

**Sandwell**  
Metropolitan Borough Council

**Safer Neighbourhoods  
and Active Communities  
Scrutiny Board**

**Thursday 30 January, 2020 at 5.45pm in  
Committee Room 1  
at the Sandwell Council House, Oldbury**

**Agenda**

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare:-
  - (a) any interest in matters to be discussed at the meeting;
  - (b) the existence and nature of any political Party Whip on any matter to be considered at the meeting.
3. To confirm the minutes of the meeting held on 21 November, 2019 as a correct record.
4. Tenant Engagement and Participation.
5. Houses in Multiple Occupation.
6. Sandwell Green Space Strategy.
7. For Information - Cabinet Forward Plan.

**D Stevens**  
**Chief Executive**

Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution:**

Councillors Moore (Chair);

Councillor P M Hughes (Vice-Chair);

Councillors Akhter, Bawa, Bostan, Edwards, M Gill, S Jones, Padda, Sandars and M Yaseen.

Co-opted Member:-

Mr J Cash

**Agenda prepared by Alex Goddard  
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## **Safer Neighbourhoods and Active Communities Scrutiny Board**

### **Apologies for Absence**

The Board will receive any apologies for absence from the members of the Board.

## **Safer Neighbourhoods and Active Communities Scrutiny Board**

### **Declaration of Interests**

Members to declare:-

- (a) any interest in matters to be discussed at the meeting;
- (b) the existence and nature of any political Party Whip on any matter to be considered at the meeting.

**Minutes of the Safer Neighbourhoods and Active Communities  
Scrutiny Board**

**21<sup>st</sup> November, 2019 at 5.45 pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Moore (Chair);  
Councillors Bostan and M Gill;  
Mr J Cash (Co-opted member).

**Apologies:** Councillors Edwards, P M Hughes, Padda and Sandars.

**In attendance:** Councillor Hadley (Cabinet Member for Homes);  
Alan Caddick (Director – Housing and  
Communities);  
Mark Satchwell (Service Manager - Registration).

15/19 **Minutes**

**Resolved** that the minutes of the meeting held on 3<sup>rd</sup> October, 2019 be approved as a correct record.

16/19 **Discussion with Cabinet Member for Homes**

The Scrutiny Board received a presentation from the Cabinet Member for Homes on current and future key areas of work within her portfolio.

The Homes portfolio included:-

- Strategic Housing Policy;
- Social Housing;
- Private rented sector rented accommodation;
- Homelessness.

Key areas of work currently being undertaken within the portfolio included:-

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- the development of strategies including Housing Strategy and Rough Sleeping Strategy;
- review of the Housing Allocations Policy;
- review of the Tenancy Agreement for Council tenancies;
- Council House New Build Programme – over 300 new units completed, with another 300 plus units to be developed;
- considering options for building new homes using modern methods of construction (known as off-site manufacture);
- the development of a new housing delivery vehicle option;
- continuing improvement programmes to the Council's existing housing stock;
- major refurbishment of Alfred Gunn House, Oldbury;
- review of the Housing Management Service;
- implementation of mandatory House in Multiple Occupation licensing in West Bromwich;
- co-ordination of the consultation approach for Select Licensing for the Private Rented Sector;
- on-going work to review the Council's approach to the use of Temporary Accommodation;
- Housing First pilot; implemented by Accord Housing on behalf of the Council.

From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

- following the Grenfell Tower fire, the Council had inspected all of its high-rise tower blocks. Four blocks were found to have decorative elements that needed to be removed, this work had been done with elements replaced with alternative materials;
- the Council would need to consider the findings and recommendations of the Independent Review of Building Regulations and Fire Safety (known as the Hackitt Review). This would require engagement with tenants, which the Tenant Review Panel could assist with;
- the Housing First pilot was funded by the West Midlands Combined Authority. In Sandwell the funding was for 55 tenancies over a period of three years. These tenancies included support elements to enable tenancies to be maintained successfully;

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- one fifth of new council housing built in England in 2018-19 was built by Sandwell. Over 300 new units had been completed, with over 300 more units to be developed;
- age restrictions on certain Council housing units would be considered as part of the Housing Allocations Review, which was scheduled for consideration by the Board at a future meeting;
- the Council had various mechanisms and tools available to it to deal with long-term empty properties. The Board requested that further information on this matter when it considers Private Sector Housing related topics at a future meeting.

The representative of the Tenant Review Panel extended an invitation to the Cabinet Member for Homes to attend a meeting of the Panel.

The Scrutiny Board thanked the Cabinet Member for attending the meeting.

**Resolved** that a report on Private Sector Housing be brought to a future meeting of the Safer Neighbourhoods and Active Communities Scrutiny Board, with the relevant Cabinet Member(s) to be invited to participate in the discussion.

### **17/19 Impact of burials of non-Sandwell residents in the borough**

Further to Minute No. 2/19 (21<sup>st</sup> February, 2019) the Service Manager – Registration provided the Board with a report on the burial of non-Sandwell residents in Sandwell cemeteries, including analysis of the impact that would be caused if the fees were changed.

It was reported that in 2018 17% of all burials in Sandwell were of non-residents of the borough. There were many reasons for people to choose to bury their deceased loved ones in Sandwell, including local connections and family tradition.

Currently the surcharge applied to burials of non-residents was 15%. This had been set to ensure that Sandwell was competitive when compared locally. Changing the level of surcharge applied could impact on numbers of burials in the borough, which would weaken

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the ability of the Council to predict demand for burial spaces and the associated income.

From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

- income generated from people choosing to use Sandwell's burial and cremation services allowed for those services to be invested in, including options to deliver solutions to burial capacity issues in both West Bromwich and Rowley Regis which were currently being explored;
- nationally there was a decline in the number of families choosing burial, however due to a variety of cultural or religious factors the demand for burial was unlikely to ever subside completely;

**Resolved:-**

- (1) that the Director – Law and Governance be recommended to consider retaining a 15% surcharge for burials of non-residents in order to maintain certainty in terms of current burial capacity and income generated;
- (2) that the thanks of the Safer Neighbourhoods and Active Communities Scrutiny Board be placed on record for the work of Registration and Bereavement Services.

(Meeting ended at 7.01 pm)

Contact Officer: Alex Goddard Democratic Services Unit 0121 569 3178
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**REPORT TO**

**SAFER NEIGHBOURHOODS AND  
ACTIVE COMMUNITIES SCRUTINY BOARD**

**30 January 2020**

<b>Subject:</b>	Tenant Engagement and Participation
<b>Cabinet Portfolio:</b>	Cabinet Member for Homes Councillor Hadley
<b>Director:</b>	Director – Housing and Communities Alan Caddick
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Manny Sehmbi Business Manager – Community Partnerships

**DECISION RECOMMENDATIONS**

**That the Scrutiny Board:**

1. consider the update on the review of Tenant Engagement and Participation.
2. consider if it wishes to nominate a member to be part of the working group on tenant engagement and participation.

