

# Housing Overview and Scrutiny Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

Thursday, 2 October 2025 at 2.00 pm  
Council Chamber, South Kesteven House,  
St Peter's Hill, Grantham NG31 6PY

**Committee Members:** Councillor Lee Steptoe (Chairman)  
Councillor Zoe Lane (Vice-Chairman)

Councillor Emma Baker, Councillor Ben Green, Councillor Gloria Johnson,  
Councillor Anna Kelly, Councillor Bridget Ley, Councillor Charmaine Morgan and  
Councillor Susan Sandall

## Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-I Channel](#)

- 1. Public Speaking**  
The Council welcomes engagement from members of the public. To speak at this meeting please register no later than 24 hours prior to the date of the meeting via [democracy@southkesteven.gov.uk](mailto:democracy@southkesteven.gov.uk)
- 2. Apologies for absence**
- 3. Disclosure of Interest**  
Members are asked to disclose any interests in matters for consideration at the meeting.
- 4. Minutes of the meeting held on 19 June 2025** (Pages 3 - 17)
- 5. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service**

6.	<b>Corporate Enforcement Policy</b> To provide a new draft Corporate Enforcement Policy for consideration.	(Pages 19 - 65)
7.	<b>New Build and Acquisition Update</b> To provide the Committee with an update on the new build and acquisitions pipeline.	(Pages 67 - 72)
8.	<b>Homelessness and Rough Sleeper update</b> To update the committee on the status and recent activity in our Homelessness and Rough Sleeper services	(Pages 73 - 78)
9.	<b>Garage Sites Update Report</b> To provide an update to the Committee on South Kesteven District Councils garage sites and their development.	(Pages 79 - 82)
10.	<b>Housing Performance Data</b> To present the Housing Overview and Scrutiny Committee with the Housing Performance Data	(To Follow)
11.	<b>Independent Review of Sheltered Housing - Service Charges update</b> Committee to receive a verbal update.	
12.	<b>Tenant Satisfaction Measures Survey</b> To update the Housing Overview and Scrutiny Committee with the results from the first tranche of Tenant Satisfaction Measures Surveys	(Pages 83 - 88)
13.	<b>Work Programme 2025/26</b>	(Pages 89 - 90)
14.	<b>Any other business which the Chairman, by reason of special circumstances, decides is urgent</b>	

## Meeting of the Housing Overview and Scrutiny Committee

Thursday, 19 June 2025, 2.00 pm



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

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### Committee Members present

Councillor Lee Steptoe (Chairman)  
Councillor Zoe Lane (Vice-Chairman)  
Councillor Gloria Johnson  
Councillor Bridget Ley  
Councillor Susan Sandall  
Councillor Pam Byrd

### Other Members present

Councillor Tim Harrison  
Councillor Ian Selby

### Cabinet Members

Councillor Virginia Moran, Cabinet Member for Housing

### Officers

Alison Hall-Wright, Director of Housing & Projects  
Sarah McQueen, Head of Service (Housing)  
Mark Rogers, Head of Service (Technical)  
Ayeisha Kirkham, Head of Service (Public Protection)  
Phil Swinton, Health, Safety and Compliance Manager  
Debbie Roberts, Head of Corporate Projects, Performance and Climate Change  
Ricky Szulz, Homelessness and Rough Sleeper Manager  
Celia Bown, Senior Housing Policy and Strategy Officer  
Suniel Pillai, New Build Project Officer  
Charles James, Policy Officer  
Amy Pryde, Democratic Officer

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### 1. Public Speaking

There were no public speakers.

### 2. Apologies for absence

Apologies for absence were received from Councillors Anna Kelly, Nikki Manterfield and Philip Knowles.

Councillor Pam Byrd substituted for Councillor Anna Kelly.

Councillor Susan Sandall substituted for Councillor Nikki Manterfield.

### **3. Disclosure of Interest**

There were none.

### **4. Minutes of the meeting held on 17 March 2025**

The Chairman highlighted incorrect information within the minutes of the previous meeting within item 'Tenant Satisfaction Measures Survey'.

The minutes stated:

*'A question was asked if there was an incentive to fill in the survey to which it was replied that there were vouchers for various amounts, £250, £100 and £25, winners were randomly picked by computer.'*

It was clarified the incentive was considered, however, was not applied.

The minutes of the meeting held on 17 March 2025 were proposed, seconded and **AGREED**.

### **5. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service**

The Cabinet Member for Housing updated the Committee. Lincolnshire County Council had confirmed the Severe Weather Emergency Protocol (SWEP) had come into force immediately, meaning bottled water and suncream could be provided to homeless individuals.

### **6. Earlesfield Project Completion**

The Cabinet Member for Housing presented the report, The report provided an update on the completion of the Earlesfield Estate project, following long standing issues within the Council's housing stock.

The original project completion date had been set for 31 March 2025. Owing to delays on site along with supporting residents with complex needs, a revised completion date was set for 31 May 2025. These delays were monitored during the latter stages of the project to ensure that the revised target date was achieved.

119 properties in total have been completed under Phase 1 & 2 of this project. However, 2 properties had not been completed, due to issues around access. The following outcomes have been achieved through this project:

- Large quantities of products containing asbestos had been removed.
- Key components had been replaced in many of the properties; kitchen, bathrooms, central heating systems, windows and doors and rewires.
- Future repair and maintenance costs on these dwellings would be minimal for the foreseeable future.

- Residents have a safe and warm home they can live in for many years to come.

The Chairman and Members of the Committee congratulated all Officers involved for their hard work in the completion of the project.

One Member sought clarification around the outcome of the 2 properties that would not vacate their properties for work to take place.

It was clarified the 2 properties that did not vacate for work had been moved over to the Improvement Programme for key work components to take place. The residents of the 2 properties had complex needs, which is why the works could not be completed by 31 May 2025. It was more cost-effective to move the 2 properties over to the Improvement Programme for the replacement of key components.

The Director of Housing confirmed that approximately 300 properties were outstanding for electrical testing. However, gas checks were enforceable for entry.

The Cabinet Member for Housing confirmed the Earlesfield Project was for minor changes of tenants' properties. The Council works alongside tenants for their availability prior to a visit taking place.

One Member emphasised the brilliant work undertaken by Officers. A query was raised on whether a project of a similar nature would take place in another area of housing within the District.

The Cabinet Member for Housing stated there were no arrangements for mass programs at present. The Earlesfield Project was specific to asbestos removal.

A query was raised on whether Members could request to receive a copy of the schedule of works for improvements due to take place.

The Head of Service (Housing Technical Services) clarified the schedule of works for improvements was not published, due to being ongoing and set within the Council's budget.

Stock condition surveys were completed every 5 years; however, some components may have a longer life period. On a yearly basis, prior to the improvements going ahead, the Council and contractors would communicate with the residents on upcoming works.

**The Committee noted the contents of the report and the completion of the project on the Earlesfield Estate to resolve long standing issues within our housing stock.**

## 7. New Build and Acquisition Update

The Cabinet Member for Housing provided the report which outlined an update regarding the new build housing pipeline and purchases using the Local Authority Housing Fund (LAHF 2) and Capital Receipts.

#### Swinegate, Grantham

The scheme was progressing well although handover of the properties had been delayed from July 2025 to September 2025. This is due to a road closure being required for two days on Swinegate to connect the water.

Lincolnshire County Council Highways have approved the road closure but the earliest available date for this was mid-July 2025.

Monthly contract meetings are held with Lindums and the wider project team. The focus of these meetings now relates to the completion, snagging and handover of the properties. The 20 units consists of 18 one-bedroom apartments and 2 two-bedroom apartments.

#### Wellington Way, Market Deeping

The 11-unit scheme was considered by the Planning Committee on the 12 June 2025. The Planning Committee granted permission for the scheme.

The proposed development scheme would provide 11 affordable dwellings, which would provide a range of 1 and 2 bed flats, and 2-bed houses, which would include a mix of terrace, semi-detached houses, as well as 3 apartment blocks. The proposed housing mix would comprise of 5 x 2-bed houses, 4 x 2-bed flats and 2 x 1-bed flats.

The procurement of the 11 units had commenced via the Westworks framework following the receipt of 7 expressions of interest. Tenders are due back in mid-July 2025, and a report would be presented to Cabinet at their meeting in September 2025 to award the contract to the successful contractor. Works were expected to commence in November 2025, subject to the outcome of the procurement process.

#### Larch Close, Grantham

The 21-unit scheme was granted planning permission on 8 November 2023.

On 9 July 2024 Cabinet approved the contract award to Mercer Building Solutions to build 19 units at Larch Close. The original scheme also included 2 x 4 bedroom houses but due to the higher build costs and rental income associated with these properties the decision was made to submit a variation to the application to replace these houses with bungalows to meet the need for adapted properties for applicants on the Council's Housing Register.

A S73 application has been submitted to the local planning authority for this amendment which is being determined currently.

The Chairman of Planning Committee declared she had been involved with several of the projects. She congratulated all Officers involved.

**The Committee noted the content of the report.**

## **8. Homelessness and Rough Sleeper update**

The Cabinet Member for Housing presented the report.

As previously reported, SKDC's Rough Sleeper initiative is delivered via the Change 4 Lincs (C4L) team which covers four local authority areas: South Kesteven District Council, North Kesteven District Council, West Lindsey District Council and South Holland District Council

The team is hosted by South Kesteven District Council and was created by each district council contributing their Rough Sleeper Initiative funding.

As of the 4th June 2025, South Kesteven District Council had 27 open cases and 4 individuals in temporary accommodation.

It was highlighted that rough sleeping had been more visible in Grantham more recently, with tents in public areas. It was confirmed that all individuals were known to the Council, though many had complex needs and had exhausted formal housing options.

- Number of active Homelessness cases had risen to 304 in April 2025, from 294 in March 2025.
- Numbers in temporary accommodation reduced to 59 in April 2025, from 73 in March 2025.
- Numbers of nightly paid placements increased to 17 in April 2025, from 15 in March 2025.

To support the reduction of nightly paid placements, the Council had secured access to a House in Multiple Occupation (HMO) in Grantham through a partner agency. This accommodation is now being fully utilised and has proven effective in helping meet temporary housing needs for individuals for whom other options are unsuitable.

Since the closure of the night shelter in Grantham on 28th February 2025 , discussions had continued with partner organisations to explore the option of operating the shelter on a year-round basis.

At the time of closure, demand for the shelter was low. However, with the recent increase in visible rough sleeping, there is a renewed sense that reinstating this provision may now be necessary. That said, many of those currently rough sleeping have either previously accessed the night shelter and been asked to leave due to

their behaviours or declined the night shelter, raising uncertainty about whether reopening the facility would provide an effective solution to the current challenges.

The Council continued to support refugee resettlement through 31 properties, managed by SECRO. This includes 2 self-contained properties and 29 Houses in Multiple Occupation (HMOs), collectively providing 128 bedspaces, 85 of which are currently occupied.

Councillor Matthew Bailey submitted the following questions:

*1. How long does it take on average to assess if someone is Priority Needs after they identify themselves to the Council? I understand some of it is dependent on how long it takes someone to return evidence/paperwork, but do we have a ballpark number for how many days it generally takes? Could we look into any service improvements we could make to speed up this time?*

*2. SKDC had a successful partnership for a night shelter with the Ark over the winter which came to an end in February as outlined in the report. As the number of homeless has now increased by 50%, could we look at re-opening the facility either directly or with Ark? Has the SKDC property used for the night shelter been vacant since it closed in February?*

In response to question 1, the Cabinet Member for Housing confirmed it takes 1 working day to make an assessment on an individual and determine whether they are Priority Needs.

The Head of Service (Housing) highlighted the initial assessment would request answers which could provide information on whether the Officer had reason to believe they were in priority need. If an individual was in priority need, they would fall into a certain category which would dictate what duties were owed to them, for example, children, pregnancy, victims of domestic abuse or vulnerability.

As part of the assessment, the Officer's would assess whether the individual would be significantly more vulnerable than an 'ordinary' person if they were to become street homeless.

In response to question 2, the Council and the Ark had a positive working relationship. The Ark closed due to the winter coming to an end, meaning the facility was not being utilised, due to warmer weather. The Council were liaising with the Ark on re-opening of the facility.

The flats originally used as a night shelter were occupied and the community hall was used on an ad-hoc basis by residents, as it was prior to the night shelter opening. The night shelter would have to be manned by security at a cost alongside visits from Officer's every morning and evening. It was felt that this would become a big expense, if only 2 individuals required the night shelter.

The Head of Service (Housing) clarified the Council had met with the Ark and discussions were ongoing based on cost. It was confirmed, a night shelter may be trialled to envisage the possible uptake of use.

One Member noted most parks in Grantham had a rough sleeper in a tent. Concern was raised on some behaviours of the rough sleepers, that was negatively impacting residents within proximity to the areas, especially The Paddock and Dysart Park in Grantham. The concerns raised from residents was around noise, anti-social behaviour, substance misuse and threats of violence.

A joint meeting was due to take place with the Police on 23 June 2025, to establish how the Council can legally and safely deal with the situation.

It was queried whether there could be a specialist scheme established for homeless individuals who may or may not want assistance from the Council.

The Council did not have the same responsibilities and legal powers as social services or the Police.

The Committee were reassured of the Council's homelessness team and Change4Lincs. A colleague was available on a daily basis on the Customer Service Desk for any homeless individuals to engage and communicate with the Council.

The Director of Housing confirmed that Officers were regularly visiting the parks in an attempt to ensure the homeless individuals were keeping the area safe and clean.

