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For all enquiries relating to this agenda please contact Andrea Jones
(Tel: 01443 873575 Email: jonesa23@caerphilly.gov.uk)

Date: 12th June 2024

To Whom It May Concern,

A multi-locational meeting of the **Housing and Environment Scrutiny Committee** will be held in Penallta House, and via Microsoft Teams on **Tuesday, 18th June, 2024 at 5.30 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days. A simultaneous translation will be provided on request.

Members of the public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council's website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

Christina HARRY
CHIEF EXECUTIVE

AGENDA

- 1 To receive apologies for absence.

Pages

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2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes:-

- 3 Housing and Environment Scrutiny Committee held on 30th April 2024. 1 - 6
- 4 Consideration of any matter referred to this committee in accordance with the call-in procedure.
- 5 Housing and Environment Scrutiny Committee Forward Work Programme. 7 - 18
- 6 To receive and consider the following Cabinet report*:-
1. Final Report of The Task and Finish Group Reviewing the Residents' Parking Policy – 5th June 2024.

**If a member of the Scrutiny Committee wishes for the above Cabinet report to be brought forward for review at the meeting please contact Andrea Jones, 01443 873575, by 10.00am on Monday, 17th June 2024.*

To receive and consider the following Scrutiny reports:-

- 7 Public Protection Enforcement Annual Report 2023/24. 19 - 30
- 8 Welsh Government Leasing Scheme Wales. 31 - 42

Circulation:

Councillors C. Bishop, M. Chacon-Dawson, R. Chapman, D. Cushing, C.J. Cuss, D.T. Davies, T. Heron, A. Hussey, M.P. James, D. Ingram-Jones, A. McConnell, B. Owen, L. Phipps, H. Pritchard, J.A. Pritchard, J. Rao, A. Whitcombe (Chair) and S. Williams (Vice Chair)

And Appropriate Officers

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Agenda Item 3



HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD IN PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON TUESDAY, 30TH APRIL 2024 AT 5.30 P.M.

PRESENT:

Councillor A. Whitcombe – Chair
Councillor S. Williams – Vice Chair

Councillors:

C. Bishop, M. Chacon-Dawson, R. Chapman, C. Cuss, T. Heron, A. Hussey, D. Ingram-Jones, M. James, A. McConnell, B. Owen, H. Pritchard, J. A Pritchard, J. Rao.

Cabinet Members:

Councillors, C. Morgan (Waste, Leisure, and Green Spaces), J. Pritchard (Prosperity, Regeneration and Climate Change), S. Morgan (Leader).

Together with:

Officers M. S. Williams (Corporate Director for Economy and Environment), C. Campbell (Transportation Engineering Manager), D. Smith (Traffic Management and Road Safety Manager), M. Jacques (Scrutiny Officer) and A. Jones (Committee Services Officer).

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#) Members were advised that voting on decisions would be taken via Microsoft Forms.

The Chair informed the Scrutiny Committee that Agenda Item 8 – The Interim Strategy for Serious Violence Prevention for Gwent 2024-25 was deferred due to the closeness of the Elections for the Police and Crime Commissioners

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D. Cushing, D. T. Davies, and L. Phipps

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE HELD ON 26TH MARCH 2024

It was moved and seconded that the minutes be approved as a correct record. By way of Microsoft Forms and verbal votes (and in noting there were 14 for, 0 against and 1 Abstention) this was agreed by the majority present.

RESOLVED that the minutes of the Housing and Environment Scrutiny Committee held on 26th March 2024 (minute nos. 1 – 8) be approved as a correct record.

4. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

Mark Jacques (Scrutiny Officer) presented the report, which outlined details of the Housing and Environment Scrutiny Committee Forward Work Programme (FWP) for the period April 2024 to March 2025.

Members were asked to consider the FWP alongside the Cabinet work programme and suggest any changes prior to publication on the Council's website.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms and verbal votes (and in noting there were 13 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the Forward Work Programme as appended to the meeting papers be published on the Council's website.

6. CABINET REPORTS

It was confirmed that Agenda item 6 (1) Pontllanfraith Leisure Centre – 20th March 2024 Cabinet report was called forward by Councillor Chapman

The Chair reminded the Committee that the decision had been made to close Pontllanfraith Leisure Centre following a Scrutiny process which began in 2017 and that reports had been presented to Scrutiny Committee meetings on a number of occasions prior to the decision by Cabinet to close the leisure centre. Therefore, any discussion at the meeting should purely be focussed on how the Cabinet decision was reached. The Chair then invited Cllr Chapman to explain why the report on Pontllanfraith Leisure Centre had been called Forward.

Cllr Chapman advised that in the previous Scrutiny Committee a breakdown of the figures had been requested and these had not been provided and he sought further clarification on this.

The Cabinet Member advised that the decision to close Pontllanfraith Leisure Centre had been made following consideration of a building survey from 2019 which indicated a maintenance backlog that consisted of three main priorities.

- 1 Very Urgent repair costs of £3,863.00.
- 2 Must be completed within two years costs of £202,672.00.
- 3 Must be completed within 3-5 years costs of £269,634.00.

It was highlighted that the costs totalled £476,179.00 and the Cabinet Member reminded Members that this was based on the costs of maintenance work back in 2019 and that the cost would be significantly higher now.

In addition, Members heard that the 3G pitch is coming to the end of its serviceable life and that the replacement costs for it would be £280,000.

The Cabinet Member highlighted that the Leisure Centre was 50 years old and would need significant investment. Members were then informed of the investment in 4 new 3G pitches in the Mid Valley, one at the adjacent Centre for Vulnerable Learners (CVL) which would replace most of the functions at the leisure centre, one in Risca, one in Bedwas and another pitch was scheduled for a location which was still to be determined. In addition, there had been a £700,000 investment at Newbridge Leisure Centre which included the ongoing replacement of the 3G pitch, and there was further investment on a new fitness suite at Heolddu Leisure Centre.

Members were reminded about the savings the authority must make and the Cabinet Member confirmed that the decision was taken following consideration of the Sport and Active Recreation Strategy (SARS) and the financial position.

The Chair thanked the Cabinet Member and asked if the breakdown of figures could be circulated to the group, the Cabinet Member agreed to do this. The Chair asked if there were any further questions from Cllr Chapman, who confirmed that he was happy with the response provided.

A Member queried whether or not Cabinet had considered keeping the Leisure Centre operational via a Community Asset Transfer. The Cabinet Member confirmed that one group had come forward but did not take it further.

The Director for Economy and Environment confirmed that Officers had met with the group who were considering a Community Asset Transfer. During discussions, the group confirmed that they did not have a business plan on how to proceed and could not commit to the investment needed to bring the building back into beneficial use.

A Member sought confirmation that if another group were to come forward with a business plan for a Community Asset Transfer it would be considered. Members were advised that any future plans for the site would need to be carefully considered and ultimately referred to Cabinet.

REPORTS OF OFFICERS

Consideration was given to the following reports which were taken in the following order.

7. FINAL REPORT OF THE TASK AND FINISH GROUP REVIEWING THE RESIDENTS' PARKING POLICY

The Scrutiny Officer introduced the report which sought to advise the Housing and Environment Scrutiny Committee on the final recommendations of the Task and Finish inquiry into the potential implications of changes to the current Residents' Parking Policy.

Members were advised that at a meeting of the Environment and Sustainability Scrutiny Committee held on 6th October 2022 Committee Members agreed that a Task and Finish

Inquiry into the potential implications of changes to the current Residents "Parking Policy" be carried out.

The report had been prepared in response to requests received from Councillor D. T. Davies MBE and Councillor A. Hussey and endorsed by the Joint Scrutiny Committee (Environment and Sustainability and Housing and Regeneration) on 15th December 2020, for amendments to be considered to the parking restrictions in residential areas.

Members were provided with an overview of what the Task and Finish Group discussed from their first meeting on the 7th December 2022 until the review ended on the 1st December 2023. In total there had been 6 meetings, and the Scrutiny Officer advised that the key part of the Task and Finish review was conducting a survey of all eligible residents living within parking scheme areas and that this month-long survey took place in the Summer of 2023. Members were advised that in total 1837 households had been contacted and given an option to either complete the survey online or receive a hard copy if they preferred. There were 312 responses received in total. The key question on the survey was did the current policy meet the needs of you and your household and the results from the survey showed that 71% replied no and 29% had responded yes.

