



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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Published 19/01/22

Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 26 January 2022. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented on Thursday 27 January 2022 if they are not called-in.

Delegated Decisions

- 1. Councillor Nick Kelly, Leader of the Council**
 - 1.1. ICT Capital Allocation **(Pages 1 - 18)**
- 2. Councillor Mrs Vivien Pengelly, Cabinet Member for Home & Communities**
 - 2.1. Approval and adoption of a Banning Orders Policy **(Pages 19 - 40)**

EXECUTIVE DECISION

made by a Cabinet Member




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L26 21/22

Decision	
1	Title of decision: ICT Capital Allocation
2	Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly, Leader of the Council
3	Report author and contact details: John Finch, john.finch@plymouth.gov.uk
4	<p>Decision to be taken:</p> <ul style="list-style-type: none"> • Approves the Business Case; • Allocates £5.952m for the project into the Capital Programme funded by service borrowing; • Delegates the responsibility for the allocation of funding to the projects named in the Business Case to the Strategic Director of Customer and Corporate Services; • Delegates the award of contracts for individual investment cases to the Strategic Director of Customer and Corporate Services in consultation with the Cabinet member for Governance, HR, IT & Community Safety.
5	<p>Reasons for decision:</p> <p>This case requests funding to support further investment in the ICT supporting the Council's service delivery. The spend is sub divided into 2 primary categories:</p> <ul style="list-style-type: none"> • Maintenance at a cost of £3,629m to replace and extend life and/or usefulness of existing ICT assets including a new data centre to replace the current data centre at Windsor House. • New business capability of £2.323m, which will add additional technical capability to support enhanced and/or more cost effective service delivery, and allow the council to realise more savings due to enhanced digital services. <p>Without this decision it will not be possible to continue to support IT services across the Council to the level that they are expected and required by the business.</p>
6	<p>Alternative options considered and rejected:</p> <p>The maintenance budget is mandatory to “keep the lights on” for our systems. The option to do nothing was therefore not considered. The only other funding mechanisms for this could have been revenue, which would make no sense given the nature of the asset.</p> <p>The new business capability funding should be seen as an allocation of capital against which</p>

	cases will draw down investment required by the Council where there are justifiable returns on the investment. The alternative to this case would be for these requests to individually prepare capital requests which was rejected due to the additional complexity this would introduce.			
7	Financial implications and risks: The additional borrowing required for this case amounts to a total of £5.952m. Of this the maintenance element of £3,629m will be funded by the ICT revenue budget managed by the DELT client function. The balance, to be spent on new business capability, will be funded by service borrowing for the departments making the case for this spend.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	10 December 2021		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	This is consistent with the Accommodation Framework and ICT Strategy for the Council		
10	Please specify any direct environmental implications of the decision (carbon impact)	There will be an overall reduction in carbon footprint due to the data centre being greatly reduced.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny			

	Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	<input checked="" type="checkbox"/>	
		No	<input type="checkbox"/>	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor John Riley, Cabinet Member for Governance, HR, IT and Community Safety		
13c	Date Cabinet member consulted	11 November 2021		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	<input type="checkbox"/>	If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>	
15	Which Corporate Management Team member has been consulted?	Name	Andy Ralphs	
		Job title	Strategic Director of Customer and Corporate Services	
		Date consulted	9 September 2021	
Sign-off				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS97 21/22	
		Finance (mandatory)	djn.21.22.136	
		Legal (mandatory)	LS/37557/AC/2/11/21	
		Human Resources (if applicable)	N/A	
		Corporate property (if applicable)	N/A	
		Procurement (if applicable)	N/A	
Appendices				
17	Ref.	Title of appendix		
	A	ICT Capital Business Case 2021		
Confidential/exempt information				
18a	Do you need to include any confidential/exempt information?	Yes	<input type="checkbox"/>	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for

		No	<input checked="" type="checkbox"/>	publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature			Date of decision	19 January 2022				
Print Name	Councillor Nick Kelly, Leader of Plymouth City Council							

CAPITAL INVESTMENT BUSINESS CASE

ICT Capital bid 2021



EXECUTIVE SUMMARY

The Executive Summary is a short summary of the Business Case and should be the last section you complete, this will enable you to extract or only the key facts from relevant sections i.e. 'project on a page'. The summary is a 'snapshot' of the business case which will need to tell the story and sell the proposal.

This case requests funding to support further investment in the ICT supporting the Council's service delivery. The spend is sub divided into 2 primary categories:

- Maintenance at a cost of £3,629m to replace and extend life and/or usefulness of existing ICT assets including those in of the data centre, office buildings and the equipment for staff and Councillors to work flexibly.
- New business capability of £2.323m, which will add additional technical capability to support enhanced and/or more cost effective service delivery, and allow the council to improve customer experience as well as realise more savings due to enhanced digital services.

SECTION I: PROJECT DETAIL			
Project Value (indicate capital or revenue)	£5.952m	Contingency (show as £ and % of project value)	
Programme	Transforming Council Services	Directorate	Transformation & Change
Portfolio Holder	Councillor Riley	Service Director	Select a Service Director
Senior Responsible Officer (client)	Andy Ralphs	Project Manager	John Finch
Address and Post Code	N/A	Ward	Citywide
Current Situation: <i>(Provide a brief, concise paragraph outlining the current situation and explain the current business need, problem, opportunity or change of circumstances that needs to be resolved)</i>			
<p>The Council's current ICT infrastructure only has a finite lifespan, with new technologies and capabilities being introduced regularly to the market. The current data centre is located in Windsor House, which is being removed from the corporate estate, so an alternative is needed. In addition, the corporate laptop estate will start failing in the next few years and will need replacing as the maintenance and support will have ended.</p> <p>The Council also needs to continue to improve and introduce efficiencies whilst also maintaining the current service levels. The new business capabilities will facilitate this.</p> <p>This case is for investment in technology required to support the continued modernisation and transformation of the Council. Subject to approval, funding agreed under this case will be allocated within the Capital Programme, administered and prioritised as defined in this case by the ICT Review Group.</p> <p>This case requests funding to support further investment in the ICT supporting the Council's service delivery. The Investment Board will note that this spend is sub divided into 2 primary categories:</p> <ul style="list-style-type: none"> • Maintenance (to replace and extend life and/or usefulness of existing assets) • New business capability (adding additional technical capability to support enhanced and/or more cost effective service delivery) <p>This separation of categories is a common feature of ICT spend in other organisations and offers some ability to compare spending against other industries and organisations. Organisations able to spend more of their available budgets on new business capability (to enhance service delivery in government and to run or grow the business in commercial settings) are more likely to be able to take advantage of new opportunities and to be more agile.</p>			
Proposal: <i>(Provide a brief, concise paragraph outlining your scheme and explain how the business proposal will address the current situation above or take advantage of the business opportunity) and (What would happen if we didn't proceed with this scheme?)</i>			
<p>For the Council, since January 2016 when oversight on spending was formally agreed to sit within Transformation the mix of our spend has been around 60% on maintenance and around 40% on new capability. Historically, the spend levels of maintenance of our ICT have been declining, this has resulted in an unpredictable profile of investment - minimal spend for most of the time with periodic spikes in spend in response to failed systems or</p>			

inspections. Delt have now re-established a schedule of preventative maintenance to keep systems at or new latest generation of software so that PCC benefits from more resilient and secure technology and a more frequent programme of upgrades that are lower risk and less impactful on the business than an occasional big change.

