

Date of issue: 28 June 2022

<b>MEETING:</b>	<b>CUSTOMER AND COMMUNITY SCRUTINY PANEL</b> Councillor Begum Councillor Muvvala Councillor Ali Councillor Brooker Councillor Hussain Councillor Kaur Councillor M. Malik Councillor S. Malik Councillor Mohammad Trevor Pollard Manvinder Matharu
	Residents Panel Board
<b>DATE AND TIME:</b>	<b>WEDNESDAY, 6<sup>TH</sup> JULY, 2022 AT 6.30 PM</b>
<b>VENUE:</b>	<b>COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL</b>
<b>DEMOCRATIC SERVICES OFFICER:</b> <b>(for all enquiries)</b>	<b>NICHOLAS PONTONE</b> <b>07871 982 919</b>

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**GAVIN JONES**  
Chief Executive

**AGENDA**

**PART I**

**AGENDA  
ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

Apologies for absence.

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*

**CONSTITUTIONAL MATTERS**

2. Appointment of Chair & Vice Chair

To note the appointments of Councillor Begum as Chair and Councillor Muvvala as Vice Chair made at Annual Council 2022.

3. Minutes of the Meeting held on 6 April 2022 1 - 10

4. Member Questions

*(An opportunity for panel members to ask questions of the relevant Director/Associate Director, relating to pertinent, topical issues affecting their Directorate – maximum 10 minutes allocated.)*

**SCRUTINY ISSUES**

**ITEMS FOR INFORMATION**

5. Houses of Multiple Occupation 11 - 26

6. Call Centre Statistics To Follow

7. Forward Work Programme 27 - 28

8. Work Programme Report 29 - 32

9. Date of Next Meeting

7 September 2022.

**Press and Public**

**Attendance and accessibility:** You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

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In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

**Emergency procedures:** The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

Note:-

**Bold = Key decision**

Non-Bold = Non-key decision

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**Customer and Community Scrutiny Panel – Meeting held on Wednesday, 6th April, 2022.**

**Present:-** Councillors Begum (Chair), Muvvala (Vice-Chair), Ajaib, Ali, Kaur, Mohammad and Sandhu

**Also present under Rule 30:-** Councillor Gahir

**Apologies for Absence:-** Councillor Hussain and Minhas

**PART 1****31. Declarations of Interest**

Councillor K Kaur declared that she lived in a housing association property. Councillor Kaur remained and participated in the meeting.

**32. Minutes of the Meeting held on 2nd March, 2022**

**Resolved:** That the minutes of the meeting held on 2 March 2022 be agreed as a correct record, subject to the following being noted:

That Members had requested a report setting out statistics relating to the call centre be submitted at the April meeting of the Panel. This report had not been submitted and the Chair undertook to follow this up with officers.

**33. Member Questions**

None received

**34. RMI Contract Update**

The SBC RMI Contract Manager presented an update report which set out the performance of Osborne's delivery of the RMI contract, focusing on the following areas:

- Overall performance of the Osborne Contract.
- Overview of complaints against service.
- New performance measures.
- Planned works 2021/22.

Members asked the following questions, made the following comments, which were responded to as follows:

- Had the staff vacancies detailed in the report been filled?

The SBC RMI Contract Manager advised that the vacancies had arisen due to a shortage of skilled tradespeople as a result of the effects of the pandemic,

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Brexit and many early retirements. Some vacancies had been filled, for example, during the last six months thirty new staff had been recruited across all service areas, with the majority on the responsive repairs side. Osborne had implemented a workforce strategy which included upskilling office and site based staff and rewarding them financially.

- The report set out four actions around staff recruitment. Were there any timescales for the recruitment drive or for identifying and engaging new supply chain partners? Had outstanding works and re-opened responsive repair cases been given higher priority?

The Manager from Osborne advised that the responsive repairs team would be fully staffed by the following week and he expected to see gradual inroads into the backlog of works over coming months. Staff recruitment and retention was also an issue as the market for these skilled tradespeople was extremely competitive. Osborne had recruited additional supply chain partners to deal with voids and expanded its portfolio in other areas, for example, plastering and drainage. He expected these contractors to be on site within next four weeks.

He added that some works, which had been closed down by the previous management team during the early pandemic had now been prioritised. Any serious long standing repairs issues had been transferred over to the planned works team to prioritise them.

- The report stated that the Council checked only 10% of the nineteen thousand responsive repairs carried out annually and that despite some initial improvements there were no indications of concrete improvements.
- What were the reasons for the high number of complaints outlined in the report?
- How long had this contract been in place and how many KPI's been met? All the issues under discussion should have been tackled and resolved sooner.
- At what stage did the Council realise that this contract was not fulfilling the needs of tenants and what steps had been taken to resolve this?

The Account Manager from Osborne stated that checks were not done on a random basis and that the Council carried out physical checks of 10% of repairs on the basis of different payment codes, taking out high value repairs, large works, and those that were measurable, e.g long runs of fencing or large areas of plastering. The checks would verify that repairs were done correctly while taking into account customer satisfaction feedback and any complaints. He added that physical post inspections were targeted at areas where the Council checked the value of the works were invoiced correctly.

The Account Manager from Osborne added that the company had its own regime of post inspections, which included desktop inspections of repairs of

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things such as leaky taps, which were verified through customer contact and photo evidence to ensure that the works had been satisfactorily completed.

The SBC RMI Contract Manager advised that there had been some early signs of improvement in recent months, however, this data and trends would need to be monitored over coming months. Customer satisfaction logs indicated improvement and a downward trend in the number of complaints received. It was too early to draw definite conclusions from this, however, he expected to see a clearer picture following completion of the recruitment and training drive and embedding of the new supply chain.

He added that the contract, which had been in place for just over four years, had initially been managed by Interserve on a different basis and had not performed well. Osborne had taken on existing staff from Interserve and had faced the added challenge of training the staff to new ways of operating. Osborne had therefore experienced teething problems with the contract which had been compounded by the effects of the pandemic, Brexit and supply chain challenges.

The Account Manager from Osborne responded that the contract as a whole had been working well in many areas, for example, gas repairs and servicing, compliance and planned works, about which very few complaints were received. The area of responsive repairs had been identified as not working well and the Council had committed to work in close cooperation with Osborne to resolve this.

- Was there an inspections regime of street lamps by Osborne or did they wait for residents to report faulty lighting?

The Manager from Osborne responded that there was no regime in place to inspect lamps. SBC used a system to identify failed lamps which would require someone to report an outage. Osborne did not have access to the Council's system of reporting outages.

The Assistant Director Place Operations explained that the Council had received Department for Transport grant funding to upgrade street lights to LED. Under this scheme, some, though not all housing stock lighting had also been converted to LED. This meant LED outages could be identified remotely. There was potential to upgrade the rest of the housing stock lighting as part of the thirty year plan, which was reviewed annually. As the lighting was funded through the HRA (Housing Revenue Account) it was remotely connected to the highways system and the Council could pick up outages but would not report these to Osborne. If the outage related to a standard sodium light then this would not be picked up by highways team as it was not part of highways system.

- A Member speaking under rule 30 asked what kind of negative feedback had been received via the customer satisfaction surveys. Had any positive feedback been received?

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- What types of questions were asked in the customer satisfaction surveys?
- How were comments from tenants detailed in the report conveyed to Osborne?
- How was feedback gathered from tenants? Satisfaction cards should be left with customers upon completion of repairs. Was there any feedback from SBC officers regarding this? Could a report regarding the pros and cons of different feedback methods and costings be submitted at a future meeting for Members to comment on?

