

**Open**

## **Cabinet**

## **Agenda**

**6pm**  
**Wednesday, 10 June 2026**  
**Council Chamber**  
**Wyre Forest House**  
**Finepoint Way**  
**Kidderminster**



## Cabinet

### **The Cabinet Members and their responsibilities:-**

<b>Councillor M Hart</b>	<b>Leader of the Council &amp; Strategy</b>
<b>Councillor D Ross</b>	<b>Deputy Leader &amp; Finance &amp; Capital Portfolio</b>
<b>Councillor C Rogers</b>	<b>Housing, Health and Well-being</b>
<b>Councillor D Morehead</b>	<b>Economic Regeneration, Planning &amp; the Green Agenda</b>
<b>Councillor T Onslow</b>	<b>Culture, Leisure, Arts &amp; Community Safety</b>
<b>Councillor N Desmond</b>	<b>Operational Services</b>

### **Scrutiny of Decisions of the Cabinet**

The Council has one Scrutiny Committee that has power to investigate policy issues and question members of the Cabinet who have special responsibility for a particular area of the Council's activities. The Cabinet also considers recommendations from this Committee.

In accordance with Section 10 of the Council's Constitution, Overview and Scrutiny Procedure Rules, and Standing Order 2.4 of Section 7, any item on this agenda may be scrutinised by the Scrutiny Committee if it is "called in" by the Chairman or Vice-Chairman of the Overview & Scrutiny Committee and any other three non-Cabinet members.

*The deadline for "calling in" Cabinet decisions is 5pm on Monday 22 June 2026.*

Councillors wishing to "call in" a decision on this agenda should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

### **Urgent Key Decisions**

If the Cabinet needs to take an urgent key decision, the consent of the Scrutiny Committee Chairman must be obtained. If the Scrutiny Committee Chairman is unable to act the Chairman of the Council or in his/her absence the Vice-Chairman of the Council, must give consent. Such decisions will not be the subject to the call in procedure.

### **Disclosure of Interests**

**Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in ADVANCE of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer or other legal officer in good time before the meeting.**

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted an advance dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at

the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the MEMBER to decide whether disclosure is required. Again please ensure you have spoken in ADVANCE to the relevant legal officer and determined whether it is appropriate to declare the NRI and leave.

### **For further information**

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

Documents referred to in this agenda may be viewed on the Council's website - [www.wyreforestdc.gov.uk/council/meetings/main.htm](http://www.wyreforestdc.gov.uk/council/meetings/main.htm)

### **WEBCASTING NOTICE**

This meeting is being filmed\* for live or subsequent broadcast via the Council's website site ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)).

At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

**By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.**

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

**If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.**

\* Unless there are no reports in the open session.

Wyre Forest District Council

Cabinet

Wednesday, 10 June 2026

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
<b>3.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 8 April 2026.	7
<b>4.</b>	<b>CALL INS</b> a verbal update will be given on any decisions which have been "called in" since the last meeting of the Cabinet.	
<b>5.</b>	<b>Items Requiring Urgent Attention</b>  To consider any item which, in the opinion of the Chairman requires consideration at the meeting as a matter of urgency.	
<b>6.</b>	<b>Public Participation</b>  In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council/Cabinet, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 12 noon on Monday 1 June 2026. (See front cover for contact details).  <b>No requests for public participation have been received.</b>	

7.		
7.1	<b>Councillor D Ross</b> <b>Performance Monitoring Quarter Four 2025-26</b>	
	<p>To consider a report from the Director of Revenues, Benefits and Customer Services on the Council's performance at the end of quarter four ending 31 March 2026.</p> <p><i>The appendices to this report have been circulated electronically.</i></p> <p>Also to consider recommendations from the Overview &amp; Scrutiny Committee from its meeting on 4 June 2026.</p>	13
		To follow

8.		
8.1	<b>Councillor C Rogers</b> <b>Update to Housing Assistance Policy 2026</b>	
	<p>To consider a report from the Director of Housing and Planning that updates the council's Housing Assistance Policy on the use of the Better Care Fund and other resources for the provision of disabled facilities grants (DFG) and other forms of financial assistance for property repair, adaptation and improvement.</p> <p><i>The appendix to this report has been circulated electronically.</i></p> <p>Also to consider recommendations from the Overview &amp; Scrutiny Committee from its meeting on 4 June 2026.</p>	20
		To follow
8.2	<b>Housing Enforcement Policy 2026</b>	
	<p>To consider a report from the Director of Housing and Planning that updates the council's Housing Enforcement Policy to reflect the introduction of the Renters' Rights Act 2025 and reflect national guidance on levels of civil penalties.</p> <p><i>The appendix to this report has been circulated electronically.</i></p> <p>Also to consider recommendations from the Overview &amp; Scrutiny Committee from its meeting on 4 June 2026.</p>	24
		To follow

9.		
9.1	<b>Councillor D Morehead</b> <b>Removal of permitted development rights for smaller houses in multiple occupation (HMOs) (confirmation of Article 4 direction)</b>	
	<p>To consider a report from the Director of Housing and Planning that provides the Cabinet with information and outcomes of the public consultation on the Non-Immediate Article 4 Direction that was carried out between 20<sup>th</sup> of February and 6<sup>th</sup> of April 2026, and to confirm the Direction.</p> <p>Also to consider recommendations from the Overview &amp; Scrutiny Committee from its meeting on 4 June 2026.</p>	27
		To follow

10.	<b>To consider any other business, details of which have been communicated to the Director of Legal &amp; Governance before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
11.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

<b>12.</b>		
12.	<b>To consider any other business, details of which have been communicated to the Director of Legal &amp; Governance before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

WYRE FOREST DISTRICT COUNCIL

CABINET

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

8 APRIL 2026 (6PM)

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**Present:**

Councillors: M J Hart (Chairman), D Ross (Vice-Chairman), N J Desmond, I Hardiman, D Morehead and C Rogers.

**Observers:**

Councillor: F M Oborski MBE.

**CAB.75 Apologies for Absence**

There were no apologies for absence.

**CAB.76 Declarations of Interests by Members**

As recorded later in the minutes.

Councillor F Oborski MBE declared in respect of agenda item 9.1 – Worcestershire’s homelessness and rough sleeper strategy 2026-2031, that she is the Chair of the HELP Charity.

**CAB.77 Minutes**

**Decision: The minutes of the Cabinet meeting held on 11 February 2026 be confirmed as a correct record and signed by the Chairman.**

**CAB.78 Call Ins**

No decisions had been called in since the last Cabinet meeting.

**CAB.79 Items Requiring Urgent Attention**

There were no items requiring urgent attention.

**CAB.80 Public Participation**

There was no public participation.

**CAB.81 Budget and Performance Monitoring Q3 update**

A report was considered from the Director of Resources and s151 Officer that briefed members on the Council’s financial and other performance at the end of Quarter 3 ending 31 December 2025. The report also presented the emerging budget pressures and known variances that are likely to have an

impact on the outturn position for the 2025-26 financial year.

The Cabinet Member for Finance and Capital Portfolio presented the report and formally moved the recommendations for approval. He thanked the Director of Resources and her team for the comprehensive report.

The Cabinet Member gave a summary of the background and key issues set out in the report. He was pleased to report that the reserves position continued to deliver positive news. He said that the estimated reserves as of 31 March were £5.3m with following years £5.2m, £4.4m, and in the final year of the medium term financial strategy (MTFS), £3.4m. He explained that this was due to better than expected income from investments as interest rates have remained higher than anticipated, delivery of savings across the council and a focus on improving commercial income.

The Leader of the Council seconded the proposals.

The Vice-Chairman of the Overview and Scrutiny Committee, Councillor F Oborski MBE, presented the recommendations from its meeting on 5 March 2026.

**Decision: The Cabinet NOTED:**

- 1.1 The projected budget variations, virements and comments within the report and Appendices 1 to 4.**
- 1.2 The performance against measures and actions as set out in the report and Appendix 5.**
- 1.3 The recommendations from the Overview and Scrutiny Committee from its meeting on 5<sup>th</sup> March 2026.**

**CAB.82 Contract for the provision of Measured Term General Building Maintenance & Electrical Services**

A report was considered from the Director of Commercial Services that sought approval for the tender evaluation model proposed for the procurement of Measured Term contracts for General Building Maintenance and Electrical Services.

The Cabinet Member for Finance and Capital Portfolio presented the report and formally moved the recommendations for approval.

He gave a summary of the background and key issues detailed in the report. He explained that as the contract value was over £170,000, the procurement was being carried out in accordance with The Procurement Act 2023, which was subject to a strict procurement timetable and advice would be sought from the Procurement Team and the Director of Legal and Governance

The Leader seconded the proposals.

**Decision: The Cabinet:**

- 1.1 **APPROVED** the procurement and tender evaluation model contained in appendix 1 of the report.
- 1.2 **DELEGATED** authority to award the contract to the Director of Commercial Services in consultation with the Director of Legal & Governance, Director of Resources (Section 151 Officer) and the Deputy Leader and Cabinet member for Finance and the Capital Portfolio.

**CAB.83 Bewdley Conservation Area Character Appraisal**

A report was considered from the Director of Housing and Planning that presented the Draft Bewdley Conservation Area Character Appraisal and sought agreement that it be consulted upon.

The Cabinet Member for Economic Regeneration, Planning and the Green Agenda presented the report and formally moved the recommendation for approval. He thanked the Director of Housing and Planning and her team for providing the report.

The Cabinet Member gave a detailed summary of the background and key issues set out in the report. He explained that all responses received to the consultation would be reported back to Cabinet in due course, along with the final version of the character appraisal. He added that officers would decide how best to consult those who do not use social media. He said that it was anticipated that the documents would be adopted in the summer / autumn of 2026.

The Leader seconded the proposals.

The Vice-Chairman of the Overview and Scrutiny Committee presented the recommendations from its meeting on 2 April 2026.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 April 2026:**

**The Cabinet REVIEWED and APPROVED the draft Bewdley Conservation Area Character Appraisal and AGREED to a 4-week public consultation between the 13<sup>th</sup> April and the 10<sup>th</sup> May.**

**CAB.84 Local Plan Timetable**

A report was considered from the Director of Housing and Planning that sought approval to publish the Local Plan timetable and Notice of Intention to Commence Local Plan preparation.

The Cabinet Member for Economic Regeneration, Planning and the Green Agenda presented the report and formally moved the recommendations for approval. He thanked the Director of Housing and Planning and the Planning Team for providing the report.

The Cabinet Member gave a comprehensive summary of the background and

key issues set out in the report. He explained that the Wyre Forest District Council Local Plan was adopted in April 2022, and the Council has a statutory duty to keep the Local Plan updated. He added that the current Local Plan would be considered out of date in April 2027 and therefore it is imperative that the Council updated the Local Plan.

The Leader seconded the proposals.

The Vice-Chairman of the Overview and Scrutiny Committee presented the recommendations from its meeting on 2 April 2026.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 April 2026:**

**The Cabinet:**

- 1.1 AGREED the Local Plan Timetable set out in Appendix A and publication of the Notice of Intention to Commence Local Plan preparation;**
- 1.2 DELEGATED to the Director of Housing & Planning in consultation with the Cabinet Member for Economic Regeneration, Planning and Localism and Director of Legal & Governance to make any amendments required to the Local Plan Timetable from time to time, including as a result of The Town and Country Planning (Local Planning) (England) Regulations 2026.**

**CAB.85 Local Plan – further call for gypsy and traveller sites**

A report was considered from the Director of Housing and Planning that presented a summary of the 2025 needs assessment and the need to undertake a further call for sites for gypsy and traveller accommodation for the next local plan.

The Cabinet Member for Economic Regeneration, Planning and the Green Agenda presented the report and formally moved the recommendations for approval.

The Cabinet Member gave a detailed summary of the background and key issues set out in the report. He explained that a targeted call for additional sites for Gypsy and Traveller pitches was necessary to ensure that the Council was able to plan positively for identified needs and identify suitable and sustainable locations for future provision.

The Leader seconded the proposals.

The Vice-Chairman of the Overview and Scrutiny Committee presented the recommendations from its meeting on 2 April 2026.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 April 2026:**

**The Cabinet AGREED that a further call for sites for gypsy and traveller accommodation should be undertaken from 20 April to 13 July 2026.**

**CAB.86 Worcestershire's Homelessness and Rough Sleeper Strategy 2026-2031**

A report was considered from the Director of Housing and Planning to agree that the new Homelessness and Rough Sleeping Strategy (2026-31) is publicly consulted on in advance of adoption.