Required Investment

This case seeks approval for £5.952m, which split approximately between 60% on maintenance and 40% on new business capability. The maintenance spend covers the next 4 years, and includes the provision of a complete new data centre, whilst the new business capability covers the next 18 months.

The case describes the expected projects over the next 18 months for new business capability. Over the course of this period of time as changes occur to the landscape these projects may change, the process of ensuring the allocation of our capital spending is dedicated to the most important projects will be the responsibility of the ICT Review Group.

This group will be supported by analysis to rank projects against the following criteria:

- 1/. Maintenance spend should be prioritised over spend on new business capability
- 2/. New business capability should be ranking in order based on the following criteria:
 - Are the benefits of the project explicitly stated as a requirement for the current year budget?
 - Is the project driven by legislation or statutory requirements?
 - Does the project enable a partner organisation to deliver financial benefits?
 - Is the Council committed to the project such that not to deliver it would cause reputational issues?
 - Does the project directly result in improved services for citizens of Plymouth?
 - If this project is not pursued is there a sunk cost to be written off or an impact on momentum?
 - Scale of net benefits – the bigger the better
 - The timing of net benefits – the earlier the better
 - Confidence in benefit realisation
 - Support to mitigate risks on the risk log
 - As part of the analysis, are any OTHER projects dependent on this one?

The case is presented as a collective investment in a number of technical enablers required by the Transformation Programme so as to keep things efficient and reduce to a minimum the number of separate cases being considered for capital investment. This means that whilst some of the component parts are advanced in their planning and able to describe costs and benefits with some detail, others are still being developed and as yet lack full definition on their costs and benefits. Subject to approval of this case the responsibility for approving detailed cases will be delegated to the Chair of the ICT Review Group who is the Strategic Director for Transformation and Change, responsibility for contract award would be with the Cabinet Member for Finance and ICT.

The breakdown of the costs is as follows:

- I. Maintenance of current IT systems

£3,629m which consists of three elements

- £482,000 per annum for 4 years, for Delt to replace the current data centre infrastructure with a new more resilient model, and ensure it continues to provide access to services hosted on that infrastructure.
- The total cost of the new infrastructure is £2.7m, with the payback amount of £482k per annum being agreed with the Delt shareholders. The CCG contributing 30% in addition as part of their shareholder responsibilities.
- A breakdown of what it provides is below:
 - The current data centre is due to move outside of the current location in Windsor House. Delt have proposed a new model of data centre, based on the campus model used by the large cloud providers such as Amazon and Microsoft.
 - The data centre will be hosted in a highly resilient site, which is used by companies such as Microsoft for their cloud services, reducing the risk of downtime, and providing a level of service and security which would not be possible in a Council hosted site.
 - An additional benefit of moving to this model is a reduction in the amount of hardware used, therefore reducing the carbon footprint due to less power being used.
 - Network switching infrastructure
 - Data and server infrastructure
 - Perimeter security
 - Project management for implementation
 - Once complete, the new model will save £240k per year compared to the current data centre, due to the efficiencies gained by a reduction in hardware and the removal of a second data centre to provide the required resilience.
- £1.7m for replacement of the current laptop estate during the next 3 years.
- 20k investment in applications

Note: the one-off migration costs associated with the data centre move are included in previously approved separate capital case. The costs in this case cover the refresh and maintenance of the equipment in the data centre.

2. New business capability

£2.323m of investment.

The following new services have been assessed using the criteria above, with all meeting a minimum threshold of 10 using a weighted scoring matrix.

- Highways Management system - 100k
 - This system is required for the inventory and management of assets, statutory safety inspections, works ordering to external contractors (communicating directly with their works management system), asset deterioration and programme modelling and street works management and also includes a pavement management system. The current system will need to be upgraded or replaced in 2022.
- Alloy phase 2 – 250k
 - Alloy roll out for the next and final phase of Street Scene service areas following successful rollout to trees, playing parks and litter bins. This next phase would include grounds, street cleansing, memorial benches and other items.
- Mobile working for Building Control – £86.4k

- The current changes to be implemented this year by the Government especially around Dangerous Buildings have resulted in ensuring that the Building Control have the right software and hardware to be able to work remotely and deal with the new legislation.
- To be able to do this Building Control must have access to the live Idox system on site and be proactive around resolving issues quickly under the new Building Control Regulations.
- Deceased Online – £5.5k
 - Deceased Online supports a database for burials and cremations which will allow the public to engage with the bereavement service digitally, using a self-service process which is currently undertaken by admin staff.
- Cloud hosted Bereavement service management system - £40k
 - This will provide additional and up to date features for the Bereavement Service, allowing them to move to a more digital way of working allowing for interaction with clients electronically.
- PVP management solution - £24k
 - An electronic solution which will allow the Council to manage contact with clients that present a risk to staff, ensuring a level of protection when needed.
- Development of the plymouth.gov.uk website - £250k
 - Introduction of a new website provided by the current supplier which will provide improved customer experience, accessibility, first contact resolution, and quality of content. Content management system will also move to a supported version.
- Data to intelligence - £200k
 - Assessment and design of the Council's current data estate, to allow for centralised reporting tools providing dashboards with current information that can be used by staff and partners, removing the requirement to manually produce reporting and intelligence using standard office applications.
- Digital Twin for planning – 250k (split over 4 years)
 - Urban digital twins are a virtual representation of a city's physical assets, using data, data analytics and machine learning to help stimulation models that can be updated and changed (real-time) as their physical equivalents change.
- EDRMS Data storage and management solution - £200k
 - Migration from the current internally hosted file system, based on legacy technology, to a more modern data storage system, which allows access from a variety of devices and greater sharing and control of data.
 - Efficiency gains can be realised by automation of deletion of items which have exceeded the retention data, internal sharing, access management and removal of duplication.
- Sensors and monitors - £100k
 - The investigation and trial of various different types of sensors, which can provide proactive automation for council services including detection of road defects, alerting of items nearing maximum capacity and various social care provisions.
- Desktop GIS - £150k
 - Assessing and procuring a suitable replacement for the council's desktop GIS and gazetteer which widely considered not fit for purpose, and will need completely replacing in Feb 2022.
 - The new Desktop based GIS will allow centralisation of all GIS mapping, and publication of interactive maps on the Council's website for the public to consume.
- Legal case management system - 50k

- Provision of a case management system for legal services which will facilitate greater partnership working, and integration with other systems.
- Booking solution - £30k
 - Provision of a corporate booking system to replace several systems currently used, allowing for greater integration with online services, and provision of direct booking for services to Citizens.
- AI solutions - £500k
 - This is a placeholder budget, recognising that we don't have the expertise in house to assess how and where we would spend this money
- Civica App Replacement - £20k
 - Civica App is a case management system used by Public Protection and Community connections, which is currently not fit for purpose. The system costs £53k per annum, and this investment would utilise current technologies and automation to remove the need for a bespoke application.
- Caspar Cloud - £12k
 - The Deputyship team currently use the internally hosted version of Caspar, which offers very basic functionality to manage the finances of clients. The move to a hosted solution will offer improved integration and workflow.
- Visiting Officer Solution - £25k
 - The Service Centre visiting officer has to print inspections sheets before they visit, these forms are completed in pen and later manually scanned into the W2 system. It is inefficient, time-consuming and creates delays.
 - This is for the provision of an electronic system that can introduce efficiencies and remove the need to use paper.
- WiFi / self-service printing for library users - £10k
 - This will provide print services within libraries for customers who use their own devices.
 - Own-device customers are potentially a new income stream, and represents an increased offer to citizens.
- Current application contingency – 20K
 - Contingency figure for any rise in costs for current applications

Why is this your preferred option: *(Provide a brief explanation why this option is preferred) and (Explain why this is a good capital investment and how this would be an advantage for the Council) and (explain how the preferred option is the right balance between the risks and benefits identified below).*

These investments will have significant benefits across a number of the Council’s activities: Continuing to improve the efficiency of the organisation and service to customers through:

- Reducing the risk of infrastructure failure
- Ensuring that end user devices can be replaced when end of life
- Providing a pre-approved mechanism for key projects that will deliver more efficient ways of working to staff, and maximise the utilisation of our data.