The Account Manager from Osborne advised that negative feedback on repairs related mainly to issues such as leaks, mould and damp and poor communication with Osborne's office staff – all of which had all been identified as areas for improvement. The use of PDA devices to carry out customer surveys had been discussed at a previous Panel meeting. Both Osborne and the Council carried out telephone surveys on completed recent repairs. Osborne would be informed of complaints through the RMI complaints process and through Councillor feedback.

A Member suggested issuing satisfaction cards to tenants after completion of repairs. She asked if SBC officers had provided any feedback regarding this. The Chair advised that she had not received any feedback from officers regarding the matter and undertook to look into this after the meeting.

The SBC RMI Contract Manager advised that there would be a cost element to issuing satisfaction cards. He undertook to look into the matter and report back. The feedback detailed in the report related to planned works where residents were given a survey following completion of these works.

Another Member agreed that in the interests of ensuring candid feedback from tenants, a survey should be left with them after works had been completed, (rather than use the PDAs on site to record their comments).

The SBC RMI Contract Manager stated that his preference would be for a follow up phone call shortly after completion of repairs. Leaving satisfaction cards had value, however, in his view, recording comments on a tablet immediately after completion of repairs was not the best option as tenants needed to be given a few days to be sure that the repairs were satisfactory.

The Chair asked how tenants whose first language was not English could provide feedback.

The SBC RMI Contract Manager explained that members of his team spoke a number of other languages and could be deployed to carry out surveys in other languages.

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The Chair proposed that a report setting out the costs and benefits of different methods for gathering customer satisfaction feedback be provided at a future Panel meeting.

The Manager from Osborne stated that sending out surveys by text message a few days after the repair would have a better strike rate than leaving customer satisfaction cards.

The SBC RMI Contract Manager stated that it was important to capture as much feedback as possible and he would explore a range of possible feedback options and report back to the Panel.

- Why were voids were still rated amber?

The SBC RMI Contract Manager advised that this was because the void results fell slightly short of the target set. The quality of void refurbishment had always been to a high standard and the turnaround time had improved. Voids would be completed in an average of 18 days. There were 240 void properties per year, currently there were 32 empty properties, which would be ready in an average of 18 days.

- In relation to KDI performance measure 8, the report advised that the target for a first appointment for urgent and routine repairs was 10 days but the performance was 21 days. Did this mean that tenants had to wait 10 days for urgent repairs to be carried out?

The SBC RMI Contract Manager stated that there were three elements to repairs - emergency repairs would be undertaken within 24 hours and were not included in this measure. This measure related to urgent works (those which needed to be completed within 7 days) and routine works (those which needed to be completed within 20 days). He was looking into potentially separating out the timescales for urgent and routine works and providing two separate targets in the future.

- The report stated that Osborne had repaid the Council £13.5k for failing to meet performance measures – what period did this relate to?

The SBC RMI Contract Manager advised that the penalties, which were part of the new measures, related to the period October 2021 to February 2022. Prior to that period penalties had not been invoked due to the pandemic.

- The report stated that Osborne had repeatedly failed on KDI 2 – ‘The percentage of repairs due in the month which were completed within the prescribed timescale.’ How likely was it that Osborne would catch up on this backlog of 600-800 repairs.

The Account Manager from Osborne stated that it would be difficult to catch up on these due to the problematic nature of the repairs which included things such as fencing works, roofing works and repairing storm damage. Challenges faced included the fact that fencing was currently difficult to

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resource and buy since costs had increased by 40% recently. The cost of labour was equally high due to huge demands on this service area. Osborne were tackling this by seeking alternative supply chains and additional recruitment. He expected this situation to improve over the summer months.

- What action could the Council take if Osborne continued to fail on this KDI?

The SBC RMI Contract Manager explained that Osborne had been acting responsibly by prioritising the existing backlog of repairs, which meant that newer more recent repairs were being pushed to the back of the queue, which is why the newer repairs were failing the target set and giving rise to complaints. He added that he expected to see a significant reduction in the backlog of works once all the additional resources and mitigating measures were in place.

- Did Osborne use local contractors?

The Account Manager from Osborne stated that some local supply chain contractors were used, though this would depend on the trade or specialism being recruited to.

- The report identified two issues in relation to complaints regarding long standing repair issues – ‘the attitude and actions of supervisors’ and the ‘owning and closing problems’ and that supervisors were now being supervised and mentored. Was this enough to satisfy residents or should apologies should be issued? How were apologies conveyed to customers?

The Account Manager from Osborne explained that in such instances the company would follow the joint complaints process and would issue an apology. Depending on the nature and level of the complaint, the company would apologise either in writing or by telephone and inform the customer of any outcomes. If the complaint had been escalated, then the customer would be informed of any investigation results, site visits and face to face visits may also take place. With regard to the second KDI, it should be noted that the company were taking responsible and transparent action. The staff who had transferred to Osborne from Interserve had been used to different working practices and these issues were being addressed through additional staff training, mentoring and supervision.

- Had Osborne had lost the services of its cleaning and caretaking partner with no notice period?

The Account Manager from Osborne stated that the company had met with the existing contractor to finalise the schedule of cleaning and caretaking on site and had experienced resourcing challenges due to the volume of works. It was in the process of recruiting for these positions. It had focussed on issues which significantly impacted residents’ quality of life, such as commode clearances, and targeting blocks of flats and areas which gave rise to most of

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the negative feedback. Osborne had its own directly employed cleaners and caretakers. Fifty percent of services were delivered by direct labour. The other fifty percent, which was delivered by contractors, was at issue.

- How many local contractors did the company use and in which trades?
- Which skillset or trades were causing the most delays with appointments?

The Account Manager from Osborne stated that he did not have exact figures to hand, however, the company used a local clearance company, a local void company and a local electrical firm. He added that 90% of those directly employed on the contractor side were from local area.

The Account Manager from Osborne added that plumbing leaks were not simply a seasonal problem. The company had experienced difficulties in recruiting plumbers directly. This shortage had taken several months to resolve and had further exacerbated the repairs backlogs.

A Member speaking under Rule 30 proposed the following motions be forwarded to the Overview and Scrutiny Committee and then to Cabinet:

1. That customer satisfaction feedback following responsive repairs should not be undertaken by the engineer on site and that other cost effective measures for gathering customer satisfaction should be explored;
2. That any company awarded a Slough Borough Council contract should ensure that they use local employees.

The SBC RMI Contract Manager advised that local labour and firms would be used where possible. However, the contract operated within a cost framework and would have to adhere to the principles of 'best value'. Therefore, Osborne were obliged to balance the ambition to use local sub-contractors and tradespeople against any cost implications.

The Account Manager from Osborne explained that the company faced recruiting challenges due to a nationwide shortage of skilled tradespeople, who were in high demand and were better remunerated in the private sector.

The Account Manager from Osborne added that current market conditions were challenging and the company was rolling out a new staff training and retention policy to mitigate against this.

- If the second motion (above) was implemented, would there be a degradation in service provision?

The Account Manager from Osborne stated that there would be no degradation in service provision.

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The SBC RMI Contract Manager added that some companies used by Osborne were not based in Slough though their employees and operatives were local. He undertook to provide a more detailed breakdown of local employees and firms employed by Osborne.