**1 PURPOSE OF THE REPORT**

- 1.1 To provide the Safer Neighbourhoods and Active Communities Scrutiny Board with an update on the review of Tenant Engagement and Participation.

**2 IMPLICATIONS FOR VISION 2030**

- 2.1 The review of Tenant Engagement and Participation will support a number of the ambitions of Vision 2030 including:-

Ambition 1 – Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.

Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 – Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people’s lives and communities.

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

3.1 In considering the 2018 Green Paper, A New Deal for Social Housing and the responses to the Grenfell Fire and report from Dame Hackitt (May 2018), it is seen as an opportunity to review the Tenant Engagement structure within Sandwell. This report outlines the current structures along with opportunities and suggestions to improve this and have a more effective engagement model.

### **4 THE CURRENT POSITION**

4.1 In August 2018 the Government published a Green Paper, A New Deal for Social Housing which requires landlords to give tenants a meaningful voice, increase opportunities for tenants to get involved. It also identifies the need to tackle the stigma felt by social housing residents and promoting the good work many do within the wider community. The paper emphasises ‘A Vision which values and respects the voices of residents, with landlords treating them with decency and respect...’

4.2 In May 2018 Dame Judith Hackett published a report into building regulation and fire safety, and one of the key recommendations covers the need to reassert the role and voice of residents ensuring residents have access to key information about their building and its safety measures. Hence the empowerment of tenants and their involvement of such developments is key.

4.3 The Council have developed the Vision 2030 which impacts on communities and residents of Sandwell and supports the need to engage and empower tenants and residents within their community.

4.4 In addition, there are Regulatory Standards (<https://www.gov.uk/guidance/regulatory-standards>) which outline specific expectations and outcomes that providers are expected to achieve. Providers’ boards and local authorities are responsible for meeting the relevant standards and determining how this is done. The Regulatory

Framework encompasses a tenant involvement standard which was last updated in 2017 post Grenfell to reflect the need to be responsive to complaints.

- 4.5 All the above reinforces the need to continue to support and develop tenant involvement and participation and strengthen the tenants voice within the Council and wider neighbourhoods. As well as a statutory reason for the review, through the Regulatory Standards which also recommends a review is undertaken every 3 years.

### **Current Structures to Support Tenants' Voice**

- 4.6 The Council has a Tenant Complaints Panel. This group forms part of the Council's complaints procedure, which provides the opportunity for tenants who make an appeal and to be given the option to be heard by a group of their peers.
- 4.7 SCIPS (Sandwell Community Information and Participation Service) plays an important role in supporting tenants in Sandwell, to be involved and to influence decisions affecting their homes and neighbourhoods. The Council have renewed the grant agreement for a further 3 years, taking the agreement to the 31st March 2023.
- 4.8 The Council supports the Tenant Review Panel (TRP), which is made up of tenants and a leaseholder, with a role to support service improvement and to scrutinise elements of housing services. A representative of this group sits on the councils Safer Neighbourhoods and Active Communities Scrutiny Board.
- 4.9 The TRP is made up of 9 tenants and 1 leaseholder but currently has 4 vacancies and has been the case for some considerable time. The role of the group is to work on behalf of tenants and leaseholders to drive forward continuous improvement in the delivery of the Council's Housing Services, through providing challenge and scrutiny of services.

### **Rationale for Review**

- 4.10 The TRP has been running in this format since 2011, following Sandwell Homes being dissolved, and was based on the requirements at the time. However, since then there have been changes, hence, a need to align to A New Deal for Social Housing and recommendations from Dame Hackitt's so that the structure for engagement and participation is current but also reflects the vision in respecting '... the voices of the residents...'
- 4.11 As part of this review consideration needs to be given to broadening representation along with improved opportunities for tenants and residents to feed into the council structures and be able to provide a more

robust challenge to services whilst also developing capacity, skills and knowledge. Which will support the strengthening of engagement and participation.

- 4.12 In addition the review will enable consideration to be given to understanding how local governance, as well as existing Tenants and Residents Associations (TRAs) can complement and support the new agreed model.
- 4.13 The review will also enable us to consider good practice from across the sector and develop a model appropriate to Sandwell.
- 4.14 It is anticipated that the new model will have a framework shaped and influenced by current Government Policy and Reports as discussed above as well as existing activity such as that of TRAs and SCIPS, and the priorities relevant to Sandwell.

### **Way Forward**

- 4.15 A working group is being developed to explore and codesign different models and structures which will then be presented to the Director – Housing and Communities and relevant Cabinet Members for further discussion.
- 4.16 The working group will be representative, including members of the TRP, TRA, SCIPS, members and officers from relevant service areas. The Scrutiny Board is invited to consider if it wishes to nominate a member to the working group to help shape the new model of tenant engagement.
- 4.17 Consultation will take place with existing engagement and participation structures on proposed new structures.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The review will develop refreshed and strengthened methods of tenant involvement, engagement and participation.

## **6 ALTERNATIVE OPTIONS.**

- 6.1 If the Board does not consider the update then the chance to have any input to the Review may be missed.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 There are no specific strategic resources implications arising from this report.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

8.1 These are set out in the Regulatory Standards (<https://www.gov.uk/guidance/regulatory-standards>).

## **9 EQUALITY IMPACT ASSESSMENT**

9.1 No equality impact assessment is required for this report.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 No data protection impact assessment is required for this report.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

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

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 There are no specific sustainability issues associated with this report.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 There are no specific health and wellbeing implications arising from this report.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 There are no specific implications for Council-managed property or land. Topics subject to tenant engagement and participation may involve Council managed property, in particular its housing stock.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The Board is invited to consider the information and proposed way forward and determine if there are any recommendations it wishes to make.

## **16 BACKGROUND PAPERS**

16.1 None.

**Alan Caddick**  
**Director – Housing and Communities**

## REPORT TO

# SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES SCRUTINY BOARD

**30<sup>th</sup> January 2020**

<b>Subject:</b>	The council's role, responsibilities, challenges and future plans in relation to Houses in Multiple Occupation in the borough
<b>Cabinet Portfolio:</b>	Councillor Hadley Cabinet Member for Homes
<b>Director:</b>	Neil Cox Director of Prevention & Protection
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Richard Hawkins Team Manager, Citizen and Consumer Protection – Accommodation Team

### **DECISION RECOMMENDATIONS**

**That the Safer Neighbourhoods and Active Communities Scrutiny Board:**

1. Consider and comment upon the report;
2. Identify any recommendations it may wish to make in relation to Houses in Multiple Occupation in Sandwell.