The Council's Neighbourhood Team had offered to engage with the affected nearby residents on this matter and request clear reports of incidents and behaviours taking place.

A query was raised on whether Officer's were able to identify any homeless individual that was a veteran, and whether they would be signposted to agencies under the covenant.

The Head of Service (Housing) confirmed a veteran would be established under an initial assessment, then signposted to the relevant agency.

It was queried as to how many beds and homeless individuals the Ark could hold when operational.

The Community Hall could previously hold 12 'pop-up' beds comfortably.

In term of the priority needs assessment, it was questioned whether evidence would need to be in place prior to the completion of the assessment or retrospectively.

It was confirmed the information could be provided retrospectively. A vulnerability questionnaire would also be asked of an individual where a priority need may be identified and further evidence would be requested.

One Member raised whether the homeless individuals had access to other services such as Doctors, Dentists and use of electricity to charge a phone.

The Head of Service (Housing) confirmed the individuals may be accessing local services and charities to use electricity to charge a phone. The majority of individuals were registered at a Doctors or Dentist if they need to be, and the outreach would check this at first instance.

The Council's duties and responsibilities were discussed, and it was hoped they could work in partnership with social services and the Police. One Member felt that following feedback from residents affected, in residents' opinion it seemed as if the Council were doing little to combat the problem.

Members stated that they were informing residents affected by the matter, that the Council were doing all they could in exploring all options on such a complex matter of individuals with all types of needs.

A query was raised on complaints on anti-social behaviour and whether the Council felt they were receiving sufficient support from the Police.

The Head of Service (Public Protection) confirmed the Council were being supported by the Police, as a multi-agency approach. It was clarified that any noise related complaints should be dealt with by the Council's Neighbourhood and Environmental Health team. Joint-patrols had taken place alongside Safer Streets.

A question was raised on whether the Council could solve the long-terms problem, during the winter months.

The Head of Service (Housing) clarified this would depend on engagement with the individuals and whether they wish to accept the help. The Council would continue to offer services available during winter months.

**The Committee noted the latest position of the Homelessness and Rough Sleeper services**

**9. Housing Revenue Account Capital Works Programme update June 2025**

The Cabinet Member for Housing presented the report which provided an update on the progress of the HRA Capital Programme.

During 2024/25, the Team successfully procured a number of contracts, which were detailed in paragraph 2 and 3. The contracts were for kitchens and bathrooms, roof covering replacement, lift replacement, disabled adaptations etc.

The works were completed through the Social Housing Decarbonisation Fund.

The Team completed 1,868 stock condition surveys in 2024-25. The data from the surveys was used to develop the Capital Programme.

As of 31 March 2025, 325 properties did not meet the Decent Home Standard, meaning the 325 properties would be prioritised for capital investment throughout the year.

The chart on 2.11 of the report details the works completed in April and May 2025, as well as the total number of key components planned for replacement during 2025/26.

The Council had previously been awarded £4.2m of funding from the Warm Home Social Housing Fund, which was match funded by the Council to create a £8.4m project that would enable the team to continue to deliver energy efficient measures in homes with an EPC rating below C.

One Member queried how the Council's target to reduce carbon emissions was being tracked alongside the improvements being put into place.

It was confirmed the Council's Corporate carbon emission target did not include any improvements made on the Council's properties, due to not being directly occupied by the Council. The target related to assets owned and operated by the Council.

It was noted that the installation of air source heat pumps combined with other works to insulate the property was a time-consuming job. Members thanked all Officers involved.

The Head of Service (Housing Technical Services) confirmed that 472 properties failing the Decent Homes Standard would be validated and be brought through the current year's programme. The aim was for all properties to receive 100% decency at the end of each financial year.

**The Committee noted the contents of the report and the progress being made to deliver the Capital Works Improvement Programme and improvements in performance in order to enhance the Council's social housing stock.**

## **10. South Kesteven District Council Draft Housing Strategy (2025-2030)**

The Cabinet Member for Housing presented the report. The new strategy was being developed in order to address significant changes in national policy and local priorities.

Although there was no statutory requirement for the Council to have a Housing Strategy, it was recognised as best practice. It provides a clear framework for housing policy across the district.

The Draft Housing Strategy (2025-30) set out a renewed vision for a secure, safe, good quality and sustainable housing. Supporting residents to live healthy and independently in resilient communities. The document aligned with the Council's Corporate Plan and had 5 strategic priorities in place:

- Delivering affordable and specialist housing.
- Improving existing housing standards and safety.
- Supporting independent living.
- Promoting sustainable housing.
- Fostering sustainable communities.

The strategy was underpinned by core delivery principles such as customer engagement, performance management, value for money, safeguarding and partnership working.

A monitoring framework alongside the strategy would attract progress against each priority.

Consultation played a key role in shaping the draft strategy and the consultation involved council staff, partners, developers, service providers and the community. Support for the proposed priorities was strong across all stakeholder groups.

This draft strategy would undergo further consultation prior to being finalised and presented to a future meeting of Cabinet, for approval. As part of further consultation, an all Member's workshop would be arranged.

The Director of Housing confirmed the document would be formatted to coincide with the Corporate Plan.

A Member was pleased to see an objective around the introduction of specialist housing.

Concern was raised on the definition of affordable housing, and how this would tie into the Council's Local Plan.

The Director of Housing confirmed the objective on specialist housing would mean partnership working with Lincolnshire County Council and specialist housing registered providers. The Council were not a specialist housing registered provider.

It was felt that a main priority identified was the preferred option of more one-bed properties.

It was questioned whether the Council could enforce one-bed properties to be built through the Local Plan and whether the Council had powers of enforcement in the area of private sector housing.

Unfortunately, the Council did not have any powers of enforcement in relation to one-bed properties or private sector housing.

At an estimate, around 600 people on the choice-based letting system required a one-bed property, out of 1600 people.

The Head of Service (Public Protection) confirmed private sector housing could be enforceable in the event of inspections where hazards were visible. Inspections were assessed on varying degrees of enforcement powers. Some of the Council's Houses in Multiple Occupation (HMO's) were licensed, however, most were not licensed due to being below the occupancy threshold.

Key changes from Government legislation on the increased amount of social housing including the makeup of housing new builds with one-bedrooms. The legislation takes the balance of local need into consideration, this would support new developments coming forward.

A suggestion was made on whether the Council had enquired on purchasing care homes that had recently closed.

The Director of Housing highlighted new one-bedroom developments in Grantham. Officers would explore the local need across the district and explore other areas of district.

If there are any major changes made to the document, it would be brought back to Housing OSC at a future meeting. Following that, the Housing Strategy was due to be heard at Cabinet in October or November 2025.

**ACTION: For a Member Workshop to be set up in July 2025 on the Draft Housing Strategy (2025-30).**

**The Committee reviewed and made comment on the draft Housing Strategy which is subject to further consultation.**

*(The Committee had a 15 minute break)*

**11. Corporate Plan 2024-27: Key Performance Indicators Report - End-Year (Q4) 2024/25**

The Corporate Plan 2024-27: Key Performance Indicators Report - End-Year (Q4) 2024/25 report was introduced by the Policy Officer and report author.

Appendix A of the report provided the overall performance against the actions being presented. Commentary by the responsible officer was provided for each action.

Seven of the actions were rated Green. These were actions which were on or above target as planned.

Two actions were rated as Amber, these were off target by less than 10% or where milestone achievement was delayed but with resolution in place to be

achieved within a reasonable timeframe.

Zero actions were rated as Red. These were actions that were significantly below target.

During discussions, Members commented on the following:

- Clarity was sought as to why the delivery and effectiveness of the Housing Options service was rated as an Amber. The Director of Housing clarified this was because of the number of overdue homeless decisions – 8 out of 126, when the target was zero.
- It was confirmed that the Domestic Abuse Officer role was permanent with an officer in post.

**The committee noted the Corporate Plan 2024-27: Key Performance Indicators Report - End-Year (Q4) 2024/25 report.**

## **12. Housing Service Performance**

The Housing Service Performance report was introduced by the Director of Housing and presented by the Heads of Services for Housing.

It was confirmed that Housing Service Performance reports would be provided at each subsequent Committee meeting.

### Technical Services

Repairs call handling results were positive and ahead of target with the percentage of calls handled and interflowed at 92% in April with only 8% abandoned.

Whilst improvements had been made in the number of overdue repairs, emergency/non-emergency repairs completed on time, and post inspections, these were still below target. However, repairs satisfaction was on target at 95% in May.

Emergency repairs completed on time regarding damp and mould was on target at 100% in May, as was the number of overdue surveys at 1. Improvements had also been made regarding the timely completion of other repairs, with the exception of the 'no damp and mould repairs overdue.'

With the exception of the average time to repair a minor void, improvements had been made across the voids service. Particularly the average time to repair a temporary accommodation void which was on target at 7 days in May.

During discussions, Members commented on the following:

- It was confirmed that there was an agreement in place with Welland Procurement that any sub-contracting would be offered to local businesses initially.

- It was queried at what point are prices agreed with contractors. For material costs there was confirmed to already be a contract in place with Hughes Gray for the purchase of materials for in-house teams. With external contractors, separate budgeting was set out in the revenue accounts to account for the contractor's time, cost and materials.
- South Kesteven District Council facilitated four apprenticeships for local college students, two in repairs and one in voids.
- It was acknowledged that whilst the cost of materials had increased over recent years, there had not been issues with the availability of materials.
- It was confirmed that KPI's were monitored as benchmarking by using Housemark. There informed the targets set by SKDC.

### Allocations & Lettings

Allocations & Lettings call handling was positive, achieving 11-13% over target for March-May 2025.

The number of cases in temporary accommodation dropped from 73 in March to 59 in May, largely due to the high number of lettings in April. The allocations statistics confirmed this with 138 offers made during April, 87 of which being SKDC properties with 51 being housing association.

The number of monthly homeless approaches remained broadly similar.

Tenancy Management statistics were presented outlining the number of anti-social behaviour cases, Right-to-Buys, successions, mutual exchanges, evictions, and notices issues.

During discussions, Members commented on the following:

- It was queried whether there had been an increase in the number of Housing Register applications. It was explained that trends showed there was often a spike in January and during the peak of summer.
- It was confirmed that the reason for the increase in the number of complete Housing Register application waiting for assessment was due to a combination of the complexity of the applications being received and staffing levels. The Head of Service (Housing) outlined that their focus was on decreasing the time taken to assess application as they would like to see this drop from 10 weeks to a month.
- A Member praised SKDC for retaining its housing stock and observed that more applications was likely the result of increased rent in the private sector.
- A breakdown was given of the staffing level and positions within the service.

### Compliance

It was confirmed that the following areas were 100% compliant: Legionella, Asbestos, FRA, Lifts, Smoke.

Gas was at 99.3% and EICR was at 95.17%. The issue with EICR was where SKDC were being denied access by particular residents to undertake the necessary work. The Director of Housing confirmed that SKDC had taken the stance that non-emergency repairs would not be completed for properties where the statutory compliance was not in place.

### **The Housing Service Performance was noted by the Committee.**

#### **13. Garage Sites and their Development update**

The Garage Sites and their Development update was presented by the Cabinet Member for Housing.

It was noted that the consultancy support for full stock condition and feasibility reports on the garages within the district were ongoing.

Quotes were explored from Asset management frameworks, the results of which were initially over £50,000.

Further updates would be provided to the Committee in due course.

#### **14. Choice Based Lettings Update**

The Choice Based Lettings Update was presented by the Cabinet Member for Housing.

It was outlined that the greatest number of active applications were in Band Three, followed by Band Two.

In May, there were 139 incomplete applications awaiting further information, and 47 households were successfully housed, the majority of which had been in Band One.

A full review of the allocations policy was planned to ensure that it reflected updated system functionality, met the current housing priorities, and addressed evolving local needs. A revised policy would be presented to the Committee later in 2025.

During discussions, Members commented on the following:

- Talks were ongoing with the developer to explore the potential of closing bids when the property was allocated, rather than when it was let.
- It was confirmed that whilst it fell outside of the Allocations Policy, a website advertising mutual exchanges was being explored.
- It was outlined that rents were set by central government with scope for SKDC to increase rents annually by CPI plus 1%.
- It was queried what actions were taken by Officers to mitigate the effects of radon. The Emergency Planning and Health & Safety Lead confirmed 100 radon test kits had been sent to residents and SKDC had been engaging with the UK Health Security Agency to identify the most impacted areas. A barrier found was the lack of

engagement by some residents, however, SKDC were in the tender process to identify radon remediation work.

**The Choice Based Lettings Update was noted by the Committee.**

**15. Work Programme 2025/26**

The Committee noted the Work Programme.

**16. Any other business which the Chairman, by reason of special circumstances, decides is urgent**

There were none.

**17. Close of meeting**

The Chairman closed the meeting at 16:43.

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## Housing Overview and Scrutiny Committee

Thursday, 2 October 2025

Report of Councillor Philip Knowles,  
Cabinet Member for Corporate  
Governance and Licensing

## Corporate Enforcement Policy

### Report Author

Ayeisha Kirkham, Head of Public Protection

 ayeisha.kirkham@southkesteven.gov.uk

### Purpose of Report

To consider a new draft Corporate Enforcement Policy.

### Recommendations

**The Housing Overview and Scrutiny Committee are recommended to:**

**Consider the draft Corporate Enforcement Policy and provide any feedback or amendments prior to this being adopted by Cabinet.**

### Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Effective council

Which wards are impacted? All Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no direct financial implications arising from this report. All enforcement policies across the Council should be reviewed regularly to ensure consistency with collection and enforcement activities. The fee for each type of fixed penalty notice, where not set by law, will be set by the Council during the annual budget cycle.

*Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer*

### ***Legal and Governance***

- 1.2 It is good governance for the Policy to be scrutinised by Overview and Scrutiny Committees with a view to it being considered for adoption by Cabinet. Lincolnshire Legal Services are satisfied with the contents of the Policy.

*Completed by: James Welbourn, Democratic Services Manager*

## 2. Background to the Report

- 2.1 The Council's Corporate Enforcement Policy was last revised in February 2017, and a review and update is necessary.
- 2.2 A revised draft Corporate Enforcement Policy ("the Policy") has been developed and is attached at Appendix One. This a full revision of the 2017 Policy and covers enforcement activities across all the Council's Regulatory Services, setting out what regulated businesses and individuals can expect from the Council in terms of regulation. The Policy is targeted only at cases where action is needed and is based on the guiding principles of consistency, transparency, proportionality, and accountability.
- 2.3 This Policy applies to functions carried out within the following Regulatory Services:
  - Public Protection (this includes Environmental Health, Environmental Protection, Private Sector Housing, Community Safety (Neighbourhoods) and Licensing)

- Development Management
- Building Control
- Finance
- Tenancy Services

Each Manager of a regulatory service covered by this Policy will be responsible for its effective implementation through the enforcement activities of their team. Each Officer within these teams will be responsible for applying it in relation to the enforcement activity covered by this Policy.

2.4. The Policy also incorporates three other South Kesteven District Council Enforcement Policies as specific content within the appendices. This is to aid ease of reference and consistent application of approach. These policies are:

- Enviro Crime Enforcement Policy (adopted April 2018)- now Appendix A to the policy titled Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.
- Environmental Services Enforcement Policy (dated February 2017)- now Appendix B to the policy titled Environmental Health Approach to Investigation and Enforcement.
- Private Sector Housing Enforcement Policy (dated November 2018) - now Appendix C to the policy titled Private Sector Housing Approach to Investigation and Enforcement.

2.5. The Policy is an overarching document covering all enforcement functions undertaken by South Kesteven District Council. Under this, there are more detailed policies which cover specific service functions in more detail, for example, the Development Management Enforcement Policy (Planning Control).

2.6. The Policy will ensure that the Council achieves and maintains consistency in its approach to enforcement and identifies that all enforcement activities, including investigations and formal actions, will be conducted in accordance with the following:

- The statutory powers of the Officer dealing with the matter.
- All other relevant legislation including the Enforcement Concordat (Regulators Compliance Code)
- Any other relevant policies.

2.7. The Policy requires the investigations that South Kesteven District Council undertakes to be carried out in accordance with the relevant legislation, and in consideration of any relevant Codes of Practice and Guidance.

2.8. The enforcement options listed within the Policy range from no action to prosecution, and identifies that when deciding whether to prosecute, South

Kesteven District Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. This Code provides two tests that must be satisfied when deciding to prosecute, these are the following: Evidential Test and the Public Interest Test.

### **3. Key Considerations**

- 3.1. The Policy is also due to be considered by Environment OSC in September and Rural and Communities OSC in October. Once a final draft is agreed the Policy will be formatted and graphics applied before being presented at Cabinet for adoption.
- 3.2. Within Appendix A of the Policy a Flytipping and Littering fixed penalty matrix is proposed. This approach has been discussed at the Lincolnshire Environmental Crime Partnership with Legal Services Lincolnshire supporting this as a proportionate approach to fixed penalty application. If the matrix is adopted, South Kesteven District Council would be trialling this approach for Lincolnshire, and this would be fed back the Lincolnshire Environmental Crime Partnership and wider partners such as the National Flytipping Prevention Group. If the matrix is not adopted a standard fixed penalty would continue, which currently is £1000 for Flytipping and £500 for Littering offences (with early repayment reductions applicable).
- 3.3. Within Appendix C of the Policy, a new section is included regarding The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, providing a penalty matrix scheme to those not meeting the standards required.

### **4. Other Options Considered**

- 4.1 To take no action. In this situation the 2017 Corporate Enforcement Policy would remain without review.
- 4.2 To update the Corporate Enforcement Policy separately to the following policies and not include them within the corporate enforcement policy within the appendices:
  - Enviro Crime Enforcement Policy (adopted April 2018)
  - Environmental Services Enforcement Policy (dated February 2017)
  - Private Sector Housing Enforcement Policy (dated November 2018)

### **5. Reasons for the Recommendations**

- 5.1 The Council's Corporate Enforcement Policy was last revised in February 2017, and a review and update is necessary. This new over-arching policy is a full revision of the 2017 policy and covers the enforcement activities across all the

Council's Regulatory Services. This policy also incorporates and updates three other enforcement policies to support ease of reference and consistent application. The new policy also provides an option for other enforcement policies to be added to the over-arching policy as an appendix.

## **6. Consultation**

- 6.1. Lincolnshire Legal Services have been consulted and are satisfied with the content of the Policy, the draft appended to this report incorporates the advice received.
- 6.2. Senior Managers and the Corporate Management Team have also been consulted, and feedback has been incorporated into the Policy.

## **7. Background Papers**

- 7.1. [SKDC Corporate Enforcement Policy Feb 2017](#)
- 7.2. [SKDC Enviro Crime Enforcement Policy April 2018](#)
- 7.3. [Environmental Services Enforcement Policy FEB 2017](#)
- 7.4. [Private Sector Housing Enforcement Policy](#)

## **8. Appendices**

- 8.1. Draft Corporate Enforcement Policy 2025.

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# Corporate Enforcement Policy

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## **1. Introduction**

This policy covers the enforcement activities across all the Council's Regulatory Services and sets out what regulated businesses and individuals can expect from the Council in terms of regulation. The policy is targeted only at cases where action is needed and is based on the guiding principles of consistency, transparency, proportionality, and accountability. Its purpose is to secure compliance with the law whilst minimising the burden on individuals, businesses, and the Council itself. The policy will not affect the discretion of the Council to take legal proceedings where it is in the public interest. Enforcement actions will be carried out in accordance with the relevant legislation.

This policy applies to functions carried out within the following Regulatory Services:

1. Public Protection (this includes Environmental Health, Environmental Protection, Private Sector Housing, Community Safety (Neighbourhoods) and Licensing)
2. Development Management
3. Building Control
4. Finance
5. Tenancy Services

Each manager of a regulatory service covered by this Policy will be responsible for its effective implementation throughout the enforcement activities of their team. Each officer within these teams will be responsible for applying it in relation to the enforcement activity covered by this policy.

This corporate enforcement policy is an overarching policy for all enforcement functions undertaken by South Kesteven District Council. Under this, there are more detailed policies which cover specific service functions in more detail, for example, the **Development Management Enforcement Policy (Planning Control)** ([insert link](#)) or the **Local Authority Building Control (LABC) Enforcement Policy** ([insert link](#)). Where no service-specific enforcement policy is in place and enforcement action is being considered, this overarching policy will apply.

## **2. Approach to Enforcement**

It is important to achieve and maintain consistency in our approach to enforcement. In many cases the decision to enforce is discretionary and any enforcement action taken must be proportionate to the risks posed and the seriousness of any breach of the law.

All enforcement activities, including investigations and formal actions, will be conducted in accordance with:

- The statutory powers of the officer dealing with the matter.
- All other relevant legislation including the Enforcement Concordat (Regulators Compliance Code)
- Any other relevant policies

The actions and decisions that the council decides to take will be determined on a case-by-case basis and will be judged on its own merits in line with the actions listed in the following policy.

### **3. Regulators' Code**

The Regulators' Code is an important part of the Government's better regulation principles. The aim of the Code seeks to promote an approach to regulatory inspection and enforcement that is: proportionate, consistent, and targeted. The Regulators' Code can be found using this link: <https://www.gov.uk/government/publications/regulators-code>

Whilst this Council has had regard to the Regulators' Code in preparing this policy, it is important to note that in some instances we may conclude that a provision within the code is not relevant or is outweighed by another provision. If this occurs, then it will be properly reasoned, based on material evidence, and documented.

The Council will continue to have regard to the Regulators' Code and in particular, will undertake the following:

- Carry out our activities in a way that supports those we regulate to comply and grow
- Provide simple and straightforward ways to engage with those who we regulate and to hear their views
- Base our regulatory activities on risk
- Share information about compliance and risk
- Provide clear information, guidance and advice to those we regulate to help them meet their responsibilities
- Ensure our approach to regulatory compliance is transparent

Where we consider that formal action is necessary each case will be considered on its own merits subject to the general overriding principles that apply to the way each case must be approached. These principles are set out in this document and in the Regulators' Compliance Code.

### **4. The Code for Crown Prosecutors**

When deciding whether to prosecute, South Kesteven District Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. This code provides two tests that must be satisfied when deciding to prosecute, these are the following:

#### **4.1 Evidential Test**

This test is to determine if there is enough evidence to prosecute and to consider the quality of evidence (what evidence can be used in court and if it is reliable).

They must be satisfied that, against each alleged offender for each offence, there is sufficient evidence to provide a "realistic prospect of conviction".

#### **4.2 Public Interest Test**

This test is to determine if there is a public interest for the case to be brought to court. It balances and considers factors that in large supports or opposes the case being brought to court. The Code for Crown Prosecutors identifies that when applying this test, the following factors for and against prosecution should be considered:

- How serious is the offence committed?
- What is the level of culpability of the suspect?
- What are the circumstances and harm caused to the victim?
- What was the suspect's age and maturity at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

In addition, in certain limited circumstances, where the full test under this code is not met, a threshold test may be applied. This will depend on the seriousness or circumstances of the case.

## **5. Regulatory Enforcement and Sanctions Act 2008**

The Regulatory Enforcement and Sanctions Act 2008, as amended, was designed to enable more consistent enforcement of regulations across local authority boundaries, better coordination between local authorities and central government, and more effective enforcement of regulations. It also requires regulators to conform to certain principles. The Primary Authority scheme aims to ensure that any company trading across council boundaries in the scheme is guaranteed access to advice.

South Kesteven District Council, when considering taking enforcement action against a business or organisation that has primary authority, will comply with the requirements of the act. We will have due regard to guidance issued by the Secretary of State in relation to Primary Authority.

## **6. Principles of Good Regulation**

South Kesteven District Council operates its services with due regard to the "Principles of Good Regulation" which is set out in the Legislative and Regulatory Reform Act 2006. This covers the following:

- **Proportionate** – Endeavouring to minimise costs of compliance for businesses, reflecting the harm and impact on victims. Our actions will relate to the seriousness of the offence, and to the previous actions taken by the Council or its partners.
- **Accountable** – Our activities will be open to scrutiny, with clear and accessible policies and a fair and efficient complaints procedure.
- **Consistent** – Our advice to those we regulate will be robust and reliable, respecting advice provided by others. Carrying out our duties in line with service standards and endeavouring to act in a similar manner to other enforcement authorities.
- **Transparent** – We will make clear the difference between legal requirements and recommendations, ensuring those we regulate understand their duties and what

they can expect from us. We will provide information and any advice on the legislation we enforce in plain language and will be open and transparent in our actions.

- **Targeted** – Focusing resources on higher-risk enterprises and activities, utilising intelligence to direct our priorities wherever possible.

## **7. Conduct of Investigations**

The investigations that South Kesteven District Council undertakes will be carried out in accordance with the relevant legislation, and any relevant Codes of Practice and Guidance will also be considered.

Relevant legislation and codes of practice include but are not limited to:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015
- Data Protection Act 2018
- Equalities Act 2008
- Consumer Rights Act 2015
- Any other relevant legislation that may be in force

All investigations will be conducted in accordance with:

- i. The statutory powers delegated to the officer dealing with the matter.
- ii. Compliance with the Legislation, Guidance and/or Codes of Practice associated with the matter under investigation, for example, the Food Standards Agency Code of Practice and Practice Guidance, HSE Enforcement Management Model, Health and Safety Rating System Enforcement Guidance.
- iii. Local in-house procedures and delegated authority to assist in the making of consistent enforcement decisions.

Subject to the needs of an investigation, officers will notify the individuals or businesses they are subject to an investigation as soon as is reasonably practicable. The Council will make timely decisions to enable the progression of the investigation and decision making. The person or business subject to an investigation will be informed of the outcome.

During an investigation, officers may utilise specific equipment to gather evidence and carry out overt and covert surveillance. This can include, but is not limited to the use of camera, video, sound level meters, light meters etc. This equipment will be used primarily to gather evidence, but may also be used as a deterrent, where it is necessary and proportionate to do so, and in line with legislation. This will be in accordance with the Council's Regulatory

Investigatory Powers Act Policy which can be found here:  
[Regulation of Investigatory Powers Act Policy.pdf \(southkesteven.gov.uk\)](https://southkesteven.gov.uk/Regulation_of_Investigatory_Powers_Act_Policy.pdf)

The investigation process may include the interviewing of those persons suspected in the breach of legal requirements. Where the offence being investigated is an either way offence (could be heard in Magistrates or Crown Court) and/ or carries imprisonment as a sanction, then those persons suspected of breaching legal requirements will, where appropriate be offered an interview in accordance with Police and Criminal Evidence Act 1984 (PACE).

#### **8. Officer's Powers of Entry**

Enforcement officers have a wide variety of duties and must act as investigators. This is supported by strong powers of entry, seizure and inspection contained in various statutes. If individuals or businesses obstruct officers or refuse to provide information, they could be subject to criminal sanctions. Officers use these powers at their discretion with the support of the Council who will uphold them.

