime. They have also agreed, in principle, to carry out works on our land when they undertake similar mitigation works on their own site in 2022.

- 5.21 The Stafford Brooks project seeks to restore and enhance blue and green infrastructure across Stafford. It has identified the Riverway corridor and the land off Fairway as a key area within the scheme. Declaring a LNR would support the aims of this project. If successful, the project could fund additional improvements to the LNR, for example, a new reed-bed and wetland scrapes.
- 5.22 Studies have shown that carbon sequestration is increased on habitats richer in diversity – particularly wetlands where they can store as much carbon as woodland. There is the opportunity to further the Borough Council's net zero targets in the Climate Change and Green Recovery Strategy by tree planting and improving the habitats on site.
- 5.23 A Community Impact Assessment has been completed.
- 5.24 If Cabinet approve this proposal a simple consultation process with Natural England is required under sections 19 and 21 of the National Parks and Access to the Countryside Act (1949). The local authority makes a declaration that:
1. the land is subject to an agreement entered into with them or has been acquired and is held by the authority; and
 2. the land is being managed as a nature reserve.

Once Natural England has granted approval a formal declaration of the LNR can be made.

6 Implications	
<p>6.1 Financial</p>	<p>In order to restore the site as a local nature reserve, it is expected that costs of £2,000 per annum will be required for the first three years and a further £1,000 per annum will be required after this. It is expected that the current biodiversity budget will be able to cover these costs.</p> <p>In addition to these costs, there is an annual grazing license on the site. This licence currently generates £2,040 of income. By converting the site into a local nature reserve grazing on the site will need to reduce significantly to prevent over-grazing and to allow management works to take place. It is currently expected that grazing will need to reduce by 50%. Subsequently, it is expected that the income from the grazing licence will also reduce by 50% thereby reducing by circa £1,000 per annum.</p> <p>It is proposed that all future grazing fees contribute towards management aims of the site, for example hay cutting, tree planting, other habitat creation works.</p> <p>Whilst the site will incur additional costs (picked up by existing budgets) and reduce the income from grazing, the repurposed land has the potential to be entered into an agricultural stewardship scheme to generate funding for managing the land to restore biodiversity. If successful, it is anticipated that stewardship scheme payments could be in the region of circa £2,000 per annum offsetting the loss of income from grazing.</p>
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	No specific risks involved with declaring the site a Local Nature Reserve.

6.2 Community Impact Assessment Recommendations	The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
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Previous Consideration - Nil

Background Papers – File in Development Department

LNR boundary line - - -



Community Impact Assessment

Title Of Community impact Assessment	Declaration of new Local Nature Reserve, Stafford
Date Conducted	01/04/2021
Lead Officer and Service Area	William Waller Development Service
CIA Team (To include a range of people with the appropriate knowledge and expertise in the subject area)	William Waller Ella Smith
Head of Service Sign off and Date	Karen Tierney

Please ensure that you have read the following before completing the CIA

- A CIA will help you to identify the potential impacts, risks and benefits of your proposed policy, service or project. Doing this at an early stage enables engagement and research to be undertaken to identify actions that will either lessen the risk or maximise the benefits. The assessment will also help you to identify mitigating factors whereby risks may be balanced out to an extent by the benefits.
- This template should be used to support the development of a proposal during the planning stage, therefore should identify how it contributes to the Council's MTFS and Corporate Business Plan.
- A CIA Team should be identified with different, but relevant expertise to ensure that a full range of views are considered.
- Engagement and/or consultation should take place with appropriate and representative groups of people that are most likely to be affected. This must then be used to help shape the design/outcomes of the project. Please note that due to the publication of CIAs, it is advisable not to record personal details of members of the public, such as names or addresses.
- Once completed, the main findings from your CIA should be incorporated into your Cabinet report before submission and then included as an appendix. Please ensure that this is signed off by your Head of Service.

The table below describes what is required when completing the key sections of your assessment.

Community Impact Assessment

Which groups will be affected	Benefits	Risks	Mitigations / Recommendations
Which groups of people will be impacted by the proposed policy, service or project? This could be people in a particular area, a street, or a group of people with similar characteristics e.g. older people, young people or people with care needs. Also consider staff, residents and other external stakeholders.	Think about the impact the proposal may have on each of the different category areas, and identify the benefits of each decision.	Think about the impact the proposal may have on each of the different category areas, and identify the risks associated with the proposal.	Set out any recommendations as to how the benefits will be maximised and the risks minimised. Also highlight any trade-offs that may occur.
	Please note: <ul style="list-style-type: none"> Potential impacts should not be included if it is considered highly unlikely that they would occur. Where no major impacts have been identified, please state N/A. Due to the publication of CIAs, it is advisable not to record personal details of members of the public, such as names or addresses. 		
Evidence Base: (Evidence used/ likelihood/ size of impact) How certain are you about the assessment of each potential impact, and what evidence have you used to arrive at the decision? E.g. Data – population trends data, census data, service data. Research – national, regional, local research. Engagement/ Consultation – with partners, the public, the voluntary sector.			