## **1 PURPOSE OF THE REPORT**

- 1.1 This report outlines the council's role, responsibilities, challenges and future plans in relation to Houses in Multiple Occupation (HMOs) in the borough.

## **2 IMPLICATIONS FOR VISION 2030**

- 2.1 The council's role in enforcing the safety and management standards of HMOs feeds into the following 2030 Vision areas:

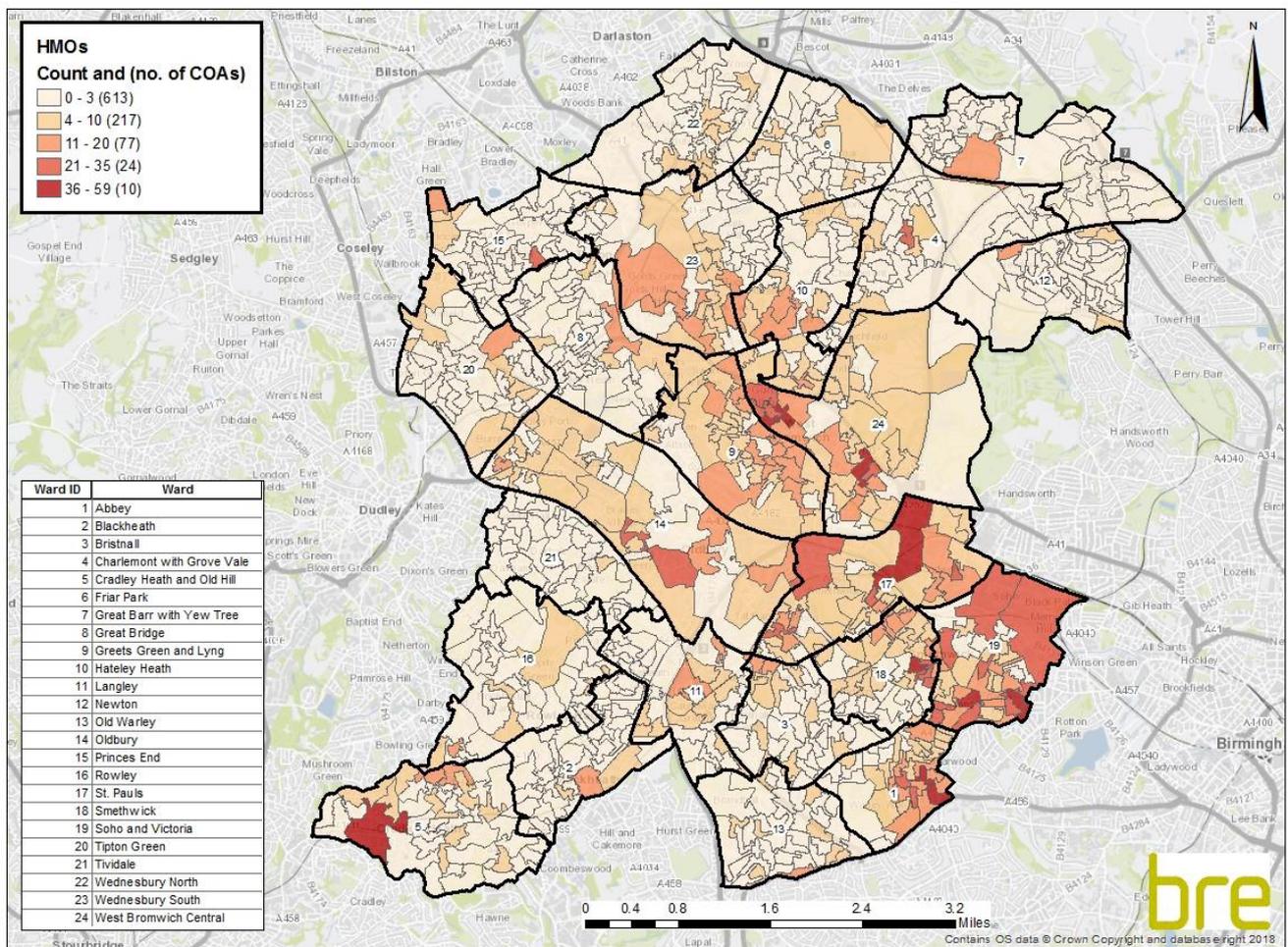
			
Ambition 1: Raising aspirations and resilience	Ambition 2: Healthier for longer and safer	Ambition 5: Lowering crime and ASB	Ambition 8: Create environments in the 6 towns where people choose to live

### 3 BACKGROUND AND MAIN CONSIDERATIONS

#### Background

#### Houses in Multiple Occupation (HMO)

- 3.1 If a landlord lets their property to several tenants who are not members of the same family, it may be a 'House in Multiple Occupation' (HMO).
- 3.2 BRE estimate 4247 HMO's within Sandwell, with high concentrations within West Bromwich and Smethwick areas



#### What is a HMO?

- 3.3 A property is an House of Multiple Occupation (HMO) if both of the following apply:

- at least 3 tenants live there, forming more than one household
- toilet, bathroom or kitchen facilities are shared

3.4 A household consists of either a single person or members of the same family who live together. It includes people who are married or living together and people in same-sex relationships.

#### HMO or self-contained flats

3.5 To be classed as a HMO, a building or part of, must fall into one of these categories:

- A building or flat in which more than one household shares a basic amenity, e.g. bathroom, toilet or cooking facilities. This is known as the 'standard test' or the 'self-contained flat test'.
- A building that has been converted and does not entirely comprise of self-contained flats. This is known as the 'converted building test'.
- A building that is declared a HMO by the local authority.
- A converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied.

3.6 There are 3 main types of HMOs:

- Shared Housing. For example, a group of friends or students move into a property. They have their own bedrooms, but they will share any kitchens and/or bathrooms. They are often on the same tenancy agreement which means that they will move in and out of the property at the same time.
- Bedsit Accommodation. This is where rooms are let to tenants individually, and don't know each other. The tenants have their own tenancy agreements which means that they will move in and out of the property at different times. Even though some won't be sharing, there may be some element of sharing either kitchens or bathrooms or both.
- Studio Accommodation. This is where the room a tenant occupies has all the amenities they need behind their own front door, although it may be in a block of flats, converted house or building. These properties must meet the minimum sizes in order to be classed as self-contained by planning.