The survey also sought views on the area of the current policy most in need of updating and results showed that the maximum times of operation Monday to Saturday, 8:00 AM to 6:00PM was the most nominated area of the current policy which needed updating. There were 91 nominations for this part of the policy to be updated, which influenced the group in making the recommendations within the report. The Scrutiny Officer then welcomed any questions from Members on the Scrutiny process and advised that the Traffic Management and Road Safety Manager, and the Transportation Engineering manager, were also present to answer any policy-related queries.

A Member queried the enforcement implications of changing the times of operation to 8:00AM to 8:00PM as additional resources would need to be committed and therefore the enforcement budget would be spread more thinly. It was also queried whether the Authority had considered the use of camera cars.

The Traffic Management and Road Safety Manager confirmed that enforcement is focused on town centres primarily and enforcement is generally carried out when the towns are at their busiest and at school start/finish times. Members were advised that the hours are adjusted during the Winter, as Officers finished shifts earlier during the Winter months due to the reduced daylight hours. It was confirmed that there are 8 full time equivalent Officers to cover the whole borough. Members were also advised that the change in times to 8AM to 8PM is a maximum and that not all areas would adopt these hours, it would be determined based on the localised consultation as part of the traffic order process and that some residents might want restrictions to remain at 8:00AM to 6:00PM.

In relation to the camera cars, it was confirmed that this was currently being looked at and that Officers are in the process of gathering information to be able to report back to Senior Management and Cabinet in due course. Members heard how camera cars are generally only used to enforce restrictions where drivers are not permitted to stop such as bus stops, school keep clear markings and at pedestrian crossings where there are white zig zag lines.

A Member advised that the public are encouraged to visit town centres, but they have difficulty in finding parking spaces due to people overstaying or traders using disability badges and parking there all day and asked if there was anything that could be done about this. It was confirmed that Civil Enforcement Officers are currently undertaking an operation to combat the misuse of blue badges and they

would be issuing Penalty Charge Notices for any misuse. The Traffic Management and Road Safety Manager advised that they were happy to have a conversation with the Member on any local concerns they had outside of the meeting.

One Member sought clarification on what happens in situations where there are carers visiting residents and enquired as to whether additional parking permits are provided and queried if many complaints had been received from carers not being able to park outside properties. The Traffic Management and Road Safety Manager confirmed the current arrangements which allowed each property a maximum of two permits. One of which could be a visitor permit that could be used by carers. In relation to complaints, it was confirmed that there had been very few complaints and that the scheme was working well.

The Chair of the Task and Finish Group advised that the Group had worked hard on the report and requested to place on record his thanks to every Member of the Task and Finish Group for their hard work.

The Chair thanked all Members of the Task and Finish Group and supporting Officers.

Following consideration of the report it was moved and seconded that the recommendations be approved. By way of Microsoft Forms and verbal votes (and in noting there were 15 for, 0 against and 0 abstention) this was unanimously agreed.

RECOMMENDED to Cabinet that: -

1. The times of operation of the Residents' Parking Policy be changed to Monday to Saturday, 8am to 8pm as a maximum restriction (formerly Monday to Saturday 8am to 6pm). This can be reduced depending on the local circumstances which will be considered as part of the traffic regulation order process.
2. The times of operation of all existing schemes are brought in line with the policy. This will be applied when the traffic regulation order for each area is progressed/reviewed.
3. Members endorse using Caerphilly County Borough Council communication channels to convey enforcement messages to residents with regards to residential parking infringements

8. INTERIM STRATEGY FOR SERIOUS VIOLENCE PREVENTION FOR GWENT 2024-25

The Chair advised that this item had be deferred due to the closeness of the Elections for the Police and Crime Commissioners

The meeting closed at 18:07 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 18th June 2024, they were signed by the Chair.

CHAIR

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HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE – 18TH JUNE 2024

**SUBJECT: HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE
FORWARD WORK PROGRAMME**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND
CORPORATE SERVICES**

1. PURPOSE OF REPORT

- 1.1 To report the Housing and Environment Scrutiny Committee Forward Work Programme.

2. SUMMARY

- 2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholder.

3. RECOMMENDATIONS

- 3.1 That Members consider any changes and agree the final forward work programme prior to publication.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To improve the operation of scrutiny.

5. THE REPORT

- 5.1 The Housing and Environment Scrutiny Committee forward work programme includes all reports that were identified at the Committee meeting on Tuesday 30th April 2024. The work programme outlines the reports planned for the period June 2024 until March 2025.
- 5.2 The forward Work Programme is made up of reports identified by officers and members. Members are asked to consider the work programme alongside the

cabinet work programme and suggest any changes before it is published on the council website. The Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

5.3 The Housing and Environment Scrutiny Committee Forward Work Programme is attached at Appendix 1, which presents the current status as at 23rd May 2024. The Cabinet Work Programme is attached at Appendix 2. A copy of the prioritisation flowchart is attached at appendix 3 to assist the scrutiny committee to determine what items should be added to the forward work programme.

5.4 **Conclusion**

The work programme is for consideration and amendment by the scrutiny committee prior to publication on the council website.

6. **ASSUMPTIONS**

6.1 No assumptions are necessary.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 As this report is for information only an Integrated Impact Assessment is not necessary.

8. **FINANCIAL IMPLICATIONS**

8.1 There are no specific financial implications arising as a result of this report.

9. **PERSONNEL IMPLICATIONS**

9.1 There are no specific personnel implications arising as a result of this report.

10. **CONSULTATIONS**

10.1 There are no consultation responses that have not been included in this report.

11. **STATUTORY POWER**

11.1 The Local Government Act 2000.

Author: Mark Jacques, Scrutiny Officer jacqu@carphilly.gov.uk

Consultees: Dave Street, Deputy Chief Executive
Mark S. Williams, Corporate Director for Economy and Environment

Nick Taylor-Williams – Head of Housing
Robert Tranter, Head of Legal Services/ Monitoring Officer
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer,
Legal Services
Councillor Andrew Whitcombe, Chair of Housing and Environment
Scrutiny Committee
Councillor Shane Williams, Vice Chair of Housing and Environment
Scrutiny Committee

Appendices:

- Appendix 1 Housing and Environment Scrutiny Committee Forward Work Programme
- Appendix 2 Cabinet Forward Work Programme
- Appendix 3 Forward Work Programme Prioritisation Flowchart

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Forward Work Programme - Housing and Environment Scrutiny Committee - Appendix 1

Date	Title	Key Issues	Author	Cabinet Member
18/06/24 17:30	Public Protection Annual Report		Hartshorn, Rob;	Cllr. Leonard, Philippa;
18/06/24 17:30	Leasing Scheme Wales		Taylor-Williams, Nick;	Cllr. Cook, Shayne;
18/06/24 17:30	Information Item - Biannual Update - Caerphilly Homes Development and Governance Project Board		Roberts-Waite, Jane;	Cllr. Cook, Shayne;
16/07/24 17:30	Gwent Serious Violence Strategy	To seek Members views and Cabinet approval from members for the Gwent Serious Violence Strategy and Needs Assessment.	Kenny, Natalie;	Cllr. Leonard, Philippa;
17/09/24 17:30	Sport Caerphilly Disability Sports Camps	To seek approval to cease provision of Disability Sports Camps during school holidays due to the complex needs of the children that require specialist support and to address their financial viability.	Lougher, Jared;	Cllr. Morgan, Chris;
29/10/24 17:30	Information Item - HRA Budget Outturn		Allen, Lesley;	Cllr. Cook, Shayne;
10/12/24 17:30	Housing Revenue Account Charges – 2024/2025	Members to agree the level of rent increase for council contract holders (tenants) effective from April 2025	Allen, Lesley;	Cllr. Cook, Shayne;
10/12/24 17:30	Information Item - Biannual Update - Caerphilly Homes Development and Governance Project Board		Roberts-Waite, Jane;	Cllr. Cook, Shayne;
11/02/25 17:30	Welsh Housing Quality Standard Compliance Policy		Edwards, Catherine;	Cllr. Cook, Shayne;
25/03/25 17:30				

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Cabinet Forward Work Programme – 12th June 2024