- What percent of the workforce were sub-contractors and what percent were full time employees?

The Account Manager from Osborne advised that there was a 60/40 split i.e 60% were directly employed and 40% were supply chain/sub-contracted workers. For example, planned works, due to their volume, frequency and commercial sensitivity were delivered by sub-contractors, whereas compliance works were predominantly supplied by direct local labour.

- The contract outlined training opportunities and developing apprenticeships.

The Account Manager from Osborne stated that the company had taken on four apprentices recently and were developing a matrix and a strategy for their induction, training, skills development, attendance at college and familiarisation with all aspects of the company's operations.

The Panel adjourned for 15 minutes to allow Members to break their fasts for Ramadan.

- Why was performance measure 2 below target – was this due to skills, materials or staffing shortages?

The SBC RMI Contract Manager explained that this was because the backlog of repairs was being prioritised ahead of newer, more recent requests for repairs. He undertook to provide a detailed breakdown of which areas were failing.

Following an additional question regarding the use of local contractors, the Account Manager from Osborne responded that it was the company's ambition to use as much local labour as possible. For example, one of their void contractors had recently upscaled and all its employees were from the local area. However, due to nature of some very specialist works it was not always possible to employ only local people.

- Were the four apprentices from the local area?

The Account Manager from Osborne confirmed that all four apprentices were local.

- Why was the target for KDI 2 not being met?

The SBC RMI Contract Manager and the Account Manager from Osborne responded that this had arisen due to an increase in demand during winter months compounded by the recent storms. Many fencing and roofing works

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were delayed and could not go ahead immediately due health safety concerns arising from poor weather conditions.

A Member requested that data regarding how many local residents were employed by Osborne be circulated to the Panel. The Account Manager from Osborne stated that this information could be collated by postcode and would be provided after the meeting.

The motions discussed above were seconded, and agreed unanimously by the Panel. They would be referred to the Overview and Scrutiny Committee and subsequently to Cabinet.

The Assistant Director Place Operations explained that officers could further explore the use of local labour with Osborne. All council tenders had to take into consideration quality, price and social return. In view of the Council's current financial situation and the spending protocols in place, both the Council and Commissioners would expect best value and quality to be prioritised. If the lowest prices were found to be outside Slough then local employees and companies may not be used.

The Chair concluded the meeting by thanking officers for the report. She stated that in view of the challenges faced by Osborne, the Panel did not expect to see immediate improvements in service delivery. Nevertheless, going forward, the Panel hoped to see significant positive changes and improvements in service delivery, evidenced by a reduction in the number of complaints and better and more efficient services for the residents of Slough. The Panel noted recent improvements in service delivery and anticipated further significant positive improvements in the future.

**Resolved:** that the report be noted.

**35. Houses of Multiple Occupation**

**Resolved:** That this item be deferred to the next meeting.

**36. Members' Attendance Record**

**Resolved:** That the Members' attendance record be noted.

**37. Date of Next Meeting - TBA**

To be announced.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.18 pm)

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## Slough Borough Council

**Report to:** Customer and Community Scrutiny Panel **Date:** 06 July 2022

**Contact officer:** *Rhian Richards, housing regulation manager*  
*Garry Tallet, group manager community safety, housing regulation and enforcement*

**(For all enquiries)** (01753) 477396

**Ward(s):** *All*

### Part I

#### For Information

#### **Progress update on borough wide licensing of houses in multiple occupation (HMOs) and licensing of other houses in area designated for selective licensing**

##### **1. Purpose of report**

To provide to the Committee a progress report on the implementation of the Houses in Multiple Occupation and Selective Licensing schemes introduced in spring 2019 under the Housing Act 2004

##### **2. Recommendation(s)/proposed action**

The Committee is requested to note the summary of progress made so far in implementing the Licensing Schemes, offer constructive challenge and to make any recommendations they deem appropriate to improve the efficacy of the schemes.

The Panel is also requested to highlight any data or information they may wish to review at future sessions.

##### **3. The slough joint wellbeing strategy, the JSNA and the Five year plan**

##### **3a. Slough Wellbeing Strategy Priorities**

Housing is widely recognised as a key determinant of health and wellbeing. The Local Authority Health Profile for Slough published early in 2020 by Public Health England highlighted a number of areas where the health of people in Slough is worse than the England average. Research suggests that a number of these areas can be linked to poor housing conditions:

- Early deaths from cardiovascular disease- damp and cold homes have been linked to an increased risk from respiratory and cardiac conditions and in turn to excess winter deaths.

- Rate of hip fractures- Falls are most likely to occur in the home. Disrepair in residential properties for example to floors, stairs and handrails can increase the risk of falls on level surfaces, stairs and those associated with baths and showers
- Hospital admissions for violence- Research by the Police Federation identified a link between the levels of violence in communities and prevalence of houses in multiple occupation
- Rates of T.B. which are almost 4 times the UK average- TB and other infectious diseases can spread more easily where conditions are overcrowded and/ or unsanitary.

In addition there is emerging evidence of a link between an increased risk of Covid 19 and over-crowded housing.

As well as the impact on health, unsafe, unsuitable or insecure housing can also have a long term impact on a child's academic attainment and life chances. Shelters report 'Chance of a lifetime- The impact of bad housing on Children's lives' (2006), highlighted that children who grow up in poor housing are more likely to be unemployed or to experience poverty in adulthood.

The impact of housing on health and well-being is recognised in the Slough Wellbeing Strategy 2020-25 which makes the improvement 'of the life chances of residents by focussing on areas such as housing...' a key ambition under **Priority 3: Strong, healthy and attractive neighbourhoods.**

The thorough and effective licensing of HMOs and other privately rented properties can directly support this ambition by providing a proactive regulatory framework for identifying and improving poorly maintained and badly managed privately rented homes.

### **3b. Five Year Plan Outcomes**

The licensing of HMOs is also a key element of the following outcomes of the Five Year Plan:

- Slough will be an attractive place where people choose to live, work and stay- the impact of the schemes goes beyond individual tenants to the wider community, which benefits from reductions in anti-social behaviour and environmental crime, as well and improvements in the physical environment within their locality.
- Our residents will live in good quality homes- the schemes allow the Council to proactively inspect properties and identify and remediate hazards that may otherwise have gone undetected. The schemes also allow the identification of non-compliant landlords through their absence from the schemes.

## **4. Other implications**

### **(a) Financial**

The financial implications of the licensing regime were discussed in detail in the report to Cabinet dated 18th March 2019. The Licensing fees in Slough are lower relative to other English authorities and were set based on a range of assumptions concerning the cost of various licensing activities. As described later in the report work has begun to

collect updated evidence of the actual underlying cost of administering the schemes in order to revisit the original assumptions made and hence identify what changes to the licensing regime may be required.

**(b) Risk Management**

This report makes no specific recommendations. However the table below highlights recently identified risks associated with the delivery of the schemes.