### **Main considerations**

#### Health and safety

3.7 The Citizen and Consumer Protection Team (Accommodation) (CCPTA) enforces housing standards in the private rented sector and HMOs are included. This includes the properties being free of disrepair relevant to the Housing Act 2004 as well as being managed to the standards required within the Management of Houses in Multiple Occupation (England) Regulations 2006.

## Crime and anti-social behaviour

- 3.8 Sandwell Council also works in partnership with other agencies (the police, fire services, boarder agency etc.) to tackle trafficking, and property related crime (cannabis farms etc.) that are related to private rented accommodation, especially poor-quality HMOs.

## Working with good landlords

- 3.9 Sandwell Council has an active landlord accreditation group, working with good quality landlords, offering support and assistance to help develop and encourage good quality landlords in Sandwell.
- 3.10 Licencing of HMOs is required under Part 2 of the Housing Act 2004 where there are 5 or more people living in the property under HMO conditions. Sandwell Council manages and enforces licencing of HMO properties meeting this criteria in Sandwell.

## **4 THE CURRENT POSITION**

- 4.1 Sandwell Council manages the health and safety of HMOs as well as ensuring the correct management of HMOs in line with the Management of Houses in Multiple Occupation (England) Regulations 2006.

### Enforcement of breaches at HMOs

- 4.2 There are three areas of enforcement that are relevant to HMO management and enforcement by local authority:
- Part 1 of the Housing Act 2004 – relating to housing disrepair
  - Part 2 of the Housing Act 2004 – relating to HMO licencing conditions
  - The Management of Houses in Multiple Occupation (England) Regulations 2006

### Part 1 of the Housing Act 2004 – relating to housing disrepair

- 4.3 The Housing Health and Safety Rating System (HHSRS) assesses 29 housing hazards and the effect that each may have on the health and safety of current or future occupants of any residential property, whether it is a HMO or not. The HHSRS provides a way that hazards can be assessed and so that the best way of dealing with them can be identified. If a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard. If a hazard is less serious or less urgent, this is known as a Category 2 hazard.

4.4 The council has a duty to enforce Category 1 hazards, and a power to enforce Category 2 hazards, if the weight of public interest favours doing so as per the Enforcers Compliance Code.

4.5 The 29 Hazards can be explained as follows:

	<b>Hazard</b>	<b>Health Effects</b>
1	<b>Damp and mould growth</b> Health threats due to dust mites, mould or fungal including mental and social wellbeing health threats associated with damp, humid and mouldy conditions	Allergies, asthma, effects of toxins from mould and fungal infections
2	<b>Excess cold</b> Threats to health from cold indoor temperatures. A healthy indoor temperature is 18°C to 21°C	Respiratory conditions: flu, pneumonia and bronchitis Cardiovascular conditions: heart attacks and strokes
3	<b>Excess heat</b> Threats due to high indoor temperatures	Dehydration, trauma, stroke, cardiovascular and respiratory
4	<b>Asbestos and MMF</b> Exposure to asbestos fibres and Manufactured Mineral Fibres (MMF)	Asbestos: Damage to lungs MMF: Damage to skin, eyes and lungs
5	<b>Biocides</b> Threats to health from chemicals used to treat timber and mould growth	Risk from breathing in, skin contact and swallowing of the chemical
6	<b>Carbon Monoxide and fuel combustion products</b> Excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke	Dizziness, nausea, headaches, disorientation, unconsciousness and breathing problems
7	<b>Lead</b> Threats to health from lead ingestion from paint, water pipes, soil and fumes from leaded petrol	Lead poisoning causing nervous disorders, mental health and blood production issues
8	<b>Radiation</b> Health threats from radon gas and its daughters, primarily airborne but also radon dissolved in water	Lung cancer caused by exposure, which increases amount and length of exposure
9	<b>Uncombusted fuel gas</b> Threat from fuel gas escaping into the atmosphere within a property	Suffocation

10	<b>Volatile organic compounds</b> Threat to health from a diverse group of organic chemicals including formaldehyde that are gaseous at room temperature and can be found in a wide variety of materials in the home	Allergies, irritation to the eyes, nose and skin, headaches, nausea, dizziness and drowsiness
11	<b>Crowding and space</b> Hazards associated with lack of space for living, sleeping and normal household or family life	Psychological distress and mental disorders, increased risk of hygiene issues, accidents and personal space and privacy compromised
12	<b>Entry by intruders</b> Problems keeping a property secure against unauthorised entry and maintaining defensible space	Fear of burglary occurring, stress and anguish caused by burglary and injuries caused by the intruder
13	<b>Lighting</b> Threats to physical and mental health associated with inadequate natural or artificial light, including the psychological effects associated with the view from the property through glazing	Depression and psychological effects due to lack of natural light. Eye strain from glare and inadequate light
14	<b>Noise</b> Threats to physical and mental health due to exposure to noise within the property or within its curtilage	Psychological and physiological changes resulting from lack of sleep, poor concentration, headaches and anxiety
15	<b>Domestic hygiene, pests and refuse</b> Health hazards due to poor design, layout and construction making it hard to keep clean and hygienic, attracting pests and inadequate and unhygienic provision for storing household waste	Stomach and intestinal disease, infection, asthma, allergies, disease from rats and physical hazards
16	<b>Food safety</b> Threats of infection from poor provision and facilities to store, prepare and cook food	Stomach and intestinal disease, diarrhoea, vomiting, stomach upset and dehydration
17	<b>Personal hygiene, sanitation and drainage</b> Threats of infections and threat to mental health associated with personal hygiene, including personal and clothes washing facilities, sanitation and drainage	Stomach and intestinal disease, skin infections and depression

18	<b>Water supply</b> Threats to health from contamination by bacteria, parasites, viruses and chemical pollutants due to the quality of water supply for drinking household use such as cooking, washing and sanitation	Dehydration, fatigue, headaches, dry skin, bladder infections and legionnaires disease
19	<b>Falls associated with baths</b> Falls associated with a bath, shower or similar facility	Physical injuries: cuts, lacerations, swellings and bruising.
20	<b>Falls on the level surfaces</b> Falls on any level surface such as floor, yards and paths, including falls associated with trip steps, thresholds or ramps where the change in level is less than 300mm	Physical injuries: bruising, fractures, head, brain and spinal injuries
21	<b>Falls associated with stairs and steps</b> Falls associated with stairs and ramps where the change in level is greater than 300mm. It includes internal stairs or ramps within a property, external steps or ramps associated with the property, access to the property and to shared facilities or means of escape from fire and falls over stairs, ramp or step guarding	Physical injuries: bruising, fractures, head, brain and spinal injuries
22	<b>Falls between levels</b> Falls from one level to another, inside or outside a dwelling where the difference is more than 300mm. Including falls from balconies, landings or out of windows	Physical injuries
23	<b>Electrical hazards</b> Hazards from electric shock and electricity burns	Electric shock and burns
24	<b>Fire</b> Threats to health from exposure to uncontrolled fire and associated smoke. It includes injuries from clothing catching fire, a common injuring when trying to put a fire out.	Burns, being overcome by smoke or death
25	<b>Flames, hot surfaces and materials</b> Burns or injuries caused by contact with a hot flame or fire, hot objects and non-water based liquids. Scalds caused by contact with hot liquids and vapours.	Burns, scalds, permanent scarring and death.