Meeting date:	Report title:	Key issue:	Report author	Cabinet Member:
26/06/24 13:00 p.m.	Proposed increased charges for kennelling stray dogs	Following a recent procurement process to renew the contract for stray dog kennelling provision the costs to the Council have increased significantly. The report will seek approval to increase charges to owners reclaiming their dogs to ensure that the Council's costs are recovered.	Gary Mumford/Rob Hartshorn	Cllr. Philippa Leonard
Special Cabinet 17/07/24 13:00 p.m.	Leasing Scheme Wales	To seek Cabinet agreement to adopt the Welsh Government leasing scheme Wales to increase access to the private rented sector	Nick Taylor -Williams	Cllr. Shayne Cook
Special Cabinet 17/07/24	Social Services - Annual Corporate Safeguarding Report	To present the 2023-24 Annual Corporate Safeguarding Report, Forward Work Programme and Safeguarding Key Activity Data for information to ensure Cabinet is fully aware of the Council's arrangements for corporate safeguarding and is satisfied that these arrangements are effective.	Gareth Jenkins/Nicola Barrett	Cllr. Elaine Forehead
Special Cabinet 17/07/24	Provisional Revenue Budget Outturn for 2023/24.	To provide Cabinet with details of the provisional revenue budget outturn for the 2023/24 financial year and to seek Cabinet endorsement of proposals for the use of General Fund balances prior to consideration by Council.	Steve Harris/Leanne Sykes	Cllr. Eluned Stenner
Special Cabinet 17/07/24	Exempt Item - Tourism Review: Memorandum of Understanding in respect of Cwmcarn Forest with Natural Resources Wales	This item is subject to a public interest test	Allan Dallimore	Cllr. James Pritchard

Cabinet Forward Work Programme – 12th June 2024

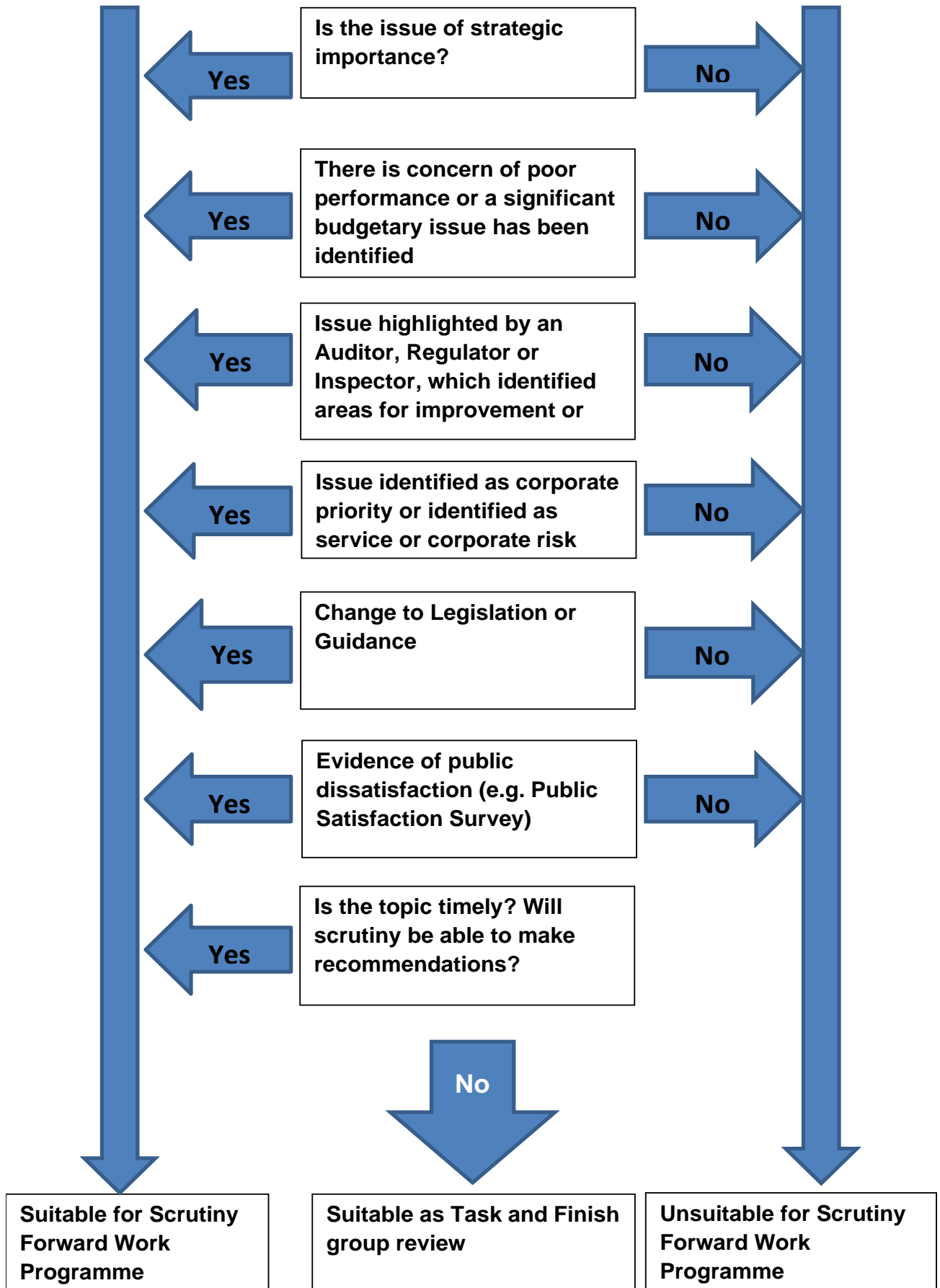
Meeting date:	Report title:	Key issue:	Report author	Cabinet Member:
24/07/24 13:00 p.m.	Proposed Waste Strategy and Consultation Feedback.	Consideration of public consultation feedback in regard Draft Waste Strategy and finalisation of new Waste Strategy to allow development of Full Business case for submission to Welsh Government.	Marcus Lloyd/Hayley Jones/ Hayley Lancaster	Cllr. Chris Morgan
24/07/24	Community Empowerment Fund- Treatment of underspends	Recommend to Cabinet that all underspends from previous years are to be made available only until the 30th September each year, before return to the General Fund	Kath Peters/ Vicki Doyle	Cllr. Eluned Stenner
24/07/24 Page 1	Amalgamation of Hendre Infants and Junior Schools	To seek approval to proceed to Consultation	Sue Richards, Andrea West	Cllr. Carol Andrews
24/07/24	Proposal for the closure of Rhydri Primary School	For Scrutiny Members to consider the Objection Report and endorse the recommendation to Cabinet, via vote, to implement the proposal	Sue Richards, Andrea West	Cllr. Carol Andrews
24/07/24	Team Caerphilly – Place Shaping	To update Members on the current Place Shaping Programme and seek Cabinet approval regarding the allocation of funding to individual projects.	Sue Richards/Andrea West/Lisa Thomas	Cllr. Sean Morgan
18/09/24 13:00 p.m.	Annual Directorate Performance Assessments and Corporate Performance Assessments (DPA's/CPA's)	To update Cabinet on the year end DPA's and CPA's	Ros Roberts/Kath Peters/Sue Richards	Cllr. Eluned Stenner

Cabinet Forward Work Programme – 12th June 2024

Meeting date:	Report title:	Key issue:	Report author	Cabinet Member:
18/09/24	Post 16, Single Sex and Surplus Places Board Next Steps - Stage 1 (The proposal to move to coeducation for Lewis Girls and Lewis School Pengam)	To seek Cabinet approval to publish the Statutory Notice	Sue Richards/Andrea West	Cllr. Carol Andrews
18/09/24	Gwent Serious Violence Strategy	To seek Members views and Cabinet approval from members for the Gwent Serious Violence Strategy	Natalie Kenny/Rob Hartshorn	Cllr. Philippa Leonard

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Scrutiny Committee Forward Work Programme Prioritisation



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HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE - 18TH JUNE 2024

**SUBJECT: PUBLIC PROTECTION ENFORCEMENT ANNUAL REPORT
2023/24**

REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

1.1 The purpose of this report is:

- To provide information on formal enforcement activities within the Public Protection Division including outcomes of investigations undertaken under the auspices of the Regulation of Investigatory Powers Act.
- To consider, in accordance with the Surveillance Camera Commissioner's Code of Practice, the Council's CCTV surveillance camera system to ensure that it remains necessary, proportionate and effective.
- To provide information to Members on the nature of Consumer Advice complaints dealt with by the Trading Standards Service.
- To provide members with information on other enforcement activities across the Environmental Health Service within the Public Protection division

2. SUMMARY

2.1 The Public Protection Division consists of a wide range of protective and regulatory functions, which seek to protect, promote and improve the health, safety and economic wellbeing of our communities, as well as regulate trade, commerce and the environment. In compliance with the Public Protection Enforcement Policy the report provides an overview of the formal enforcement activity undertaken including outcomes of investigations undertaken under the auspices of the Regulation of Investigatory Powers Act during 2023/24.