<i>Recommendation from section 2 above</i>	<i>Risks/Threats/ Opportunities</i>	<i>Current Controls</i>	<i>Using the Risk Management Matrix Score the risk</i>	<i>Future Controls</i>
	<p><b>Health and Safety:</b>  <i>The effective enforcement of the schemes necessitates unannounced visits to properties of unknown occupation. If there is resurgence of Covid infection in the population there is a risk of transmission between staff and residents. However this risk must be balanced against the risk to residents from unsafe property conditions and poor property management and the Council must fulfil its statutory functions under the Housing Act 2004 as well as its general</i></p>	<p><i>Comprehensive risk assessments are in place and are kept under regular review to ensure risks to residents and staff are minimised. Vulnerable staff undertake a personalised risk assessment with their manager.</i></p> <p><i>Current members of staff are all fully vaccinated and as far possible, residents are interviewed about the health status and vulnerability prior to officers entering properties. Team take a risk based approach to their</i></p>	<p><i>6 Marginal impact- low probability</i></p>	<p><i>Continue to regularly review risk assessments in light of new Government guidance and levels of infection.</i></p> <p><i>Where it is not feasible to carry out a physical inspection of a licensed property the housing regulation team will employ alternative methods of auditing compliance including requesting safety certificates and other documentation from licence holders. .</i></p>

	<i>safeguarding responsibilities</i>	<i>interventions ensuring that properties most likely to present serious risk of harm are inspected first.</i>		
	<b>Legal/Regulatory</b> <i>Licensing by its nature poses regulatory and legal risks as the implementation of the schemes necessitates enforcement action, which in turn places pressure on legal and support services. There is also a risk of successful legal challenges against action taken by the Council.</i>	<i>Enforcement decisions taken in line with statutory and local guidance and protocols and signed off by manager at level commensurate with the risk associated with the decision. E.g. prosecution signed off at Group Manager/AD level.</i>	<i>8 Marginal Impact-significant probability</i>	<i>A new suite of policies and protocols, designed to improve enforcement decision making and transparency have been drafted and are currently being reviewed by HB Law. Committee will be asked to scrutinise the policies and protocols in advance of presentation to Cabinet.</i>

(a) Human Rights Act and Other Legal Implications

All policies and procedures introduced in relation to the licensing schemes have been formulated in accordance with relevant Legislation which has regard to Human Rights and is subject to legal scrutiny.

(b) Equalities Impact Assessment

An equalities impact assessment (EIA) was carried out in the final quarter of 2018/19, prior the approval of the licensing schemes. The housing regulation team does not routinely gather equalities information from clients or landlords making it difficult to provide an update here. However, the housing regulation team is examining ways it might collect equalities monitoring data as it undertakes

licensing compliance activity, with a view to evaluating how licensing is affecting the delivery of the Council's equalities objectives.

## 5. Supporting information

5.1. Following an extensive public consultation between November 2018 and January 2019 Slough Borough Council approved the proposal to implement two property Licensing Schemes under Parts 2 and 3 of the Housing Act 2004 to compliment the UK wide Mandatory Licensing scheme for Houses in Multiple Occupation which has been in place since 2006. The rationale and legal justification for introducing the schemes were set out in detail in the report to Cabinet in March 2019.

5.2. The following licensing schemes are currently in operation in Slough

- Mandatory Licensing- This is a UK wide scheme that requires most HMOs with 5 or more occupants to be licensed.
- Additional Licensing- This scheme applies to the whole of Slough borough and includes all HMOs which are not covered by the Mandatory Licensing Scheme.
- Selective Licensing- This applies to a specifically designated area (most of Chalvey and Central Wards) and covers all accommodation rented via and Assured shorthold tenancy or licence to occupy which is not an HMO i.e. let to one household.

5.3. The stock modelling exercise that supported the introduction of the licensing designations generated certain estimates about the size and nature of the private rented sector in Slough, specifically that:

- Slough has **3500** HMOs
- In the area designated for selective licensing there are approximately **3700** rented properties eligible to be licensed.

5.4. It should be noted that confidence in the estimates relating to the number and location of HMOs is lower than for private rented sector estimates.

5.5. On 2<sup>nd</sup> March 2022 there were a total of 3218 licences listed on the Public Register of property licences. This includes 2849 selective licences and 369 HMO licences; 92 Additional and 277 Mandatory. The public register can be accessed via <https://slough.metastreet.co.uk/public-register> . The public register lists only those properties currently subject to a valid licence and does not include properties subject to an application but not yet licensed; nor does it contain expired or revoked licences.

### Licence applications

5.6. Between 1<sup>st</sup> April 2019 and 2<sup>nd</sup> March 2022 the Council received a total of 3546 licence applications; including 427 HMO licence applications and 3124 selective licence applications. Not all applications result in licences being issued, some are refused, others may be withdrawn.

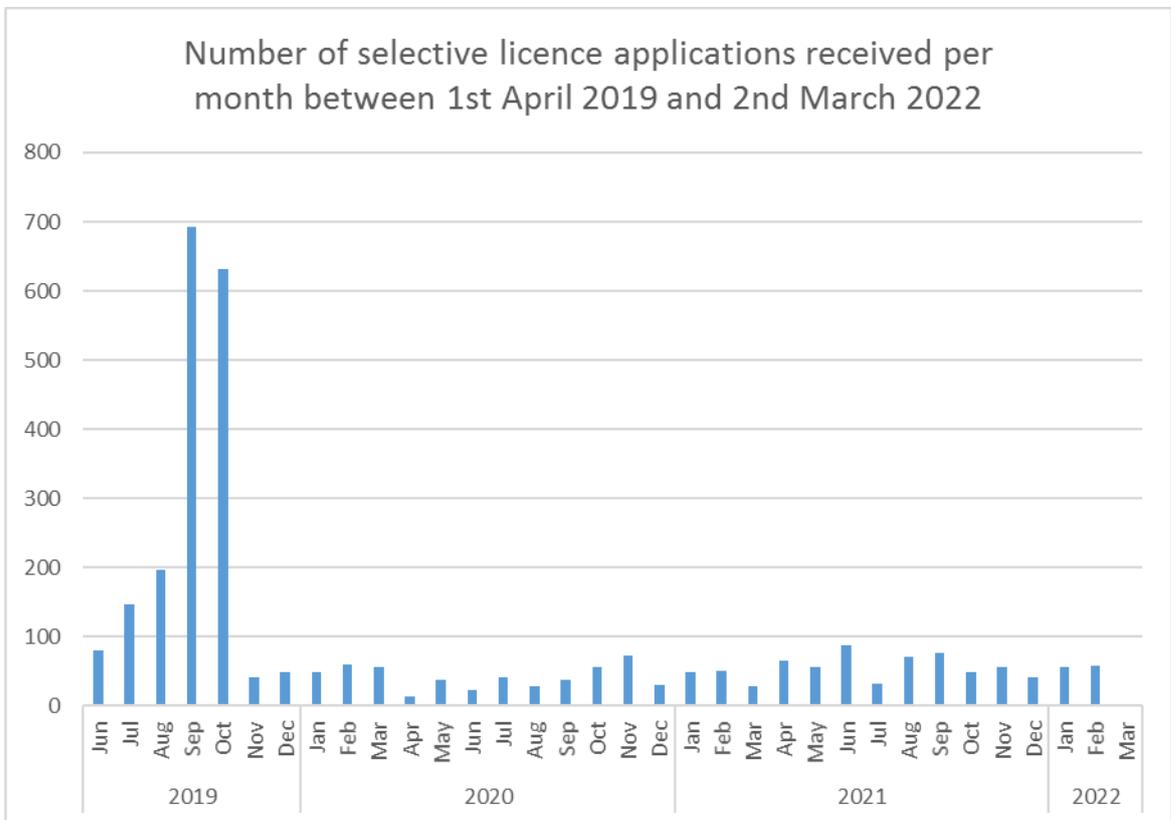
5.7. **Table 1** includes a breakdown of the number of licence applications received per year for the Selective and HMO Licensing schemes since April 2019, compared with the projected number of applications for the same time period. The projections

were made in February 2019, prior to the commencement of the schemes and were predicated on the housing regulation team having a full complement of staff and additional resource recruited to assist specifically with the delivery of the schemes. The projections were revised in January 2020 to reflect the numbers of applications received in the first year and in recognition of the slightly lower than expected resource within the team. The revised projections are included in brackets.