Use the following template to highlight the impacts of your proposal on each of the following categories: the Public Sector Equality Duty (PSED), Health and Care, the Economy, the Environment, and Localities/ Communities.

Community Impact Assessment

Public Sector Equality Duty (PSED) – Use this section to identify if the proposal will impact on our legal obligations under the Equality Act 2010 for both residents and staff. In summary, those subject to the general equality duty must have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. Consider the following questions:			
1. Who is currently using the service, across the protected characteristics? 2. What relevant information is available from the Census and population trends data? 3. What were the findings of the engagement/consultation? 4. What do we know about their experiences and outcomes?		5. Is there any relevant national, regional and/or local sources of research/evidence available? 6. Is there any relevant information from partners or voluntary, community, social enterprise organisations? 7. What is the analysis of the impact on those with relevant protected characteristics?	
General Comments regarding protected characteristics		<p>Local Nature Reserve (LNR) is a statutory designation. LNRs are declared by local authorities that have a legal interest in the land concerned and lie within the area of land the local authority controls. They provide a community resource for recreation, relaxation and education. Additionally, they support habitats and species that are important at a local (and often national) level. In most cases the local authority that carries out the declaration must own the Local Nature Reserve. By designating a LNR, a local authority agrees that an area of land should be managed as a nature reserve and protected from inappropriate uses or development.</p> <p>The programme has no specific impact on people with protected characteristics.</p>	
Protected Characteristics:	Who may be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
• Race		Not applicable	
• Disability		Access across the whole site may be difficult due to the terrain. The site floods in places making general access difficult in places.	We recognise the constraints of landscape may inhibit access particularly after heavy rainfall. An information sign will include advice on access.
• Sex		Not applicable	
• Age		Not applicable	
• Religion or Belief		Not applicable	
• Gender Reassignment		Not applicable	
• Sexual Orientation		Not applicable	

Community Impact Assessment

• Pregnancy and Maternity		Not applicable	
• Marriage and Civil Partnership		Not applicable	
Evidence Base: (Evidence used/ likelihood/ size of impact):			

Community Impact Assessment

Health and Care – Use this section to determine how the proposal will impact on resident's health and wellbeing, and whether the proposal will impact on the demands for, or access to health and care services.			
Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Mental Health and Wellbeing Will the proposal impact on the mental health/wellbeing of residents or services that support those with Mental Health issues?	✓	The Government's 25 Year Environment Plan acknowledges the positive contribution that green open space has on mental health and wellbeing. The declaration of a new Local Nature Reserve should therefore provide a positive service for this.	
Healthy Lifestyles Will the proposal promote independence and personal responsibility, helping people to make positive choices around physical activity, healthy food and nutrition, smoking, problematic alcohol and substance use, and sexual health?	✓	A new Local Nature Reserve will encourage more visits to this area and therefore result in an increase in physical activity such as walking.	
Accidents and Falls Prevention Does the proposal reduce or increase the risk of: falls in older people, childhood accidents, road accidents, or workplace accidents?	✓	The evidence from Stafford Borough is that declaring council owned land a Local Nature Reserve does not result in an increase in accidents or falls.	An information sign can include a map with the main routes across the LNR

Community Impact Assessment

Access to Social Care Will the proposal enable people to access appropriate interventions at the right time?		Not applicable	
Independent Living Will the proposal impact on people's ability to live independently in their own home, with care and support from family, friends, and the community?		Not applicable	
Safeguarding Will the proposal ensure effective safeguarding for the most vulnerable in our communities?		Not applicable	The land is already open space owned by the Council and features a Right of Way across it. The declaration of the land as a Local Nature Reserve and the proposed enhancement of habitats will not impact on safeguarding issues.
Evidence Base: (Evidence used/ likelihood/ size of impact)			

Community Impact Assessment

Economy – Use this section to determine how the proposal will impact on the economy of Stafford Borough and the income of residents.

Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Economic Growth Will the proposal promote the Borough and make it easy for businesses to start up, innovate and expand?		Not applicable	
Poverty and Income Will the proposal have an impact on income? Will it reduce the gap between high and low earners?		Not applicable	
Workplace Health and Environments Will the proposal impact on working conditions and the health of the Borough's workforce?		Potentially. If improved access to some of these locations is a side effect of the project, it is possible that during a lunch break etc. workers can spend time in these locations.	
Access to jobs/ Good quality jobs Will the proposal create the right conditions for increased employment in more and better jobs?		Not applicable	
Evidence Base: (Evidence used/ likelihood/ size of impact)			