2.2 The Surveillance Camera Commissioner's Code of Practice states that the local authority should consider, on an annual basis, its surveillance camera system to ensure that it remains necessary, proportionate and effective. This report considers the Public Open Space CCTV system.

- 2.3 The report details the nature and number of complaints received concerning under-age sales of alcohol, tobacco and e cigarettes over the previous financial year. An overview of test purchasing activity is provided including the results of enforcement action. The Authority is required by law to annually review its approach to tackling under-age sales of tobacco and spray paints.
- 2.4 The report provides information to Members on the number and nature of complaints dealt with by the Consumer Advice function of Trading Standards in 2023/24.
- 2.5 The report provides information to Members regarding the diverse range of enforcement activities delivered by Environmental Health, Community Safety and Trading Standards Teams; to protect the public and the environment.

3. RECOMMENDATIONS

- 3.1 Members of the Scrutiny Committee are requested to consider the review of Public Protection enforcement and other activities, CCTV provision, and to note the activity in relation to Consumer Advice

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To provide Members with an opportunity to note the annual review of enforcement activity in accordance with the Public Protection Enforcement Policy.
- 4.2 To keep members informed of the type and level of complaint activity within the county borough and the assistance provided by the Consumer Advice service.
- 4.3 To ensure the Public Open Space CCTV system remains necessary, proportionate and effective.

5. THE REPORT

- 5.1 Public Protection services have a major role in protecting, promoting and improving the health, safety and economic well-being of our communities. This role includes the enforcement of numerous statutes, many of which include criminal sanctions on those who infringe the law.
- 5.2 The Committee will also be aware that prosecution details are published on the Council website.
- 5.3 In order to ensure a fair and consistent approach to enforcement responsibilities the Council has adopted a Public Protection Enforcement Policy which sets out an expectation that there will be an annual review of activity.
- 5.4 The information in Appendix 1 provides a broad picture of the range and number of formal enforcement actions initiated during 2023/24 (some prosecutions may still be awaiting hearing). In addition to the formal interventions detailed, hundreds of other informal warnings and cautions (both written and verbal) are normally issued every year. The table also includes activity of the CCTV Control unit and Community Safety Wardens for the last financial year.
- 5.5 The Public Open Space CCTV system comprises 170+ cameras covering 28 town and

village centres. Cameras in Blackwood, Caerphilly and Bargoed town centres monitor the highest number of incidents, followed by Rhymney, Risca, Newbridge and Ystrad Mynach respectively. While cameras in villages tend to be used to monitor less incidents they are regarded as providing a deterrent effect and help in maintaining community reassurance. The location and number of permanently fixed cameras is considered to be necessary, proportionate and effective.

5.6 The CCTV Control Room refers incidents and suspicious behaviour directly to the Police for their action. Descriptions provided by the Control Room can result in arrests being made at the time of the incident and in some cases Control Room Operators are able to guide Police Officers to offenders as a result of on-going monitoring after an incident. The Control Room will store the relevant footage for use by the Police as evidence in the course of their criminal investigations. This substantially reduces the amount of time Police Officers need to spend investigating offences, provides best evidence of a perpetrator committing offences, reduces the need for victims to give evidence in Court and assists the Courts to sentence appropriate to the gravity of the offence.

5.7 The CCTV Control Room monitors other activity. During the year 116 warnings were given for out of hours access to Council depots, Amenity sites and schools, in some cases police response was required. 37 calls were received from the Storennet system to deal with suspected shoplifters. Police asked for assistance in monitoring 73 threats of suicide.

5.8 **Regulation of Investigatory Powers Act 2000 Authorisations**

5.8.1 The Regulation of Investigatory Powers Act 2000, places safeguards and controls over activities undertaken by Public Bodies, when they use legitimate tools to enforce breaches of the law, which interfere with the Article 8 Rights of individuals under the European Convention on Human Rights. Insofar as Public Protection is concerned the permitted activities are:-

- Directed Surveillance (the covert surveillance of individuals)
- The use of Covert Human Intelligence Sources (either undercover officers or informants)
- Access to Communications Data (restricted access such as subscriber details and data traffic-not the content of any calls/texts etc., but merely the numbers sent to/received from)

5.8.2 The Act and subordinate legislation sets out strict criteria that must be met, before the activity can be authorised and undertaken. In all cases, the interference must be both proportionate and necessary, and full details of activities and the criminal investigation needs to be set out. The Head of Legal Services and Monitoring Officer is the Council's Senior Responsible Officer in relation to RIPA and updates in relation to the operations undertaken are provided to the Audit Committee on a quarterly basis.

5.8.3 Within Caerphilly Council applications are reviewed and authorised by a Senior Manager and if all the criteria are met, the application will be authorised. In the case of Directed Surveillance and Covert Human Intelligence Sources (CHIS), the Authority's Corporate Solicitor undertakes a gate keeper role, keeping records of all applications and vetting them to ensure they are correctly authorised. The latter does not have this responsibility in relation to Communications Data. Communications Data is accessed using the National Anti-Fraud Network (NAFN), who have their own internal safeguards.

5.8.4 Once applications are Authorised, Officers must then apply to the Magistrates Courts and obtain Judicial Approval to carry out the activity. During 2023/24, Trading Standards obtained RIPA Authorisations as below:-

Directed Surveillance-	4
Covert Human Intelligence Sources-	0
Communications Data-	0

5.8.5 The Directed Surveillance Authorisations consisted of four under age test purchase operations, covering alcohol, knives and e-cigarettes (vapes).

5.9 Underage Sales

5.9.1 Complaints about premises supplying age-restricted products are normally received from members of the public, local elected Members, Police Officers, Community Safety Wardens, and other businesses. Complaint data is used to target enforcement activities and to support authorisations for directed surveillance using covert recording equipment, under the Regulation of Investigatory Powers Act 2000. During the financial year 2023/2024 the Trading Standards Service received a total of 40 complaints, 12 in relation to alcohol, 2 relating to tobacco and 26 relating to vaping products.

5.9.2 Test purchasing is achieved by using young volunteers selected in accordance with national guidelines. The volunteers, who often work in pairs, carry covert recording equipment, which captures sound and images. If a sale is made the recording is used to support enforcement action. Where volunteers are test purchasing in “on” licence premises support is provided by a witnessing team of officers, including officers from Gwent Police, in order to secure the health and safety of the young people in an adult environment. All activities are risk assessed and parental consent is required before a volunteer is allowed to work with the Trading Standards Service. Test purchase operations are used in conjunction with educational visits, and in these situations formal action is usually not taken but follow up test purchases planned. Four operations were undertaken during 2023/24.

YEAR	23/24		22/23	19/20
Product	Sales/ Attempts	% Sales	% sales	% sales
Alcohol On	0/6	0%	0% (0/3)	N/A
Alcohol Off	0/5	0%	7.1% (2/28)	17%(2/12)
E – Cigarettes /Vapes	2/38	5%	20% (5/25)	17%(3/18)
Knives	0/2	0%	N/A	N/A

5.9.3 In addition to formal enforcement action, Trading Standards officers also carried out 73 visits to retailers to advise them in detail of their responsibilities in relation to under age sales. The majority of the visits were in relation to vapes, as reflected in the number of complaints received. Also every premises with an Alcohol License for on sales was written to, due to intelligence received about vapes being sold in pubs and clubs. Joint visits were also undertaken with members of the Licensing Team in relation to alcohol

sales and with Police Officers as part of the twice yearly Operation Sceptre designed to highlight knife crime.

5.9.4 Aerosol Spray Paints

The Children and Young Persons (Protection from Tobacco) Act 1991 requires the authority to consider its enforcement programme in respect of underage sales of tobacco on an annual basis. The Clean Neighbourhoods and Environment Act 2005 places a duty on the authority to consider activity regarding the under-age sales of aerosol spray paints.