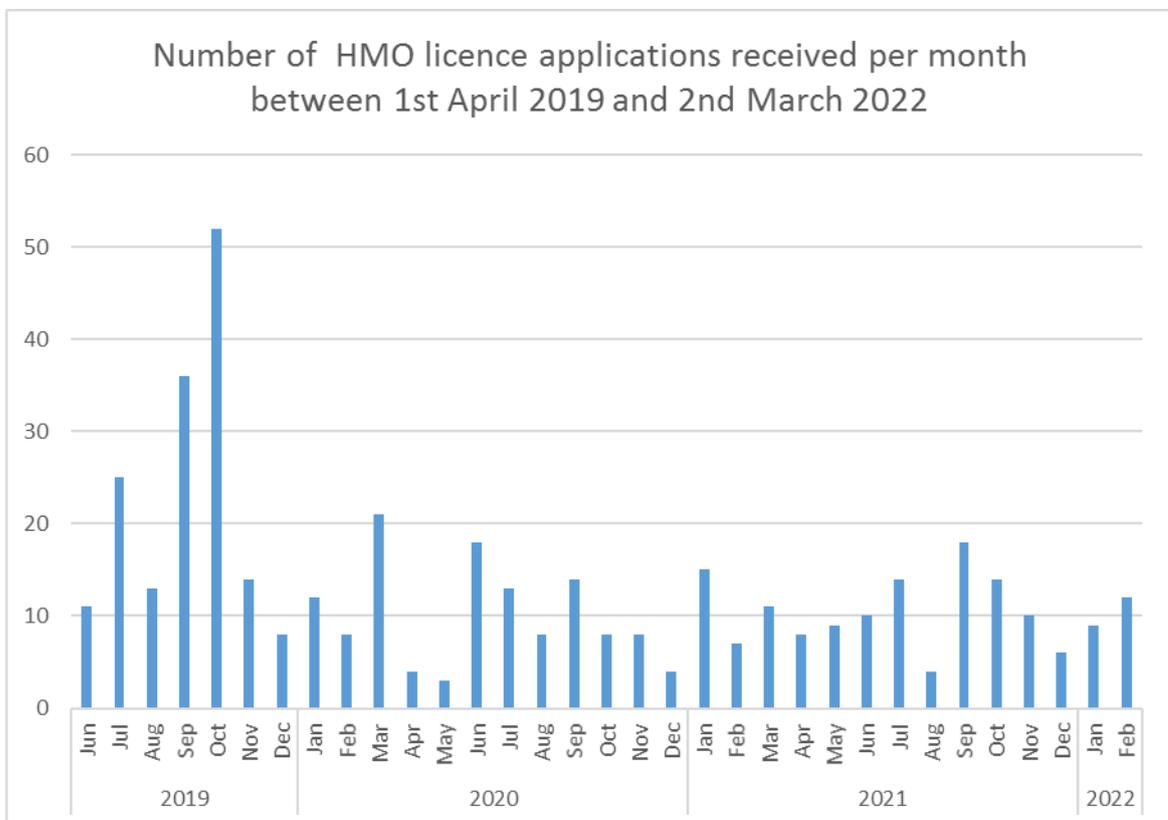
	<b>Projected number of selective licence applications</b>	<b>Actual number of selective licence applications</b>	<b>Projected number of HMO licence applications</b>	<b>Actual number of HMO licence applications</b>
<b>2019/20 (year 1)</b>	550	2002	400	200
<b>2020/21 (year 2)</b>	450 (150)	470	450 (350)	113
<b>2021/22 (year 3)</b>	200 (150)	652	450 (400)	114
<b>2022/23 (year 4)</b>	200 (150)		350 (300)	
<b>2023/24 (year 5)</b>	200		150	
<b>Total to date</b>		<b>3124</b>		<b>427</b>

**5.8. Figures 1 and 2** shows the number of Selective and HMO licence applications received over time since April 2019. The large number of applications received in the autumn of 2019 was largely due to the early bird discount on fees which was available until the end of October 2019. The pool of unlicensed properties in the area designated for Selective licensing is finite and the higher than expected numbers of applications in the first 3 years of the scheme will naturally mean fewer applications will be received over the remainder of the schemes.

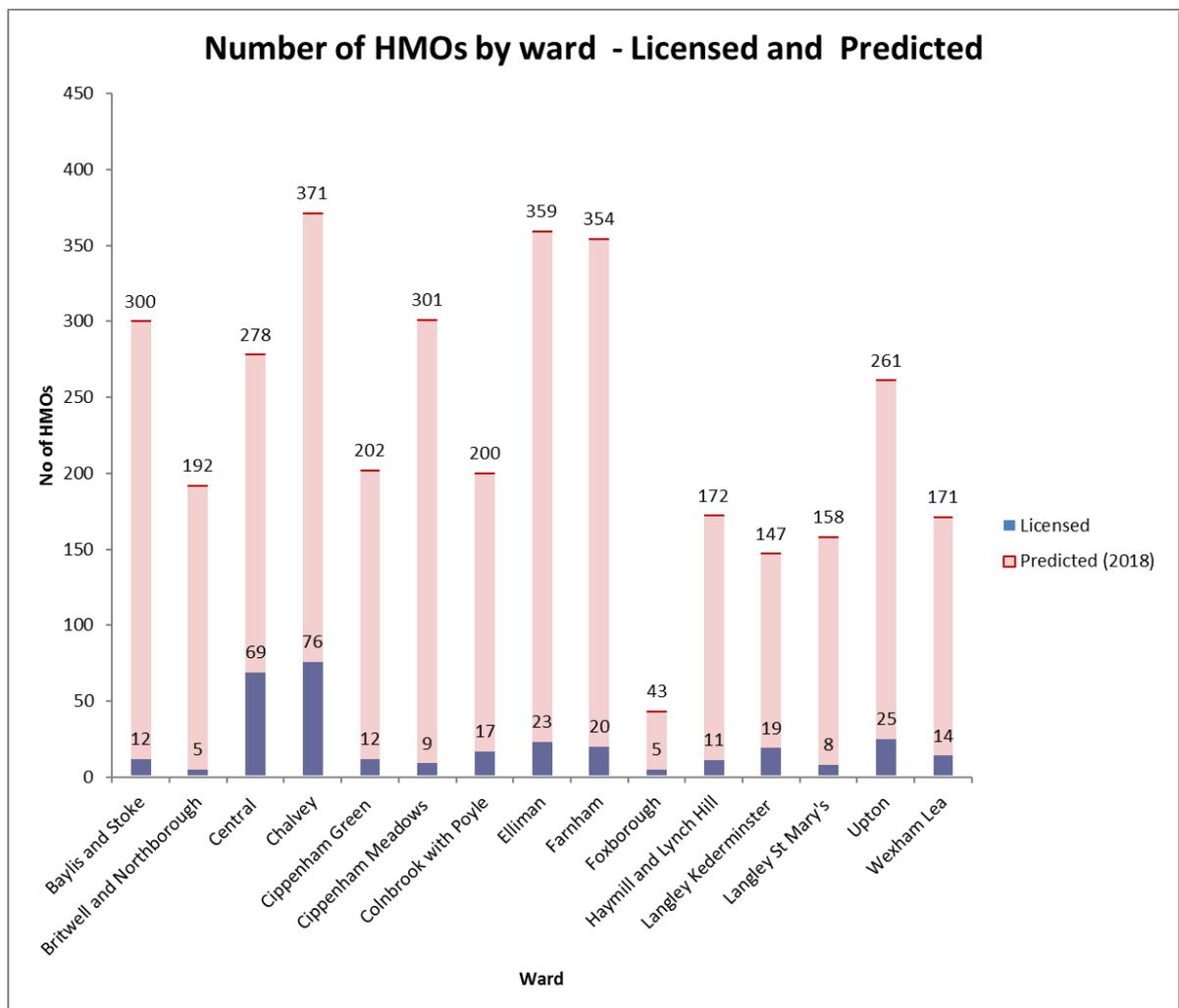
**5.9. Figure 3** shows the number of HMO licence applications received between April 2019 and 2<sup>nd</sup> March 2022 as a proportion of the number of HMOs estimated to exist in each ward