The Cabinet Member for Housing, Health and Well-being presented the report and formally moved the recommendation for approval. He thanked the Director of Housing and Planning for producing the report.

The Cabinet Member gave a summary of the background and key issues detailed in the report. He explained that the strategy had been developed by an operational group of officers from across five Local Housing Authorities, namely; Bromsgrove, Redditch, Malvern Hills, Wychavon and Wyre Forest. He added that Worcester City had opted to create its own strategy due to unique local demands.

The Leader seconded the proposals.

Councillor F Oborski MBE declared her interest at 6.46pm. She presented the recommendations from the Overview and Scrutiny Committee from its meeting on 2 April 2026.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 April 2026:**

**The Cabinet AGREED that the Shared Homelessness and Rough Sleeping Strategy and Homelessness Review 2026-31 are publicly consulted on for 6 weeks starting on the 10 April until 22 May at 5pm.**

**CAB.87 Property Flood Resilience projects - contractor procurement**

A report was considered from the Director of Housing and Planning that outlined the proposed procurement approach for the provision of flood resilience works for properties as part of the North Worcestershire Property Flood Resilience Scheme.

The Cabinet Member for Housing, Health and Well-being presented the report and formally moved the recommendation for approval. He thanked the Director of Housing and Planning for providing the report.

The Cabinet Member outlined the background and key issues set out in the report. He said that the projects were anticipated to enhance flood resilience, providing significant health and safety improvements for affected properties.

The Leader seconded the proposals.

The Vice-Chairman of the Overview and Scrutiny Committee presented the recommendations from its meeting on 2 April 2026.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 April 2026:**

**The Cabinet DECIDED that:**

- 1.1 APPROVAL be given to use the existing Environment Agency Property Flood Resilience Framework for securing a construction contractor to deliver property flood resilience measures to properties as part of the two North Worcestershire Property Flood Resilience Schemes.**
- 1.2 DELEGATED authority be given to the Director of Housing & Planning, in consultation with the Director of Legal & Governance, Director of Resources and s151 officer and the Cabinet Member for Housing, Health and Wellbeing to award the contracts to undertake the works required.**

There being no further business, the meeting closed at 6.51pm.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET 10<sup>TH</sup> June 2026**

**Performance Monitoring Quarter Four 2025-26**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor D Ross, Cabinet Member for Finance and Capital Portfolio
<b>RESPONSIBLE OFFICER:</b>	Lucy Wright, Director of Revenues, Benefits & Customer Services
<b>CONTACT OFFICERS:</b>	Marta Starostina <a href="mailto:Marta.starostina@wyreforestdc.gov.uk">Marta.starostina@wyreforestdc.gov.uk</a> Lucy Wright <a href="mailto:Lucy.wright@wyreforestdc.gov.uk">Lucy.wright@wyreforestdc.gov.uk</a>
<b>APPENDICES:</b>	Appendix 1 – Corporate Plan actions Appendix 2 – 2025/26 performance indicators Appendix 3 – 2025/26 Annual Report

**1. PURPOSE**

- 1.1 The purpose of the report is to brief members on the Council’s performance at the end of Quarter 4 ending 31<sup>st</sup> March 2026.
- 1.2 The report provides key information relating to the Council’s achievements against its corporate plan priorities. This includes the quarterly “How are we doing?” performance summary, end of year performance indicators and the Annual Report for 2025/26.

**2. RECOMMENDATIONS**

**The Cabinet is asked to NOTE:**

- 2.1 **The performance against measures and actions as set out in the report at Appendix 1.**
- 2.2 **The recommendations from the Overview and Scrutiny Committee from its meeting on 4<sup>th</sup> June 2026.**

**3. BACKGROUND**

- 3.1 Performance management is instrumental in all council activities as it helps us to keep track of how well we are performing and enables any potential issues to be identified at an early stage so remedial action can be taken. It also informs our decision making processes which underpin the delivery of our Corporate Plan.
- 3.2 The Council has a number of processes in place to monitor our performance including:
  - Corporate Plan Actions
  - Corporate Risks and associated actions
  - Leading Measures – looking forward at future outcomes
  - Lagging Measures – looking back to see whether improvement actions achieved the outcomes or outputs expected

- 3.3 Performance is reviewed regularly and reported to Overview and Scrutiny Committee and Cabinet on a quarterly basis. This report provides a strategic overview of the performance for Quarter 4 and focusses on the activities and achievements that support our priorities in the Corporate Plan.
- 3.4 Year to date monitoring shows positive progress has been made across all corporate plan priorities.

#### **4. How Are We Doing Performance Summary**

##### **4.1 Corporate Priority One - Economic growth and regeneration**

We will:

- Regenerate central Kidderminster including completion of Future High Streets and Levelling Up Fund projects.
- Redevelop former Crown House site, Lion Fields and other brownfield sites we own – mainly for housing.
- Progress the redevelopment of Bridge Street site, Stourport.
- Work with High Streets Task Force to develop and implement a vision for the regeneration of central Stourport.
- Work with partners to improve skill levels and make sure they are the skills employers need.
- Make sure business support services are available to help businesses grow.

##### **Key Activities in Quarter 4:**

- **Piano building:** Following the successful redevelopment of the building, significant work has taken place to identify suitable tenants and meetings held with four possible tenants for the ground floor.
- **Lion Fields:** The Joint Venture has progressed to the initial procurement stage, including preparation of core tender documentation, appointment of specialist consultancy support, and alignment with Procurement and Legal to ensure a compliant and deliverable route to market.
- **Bewdley Museum:** Works started, small delay due to glass sizes, this project is due to complete in April 2026, this is not expected to impact the Museum's operations.
- **Stourport (Bridge Street/regeneration):** Public and stakeholder consultation undertaken with site specific options aligned with wider regeneration plans. Work continues on the Stourport Vision project with WFDC involved in the steering and community engagement element of the proposed vision.
- **Talbot Park (Connectivity):** Project almost completed at the end of quarter 4. Rebranding of the scheme to Talbot Park completed, strengthening place identity.
- Following the news of the struggles of the **Museum of Carpet** the Council has provided £50,000 in funding to support the museum to pivot into a financially stable position over the next two years.
- **UK Shared Prosperity Fund (UKSPF):** Following confirmation from MHCLG of a time extension, the Council has committed its remaining UKSPF allocation to support five new projects in 2026/27. This includes funding for the Wyre Forest Green Alliance 'SusFest' event in June 2026, the 'Magic of Middle Earth' event at Bewdley Museum in May 2026, and the **Twigs** community support and engagement programme. Additional funding has been allocated to support the **opening event for Brinton Park** and the 'Move Through Menopause' support programme, delivered through Wyre Forest Leisure alongside a 10th anniversary community event.
- **Economic Development and Skills Partnership Working:** Engagement with public sector partners across the district continues to ensure the district is serviced by the delivery partners to the best of their ability. Unfortunately, due to national funding decisions some key services have been removed. **Careers Worcestershire** continues to provide skills advice to young people in the district from its base at 'The Point' at Kidderminster College.

- Business support services: WFDC continues to support **Worcestershire Growth Hub** following the end of the UKSPF Funding and will continue to have a dedicated account manager providing advice, support and guidance.
- **Business growth:** WFDC has secured the delivery of BetaDen business catapult at The Old Court in Kidderminster supporting high growth, technical businesses within the district.

#### 4.2 Corporate Priority Two - Securing financial sustainability for services the local communities value

We will:

- Increase net income from our commercial activities.
- Increase the visits to our nature reserves and make them more accessible.
- Complete the redevelopment of Brinton Park, funded by the National Lottery Heritage Fund.
- Investigate options for developers to make bio-diversity contributions on alternative sites.

#### Key Activities in Quarter 4:

- We achieved £7,056,813.00 income from commercial activity in 2025-26.
- **Bewdley Museum** exceeded Q4 income targets. The gift shop outperformed expectations achieving almost £10k above their target. Wedding bookings and catering also performed well. Additional income was generated through events, gallery hire and sales commission.
- **Brinton Park:** Advanced delivery of the Brinton Park restoration programme: progressing the reconstruction of The Pavilion to the first fix stage, enabling the future café and community space, alongside the key landscape enhancements, including the ornamental pond and the footbridge installation.
- Enhancing **Local Nature Reserves:** Community involvement and conservation work across the district continued strongly this quarter. Members of the public planted 56 mixed-species trees at Hurcott Pools & Wood during national tree-planting week, supporting new hedgerow creation.
- **Ranger Team Work:** The Ranger Team showcased their work at the APSE Southern Seminar, sharing good practice with other councils. They also secured a £4,145.84 grant from The Tree Council and Network Rail's Community Tree Planting Fund, enabling the purchase of nearly 3,000 trees to restore areas at Hurcott Pools and Wood damaged by Storm Darragh, with some planting already completed by volunteers and community groups.
- **Public Access:** Additional improvements across the reserves included the installation of new benches at Burlish Meadows, providing scenic viewing points over Hartlebury Common and the Malvern Hills. A section of the tarmac entrance track at Habberley Valley was replaced, improving public access to the site.
- **Habitat Management:** A new grazing area is being created at Blakemarsh to reduce waste transport needs, and an extension at Burlish Top has been laid out for nature reserve management, with cattle due on site within four weeks following £5,000 of grant support. At Mitton Marsh, a new grazing cell is being established to support invasive species control. Eight bird boxes were erected at Burlish Top, alongside one bat box, and a further eight bird boxes were installed at Mitton Marsh.
- **Wyre Forest Wild** branding: Rangers completed updates to site signage to reflect the new Wyre Forest Wild branding. This work was carried out at Mitton Marsh, Moorhall Marsh, Blakemarsh and Hurcott Pool, helping to create a consistent identity across key natural sites. Habberley Valley Local Nature Reserve has become the first site to receive new Wyre Forest Wild signage, with welcome boards and way-marked routes introduced to improve accessibility and visitor experience. The project aims to modernise signage across the district's nature reserves, promote their environmental importance, encourage responsible enjoyment, and protect sensitive wildlife, with further sites set to benefit in the coming months.

- **Tree planting:** Significant tree planting was undertaken to support biodiversity and habitat enhancement. Around 2,000 trees were planted at Hurcott Pools and Wood. In addition, 17 fruit trees were planted at Burlish Meadows and a further 19 fruit trees at Blakemarsh.
- **Property Leases:** Improving the corporate property lease schedule, mitigating potential financial and governance risk. Remedial actions are in progress, with new KPIs being developed to support robust bi-monthly reporting to the Transformation and Commercial Board.

#### **4.3 Corporate Priority Three - A clean, safe and green place to live, work and visit**

We will:

- Secure housing growth through the local plan.
- Invest more in tackling environmental crime and illegal parking.
- Invest more on clearing litter, particularly in summer months.
- Work with town councils and community groups to improve parks and open spaces.
- Help provide more cultural events.
- Increase the amount of temporary accommodation available by providing a new housing scheme.
- Produce and implement a carbon reduction plan for the district and for the council.
- Help people make their homes more energy efficient.
- Install electric charging points in car parks in all three towns.

#### **Key Activities in Quarter 4:**

- **Flood management:** A woody debris dam project was delivered in the Hoo Brook at Spennells Valley, using funding from Worcestershire County Council's Natural Flood Management programme. The project helps slow water flow to reduce flood risk in built-up areas while also improving the ecological value of the brook.
- **Fly-Tipping Enforcement and Public Awareness Campaign:** WFDC took part in Keep Britain Tidy's national Fly-Tipping Fortnight campaign, making use of the national materials and toolkits while strengthening delivery through local intelligence, operational insight and tailored messaging. The Communications Team led on campaign strategy, content creation, digital delivery and engaging the public, while Community and Environmental Protection officers contributed operational data, case updates, investigations and frontline expertise. Together, these combined efforts resulted in a credible, high-impact campaign that reached residents effectively and supported enforcement outcomes.
- **Street Cleansing:** The Streetscene team successfully completed the chewing gum cleaning project in Kidderminster, using a £27,500 Chewing Gum Task Force grant administered by Keep Britain Tidy. Specialist equipment funded through the grant enabled the removal of gum from streets around Kidderminster College, while new eye-catching signage has been installed in the town centre to encourage responsible disposal and reduce future littering.
- **Museum improvement works:** Planning approval was secured for significant improvement works at Bewdley Museum, supported by major funding from the UKSPF and the Council. Work to the front of the Museum was due to be completed by Q4 2025/26 but now is due to be completed by Q1 2026/27.
- **Museum events:** The introduction of adult craft workshops has run successfully over the year. The Sip and Create was the first evening workshop, where guests got to try three different crafts and have some drink and canapes as well. All the workshops have been very well received again, and feedback has been extremely positive. Bewdley Museum delivered a strong performance despite access disruption, welcoming 12,222 visitors during the period. The museum supported 11 school visits, engaged 76 children through activities, and benefited from 113 volunteer hours, demonstrating continued community involvement. The

museum maintained core educational and engagement activity under challenging operational circumstances.