Officers will use their powers of entry only, when necessary, but usually to carry out an inspection of premises or in the process of an investigation. The Council will always support officers who act in good faith. This includes prosecuting those individuals who obstruct or assault officers during investigations or inspections.

If the legislation allows, officers may examine premises and articles, remove articles, label samples, request information, issue enforcement notices and may in some instances be accompanied by other persons. In appropriate cases, a warrant from a Magistrate may be obtained to obtain entry to premises.

An officer must be able to explain the legal basis for any action and justify all separate actions used.

#### **9. Appointment of Officers and Identification**

All officers are trained and authorised to act under relevant legislation enforced or administered by the service in which they are employed. Their authorisation will follow the scheme of delegation's procedure adopted by the Council.

All officers are issued with an identification card bearing their photograph. This identification must also be produced on request.

#### **10. Liaison with Other Regulatory Bodies and Enforcement Agencies**

Where appropriate, enforcement activities within all services with regulatory responsibilities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the boundaries of the district or involves enforcement by one or more other local authorities or organisations, the relevant authorities and organisations will be informed as soon as possible and all enforcement activity coordinated with them.

Services with regulatory responsibilities will share information relating to wider regulatory matters with other regulatory bodies and enforcement agencies. Examples include:

- Government Agencies.
- Health and Safety Executive.
- Police Forces.
- Fire Authorities.
- Statutory undertakers.
- Other Local Authorities.

Confidentiality, data protection and information sharing are covered in detail in separate Council policies and all information shared will be in accordance with the principles of data protection and freedom of information legislation.

## **11. Enforcement Actions**

The enforcement options available include the following:

### **11.1 No Action**

In certain circumstances, contraventions of the law may not warrant any action. This may be because the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community or in the public interest to pursue any form of action.

### **11.2 Informal Action and Advice**

For minor breaches of the law, we may give verbal or written advice. In such cases, we will clearly identify any contraventions of the law and give advice on how to put them right. This advice will include a timeframe for compliance.

We will also advise offenders of any relevant 'good practice.' Where good practice advice is issued, we will make clear what needs to be done to remedy any breach of law and what is advice only.

We will make offenders aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.

We may take informal action when:

- The act or omission is not serious enough to warrant formal action.
- From the individuals or businesses past history we can reasonably expect that informal action will achieve compliance
- We have high confidence in an individual or business proprietor.
- The consequences of non-compliance will not pose a significant risk to public health, public safety, or the environment.

This can include compliance advice, guidance and support

### **11.3 Fixed Penalty Notices**

Fixed Penalty Notices (FPN) provide a quick, visible, and effective way of dealing with matters as an alternative to prosecution.

Fixed Penalty Notices (FPN) may be issued by authorised officers for certain offences, enabling the offender to discharge liability by payment of a specified amount within a specified time period.

Where the council has discretion to set the amount of the fixed penalty this will be detailed in the Council's Fees and Charges scheme, otherwise, the fixed penalty amount will be as determined in relevant legislation. Where a fixed penalty amount is reduced for early payment, this will also be detailed in the Council's Fees and Charges scheme.

If a FPN remains unpaid after the expiry of the specified payment period, the case will be referred to be considered for prosecution.

FPNs may be issued either "on the spot" or by post.

Further information relating to the issuing of FPNs regarding environmental crime related matters can be found within **Appendix A** attached to this Policy.

#### **11.4 Forfeiture Proceedings**

This procedure may be used in conjunction with seizure and/or prosecution. This course of action should be used where there is a need to dispose of goods in order to prevent them from re-entering the marketplace or to avoid a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

#### **11.5 Seizure**

Certain legislation enables authorised officers to seize goods, equipment or documents for example unsafe food, sound equipment or any items that may be required as evidence for possible future court proceedings. An appropriate receipt will be given for any goods taken.

#### **11.6 Administrative Penalties**

In certain circumstances, the Council can impose a penalty if a Council Taxpayer fails to provide information. It is very important that a Council Taxpayer notifies the Council when there is a change in their circumstances, which could affect a discount or exemption. The council can charge a penalty of £70 when the resident does not advise the council of this within 21 days that:

- They are no longer entitled to a discount.
- Their property is no longer entitled to an exemption.

And

- They do not respond to a written request for information to identify the person liable to pay Council Tax
- They knowingly supply false information regarding the identification of the person liable to pay Council tax.

Where a £70 penalty has been imposed as above, and the person, on a further request for information still fails to provide the information, or continues to provide false information, the Council may impose a further penalty of £280. A further penalty of £280 will apply each time information is withheld, or false information is given.

### **11.7        Injunctive Actions**

Injunctive action may be used where offenders are repeatedly found guilty of similar offences or where it is considered the most appropriate course of enforcement i.e. to deal with dangerous circumstances, significant consumer detriment or serious anti-social behaviour problems.

For cases that involve antisocial behaviour, where other interventions have failed or is not appropriate, a civil injunction could be sought to give prohibitive or positive requirements.

### **11.8        Formal Notices**

Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately. In other circumstances, the time permitted to remedy the breach will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance.

All notices issued will include details of any applicable appeals procedures.

### **11.9        Criminal Behavior Orders (CBO)**

When the legal breach under investigation is anti-social behaviour, in that the offender's behaviour has caused, or was likely to cause, harassment, alarm or distress to any person, or the activity is deemed detrimental to quality of life. If considered appropriate, an application can be made to the Court for a CBO on conviction, to stop this activity.

An application for a CBO could be made to the court on the back of a prosecution. The court may also specify additional positive engagements or requirements to prevent re-offending.

### **11.10       Simple Caution**

Where appropriate, a caution may be issued as an alternative to prosecution.

A caution will be issued to:

- i.       Deal quickly and simply with less serious offences.
- ii.      Divert less serious offences away from the courts.
- iii.     Reduce the chance of repeat offences.

For a Simple Caution to be issued several criteria must be satisfied:

- i.       Sufficient evidence must be available to prove the case.
- ii.      The offender must admit the offence.
- iii.     It must be in the public interest to use a Simple Caution

- iv. The offender must be 18 years or over.
- v. The offender should not have received a simple caution for a similar offence within the last 2 years.

A simple caution will not be considered in the case of a second or subsequent offence.

If the offender commits a further offence, the caution may influence our decision to prosecute. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the caution may be cited in court, and this may influence the sentence that the court imposes.

Simple Cautions are administered and issued by the relevant Assistant Director/ Director.

#### **11.11 Work in Default**

In place of or as well as prosecutions we have certain powers to carry out work in default (South Kesteven District Council may carry out any action necessary and recharge the costs to the offender). We will only use these powers after a notice to carry out work has ended. We will claim back all our charges either through the courts or as a land charge on the property.

#### **11.12 Demand for Payment**

The Council will ensure that the method of collecting money owed to the Council is collected in a fair and efficient manner. The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship.

#### **11.13 Prohibition/ Stop Notices and Injunctions**

Where an offender is required to take immediate action, it may be necessary for a statutory notice to be served. These include Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices Criminal Behaviour Orders or Injunctions, and can be issued in one or more of the following circumstances:

- i. There is an imminent risk of injury to health or safety.
- ii. There is a serious hazard to residential premises.
- iii. There is an imminent risk of serious environmental pollution.
- iv. The consequences of not taking immediate and decisive action, to protect the public, would be unacceptable.
- v. Where an unauthorised development is unacceptable and is causing serious harm to public amenity near to the site, or where there has been breach of a condition notice.
- vi. Where unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option; vii the guidance criteria on when prohibition may be appropriate are met.

- vii. We have no confidence in the integrity of an unprompted offer by a proprietor to close premises voluntarily, or stop using any equipment, process or treatment associated with the imminent risk.
- viii. A proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition.
- ix. Where it would be the most effective remedy available

We will make offenders aware of any right of appeal they may have against any action we have taken.

The act of serving a prohibition/stop notice or injunction does not prevent us from deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

#### **11.14 Refusal / Suspension / Revocation of Licences**

We issue licences and approval for a variety of activities such as hackney carriages, caravan sites, food premises, selling alcohol and providing entertainment, animal welfare licences, houses in multiple occupations etc. with specific conditions which control how facilities at the premises are managed and provided, these are mandatory and voluntary conditions and site specific.

If there has been a relatively minor incident where licence conditions have been broken and the duty holder is willing to take the necessary action to have things right, it may be appropriate to give a verbal or written warning first. If there are serious failures to meet the licence conditions or if the informal approach fails to bring about the necessary improvements, we will present a formal report to the relevant authorised Head of Service or where required report to the relevant Council Committee or panel and make representations as to whether a licence will be granted, renewed, withdrawn or amended. The duty holder will be entitled to make a statement to support their case.

If there is a serious incident where licensing or registration conditions have been broken, we will consider it in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, we may need to suspend a licence or approval until the relevant Head of Service, Committee, or panel can consider the matter.

There are several separate Policies relating to Licensing, for example, Gambling Act Statement of Principles, Statement of Licensing Policy, Hackney Carriage and Private Hire Licensing Policy and Houses of Multiple Occupation Licensing Policy.

#### **11.15 Closure Orders**

Under the Antisocial Behaviour Crime and Policing Act 2014, the Local Authority may issue a closure notice on a premise(s). That is, if we are satisfied on reasonable grounds that the use of the particular premises, has resulted in, or is likely soon to result in nuisance to members of the public. Or that there has been or is likely soon to be disorder near those premises

associated with their use, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

#### **11.16 Power to Charge for Enforcement**

Where legislation allows, we will make reasonable charges as we consider appropriate as a means of recovering expenses associated with the service of enforcement notices e.g. under Section 49 of the Housing Act 2004. Charges will be published in accordance with the Council's Fees and Charges scheme.

#### **11.17 Proceeds of Crime applications**

The provisions of the Council Proceeds of Crime Act 2002 (POCA) will be used by this Local Authority where it is appropriate, to ensure the recovery of an offender's financial gain or benefit following conviction. Where a Proceeds of Crime Act application is considered as appropriate. This will seek to recover the financial benefit that the offender has gained through the course of their criminal activities and will look to confiscate the assets from the offender. Where such an approach is considered as appropriate, the council, at its earliest opportunity, will seek advice from an accredited financial investigator, so that a financial investigation can be run parallel. All relevant timescales required as part of this process will be followed.

#### **11.18 Prosecution**

It is recognised that the decision to prosecute is significant and could have far reaching consequences for the suspected offender. In all cases, the decision to instigate and undertake a prosecution, rests with the Assistant Director of that service, and in line with the council's scheme of delegation within the constitution.

The criteria for the issue of proceedings are:

- i. The alleged offence involves a breach of the law with the result that public health, safety, or wellbeing is, or has been, put at risk, or there has been irreversible damage.
- ii. There has been a reckless disregard for the environment.
- iii. Someone has died as a result of the law being broken.
- iv. Someone has failed to pay a Fixed Penalty Notice
- v. Officers have been intentionally obstructed while carrying out their duties.
- vi. The alleged offence involves deception which may or may not result in a loss or potential loss of public funds.
- vii. A serious potential risk has been identified which the suspected offender has not rectified despite having been given a reasonable opportunity to comply with the law.

- viii. The alleged offence involves a failure to comply in full, or in part, with the requirements of a statutory notice.
- ix. There is a history of similar offences.
- x. The alleged offence is considered to be anti-social behaviour or causes public alarm, and it is desirable to reassure the public and deter other potential offenders.
- xi. A prosecution is in the public interest, there is a realistic prospect of conviction and sufficient evidence to support proceedings.

We will consider all material evidence and information before deciding upon a prosecution in order to make a fair and objective decision. When determining whether to prosecute, we will have due regard to the provisions of the Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Section 222 of the Local Government Miscellaneous Provisions Act 1972 states that where a local authority finds it expedient to commence or defend legal proceedings, for the promotion or protection of the inhabitants of their area, they can do so. This therefore allows for a pragmatic approach when dealing with offences.

#### **11.19 Appeals**

Where any enforcement action is undertaken using legislation that includes a specific appeals procedure, we will advise you of that procedure at the required time.

#### **12. Complaints**

The Council will aim to provide effective, timely complaint responses in accordance with SKDC's Customer Feedback Process, Compliments, Comments & Complaints process.

If a customer is still not satisfied with the response, they may complain to the Local Government Ombudsman if they feel they have been unfairly treated. A leaflet about this is available on request.

#### **13. Review**

This Policy will review periodically in the light of any significant changes in legislation, Codes of Practice, or other guidance.

## **14. Appendix**

Appendix A: Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.

Appendix B- Environmental Health Approach to Investigation and Enforcement

Appendix C- Private Sector Housing Approach to Investigation and Enforcement

Appendix D- Example of a Decision Log & Action Plan

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## Appendix A

### **Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.**

Fixed Penalty Notices (FPN) provide a quick, visible, and effective way of dealing with straightforward environmental crimes and they are an alternative to prosecution. Normally offences resulting in a FPN will be witnessed directly by the officer. However, an officer may consider it appropriate to issue a FPN to an offender if they have not directly witnessed the offence but have reliable witness testimony.

An FPN will be appropriate for first-time offenders and one-off incidents meaning the recipient can avoid a court appearance and possible conviction. The Council will adopt a robust approach in its use of FPNs and all other associated enforcement powers. Our officers, or those working on behalf of the Council, will be fair but firm, polite and consistent.