26	<b>Collision and entrapment</b> Risks of physical injuries from trapping body parts in architectural features such as trapping fingers in doors and windows and colliding with objects such as windows, doors and low ceilings	Physical injuries such as cuts and bruising to the body
27	<b>Explosions</b> Threats from the blast of an explosion, from debris generated by the blast and from partial or total collapse of a building as a result of the explosion	Physical injuries, crushing, bruising, puncture, fractures, head, brain and spinal injuries.
28	<b>Ergonomics</b> Threats of physical strain associated with functional space and other features at the dwelling	Strain and sprain injuries
29	<b>Structural collapse and falling elements</b> The threat of the dwelling collapsing or part of the fabric being displaced or falling due to inadequate fixing or disrepair or as a result of adverse weather conditions.	Physical injuries

### HHSRS and fire in HMOs

- 4.6 HHSRS requires a greater level of fire safety systems from HMOs and from mixed residential and commercial premises than from single family wholly residential buildings.
- 4.7 Such elevated requirements are:
- Wired interlinked smoke detection (heat detection in kitchens)
  - Protected fire escape routes
  - No deadlocks on escape doors
  - FD30s fire doors to protect the escape route and bedrooms.
  - Fire blanket in the kitchen
  - Enforcement of part 1 of the Housing Act 2004
- 4.8 The council has a number of options to enforce against disrepair and lack of fire safety systems in HMOs under part 1 of the Housing Act 2004:
- Serve a Hazard Awareness Notice
  - Serve an Improvement Notice
  - Serve a Prohibition Order
  - Serve an Emergency Prohibition Order
- 4.9 If the above notices or orders are not adhered to, the council can prosecute the landlord of the HMO or serve civil penalty or carry out default works to correct disrepair.

## Part 2 of the Housing Act 2004 – relating to HMO licencing conditions

- 4.10 HMOs are subject to licencing under Part 2 of the Housing Act 2004.
- 4.11 Enforcement under Part 1 should be carried out separately from the licencing under Part 2.
- 4.12 The local authority cannot withhold issuing a HMO licence under Part 2 because of issues under Part 1 (disrepair). The two must be managed separately by the authority.
- 4.13 The council can attach certain conditions to a licence requiring works to be carried out, but good practice is to deal with issues under part 1 if they are relevant to that part of the act.
- 4.14 Enforcement under Part 1 is not if the HMO is under management by a local authority by an interim or final management order) under Part 2.

## Enforcement of licence breaches

- 4.15 A landlord who fails to obtain a licence could also be subject to a rent repayment order.
- 4.16 A landlord who breaches the condition of a licence could also be subject to a civil penalty up to £30,000, a fine via prosecution at Magistrates Court or in extreme cases for repeat convicted offenders, a banning order.

## The Management of Houses in Multiple Occupation (England) Regulations 2006

- 4.17 The Management of Houses in Multiple Occupation (England) Regulations 2006 sets out a number of regulations (often referred to as “the Regulations” or “the management Regulations”). They are a separate piece of legislation to the legislation we use to ensure health and safety under the Housing Act 2004. They are enforceable in law, they carry considerable fines for breaches and they are specifically aimed at HMOs. The Regulations cover all HMOs, not just licensable ones.

## The Regulations that the council can enforce at HMOs

- 4.18 The regulations that are relevant to breaches are Regulations 3 – 9.
  - Regulations 1 and 2 are simply describing the act. They are:
  - Regulation 3 - Duty of manager to provide information to occupier
  - Regulation 4 - Duty of manager to take safety measures

- Regulation 5 - Duty of manager to maintain water supply and drainage
- Regulation 6 - Duty of manager to supply and maintain gas and electricity
- Regulation 7 - Duty of manager to maintain water supply and drainage to maintain outbuildings, yards and forecourts which are used in common use
- Regulation 8 – Duty of manager to maintain living accommodation
- Regulation 9 - Duty to provide waste disposal facilities.

### Overlapping

- 4.19 Some of the disrepairs appear in multiple regulations. There is also overlapping with some of the 29 hazards from the Housing Act 2004 Part 1 HHSRS. For example, fire safety systems are a requirement under Regulation 4, and are also a hazard under the Housing Act 2004 HHSRS (Fire Safety).
- 4.20 This means that a landlord of a HMO could receive an Improvement Notice for lack of suitable fire systems in a HMO as well as a civil penalty for breaching HMO regulations.

### Straight observed offences

- 4.21 Breaches under the HMO Regulations are considered a straight offence and so the council can serve an intention to issue a civil penalty as soon as the breach is observed. However, with an Improvement Notice under the Housing Act 2004, the owner must have failed to comply with the notice without good reason until an intentions letter could be served.

### Enforcement action from HMO investigations over the past 12-months

- 4.22 The Citizen and Consumer Protection Team (Accommodation) (CCPTA) have investigated housing conditions and management offences of 78 potential HMOs and illegally constructed HMOs over the past 12 months resulting in formal enforcement action being taken by the team on 10 HMO properties in this time period, resulting in £7324 in charges for notices.
- 4.23 The team are now implementing civil penalties for HMO disrepair and management breaches, with the first penalty going to panel for agreement on 22<sup>nd</sup> January 2020 for £17,500 and a second penalty for £11,500 being proposed for another case where breaches have occurred.

## **Planning Enforcement**

### Article 4

- 4.24 In 2010, powers were created to allow local authorities to consult with local communities and apply to invoke powers to restrict permitted development rights if there was justification.
- 4.25 When the Article 4 directive is in place, owners of HMOs or single-family homes would need to apply for planning permission to convert a house into a HMO or vice versa.
- 4.26 When Article 4 directive is in place to prevent single homes being converted into HMOs without planning permission, the applications must then be processed by the local authority and this cannot be charged for.
- 4.27 Birmingham City Council has recently introduced a city-wide Article 4 directive following consultation and publicising period.
- 4.28 Article 4 directives are a strategic planning matter and should be discussed directly with Planning.