- **Warm Homes Grant:** Due to the quick mobilisation at the Council DESNZ have awarded us an additional £100k of funding for 2025/26. Warm Homes Local Grant completed 23 properties bring the total to 33 properties for the 2025/26 period.
- **EV charger installations:** Following contract signature, Otaski Energy Solutions Ltd will install EV chargers at Green Street Depot and Wyre Forest House in Q1 2026/27 for staff, visitor and fleet use. Installation in public car parks will follow, subject to power availability, with smaller sites such as Raven Street and Vale Road likely to be prioritised. In total, 62 chargers will be installed across 14 Council-owned sites.
- Introducing **Hydrotreated Vegetable Oil (HVO) Fuel:** To reduce Scope 1 emissions and improve the Council's operational resilience to external price shocks in fuel markets, in Q1 2026-27 we will be installing a new tank to facilitate the consumption of Hydrotreated Vegetable Oil, a biofuel associated with 85% less tailpipe emissions than conventional white diesel.
- **Housing Delivery and Planning Approvals:** Approved 90 residential units bringing the total number of permissioned properties to 1637 for 2025/26 including the Woven Oaks strategic site
- **Housing register:** Delivered a new housing register system and commenced re-registration of applicants ready for a launch on 31 March 2026
- **Affordable housing:** Completed 22 affordable homes in Q4 2025/26.

### Other achievements:

- **Wyre Forest Heritage Trail App** Enhancement: Enhanced the Wyre Forest Heritage Trail app by installing new green GPS checkpoint markers across Bewdley, Kidderminster and Stourport, enabling visitors to access augmented-reality local stories and boosting tourism engagement.
- **Planning controls:** WFDC is proposing new planning controls in Kidderminster that would require permission for converting homes into HMOs, to address concerns about over-concentration and impacts on local neighbourhoods. The changes would be introduced through an Article 4 Direction, allowing better management of HMO numbers and standards, with the proposal subject to committee review, Cabinet decision and public consultation before implementation.
- Protecting **Bewdley Bridge** from Flood Risk: Bewdley Bridge has been removed from Historic England's Heritage at Risk Register following the implementation of the Flood Defences by the Environment Agency, where Planning played an important role.
- **Protecting Public Health:** The council's legal team and Worcestershire Regulatory Services have received national recognition for their successful prosecution of the company trading as The Range for food safety breaches, resulting in fines and costs totalling £412,546. The case highlights the council's strong commitment to protecting public health and was formally praised by the Chief Executive of the Food Standards Agency, recognising the importance of robust enforcement action and the team's impact in safeguarding the public.
- Home Adaptations Service Transition: Transferred the new **Worcestershire Home Adaptations Service** shared service from Millbrook Healthcare ready to undertake adaptations works across the country ready from 13<sup>th</sup> April.

## 5. CORPORATE COMPLAINTS AND COMPLIMENTS

- 5.1 Information relating to complaints is correct at the time the data is produced at the end of each quarter. Subsequently complaints can move through further stages so reported figures are subject to change.

- 5.2 The information below gives a summary of the authority's performance in respect of complaints. In Quarter 4 the Council received 33 complaints. This compares with 38 during Quarter 3.
- 34 complaints (89%) were resolved at stage 1
  - 4 (11%) complaints were escalated to Stage 2
  - 19 complaints (56%) were upheld or partially upheld
  - 0 complaints were referred directly to the LGSCO
- 5.3 A comprehensive report, which provides greater insight into the complaints received and the outcome, is considered by Audit Committee every 6 months. The analysis of all complaints received during 2025/26 will be reported to Audit Committee in July 2026.
- 5.4 Improved complaints standards were rolled out to managers in February 2024 and, although the number of complaints recorded is expected to rise, we continue to use this as an opportunity to drive a positive complaint handling culture where data can be used to drive service improvements.
- 5.5 During Quarter 4 we received 22 compliments.
- 5.6 The total customer contact recorded via the hub customer service team for Quarter 4 was 10,955. This was 1,859 visitors, 808 emails & 8,288 phone calls.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Performance monitoring demonstrates the effectiveness of the Council in delivering services and taking steps to achieve its priorities in the corporate plan. Our External Auditor Bishop Fleming makes an assessment based on the annual programme of external audit work. The focus is on ensuring there are proper arrangements in place for securing financial resilience and that the organisation has proper arrangements for challenging how it secures economy, efficiency and effectiveness.

## **7. IMPACT ASSESSMENTS**

- 7.1 Equality, Climate Change and Health and Wellbeing Impact assessments will be undertaken as appropriate as part of reviews of service delivery arrangements and implementation of new models. This is a performance monitoring report, there are no proposals in this report that require an assessment.

## **8. RISK MANAGEMENT**

- 8.1 Failure to monitor performance may result in the Council not achieving its corporate or local service plan targets, and may limit our ability to take timely and appropriate corrective action. Similarly, if key business risks are not identified and monitored, effective mitigation cannot be implemented. Emerging risks are reviewed through the operational and corporate risk registers, with mitigation actions applied as required to support organisational resilience.

## **9. CONCLUSIONS/ACTION**

- 9.1 The information contained within Appendices 1, 2 and 3 provides Members with an overview of performance within the period to 31<sup>st</sup> March 2026 including our Annual Report which highlights our achievements.
- 9.2 The measures included in this report have been refreshed for 2026/27 and

approved by Overview & Scrutiny. Future performance reports will also include Local Outcomes Framework measures that are relevant for Wyre Forest District Council as more information regarding these metrics become available.

**10. CONSULTEES**

Corporate Leadership Team  
Service Managers

**11. BACKGROUND PAPERS**

None

Corporate Plan 2025/26






Appendix 1








Economic growth and regeneration

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
A. Regenerate central Kidderminster including completion of Future High Streets and Levelling Up Fund projects.	Delivery of LUF programme Delivery of FHSF programme	Ostap Paparega	31-Mar-2026	Piano building redevelopment	The main contract works have been completed, and the building was handed over to WFDC on 21 October 2025. The final ICT package/cabling (WFDC's part of scope) is scheduled for 16th January 2026. A delay has been experienced due to ongoing issues between BT and Openreach, despite WFDC placing the order in June 2025. The project finished in October 2025.	100%	
				The Old Court (Creative Hub)	Work on the former Magistrates Court project completed on 6 <sup>th</sup> February 2025.	100%	
				Town Centre Connectivity Project completion	Delays are caused by various factors related to infiltration drainage works. The programme was also impacted by the need to first resolve wall foundation design issues between McPhillips and McBains, followed by the National Grid substation works and associated Party Wall matter. The revised completion date has been updated to 24th of April 2026.	99%	
				Refurbishment and redevelopment of Kidderminster Town Hall	The official opening took place on 7th November 2025.	100%	
B. Redevelop former Crown House site, Lionfields and other	Delivery of Lionfields Housing scheme	Ostap Paparega	31-Mar-2026	Delivery of Lionfield's Housing scheme	The feasibility study (RIBA Stage 0) was completed in February 2025.	100%  20%	


**Agenda Item 7.1 Appendix 1**

<b>Title</b>	<b>Description</b>	<b>Managed By</b>	<b>Due Date</b>	<b>Title</b>	<b>Latest Note</b>	<b>Progress Bar</b>	<b>Status Icon</b>
brownfield sites we own – mainly for housing	Delivery of the former Crown House site Delivery of Market Street site				Cabinet approved the procurement of a Joint Venture development partner in September 2025, alongside the appointment of specialist consultants. (done). Procurement is now underway in line with the programme, with tender stages progressing through 2026 and appointment anticipated in spring 2027. The progress bar represents the JV Development Partner procurement completion.		
				Delivery of Market Street site	Feasibility study completed. Potential collaboration to be explored.	50%	
C. Progress the redevelopment of Bridge Street site, Stourport	Explore options for redeveloping the site.	Ostap Paparega	31-Mar-2028	Bridge Street car park redevelopment	No bids were received under the Community Asset Value process by the 12 August 2025 deadline. The project has since progressed beyond its original limited scope (RIBA Stages 0–2) and is now being developed through the full RIBA Plan of Work (Stages 0–7). Stakeholder engagement and public consultation were completed in early 2026, and the outcomes are currently being considered to inform design refinements. The scheme is nearing completion of RIBA Stage 2 (Concept Design).	35%	
D. Work with High Streets Task Force to develop and implement a vision for the regeneration of central Stourport	Develop and implement a vision for the regeneration of central Stourport	Ostap Paparega	31-Mar-2026	Vision completed by Summer 2025	Vision has been completed and endorsed by WFDC Cabinet in December 2025.	100%	
				Implementation plan to be developed Spring 2026	District Council officer will work with the Town Council officer on the implementation of the plan. The Town council will set up a steering group to develop the implementation plan. Vision launched.	50%	
E. Work with partners to improve skill levels and make sure they are the skills employers need	Approval of UKSPF Projects	Ostap Paparega	31-Mar-2026	Community Prospect	Unfortunately, Community housing decided to close the contract due to uncertainty in long term funding streams and other districts focusing elsewhere in 2025/26. Community Prospects, Community Housing liquidated the provision, so WFDC had no alternatives.	0%	






## Agenda Item 7.1 Appendix 1

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
					Unable to progress.		
				Upskill Worcestershire & Careers Worcestershire	Agreements now in place with WCC for the delivery of Careers Worc and Skills Boost. Reports show significant progress towards target, particularly with Skillsboost. The delivery being completed and all targets met and exceeded. Upskill Worcestershire will not be for the new finance year.	100%	
				Get Worcestershire Working	Working with other partners to form the 10-year skills strategy for Worcestershire. Once clarify on the direction on LGR this project might evolve into the delivery.	100%	
F. Make sure business support services are available to help businesses grow	Allocation of the UK SPF to provide business support initiatives	Ostap Paparega	31-Mar-2026	BetaDen	Agreement in place and both cohorts completed. Entered into a new agreement for digital/ai events in Q4. With further delivery planned in summer 2026 at the Old Court.	100%	
				WCC Business support programmes	Agreements in place to continue the start up support programme. KPI's has been agreed.	100%	
				Worcs Growth Hub	Agreements in place to continue support in 2025/26. Following the closure of the UK SPF WFDC has agreed to fund directly the delivery of the Growth Hub.	100%	






### Securing financial sustainability for services communities value

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
G. Increase net income from our commercial activities	Rental reviews and actions to obtain extra income	Ostap Paparega/ Faye Parrett	31-Mar-2026	Rent Reviews – complete all outstanding rent reviews and ensure	A full review of all leases is underway to be able to report back to T&C Board on numbers of outstanding rent reviews in Q1 2026/27.	80%	





Agenda Item 7.1 Appendix 1

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
				current and future rent reviews are completed on time			
				Reduce number of vacant units	Oxford Street/ Worcester Street – we have started the process of reconnecting the utilities and have now started the procurement process to replace the roof and upgrade the building. 30th June 2026 35% Agenda Item No. 4 81-82 Worcester St - Foodbank will take temporary occupation until 66 Worcester Street is ready (saving of c. £1,000 PCM).  A full review of all leases is underway to be able to report back to T&C Board on numbers of vacant units and potential lost income associated with these units, this is currently sitting at 10% vacancies.	75%	
				Review service charge accounts for each property and create efficiencies where possible	Started the process across the portfolio and have already completed the review for WFH and the Capital Portfolio Fund. Stratford Court – Re-assessing the accounts again to find further savings.	20%	
				Let office space and F&B units in the Piano Building	Letting agents instructed. In discussion with 4 parties for the Food and Beverage units in the Piano Building.	0%	
				Let office space in The Old Court	Lease completed for 2 offices on 1st floor. Vacancy rate is c30%. Exploring short term rentals of spaces to increase income e.g. event space, desk booking.	60%	
H. Increase the visits to our nature reserves and make	Delivery of the Wyre Forest Wild project.	Adam Hamilton	31-Mar-2027	Wyre Forest Wild project - to enhance local nature reserves through branding,	All Nature Reserves have annual plans – New plans in place for 2026/2027.	100%	