Option Analysis: *(Provide an analysis of ‘other’ options which were considered and discounted, the options considered must be a ‘do Nothing’ and ‘do minimum’ and ‘viable alternative’ options. A SWOT – Strength, Benefit, Opportunity, Threat analysis could be attached as an appendix).*

Do Nothing Option

List Benefits:

- None identified

List Risk / Issues:	<p>A failure to invest will have the following impacts: -</p> <ul style="list-style-type: none"> • An inability for the current data centre to move out of Windsor House, which introduces a risk to the building sale • The capability of the existing ICT infrastructure and equipment will continue to degrade which will impact directly on the staff's ability to provide a high level of service to the citizens of Plymouth which would result in loss of reputation and confidence with Plymouth City Council. • Failure to continue to deliver service improvements and savings through the digitisation of certain functions. • Commercialisation opportunities within transformation programmes and across the wider council will not be realised. • The Business would suffer further loss or impaired service provision • Further staff reductions could not be realised without automation of processes • Failure to Automate Business processes. • Business as Usual – Failure to manage the lifecycle of ICT equipment and infrastructure creating system outages and security risks to the provision of services.
Cost:	<ul style="list-style-type: none"> • Zero cost initially, however there will be increasing costs when equipment / infrastructure fails.
Why did you discount this option	<ul style="list-style-type: none"> • The Council would not be able to operate using infrastructure that is failing.
Do Minimum Option	<ul style="list-style-type: none"> • The minimum required would be to ensure that the maintenance aspect is covered.
List Benefits:	<ul style="list-style-type: none"> • Reduces risk of infrastructure failure
List Risk / Issues:	<ul style="list-style-type: none"> • New business capability would not be realised • The Council would face increased costs in the future due to the use of legacy systems which do not integrate internally or with partners, and rely on inefficient processes for use. • The Council will not be able to realise the benefits, and introduce efficiencies from automation and data integration • The Council would not be able to meet future savings from transformation of departments
Cost:	£3,629m
Why did you discount this option	<ul style="list-style-type: none"> • This option only maintains the current situation, and does not provide opportunities to realise future savings or introduce efficiencies through use of integrated digital systems.
Viable Alternative Option	<ul style="list-style-type: none"> • Review prioritisation of new business capability
List Benefits:	<ul style="list-style-type: none"> • Reduces the amount of cost for new business capability
List Risk / Issues:	<ul style="list-style-type: none"> • The services that are removed from the priorities will need to be funded in the future • The business areas affected will not be able to introduce efficiencies which lead to cost savings
Cost:	<ul style="list-style-type: none"> • Unknown

Why did you discount this option	<ul style="list-style-type: none"> The cost reduction would be negligible compared to the benefits introduced to the service areas, which would realise cost savings and efficiencies
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Strategic Case:	
Which Corporate Plan priorities does this project deliver?	economic growth that benefits as many people as possible an efficient transport network focus on prevention and early intervention
Explain how the project delivers or supports delivery of Joint Local Plan/Plymouth Plan Policies (include policy references)	<ul style="list-style-type: none"> Unlocking the city’s potential <ul style="list-style-type: none"> These investments improve services to better focus on customer needs, introducing proactive ways of providing services to customers, for example identifying road defects automatically, utilising the data the Council processes to allow partners and businesses to make greater informed decisions within the city. An increased resilience in technology reduces the risk of failure and failure to deliver services to the city. Caring for people and communities <ul style="list-style-type: none"> A number of the investments provide direct benefit to the Citizens of the city, and help reduce in equalities, for example the new services in libraries will reduce Digital Exclusion. The improved website will integrate with the improved internal data, allowing for citizens to experience a more efficient resolution for their needs, combined with proactive sensors that can be used for social care needs, will allow the Council to target funding more efficiently at the areas that require it.

Project Scope: *(To avoid scope creep and cost escalation it is important to have an agreed scope of what the project will and will not deliver. List below what is included and not included in the project ‘budget’. Projects should be delivered within scope and budget, but should project change happen then the business case requires revisiting, updating and re-approval)*

In Scope	Out of Scope
<ul style="list-style-type: none"> All of the services identified above 	<ul style="list-style-type: none"> Anything not listed

Project Governance : *How the project delivery is structured (amend example chart as appropriate)*
High Risk Projects will require a Project Board Chaired by Portfolio Holder
Low Risk Projects will require a structured Project Team reporting to Portfolio Holder

The governance of this funding will be overseen by the ICT Review Group, which involves stakeholders from Finance, Transformation and Delt. The group ensures that any ICt spend is managed and allocated in accordance with corporate priorities. The groups has delegated authority to draw funding down to individual projects that have been approved.

Milestones and Date:		
Contract Award Date	Start On Site Date	Completion Date

Who are the key customers and Stakeholders	Various	Which Partners are you working with	Delt
Section 2			
Outcomes and Benefits			
List the outcomes and benefits expected from this project. (An outcome is the result of the change derived from using the project's deliverables. This section should describe the anticipated outcome) (A benefit is the measurable improvement resulting from an outcome that is perceived as an advantage. Benefits are the expected value to be delivered by the project, measurable whenever possible)			
Financial outcomes and benefits:		Non-financial outcomes and benefits:	
<p>These investments will have significant benefits across a number of the Council's activities:</p> <ul style="list-style-type: none"> • Reduction in long term costs for the data centre operation, with increased resilience and performance • Continuing to improve the efficiency of the organisation and service to customers through: <ul style="list-style-type: none"> • Automating manual/paper tasks to reduce costs and improve quality • Enabling smart/mobile working to allow services to be delivered where they are needed and reducing accommodation costs • Planning ahead to provide financial security to PCC and Delt to maintain existing services and develop new capability <ul style="list-style-type: none"> ○ Baselining costs and outcomes ○ Defining equipment refresh requirements over 3 and 5 year cycles ○ Keeping up with technology innovations that add value to Plymouth • Removal of expensive systems 		<ul style="list-style-type: none"> • Enabling informed decision making by joining up systems within PCC to create integrated views of: <ul style="list-style-type: none"> ○ Citizens ○ Costs ○ Services and outcomes ○ Performance • Standardising the way we work • Simplifying how we operate • Supporting cost effective, easy to use and highly accessible services • Facilitating collaboration to bring ideas and skills together across PCC and partners to achieve better outcomes for the people of Plymouth • Delivering modern, high productivity technical tools to staff meeting the needs of a professional workforce and helping to attract and retain talent to the authority • Continuing to improve health and social care service delivery by improving the communication between Citizens, carers and service providers in the monitoring and management of health conditions. 	