An FPN will only be issued when:

- An offence has been committed
- A FPN is a proportionate response
- There is evidence to support prosecution if the offender does not pay the fixed penalty
- The offender understands why the FPN is being issued

### **Offences**

This policy applies to the categories of offences set out in the following Table:

Littering	A person commits an offence if they throw down, drop or otherwise deposit any litter in any place which is open to the air and which the public has access to, with or without payment. This will also apply to littering from vehicles as of 1st April 2018.
Public Spaces Protection Orders (PSPO)	Under the Anti-social Behaviour Crime and Policing Act 2014, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach of the PSPO).
Fly tipping	A person commits an offence if they deposit (or knowingly causes/permits) controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence.
Duty of Care	A householder or commercial operator has a legal obligation (duty of care) to take all reasonable measures to ensure any waste is disposed of correctly. The Environmental Protection Act requires all householders and businesses to ensure their waste is only removed by registered waste carriers.
Household Waste	Domestic waste control and presentation of the bin is covered under s.46 and 47 of the Environmental Protection Act 1990 and is a civil penalty, where there is an obligation to first issue the notice. There is the appeal process described in s.47 of the legislation.
Commercial Waste	A person commits an offence if they store waste in a manner that causes a nuisance or is detrimental to the amenities of the locality.
Graffiti	A person is guilty of an offence if they deface with graffiti any property that is not their own or that they do not have the permission of the owner to deface.
Fly Posting	A person commits an offence if they display advertising material on buildings and street furniture without the consent of the owner.
Abandoning a Vehicle	Vehicle A person commits a criminal offence if they abandon a motor vehicle or anything that has formed part of a motor vehicle on any land in the open air or on any other land forming part of a highway.
Nuisance Parking	A person commits an offence if they leave (or causes to be left) two or more motor vehicles parked within 500m of each other on a road or roads where they are exposed or advertised for sale for the purposes of a business.
Repairing vehicles on a road	It is an offence to run a business which carries out repairs to motor vehicles on the highway.

### **Age**

The issue of a FPN will only be considered for those persons who commit an offence and are aged 16 years or above.

Where a person under the age of 16 has committed an offence, officers will seek to work with parents and/or schools to prevent further offences and educate the young person where possible. Appropriate adults will be sought in all cases.

### **Fee and Payment**

The fee for each type of fixed penalty notice, where not set by law, will be set by the Council during the annual budget cycle. Where a new offence is established or variation to the existing penalty fee takes place within the budget year, then the relevant legislated default penalty fee will be adopted.

If the person either refuses to accept a FPN or, having accepted such a notice, does not pay before the end of the suspended enforcement period of 14 days, a reminder letter will be issued giving a further seven days' notice from the date of this letter. If the fixed penalty remains unpaid and to ensure the credibility of a FPN scheme, the assumption will be that all cases involving non-payment will be considered for referral to court.

Payment of a fixed penalty by instalments will not be accepted.

### **Appeals**

Fixed Penalty Notices (FPN) for criminal offences do not have a formal ground of appeal.

The legislation that governs fixed penalty notices means that a person who receives an FPN can challenge the offence in court if they believe the penalty should not have been issued to them.

It is important to note that payment of a fixed penalty notice is an invitation for the person issued with the FPN to discharge their liability to prosecution.

## **Flytipping and littering - Fixed Penalty Matrix**

In relation to Section 33, 34 and 87 of the Environmental Protection Act 1990, for fixed penalty notices (FPN) the council will utilise the FPN matrix and consider the application of the below matrix in certain circumstances:

Fly Tipping	Maximum Fine (each offence) £1,000	Optional FPN Amount (case by case basis): <ul style="list-style-type: none"><li>• Car Boot or Less - £600*</li><li>• Small Van Load - £800*</li><li>• Transit Van or Above - £1,000</li></ul>
Littering	Maximum Fine (each offence) £500	Optional FPN Amount (case by case basis): <ul style="list-style-type: none"><li>• Single Item - £250*</li><li>• Multiple Items - £500</li></ul>
The optional FPN amount stated* could be raised back to the maximum amount, depending on the following factors: <ul style="list-style-type: none"><li>• Size of item(s)</li><li>• Location of item(s)</li><li>• Risk to public health and safety</li><li>• Risk to the environment</li><li>• Court likely to impose a nominal penalty.</li><li>• Previous advice/warning given.</li><li>• Oversight/ignorance of the law.</li></ul>		

## **Court Action**

A FPN may not be appropriate where it is known that the offender has previously been issued with a FPN for a similar offence, particularly if they have not paid. Court action will be considered in such cases as will offences where the impact of the offence upon the local environment and the cost related to rectifying is significant. Court action will be considered if:

- Payment has not been made
- The offence is major, e.g. significant fly tip, dumping of hazardous waste
- The offence is committed by a persistent offender
- The offender is violent or aggressive

## **Appendix B- Environmental Health Approach to Investigation and Enforcement**

### **General Principles**

This policy guides all officers involved in investigation, enforcement action and recommending or deciding upon the commencement of legal proceedings within the scope of Environmental Health.

### **Inspections and Visits**

Inspections or visits will not take place without a reason. They may be undertaken in response to a complaint; in accordance with risk-based programmes; in accordance with statutory requirements or on receipt of relevant intelligence.

Where complaints are being investigated, notice of inspections/visits will not normally be given unless we are required to do so by legislation.

In accordance with the Food Standards Agency Food Law Code of Practice, most food hygiene inspections will be carried out unannounced during normal hours of operation of the business. In some circumstances, appointments to undertake an inspection have to be made.

On occasion, if admission has been refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, we may apply to a Justice of the Peace for a Warrant to enter premises, by force if necessary.

### **Liaison with other Enforcement Agencies and Regulatory Bodies**

Where appropriate, enforcement activities within Environmental Services will be coordinated with other regulatory bodies and enforcement bodies to maximise effectiveness.

The Primary Authority Scheme was established by the Regulatory Enforcement and Sanctions Act 2008 (as amended). Officers will liaise with Primary Authorities when applicable e.g. before taking enforcement action. We will comply with the requirements of this Act when we are considering taking enforcement action against any business or organisation that has a primary authority and will have regard to any guidance issued by the Secretary of State in relation to Primary Authority.

Where there has been a work-related death at a premise where the local authority is the enforcing authority, we will work with other regulators involved in the investigation to consider any health and safety offences as effectively and efficiently as possible. This will be undertaken in accordance with the Work-related Deaths Protocol for the Police, Crown Prosecution Service, Local Authorities, and the Health and Safety Executive.

We will have regard to the Health and Safety Executive Enforcement Management Model (EMM) and associated guidance when considering enforcement decisions relating to health and Safety at Work.

## **Appendix C- Private Sector Housing Approach to Investigation and Enforcement**

### **Introduction**

The private rented sector is growing rapidly and although the majority of landlords provide well-managed and safe homes, the Council recognises that there are some landlords who neglect their responsibilities and put their tenants at risk due to the poor condition of their homes.

This document is intended to provide guidance for officers, landlords, letting agents and residents in respect of our approach to improving standards in private sector housing and dealing with enforcement. It should be read in conjunction with the Council's Environmental Services and Corporate Enforcement Policies which set out our commitment to the Principles of Good Enforcement and the Regulators Code.

Throughout this document, the term "landlord" also includes "property agents" and "letting agents" unless specified otherwise.

### **Approach to Enforcement**

The Council recognises that most landlords and individuals wish to comply with the law and will seek to assist them in doing so by providing assistance to enable them to comply with legal requirements. Reasonable efforts will be made to ensure compliance without the need for formal action and in most circumstances, landlords will first be given the opportunity to investigate and resolve any issues at their properties. However, formal action will be considered where necessary, for example, where there is a serious or imminent risk to public health, a history of non-compliance or where landlords have failed to take action within informally agreed timescales.

The Council expects landlords to have a good understanding of the standards required in privately rented accommodation and refer to published guidance. The Council works closely with DASH Services (Decent and Safe Homes) to provide the Lincolnshire Landlord Accreditation Scheme to encourage and promote good property standards and management practices in the private rented sector.

The Private Sector Housing team will respond to complaints from tenants and other residents about the condition of private housing, prioritising them on the basis of an assessment of risk. Unless there appears to be an imminent risk, tenants are encouraged to contact their landlord initially to try to resolve the matter themselves in the first instance.

The Council may proactively target enforcement activity where intelligence suggests that this may be necessary, or to support the Council's wider priorities. This may include but is not restricted to; houses in multiple occupation, properties with poor energy efficiency ratings, poorly built/converted properties, and area-based interventions.

### **Housing Health and Safety Rating System (HHSRS)**

The assessment of housing conditions will be carried out using the Housing Health and Safety Rating System as set out in the Housing Act 2004. This is a risk-based evaluation tool

used to identify and protect against risks and hazards to health and safety from deficiencies identified in dwellings. The HHSRS is based on statistical evidence relating to the likelihood and outcome of the occurrence of 29 different hazards. The assessment method results in a score for each relevant hazard which falls within one of two categories:

- Category 1 hazards – these represent a serious hazard to health and the Council has a duty to take appropriate action.
- Category 2 hazards – these represent a lesser hazard to health and the Council has a discretionary power to take action.

The Council will not normally take enforcement action to remedy (or reduce) minor or moderate Category 2 hazards. However, where any significant Category 2 hazards are identified, a number of Category 2 hazards exist which in combination present a greater cumulative risk, or where the vulnerability of the occupants is a particular factor, appropriate formal action to secure improvements will be considered.

The HHSRS can be used to assess hazards across all tenures. However, the Council will not normally require owner occupiers to undertake works to their own homes unless there is an imminent risk to the occupier or deficiencies at the property are adversely affecting another property or person.

### **Overcrowding**

The Housing Act 2004 introduced “crowding and space” as a hazard under the HHSRS, however, the Housing Act 1985 was not repealed and as such there are two provisions in force. The standards in the Housing Act 1985 are prescriptive based on the number and size of rooms in a property, often including living and dining rooms as being suitable sleeping rooms. It takes no account of the remaining living space.

The Council will follow the Government’s HHSRS enforcement guidance which advises councils to use the HHSRS in respect of overcrowding. The Council will have regard to guidance in considering appropriate action on a case-by-case basis.

Where enforcement action may result in a family having to leave their home the Council will work with all parties to mitigate the impact.

### **Summary of Enforcement Options**

A range of enforcement powers are available to the Council relating to the regulation of the Private Rented Sector the table below details some of these and describes the circumstances as to when they may be considered appropriate.

Action	Circumstances
1. No Action	<ul style="list-style-type: none"> <li>• Complaints or allegations of housing legislation breaches or statutory nuisances are of minor or low risk to health and the landlord has not been informed by the complainant, or allegations are unsubstantiated and unwitnessed.</li> <li>• Formal action is inappropriate in the circumstances.</li> </ul>
2. Advisory notices and letters	<ul style="list-style-type: none"> <li>• Where conditions are evidenced to justify action and investigation and it is appropriate to give the opportunity to landlords and tenants to make representations, provide information or effect change to meet compliance.</li> <li>• No health impacts are present which pose a risk to health or nuisance</li> </ul>
3. Formal notices or Orders	<ul style="list-style-type: none"> <li>• The defect/conditions present a risk to health and/or a nuisance.</li> <li>• There are previous failures of statutory requirements.</li> <li>• Previous advisory notices/letters were ignored, or action was not taken in a timely manner or to the correct standard.</li> <li>• There is a lack of confidence in the individual or management i.e. the willingness to respond to an informal approach.</li> <li>• The Council is legally required to serve a statutory notice</li> </ul>
4. Financial Penalties (up to £30,000 if under the Housing and Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 or Tenant Fees Act 2019. Up to £5000 under other legislation)	<ul style="list-style-type: none"> <li>• Non-compliance with an improvement or overcrowding notice.</li> <li>• Failure to obtain a property licence (Both parts 2 and 3 Housing Act 2004).</li> <li>• Significant and/or repeated breaches of HMO management regulations.</li> <li>• Breaches of the conditions of the property licence.</li> <li>• The amount of penalty decided by Financial Penalty Matrix for Housing Act 2004 offences is detailed below.</li> <li>• Used as an alternative to a prosecution.</li> <li>• Other financial penalty powers are within breaches of the following legislation:</li> <li>• The Electrical Safety Standards in the Private Rented Sector (England) Regulations</li> </ul>

	<p>2020, Amount of penalty decided by Financial Penalty Matrix for offences is The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 detailed below.</p> <ul style="list-style-type: none"> <li>• The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</li> <li>• Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and</li> <li>• The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and subsequent amendments.</li> </ul>
<p>5. Works in Default - Emergency Remedial Action &amp; Emergency Prohibition Order</p>	<ul style="list-style-type: none"> <li>• There is an imminent risk to the health and safety of the occupant and/or public.</li> <li>• Awaiting the service of a notice or a prosecution would not adequately protect the public interest.</li> <li>• However, this does not rule out subsequent action being taken in conjunction with a prosecution, financial penalty, RRO or other legal action.</li> </ul>
<p>6. Works in Default – noncompliance with a notice.</p>	<ul style="list-style-type: none"> <li>• We may choose to carry out works required by notice if they have not been completed within the permitted time or are not likely to be completed within the permitted time.</li> <li>• This may be taken in conjunction or followed with a prosecution or financial penalty and/or RRO.</li> </ul>
<p>7. Rent Repayment Orders (RRO)</p>	<ul style="list-style-type: none"> <li>• RROs will be considered after every successful prosecution for failure to comply with an Improvement Notice (section 30); Prohibition Order, including Emergency Prohibition Orders (section 32); Offences in relation to licensing of HMOs (section 72) and in relation to licensing of houses under Part 3 of the Act (section 95).</li> <li>• Where a landlord fails to licence a licensable property and they received a significant amount of Housing Benefit or Universal Credit, a RRO application may be made to the First Tier Tribunal.</li> </ul>
<p>8. Banning Orders</p>	<ul style="list-style-type: none"> <li>• The Council may decide to seek a Banning Order following the breach of 'banning</li> </ul>

	order offences' by landlords and agents. A banning order lasts for a minimum of 12 months and prevents landlords or agents from letting their own properties or being involved in the lettings and property management industry across England.
9. Interim & Final Management Order	<ul style="list-style-type: none"> <li>• The Council may decide to seek an Interim Management Order (IMO), following the breach of certain licensing offences, where the health and safety or welfare of the occupants is at serious risk (the 'health and safety condition' section 104 Housing Act 2004) and/or breach of a banning order by landlords and agents. An IMO lasts for a maximum of 12 months and gives control of the subject property to the Council. At the end of the Interim period, a Final Management Order (FMO) of up to 5 years may be sought, which follows the same principles but on a longer-term basis.</li> </ul>
10.	