Agenda Item 7.1 Appendix 1

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
them more accessible				improved visitor facilities, and sustainable commercial opportunities			
				Development / Accessibility of Nature Reserves - to include paths, signage, transportation links, inclusive access, habitat improvement, etc.	Signs installed at: Habberley valley, Blakemarsh, Mitton marsh, Moorhall marsh and Hurcott pool.  Investigating funding opportunities for outstanding sites	60%	
I. Complete the redevelopment of Brinton Park, funded by the National Lottery Heritage Fund.	Deliver Brinton Park project as per National Lottery Heritage Fund plan	Kathryn Underhill	31-Mar-2026	Formally discharge preplanning conditions	All preplanning conditions have been discharged.  Capital works started on site 28/07/25. Programme to run until July 2027.	100%	
				Renewed risk with the Pavilion building currently reviewing impact to projects spend	Planning application was approved on 23/09/25. Construction of new SOR commenced November 2025. In this period the roof has been completed, construction of veranda has started, and work has moved onto preparing for the underfloor heating and internal fitout.	75%	
J. Investigate options for developers to make bio-diversity contributions on alternative sites	Biodiversity Net Gain (BNG) unit sales – Secure the legal framework, identify the areas of land to be allocated and develop the sale	Adam Hamilton	31-Mar-2026	Map all 15 nature reserves by habitat	All nature reserves have been mapped for BNG. Areas other than declared reserves are the most profitable with regards BNG. Eg. New field at Burlish, Burlish meadows, bits of Springfield and White Wickets.	100%	
				Investigate options for developers to make bio-diversity contributions on alternative sites	In progress - One site now has an updated survey enabling an up-to-date BNG unit evaluation to be made. There are in the region of 40 units on 8ha. Working on the Habitat management plan but need a firm decision on how much land is going to be put forward initially before I can progress and procure the responsible body.	20%	









**Agenda Item 7.1 Appendix 1**

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
	and promotion of these units			Undertake financial assessment of these assets	In progress – As noted above, further review of the system has highlighted that several land parcels were previously undervalued, while others included in earlier assessments would be uneconomical to bring forward. Updated valuations have now been obtained for the land adjacent to Burlish Top and Burlish Meadows. We have two interested responsible bodies. The work remains on schedule for completion by 31 March. Meeting 22 <sup>nd</sup> April with Habitat bank to explore alternative sales model.	70%	
				Appoint a governing body for land management	Can not be progressed until a firm decision is given regarding which land should be put into the scheme potentially by March 31st 2026. As above.	0%	
				Confirm and approve sale units and locations; align with corporate policy	Cannot progress further until decision is provided regarding which/how much land to include.	25%	
				Develop a market-ready, credible product for promotion and trade	Once the above is decided and confirmed we can decide whether we are going to create our own Habitat bank or join with an existing environment bank. The former will require us to develop a leaflet/website etc.	25%	

**A clean, safe and green place to live, work and visit**

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
K. Secure housing growth through the local plan	Support Sustainable Housing Delivery via Local Plan Implementation	Kate Bailey	31-Mar-2027	Achieve 276 housing units per annum	317 housing units were completed this year. Work commenced on the commissioning the evidence base for the Local Plan review including the Gypsy and Traveller Accommodation Assessment. The Bewdley Conservation Character Appraisal was concluded ready for consultation in April.	100%	
N. Work with town councils and community groups to improve parks and open spaces.	Support localism by empowering town councils and community groups to lead improvements in parks and open spaces, ensuring developments reflect community needs and priorities	Kathryn Underhill	31-Mar-2026	Annual programme of Town/Parish council meetings	In this period meetings held with Bewdley and Stourport TCs.	100%	
				Transfer of assets to Worcestershire Football Association	WFA have confirmed their position regarding sale or lease. Report to be considered by Cabinet/CLT in April 2026 regarding long lease to transfer to WFA.	80%	
				Transfer of assets of Kidderminster Town Council	In progress with phase 1. Phase 2 is in progress to transfer core parks in Kidderminster along with other secondary assets by March 2027.	50%	
				Transfer of assets of Stourport Town Council	Work is underway. Aim to complete transfer of specific assets by May 2026.	75%	
				Transfer of assets of Bewdley Town Council	Work is underway. Aim to complete transfer of specific assets by May 2026.	75%	
P. Increase the amount of temporary accommodation available by providing a new housing scheme	Progress on the Build program for Castle Road.	Kate Bailey	31-Mar-2026	Development of Castle Road, Kidderminster	The building was handed over in February 2025 and letting of the rooms has commenced.	100%	

## Agenda Item 7.1 Appendix 1

Title	Description	Managed By	Due Date	Title	Latest Note	Progress Bar	Status Icon
Q. Produce and implement a carbon reduction plan for the district and for the council	Explore opportunities to utilise solar PV on council owned buildings	Kate Bailey	31-Mar-2027	Complete the solar PV project feasibility study	Feasibility study completed.	100%	
				Solar PV project business case considered	Due to absence of external grant funding the scheme the Head of Resources is considering viability.	100%	
R. Help people make their homes more energy efficient	Use the Warm Homes Local Grant to assist residents in enhancing their home's energy efficiency	Kate Bailey	31-Mar-2026	Completion of initial works to properties.	Completed.	100%	
				Completion of HUGS project.	Completed.	100%	
				Complete 12 properties as part of Warm Homes Local Grant	Warm Homes Local Grant work has been undertaken on 33 properties at a value of £345,738 and therefore exceeded the target for 2025/26.	100%	
S. Install electric charging points in car parks in all three towns	Install Electric Vehicle Charging Points across car parks in Kidderminster, Stourport and Bewdley	Ian Miller	31-Mar-2026	Complete Pre-Contract Tender Process	Completed.	100%	
				Begin installation process	All site visits completed and contract has been signed by both parties.	95%	
				All EV charging points installed	The first batch of charger units have arrived at Wyre Forest House, installations at Wyre Forest House and Green St Depot to commence Wednesday 15 <sup>th</sup> April, with other sites to follow. Project still on track for completion by the end of summer 2026.	0%	

Performance Indicators 2025/26

Appendix 2

Corporate Plan Priority	Corporate Action	Code	Owner	Measure	2025-26 Q1	2025-26 Q2	2025-26 Q3	2025-26 Q4	2024/25 Total	2025-26 Total
Securing financial sustainability for services that local communities value	Monitor council tax base to increase income	LA103	Lucy Wright	Percentage council tax collected	29.19%	57.30%	85.09%	96.23%	97.04%	96.23%
		LA104	Lucy Wright	Percentage business rates collected	25.79%	55.10%	81.02%	96.0%	96.93%	96.0%
Securing financial sustainability for services that local communities value	Monitor customer contacts to improve service provision	LA116	Helen Adderley	Number of customer contacts via hub (phone, email & visit)	11,130	10,712	9,622	10,955	45,406	42,437
		LA117	Helen Adderley	% customer contacts that are of value	80%	79%	84%	84%	82%	81%
		LA112	Helen Adderley	Number complaints received	31	25	45	38	111	139
		LA8	Helen Adderley	Number of compliments received	20	23	7	22	89	72
A clean, safe and green place to live, work and visit	Secure housing growth through the local plan	LA045	Kate Bailey /Helen Hawkes	Number of people presenting in need of housing advice	2,692	2,570	2,198	2,945	11,762	10,405
		LA054 a	Kate Bailey /Helen Hawkes	Number of new housing units approved in planning applications <i>open market and affordable housing</i>	73	14	1,460	108	191	1,655
		LA039	Kate Bailey /Helen Hawkes	Number of affordable new build houses completed	24	28	19	22	199	93

**Agenda Item No. 7.1 Appendix 2**

		LA106	Kate Bailey/ Helen Hawkes	Percentage of applicable planning applications approved that will deliver Green Infrastructure	13.88%	0%	26.9%	0%	16.66%	10.20%
		LA115	Kate Bailey/ Helen Hawkes	Percentage of non-major planning applications decided within 8 weeks or with an extension of time agreement	97.19%	96.5%	88.64%	93.75%	97.52%	94.02%
		LA118	Kate Bailey/ Helen Hawkes	Percentage of major planning applications decided within 13 weeks or with an extension of time agreement	100%	100%	80%	100%	100%	96%
		LA120	Kate Bailey/ Helen Hawkes	Number of planning appeal decisions received	0	7	8	6	25	21
		LA127	Kate Bailey/ Helen Hawkes	Percentage of planning appeal decisions not upheld	0	57%	50%	67%	26.2%	43.5%
		LA128	Kate Bailey/ Helen Hawkes	Number of biodiversity net gain units secured by planning permission	0	0.097	0.326	1.19	3	4.586
		LA129	Kate Bailey/ Helen Hawkes	Number of accessible, adaptable and wheelchair user properties approved in major planning applications	0	0	80	32	268	112
		LA130	Helen Hawkes	Number of open planning enforcement cases	62	59	69	86	251	276

**Agenda Item No. 7.1 Appendix 2**

A clean, safe and green place to live, work and visit	Support provided to low-income households	<b>LA102</b>	Kate Bailey/ Lucy Wright Sarah Cox	Amount spent on hardship/welfare support	£142,144	£159,505	£59,136	£45,832	£577,827	£406,617
		<b>LE144</b>	Lucy Wright	Number of households on council tax reduction scheme	7,405	7,351	7,442	7,459	-	7,459
		<b>LE145</b>	Lucy Wright	Number of households on housing benefit	2,656	2,439	2,297	2,309	-	2,309
		LA146	Lucy Wright	Average days to process new housing benefit claims	21.91 days	19.54 days	18.29 days	17.72 days	24.59 days	19.3 days
		LA147	Lucy Wright	Average days to process new council tax reduction scheme claims	25.72 days	28.35 days	24.93 days	20.48 days	72.58 days	25 days
		LA148	Lucy Wright	Average days to process housing benefit change of circumstances	8.28 days	6.95 days	5.5 days	3.74 days	9.68 days	6 days
		LA149	Lucy Wright	Average days to process council tax reduction scheme changes of circumstances	12.04 days	11.33 days	8.12 days	9.25 days	22.26 days	10.9 days
A clean, safe and green place to live, work and visit	Contribute to making the district a clean, safe and green place to live, work and visit	LA150	Dave Johnson	Number of cyber security incidents detected from various sources and systems <i>including emails, endpoints and web browsing</i>	1,368,266	75,103	175,361	206,761	-	1,825,491
		<b>LA071</b>	S Clifford-Smith /Lesley Bayliss	Number of fly-tipping incidents	194	302	251	276	832	1023

**Agenda Item No. 7.1 Appendix 2**

	<b>LA107</b>	S Clifford-Smith /Lesley Bayliss	Number of Fixed Penalty Notices issued	18	31	33	14	110	96
	LA151	S Clifford-Smith /Lesley Bayliss	Number of Fly-tipping Prosecution Secured	0	0	0	0	0	0
	<b>LE011 a</b> <b>LE011 b</b>	S Clifford-Smith /Lesley Bayliss	Number of Penalty Charge Notices issued  Off street On street In total	 417 918 1,335	 424 827 1,251	 524 1,082 1,606	 504 984 1,488	 2,568 3,585 6,113	 1,869 3,811 5,680
	<b>LE016</b>	Amy Smith	Number of visitors to Bewdley Museum	72,878	79,507	56,904	12,289	220,245	221,578
	<b>LE032</b>	Faye Parrett	Number of visitors to Wyre Forest Leisure Centre	150,260	142,232	138,064	167,040	596,305	597,596
	<b>LA108</b>	Oliver Price/Adam Wright	Number of new trees planted	0	0	1,564	2,044	10,270	3,608
	<b>LA044</b>	Kate Bailey /Sarah Cox	Number of residents who experience a positive health outcome because of a housing improvement intervention	38	44	72	98	275	252
	LA152	Kate Bailey /Jennifer Moreton	Tonnes of CO2 equivalent from WFDC fleet and operations – yearly	964.12tC 02e	-	-	-	-	-
	LA153	Richard Osborn	Number of homes and businesses receiving flood risk reduction measures	6	0	10	9	-	25

**Agenda Item No. 7.1 Appendix 2**

		LA154	Oliver Price	Total household waste collected monthly, kg per household.	39.58	34.06	38.11	37.26	38	37.03
		LA155	Oliver Price	Total household recycling, kg per household.	-	-	-	-	15	15.9
		LA065	Oliver Price	Percentage household waste reused/recycled/composted –(annual)	-	-	-	-	35%	33%

LA152 \* Awaiting all carbon emissions data – this should be available for Quarter 2. Please note this is an annual figure only, for next year we will only report this in Quarter 2 to guarantee the data being available.