SECTION 3: CONSULTATION

Does this business case need to go to CMT	Yes/No	Date business case approved by CMT (if required)	
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Have you engaged with Planning Department. (If no, please state the reason)	No
If yes, summarise the planning requirements.	N/A

<i>(If PP is required ensure you engage with planning prior to seeking approval of this Business Case)</i>		
Is the budget cost reflective of planning requirements		
Who is the Planning Officer you consulted with.		
Planning Consent Date		

Have you engaged with Building Control.		No
<i>(If no, please state the reason)</i>		
Is the Building Control pre-application registered	N/A	
What is the pre-application number		
Is this classed as a HRRB building	No	
Is this building classed as 'high risk'	No	
Who is the Building Control Case Officer	Select Case Officer Name	

Low Carbon	
What is the anticipated impact of the proposal on carbon emissions	
How does it contribute to the Council becoming Carbon neutral by 2030	

Have you engaged with Procurement Service.		No
Procurement route options considered for goods, services or works	Delt will provide procurement services	
Procurements Recommended route.		
Who is your Procurement Lead.		

Which Members have you engaged with and how have they been consulted <i>(including the Leader, Portfolio Holders and Ward Members)</i>	Cllr John Riley – Cabinet Member with responsibility for ICT
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Confirm you have taken necessary Legal advice, is this proposal State Aid compliant, if yes please explain why.	N/A
Who is your Legal advisor you have consulted with.	

Equalities Impact Assessment completed (This is a working document which should inform the project throughout its development. The final version will need to be submitted with your Executive Decision)	No
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SECTION 4: FINANCIAL ASSESSMENT

FINANCIAL ASSESSMENT : In this section the robustness of the proposals should be set out in financial terms. The Project Manager will need to work closely with the capital and revenue finance teams to ensure that these sections demonstrate the affordability of the proposals to the Council as a whole.

CAPITAL COSTS AND FINANCING

Breakdown of project costs including fees surveys and contingency	Prev. Yr.	21/22	22/23	23/24	24/25	25/26	Future Yrs.	Total
	£m	£m	£m	£m	£m	£m	£m	£m
Maintenance		1.049	1.049	1.049	0.482			3.629
New Business capability		0.709	0.990	0.524	0.100			2.323
Total capital spend		1.758	2.039	1.573	0.582			5.952

Provide details of proposed funding: Funding to match with Project Value

Breakdown of proposed funding	Prev. Yr.	21/22	22/23	23/24	24/25	25/26	Future Yrs.	Total
	£m	£m	£m	£m	£m	£m	£m	£m
Unitary charge through revenue		1.049	1.049	1.049	0.482			3.629
Service borrowing		0.709	0.990	0.524	0.100			2.323
Total funding		1.758	2.039	1.573	0.582			5.952

S106 or CIL (Provide Planning App or site numbers)	N/A		
Which alternative external funding sources been explored (Provide evidence)			
Are there any bidding constraints and/or any restrictions or conditions attached to your funding			
Tax and VAT implications			
Tax and VAT reviewed by			
Will this project deliver capital receipts? (If so please provide details)			
Schemes in excess of £0.5m should be supported by a Cost Benefit Analysis. Calculations undertaken should be attached as an appendix to support financial implications shown below. Please contact your revenue accountant for assistance with this section.			
Is the capital ask greater than £0.5m	Y	If the answer is yes, have you attached the Cost Benefit Analysis	Y

REVENUE COSTS AND IMPLICATIONS

Cost of Developing the Capital Project (To be incurred at risk to Service area)

Total Cost of developing the project	£
Revenue cost code for the development costs	
Revenue costs incurred for developing the project are to be included in the capital total, some of the expenditure could be capitalised if it meets the criteria	Y/N
Budget Managers Name	

Ongoing Revenue Implications for Service Area

	Prev. Yr.	21/22 £	22/23 £	23/24 £	24/25 £	25/26 £	Future Yrs.
Service area revenue cost							
Loan repayment (terms agreed with Treasury Management)			368k	426k	329k	122k	

Other (eg: maintenance, utilities, etc)							
Total Revenue Cost (A)			368k	426k	329k	122k	
Service area revenue benefits/savings							
Annual revenue income (eg: rents, etc)							
Total Revenue Income (B)							
Service area net (benefit) cost (B-A)							
Has the revenue cost been budgeted for or would this make a revenue pressure	The revenue cost has been budgeted for and is monitored with the ICT programme to ensure that the spend is kept within the revenue cost						
Which cost centre would the revenue pressure be shown	4050		Has this been reviewed by the budget manager		Yes		
Name of budget manager							
Loan value	£5.952m	Interest Rate	1.5%	Term Years	5	Annual Repayment	As above.
Revenue code for annual repayments	4050						
Service area or corporate borrowing	Service Borrowing						
Revenue implications reviewed by	Stephen Coker						

SECTION 5: MONITORING PERFORMANCE & POST PROJECT REVIEW

To conclude, the purpose of a business case is to outline the business rationale for undertaking a project and to provide a means to continually assess and evaluate project progress throughout delivery. It is the responsibility of the project manager to ensure the project remains on time and within budget during delivery and to monitor the project throughout and provide a Post Project Review on completion.

Investment Team Monitoring:

The Investment Team are required to report on completed projects and what they have achieved. To do this information will need to be captured during delivery and on completion of the project from your Post Project Review including:

Did the project deliver the intended outcomes and benefits as stated in the business case.

Which company was the contract awarded, is this a local company.

How many jobs did this project provide.

How much income from Council Tax and NHB will be collected.

How has the carbon omissions been mitigated and how much did this cost

Was the project delivered on time and on budget (including contingency)

Finance Monitoring :

It is essential for Capital Finance Team to monitor the financial element of projects during delivery for reporting purposes. Monthly spend profiles against budget, matching with finance profiles will be collected monthly during delivery and on completion of the project.


Version Control: (The version control table must be updated and signed off each time a change is made to the document to provide an audit trail for the revision and update of draft and final versions)

Author of Business Case	Date	Document Version	Reviewed By	Date
John Finch	12/09/2021	v 1.0	Peter Honeywell	05/11/2021
	00/00/2021	v 2.0		00/00/2021
	00/00/2021	v 3.0		00/00/2021
	00/00/2021	v 4.0		00/00/2021
	00/00/2021	v 5.0		00/00/2021

SECTION 6: RECOMMENDATION AND ENDORSEMENT

It is recommended that the Leader of the Council:

- Approves the Business Case;
- Allocates £5.952m for the project into the Capital Programme funded by service borrowing;
- Delegates the responsibility for the allocation of funding to the projects named in the Business Case to the Strategic Director of Customer and Corporate Services;
- Delegates the award of contracts for individual investment cases to the Strategic Director of Customer and Corporate Services in consultation with the Cabinet member for Governance, HR, IT & Community Safety.