**Figure 1**



**Figure 2**



**Figure 3**

**5.10.** The impact of the Covid pandemic on the activities of the housing regulation team has been significant. Visiting the homes of residents during lockdown or when the prevalence of the virus in the community was high, presented a significant risk to both officers and residents. It was important to balance the risk of Covid with the risk posed by poor housing conditions and consequently the housing regulation team limited visits to those that were necessary for preventing imminent or serious harm. Alternative methods of assessment such as video calls were adopted where the risk of harm was perceived to be moderate; and officers took a pragmatic approach to enforcement, trying as far as possible to resolve disrepair issues remotely through negotiation.

**5.11.** This approach, though necessary and consistent with government guidance and corporate codes of practice on health and safety, did impact the ability of the team to proactively enforce the requirement for HMOs to be licensed. Carrying out unannounced visits to suspected HMOs occupied by an unknown number of persons, whose health status could not be determined in advance, conferred an unacceptable risk to staff and residents in all but emergency situations.

**5.12.** Operating a property required to be licensed without a licence is a criminal offence punishable by civil financial penalty of up to £30000 or unlimited fine in a Magistrate's court. Before taking either of these courses of action the Council must be satisfied the case meets the 'evidential test' as set out in the Code for Crown Prosecutors. Without visiting an unlicensed HMO and interviewing occupants it is

impossible to collect sufficient evidence to meet this test and consequently enforcement of regulations relating to HMOs has been challenging.

- 5.13.** The lack of proactive HMO inspections throughout the lockdowns inevitably resulted in a lower than projected number of HMO licence applications, and the challenge faced by the housing regulation team in 'catching up' is obvious from the data presented in **Table 1** and **Figure 3**
- 5.14.** Despite the many challenges posed by the pandemic officers were able to attract a steady flow of selective licence applications. Properties that require a selective licence are far easier to identify via council tax records than HMOs as it is sometimes impossible to distinguish HMOs from owner occupied properties. Furthermore, as tenants of rented properties occupied by a single household are generally liable for council tax, it is also far easier to obtain their contact details and engage with them from a distance, without the need to visit their home. Officers took advantage of this during lockdown and used council tax data to conduct their investigations remotely.
- 5.15.** Following the relaxation of restrictions in summer of 2021 officers from the housing regulation team, supported by colleagues from the resilience and enforcement team, undertook 3 operations focussing on the identification of unlicensed properties. The operations were undertaken in the Foxborough, Central and Chalvey wards. Participating officers visited hundreds of properties, interviewing occupants and informing residents about the licensing requirements.
- 5.16.** As a result of both their remote investigations during lockdown, and the onsite operations, officers have identified hundreds of unlicensed properties and officer interventions led to the submission of 543 applications between April 2020 and March 2022.
- 5.17.** The operations were warmly welcomed by members of the local community and responsible landlords alike, some of whom commented to officers directly that they were reassured by the high visibility nature of the operations. One resident commented that since seeing officers in Chalvey, a local landlord that he knew had rushed to his rental property to tidy up the garden and the front of the house.
- 5.18.** The amount of follow up work generated by the ward based operations necessitated a pause in rolling out the approach to the other parts of the borough. It is the intention of the housing regulation team to schedule in further operations in the remaining wards however the allocation of resources must be balanced between activities aimed at enforcing the requirement to licence, with those focussing on the auditing of already licensed properties to ensure compliance with conditions.
- 5.19.** The Council has made the formal decision to refuse only one application to date on the basis that the proposed licence holder is not 'fit and proper'. However, the housing regulation team have issued 9 reduced term licences reflecting concerns about the management of those properties; 5 related to HMOs and 4 to houses licensed under the selective scheme.
- 5.20.** The housing regulation team have revoked 53 property licences and in the majority of cases this was done with the agreement of the licence holder, however some were revoked without the licence holder's agreement following Council intervention.

## Impact of licensing schemes to date

### ***Property Conditions***

- 5.21.** Evidence collected prior to the introduction of the discretionary schemes indicated that HMOs in Slough, and privately rented properties in Chalvey and Central wards were more likely than properties in other wards to contain serious category 1 hazards as defined by the housing health and safety rating system (HHSRS). Further information on the HHSRS can be obtained here: [Housing health and safety rating system \(HHSRS\): guidance for landlords and property-related professionals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/housing-health-and-safety-rating-system-hhsrs-guidance-for-landlords-and-property-related-professionals)
- 5.22.** Since 1 April 2019, 225 licensed or licensable properties were identified as having either category 1 or category 2 hazards that were worse than average for the age and type of dwelling, 70 of those contained category 1 hazards.
- 5.23.** The safety of 59 HMOs and 72 licensed family homes have been improved since April 2019 as a result of the removal or reduction of 179 hazards; including 65 Category 1 hazards and 114 category 2 hazards. 61 of the 131 properties that were improved were visited because of licensing and not in response to complaints from residents and it is therefore reasonable to assume that the 77 hazards removed from those 61 properties would remain were it not for the existence of property licensing.
- 5.24.** The most commonly identified hazard types across all properties in Slough since 2019 have been excess cold, damp and mould, fire and electrical hazards; and this trend is mirrored in licensed properties and properties eligible to be licensed.

### ***Property management and anti-social behaviour***

- 5.25.** The housing regulation team has used HMO and selective licensing to tackle nuisance and anti-social behaviour resulting from poor and negligent property management.
- In 2019 in Chalvey, a small HMO eligible to be licensed under the additional licensing scheme was reported to the housing regulation team due to complaints about noise, ASB and criminal activity. An intervention by housing regulation and subsequent involvement of third sector partners resulted in the identification of a victim of modern slavery, who was supported to find alternative accommodation. The main perpetrator of the ASB was evicted and the property, which had been poorly managed for some time was sold.
  - In 2019 in Baylis and Stoke serious criminal activity was uncovered through the execution of a warrant of entry obtained from the Court on the basis that property in question was suspected to be an HMO requiring a licence. Arrests were made and the property was subsequently subjected to a Closure Order under ASB Crime and Policing Act 2014. The property has now been refurbished and is let as a family home.
  - In 2021 a licence holder of an HMO in Langley was warned that his licence would be revoked due to persistent ASB and criminal activity associated with the property. The licence holder was also advised that he would not be issued with a further licence and that the property was of at risk of being placed

under an interim management order. An Interim Management Order involves the Council taking over control of the property and tenancies. In response, the landlord voluntarily surrendered his licence and the property is now fully controlled by another licence holder who was deemed fit and proper to hold a licence. There has been no recurrence of the ASB since the new licence was issued.