LA154 \* The annual figures show the monthly average for that year.

LA155 \* The figures show the monthly average for that year.

LA065 \* LA065 is calculated internally using tonnage data provided by Worcestershire County Council. The indicator is derived by adding the total tonnages of recycling and garden waste, and dividing this by the total tonnage of waste disposed, to produce the percentage figure.



# Wyre Forest District Council

ANNUAL REPORT  
2025/26



# Welcome to our annual report

In 2025/26 we have opened new buildings, transformed green spaces, supported local people into warmer homes, and delivered some of the biggest planning decisions in a generation. From the completion of major regeneration projects in Kidderminster to the continued flourishing of our nature reserves, we are proud of what we have achieved alongside our communities, partners and volunteers.

This report looks back at the progress we have made against the three priorities in our Corporate Plan: economic growth and regeneration; securing financial sustainability for valued local services; and keeping Wyre Forest a clean, safe and green place to live, work and visit.



*Together, we are making real, lasting change for the people of Wyre Forest.*

## Economic Growth and Regeneration



We are bringing new life to our towns and helping local people and businesses thrive.

### Completing Kidderminster's Regeneration Projects

The refurbishment of the Piano Building, the Grade II listed building in the heart of Kidderminster town centre, was completed in October 2025, marking a significant milestone in its journey back to productive use. The work was funded by the Government's Levelling Up Fund. The building offers modern office spaces alongside opportunities for food and drink businesses to thrive in the heart of the town. Conversations are underway with potential tenants, to bring this much-loved building closer to a new chapter.

The transformation project for Kidderminster Town Hall - which is owned and operated by Kidderminster Town Council - has been delivering exceptional results for the local economy and a packed events programme. During the renovation works, contractors Speller Metcalfe directly employed eight local people, engaged 17 local subcontractors, and sourced materials from local suppliers, more than double the social value originally agreed.

Our connectivity project, now rebranded as Talbot Park, continued to take shape throughout the year. The new park at the top of Worcester Street, with its winding graduated steps connecting to the Bromsgrove Street car park, will give people a new and welcoming route through the town.

The Old Court in Kidderminster, the beautifully restored former magistrates' court that opened in early 2025, has gone from strength to strength. BetaDen successfully completed its second cohort of high-growth tech businesses there and committed to delivering a further cohort in 2026/27. New tenants have also moved into the building.



**Skills and Business Support**

**We provided funding for Skillsboost Worcestershire, which provides small grants to help employers upskill Wyre Forest residents. It completed its programme this year, having met or exceeded every target. More funding was given to Careers Worcestershire which continues to offer skills advice to young people from its base at The Point at Kidderminster College.**

BetaDen’s success at The Old Court, combined with the continued strong performance of the Worcestershire Growth Hub and our dedicated business account manager means local businesses can still access advice, funding opportunities and support.

We support people who want to start their own business through the countywide Pre-start programme. Funded by the UK Shared Prosperity Fund (UKSPF), this support helps new entrepreneurs take their first steps into self employment with confidence.

To strengthen our local visitor economy, we have provided funding for Visit Worcestershire, helping to promote the county both nationally and internationally. This has included investment in specialist training to help businesses better support visitors with dementia and improve accessibility for everyone.

We also run our own local visitor brand, Visit Severn Valley, which focuses on promoting Wyre Forest’s unique attractions through targeted, hyperlocal marketing.

Recognising the importance of culture to the local economy, the Council also stepped in to support the Museum of Carpet with £50,000 of funding over two years to help it move to a financially stable footing.



**Brownfield and Housing Sites**

**We made significant progress on plans for the Lion Fields site (the former Glades Leisure Centre site and surrounding area). A specialist consultancy was appointed in December 2025, and by the end of the financial year the project had moved from feasibility into commercial structuring, with the Council positioning itself as an active joint venture partner.**

In Stourport-on-Severn, Stourport Town Council published its Vision for the Future in February 2026, a milestone the District Council was proud to support and we continued to progress the Bridge Street regeneration. Following the designation of the site as an Asset of Community Value earlier in the year, giving the community a formal opportunity to bid, we launched a public and stakeholder consultation on exciting development options for the site. This work is an important part of the wider Stourport Vision project, which focuses on place, people and sustainability.



# Securing Financial Sustainability for Valued Local Services

We are working hard to protect and grow the services our communities depend on.

## Commercial Income and New Revenue Streams

Bewdley Museum had a strong commercial year. The Education Programme and adult workshops exceeded their income targets. The gift shop outperformed its target, and wedding bookings, catering, events, gallery hire and sales commission all contributed to a healthy picture. These strong results were supported by improvements to the entrance area in spring 2026. We are making the site more welcoming for visitors and further strengthening the overall commercial offer.

We also introduced a new digital advertising board, installed near the Green Street Depot. This offers businesses a fresh opportunity to promote themselves to local audiences and provides a small but effective addition to our commercial offer.



## Brinton Park Restoration

Visible progress was made on the £2.9 million National Lottery Heritage Fund-supported redevelopment of Brinton Park. The foundations for the new pavilion were laid and the building reached 'first-fix' stage by the year end.

The pavilion will house a café and community space and we will be seeking expressions of interest to take on this space soon. The ornamental pond area and a new footbridge also started taking shape. We are proud to be bringing this beloved park back to its best.

## Events Programme

The Music in the Park programme took place at Riverside Meadows, Stourport, and it proved more popular than ever.

It ran on Sundays from May to August and featuring tribute acts, folk, rock, choirs, brass ensembles, ukulele groups and pop bands.





**Nature Reserves: More Accessible, More Loved**

**Our nature reserves saw a busy and rewarding year. Café R and R opened at Habberley Valley Nature Reserve, joining Coffee Loco at Burlish Meadows to offer visitors freshly made refreshments in the heart of nature.**

The Wyre Forest Wild project is delivering new and upgraded signage across our nature reserves. Habberley Valley was the first to receive the full suite of new welcome boards and waymarked routes. Improvements followed at Blakemarsh, Mitton Marsh, Moorhall Marsh and beyond. UKSPF funding supported this project.

Accessibility was a key focus across the reserves. New mobility-friendly kissing gates were installed at Burlish Meadows and Habberley Valley, new paths were laid at Spennells Valley linking the car park to the play equipment, and anti-slip strips were fitted on timber bridges and boardwalks.

Our Ranger Team secured more than £4,000 from The Tree Council and Network Rail’s Community Tree Planting Fund. It meant we were able to buy nearly 3,000 trees to restore areas at Hurcott Pools and Wood damaged by Storm Darragh. Members of the public joined planting sessions during National Tree Planting Week, adding 56 mixed-species trees at Hurcott to support new hedgerow creation. Around 2,000 trees were planted at Hurcott in total during the year, along with 17 fruit trees at Burlish Meadows and 19 fruit trees at Blakemarsh.

Habitat management also progressed across the reserves, with new grazing areas established at Blakemarsh and Mitton Marsh to support invasive species control and reduce waste transport. A woody debris dam was delivered in the Hoo Brook at Spennells Valley using funding from Worcestershire County Council’s Natural Flood Management programme, helping to slow water flow and reduce flood risk while also improving the ecological value of the brook.

The Ranger Team showcased their work nationally at the Association for Public Service Excellence (APSE) Southern Seminar.



# A Clean, Safe and Green Place to Live, Work and Visit

**We have taken significant steps to keep our towns clean, our communities safe and our environment protected.**

**Housing Growth**

**One of the biggest planning decisions in more than 40 years was taken this year. Woven Oaks is a major new development on the Kidderminster Eastern Extension. It was approved to deliver 1,450 new homes, a primary school and community facilities. Phase one of 395 homes has already commenced, with properties advertised off plan. Across the year, the Council approved 1,637 properties in total.**

We also introduced a new housing register system. We launched the re-registration of applicants ahead of a 31 March 2026 go-live date.

**Cleaner Streets and Tougher Enforcement**

**We rolled up our sleeves on street cleanliness this year. A £27,500 Chewing Gum Task Force grant from Keep Britain Tidy funded specialist equipment to remove gum from streets around Kidderminster College, with new signage installed in the town centre to encourage responsible disposal. The equipment is now being used in other parts of the district.**



**Arts, Culture and Community Life**

**Bewdley Museum continues to welcome thousands of visitors each month, and the events programme is evolving. We have introduced adult craft workshops, including popular evening ‘Sip and Create’ sessions.**

Other events at the museum this year included the Cherry Fayre and 1940s weekend, which drew around 4,000 visitors, and the Georgian and Heritage weekends, which attracted over 7,000 visitors. The Currents of the Past exhibition, showcasing memories, photos and films of Bewdley residents affected by floods drew around 100 visitors a day during its run from July to September. The museum also hosted music in the Queen Elizabeth II Gardens on summer Sundays, with each event attracting around 300 visitors.

Bewdley Bridge was removed from Historic England’s Heritage at Risk Register following flood defence works by the Environment Agency. Our planning team played a part in making this possible.

There were three Over-50s Showcase events in October. These free events were held in partnership with Age UK and Simply Limitless. They offered older residents advice on financial inclusion, disabled facilities grants and local support services.

Christmas brought a ‘Park for Free After 3’ offer across all Council-owned car parks during December, helping shoppers support town centres during the festive season.

**Supporting our Communities through Change**

**2025/26 was also the year which brought the start of local government reorganisation. Councils in Worcestershire were invited by the Government to submit proposals for a new structure of local government in the county.**

Wyre Forest District Council voted to support the One Worcestershire model. It felt this offers stronger accountability, better financial sustainability and less disruption for residents. There is another proposal for two unitary councils, one for the north of the county and one for the south.

The Government’s decision is due this summer. Whatever the outcome, the Council remains fully focused on delivering for the people of Wyre Forest every day.

We took part in Keep Britain Tidy’s national flytipping fortnight campaign. We used national materials combined with local intelligence to run a campaign that supported enforcement outcomes.

Adopt a Street, our volunteer litter picking scheme, continued to grow. There were new sign-ups including primary schools and community groups. The scheme was presented as a model for other authorities at the APSE Northern Seminar in December 2025.

The Council’s legal team and Worcestershire Regulatory Services received national recognition for a landmark food safety prosecution, the company trading as The Range was fined more than £400,000 including costs. The case was formally praised by the Chief Executive of the Food Standards Agency, recognising the team’s commitment to protecting public health.

Planning enforcement remained effective throughout the year, with three planning appeals successfully defended.

We are also proposing new planning controls in Kidderminster to manage the number and standards of Houses in Multiple Occupation. This is in response to community concerns about their concentration and impact in certain neighbourhoods.

**Greener Places and Greener Travel**

**We took a significant step forward on sustainable fuel for our fleet. A new tank is being installed to allow the Council to use Hydrotreated Vegetable Oil (HVO), a biofuel associated with 85% fewer tailpipe emissions than conventional diesel.**

The Warm Homes Local Grant hit the ground running. Launched in October 2025, 33 properties benefited from energy efficiency improvements by the end of the financial year. The swift mobilisation impressed the Department for Energy Security and Net Zero, who awarded the Council an additional £100,000 of funding.



# Looking Ahead

**We are proud of everything we have achieved this year, and there is more to come.**

Brinton Park will open its stunning new pavilion, and Talbot Park has been officially opened in the heart of Kidderminster. Lion Fields will move forward and Woven Oaks will grow into a neighbourhood. And our communities will continue to make Wyre Forest the vibrant, welcoming place it is. Look out for the Pride in Place programme that's bringing almost £20 million of Government investment to Birchen Coppice, Rifle Range, Silverwoods and Foley Park area.