#### **Housing Act 2004 offences Financial Penalty Matrix.**

The following matrix is used by officers in determining the penalty amounts for a Financial Penalty Notice under the Housing Act 2004 which were introduced as an alternative to prosecution by the Housing and Planning Act 2016. It has been created having specific regard to the Government Guidance for Local Authorities: Civil Penalties under the Housing and Planning Act 2016, published in April 2018.

Each of the rows in the matrix takes into account certain criteria set out in the guidance. Each row produces a score dependent on the severity of the issue, being either 1, 5, 10, 15 or 20. At the end of every row, the officer will have to justify the most appropriate score chosen based on evidence in the case. The sum of the scores of each of the 4 rows produces a total. This final total is then compared against the council's set fee ranges, which determines the exact penalty amount; see table below. For example, a matrix total of 17 would result in a penalty of £7,500, a score of 55 would result in a penalty of £20,000 etc.

Consequently, the officer using the matrix will at no point be setting the penalty amount themselves as it is automatically calculated by the matrix, dependent on their assessment and resultant scores in each of the 4 rows.

In setting the financial penalty the Council assumes that the offender is able to pay any penalty imposed unless they supply suitable and sufficient financial evidence to the contrary. It is for the offender to provide this information. If the Council is not satisfied that reliable or suitable information has been provided, reasonable inferences relating to their ability to pay will be drawn from the information available and any other evidence available to the Council.

The ability of an offender to raise finance against their rental portfolio may be taken into consideration where the offender claims they are unable to pay a financial penalty and shows they have only a low income.

Score Range	Fee
1-5	£1,000
6-10	£2,500
11-15	£5,000
16-20	£7,500
21-30	£10,000
31-40	£15,000
41-60	£20,000
61-80	£25,000
81-100	£30,000

Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20	Total	Justification
1. Deterrence & Prevention.	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrence	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a low financial penalty will deter repeat offending (e.g. no contact from offender). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a low financial penalty will deter repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very Little confidence that a low financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community		
2. Removal of Financial Incentive	No significant assets. No or very low financial profit made by offender	Little asset value. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.		

3. Offence & History	No previous enforcement history. Single low-level offence.	Minor previous enforcement. Single offence	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence		
4. Harm to Tenants(s) (*Score is doubled on this section in line with Statutory Guidance)	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low-level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant	Obvious high-level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed. Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).		

				provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.		Total:		
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## **The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 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: [www.legislation.gov.uk/uksi/2020/312/contents/made](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, the 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.”

General principles (to be applied to all financial penalties made under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020)
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 taken into account.
Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Private Sector Housing Team prior to and including any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty

The offences under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 have been split into two tiers of offences as detailed below:

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	Regulation	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

Failure to comply with duties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Starting Value of penalty charge (Note 1)	Tier 1	Tier 2
1 <sup>st</sup> Relevant Penalty	£6,000	£1,200
2 <sup>nd</sup> subsequent penalty issued to the same person/company	£15,000	£3,000
Subsequent penalty issued to the same person/company	£24,000	£4,800

Aggravating Factors (use all that apply) (note 2)	Tier 1	Tier 2
Evidence of failure to comply with multiple duties. (note 6)	£3,000	N/A
Acts or omissions demonstrating high culpability (note 4)	£3,000	£600
Large housing portfolio (note 5)	£3,000	£600
Vulnerable occupant and/or significant harm occurred as a result of failure to comply with regulations (note 7)	£3,000	£600

Mitigating Factors (use all that apply) (note 3)	Tier 1	Tier 2
Evidence of Low culpability (note 8)	-£3,000	-£600
Rapid action taken to remedy failings (note 9)	-£3,000	-£600

Notes 1-3 set out the overall process for determining the value of a given financial penalty. Notes 4-10 give details 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 financial penalties issued under these regulations in the previous four years. The Council will take into account any such financial penalties irrespective of the locality to which the breach of legal duty 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 any investigation as well as any representations that have been provided following a served Notice of Intent.

#### **Note 4 Acts or omissions demonstrating high culpability.**

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

#### **Note 5 Large housing portfolio.**

The aggravating factor is applied where the perpetrator has control or manages of 10 or more units of accommodation. For the purposes of this aggravating factor, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

#### **Note 6 Multiple failings.**

To be included where there is 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 regulation 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 failure to comply with the duties imposed by these regulations. A vulnerable person is defined as:

*A person who suffers or is 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:

*A 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 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 relevant breach of duty, 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 breach of duty.
- 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, instructing others to assist where necessary etc.

**Note 9 Rapid action taken to remedy failings.**

This factor will apply where, on notification of the alleged failure of the legal duty, 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 providing 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, and arrangements with the Private Sector Housing Team to visit are all appropriate measures to demonstrate compliance.

In assessing whether “rapid action” was taken, the 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.

In setting the financial penalty the Council assumes that the offender is able to pay any penalty imposed unless they supply suitable and sufficient financial evidence to the contrary. It is for the offender to provide this information. If the Council is not satisfied that reliable or suitable information has been provided, reasonable inferences relating to their ability to pay will be drawn from the information available and any other evidence available to the Council.

The ability of an offender to raise finance against their rental portfolio may be taken into consideration where the offender claims they are unable to pay a financial penalty and shows they have only a low income.

## **Statement of Principles under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

This statement sets out the principles that South Kesteven District Council will apply in exercising its powers to require a relevant landlord to pay a financial penalty.

The Regulations require the Council to prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.

In determining the amount of a penalty charge, the Council must have regard to the statement of principles which was most recently prepared and published at the time when the breach in question occurred.

### **Legislative background**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015 and introduced the following duties (amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022) for “relevant landlords” when premises are occupied under a “specified tenancy”:

- A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation; and
- A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.
- Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy, and
- Where, following a report made on or after 1<sup>st</sup> October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

Where the Council has “reasonable grounds” to believe that a relevant landlord is in breach of one or more of the duties the authority must serve a remedial notice on the landlord. Reasonable grounds include evidence from a Private Sector Housing Officer or other relevant professional such as an Officer of the Council, Fire service, Police etc.

In line with the Council’s Corporate Enforcement Policy, a staged approach will be used, giving the landlord 7 days to comply where there is no history of non-compliance. If there is a history of noncompliance or compliance is not achieved within 7 days a remedial notice will be served.

Where a remedial notice has been served and the Council is satisfied on the balance of probabilities that the landlord on whom a remedial notice was served has failed to take the

remedial action specified in the notice within the specified period the Council must (where the occupier consents) arrange for the remedial action to be taken and may require the landlord to pay a penalty charge.

### **Principles followed in determining the amount of Penalty Charge**

The purpose is to protect the safety of residents in rented accommodation. Where legislation is not complied with the financial penalty aims to:

- Change the behaviour of the landlord and deter future non-compliance.
- Eliminate any financial gain associated with non-compliance.
- Be proportionate; giving consideration to seriousness, past performance, risk, and Government guidance.
- Reimburse the Council for costs incurred in enforcement.

### **Penalty Charge**

The Regulations allow a civil penalty of up to £5,000 to be imposed on landlords who fail to comply with a remedial notice.

The level of penalty covers the cost of all works in default, officer costs, inspections, and administration on a cost recovery basis. In addition to this, an appropriate and proportionate penalty fine is levied.

The level of Penalty Charge is set on a scale with a minimum penalty of £700.

Where there is a history of noncompliance or unspent convictions relating to housing, or where there are increased risk factors such as vulnerable occupiers, or the property presents a high risk, additional charges will apply to a maximum of £4,500.

### **Level of Penalty Charge**

A fee of £700 will be charged in all cases. This covers the cost of works in default, officer costs, inspections, administration, and a penalty for non-compliance with the notice.

In addition to the £700 charge, additional penalties will be levied as follows:

- Previous spent or unspent conviction or works in default undertaken relating to the owner's role as a landlord. £1,000
- Previous remedial action taken under this legislation. £1,000
- Per additional storey above or below ground level (e.g. Two storey house is £100; Three storey house is £200) £100
- No clear or direct means of escape £500

- Increased risk of ignition or spread of fire.  
(e.g. poor electrics, open fires etc.) £500
- Vulnerable occupants (e.g. elderly or disabled persons, children or others considered vulnerable due to their circumstances) £500

### **Energy Efficiency – Private Rented Property Minimum Standard**

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 set out the minimum level of energy efficiency for private rented property. The minimum is currently set at an Energy Performance Certificate (EPC) rating of band E.

The Council will have regard to the Guidance for landlords and local authorities on the minimum level of energy efficiency required to let domestic property issued by the Department for Business, Energy, and Industrial Strategy in the application of this legislation.

The minimum standard applies to domestic privately rented properties which are let under certain types of tenancy, and which are legally required to have an EPC as described in the Regulations.

Subject to certain exclusions and exemptions the prohibition on letting sub-standard property takes effect as follows:

- From 1 April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of Band F or G (as shown on a valid Energy Performance Certificate for the property).
- From 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property)

Where a landlord wishes to continue letting property which is currently sub-standard, they will need to ensure that energy efficiency improvements are made which raise the EPC rating to a minimum of E.

In certain circumstances as defined in the Regulations, landlords may be able to claim an exemption from the prohibition on letting sub-standard property. Where a valid exemption applies, landlords must register the exemption on the national PRS Exemptions Register.

Most exemptions last for 5 years, but do not pass to a new owner or landlord on sale or transfer of the property. The new owner will need to either improve the property to the minimum standard, or register an exemption themselves, where one applies, if they wish to continue to let the property.

The Council will use the information contained in the PRS Exemptions Register to check compliance with the Regulations. Where it is suspected that a landlord may be in breach of the prohibition on letting sub-standard property, the Council may serve a Compliance Notice requesting information from the landlord to decide whether that landlord has in fact breached the prohibition.

The Council will impose a financial penalty at the maximum level permitted by the Regulations and will also impose the publication penalty, where satisfied that the landlord is, or has been in the last 18 months:

- in breach of the prohibition on letting sub-standard property (which may include continuing to let the property after April 2020), or
- in breach of the requirement to comply with a Compliance Notice, or
- has uploaded false or misleading information to the Exemptions Register.

The maximum penalties are currently as follows:

- £2,000 for renting out a sub-standard property for less than 3 months.
- £4,000 for renting out a sub-standard property for 3 months or more.
- £1,000 for providing false or misleading information on the PRS Exemptions Register
- £2,000 for failing to comply with a compliance notice.

Where penalties are imposed under more than one of the above, the total penalty may not exceed £5,000. This applies per property and per breach.

The Council will impose the maximum penalty for each of the breaches.

A publication penalty means that some details of the landlord's breach will be published on a publicly accessible part of the PRS Exemptions Register, where it will be available to view for 12 months.

As a penalty may be served up to 18 months after the suspected breach, a person may be served with a penalty notice after they have ceased to be the landlord of a property.

## Appendix D:

### Example of a Decision Log & Action Plan

<b>Decision Reference:</b>					
<b>Alleged offender</b>		<b>Offence and Legislation</b>			
Name:					
Address:					
<b>Corporate Priority:</b>					
<b>Priority Evaluation</b>	<b>Y</b>	<b>N</b>		<b>Y</b>	<b>N</b>
Public safety – protecting our community/removing dangers to life			Immediate & significant environmental harm or nuisance		
Significant financial loss to council			Significant impact on delivery of overall priorities		
Statutory duty/national enforcement priority			Significant reputational loss		
<b>Outline of Circumstances and Decision / Advice Sought</b>					

<b>Evidential / Public Interest Criteria</b>	<b>Y</b>	<b>N</b>		<b>Y</b>	<b>N</b>
Sufficient evidence to prosecute			Offer of caution rejected by offender		
Previous advice / warning given			Court likely to impose nominal penalty		
Any previous conviction(s) / caution(s)			Evidence of recklessness or negligence		
Was there risk to public health & safety			Long (unjustifiable) delay since offence		
Was there risk or danger to environment			Other sanctions available		
(Actual / potential) financial loss incurred			Previous suggestion of no prosecution		
Oversight/ignorance of the law			Victim content for no prosecution		
Has offender been co-operative			Officer obstructed		
Is offender young, elderly, or vulnerable			(Actual/potential) gain to the offender		
Is there a 'vulnerable' victim			Failure to comply with a statutory notice		
A 'technical' offence			Evidence of 'intent' or 'guilty knowledge'		
Widespread publicity about type of offence			Long term/recurrent offending		
Investigating Officer:			Team Leader/ Manager		Consulted Y / N
<b>Signed:</b>			<b>Date:</b>		

<b>Financial and Reputational Costs and Benefits</b>

<b>Decision / Advice</b>		
<b>Decision Summary:</b>		
Prosecution		Further investigation needed
Injunction		No Further Action – Public Interest
Simple Caution		No Further Action – Priority Area
Bankruptcy		No Further Action - Evidential
Eviction		Other (specify)
Reprimand/Final Warning		
Further legal advice needed		
<i>Action Plan</i>		
<b>Further Action Agreed</b>		<b>Action Date By</b>
1.		
2.		
3.		
4.		
<b>Service Manager:</b>		<b>Signed</b>
		<b>Date</b>

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## Housing Overview and Scrutiny Committee

Thursday, 2 October 2025

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

### New Build and Acquisition Update

#### Report Author

Debbie Roberts, Head of Corporate Projects, Policy and Performance

 [Debbie.Roberts@southkesteven.gov.uk](mailto:Debbie.Roberts@southkesteven.gov.uk)

#### Purpose of Report

To provide the Committee with an update on the new build and acquisitions pipeline.