### Supplementary Planning Document (SPD)

- 4.29 Once an Article 4 directive has been put into place, a Supplementary Planning Document (SPD) may be implemented to assist in decision making on planning applications for HMOs.

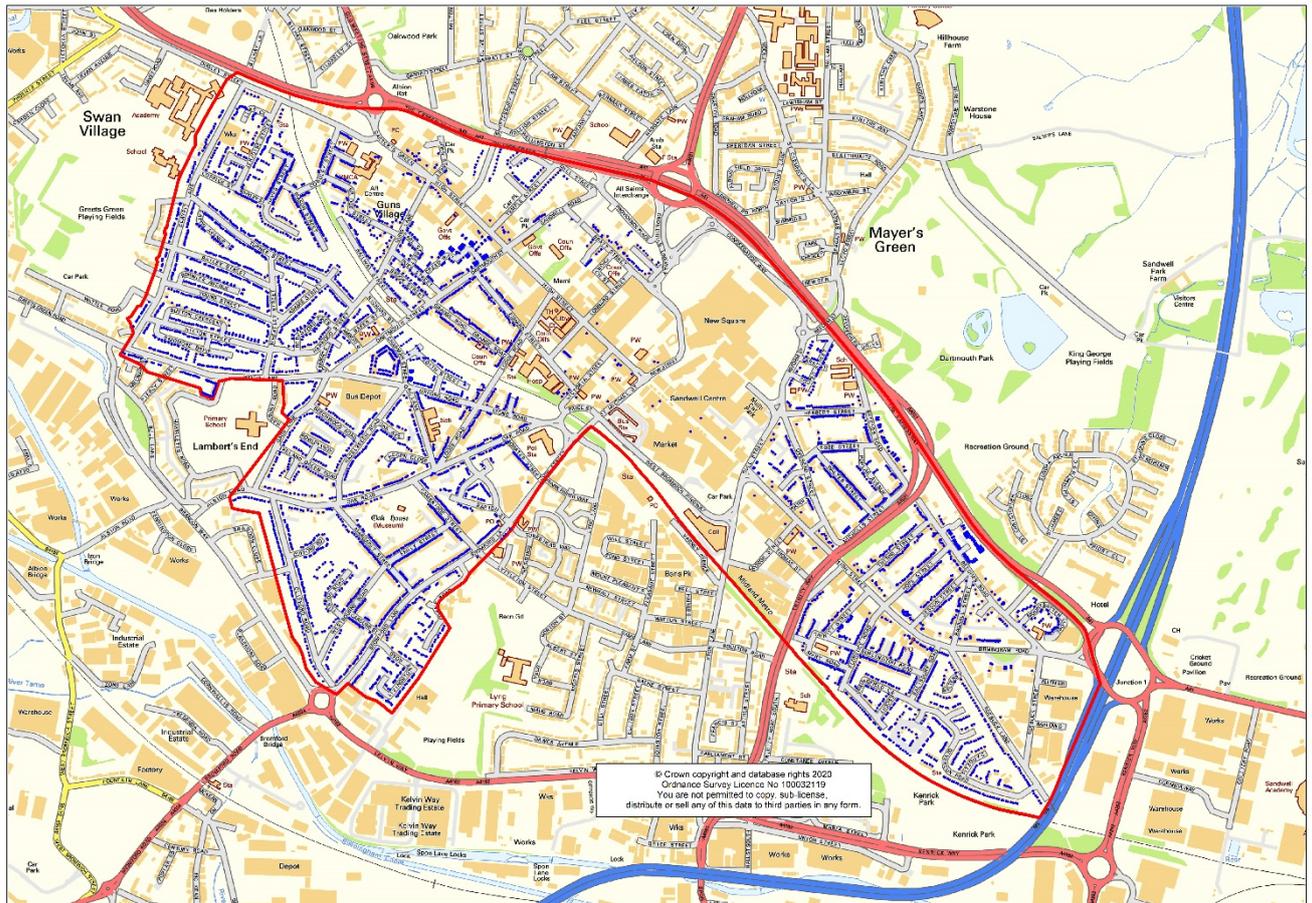
## **6 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 6.1 The enforcement of health and safety and licencing provisions are statutory obligations that would not be consulted on at local level.

## **7 ALTERNATIVE OPTIONS.**

- 7.1 Further from the current statutory licencing of HMOs, an additional and selective licencing scheme is being proposed for the West Bromwich area of Sandwell, for which consultation is currently beginning.
- 7.2 Further from the current statutory mandatory licencing of HMOs, if the proposal is successful, this will cover all HMOs operating in the west Bromwich area, within the defined boundary.

### 7.3 A map of the proposed area in West Bromwich:



### What is selective and additional licencing?

7.4 There are three types of licencing schemes councils can use to regulate private rented properties in their boroughs. Two of the schemes relate to Houses in Multiple Occupation – often referred to as HMOs. A HMO usually has a shared kitchen, bathroom and sometimes a shared living room (known as amenities).

Mandatory Licencing – Since 2004, all Councils have had to run a licencing scheme for large HMOs. Any HMO that has five or more people living as two or more households and sharing amenities has to be licensed.

- Additional Licencing – Councils can introduce Additional Licencing to cover any other type of HMO in their area.
- Selective Licencing - this type of scheme covers all other privately rented properties.
- Please see attached document (Different types of licencing for more information) [LINK DOC](#)

## Why is Sandwell considering licencing?

- 7.5 The private rented sector plays an important part in providing accommodation in the borough. The sector in Sandwell has grown from 5% in 2001, to 15% in 2011 and through to an estimated 26% (34,386 Building Research Management limited- (BRE) report) of accommodation in the borough for 2018. There are numerous high-quality landlords and letting agents providing a range of property types throughout the borough to meet a broad range of housing needs.
- 7.6 The borough has faced a major increase in private rented accommodation in some areas and it is recognised that there are landlords and agents who do not provide adequate accommodation or management of their properties. This poor management of properties has a significant impact on people's lives and on council and partner resources in tackling issues such as anti-social behaviour, modern slavery, fly tipping of domestic waste, concerns about property condition and harassment and illegal eviction. The council has implemented a range of powers and approaches to seek to address many of these issues, but the on-going pressures are such that a new approach is considered necessary.
- 7.7 We want to improve the standard and safety of private rented housing and address anti-social behaviour, this will benefit private tenants, landlords and greatly improve the generally appearance of the borough.
- 7.8 Introducing licencing will:
- Help us to work with landlords, offering them guidance and support to ensure that homes are safe and well managed.
  - Promote a professional approach to management amongst private landlords.
  - Allow us to more easily take action against landlords who provide poor standard of accommodation and whose tenants cause a persistent level of anti-social behaviour.
  - Improve the local environment – less dumping of household rubbish.
  - Added protection for tenants and the Council no longer relying on the tenant or neighbours to report poor property conditions.