- The housing regulation team are currently working alongside a local management company to tackle anti-social and nuisance behaviour at a block of flats in Central ward with a large number of licensed flats. The management company has been struggling to deal with a range of issues particularly the inappropriate storage and disposal of bulky and household waste which can present a serious fire safety risk where the waste causes an obstruction. The Council is writing to all licence holders to remind them of their legal responsibilities and will continue to monitor the situation on site, taking enforcement action if appropriate.

## ***Enforcement***

**5.26.** In line with the Council's enforcement policy as well as Government Guidance and protocols the housing regulation team reserve formal sanctions for the most serious and persistent offenders. The Housing Act 2004 and associated legislation created a range of criminal offences, many of which relate to property licensing and houses in multiple occupation. The Housing and Planning Act 2016 gave Local Authorities the power to issue Civil Financial Penalties as an alternative to prosecution for certain offences including operating a property required to be licensed without a licence. Where an offence is identified that meets the threshold for sanction the Council must decide, in line with its policies whether to issue a civil penalty or to take proceedings to the Magistrate's Court.

**5.27.** The Council has issued 7 civil financial penalties in total, the majority of which relate to licensing:

- In August 2018 a landlord was issued a civil financial penalty of £22.5K for operating a property required to be licensed without a licence and breaches of management regulations relating HMOs. The landlord was allowed to pay in instalments. Unfortunately in this case further enforcement action became necessary and eventually the landlord was prosecuted.
- In November 2018 a £37K civil financial penalty was issued to landlady for breaching multiple management regulations relating to HMOs. The Council pursued the payment through the County Court, eventually recovering the full amount plus costs when the property was sold.
- In October 2019 a Company was fined £5000 for failing to comply with an Improvement Notice. Although the offences is not directly related to licensing the property to which the improvement notice related was a licensed flat. The landlord subsequently carried out the required repairs and the fine has been paid in full.
- In June 2020 a managing agent was fined £8500 for operating a property required to be licensed under the selective scheme, without a licence. The property was subsequently subject to a licence application and the fine was paid in full.
- In October 2020 a landlord was fined £6500 for operating a property required to be licensed, without a licence. A licence application was subsequently

made and improvements were also made to the dwellings. The fine has been paid in full.

- In August 2021 the landlord of an HMO was fined £5250 for operating the property without a licence. A licence application has since been made and the fine is being paid in instalments by agreement with the Council.
- In March 2022 a landlady was fined £7500 for operating a property required to be licensed without a licence. This matter is yet to be concluded.

In total £92,250 of Civil Penalties have been issued by the Council since 2019. In accordance with statutory guidance, all income from civil financial penalties issued for offences under the Housing Act 2004 is retained by the Council and used to support the regulation of the private rented sector in Slough

**5.28.** Since April 2019 the Council has prosecuted 2 individuals for offences under the Housing Act 2004:

- In 2021, following a significant fire at 345 Uxbridge Road, Nadeem Khan of Warwick Avenue was ordered by Magistrates to pay £3990 for operating an HMO without a licence and for breaches of HMO management regulations. The landlord later handed over management and control of the property to a reputable agent and the property has been renovated and is now licensed.
- In January 2022 Mr Faheed Alam Choudhry was convicted of 11 offences under the Housing Act 2004 including operating an HMO without a licence and 10 breaches of HMO management regulations. He was fined £55k by the Magistrates Court, and with costs the total amount Mr Choudhry was ordered to pay was £57,577.92. The landlord has been refused a licence and has appointed a reputable agent to manage the property on his behalf. The Council is currently considering whether it would be appropriate to add Mr Choudhry to the Rogue Landlord Database.

It is important to note that fines issued on conviction in the Magistrates Court are paid to the Treasury and not to the Council.

**5.29.** Following a previous Scrutiny Committee meeting on 22nd October 2020, information was requested regarding the Council's activities in relation to sub-letting. Sub-letting is a civil matter between a landlord and tenant. It is not a matter that the housing regulation team can regulate against. The recourse for landlords unhappy with their tenant's sub-letting is through the Civil Court. Where a tenant has sub-let a property, and in doing so has created an HMO, the Local Authority will investigate and take the appropriate action in accordance with relevant legislation, guidance and policy.

**5.30.** The Housing Act 2004 sets out the licensing offences and defines the offenders in each case and Council officers are duty bound to follow all lines of enquiry relating to an offence in the course of their investigation. Before prosecuting or fining a person under the provisions of the Housing Act 2004, the Council must satisfy itself that the evidential and public interest tests set out in the Code for Crown Prosecutors have been met. This will mean that in certain circumstances the Council will choose not to take enforcement action even where they suspect offences have been committed.

### **Activity in 2022/23 and beyond**

- 5.31.** The most significant challenge to the successful delivery of the licensing schemes is resourcing. In order to ensure that the Council can continue to fulfil its statutory obligations as well as delivering the wider objectives of the licensing schemes, the housing regulation team has put in place interim 'Acting Up' arrangements and will be submitting a business case seeking approval to recruit to the existing housing regulation officer vacancies as soon as reasonably practicable. If the business case is approved it is anticipated that new officers will be in post by autumn 2022.
- 5.32.** Given the time remaining before the current licensing designations expire the housing regulation must pivot its activities towards the inspection and audit of properties already licensed. The housing regulation team will not be able to inspect every property licensed under the selective scheme. Consequently an alternative means of auditing compliance is being devised which will involve licence holders submitting certain documentation and completing an online questionnaire. The response to the questionnaire will be used not only to assess compliance, but to establish which properties may need a full physical inspection. In any event where a licence holder or manager controls multiple properties, the Council aims to carry out at least one full property inspection per landlord.
- 5.33.** In addition, the housing regulation team will prioritise the physical inspection of certain properties licensed under the selective scheme. Prioritisation will be based on stock modelling data relating to the likelihood of a property containing category a category 1 hazard.
- 5.34.** The Council still aims to inspect every licensed HMO within 5 years of an application being submitted and is prioritising its inspection programme on the basis of risk. The level of risk is determined by the size and nature of the property and the licence holder's or manager's history of compliance.
- 5.35.** All licensed or licensable properties subject to a complaint about conditions or poor management will be inspected by a housing regulation officer.
- 5.36.** In order to ensure that the enforcement of the requirement to licence is not neglected as the team focusses on compliance, the housing regulation team is considering carrying out a new tranche of communications to local agents who may be able to disseminate information about the licensing requirements to a large number of landlords at once. We have had some recent success in attracting new applications by liaising with building managers in blocks of flats who often know which flats are rented and which are owner occupied.
- 5.37.** In addition and as mentioned earlier, the team will be scheduling further high visibility operations in localities around the borough with a view to identifying unlicensed properties alongside tackling the wider issues associated with poor property management. Such operations will be supported by officers from the resilience and enforcement team and where appropriate other council departments such as planning enforcement; and other agencies such as Thames Valley Police, Royal Berkshire fire and Rescue Service and others will be invited collaborate. After Chalvey and Central the wards with the highest estimated number of HMOs is Elliman, which will be the subject of the next operation to take place in the first quarter of 2022/23.