[Nick Kelly, Leader of the Council]		Peter Honeywell, Transformation Architecture Manager	
Either email dated:	<i>date</i>	Either email dated:	<i>Date 15 September 2021</i>
		Signed:	
Or signed:			
Date: 19 January 2022		Date:	

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – HC4 21/22


Decision	
1	Title of decision: Approval and adoption of a Banning Orders Policy
2	Decision maker (Cabinet member name and portfolio title): Councillor Mrs Vivien Pengelly, Cabinet Member for Homes & Communities
3	Report author and contact details: Mark Chubb, Technical Lead - 01752 308989
4	Decision to be taken: To approve the proposed Banning Orders Policy so that delegated officers from Community Connections Housing Improvement Team can make applications to the First-tier Tribunal (Property Chamber) for granting of a Banning Order in relation to Rogue Landlords and Property Agents who have committed a Banning Order offence.
5	<p>Reasons for decision:</p> <p><u>Utilisation of available powers under the Housing & Planning Act 2016</u> The Council is committed to improving standards in private sector housing, with the aim of ensuring that all private rented accommodation is well managed, properly maintained, safe and habitable. Whilst the Council acknowledges that the vast majority of landlords are compliant and do operate their business responsibly in Plymouth, there are some irresponsible landlords who knowingly rent out accommodation that is unlicensed, substandard, or unsafe.</p> <p>The Housing and Planning Act 2016 introduced a range of measures to help local authorities deal more robustly with rogue and irresponsible landlords, and we have utilised this in respect of Civil Penalties and the Database of Rogue Landlords and Property Agents. However, for the most serious and prolific offenders, there is also the power to apply for a Banning Order. A Banning Order, if granted, would prevent the subject (for a minimum of 12 months – no maximum period) from;</p> <p style="padding-left: 40px;">Letting housing in England Engaging in English letting agency work Engaging in English property management work; or Doing two or more of those things</p> <p>Additionally; A landlord subject to a banning order is also unable to hold a licence for a House in Multiple Occupation (HMO) and their property may also be subject to a management order A landlord is prevented from transferring the property to certain persons whilst the banning order is in force.</p>

	<p>To utilise the banning order powers, the council is required to have in place its own policy as to when to pursue a banning order, and to decide the most appropriate course of action on a case-by-case basis in line with that policy.</p>
<p>6</p>	<p>Alternative options considered and rejected:</p> <p>In theory we could consider doing nothing in respect of creating and adopting a Banning Order policy. However, this would limit our powers to tackle the most serious and prolific offenders of housing condition and compliance offences in the city. This option has been considered and rejected, as not utilising the powers available to us, when appropriate, is not in line with the Council's approach to tackling Rogue Landlords and Property Agents, and would not be in alignment with Pledge 81;</p> <p><i>We believe tenants who live in Houses of Multiple Occupancy (HMO's) have the right to live in affordable, good quality and safe accommodation. To ensure these standards are met we will scrutinise HMO's across the city so that such accommodation makes a valued contribution to Plymouth's housing stock.</i></p> <p>There are no reasonable other options available for consideration.</p>
<p>7</p>	<p>Financial implications and risks:</p> <p>It is not anticipated that there will be a significant number of cases where the Council will need to utilise the power to apply for a Banning Order as this firstly requires a conviction for a relevant offence, and secondly requires the subject to be a serious or prolific offender.</p> <p>Where the Council do wish to make applications for a Banning Order, there is a set process to follow that can only be taken by officers of Community Connection Housing Improvement Team under their delegated authorities. This process consists of;</p> <p>The Council will give the landlord a notice of our proposal to apply for a banning order. This is called a 'notice of intent'. The council will serve the notice of intent within six months of the landlord being convicted of the offence.</p> <p>A landlord has a minimum of 28 days to make representations to the local housing authority during the period of the notice of intent. The Council will consider any representations made during the notice period and will apply for the banning order once this period has expired.</p> <p>Section 19 of the Housing and Planning Act 2016 provides that a local housing authority can require a landlord to provide information for enabling the local housing authority to decide whether to apply for a banning order. It is an offence for the landlord not to comply with this request, unless they can provide a reasonable excuse. It is also an offence to provide information that is false or misleading. Failure to provide information or providing false or misleading information is punishable on summary conviction to a fine.</p> <p>At the end of the period for representations, the Council will decide whether to pursue a banning order based on any representations received. If the decision is to proceed the Council will apply to the First-tier Tribunal who have the power to make the banning order.</p> <p>Where a banning order is made, and the Landlord is an HMO licence holder, the individual will be determined not to be 'fit and proper' to hold a licence under part 2 or 3 under the Housing Act 2004 and any licences in force under those parts will be revoked.</p> <p>Officer time would be required to produce; check, approve and issue the relevant notices, applications, supporting enforcement action documentation, update case details and manage communications. Furthermore, officers will likely be required to attend a physical or virtual hearing with the First-tier Tribunal (Property Chamber). If successful, additional time would also be required to review publication guidance and work with Senior Managers, Cabinet Member/Portfolio Holder and Corporate Communications for a suitable press release. It is likely that this work would be absorbed into the existing team, providing the use of this power is infrequent.</p>

	<p>However, if the applications for Banning Orders were to be frequent occurrences, or the subject of a Banning Order also happened to be a licence holder of HMO properties, this would then likely require a significant amount of work that the existing team would have significant challenge in absorbing. If this were the scenario, it is likely that there would be a significant issue identified in respect of the Private Rented Sector in Plymouth which would require political focus on tackling a serious, or prolific offenders. In these instances, consideration of resource levels and/or availability of grant funding could be explored.</p>			
8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	Per the Constitution, a key decision is one which:
			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
		X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.	
	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>	N/A		
9	<p>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	<p><u>Corporate Plan</u></p> <p>Our Values – Fair – Introducing a Banning Order policy sets out openly and honestly how we will act to tackle the most serious and/or prolific offenders of housing conditions and compliance related offences. This action will be taken in severe circumstances to champion fairness by making it clear to Rogue Landlords and Property Agents that we wish for the Private Rented Sector to be a valued contribution to Plymouth's housing stock, filled with affordable, good quality and safe accommodation.</p> <p>Priorities – Unlocking The City's Potential – We want to offer a wide range of homes, including homes in the Private Rented Sector. Having access to utilising the Banning Order power will help to promote positive messages to good landlords in the city, by tackling the worst. This will help towards ensuring that PRS accommodation is good quality, safe, managed and maintained correctly.</p> <p>Priorities - Caring For People & Communities – Improving housing conditions, enforcing on issues of non-compliance, and tackling Rogue Landlords and Property Agents helps to drive standards in accommodation up. By improving the standards in the Private Rented Sector we are able to improve the living conditions of some of the most vulnerable persons, and families on low-income, in our society. This action helps to reduce health inequalities, improve safety, and create sustainable tenancies.</p>		

10	Please specify any direct environmental implications of the decision (carbon impact)	Limited/Minimal Impact: primarily paper usage for printing documents, when digital records are not appropriate. A physical attendance at a Tribunal hearing will require travel. The action is anticipated to be infrequent and therefore the impact is considered to be limited/minimal.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	X	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	N/A		
13c	Date Cabinet member consulted	N/A		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
15	Which Corporate Management Team member has been consulted?	Name	Craig McArdle	
		Job title	Strategic Director for People	
		Date consulted	29/11/21	

Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)						DS94 21/22
		Finance (mandatory)						djn.21.22.171
		Legal (mandatory)						LS/37635/HM
		Human Resources (if applicable)						N/A
		Corporate property (if applicable)						N/A
		Procurement (if applicable)						N/A
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report for publication (<i>mandatory</i>)						
	B	Banning Orders Draft Policy						
	C	EIA						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes						If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)
		No	X					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							

Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7
https://www.legislation.gov.uk/ukpga/2016/22/part/2/chapter/2 Housing & Planning Act 2016 – Banning Orders							
https://www.legislation.gov.uk/uksi/2018/216/pdfs/uksi_20180216_en.pdf Housing & Planning Act 2016 (Banning Order Offences) Regulations 2018							
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697643/Banning_order_guidance.pdf Ministry for Homes, Communities, and Local Government Guidance Document.							
Cabinet Member Signature							
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.						
Signature			Date of decision	18/01/2022			
Print Name	Councillor Vivien Pengelly						

BANNING ORDERS POLICY

Community Connections (Housing Improvement)
Version 1 – October 2021



Community Connections (Housing Improvement)
Banning Orders Policy

<https://www.legislation.gov.uk/ukpga/2016/22/part/2/chapter/2>

https://www.legislation.gov.uk/uksi/2018/216/pdfs/uksi_20180216_en.pdf

(HAPA 2016 Part 2 Chapter 2 / Statutory Instrument 2018:216)

Maximum Penalty: There is no statutory maximum period for a banning order. However, the minimum term for a banning order is 12 months.

MHCLG Guidance Document:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697643/Banning_order_guidance.pdf

1.0 Introduction

1.1 The Council is committed to improving standards in private sector housing, with the aim of ensuring that all private rented accommodation is well managed, properly maintained, safe and habitable. Whilst the Council acknowledges that the vast majority of landlords are compliant and do operate their business responsibly in Plymouth, there are some irresponsible landlords who knowingly rent out accommodation that is unlicensed, substandard, or unsafe.

1.2 This document outlines how the Council will utilise powers under the Housing and Planning Act 2016 to ban non-compliant landlords and managing agents from operating within the private rented sector. This policy should be read in conjunction with the Housing Improvement Policy.

1.3 The Housing and Planning Act 2016 introduced a range of measures to help local authorities deal more robustly with rogue and irresponsible landlords:

Civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences (came into force on 6 April 2017);

Extension of rent repayment orders to cover illegal eviction, breach of a banning order, failure to comply with an improvement notice and certain other specified offences (came into force on 6 April 2017);

Database of rogue landlords and property agents who have been convicted of certain offences or received multiple civil penalties (came into force on 6 April 2018);

Banning orders for the most serious and prolific offenders (came into force on 6 April 2018)
--

1.4 To utilise the banning order powers, the council is required to have in place its own policy as to when to pursue a banning order, and to decide the most appropriate course of action on a case-by-case basis in line with that policy.

1.5 This policy gives due regard to the non-statutory guidance issued by the Ministry of Housing, Communities and Local Government, which sets an expectation that banning orders should be aimed at the most serious offenders

2.0 Principles Underpinning Enforcement Action

2.1 Unless other guidance applies, The Council follows the principles set out in the Macrory Review, which expects policies to:

Aim to change the behaviour of the offender;
Aim to eliminate any financial gain or benefit from non-compliance;
Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
Be proportionate to the nature of the offence and the harm caused;
Aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
Aim to deter future non-compliance.

3.0 Housing and Planning Act 2016- Banning Orders

3.1 The Housing and Planning Act 2016 enables local authorities to apply to the First-tier Tribunal (F-tT) to impose a banning order on a landlord or managing agent, following conviction for a 'banning order offence'.

3.2 A landlord subject to a banning order is prevented from:

Letting housing in England
Engaging in English letting agency work
Engaging in English property management work; or
Doing two or more of those things (to ensure that any order is effective and to prohibit engagement in other related activities)
A landlord subject to a banning order is also unable to hold a licence for a House in Multiple Occupation (HMO) and their property may also be subject to a management order
A landlord is prevented from transferring the property to certain persons whilst the banning order is in force.

3.3 A banning order must be for a minimum of 12 months but there is no maximum. The F-tT will set the banning period but the Council is required to recommend a period as part of an application.

4.0 Factors in decision making

4.1 The following factors will be considered by the local authority in deciding whether to apply for a banning order, and when recommending the length of a banning order:

The seriousness of the offence
Previous convictions/rogue landlord database entries
Harm caused to the tenant
Punishment of the offender
Deterrence to the offender from repeating the offence
Deterrence to others from committing similar offences

4.2 The decision to commence the procedure to apply for a banning order and length of proposed time for any such order will be authorised by a Technical Lead (Housing Improvement).

5.0 Process

5.1 The Council will give the landlord a notice of our proposal to apply for a banning order. This is called a 'notice of intent'. The council will serve the notice of intent within six months of the landlord being convicted of the offence.

5.2 The notice of intent will set out that the Council is proposing to apply for a banning order and the reasons for this; the length of each proposed ban; Information about the right of the landlord to make representations during the notice period

5.3 A landlord has a minimum of 28 days to make representations to the local housing authority during the period of the notice of intent. The Council will consider any representations made during the notice period and will apply for the banning order once this period has expired.

5.4 Section 19 of the Housing and Planning Act 2016 provides that a local housing authority can require a landlord to provide information for enabling the local housing authority to decide whether to apply for a banning order. This could include requiring the landlord to provide information on all the properties that the landlord owns. It is an offence for the landlord not to comply with this request, unless they can provide a reasonable excuse. It is also an offence to provide information that is false or misleading. Failure to provide information or providing false or misleading information is punishable on summary conviction to a fine.

5.5 After the end of the period for representations, the Council will decide whether to pursue a banning order based on any representations received. If the decision is to proceed the Council will apply to the First-tier Tribunal who have the power to make the banning order.

5.6 Where a banning order is made, and the Landlord is an HMO licence holder, the individual will be determined not to be 'fit and proper' to hold a licence under part 2 or 3 under the Housing Act 2004 and any licences in force under those parts will be revoked.

5.7 Where a successful banning order has been made, the Council will consider whether to publish details of these, including the names of individual landlords. Legal advice will be sought prior to this where appropriate, and consideration will be given to the ministry of justice guidance as to whether to publish sentencing outcomes.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/487464/20150413-Publishing_Sentencing_Outcomes_Moj_Guidance_HQMCSA-O.pdf

6.0 Tenancies following a banning order

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

6.2 Information on banned landlords will be made available to tenants on request.

7.0 Management Orders

7.1 There may be circumstances where, following a banning order, the management of the property is taken over by the Council (See section 7 of the MHCLG Guidance). In such circumstances the tenant would pay their rent to the local housing authority.

7.2 A management order enables the Council to take over the management of a privately rented property in place of the landlord. The aim is to ensure that the health and safety of occupiers of the property and persons living or owning property nearby are protected, and to ensure that a property is still available to rent, particularly in areas of high demand.

BRIEFING - EXECUTIVE DECISION FOR IMPLEMENTING A BANNING ORDERS POLICY (HOUSING IMPROVEMENT)



This briefing note sets out the reasons for implementing a Banning Orders policy.