- Allow us to employ more staff to check that the properties meet the licencing conditions, without increasing the cost to the tax-payer. Licencing schemes are self-funding.

## **8 STRATEGIC RESOURCE IMPLICATIONS**

- 8.1 The enforcement of health and safety and licencing provisions are statutory obligations that are already funded through established resource channels.

## **9 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 The legislation is already a legal requirement of all local authorities in England and Wales.
- 9.2 Selective and Additional licencing has already been through cabinet to agree consultation in June 2019 and is now at public consultation stage. It was discussed in Scrutiny in January 2020.

## **10 EQUALITY IMPACT ASSESSMENT**

- 10.1 There is no requirement to conduct such an assessment at a local level for implementation of national legislation. Selective and Additional licencing has already been through Scrutiny and is now at public consultation stage.
- 10.2 Selective and Additional licencing has already been through cabinet to agree consultation in June 2019.

## **11 DATA PROTECTION IMPACT ASSESSMENT**

- 11.1 There are no changes to current practices to assess.

## **12 CRIME AND DISORDER AND RISK ASSESSMENT**

- 12.1 There are no changes to current practices to assess.

## **13 SUSTAINABILITY OF PROPOSALS**

- 13.1 There are no proposals to assess.

## **14 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

- 14.1 There are no changes to current practices to assess.

## **15 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

15.1 There is no impact on any council managed property of land.

## **16 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

16.1 Under statutory law covering England and Wales, the Citizen and Consumer Protection Team (Accommodation) (CCPTA) enforces housing standards in the private rented sector and HMOs are included. This includes the properties being free of disrepair relevant to the Housing Act 2004 as well as being managed to the standards required within the Management of Houses in Multiple Occupation (England) Regulations 2006.

16.2 Further to this, the council engages in multi-agency work, tackling modern day slaver, exploitation and housing related crime, such as dram factories etc.

16.3 The council is currently in the process of consulting with the public on selective and additional licencing. This will extend licencing requirements to HMOs with less than 5 people, as well as single-family lets in the West Bromwich area.

## **17 BACKGROUND PAPERS**

17.1 CCPTA Unit Plan

17.2 Quarter three slavery and exploitation intervention figures

## **18 APPENDICES**

None

**Neil Cox**  
**Director of Prevention & Protection**

## REPORT TO SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES SCRUTINY BOARD

**30 January 2020**

<b>Subject:</b>	Sandwell Green Space Strategy
<b>Cabinet Portfolio:</b>	Councillor Maria Crompton - Cabinet Member for Safer Communities
<b>Director:</b>	Director – Housing and Communities – Alan Caddick
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Helga Lutz Urban Parks Manager

### DECISION RECOMMENDATIONS

**That Safer Neighbourhoods and Active Communities Scrutiny Board:**

1. Consider and comment upon the information presented on the Sandwell Green Space Strategy.
2. Identify any recommendations it wishes to make.

#### **1 PURPOSE OF THE REPORT**

- 1.1 The Scrutiny Board has been requested to consider the Sandwell Green Space Strategy. A presentation will be given at the meeting on the Strategy and to update the Board in relation to work undertaken to review it.

#### **2 IMPLICATIONS FOR VISION 2030**

- 2.1 The Green Space Strategy contributes to all of the ambitions within Vision 2030 in a range of ways through providing space to play, be active, learn and have fun.

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 The Scrutiny Board will receive a presentation on the Green Space Strategy to gain the views of members prior to Cabinet considering a Strategy for the borough.

### **4 THE CURRENT POSITION**

- 4.1 The Board will be informed of the research that has been carried out on behalf of the Council with a range of stakeholders to inform the development of a Sandwell Green Space Strategy.

### **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 A number of consultation processes were carried out in 2019 with a range of audiences and stakeholders including surveys, workshops and a drop-in consultation session.

### **6 ALTERNATIVE OPTIONS.**

- 6.1 If the Scrutiny Board does not consider the information presented to it then potential recommendations and actions to improve services would be missed.

### **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 There are no specific strategic resources implications arising from this report, specific resource implications will be considered by the Cabinet in due course.

### **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 There are no specific legal or governance considerations arising from this report.

### **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An initial Equality Impact Assessment (EIA) has been carried out by the service area for the proposals. No adverse issues have been identified which impact on a particular group and therefore a full EIA is not required

### **10 DATA PROTECTION IMPACT ASSESSMENT**

- 10.1 No data protection impact assessment is required for this report.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

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

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 There are no specific sustainability issues associated with this report, but the Green Space Strategy will address sustainability and biodiversity matters.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 Green spaces offer Sandwell's residents and visitors a place to engage in healthy activities that can improve physical and mental wellbeing.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 The Green Space Strategy will help the Council to manage its parks and green spaces within an approved strategic direction based on consultation, engagement and research.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The Board is invited to consider the information presented to it and determine if there are any recommendations it wishes to make.

## **16 BACKGROUND PAPERS**

16.1 None.

**Alan Caddick**  
**Director – Housing and Communities**

The following items set out key decisions to be taken by the Executive in public session:-

	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
1	<p><b>Rent Arrears ICT Software Product – RentSense from Mobysoft</b></p> <p>Contact Officer: Nigel Collumbell/Manjit Rai</p> <p>Director: Alan Caddick - Housing and Communities</p>	Cabinet Member for Homes (Cllr Hadley)	5 February 2020		<p>Cabinet Report seeking approval to procure ICT Software RentSense from Mobysoft</p> <p>Mobysoft Business Case Proposal for the Implementation of RentSense</p>



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
2	<p><b>West Bromwich Interim Planning Statement/Masterplan</b></p> <p>Contact Officer: Peter Simpson/Richard Reeve</p> <p>Director: Amy Harhoff - Director Regeneration and Growth</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>5 February 2020</p>		
3	<p><b>Community Wealth Building in Sandwell</b></p> <p>Contact Officer: Nicky Denston</p> <p>Director: Amy Harhoff</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>5 February 2020</p>		<p>Community Wealth Building in Sandwell – Diagnostic report</p>