5.10 Illegal Vapes

5.10.1 With the increased prevalence of the use of vapes (both by adults as a safer alternative to tobacco and worryingly by children), a "black market" in illegal vapes has grown rapidly. This illegal vapes are imported from markets that do not have the stringent safety requirements of the UK and Europe and are also targeted at children. During 2023/2024 Trading Standards seized 1203 illegal vapes and the sellers were either warned, or in more extreme cases, further investigated. One case is currently going through the Court system and a number of other retailers are expected to be the subject of formal enforcement action.

5.11 Consumer Advice

5.11.1 Consumer complaints are categorised on the authority's database by trade sector and by product or service. Categorisation of complaints follows the current national scheme and allows the data gathered to be used in planning services and, in particular, intervention against particular problem trade sectors.

5.11.2 The table below gives the top 10 products/services and the monetary value involved that were complained about during 2023/2024: The top 10 reflect trends shown throughout the United Kingdom.

	Product/Service	Number	% of Total	Value (£)
1	Used Vehicles	269	20.3	1,709,239
2	Home Maintenance and Improvements	231	17.5	1,365,017
3	Tobacco and related Products	70	5.3	130
4	Motor vehicle service and repair	52	3.9	44,296
5	Furniture	49	3.7	78,526
6	Pets and veterinarian services	47	3.6	12,863.50
7	Other Household goods and services	32	2.4	3,462.00
8	Toiletries, Beauty, Perfume	29	2.2	11,665.00
9	Clothing and footwear	28	2.1	2,894
10	Gardening Products and services	27	2.0	80,291

5.11.3 The total value of all goods and services dealt with by the Council's advice service for the financial year was £3,917,040.47 and the total value of all goods and services where Caerphilly consumers sought advice either directly from the service or through Citizens Advice Consumer Service was £14,542,817.47 These figures exclude high value complaints regarding financial advice and prize draws.

5.12 Environmental Health, Community Safety and Food Hygiene and Standards

5.12.1 Food Hygiene law enforcement is carried out by Environmental Health, and Food Standards law enforcement is carried out by Trading Standards. Whilst both service areas have recovered significantly from the pandemic, a risk-based approach continues to address a backlog of lower risk interventions, with the aim of re-aligning all inspection programmes with the Food Law Code of Practice. The tables below demonstrate the progress made to prioritise higher risk businesses over lower risk businesses, and the efforts made to re-align the overall programme:

Food Hygiene

Category	Target to be Completed	Completed	Closed or Ceased Trading	Outstanding	Percentage achieved
A	0	-	-	0	n/a
B	77	71	6	0	100%
C	215	157	58	0	100%
D	172	136	32	4	98%
E	466	293	147	26	94%
Total	930	647	253	30	97%
Outside the programme	N/A	75	N/A	N/A	N/A
New registered premises	*	230	-	12	96%
Microbiological samples	N/A	357	-	N/A	-

*New food businesses are set up throughout the year, therefore a definitive target is not set at the beginning of the year. The services react to requests from food business operators to register and receive an inspection. The figures therefore relate to reactive rather than planned workload.

Food Standards

Category	Target to be completed	Completed	Closed or Ceased Trading	Outstanding	Percentage achieved (%)
A	9	9	0	0	100
B	328	153	66	109	67
C	406	239	97	70	83
Total	743	401	163	179	76
Outside the programme	-	55		0	-
New registered premises	*	201		33	83
Official Control Samples	-	43		0	-

*New food businesses are set up throughout the year, therefore a definitive target is not set at the beginning of the year. The services react to requests from food business operators to register and receive an inspection. The figures therefore relate to reactive rather than planned workload.

5.12.2 In addition to the above, Food Standards officers concluded two prosecutions relating to the supply of unsafe food and failure to provide allergen information on request.

5.12.3 In October 2023 the Food Standards Agency (FSA) audited the authority's Food Law Enforcement Delivery. The subsequent Food Standards Agency Audit report (which includes the food safety, food standards and communicable disease control functions within Public Protection) was considered by the Housing and Environment Scrutiny Committee on Tuesday 13th February 2024 and by Cabinet on the 6th March 2024.

The FSA reported a Moderate Assurance. That is the system for delivering official controls requires some improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance. The audit findings indicate that the authority is making good progress on recovery and is taking a risk-based approach. The FSA state that it is imperative that the authority continues to manage, monitor and support the recovery of both services in accordance with the risk-based plans provided to ensure recovery to the standard prescribed in law and under the Food Law Code of Practice (Wales).

5.12.4 During this period the Community Safety team has continued to successfully manage the Anti-Social Behaviour 4 Strike Process which aims to deter individuals from committing acts of anti-social behaviour. From the figures detailed in Appendix 1 it can be seen that there was an increase in the number of warning letters that were issued by the team. In addition, the number of individuals who continued to offend and signed acceptable behaviour contracts has increased, leading to 7 individuals being issued Civil Injunctions at court.

5.12.5 The Community Safety Wardens continued to see an increase in anti-social behaviour in certain areas throughout the county borough resulting in the team issuing more anti-social behaviour referrals. In addition, during this period the Community Safety Warden team saw a reduction in staff numbers as a result of several vacant posts. This has led to some of the figures in Appendix 1 being lower than the previous year. However, the team continue to patrol the hotspot areas predominantly the town centres across the county borough and have also supported the Police in several joint operations. The CCTV van continues to be utilised to support this activity and target crime and disorder priority areas identified via the Community Safety Partnership Tasking process.

6. ASSUMPTIONS

6.1 There are no assumptions associated with this report, as it is a factual statement of enforcement activity.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This report relates to enforcement activity over the last year and no IIA is required.

8. FINANCIAL IMPLICATIONS

8.1 Whenever prosecutions are taken in the Courts we do seek to recover the reasonable costs of investigation and prosecution.

8.2 The income that is generated by the imposition of fixed penalty notices or recovery of court costs is included in the revenue budget.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications associated with this report.

10. CONSULTATIONS

10.1 The consultees listed below have been consulted on this report and their views have been incorporated accordingly.

11. STATUTORY POWER

11.1 Officers within Public Protection enforce a large number of Acts and Regulations which are listed in part 3 of the constitution, Responsibility for Functions.

Author: Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Consultees:
Councillor Philippa Leonard, Cabinet Member for Planning and Public Protection
Councillor Andrew Whitcombe, Chair of Housing and Environment Scrutiny Committee
Councillor Shane Williams, Vice Chair of Housing and Environment Scrutiny Committee
Mark S. Williams, Corporate Director, Economy and Environment
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Ceri Edwards, Environmental Health Manager
Rob Tranter, Head of Legal Services and Monitoring Officer
Stephen, Harris, Head of Financial Services and Section 151 Officer
Lynne Donovan, Head of People Services

Background Papers:

Public Protection Enforcement Policy

Report to Housing and Environment Scrutiny Committee 13th Feb 2024

Food Standards Agency Audit Report Letter dated 21st November 2023

Assessments of Assurance

Updated Action Plan

Notice of the decisions from the Housing and Environment Scrutiny Committee meeting held on Tuesday 13th February 2024

Report to Cabinet 6th March 2024 – Appendix 1 – Appendix 2 – Appendix 3

Notice of Cabinet Decisions from the meeting held on Wednesday 6th March 2024

Appendices:

Appendix 1 Public Protection Enforcement Activity 2021-24

Appendix 1 – Public Protection Enforcement Activity 2021-24

Trading Standards and Licensing Legislation

Type of Enforcement Activity	21/22	22/23	23/24
Significant breaches identified during inspection	87(87%)	133 (89%) rectified	54 (91%) rectified
Simple Cautions	13	3	10
Prosecutions	12	9	21
Penalty Notices for Disorder (PND) underage sales of alcohol.	0	0	0
Fixed Penalty Notices (FPN) Section 6 of the Health Act 2006(Smoking ban)	0	0	0

Breakdown of 2023/2024 Prosecutions		Breakdown of 2023/2024 Cautions	
Rogue Builders/Doorstep Crime	4	Dog Breeding/Animal Welfare	6
Illegal Dog Breeders/Animal Welfare	4	Street Trading	2
Illicit Tobacco	3	Underage Sales-Alcohol	1
Underage Sales-Alcohol	2	Underage Sales-Vapes	1
Food Standards	2		
Licensing Act	2		
Equality Act	1		
Under Age Sales-Vapes	1		
Unlicensed Taxis	1		
Proceeds of Crime Act	1		

Penalties and Compensation

During 23/24 20 prosecution cases resulted in defendants being subjected to 78 months prison sentence (immediate and suspended), 400 hours Community Punishment Orders, fines of £6,068, compensation awarded to victims of £156,986 and costs paid to the authority of £24,411.50.