**5.38.** The housing regulation team have been working on an improved set of policies and procedures relating to all elements of private sector regulation including a new enforcement policy, a revised protocol for issuing civil financial penalties and a licensing decisions policy. All have been, or are currently being reviewed by HB Law and will be presented at a future committee meeting for scrutiny so that the final iterations can be escalated for approval. These policies and protocols will make decisions relating to enforcement easier for officers, speeding up the process of holding rogue landlords to account. They will also improve transparency and accountability and will assist landlord's to better understand how and why certain enforcement decisions have been taken, thus helping them to challenge the Council if they deem they have been treated unfairly.

**5.39.** Finally with a view to the future, the housing regulation team have commenced a time and motion study to obtain evidence of the true cost of implementing the licensing schemes. Anecdotally, it appears that the time and resource involved in delivering the licensing schemes may have been underestimated, but no data exists to support this assertion. The quality of the licence applications received by the Council varies substantially and consequently a great deal of effort is required to educate landlords and to obtain the information necessary to determine an application.

**5.40.** In order to ensure that a useful cost benefit evaluation will be possible, reliable estimates of the time and resource involved in delivering the schemes are required. Furthermore, as fees are designed to recover the cost of administering the schemes, for any future schemes to be cost neutral it is essential that the Council understands their true cost. The Council may be able to create a fairer fee structure and engender behaviour change all at once by setting a tiered fee structure, where applications which lack essential information attract a higher fee.

**5.41.** A full evaluation of the schemes will be carried out in 2023/24 and the findings of the evaluation; alongside data about the housing stock will be used to inform an options appraisal for the schemes when the current designations expire in 2024. It is important to note that in accordance with Licensing of Houses in Multiple Occupation and Selective Licensing of other Residential Accommodation (England) General Approval 2015, in the case of selective licensing any designation that includes more than 20% of the private rented stock or more than 20% of the Borough's geographical area, requires approval from the secretary of state. Colleagues from other local authorities have reported the application process is labour intensive and a number of Local Authorities have had applications for licensing schemes rejected, including Liverpool City Council in 2020 and Croydon in 2021.

**5.42.** It is clear that if there is to be an expansion of selective licensing beyond the current designated area, the Council must ensure it has robust evidence to support an application to the secretary of state and it must also conduct a thorough public consultation; both of which are likely to require upfront investment and some specialist data and insight support.

## **6. Conclusion**

**6.1.** It is rational to assume that all regulatory teams across the Council will come under increased pressure in coming months as the cost of living crisis begins to take effect and landlords and tenants struggle to pay their bills and maintain their

properties. As demonstrated by the number of hazards removed from licensed properties, licensing presents a fantastic opportunity to proactively target poorer quality accommodation and to root out landlords who are persistently failing to manage their properties. Licensing also provides an opportunity for better engagement with landlords and letting agents who are encouraged through licensing, to approach housing regulation for advice on how to comply with their legal requirements. However, like all departments across the Council, the housing regulation team will need to focus its resources where the risk of harm is greatest, and this will inevitably lead to some cases being deprioritised and residents being asked to seek alternative means of redress against their landlords, for example through property redress schemes, and third sector partners such as Shelter and Citizen's advice.

**6.2.** Formal enforcement, though resource intensive may hold the key to improving the property management culture in Slough. The conviction and fine in January 2022, referenced earlier in this report represents a genuine disincentive to poor management and demonstrates to responsible landlords that the Council are using licensing to root out the rogues. The suite of new policies and protocols currently being developed by the team, together with the lifting of final Covid restrictions should make robust enforcement more achievable in the coming months.

**6.3.** The next step for housing regulation is to bring the new policies to scrutiny ahead of Cabinet and Council approval; date to be agreed.

## **7. Background papers**

There are no background papers accompanying this report.

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## Customer &amp; Community Scrutiny Panel Draft Work Programme 2022/23

Date of Meeting	Topic for consideration/report title	Misc Info
<b>Wednesday 6 July at 6.30pm</b>	Bulky items removal charges	Request from Audit Committee meeting of 1 March 2022 for C&C to consider this item Item has been dealt with at Place Scrutiny Panel
	Houses of Multiple Occupation	Item deferred from 6 April 2022 meeting of the Panel
	Call Centre Statistics	Item deferred from 6 April 2022 meeting of the Panel
<b>Wednesday 7 September at 6.30pm</b>	RMI Contract – Methods and strategies for getting customer feedback following responsive repairs	Follow up action from the 6 April 2022 meeting of the Panel  Ian Stone
	Community Safety	Request from Vice Chair that this be a standing item at all meetings
<b>Thursday 20 October at 6.30pm</b>	TBC	
<b>Wednesday 7 December at 6.30pm</b>	TBC	

**Customer & Community Scrutiny Panel Draft Work Programme 2022/23**

<b>Wednesday 11 January 2023 at 6.30pm</b>	<b>TBC</b>	
<b>Wednesday 1 March at 6.30pm</b>	<b>TBC</b>	

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Customer & Community Scrutiny Panel

**DATE:** 6 July 2022

**CONTACT OFFICER:** Manize Talukdar  
Senior Democratic Services Officer  
**(For all Enquiries)** 07871 944199

**WARDS:** All

**PART I**  
**FOR COMMENT AND CONSIDERATION**

**CUSTOMER & COMMUNITY SCRUTINY PANEL - WORK PROGRAMME 2021/22**

1. **Purpose of Report**

For the Panel to discuss its draft work programme for 2022-23.

2. **Recommendations/Proposed Action**

That the Panel review the work programme and potential items for scrutiny in 2022/23.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3.1 The Customer & Community Scrutiny Panel, along with the Overview & Scrutiny Committee and other Scrutiny Panels combine to meet the local authority's statutory requirement to provide public transparency and accountability, ensuring the best outcomes for the residents of Slough.

3.2 The effective scrutiny of the council's decision making and work in the area of health and social care underpins the delivery of all four of the Joint Slough Wellbeing Strategy priorities:

- Starting Well
- Integration
- Strong, healthy and attractive neighbourhoods
- Workplace Health

3.3 The work of the Panel also reflects the following priorities of the Five Year Plan:

- Our residents will have access to good quality homes

#### 4. **Other Implications**

##### **(a) Financial**

There are no financial implications of proposed action.

##### **(b) Risk Management**

There are no risk management implications of proposed action.

##### **(c) Human Rights Act and other Legal Implications**

There are no Human Rights Act implications arising from this report.

##### **(d) Equalities Impact Assessment**

There are no Equalities implications arising from this report.

#### 5. **Supporting Information**

5.1 This work programme should cover all aspects of the Scrutiny Panel's remit:

- Customer Services
- Revenues and benefits
- Community & Neighbourhoods
- Learning, Skills & Employment
- Accommodation

5.2 The work programme is a flexible document which will be continually reviewed throughout the municipal year. It will be updated to take into account requests for consideration of issues from members of the Panel.

#### 6. **Conclusion**

This report is intended to provide the Panel with the opportunity to review its upcoming draft work programme and make any amendments it feels are required.

#### 7. **Appendices Attached**

A – Draft Work Programme for 2022/23 Municipal Year

#### 8. **Background Papers**

None.

## Customer & Community Scrutiny Panel Draft Work Programme 2022/23

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