Title/Subject		Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
4	<p><b>Drug Treatment Medication Costs</b></p> <p>Contact Officer: Mary Bailey</p> <p>Director: Lisa McNally – Director of Public Health</p>	Living Healthy Lives (Cllr Shaeen)	5 February 2020		
5	<p><b>Budget 2020/21 – 2022/23 - Provisional</b></p> <p>Contact Officer: Rebecca Griffiths</p> <p>Director: Darren Carter – Executive Director of Resources</p>	Resources and Core Services (Cllr Ali)	5 February 2020	No	Directorate Target Budgets
6	<p><b>Corporate Plan</b></p> <p>Contact Officer: Rebecca Jenkins/Kate Ashley</p> <p>Director: Darren Carter – Executive Director – Resources</p>	Resources and Core Services (Cllr Ali)	19 February 2020	To be considered by Budget and Corporate Scrutiny Management Board in February 2020	



Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
<p><b>7</b> <b>Determination of Admission Priorities for Sandwell's Community and Voluntary Controlled Schools 2021/2022</b></p> <p>Contact Officer: Donna Williams</p> <p>Director: Chris Ward – Director - Employment, Skills and Education</p>	<p>Best Start in Life (Cllr Underhill)</p>	<p>19 February 2020</p>		<p>Report by Executive Director of Children's Services/ Director – Education, Skills and Employment</p>
<p><b>8</b> <b>Adoption of revised Housing Allocations Policy</b></p> <p>Contact Officer: Neville Rowe</p> <p>Director: Alan Caddick – Director – Homes and Communities</p>	<p>Homes (Cllr Hadley)</p>	<p>26 February 2020</p>		<p>Report setting out the proposal to adopt the revised Housing Allocations Policy</p>



Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
<p><b>9 Options To Develop A Council Wholly Owned Housing Delivery Vehicle</b></p> <p>Contact Officer: Alan Martin</p> <p>Director: Amy Harhoff - Director Regeneration and Growth/Director: Alan Caddick – Director Homes and Communities</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>26 February 2020</p>		
<p><b>10 Sandwell Inclusive Economy Deal</b></p> <p>Contact Officer: Nicky Denston</p> <p>Director: Amy Harhoff</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>26 February 2020</p>		<p>Inclusive Economy Deal</p>
<p><b>11 Carrington Road/School Road/Friardale Close – CPO and Phase 4</b></p> <p>Contact Officer: Tammy Stokes/Alan Martin</p> <p>Director: Amy Harhoff - Director Regeneration and Growth/Director: Alan Caddick – Director Homes and Communities</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p> <p>Homes (Cllr Hadley)</p>	<p>26 February 2020</p>		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
12	<p><b>Wednesbury Town Centre High Street Heritage Action Zone (HSHAZ) Scheme</b></p> <p>Contact Officer: Jenna Langford</p> <p>Director: Amy Harhoff - Director Regeneration and Growth</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>26 February 2020</p>		
13	<p><b>Heat Networks – acceptance of Government funding towards Detailed Project Development</b></p> <p>Contact Officer: Mark Taylor</p> <p>Director: Amy Harhoff - Director Regeneration and Growth</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>26 February 2020</p>		



Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
<p><b>14 Community Infrastructure Levy</b></p> <p>Contact Officer: John Baker</p> <p>Director: Amy Harhoff - Director Regeneration and Growth/Dr Alison Knight – Executive Director - Neighbourhoods</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p>	<p>26 February 2020</p>		
<p><b>15 Request to submit a bid to the Department of Education for Holiday Activities and Food 2020</b></p> <p>Contact Officer: Angela Blair</p> <p>Director: Lisa McNally – Director of Public Health</p>	<p>Living Healthy Lives (Cllr Shaeen)</p>	<p>26 February 2020</p>		



Title/Subject		Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
16	<p><b>Council Finances (Provisional Settlement)</b></p> <p>Contact Officer: Rebecca Griffiths</p> <p>Director: Darren Carter – Executive Director – Resources</p>	Resources and Core Services (Cllr Ali)	26 February 2020		
17	<p><b>Quarter 3 Budget Monitoring</b></p> <p>Contact Officer: Rebecca Griffiths</p> <p>Director: Darren Carter – Executive Director – Resources</p>	Resources and Core Services (Cllr Ali)	26 February 2020		
18	<p><b>Revenues and Benefits Service Policy Framework</b></p> <p>Contact Officer: Sue Knowles</p> <p>Director: Darren Carter – Executive Director – Resources</p>	Resources and Core Services (Cllr Ali)	26 February 2020		



Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
<p><b>19 Provision of Emergency Drainage clearance and associated underground Drainage repairs to Sandwell MBC Properties</b></p> <p>Contact Officer: Steve Piddock</p> <p>Director: Alan Caddick – Director of Housing and Communities</p>	<p>Homes (Cllr Hadley)</p>	<p>4 March 2020</p>		<p>Report</p>
<p><b>20 Schools Capital Programme 2020/21-2022/23</b></p> <p>Contact Officer: Martyn Roberts/Rachel Hill</p> <p>Director: Lesley Hagger, Executive Director of Children’s Services, Chris Ward, Director – Employment, Skills and Education</p>	<p>Best Start in Life (Cllr Underhill)</p>	<p>18 March 2020</p>		<p>Report by (directors): Lesley Hagger Chris Ward</p> <p>Appendices: 1 – Strategic Investment, Capital Appraisal Report</p>



Title/Subject		Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
21	<p><b>Development of King Street, Wednesbury</b></p> <p>Contact Officer: Paul Evans</p> <p>Director: Amy Harhoff - Director - Regeneration and Growth</p>	<p>Inclusive Economic Growth (Cllr Lloyd)</p> <p>Homes (Cllr Hadley)</p>	18 March 2020		<p>Appraisal Report</p> <p>SIU Application</p> <p>Cabinet report</p>
22	<p><b>Soil Stack Replacement</b></p> <p>Contact Officer: Steve Greenhouse</p> <p>Director: Neighbourhood Services – Alison Knight</p>	<p>Homes (Cllr Hadley)</p>	1 April 2020		



	Title/Subject	Cabinet Portfolio Area	Decision Date	Pre-decision Scrutiny to be carried out? (Board and date)	List of documents to be considered
23	<p><b>Corporate Parenting Strategy</b></p> <p>Contact Officer: Charlotte Moriarty</p> <p>Director: Lesley Hagger, Executive Director of Children's Services</p>	Best Start in Life (Cllr Underhill)	15 April 2020	<p>Report by (director)</p> <p>Lesley Hagger, Executive Director of Children's Services</p> <p>Appendices</p> <p>Source</p>	
24	<p><b>Budget Outturn 2019/2020</b></p> <p>Contact Officer: Rebecca Griffiths</p> <p>Director: Darren Carter – Executive Director – Resources</p>	Resources and Core Services (Cllr Ali)	20 May 2020		