Environmental Health Food Safety Legislation

Type of Enforcement Activity	21/22	22/23	23/24
Written Warnings/Advice	175	856	804
Revisits	61	77	124
Improvement Notices	4	6	18
Remedial Action Notices	1	1	0
Prosecutions	1	0	0
Voluntary Closure	1	4	2
Hygiene Emergency Prohibition	0	0	0
Seizure/Surrender	0	0	0

Simple Cautions	0	0	0
Food Hygiene Rating Scheme FPN	0	0	1

Environmental Health - Health and Safety Legislation

Type of Enforcement Activity	21/22	22/23	23/24
Written Warnings/Advice	27	71	58
Revisits	5	20	17
Improvement Notices	2	19	8
Prohibition Notices	0	4	0
Simple Cautions	0	1	0
Prosecutions	0	0	0

Environmental and Nuisance Legislation

Type of Enforcement Activity	21/22	22/23	23/24
Warnings for dog fouling	3	26	21
Warnings for litter	4	27	12
Fixed Penalties for Dog Fouling	1	1	17
Fixed Penalties for Litter	15	23	24
Fixed Penalties for Fly Tipping	29	27	39
Prosecutions for Littering	0	0	2
Prosecutions for Dog Fouling	0	0	1
EPA 1990 – Noise Abatement Notices	6	6	9
EPA 1990 – Statutory Nuisance Notices	31	6	11
Confiscation of noise making equipment	0	0	0
Prosecutions for Statutory Nuisance (Noise)	0	0	0
Stray Dogs Impounded	97	76	75
Prosecutions for Fly tipping	14	10	3

Community Safety

Type of Enforcement Activity	21/22	22/23	23/24
Public Open Space CCTV			
Total no. of incidents monitored/dealt with by CCBC CCTV service	2396 Including requests detailed below	2169 Including requests detailed below	2622 Including requests detailed below
Evidence recorded and provided to Gwent Police	481 DVDs burnt for evidential purposes	459 140 DVDs, 319 digital uploads	608 50 DVDs, 568 digital uploads
Requests for monitoring from Gwent Police	790	790	696
Community Safety Wardens and Community Safety Team			
Words of Advice given (acting contrary to acceptable standards of behaviour)	4782	1226	987
Referrals by Community Safety Wardens into 4 Strike Anti-Social Behaviour process	16	1	29
Verbal Warnings (Name and address, date of birth taken)	74	12	12
Items of Alcohol Confiscated	98	5	10
Issues identified and referred to other departments	426	365	344
Total hours of deployment	9,449	7,638	5489
Fixed Penalty Notices Issued	5	1	1
Number of Anti-Social Behaviour warning letters sent out	378	292	318
Number of Acceptable Behaviour Contracts (ABCs) signed	34	35	52
Number of Civil Injunctions granted at court	5	8	7

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HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE – 18TH JUNE 2024

SUBJECT: WELSH GOVERNMENT LEASING SCHEME WALES

REPORT BY: DEPUTY CHIEF EXECUTIVE

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1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform members of a change of approach with regards to Leasing Scheme Wales. Following a request from Welsh Government for those Local Authorities who have not yet opted in to deliver Leasing Scheme Wales (LSW), it outlines how it can now help support CCBC in meeting the homeless duty under Part 2 of the Housing Wales Act 2014.
- 1.2 If CCBC were to agree to adopt and deliver the scheme then it would be the intension of the Housing Solutions Service to run the LSW scheme alongside the existing Private Rented Scheme that the service provides via Caerphilly Keys.
- 1.3 Members are asked to consider and take a view on the adoption and delivery of the LSW. This report will be presented to Cabinet Members on the 24th July 2024 and will include any comments or recommendations from this Committee.

2. SUMMARY

- 2.1 Members will be aware that in August 2018 the Housing Solutions Team launched its own private sector scheme Caerphilly Keys. Caerphilly Keys provides a landlord / tenant matching service, with access to support workers to sustain tenancies without any financial commitment.
- 2.2 In 2019 Welsh Government asked Local Authorities to express an interest in adopting a pilot of the WG lease scheme to ensure that Local Authorities have access to Private Sector Accommodation to discharge their Statutory Duty.
- 2.3 CCBC at that time made the decision not to express an interest in the pilot as a result of the local authority having its own Private Sector Scheme under the umbrella of Caerphilly Keys.
- 2.4 Welsh Government subsequently then contacted all Local Authorities who had not previously signed up to the scheme at the end of 2021 to discuss if views had

- changed and whether any more were looking to adopt the scheme.
- 2.5 In February 2022 a report was taken to Cabinet regarding LSW and members were asked to consider the recommendation to decline the interest at that time given that there was no appetite from private rental sector (PRS) landlords at that juncture and the Caerphilly Keys Scheme was attracting landlords and providing a similar model without any contractual / financial obligations.
- 2.6 Since that report in 2022 several factors having changed. There is now an appetite from some private landlords within the borough for a leased arrangement that LSW will provide and would allow CCBC to expand its access to the PRS market. The launch of the Empty Homes Strategy and team would mean that the grant aspect of the LSW model may assist and support bringing some empty properties back into use. The implementation of Renting Homes (Wales) Act in December 2022 has caused smaller landlords to look at other options for lease/management functions but not necessarily wanting to pay Estate Agent fees. Given these changes the LSW model would allow CCBC to provide PRS landlords another route to let their properties, whilst providing the Housing Solutions team greater access to affordable housing to support discharging of the homeless duty.
- 2.7 The report outlines the current proposal from WG regarding the LSW offer to Local Authorities and how CCBC would deliver the LSW model.

3. RECOMMENDATIONS

- 3.1 Members are requested to consider and give a view on the following recommendations, which will be presented to Cabinet on the 24th July 2024.
- 3.2 Members are requested to consider the report and agree to adopt the Leasing Scheme Wales as part of our overall offer to the private rented sector, under the Caerphilly Keys brand, to support the Local Authority in the discharge of Homelessness duties. Cabinet members will be asked to:-
- 3.2.1 Adopt the Leasing Scheme Wales (LSW) and take this forward in accordance with WG LSW guidance.
- 3.2.2 Endorse that the LSW scheme would run alongside the existing Caerphilly Keys Scheme which offers a landlord/tenant matching service with tenant/landlord support.
- 3.2.3 Adopt the LSW model under the following terms:
- 5-year lease arrangement
 - £5,000 renovation grant (funded by WG) to bring a property up to standard or EPC rating "C".
 - A grant of up to £9,999 for Empty Homes being bought onto the scheme.
 - Financial support for staffing costs of £36,000 per year of the 5 year leasing scheme period to help deliver the scheme.
 - 10% of the LHA rate will be used as a Management fee per property to support with costs toward the maintenance of the property.
 - Plus, an additional revenue of £58 per property claimed from Welsh

Government.

- Existing Caerphilly Keys team will run the scheme in the initial phases and this will be reviewed as and when the scheme develops with additional staffing being considered when required . Funding for this would be drawn from the staffing costs allocation under the scheme and additional support can be drawn from Housing Support Grant contributions.
- Caerphilly Homes Private Sector Housing team and the Assets, Maintenance and Repairs team will support with initial surveys/schedule of works and confirmation of satisfactory completion of grant aided work.
- The maintenance and any out of hours maintenance of the properties will be undertaken by Caerphilly Homes with a view of then billing the Housing Solutions team for said works/maintenance, and this will be paid from the management fees claimed.
- It is considered that the level of repairs and property maintenance within the first year or so should be minimal given the properties will be new to scheme and would have to been bought up to relevant standard.
- Therefore, the management fee claimed will be held and used across the property portfolio as and when associated costs accrue over the term of the leasing scheme cycle of five years.

4. REASONS FOR THE RECOMMENDATIONS

4.1 Having considered the Welsh Government proposal and undertaken a review of the current market it is felt there is an opportunity to extend the solutions available to those households who are experiencing homelessness, and reduce the pressures currently placed on Temporary Accommodation.