Community Impact Assessment

Environment – Use this section to identify the impact of the proposal on the physical environment. How does the proposal support the utilisation and maintenance of Staffordshire’s built and natural environments, thereby improving health and wellbeing and strengthening community assets?			
Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Built Environment/ Land Use Will the proposal impact on the built environment and land use?		The proposal will not impact on the built environment in any negative way but will provide an additional benefit in enhanced landscape and open space provision.	
Rural Environment Will the proposal impact on the rural natural environment or on access to open spaces?	✓	Yes. The proposal will result in new habitat being created or enhanced. It may encourage access to the site.	
Air, Water and Land Quality Will the proposal affect air quality (e.g. vehicle, industrial or domestic emissions), drinking water quality or land quality?	✓	Yes. It will positively enhance water quality within the locality by providing increased habitat and drainage capacity.	
Waste and Recycling Will the proposal affect waste (e.g. disposal) and recycling?		An increase in visitors could lead to more litter and/or dog fouling.	A bin could be installed at the entrance to the site on Fairway. The site is close to Riverway and so is easy to access for Streetscene.
Agriculture and Food Production Will the proposal affect the production of healthy, affordable, culturally acceptable food?		Not applicable	

Community Impact Assessment

Transport Will the proposal affect the ability of people/ communities/ business to travel? Will the proposal impact on walking/ cycling opportunities?		Yes. It will encourage more walking opportunities.	
Noise Will the proposal cause disruptive noise?		No.	Local Nature Reserves are places for nature and quiet contemplation. There will be no increase in noise – though the new estate at the former Areva site may increase noise across the new reserve.
Evidence Base: (Evidence used/ likelihood/ size of impact)			

Community Impact Assessment

Localities / Communities – Use this section to identify the impact of the proposal on communities. How will the proposal strengthen community capacity to create safer and stronger communities? It is important to recognise the different communities your proposal may impact upon, and identify any communities that could be more adversely impacted than others.			
Category Area	Who will be affected? ✓	Please indicate what the potential impact and or risks will be?	Mitigations / Recommendations
Community Development/ Capacity Will the proposal affect opportunities to work with communities and strengthen or reduce community capacity?	✓	There is potential for community involvement through volunteering project activities and engagement however this will need to be developed over time.	
Crime/ Community Safety Will the proposal support a joint approach to responding to crime and addressing the causes of crime?		It is possible that the proposal may address the causes of crime by providing a new resource for wellbeing.	Local Nature Reserves are designated due to their landscape and biodiversity potential. They also offer peace and tranquillity to the public. It is hoped that they are a refuge for wellbeing and so contribute to community safety.
Educational Attainment and Training Will the proposal support school improvement and help to provide access to a good education? Will the proposal support the improved supply of skills to employers and the employability of residents?	✓	The proposal has some potential to educate and provide basic conservation skills through community involvement via volunteering projects. There is potential for information signs to educate on the natural environment.	An information sign will be prepared and installed.
Leisure and Culture Will the proposal encourage people to participate in social and leisure activities that they enjoy?	✓	The enhancement of the proposed LNR should encourage greater site use to enjoy nature and the outdoors.	
Volunteering Will the proposal impact on opportunities for volunteering?	✓	The proposal could involve volunteering on certain selected projects and has the potential for a new Friends of group to evolve.	The “Wild about Stafford” volunteer partnership with Staffordshire Wildlife Trust will include the new LNR as a new site to work in.

<p>Best Start Will the proposal impact on parental support (pre or postnatally), which helps to ensure that children are school-ready and have high aspirations, utilising a positive parenting approach?</p>		Not applicable	
<p>Rural Communities Will the proposal specifically impact on rural communities?</p>		The proposal will not impact on rural communities due to its location in Stafford	
<p>Evidence Base: (Evidence used/ likelihood/ size of impact)</p>			

Community Impact Assessment

Checklist	Action Completed ✓	Comments/Actions
Does the project support the Corporate Business Plan, business objectives and MTFS.	✓	The proposal supports the Corporate Business Plan in helping improve quality of life, and supports the aims of the Councils' Climate Change & Green Recovery Strategy
It is clear what the decision is or what decision is being requested.	✓	
For decisions going to Cabinet, the CIA findings are reflected in the Cabinet Report and potential impacts are clearly identified and mitigated for (where possible).	✓	The declaration of the site as a LNR does not have any significant impacts on the criteria identified within the CIA.
The aims, objectives and outcomes of the policy, service or project have been clearly identified.	✓	
The groups who will be affected by the policy, service or project have been clearly identified.	n/a	
The communities that are likely to be more adversely impacted than others have been clearly identified.	n/a	
Engagement / consultation has been undertaken, and is representative of the residents most likely to be affected.	n/a	
Appropriate evidence has been provided and used to inform the development and design of the policy, service or project. This includes data, research, engagement/consultation, case studies and local knowledge.	✓	
The CIA evidences how the Council has considered its statutory duties under the Equality Act 2010 and how it has considered the impacts of any change on people with protected characteristics.	✓	
The next steps to deliver the project have been identified.	✓	
Findings have been incorporated into the Cabinet report for consideration.	✓	

Please return this completed CIA to Ella Smith: esmith@staffordbc.gov.uk