1.0 The Council is committed to improving standards in private sector housing, with the aim of ensuring that all private rented accommodation is well managed, properly maintained, safe and habitable. Whilst the Council acknowledges that the vast majority of landlords are compliant and do operate their business responsibly in Plymouth, there are some irresponsible landlords who knowingly rent out accommodation that is unlicensed, substandard, or unsafe. Since March 2019, Community Connections Housing Improvement Team have been utilising some of the additional available powers under the Housing & Planning Act 2016 to tackle Rogue Landlords and Property Agents. The Civil Penalty policy has enabled Community Connections Housing Improvement officers to impose a Financial Penalty, as an alternative to prosecution, for specified offences when it is considered the most appropriate course of action.

1.1 However, the Housing and Planning Act 2016 introduced a range of measures to help local authorities deal more robustly with rogue and irresponsible landlords, and whilst we have utilised this in respect of Civil Penalties and, more recently, the Database of Rogue Landlords and Property Agents. We have not yet utilised the power to apply for a Banning Order, to impose limitations on the most serious and/or prolific offenders. A Banning Order, if granted, would prevent the subject (for a minimum of 12 months – no maximum period) from;

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

Additionally;

- A landlord subject to a banning order is also unable to hold a licence for a House in Multiple Occupation (HMO) and their property may also be subject to a management order
- A landlord is prevented from transferring the property to certain persons whilst the banning order is in force.

1.2 To utilise the banning order powers, the council is required to have in place its own policy as to when to pursue a banning order, and to decide the most appropriate course of action on a case-by-case basis in line with that policy. In preparation, the following actions have been taken by Housing Improvement Technical Leads;

- Reviewed the [Housing & Planning Act 2016 – Banning Orders](#)

- Reviewed the [Housing & Planning Act 2016 \(Banning Order Offences\) Regulations 2018](#)
- Reviewed the relevant MHCLG [Guidance for Local Housing Authorities on Banning Order Offences under the Housing and Planning Act 2016](#)
- Reviewed published Banning Order policy information from selected other local authorities.
- Reviewed Banning Order information located on RIAMS, a Professional Forum for Local Authorities, which we subscribe to.
- Ongoing discussions with PCC Finance department.
- Ongoing discussions with PCC Legal department.
- Consultation with both Strategic Manager and Director of Service for Community Connections.

I.3 A Banning Orders policy has been created in an open and transparent way. The policy sets out how Plymouth City Council will utilise powers under the Housing and Planning Act 2016 to ban non-compliant landlords and managing agents, who are the most serious and prolific offenders, from operating within the Private Rented Sector.

I.4 The following factors will be considered by The Council in deciding whether to apply for a Banning Order, and when recommending the length of the Banning Order:

- The seriousness of the offence
- Previous conviction/rogue landlord database entries
- Harm caused to the tenant
- Punishment of the offender
- Deterrence to the offender from repeating the offence
- Deterrence to others from committing similar offences

With the decision to commence the procedure to apply for a banning order and length of proposed time for any such order to be confirmed and authorised by a Technical Lead (Housing Improvement). All applications for a Banning Order will be brought to the attention of, and discussed with, Strategic Manager/Service Director for Community Connections.

I.5 On decision to proceed with an application for a Banning Order there is a set process in the legislation that will be followed. The Council will give the landlord a notice of our proposal to apply for a banning order. This is called a 'notice of intent'. The council will serve the notice of intent within six months of the landlord being convicted of the offence. The notice of intent will set out that the Council is proposing to apply for a banning order and the reasons for this; the length of each proposed ban; Information about the right of the landlord to make representations during the notice period (minimum of 28 days representation period).

I.6 After the end of the period for representations, the Council will decide whether to pursue a banning order based on any representations received. If the decision is to proceed the Council will apply to the First-tier Tribunal who have the power to make the banning order. Where a banning order is made, and the Landlord is an HMO licence holder, the individual will be determined not to be 'fit and proper' to hold a licence

under part 2 or 3 under the Housing Act 2004 and any licences in force under those parts will be revoked.

- I.7 Where a successful banning order has been made, the Council will consider whether to publish details of these, including the names of individual landlords. Legal advice will be sought prior to this where appropriate, and consideration will be given to the [Ministry of Justice Guidance](#) as to whether to publish sentencing outcomes.
- I.8 A banning order does not invalidate any tenancy agreement held by occupiers in the property, regardless of whether the agreement was issued before or after the banning order was made. This is to ensure an occupier of the property does not lose their rights under the terms and conditions of their tenancy agreement. Information on banned landlords will be made available to tenants on request.
- I.9 There may be circumstances where, following a banning order, the management of the property is taken over by the Council. In such circumstances the tenant would pay their rent to the local housing authority. A management order enables the Council to take over the management of a privately rented property in place of the landlord. The aim is to ensure that the health and safety of occupiers of the property and persons living or owning property nearby are protected, and to ensure that a property is still available to rent, particularly in areas of high demand.

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EQUALITY IMPACT ASSESSMENT

Community Connections



STAGE I: WHAT IS BEING ASSESSED AND BY WHOM?

<p>What is being assessed - including a brief description of aims and objectives?</p>	<p>This EIA applies to the new policy, guidance and procedure for making applications for Banning Orders. Banning Orders are a statutory power available to local authorities for tackling the most serious and prolific Rogue Landlords and Property Agents. This power was introduced as one of a range of additional enforcement measures, available to local authorities, by the Housing and Planning Act 2016 (Part 2, Chapter 2). For a local authority to be able to utilise this power, it must have a policy in place.</p> <p>A Banning Order, if granted, would prevent the subject (for a minimum of 12 months – no maximum period) from;</p> <ul style="list-style-type: none"> Letting housing in England Engaging in English letting agency work Engaging in English property management work; or Doing two or more of those things <p>Additionally;</p> <ul style="list-style-type: none"> A landlord subject to a banning order is also unable to hold a licence for a House in Multiple Occupation (HMO) and their property may also be subject to a management order A landlord is prevented from transferring the property to certain persons whilst the banning order is in force. <p>Plymouth City Council keeps housing conditions in its Private Rented Sector under review through the utilisation of the Housing Improvement Team, and HMO Licensing Team, offers as part of the Community Connections service.</p> <p>Prior to this policy, there was no specific policy in relation to the Banning Orders process. Plymouth City Council have reviewed national government guidance and other Banning Order policies in existence at other LA's. Having this policy in place positively contributes towards Pledge 81.</p>
<p>Author</p>	<p>Mark Chubb (Technical Lead – Housing Improvement)</p>
<p>Department and service</p>	<p>People - Community Connections – Housing Improvement Team</p>
<p>Date of assessment</p>	<p>10th January 2022</p>

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (eg data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	<p>Rising house prices, a shortage of properties and changes to Housing Benefit are making it hard for young people to get on to the housing ladder or achieve independence. This means they are now more likely to live with parents or remain in the private rented sector.</p> <p>The average age in Plymouth (39.0 years) is about the same as the rest of England (39.3 years), but less than the South West (41.6yrs).</p>	<p>Whilst the impact is differential because there are more young people entering the private sector. Our assessment is the impact isn't negative and therefore there is no negative impact.</p>	<p>None required.</p>	<p>N/A</p>
Disability	<p>Although the gap in non-decent accommodation has closed over recent years, one in three households with a disabled person still live in non-decent accommodation.</p> <p>A total of 31,164 people (from 28.5 per cent of households) declared themselves as having a long-term health problem or disability (national figure 25.7 per cent of households), compared with the total</p>	<p>Whilst non-decent accommodation could have a greater impact upon persons with disabilities the policy is aimed at redressing poor standards, by preventing the most serious and prolific Rogue Landlords and Property Agents from operating in the private sector. Therefore the overall impact is positive.</p> <p>Frontline access to the service is online, through face to face at the Council's first stop shop and by telephone.</p>	<p>PCC is developing an online package of disability awareness training.</p> <p>We will liaise with the sub group to see any recommendations to implement.</p>	<p>Operational Manager to ensure staff are signposted to the training as required.</p> <p>Review -12 months.</p>