4.2 The key reasons for this are:

- LSW is now an established model in many authorities in Wales, with some authorities having a property portfolio of over 30+properties since adopting the scheme in the latter part of 2021.
- Since Renting Homes (Wales) Act introduction, more smaller landlords are looking to either exit the market or explore leased/managed arrangements and the LSW scheme would provide this for those landlords.
- Previously the rent permissible under LSW at LHA levels was a deterrent but now given other pressures in the PRS along with the grants on offer it is an increasingly attractive offer.
- The Caerphilly Keys team are receiving contact from landlords looking for this model and to date have had to decline but are recording landlord details to develop a pipeline of interest.
- Following the creation of the Empty Properties Team and the launch of the Empty Properties Strategy there is now scope to increase the number of empty

homes bought back into use in conjunction with LSW. The scheme will also offer another option to empty homeowners who will be affected by the recently approved introduction of council tax premiums for long term empty homes. It can offer landlords grants to support works on properties to bring them back into use and support positive discharge of statutory duties for households experiencing homelessness and alleviate pressures on temporary accommodation.

5. THE REPORT: LEASING SCHEME WALES – THE PROPOSAL/OFFER

- 5.1.1 Leasing Scheme Wales (LSW) is designed to increase access to affordable and good quality private rented accommodation.
- 5.1.2 The Scheme will support those who are at risk of homelessness or homeless as defined under the Housing Wales Act 2014
- 5.1.3 The Scheme will provide tenants with longer term security of accommodation in the PRS sector at a local housing allowance (LHA) level.
- 5.1.4 The scheme is intended to complement and act as a resource for Local Authority Homelessness Teams seeking to move households on from temporary accommodation.
- 5.1.5 Those tenants who are housed under the scheme will be provided with a High Level of support to help maintain their tenancies and reduce the risk of repeat / future homelessness by addressing their support needs quickly and responsibly.
- 5.1.6 Through LSW, local authorities will acquire quality properties for a period between 5 – 20 years, providing regular rental income to property owners at the local housing allowance rate, less a management fee equivalent.
- 5.1.7 All properties will be assessed for their suitability by the Local Authority to ensure they meet the required standard as outlined in the Scheme Requirement.
- 5.1.8 Under the Lease Agreement Local Authorities will take on specific obligations in relation to the maintenance of the property and the rent which it pays the owner.
- 5.1.9 The rent under the lease agreement will be less than that which the local authority will receive from sub-letting the property.
- 5.1.10 The financial difference in the rent values charged to tenants and paid to property owners will be retained by the local authority to be used to help fund its maintenance functions.
- 5.1.11 At the end of the lease term the property will be returned to the owner in its original condition subject to reasonable wear and tear over time and as per the lease agreement.
- 5.1.12 Local Authorities are expected to market the scheme and to be in line with Welsh Government's communication and marketing guidelines.

5.2 Selection of Properties

- 5.2.1 Local Authorities are required to identify and secure properties for the scheme which meet the required standards. Local Authorities must also keep voids to a minimum

and be mindful that the purpose is to provide longer term accommodation for tenants between 5-20 years.

- 5.2.2 A formal Grant offer letter will provide the target number of properties to be bought on scheme year on year. WG can review these targets with CCBC, and there is no stringent obligation for the LA to achieve the targets set if the appetite is not prevalent within the local authority area.
- 5.2.3 WG will provide Model lease agreements that CCBC must use. CCBC with agreement from WG can amend these to suit internal requirements.
- 5.2.4 CCBC will work with property owners to ensure that they have the requisite insurance and mortgage arrangements in place to enable them to participate in the scheme. The property owner will be responsible for building insurance and to ensure that this is for the period of the lease arrangement.
- 5.2.5 CCBC will work with property owners to ensure they have sufficient insurance in place during the lease to mitigate against structural defect/environmental risks e.g. walls, roof, foundations, prior to their inclusion on the scheme.
- 5.2.6 CCBC will verify the suitability of gas/electricity/fire certificates that are provided by the property owner.
- 5.2.7 CCBC will undertake local searches and surveys on properties prior to taking on any property under the scheme to mitigate any financial risk.
- 5.2.8 There are mandatory minimum standards that properties will have to meet or they will not be accepted onto the scheme.
- 5.2.9 A renovation incentive of up to £5,000 can be offered to property owners where their property does not meet the minimum mandatory standards, or to improve a property's EPC rating to that of a "C".
- 5.2.10 Property inspections will be undertaken by qualified staff already employed via Caerphilly Homes and a schedule of works will be drawn up that the landlord will need to complete prior to CCBC agreeing to enter into any Head Lease. This mitigates possible additional financial risk and ensures CCBC are satisfied with works completed.
- 5.2.11 The head Lease will be signed on final inspection of the property and after all works have been completed with no financial outlay to CCBC prior to agreeing and signing the Head Lease.

5.3 Renovation Incentives

- 5.3.1 All properties being accepted onto the scheme will be required to meet the mandatory quality standard prior to being accepted onto scheme. Bringing a property up to standard will automatically entitle a property owner access to the renovation incentive.
- 5.3.2 The renovation incentive is up to a maximum of £5,000 and will be payable as a grant (except where empty properties are concerned).
- 5.3.3 A property survey will be undertaken prior to any agreement to accept onto the

scheme to ascertain its condition and the likely works and cost of any renovation to bring the property up to minimum standards.

- 5.3.4 CCBC will expect any property owner to undertake all works identified to bring the property up to standard before the Head Lease has been signed. The Grant will then be claimed retrospectively from WG should CCBC be satisfied with works completed and confirm that the property is in the scheme.
- 5.3.5 Any grants approved will be claimed back from WG as part of the quarterly claim and criteria outlined by WG.
- 5.3.6 If a property owner is VAT registered, when claiming a grant, the claim will be minus the VAT, as the property owner will be expected to claim VAT through their own return.

5.4 Adaptations for Disabled People

- 5.4.1 Under the LSW Criteria any Grants offered under the scheme cannot be used to fund adaptations for disabled people.
- 5.4.2 CCBC will be expected to use any funding available for any necessary adaptations once a property has been leased and tenant identified.
- 5.4.3 WG provides capital to Local Authorities to provide Disabled Facilities Grants (DFG), a DFG can be applied for once a household is living at the property and following an assessment by Social Services Occupational Therapists. This is a legal process and will involve means testing the person who requires the adaptations and seeking the property owners consent for any adaptations. Subject to the outcome of the means test and the property owners consent if eligible then financial support would be available via Private Sector Housing budgets.
- 5.4.4 Enable funding would only be considered to assist with property adaptations in situations where the disabled person is unable to be assisted by the DFG process for example usually in circumstances where adaptations need to be delivered on land outside of the curtilage of the home/ communal land leading to their home for example the installation of handrails etc.

5.5 Empty Properties

- 5.5.1 Empty properties (a property that has been unoccupied for 6 months or more) can be bought onto scheme according to the same terms and conditions as any other property.
- 5.5.2 Empty properties will be eligible for higher grant funding in relation to renovation incentives. Instead of being eligible for up to £5,000 in grant funding to bring property up to standard or meet EPC rating C, empty properties will be eligible for up to £25,000 as set out below.

5.5.3 Empty Properties Incentive

Renovation Incentive	Minimum length of lease	Repayment of Grant on default
£0-£9,999	5 year lease	100% to be repaid
£10,000-£14,999	10 year lease	Defaults between year 6-25 repayment amount to proportion above £10k reducing by £1k per annum.
£15,000-£19,999	15 year lease	
£20,000-£25,000	20 year lease	

5.5.4 Empty properties will then be managed like any other property bought onto scheme.

5.5.5 Permission would need to be sought from WG for all renovation incentives above £10,000.

5.5.6 We would like to remind members that CCBC are looking at agreeing an initial 5 year lease term with landlords and therefore grants available for empty properties would be between £0- £9,999 under the LSW scheme.

5.6 Lease and Tenancy Agreements

5.6.1 WG will provide CCBC with the below which must be used for the scheme.

- Model lease agreement for whole properties and flats (including rolling leases)
- Bare Contractual tenancy agreement
- Incentive Agreement (for use only with the renovation incentive)

5.6.2 CCBC will have no discretion as to the amount of rent payable to a property owner.

5.6.3 Rent payable will be equivalent of the Local Housing Allowance (LHA) rate. It will be paid monthly, in advance and CCBC will not be able to supplement the LHA rate as an added incentive to property owners.

5.6.4 CCBC will use the existing rent account management system set up for our Caerphilly Homes tenants to ensure that effective management of rent accounts under this scheme is in place. This will be managed by the coordinator of the scheme and will be reviewed regularly.