#### Recommendations

**The Committee is recommended to note the content of this report.**

#### Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Housing

Which wards are impacted? (All Wards);

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The 2025/26 HRA Capital Programme includes a budget for Housing Development investment, this budget will also be utilised to fund strategic acquisitions.
- 1.2 It is important that the HRA has a continual housing growth strategy, which is designed to offset the rental loss from properties sold through to Right to Buy. Without new rental streams offsetting those lost, the sustainability of the HRA would be eroded.

*Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer*

### ***Legal and Governance***

- 1.3 Regular reporting on agreed actions and measures is to be welcomed from a governance point of view, as it provides a transparent mechanism for reporting on performance.

*Completed by: James Welbourn, Democratic Services Manager*

### ***Risk and Mitigation***

- 1.4 No significant risks have been identified.

## 2. Background to the Report

- 2.1. The purpose of this report is to provide the Committee with an update regarding the new build housing pipeline and purchases using capital receipts.
- 2.2. The approved Corporate Plan 2024-2027 clearly sets out how South Kesteven District Council intends to meet the mission "to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations."

2.3. The Corporate Plan, Priority 4 identifies 'Housing' as a key priority with high quality housing essential for all, and the council is committed to working with partners to provide this by:

- Facilitating a range of appropriate and sustainable housing and community facilities for future generations and the emerging needs of all our communities.
- Delivering exemplary and high-quality services for housing and homelessness.
- Increasing the supply of sustainable and high-quality Council-provided housing.
- Working with developers and private landlords to ensure sustainable, affordable, and high-quality housing is facilitated.

2.4. There are several schemes within the district that are at various stages of the pipeline, an update on each one is as follows:

## **2.5 Apartments 1-20 Knapp House, Swinegate, Grantham**

2.5.1 The scheme is due to be handed over on the 22 September 2025 to the Council from Lindum.

2.5.2 The focus during last month was connecting the electric and commissioning all of the apartments. East Midlands Building Control have been to site ahead of the handover of the properties to undertake their inspection.

2.5.3 The 20 apartments comprise of 8 x 2 beds apartments and 12 x 1 beds apartments, the housing team have visited the development to understand the layout of the building ahead of starting the allocation process.

2.5.4 Watergate car park will close from the 29 September 2025 for one week to resurface the area where the site cabins have been placed and to mark out the new spaces.

2.5.5 A formal opening will be arranged for during October 2025 to mark the significance of the completion of these units which commenced in 2023. There have been challenges with the development including it being in a conservation area, demolition of the former shop due to structural issues and connection of the utilities into roads and footpaths.

2.5.6 A scheme has been shortlisted by the Inside Housing awards for the Best Development under £5m category showing the forward thinking of the council to facilitate underused car parking spaces to regenerate and build much needed housing in the centre of town. The awards ceremony is the 25<sup>th</sup> November 2025 where the winners will be revealed, the committee will be informed of the outcome.

### 2.5.7 Photos of the development can be seen below.



## Cycle store

## Flat 8 kitchen

### *External signage to the building*

## 2.6 Wellington Way, Market Deeping

2.6.1 Cabinet approved the contract award to Lindums at their meeting on the 9 September 2025 for £1.9m for the construction of 11 units.

2.6.2 The contract is currently being finalised between the Council and Lindums ahead of the start of the works commencing in November 2025. The 11 units are due to be completed in September 2026.

2.6.3 The scheme will provide 11 affordable dwellings which will comprise of 5 x 2-bed houses, 4 x 2-bed flats and 2 x 1-bed flats, which will include a mix of terrace, semi-detached houses, as well as 3 apartment blocks. Proposed elevations of the development are below.



## 2.7 Larch Close, Grantham

- 2.7.1 The 21-unit scheme was originally granted planning permission on 8 November 2023 and has been subject to several amendments.
- 2.7.2 The new scheme has changed the two 4-bedroom properties for bungalows due to a high need for adapted properties. Due to the positioning of the drainage the apartments at the bottom of the site have been moved forward and the communal garden has been moved to the rear of the apartments rather than the side.
- 2.7.3 Mercer Building Solutions started on site on the 15 September 2025; works are expected to be completed in December 2026.
- 2.7.4 The site layout has been approved by the Local Planning Authority as the below: -



## 2.8 Other Schemes

- 2.8.1 Toller Court, Horbling – the demolition of the community facility to build 3 bungalows has been submitted to the Local Planning Authority. The decision is due to be determined in November 2026 with the procurement being twin tracked. Subject to Planning Permission being granted it is expected that a contract award will be on the Cabinet agenda for January 2026.
- 2.8.2 Kesteven Rd, Stamford – there will need to be a public consultation regarding the proposals for the site which will be arranged before a decision can be made to submit a planning application.

## 3. Key Considerations

- 3.1. As part of the Council's hybrid approach to the housing pipeline a number of properties in the district are currently being valued and inspected with a potential to acquire them.

## **4. Other Options Considered**

- 4.1 The Council is also disposing of 12 empty houses at Lumbys Terrace in Stamford. The first open house took place on the 12 September 2025, the second on the 19 September 2025. Any offers will be considered after the second open house event.
- 4.2 There has been significant interest in the Grade II listed, one bed roomed properties which all require modernisation.
- 4.3 The properties are being advertised with a guide price of £195,000 per house and the income from the sales will be reinvested into replacement affordable housing.

## **5. Reasons for the Recommendations**

- 5.1. The Council needs to have a hybrid approach to purchasing and building its affordable housing to meet the needs of our residents.
- 5.2. This regular report is to provide an update on the pipeline for the committee to scrutinise.

## **6. Consultation**

- 6.1 There are discussions with the relevant ward members prior to any new build schemes being submitted for planning and as part of the planning determination process there is consultation with wider public including any town/parish councils alongside statutory consultees.
- 6.2 The Cabinet Member for Housing is kept informed on the progress of the pipeline.



## Housing Overview and Scrutiny Committee

Thursday, 2 October 2025

Report of Councillor Virginia Moran  
Cabinet Member for Housing

### Homelessness and Rough Sleeper update

#### Report Author

Sarah McQueen, Head of Service (Housing Options)

 [sarah.mcqueen@southkesteven.gov.uk](mailto:sarah.mcqueen@southkesteven.gov.uk)

#### Purpose of Report

To update the committee on the status and recent activity in our Homelessness and Rough Sleeper services

#### Recommendations

- 1. The Committee is recommended to note the latest position of the Homelessness and Rough Sleeper services**

#### Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Housing  
Effective council

Which wards are impacted? All

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no direct financial implications arising from this report but it should be noted that to fund Local Council's homelessness services, Central government distribute a Homelessness Prevention Grant. The Council's funding allocation is £753,955 which is a 27% increase from last year's allocation of £592,433. Details of all allocations can be found here: [Homelessness Prevention Grant allocations: 2025 to 2026 - GOV.UK](#)
- 1.2 A further £646,348 for Rough Sleeper Prevention and Recovery Grant has also been received which funds the Change4Lincs team. Details of all allocations can be found here: [Rough Sleeping Prevention and Recovery Grant allocations 2025 to 2026 - GOV.UK](#)

*Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer*

### ***Legal and Governance***

- 1.2 This is an update report for noting, there are no known governance implications

*Completed by: Alison Hall-Wright, Deputy Monitoring Officer*

## 2. Background to the Report

- 2.1. It was agreed by the Housing Overview and Scrutiny Committee that there will be a standing agenda item updating the committee on Homelessness and Rough Sleeper services. This report will give an overview of the recent work and status of both teams as well as some key updates in specific areas of interest.

## 3. Key Considerations

### 3.1. Rough Sleeper Initiative

- 3.2. As previously reported, SKDC's Rough Sleeper initiative is delivered via the Change 4 Lincs (C4L) team which covers four local authority areas: South Kesteven District Council, North Kesteven District Council, West Lindsey District Council and South Holland District Council
- 3.3. The team is hosted by South Kesteven District Council and was created by each district council contributing their Rough Sleeper Initiative funding.
- 3.4. The team consists of seven team members who provide an outreach service, support service and access into the private rented sector. The team is managed by the Council's Homelessness and Rough Sleeper Manager and managers from the other three districts also provide support to help shape the service.
- 3.5. A new outreach worker has recently been recruited and starts on 4 October 2025. This person will cover the areas of South Holland and South Kesteven.
- 3.6. Most recently the Rough Sleeping Team Leader for the South and East Lincolnshire Councils Partnership has been supporting the oversight of the outreach team to ensure their working practices align with those of the wider districts.
- 3.7. Table 1 details the C4L case numbers as of 17 September 2025.

**Table 1 – C4L Case Numbers**

District	Number In Temporary Accommodation	Number of Open Cases
South Kesteven	1	12
North Kesteven	2	4
West Lindsey	4	12
South Holland	2	15

- 3.8. The number of people in accommodation is low compared to the number of people being supported. This could be because the people being supported are already in accommodation and require support to maintain it, or they have refused the offer of temporary accommodation.
- 3.9. Those who are placed in temporary accommodation must engage with the intensive support that is available to them, or their placement will come to an end.

### **3.10. Rough sleeping in Grantham**

- 3.11. Earlier in the year, there was an increase in the visibility of rough sleepers across parks and green spaces in Grantham, with several individuals setting up tents in these areas. Through the continued work of the Housing Options service and partner agencies, many of these individuals have since moved into accommodation placements. As of 17 September 2025 the team are not aware of anyone who is currently sleeping in a tent.

- 3.12. Rough sleeping is often complex and entrenched, with many individuals facing multiple and overlapping challenges such as mental health issues, substance dependency, and a history of trauma.
- 3.13. As of 17 September 2025 there are 4 individuals rough sleeping in SKDC that the team are aware of. All of whom are known to the team and have been offered accommodation at various points in the past. The team continue to engage with these individuals and will continue to explore all housing options.
- 3.14. The Council is also operating a supported accommodation model, where a House in Multiple Occupation (HMO) is being utilised for those who have been rough sleeping, providing them with a temporary accommodation placement and support with the aim of moving them into more permanent accommodation.

### **3.15. Homelessness update**

- 3.16. The Housing Options team provide the Council's statutory homeless function. The team consists of four Housing Options Assistants, six Housing Options officers, a Senior Housing Options Officer and a Homelessness and Rough Sleeper Manager.
- 3.17. A new Temporary Accommodation Officer role has been established to support individuals and families residing in temporary accommodation, with a focus on assisting those who require guidance in securing more permanent housing solutions.
- 3.18. Table 2 provides details of the homelessness case figures for the last three months:

**Table 2 – Homelessness Case Figures**

	June 25	July 25	August 25
Number of active Homelessness cases	243	223	247
Number of new approaches	161	151	166
Number in temporary accommodation	60	65	70
Of which – nightly paid	19	18	20
Of which – our stock	41	47	49

- 3.19. It is important to note that not every homelessness case results in a need for temporary accommodation. The Housing Options team works closely with households at risk of homelessness to prevent it wherever possible, helping reduce the demand for temporary placements.

- 3.20. To support the reduction of nightly paid placements, the Council has secured access to an HMO in Grantham through a partner agency. This accommodation is now being fully utilised and has proven effective in helping meet temporary housing needs for individuals for whom other options are unsuitable.

### **3.21. Night shelter**

- 3.22. Discussions have continued with partner organisations to re-open this provision in the Winter months.
- 3.23. At present the location of this provision is being explored and has not yet been finalised.
- 3.24. Although there was an increase in Rough Sleeping during the summer months, it was identified that a low number of people would have accepted the offer of a night shelter.
- 3.25. It is suspected that this was due to the good weather and individuals preferring to stay in tents.
- 3.26. This perception is likely to change once temperatures drop so these options will continue to be explored.

### **3.27. Resettlement pressures**

- 3.28. Officers have been working in close collaboration with partners from the Strategic Migration Partnership and East Midlands Councils to fulfil our obligations under the National Resettlement Scheme. This scheme is a pathway for refugees in vulnerable situations from around the world.
- 3.29. Across SKDC, Serco manages 39 properties for resettlement purposes. This includes 2 self-contained properties and 37 Houses in Multiple Occupation (HMOs), collectively providing 166 bedspaces, 134 of which are currently occupied.
- 3.30. The council is now receiving funding to help address resettlement pressures. Various options are currently being explored to determine the most effective use of these resources.
- 3.31. A resettlement support officer post has been created within the Housing Options team and has been recruited to. This is to assist with the expected impact on the

demand for this service. This will be reviewed and other options considered should the demand continue to grow.