	<p>number of people with disabilities in UK (11,600,000).</p> <p>Some staff are not equipped to deal confidently with requests from disabled customers for reasonable adjustments to enable them to access Council services.</p> <p>With regard to computer access, we need to address people's literacy levels first and ensure that they have the knowledge to keep up with changes in technology.</p> <p>We have asked the Learning Disability Board to set up a sub-group to address housing issues in Plymouth, especially for people coming back to the county from long term mental health placements.</p>	<p>Whilst we feel that staff involved in making decisions in relation to the policy are generally adequately equipped to consider the needs of disabled clients we will need to ensure new members of staff receive appropriate training and existing staff have refresher training as appropriate.</p> <p>It is possible there may be learning from the Learning Disability Board sub group.</p>		
<p>Faith/religion or belief</p>	<p>84,326 (32.9 per cent) of the Plymouth population stated they had no religion.</p> <p>Those with a Hindu, Buddhist, Jewish or Sikh religion combined totalled less than 1 per cent.</p>	<p>No impact anticipated.</p>	<p>N/A</p>	<p>N/A</p>

	<p>Christianity: 148,917 people (58.1 per cent), decreased from 73.6 per cent since 2001.</p> <p>Islam: 2,078 people (0.8 per cent), doubled from 0.4 per cent since 2001.</p>			
<p>Gender - including marriage, pregnancy and maternity</p>	<p>Overall 50.6 per cent of our population are women and 49.4 per cent are men: this reflects the national figure of 50.8 per cent women and 49.2 per cent men.</p> <p>There were 3280 births in 2011. Birth-rate trends have been on the increase since 2001, but since 2010 the number of births has stabilised. Areas with highest numbers of births include Stonehouse (142), Whiteleigh (137) and Devonport (137).</p> <p>Of those aged 16 and over, 90,765 people (42.9 per cent) are married. 5,190 (2.5 per cent) are separated and still legally married or legally in a same-sex civil partnership.</p>	<p>No impact anticipated.</p>	<p>N/A</p>	<p>N/A</p>
<p>Gender reassignment</p>	<p>Recent surveys have put the prevalence of transgender people between 0.6 and 1% of population (some very recent reports have upped this to 2%).</p>	<p>No impact anticipated.</p>	<p>N/A</p>	<p>N/A</p>

	<p>Over the last 8 years the prevalence of transgendered people in the UK has been increasing at an average rate of 20%+ per annum in adults and 50% for children.</p>			
<p>Race</p>	<p>Our community is slowly becoming more diverse. Whilst the proportion of our community that are White British remains higher than the UK average it is decreasing. At the time of the 2001 census 97 per cent of our population was White British. By 2011 this had decreased to 93 per cent.</p> <p>Local population growth between the 2001 and 2011 census had been driven by migration from outside the UK (63 per cent), most commonly from newly admitted EU countries. We are a dispersal area for asylum seekers: around 300 people will be accommodated in the City at any given time.</p> <p>Our Black and Minority Ethnic (BAME) communities are very diverse. The Polish, Chinese and Kurdish communities are amongst the largest. The census records that there are at least</p>	<p>There will be disproportionate numbers of BAME tenants in the private rented sector. Our policy is designed to improve the standards within private rented accommodation and the general impact would therefore be positive, in particular:</p> <p>We are aware of issues around rogue landlords e.g. operating a blanket policy of refusing tenancies for BAME groups because they don't wish to be burdened with the right to rent checks as required by Home Office.</p> <p>We have had a significant number of complaints from asylum seekers about Home Office contracted accommodation provider.</p> <p>Some BAME communities may require advice and support in languages other than English.</p>	<p>There are legal mechanisms for enforcing against rogue landlords including those that discriminate against ethnic minority communities.</p> <p>We have an ongoing dialogue with the provider. Where complaints have been escalated we have raised these at strategic level with the Home Office.</p>	<p>This will be addressed in the Rogue Landlord Policy which will sit alongside this policy. It will be reviewed within the next 12 months.</p>

	<p>43 main languages spoken in the city, and nearly 100 different languages are spoken in our schools. We have a small resident Gypsy and Traveller community.</p> <p>Across the country 18 per cent of households are social rented (17 per cent Private Rented). When comparing White British households with all other ethnic groups* they were less likely to rent social housing. The households that are most likely to rent social housing were headed by someone in the African, Caribbean, Other Black, Bangladeshi, Irish and Arab groups, or the Mixed groups other than Mixed White and Asian. As a group, ethnic minority households are also much more likely to rent privately than White British households and to spend a higher proportion of their incomes on rent, regardless of whether they rent from a social or private landlord.</p> <p>In Plymouth 19 per cent of households are Social Rented, (20 per cent are Private rented). More detailed work is needed to extrapolate data</p>			
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	<p>which is help by Social landlords.</p> <p>92.9 per cent of Plymouth’s population identify themselves as White British.</p> <p>7.1 per cent identify themselves as Black and Minority Ethnic (BAME) with White Other (2.7 per cent), Chinese (0.5 per cent) and Other Asian (0.5 per cent) the most common ethnic groups.</p> <p>Our recorded BAME population rose from 3 per cent in 2001 to 6.7 per cent in 2011, and therefore has more than doubled since the 2001 census.</p>			
<p>Sexual orientation - including civil partnership</p>	<p>The key findings from a recently published report by Stonewall “LGBT in Britain - Hate Crime and Discrimination”, (Sept 2017) are set out below. NOTE: data based on YouGov polling of more than 5000 LGBT people in Britain - data includes ‘transgender’);</p> <p>One in 10 LGBT people (10 per cent) who were looking for a house or flat to rent or buy in</p>	<p>We are aware of issues around rogue landlords discriminating against members of the LGBT community.</p>	<p>There are legal mechanisms for enforcing against rogue landlords including those that discriminate against LGBT communities.</p>	<p>This will be addressed in the Rogue Landlord Policy which will sit alongside this policy. It will be reviewed within the next 12 months.</p>

	the last year were discriminated against because of their sexual orientation and/or gender identity.			
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STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Reduce the gap in average hourly pay between men and women.	N/A – no staffing implications in this policy.	N/A
Increase the number of hate crime incidents reported and maintain good satisfaction rates in dealing with racist, disablist, homophobic, transphobic and faith, religion and belief incidents.	Whilst it won't be likely as a result of this policy this may be an outcome from the proposed Rogue Landlord Policy.	N/A
Good relations between different communities (community cohesion)	Maintaining high standards in the private rented sector is important in maintaining good relations between tenants from differing backgrounds and the wider community.	N/A
Human rights Please refer to guidance	The policy supports Protocol I, Article I - peaceful enjoyment of your property.	N/A

STAGE 4: PUBLICATION

Responsible Officer 

Date

12 January 2022

Director, Assistant Director or Head of Service