5.6.5 A management fee of 10% of the LHA rate per property will be claimed from WG and this will be used to help fund maintenance costs or other running costs for the scheme. The management fees claimed against the number of properties on scheme can be combined and used as holistic income to cover maintenance / running costs for the entire scheme.

5.6.6 Responsibility for any service charge/maintenance charge imposed by a building company or Section 20 notice for major works will remain with the property owner and will not be assumed by CCBC.

5.6.7 Any property bought onto scheme will need to meet the minimum mandatory standards, meaning any significant repairs/maintenance would need to be undertaken prior to the property being accepted onto scheme and therefore

minimising any risk of repair work that CCBC would need to undertake on the property.

- 5.6.8 CCBC will ensure that a property inspection/survey is undertaken and schedule of works drawn up and agreed before any head lease is entered into.
- 5.6.9 CCBC will require landlords to complete all works identified as part of the property inspection/survey before any agreement and head lease is signed, mitigating possible financial risk to the local authority.
- 5.6.10 The head lease provides a mutual break clause option; this break clause can only be activated 2 years after the commencement of the lease and must be subject to 12 months' notice.

5.7 Bare Contractual Agreements

- 5.7.1 The Housing Solutions team will select prospective tenants via the Caerphilly Keys Coordinator and Housing Solutions Team Leader. Any person selected to access properties will be owed a duty under Part 2 of the Housing Wales Act 2014 where homelessness duties are owed. This will support the successful discharge of duty and the move on into suitable PRS accommodation.
- 5.7.2 The Bare Contractual Tenancy will ensure that anyone who occupies a property under the scheme will be subject to many of the rights and obligations to agreements used in the social housing sector.
- 5.7.3 Rent (equivalent to LHA rate for respective property) will be paid to the local authority by the occupant weekly/monthly.
- 5.7.4 Occupants will be required to provide their own contents insurance.
- 5.7.5 A schedule of condition from the Head Lease will be used to support any inventory section of the Bare Contractual tenancy.
- 5.7.6 Support will be available to all those placed into properties that are bought under the scheme.
- 5.7.7 Deposits will not be required by those offered the properties as under the scheme and lease arrangement with the property owner, CCBC will have already accepted rental liability and void loss liability.
- 5.7.8 Anyone placed into a property will not be able to take on a lodger or sub-lease the property.

5.8 Recovering Losses

- 5.8.1 WG have agreed to subsidise certain losses that CCBC may accrue. The total subsidy is dependent on several factors that include number of properties on scheme and associated tenancies.
- 5.8.2 The formal Grant offer letter issued by WG will outline the full list of losses that CCBC can claim against however some costs that can be claimed for are:
 - Staffing Costs to be claimed as part of Quarterly claim form.

- Tenancy support costs as above
- Capital losses, including all grant payments as part of the renovation incentive, malicious or deliberate damage (if not reclaimed via tenant) this can include any costs to the LA at the end of the lease term to put the property back to its original condition (excluding wear and tear). Repairs to interior and exterior can be claimed for if the repairs are not as a result of breach of terms of tenancy.
- Revenue losses, rent arrears can be claimed if not reclaimable from the tenant. Void periods can be claimed for.
- 10% of the LHA rate per property can be claimed as a Management fee from WG.

5.9 Conclusion

- 5.9.1 The report highlights the main aspects of the LSW model offered via WG.
- 5.9.2 The report highlights the intention to run the scheme concurrently with the existing Caerphilly Keys model therefore offering two different options to landlords in the borough to maximise access into PRS under one brand/banner. The LSW scheme will sit within the Housing Solutions Team to support its discharge of statutory duties for homeless households into the PRS sector.
- 5.9.3 The report highlights the grants available to landlords if they wish to express their interest in the scheme to bring properties up to standard or EPC rating "C".
- 5.9.4 The report highlights how adopting LSW will support the Local Authorities ambitions in tackling Empty Properties within the borough by offering Empty Property Landlords an additional grant of up to £9,999 to bring an Empty Property back into use and placed onto the scheme under a 5-year lease.
- 5.9.5 The report highlights that the scheme will remain in-house with the existing Caerphilly Keys team managing and supporting the properties so no additional staff costs at the initial outlay. That utilising existing staff across the Caerphilly Homes team with the necessary resources to survey/inspect and maintain the properties are already in place to support delivery of the LSW model. This will be reviewed regularly by us as a service area.
- 5.9.6 The report outlines what CCBC are eligible to claim from WG under the scheme and under Section 8 some indicative financial costings have been drawn up based on number of properties on scheme.

6. ASSUMPTIONS

- 6.1 Based on the LSW proposal and guidance, any financial losses the Local Authority could incur linked to staffing costs, capital costs, revenue costs and tenancy support costs would be eligible for refund from Welsh Government via relevant grant claims.
- 6.2 Staff resources within the existing Caerphilly Keys team and across Caerphilly Homes will be able to manage the LSW model and any associated works required. Should additional resources be required then CCBC would look at the staffing costs element of the grant to support this and also look at HSG funding where any

additional support to maintain tenancies is required. The local authority will maximise the staff costings funding for the scheme of £36,000 to help deliver the scheme.

6.3 It is difficult at this time to conclude what financial impact the scheme could have where the cost of repairs and maintenance is concerned . However, in order to mitigate this the report sets out the following :

- To ensure robust survey/property inspections are undertaken with detailed schedule of works being drawn up to ensure properties are of standard.
- To be selective and not afraid to say NO to a property if it does not meet expectations.
- To ensure that when selecting tenants for the properties they have the capability to manage a tenancy with support and do not have significant antisocial behaviour or property damage in past tenancies.
- To ensure that the team are undertaking regular property inspections to mitigate and escalation in minor wear and tear/ damages at a property to ensure costs are kept to a minimal .
- To draw on other agencies who may also be attending the property and ensure that they know who to contact if a property issue is identified.
- To ensure we act upon any reports of property issue as a priority to mitigate any financial costs to the scheme.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 An IIA has been prepared and can be viewed here:- [LINK TO IIA](#)

No negative impacts have been identified. The Welsh Government Leasing Scheme Wales will help the Council to increase the provision of good quality affordable housing for households who are homeless , which will contribute positively to the health, wellbeing and prosperity of residents.

8. FINANCIAL IMPLICATIONS

8.1 The list below provides indicative figures but is unlikely to change. The overall target of properties is based on 1% of the overall number of private rented properties in Caerphilly.

8.2 Revenue funding will continue for five years, including the staff and administration costs to support the management of properties taken on board.

8.3 The finances each year are based on the following assumptions:

- Capital repairs and damages - £1,225 per property per year.
- Revenue Rent Loss (Voids) - £685 per property per year
- Tenancy support - £1,650 per property per year
- Capital Grant based on an average £7,500 for each new property (max grant £5,000 unless the property is empty)

- 10% of the LHA rate per property can be claimed as management costs in addition to the £58 per month per property.
- Prevention Monies allocated to Homelessness services from Welsh Government under the Homeless Prevention agenda can also be utilised to support the scheme when looking at rent arrears/ damages etc.

9. PERSONNEL IMPLICATIONS

- 9.1 The intention is to deliver the scheme with existing staffing structures already employed within the Caerphilly Homes team to reduce staff/personnel costs.
- 9.2 The LSW does provide £36,000 per year for staff resource to deliver the scheme and CCBC will ensure that this funding is drawn down and utilised to deliver the scheme.
- 9.3 Should the scheme receive significant expression of interest from landlords and should CCBC be in a position to significantly expand the number of properties on scheme then the ongoing staff resourcing for the team would need to be reviewed as a result of existing service delivery pressures across Caerphilly Homes and considering the financial pressures already placed on the General Fund.

10. CONSULTATIONS

- 10.1 All comments received from the consultees listed below have been noted and, where appropriate, incorporated within the report.

11. STATUTORY POWER

- 11.1 There is no Statutory Power placed on a local authority to provide a private rented landlord/ tenant scheme.
- 11.2 Housing Wales Act 2014 Part 1 Outlines the regulation of private rented accommodation.
- 11.3 Housing Wales Act 2014 -Part 2, allows for the statutory discharge into suitable private sector accommodation to alleviate and prevent homelessness.
- 11.4 Housing Wales Act 2014- Part 2, confirms the duty on statutory and non-statutory services to co-operate and assist the local authority in preventing homelessness.

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