#### **4. Other Options Considered**

- 4.1 This report is for noting

#### **5. Reasons for the Recommendations**

- 5.1. This report is for noting



Thursday, 2 October 2025

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Garage Sites Update Report

### Report Author

Suniel Pillai, New Build Project Officer

 [suniel.pillai@southkesteven.gov.uk](mailto:suniel.pillai@southkesteven.gov.uk)

### Purpose of Report

To provide an update to the committee on South Kesteven District Councils garage site stock condition survey

### Recommendations

**The Committee is recommended to note this report and support the next steps proposed.**

### Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Housing

Which wards are impacted? (All Wards);

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The HRA has a feasibility revenue amount of £50,000 for this financial year to support the development of potential housing sites including surveys etc.
- 1.2 Consult with Richard Wyles or David Scott (Do not delete)

*Completed by: (insert name and job title)*

### ***Procurement***

- 1.3 The Asset Management Framework is a compliant route to appoint Edge PS to undertake these works.

*Completed by: Helen Baldwin (Procurement Lead)*

### ***Legal and Governance***

- 1.4 There are no legal or governance issues with this report.

*Completed by: James Welbourn, Democratic Services Manager*

## 2. Background to the Report

- 2.1 The purpose of this report is to provide the Committee with an update regarding the garage sites and the steps involved to exploring those that could be used to provide much needed homes as part of the new build housing pipeline.
- 2.2 The approved Corporate Plan 2024-27 clearly sets out how South Kesteven District Council intends to meet the mission *"to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations."*
- 2.3 The Corporate Plan, Priority 4 identifies '*Housing*' as a key priority with high quality housing essential for all, and the council is committed to working with partners to provide this by:

- Facilitating a range of appropriate and sustainable housing and community facilities for future generations and the emerging needs of all our communities.
- Delivering exemplary and high-quality services for housing and homelessness.
- Increasing the supply of sustainable and high-quality Council-provided housing.
- Working with developers and private landlords to ensure sustainable, affordable, and high-quality housing is facilitated.

2.4 The variety of garage buildings present several challenges and opportunities to the authority in terms of repair, maintenance and management to possible site redevelopment or land sale. The district contains a total of 830 individual garage units.

2.5 Edge PS, a supplier on the Asset Management Framework has provide an in-depth quote to provide the council with a full stock condition survey of all garage sites at a cost of £38k

2.6 A bid has been formally submitted to Homes England for the Council Housebuilding Support Fund for funding to contribute towards the cost of the stock condition survey and the feasibility work for sites identified as potential development opportunities. If the bid is not successful, the Council has an allocated budget of £50k which will be used to fund the cost of the stock condition survey.

2.7 The Council Housebuilding Support Fund is designed to provide support for councils looking to:
 

- increase the number of homes they directly deliver
- establish and expand delivery partnerships and joint ventures with registered providers or developers
- develop and expand their wider pipeline of development opportunities

2.8 The Council's garage stock plays a crucial role in achieving broader community goals. Underutilised garage sites represent potential opportunities for new housing developments, addressing the need for affordable housing in the district. Conversely, sites in poor condition can become eyesores, attract anti-social behavior, and negatively impact the surrounding areas. Results from an in-depth stock condition survey will aid in the management of these sites to maintain community standards and support the Council's housing strategy.

2.9 Edge PS will work alongside representatives from Repairs, Technical Services and Housing & Economic Development to ensure that all perspectives on the future use of these sites are considered.

### **3. Key Considerations**

- 3.1. It is recommended that Housing Overview and Scrutiny Committee note the information in this report for and support the commencement of the Garage Site Stock Condition Survey.

### **4. Reasons for the Recommendations**

- 4.1 To ensure that the committee is kept updated regarding the progress of the garage stock condition survey.



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

## Housing Overview and Scrutiny Committee

Thursday, 2 October 2025

Report of Councillor Virginia Moran  
Cabinet Member for Housing

## Tenant Satisfaction Measures Survey

### Report Author

Alison Hall-Wright, Director of Housing and Projects (Deputy Monitoring Officer)

 Alison.Hall-Wright@southkesteven.gov.uk

### Purpose of Report

To update the Housing Overview and Scrutiny Committee with the results from the first wave of Tenant Satisfaction Measures Surveys

### Recommendations

#### The Committee is recommended to:

1. Note the results from the first wave of Tenant Satisfaction Measures Surveys

### Decision Information

Does the report contain any exempt or confidential information not for publication? N (*If yes please specify the relevant exemption paragraph*)

What are the relevant corporate priorities? Housing  
*(delete as appropriate)*

Which wards are impacted? (All Wards);

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

1.1 There are no financial implications associated with this report.

*Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer*

### ***Legal and Governance***

1.2 There are no significant legal or governance implications associated with this report.

*Completed by: Alison Hall-Wright, Deputy Monitoring Officer*

## 2. Background to the Report

- 2.1. The Tenant Satisfaction Measures (TSM) Survey is a mandatory requirement placed on Social Landlords by the Regulator of Social Housing (the Regulator) to comply with the Transparency, Influence and Accountability Standard of the Social Housing Regulation Act (2023). The results of the survey are submitted annually to the Regulator who publish an annual report which analyses the results for social landlords with 1,000 or more homes.
- 2.2. In previous years the Council has undertaken the survey annually, however, for 2025/26, the Council made the decision to conduct the surveys in two waves as this would allow the Council to monitor whether the improvements being implemented are having a positive impact.
- 2.3. The TSM survey allows tenants to scrutinise the Council's performance, provides information on where services could be improved and provides information to the Regulator regarding how far the Council is meeting the outcomes of the new consumer standards.
- 2.4. The survey was undertaken by Acuity on behalf of the Council, the survey includes 12 mandatory questions which ensures that the Regulator has consistent data from all landlords to undertake benchmarking. The methods used for collecting data was via online and telephone surveys which were undertaken with a representative sample of tenants.

2.5. A target was set to complete 275 surveys with 20% online and 80% by telephone interview. At the close of the survey, 275 completed responses were received alongside a further 16 incomplete responses. Of the completed responses, 57% were online and 218 by telephone, resulting in a 21%/79% split.

2.6. The results from the survey are presented in Table 1 which provides a comparison of the results received for 2024/25 and for the first tranche of surveys in 2025/26. The 12 mandatory questions are labelled TP01 to TP012 in Table 1.

**Table 1: Comparison of TSM results received for 2024/25 and for the first tranche of surveys in 2025/26**

Measure	2025/26	2024/25	Difference
<b>Overall Service</b>			
Proportion of respondents who report that they are satisfied with the service provided by their landlord (TP01)	66%	61%	+5%
<b>The Home and Communal Areas</b>			
Proportion of respondents who report that they are satisfied that their landlord provides a home that is well maintained (TP04)	66%	59%	+7%
Proportion of respondents who report that they are satisfied that their landlord provides a home that is safe (TP05)	77%	69%	+8%
Proportion of respondents who report that they are satisfied that their landlord keeps communal areas clean and well maintained (TP10)	77%	65%	+12%
<b>Repairs and Maintenance</b>			
Proportion of tenants who are satisfied with the way the landlord deals with repairs and maintenance generally	64%	50%	+14%
Proportion of respondents who report that they are satisfied with the overall repairs service from their landlord over the last 12 months (TP02)	79%	66%	+13%
Proportion of respondents who report that they are satisfied with the time taken to complete their most recent repair after they reported it (TP03)	71%	52%	+19%
<b>The Neighbourhood</b>			
Proportion of respondents who report that they are satisfied that their landlord makes a positive contribution to their neighbourhood (TP11)	61%	59%	+2%

Proportion of respondents who report that they are satisfied with their landlord's approach to handling anti-social behaviour (TP12)	47%	58%	-11%
<b>Communications and Resident Engagement</b>			
Proportion of respondents who report that they are satisfied that their landlord listens to their views and acts upon them (TP06)	59%	49%	+10%
Proportion of respondents who report that they are satisfied that their landlord keeps them informed about things that matter to them (TP07)	59%	59%	0%
Proportion of respondents who report that they are satisfied that their landlord treats them fairly and with respect (TP08)	75%	68%	+7%
Proportion of respondents who report that they are satisfied that their landlord is easy to deal with	68%	61%	+7%
Proportion of respondents who report that they are satisfied with their landlord's approach to complaints handling (TP09)	28%	36%	-8%
<b>Recommending South Kesteven District Council</b>			
Proportion of respondents who would recommend the landlords Housing Service to other people	37%	34%	+3%

2.7. Table 1 shows that there has been positive movement on all of the results except for TP07 which has remained the same and TP12 and TP09 where the scores have reduced.

2.8. As this is the first year the Council has undertaken the survey in two waves it is difficult to compare these results with the annual survey results as Acuity have identified when undertaking surveys in a number of waves for other landlords, customer satisfaction can fluctuate throughout the year. The comparison with 2024/25 will be more accurate after the second wave of surveys has been completed however there have been some excellent improvement in results.

2.9. Further details regarding the surveys results for TP12 and TP09 are as follows:

- TP12 – 107 of the tenants surveyed stated they were dissatisfied with the Council's approach to ASB but the survey does not ask how many of the people being surveyed have experienced ASB. The Council currently has 31 open ASB cases which does not correlate with the number of dissatisfied

tenants. When the second wave of surveys is undertaken the Council will request that Acuity ask how whether people have experienced ASB in the last 12 months as this should provide a clearer position regarding the level of dissatisfaction compared with the reports of ASB

- TP09 – one fifth of the tenants surveyed stated they had submitted a complaint to the Council in the last 12 months and 60% of these tenants were disappointed with the complaints handling, but the survey does not identify how many of these were genuine complaints following a failure of service or service requests which were yet to be actioned. It is disappointing this score has reduced as the Housing team has spent a significant amount of time in improving the complaints service and ensuring that all complaints are now responded to on time. There has also been a reduction in the number of complaints escalated to stage 2 of the complaints process so the Council would have expected this score to increase.

2.10. As the Committee is aware the Housing Team are committed to ensuring improvements are delivered across the service area and Acuity has recommended areas which should be focus on. These are detailed in Table 2 along with the action the Council is already taking.

**Table 2: Acuity recommendations and actions which are being taken**

<b>Recommendation</b>	<b>Action</b>
Responsiveness to non-urgent repairs and the quality of work by some repair staff	On 9 September 2025 Cabinet approved the award of contracts to Foster Property Maintenance Limited and Lukeman Electrical Services Limited to undertake responsive repairs to Council owned dwellings which will increase capacity for the completion of repairs. The Council are currently implementing post inspections of completed works which will review the quality of work undertaken, the target for 2025/26 is 10% post inspections.
Communication regarding the progress of resolving reported issues	The Council will review how it can ensure that tenants are kept updated following issues being reported.

### **3. Key Considerations**

3.1. That the Housing Overview and Scrutiny Committee reviews the results of the TSM survey detailed in Table 1 and the actions the Housing team are taking to address the recommendations provided by Acuity as detailed in Table 2.

#### **4. Reasons for the Recommendations**

- 4.1 This report is provided to ensure that the Housing Overview and Scrutiny Committee is updated with the results of the TSM survey.

# Housing Overview and Scrutiny Work Programme 2025/26

Item	Lead Officer	Requirements	Notes
<b>Thursday 2 October 2025</b>			
1. <b>Build and Acquisitions update</b>	Debbie Roberts/ Suniel Pillai	Regular update	To provide the Committee with an update on the new build and acquisition pipeline
2. <b>Homelessness and Rough Sleeper update</b>	Sarah McQueen	Regular update	To update the Committee on the status and recent activity in respect of Homelessness and Rough Sleeper Services
3. <b>Garage Sites and their Development</b>	Suniel Pillai	Regular update	Action Plan requested 19 September 2024 meeting
4. <b>Housing Service Performance</b> - to include Capital Programme Performance, Decarbonisation, Repairs update, Compliance/compartmentalisation update, fire risk assessment actions	Alison Hall-Wright Sarah McQueen Mark Rogers Phil Swinton	Regular update	Housing Service Performance reporting to be a regular item on the agenda
5. <b>Corporate Enforcement Policy</b>	Ayeisha Kirkham	To provide a new draft Corporate Enforcement Policy for consideration	Policy also going to Environment OSC and Rural and Communities OSC
6. <b>Update on the Independent Review of Sheltered Housing – Service Charges</b>	Alison Hall-Wright	Verbal Update	Report to 4 December 2025
7. <b>TSM Survey Report</b>	Alison Hall-Wright	To update the Committee on the results from the survey	

Item	Date of Committee	Requirements	Notes
<b>Future Items</b>			
96	<p><b>Following items for each agenda:</b></p> <ul style="list-style-type: none"> <li><b>New Build and Acquisitions update</b></li> <li><b>Homelessness and Rough Sleeper update</b></li> <li><b>Housing Service Performance update – to include</b> Capital Programme Performance, Decarbonisation, Repairs update, Compliance/compartmentalisation update, fire risk assessment actions</li> </ul>	<i>4 December</i> <i>3 February 2026</i> <i>26 March 2026</i>	Regular reports to Committee
	<b>Voice of the Tenant Strategy</b>	<i>4 December</i>	Report to Committee on progress
	<b>Corporate Plan 2024-27 – Key Performance Indicators (Q2) Report (Q4) Report</b>	<i>4 December</i> <i>3 February 2026</i> <i>June 2026</i>	Corporate Plan KPI reporting for Housing
	<b>Allocations Policy Review</b>	<i>4 December</i>	Policy review to Committee late 2025
	<b>Housing Strategy Update</b>	<i>4 December</i>	Update following consultation and workshop held on 1 September 2025
	<b>Repairs Service</b>	-	Report now part of the Housing Service Performance update
	<b>Choice Based Lettings Update</b>	<i>June 2026</i>	Update