*Thank you to our staff, partners, businesses, volunteers and residents for everything you have contributed this year. Together, we are making Wyre Forest a safe, vibrant and clean place to live, work and visit.*



**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**10 JUNE 2026**

**Update to Housing Assistance Policy 2026**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Chris Rogers Cabinet Member for Housing, Health and Wellbeing
<b>RESPONSIBLE OFFICER:</b>	Kate Bailey Director of Housing and Planning
<b>CONTACT OFFICER:</b>	Richard Osborne
<b>APPENDICES:</b>	Appendix One - Housing Assistance Policy 2026

**1. PURPOSE OF REPORT**

- 1.1 To update the council's Housing Assistance Policy on the use of the Better Care Fund and other resources for the provision of disabled facilities grants (DFG) and other forms of financial assistance for property repair, adaptation and improvement.
- 1.2 To bring together a Housing Assistance Policy that is common across all of Worcestershire.

**2. RECOMMENDATION**

**The Cabinet is invited to:**

- 2.1 adopt the Wyre Forest District Council Housing Assistance Policy 2026**

**3. BACKGROUND**

- 3.1 DFGs are a mandatory grant which funds the adaptation of properties across all tenures based upon a means-test for adults and without a means test for children. Based upon a professional assessment of need, typical works ranges from provision of a stairlift or level access shower up to a complete extension for ground floor living. Whilst most elements of the mandatory grants are legally set, a local policy is needed to set out the council's approach to a number of discretionary elements and to set out how discretionary funds are applied.
- 3.2 Most DFGs and many of the other forms of assistance are delivered through the Worcestershire Home Adaptations Service. This is a shared service being delivered on behalf of the Worcestershire districts by Wyre Forest District Council. The policy has also been developed through feedback of the staff of the shared service. This highlighted, for example, the need to review how fees are charged for high value cases.
- 3.3 The proposed policy includes for a limited range of discretionary assistance mechanisms and the criteria for these. Most forms of discretionary assistance are

repayable upon future sale of the property without any interest applied. Any repaid money is recycled into future discretionary assistance. Discretionary forms of assistance include topping up mandatory disabled facilities grants. Other forms of help include essential repairs and energy efficiency improvements for homeowners on low income. All assistance is based upon the works not being covered by insurance or some other funding available. There is an annual review mechanism to distribute available budget across the schemes. Discretion is also provided to be flexible on conditions and criteria when it is apparent to do so would be in the strategic housing interest of the council.

**4. KEY ISSUES**

4.1 The proposed revised policy has been prepared by officers across all Worcestershire councils based upon the most recent, i.e. Wyre Forest policy. The amendments from the 2024 policy have been made to achieve four main purposes;

**4.1.1 A countywide policy**

To have a common policy that will make more sense to county-wide partners and service users, will facilitate the delivery by the Home Adaptations Service that operates across all of Worcestershire and will enable a smooth transition for any future local government re-organisation outcome. The policy is more focused on the DFGs and revised wording has been agreed at an officer level based on experience and legal principles. The previous policy review report identified that, following changes to the delivery mechanism being considered there would likely be a need to bring a revised, county-wide policy following the changes.

**4.1.2 Changes to discretionary grants**

To remove some of the discretionary grant funding for people who have been assessed as being able to afford a contribution. These grants were not being utilised and given the increased demand for DFGs and more limited resources it is prudent to focus more on the mandatory DFGs.

**4.1.3 Include national guidance**

To include the recognised national guidance around performance to try to achieve completion timescales for urgent, non-urgent, complex and non-complex cases. This will guide the work of the new service.

**4.1.4 Removal of fees on discretionary grants**

To remove fees on discretionary top up DFGs funding will enable up to £6,000 of additional works and does not impact the revenue support for the service from all the partner councils which is paid to WFDC regardless. We are commonly finding that cases of extensions/ conversions are costing up to, or even over, £60,000 and therefore applying a fee to the discretionary top up as well as the fee for the mandatory works is proving to be prohibitive.

4.2 This new policy makes it clear there is potential for individual exceptional cases of discretionary assistance at the discretion of the Director of Housing and Planning that are outside the normal limits of assistance. This would be in cases where it appears to be the best option to achieve strategic housing objectives, better care fund objectives and if it is the most reasonable and practical option

- 4.3 The council rightly recognises the Armed Forces Covenant. The covenant sets out the relationship between the nation, the government and our Armed Forces. It recognises that the whole nation has a moral obligation to members of the Armed Forces and their families, and it establishes how they should expect to be treated. The Armed Forces community should not face disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most, such as the injured and the bereaved. This policy recognises the covenant. It sets out how we will work with local organisations including the Royal British Legion and the Soldiers', Sailors' and Airmen's Families Association to ensure persons who are ex-forces or serving are identified and provided with additional support as appropriate.
- 4.4 The proposed policy includes internal decision making and appeals mechanisms.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no additional financial implications for the provision of housing assistance. The funding for housing assistance is provided by Government through the Better Care Fund mechanism and from recycled funds from previous assistance where a repayment condition has been activated. Revenue costs and council officer costs are met from capitalisation of the assistance provided.
- 5.2 In 2026/27 Wyre Forest District Council received £1,811,496 in Better Care Funding.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Councils are required to have an up-to-date Housing Assistance Policy under the Regulatory Reform (Housing Assistance) (England and Wales) 2002.
- 6.2 The purposes, standard conditions and assessment of means to pay for DFGs are set out in the Housing Grants, Construction and Regeneration Act 1996. The legal purposes for assistance can include for acquisition of, adapting, repairing or improving property and assistance can be in any form. The assistance can be subject to such conditions as appropriate including repayment.

## **7. IMPACT AND IMPACT ASSESSMENTS**

- 7.1 Equality Impact Assessment - A scoping assessment ([EqIA - Housing Assistance Policy 2026 | Wyre Forest District Council](#)) shows the policy has a positive impact on persons who are disabled and/or elderly and low income persons of any age.
- 7.2 Climate Change - The policy has a positive impact on mitigation of climate change as it incorporates a mechanism for delivery of grants for greater energy efficiency in homes.
- 7.3 Health - The policy has a positive impact on health and wellbeing of disabled persons receiving adaptations to their homes and their families. It also has a positive impact on health and wellbeing of other grant and financial assistance recipients to enable them to live in warmer, safer homes.

**8. RISK MANAGEMENT**

- 8.1 The lack of an up-to-date policy could lead to ombudsman cases and legal challenges as well as reputational risk in particular if the council does not meet mandatory requirements for disabled facilities grants or have appropriate decision and review mechanisms.
- 8.2 A common policy across Worcestershire mitigates risks relating to local government re-organisation.

**9. CONCLUSION**

- 9.1 An up-to-date, common across Worcestershire Housing Assistance Policy will help the council respond to legal requirements and meet locally identified need in relation to adaptation, repair and improvement of properties with consequential improvement in health and wellbeing of residents.

**10. CONSULTEES**

- 10.1 Other Worcestershire district, borough and city councils, Home Adaptations Service staff.
- 10.2 CLT

**11. BACKGROUND PAPERS**

- 11.1 Not applicable.

**Wyre Forest District Council**  
**HOUSING ASSISTANCE POLICY**  
**2026**

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## **1. INTRODUCTION**

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 requires all councils to adopt and publish a policy outlining how they intend to exercise powers set out within the legislation, to include use of government funding received through the Better Care Fund, to meet both national aims, outcome measures, metrics and local needs in addition to locally funded forms of assistance.

The policy is designed to contribute towards the council's strategic aims and objectives by assisting with:

- a) The improvement of housing quality in all tenures
- b) Enabling people to stay in their home as they get older and provide disabled persons with maximum manoeuvrability around their homes
- c) Improving energy efficiency and eliminating fuel poverty
- d) Improvement of health and wellbeing

## **2. OUR POLICY AIMS**

The key aims are to address the issue of vulnerable persons or persons on low incomes who either cannot afford to maintain their properties in good repair or who cannot fund essential adaptations required in order that they might fully utilise their home, benefit from safe and decent housing and retain their independence. This will include;

- Increasing the number of people who are able to remain at home and prevent inappropriate admission to hospital, residential and care homes
- Preventing delayed release from hospital or other types of care
- Reducing the number of persons and particularly vulnerable persons living in homes that have category 1 and serious category 2 hazards (as set out within the Housing Act 2004)
- Improving the health of customers by reducing the number of households in fuel poverty
- Assisting people to move at an earlier stage to avoid unnecessary Disabled Facilities Grant spend and care/support costs.

The council will consider in all cases a person's ability to repay or contribute towards the assistance given whether under a mandatory requirement or as a criteria set within any discretionary form of assistance (unless stated in the policy). The councils Home Adaptations Service will provide in writing the conditions and any obligations to which any form of assistance provided is subject.

The councils Home Adaptations Service will consider all applications for assistance on their merits however all cases will be assessed against the following criteria;

- All available options, including but not restricted to financial, have been fully explored
- Assistance through other means is not reasonably available or practicable
- The proposal fits the strategic aims of the council and/or national aims and metrics of the Better Care Fund Plan
- The proposal is economically viable considering the council resources available

The council will seek best value for the funding available whilst ensuring needs identified are met. Discretionary funding will normally involve a repayable local land charge for the cost of works. Mandatory Disabled Facilities Grants will involve a local land charge where applicable under the legal framework. The council will ring fence recycled money from local land charges, where grants are repayable, to provide funding for future discretionary grants and support through the housing assistance policy applicable at that time. There is discretion to allow for non-repayment where appropriate.

The Armed Forces Covenant is a promise by the nation that those who serve or who have served in the armed forces, and their families, are treated fairly. The council works actively with the local representatives of organisations such as Royal British Legion (RBL) and the Soldiers', Sailors' & Airmen's Families Association (SSAFA) to ensure wider support is available to any cases where active or ex-service persons are identified. This includes acceptance of direct applications from these organisations and referrals to support from them or other agencies where identified as applicable. The council will include in any grant provision covering the costs of any relevant assessments or support work by RBL or SSAFA to enable the grant to proceed. Those with a service history may have received a financial award in association with their service, discharge or ongoing benefits in relation to that service. These amounts will not be considered in any means test undertaken to determine whether a contribution is required towards any grant in this policy.

The council will review this policy on a regular basis to reflect evidence concerning the conditions of housing within the area and respond to changing policies at a national or local level or to reflect evidence concerning the conditions of housing within the area.

### **3. SUMMARY OF FINANCIAL ASSISTANCE AVAILABLE**

Financial Assistance schemes are discretionary, except Mandatory Disabled Facilities Grant, and are subject to the council having sufficient resources.

The Policy grants discretion to extend or amend eligibility criteria, conditions, level of grant or assistance and scope of works where the situation is exceptional and, in the opinion of the relevant Director / Head of Service that assistance would help the council meet its strategic housing objectives and/or Better Care Fund metrics.

#### **3.1 Mandatory Disabled Facilities Grants:**

These are mandatory grants to support the provision of adaptations to promote independent living within the home, subject to the provisions of the Housing Grants, Construction and Regeneration Act 1996.

**3.2 Discretionary Disabilities Assistance:**

The following are discretionary forms of assistance enabled through the central government Better Care Fund allocation, subject to the primary requirements of Mandatory Disabled Facilities Grant being firstly met:

- **Discretionary Disabled Facilities Grant Top Up** - To enable top-up funding to a Disabled Facilities Grant scheme that exceeds the Mandatory Disabled Facilities Grant maximum where the additional costing is considered justifiable.
- **Dementia Dwellings Grant** - To assist persons with dementia with specialised living aids to enable independent and safe living.
- **Hospital Discharge: Disabled Facilities Grant** – For fast-tracked means tested works to the home to enable earlier discharge from hospital or place of temporary care where problems in the home are identified as a possible reason for delayed discharge. These DFGs will be prioritised to enable earlier discharge from hospital.
- **Home move grant : Disabled Facilities Grant** - to enable people to move to more suitable accommodation where this is considered more appropriate and/or cost effective than adaptations to their existing home.

**3.3 Discretionary Assistance:**

- **Home Repair Assistance:** To ensure that persons on low income can undertake essential repairs or improvements to their home.

**4.1 HOW TO APPLY AND MAKING A FORMAL APPLICATION FOR A MANDATORY OR DISCRETIONARY DISABLED FACILITIES GRANT** (for information on how to apply for the other discretionary assistance please see section 5) for information regarding direct Council Application see 4.2

All applications must be on a form provided by the councils Home Adaptations Service and must include the following documentation:-

- (i) Particulars of the work to be carried out including, where appropriate, plans, specifications, schedule of work and specialist reports. This should include the complete scheme in cases where the whole scheme exceeds that which is eligible for Assistance.
- (ii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
- (iii) Proof of ownership of all land and buildings pertaining to the application from a solicitor or mortgagee, or copies of the title deeds/land certificate, or a copy

of the tenancy agreement or licence to occupy in the case of a tenanted property.

- (iv) Proof of occupation and/or tenancy where applicable.
- (v) Proof of a qualifying pass-porting benefit is being claimed.
- (vi) Where no pass-porting benefit is received, full financial documentation including but not limited to income received, benefits received, savings, pensions and where applicable rental income from tenants and boarders.
- (vii) Where applicable, permission of co-owners and landlords
- (viii) A VAT exemption form where the applicant or relevant person is registered disabled or capable of being registered.
- (ix) A signed conditions form accepting the obligation to repay the assistance in the event of any breach of the relevant conditions concerning future occupation, letting or ownership.
- (x) If required, permission under any statute including but not limited to, planning permission, Building Regulation approval, Party Wall Act, etc.

Applications relating to the disabled will require an assessment report from the Occupational Therapy Service or Trusted Assessor<sup>1</sup>.

An application will only be considered complete or valid when the councils Home Adaptations Service has all the information necessary to make a decision on the application.

Where an applicant uses the councils Home Adaptations Service to undertake the application and that service is permitted to charge a fee, this will be included in the eligible costs.

The council may at its discretion choose to waiver certain application requirements where considered appropriate to do so in the interests of the policy aims.

Once approval has been given the applicant has 12 months from the date of the approval in which to complete the works, unless otherwise stated.

#### **4.2 Direct Application**

Applicants are not obliged to use the services of the councils Home Adaptations Service. However, where the application is being coordinated through the Home Adaptations Service and there is a procurement framework approved by the council, then this will be used.

For a direct application to the council the applicant will need to provide quotes in line with the council's financial framework.

The council does not provide assistance to the applicant in the manner as its Home Adaptations Service would provide where the applicant chooses not to utilise the

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<sup>1</sup> Trusted assessors are a trained housing, health or social care professional authorized to assess a patient's care and support needs in relation to housing adaptations where the nature of the requirements are not overly complex to facilitate a faster provision of the service in cases such as hospital discharge.

service and to submit an application directly to the council. The direct applicant will not be assisted in any way by the Council to make their application, there are no payments of grant funding upfront, the applicant has to manage the project, no payment will be made until all works are completed and signed off. The decision to approve these applications may take up to 6 months and approval will only be given if it meets the legislative requirements.

## **5. DETAILS OF FINANCIAL ASSISTANCE**

### **5.1 Mandatory Disabled Facilities Grants (DFG)**

These grants are mandatory under the Housing Grants, Construction and Regeneration Act 1996 and are subject to a statutory test of resources (means test) required to establish whether the applicant is financially able to contribute towards the costs of the eligible scheme.

Disabled Facilities Grants are awarded to enable applicants to have access to and around their homes, or to use essential facilities within the home to enable them to live safely and independently. Mandatory Disabled Facilities Grants can only be given for the purposes set out in the Act. Detailed guidance on what the council deems to be eligible works or not are set out in a separate document that is available to applicants or others upon request. This is maintained across the county as a common approach wherever possible.

Ongoing maintenance and repair of adaptations and equipment, whether provided under a grant previously or not, is the responsibility of the applicant or landlord as relevant.

Whilst it is recognised that a Disabled Facilities Grant is a mandatory grant, a move to a more suitable property may meet the needs of the applicant in a more appropriate way. This could include moving to a more suitable and/or adapted accommodation that may be available to the applicant.

The maximum amount of Mandatory Disabled Facilities Grant is currently £30,000 set by statute. Discretionary Disabled Facilities Grant for costs above the mandatory amount will not be made available except upon the agreement of the council, in accordance with this policy under the Discretionary top up for Mandatory Disabled Facilities Grant, and where justified to be the most satisfactory course of action in the circumstances or to have arisen through reasonable and unforeseeable additional works or costs.

The councils Home Adaptations Service will endeavour but cannot guarantee to determine complete applications and provide the relevant adaptations work within recognised national guidance timescales. In any event the council will determine a complete and valid direct application at the earliest opportunity within the statutory timescale of 6 months.

#### Eligible Applicants

- Any applicant registered or capable of being registered under the Chronically Sick & Disabled Persons Act 1970 and requires adaptations to be provided.
- Any disabled person, as described by Housing Grants, Construction and Regeneration Act 1996, s.100. Applicants can be property owners or tenants
- Landlords can make an application on behalf of their tenant.

### Qualifying Criteria

- A referral from the Community Occupational Therapist (COT) via Social Services or a Trusted Assessor confirming that the works are 'necessary and appropriate' is required. This referral will recommend works.
- Entitlement to a Disabled Facilities Grant is mandatory but before approval the council has to be satisfied that the relevant works are both necessary and appropriate for the disabled person, and additionally that it is 'reasonable and practicable' to carry out the works.
- A permanent and legal residence, or long-term in the case of fostering, including dwellings, mobile homes, caravans and houseboats.
- Second or holiday homes will not be considered for assistance.

### Conditions

- Works must qualify as described in s23 of the Housing Grants, Construction and Regeneration Act 1996 (as amended).
- Works must be recommended by a Community Occupational Therapist or Trusted Assessor and be necessary and appropriate to meet the needs of the disabled applicant.
- The works must be reasonable and practicable to carry out having regard to the age and condition of the dwelling or building.
- Applicant will be subject to a financial assessment of resources except where
  - i) the applicant (relevant person(s)) is in receipt of one or more of the following means tested benefits; Housing Benefit, Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working/Child Tax Credit where income is less than set threshold, Universal Credit
  - ii) The application is in respect of a disabled child.
- Proof of title is required
- Landlord consent to the works is required where applicable.

- Conditions relating to the recovery of equipment in specified circumstances are applied.
- The council will use its powers to place a local land charge against the property and recover the amount, in line with current legislation and regulations. At time of adoption of this policy, this is where the Mandatory Disabled Facilities Grant exceeds £5000. The charge may be up to a maximum of £10,000 and repayment of the sum on charge is required where the adapted property is sold, transferred or otherwise disposed of within a 10 year period from completion of the work. Conditions for any land charge and repayment will be informed to any applicant or their representative.
- At the time of adoption of this policy, In the case of a Disabled Facilities Grant where a 10 year conditional repayment obligation exists and the recipient intends to dispose of the property by sale, assignment, transfer or otherwise within the 10 year period, the charge must be repaid, unless the council, having considered:
  - i) the extent to which the recipient of the assistance would suffer financial hardship were he/she to be required to repay all or some of the grant or charge;
  - ii) whether the disposal of the property is to enable the recipient to take up employment, or to change the location of his/her employment;
  - iii) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the assistance or of the disabled occupant of the property; and
  - iv) whether the disposal is made to enable the recipient of the assistance to live with, or near, any person who is disabled and in need of care, which the recipient of the assistance is intending to provide, or who is intending to provide care of which the recipient of the assistance is in need of by reason of disability,

is satisfied that it is reasonable in the circumstances to waiver or reduce the repayable sum. This will be updated in line with any legislative/regulatory changes and informed to the applicant or their representative as part of the application process.

Maximum Assistance

- £ 30,000

**5.2 DISCRETIONARY ASSISTANCE**

**5.2.1 Discretionary Disabled Facilities Grant (Top Up)**

Where DFG works requested are in excess of the mandatory limit (currently £30,000) or considered to be unreasonable given the age, construction and/or

condition of the property, alternatives to discretionary DFG funding including the following will normally be considered first;

- a) Referral to Social Services and other relevant organisations (including charities) for their consideration of providing additional resources
- b) Alternative schemes of work.
- c) Advising the applicant to move to alternative accommodation, with funding for adaptations to the new accommodation available if required.

Subject to availability of funding the council may consider Discretionary Top Up for Disabled Facilities Grant. Where Discretionary Top Up for Disabled Facilities Grant is considered appropriate the discretionary assistance will not normally exceed £30,000. The cost of works funded above the mandatory grant limit will be registered as a Local Land Charge and repayable to the Council in full on the sale transfer or disposal of the property for owner-occupied properties. For rented properties there will be a condition that the landlord agrees to let the property to persons requiring the adaptation for their lifetime unless breach of tenancy contract occurs that results in re-possession or the disabled tenant moves to meet changed needs.

If the cost of works exceeds both the mandatory disabled facilities grant and discretionary top up grant amounts the applicant must be able demonstrate that they can fund the remaining balance before grant approval. Should the applicant not be able to demonstrate availability of additional funds this grant will be unable to proceed.

Discretionary top up grants are subject to available budget in year

#### Maximum Assistance

£30,000 (once only)

#### **5.2.2 Dementia Dwelling Grant**

Subject to availability of funding the council may consider providing non means-tested assistance to provide aids and adaptations in the home

Assistance to support people living with dementia to remain safe and independent within their home. The assistance is intended to provide aids, adaptations and environmental adjustments that support individuals to better navigate and use their home, reduce risks and promote independence and wellbeing. Examples of support may include, but are not limited to night lighting, touch lamps, dementia-friendly clocks, improved lighting controls and other assistive products.

#### Eligible Applicants

Individuals with a diagnosis of dementia.

- A referral from the Early Intervention Dementia Team Service (EDTS) or other relevant referring agent.
- The grant offer will be a combination of standard and bespoke products based around an assessment of individual need. Assessments will adopt a person-centred approach recognising that dementia affects individuals differently.

#### Qualifying Criteria

- Dementia diagnosis or living with a recognised memory loss affecting day-to-day independence.
- Aid the person to remain in the home independently for a longer period.

#### Conditions

The proposed assistance will support the individual to maintain independence, safety and wellbeing within the home.

- Works or equipment must directly relate to the needs arising from the individual's dementia.
- Assistance will only be provided where it supports the individual to remain safely and independently in their home.
- Only one application will normally be approved within a two-year period, up to a maximum of £750.
- Exceptions may be approved at the discretion of the relevant Director/Head of Service where justified.
- Works must be completed within 12 months of approval.

#### Maximum Assistance

£750

### **5.2.3 Hospital Discharge – Disabled Facilities Grant**

Subject to availability of funding this assistance is intended to aid timely discharge from hospital or temporary place of care and help avoid re-admission.

This assistance forms part of the Disabled Facilities Grant and will be prioritised. Where a request to facilitate discharge from hospital is received the councils Home Adaptations Service will endeavour to fast track that application and delivery of required eligible works as soon as is practical to achieve.

This grant is subject to the same means-testing and other requirements for a mandatory DFG.

### **5.2.4 Home Move Grant Assistance- Disabled Facilities Grant**

The aim of providing this discretionary financial assistance is to enable people to move to more suitable accommodation where this is considered more appropriate and/or

cost effective than providing adaptations to their existing home. A Disabled Facilities Grant must be used to adapt the property they are moving to up to the total amount they would be entitled to including the £3k for tenants and /£8k for owner occupiers.

Eligible Applicants

- Any disabled person, as described by the Housing Grants, Construction and Regeneration Act 1996, s100.
- Applicants can be property owners or tenants.

Qualifying Criteria

- A permanent and legal residence
- Eligible costs - legal and ancillary fees, estate agent fees, removal costs, carpet and curtains

Conditions

- This grant can only be used alongside adaptations at the new property, and the amount awarded will count toward the maximum mandatory DFG allowance.
- The assistance will only be approved on a strict case by case basis
- Applicants must be moving from a property which is their main residence to another property which will become their main residence and both properties must be within the Council's area.
- Assistance will not be given towards the purchase price of a property.
- Grants cannot be awarded retrospectively. If the move is aborted costs will not be paid.
- All applicants will be required to complete the move within 12 months from the date of approval of their application.

Maximum Assistance

- £3,000 for tenant transfers, £8,000 for move into an owner-occupied property.

**5.2.5 Home Repair Assistance**

This discretionary assistance, available subject to budget availability of the council, is intended to ensure persons on low income can undertake essential repairs or improvements to their home. It is available to homeowners and tenants with a repairing responsibly that do not have sufficient financial resources to maintain their homes in a safe, health enabling condition free of serious defects or hazards. The assistance is repayable on sale, transfer or disposal of the property and does not accrue interest charges.

Eligible Applicants

- Owner occupiers or private tenants with a repairing responsibility, having savings of less than £16,000 and in receipt of one or more of the following means-tested benefits:- Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working Tax Credit, Universal Credit, Housing/Council Tax Support (not including single person or disabled person discount), or
- Where the household income is less than £31k, or
- Assessment of income and expenditure shows they would not reasonably be expected to repay a loan for the works needed within a 2 year period.  
Assessment by councils Home Adaptations Service.

#### Qualifying Criteria

- The property is the applicant's permanent and legal residence.
- The property needs essential repairs as determined by the Housing Act 2004 to address Category 1 or significant Category 2 hazards as determined under the Housing Health & Safety Rating System, in order to make the property safe, warm, weatherproof and healthy for the occupants
- No assistance will be granted in respect of properties built or converted less than 10 years prior to the application date.

#### Conditions

- Only one application for assistance will be considered up to a maximum of £20,000 within any 3 year period. Where exceptional circumstances exist this condition may be relaxed at the discretion of the relevant Head of Service.
- Assistance is repayable in full to the council on sale, transfer or other disposal of the property. A Local Land Charge will be placed on the property for this purpose.
- The applicant must have lived at the property for a minimum of 12 months immediately prior to the application date as his/her sole permanent residence.
- The approved works must be completed within 12 months of the date of approval.
- The scope of work should aim to tackle all the identified category 1 or significant category 2 hazards unless there are reasonable grounds to limit the works.
- Where the works are in respect of common parts or group repair assistance will only be considered to a reasonable sum or proportion of costs reflecting the applicant's liability.

#### Maximum Assistance

- £20,000 (within 3 year period)

## 6. GENERAL TERMS AND CONDITIONS

Any person who makes an application for Assistance must;

- (i) Be over 18 years of age at the date of the application
- (ii) Live in the dwelling as his/her only main residence and
- (iii) Have an owners interest in the dwelling (other than by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration) or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlords family, with a tenancy or licence permitting occupation of the dwelling for a minimum period of 12 months after approval of the Assistance, and
- (iv) Have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- (v) Satisfy such test(s) of resources as the council, or statute, may from time to time have in place
- (vi) Not be ineligible, by virtue of the Housing Grants, construction and Regeneration Act 1996, regulations made under the Act or any other enactment
- (vii) Homeowners have the primary responsibility for ensuring their homes are properly maintained and in the first instance should pursue private finance. We may assist eligible, vulnerable homeowners to make sure they have the opportunity for achieving the correct property standards.

Where an owner occupier has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works for a period of time, and if they cease to do so during that time, they will repay on demand to the council the total amount of Assistance paid out.

Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for letting during the specified period then the landlord will repay on demand to the council the total amount of Assistance paid out.

Where the council has the right to demand repayment but extenuating circumstances exist, the council may determine to waive the right to repayment or to demand a sum less than the full amount of Assistance paid out.

## 7. SUPERVISION OF WORKS

In the absence of any agent agreement with the councils Home Adaptations Service the responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the council.

All work must be undertaken;

- a) In accordance with manufacturers recommendations and best practice.
- b) In accordance with and to the satisfaction of the council.
- c) In accordance with building, planning and installation regulations where applicable and Health and Safety regulations.

Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractors invoice following satisfactory completion of the eligible work as determined by the council's Officer.

## **8. PAYMENT OF ASSISTANCE**

The Assistance will only be paid if;

- (i) The assisted works are completed within 12 months from the date of the approval unless the delay was caused by the councils Home Adaptations Service.
- (ii) The assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the councils Home Adaptations Service.
- (iii) The assisted works are carried out to the satisfaction of the councils Home Adaptations Service and the applicant.
- (iv) The councils Home Adaptations Service are provided with an invoice, demand or receipt for payment in an acceptable format.

Invoices must be addressed to the applicant c/o the councils Home Adaptations Service and must contain sufficient detail for the council to identify in full, the works carried out, the price charges and any variations previously agreed with the councils Home Adaptations Service, and must not be provided by the applicant or a member of his/her family.

The payment of the Assistance to the contractor may be made via the applicant, or, where requested within the original application, paid directly to the contractor engaged by the applicant.

The Assistance may be paid in one lump-sum on satisfactory completion of the works or by staged payments as the work proceeds. Stage payments (Interim payments) will only be made where the councils Home Adaptations Service, is satisfied that the value of work completed exceeds the value claimed. A maximum of three stage payments and final payment will be considered.

The councils Home Adaptations Service will not enter into any form of contract with a builder or contractor, and, in the absence of any agent agreement with the applicant, it is a matter for the applicant to agree any contract with the builder or contractor. Whilst the council's Standing Orders on procurement do not directly apply as no contract exists with the council, the principles of the Standing Orders will be referred to for determining the administration of procedures regarding the obtaining of quotes, etc.

The provision of assistance other than Mandatory Disabled Facilities Grants is subject to the availability of funding. All applications will be considered based on the identified needs and circumstances of the applicant or household.

The council may enter into partnership or contractual arrangements with other organisations or agencies in order to deliver assistance in an effective and timely manner, such as a Home Improvement Agency or Energy Advice Service. The Home Improvement Agency is engaged to provide support to applicants throughout the process of seeking assistance and this may include identification of options, specifications, documentation, engagement of contractors, works supervision and monitoring through to completion.

Where assistance is provided the eligible costs will include necessary associated costs such as Building and Planning Fees, Architect and other professional fees and Home Improvement Agency/Energy Advice Service fees.

The provision of mandatory grants and discretionary financial assistance will be subject to internal and external auditing to ensure adequate procedures are in place and followed and that there is appropriate use of public funds.

## **9. WHERE ASSISTANCE WILL BE RESTRICTED**

Where the following apply the applicant will not be eligible for assistance or will be subject to the conditions outlined:

1. Where ownership of the property is disputed.
2. Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
3. Where the premises have been built or converted less than 10 years prior to the date of the application, except where the application is for a Disabled Facilities Grant.
4. Where the properties are owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and the Police, except in the case of a Disabled Facilities Grant (Mandatory or Discretionary), Dementia Dwellings Grant,
5. Where the residence is not regarded as permanent.
6. Where work started before formal approval of an application, except that:
  - (i) The council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
  - (ii) The council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
7. Where the application is for works covered by insurance. Where, before a grant for assistance is approved it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of assistance will be reduced by an amount equivalent to the insurance company's liability. Where assistance is

approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for;

- a) Claims for personal injuries where the works are required under a Mandatory Disabled Facilities Grant.
  - b) Claims on the applicant's property insurance or on a third party where the application where the application is in respect of works for which financial assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.
8. Where the scope of works don't meet the threshold for reasonable, practical and eligible, in particular having regard to the age, condition and structural layout of the property.
  9. Where an alternative contractor is used the council will determine whether prices provided by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year. The Officer may liaise with the relevant body or contractor to check the specification and any estimates, as part of the procurement procedure. In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower) they will advise the client that the total eligible assistance will be the lower amount. The client is under no obligation to use the lower priced contractor but must be aware the council will only make a grant or assistance payment up to the value of the lower price.
  10. In the case of an application for Disabled Facilities Grant where the client chooses to pursue a different scheme of work's or an enhanced scheme of works over and above the standard specification the client will be advised the Council will only provide assistance to the value of the scheme of works the Officer has determined would otherwise satisfy the basic primary requirement(s) identified by the report of the Occupational Therapy Service, subject to the Officer being satisfied the clients preferred scheme will also satisfy the primary requirements.
  11. Where the application for assistance lacks the required information or documentation.
  12. Where the client deviates from the scheme of work(s) submitted and subsequently approved by the council without prior consultation with, or agreement of, the Officer the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
  13. Where the applicant is an owner of the dwelling in respect of which Assistance has been approved and ceases to be the owner before the works are completed the applicant must repay to the council on demand the total amount of Assistance that has been paid.
  14. Where a grant condition imposes a liability to repay the Assistance, or a part thereof, the condition will be registered by the council as a Local Land Charge.

15. Where Assistance has been approved the works must be completed within 12 months of the approval date, except where an extension of time, not exceeding 6 months has been agreed by the council. Where no extension is agreed the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
16. In the case of common parts of a dwelling the council will only consider assistance for the reasonable sum or proportion of the applicant's liability. The applicant must prove a repairing liability for the common parts.
17. The council may, where financial or operational demands dictate, defer payment of a Disabled Facilities Grant for a period not exceeding 12 months. Any deferment will be detailed in the approval notice.
18. Where the applicant occupies a holiday residence, caravan on holiday site or sites with restricted occupancy, second homes (as defined by council Revenues criteria), properties without a certificate of lawful residential occupation and sheds, outbuildings or appurtenances these will not qualify for Assistance. The provision of Assistance is allowed for caravans and houseboats used as a main residence, subject to meeting other eligibility requirements.

The council recognises that this policy cannot cover every likely situation and there may be persons who genuinely are in need of some form of urgent support that are precluded from accessing Assistance due to a specific aspect. In these situations the council may consider offering assistance in exceptional circumstances, in particular where support would help the council meet its strategic objectives, as determined by the relevant officer.

## **10. SECURITY AND REPAYMENT OF ASSISTANCE**

Where a grant condition imposes a liability to repay the Assistance, or a part thereof, the condition will be registered by the council as a Local Land Charge.

Any grant approval document will set out what amount of money will be placed as a local land charge for the applicant to confirm their acceptance. If significant separate works are identified, a review and revised approval will be issued for the applicant to agree to.

The council will recover grant/assistance monies in full if the relevant conditions of the assistance are not met. Where not already a requirement of the specific terms of the assistance granted, a local/legal land charge may be entered against the property for the purpose of debt recovery.

If an application is approved but it subsequently appears to the council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to receive the assistance approved, then no payment, or further payments, of assistance will be made and the council may seek to recover

immediately any payments made together with interest accruing from the date of payment.

The council may, at its discretion determine to require repayment of a lesser sum than the full amount of Assistance.

Any repayment of grant or land charge associated with a grant of financial assistance under this policy will be recycled to provide financial assistance under the terms of this or successor policies.

## **11. DEATH OF THE APPLICANT**

If the applicant should die before the Assistance is approved, the application will be treated as withdrawn.

If the applicant should die after approval of the Assistance or whilst the approved works are in progress, the council may, at its discretion agree to completion or making good of the works and pay the Assistance in full, or an appropriate proportion of the approved sum relative to the works completed.

Where an applicant receiving Disabled Facilities Grant assistance dies following completion of the works but prior to the expiry of the ten year local land charge the council will seek repayment of the sum on charge from the applicant's estate if a disposal by sale, transfer or other change in ownership or tenure takes place.

## **12. ADDITIONAL CONDITIONS**

The councils Home Adaptations Service reserves the right to impose additional conditions when making a grant/assistance approval. These may include but are not restricted to:

- (i) A contribution to the cost of the assisted works by the applicant.
- (ii) The right to nominate tenants to housing accommodation available for rent.
- (iii) Housing accommodation being maintained in repair after completion of the assisted works.
- (iv) The right of the council Home Adaptations Service to recover specialised equipment when no longer needed.

## **13. DECISIONS, NOTIFICATIONS AND REDETERMINATIONS**

The councils Home Adaptations Service will notify the applicant in writing when their application has been approved or refused. The decision will be notified as soon as reasonably practical and, in any event, no later than six months after receipt of a full and valid application.

If the application is approved, the notification will specify the eligible works, the value of the assistance and the builder/contractor who will execute the works. In the case of a Disabled Facilities Grant the council may, where financial or operational

demands dictate, defer payment of the assistance for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

The councils Home Adaptations Service will maintain a document that sets out in details what works are considered eligible or not for a DFG by the council. This document will be made available to any applicant or other person upon request. The council will work with other Worcestershire authorities to ensure as far as possible consistency on eligible works.

For complex cases such as extension and cases likely to be above the mandatory DFG threshold of £30k, the Home Adaptations Service will arrange a meeting with the Council and relevant professionals to inform the council to determine the most appropriate course of action to meet the discretionary DFG criteria. If the application for Assistance is refused, the councils Home Adaptations Service will give the reasons for the refusal and confirm the procedure for appealing the decision.

Where Assistance has been approved and the council or following consultation with its councils Home Adaptations Service are satisfied that through circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the council may, at their discretion re-determine the assistance given and notify the applicant accordingly by issue of a re-approval notice.

Works requested beyond the scope of the mandatory DFG or agreed schedule may be undertaken directly with the contractor at the applicant's own expense. Any such works will not be assisted by the councils Home Adaptations Service.

#### **14. REVIEW OF THE COUNCIL'S DECISION**

Any person having made a valid application for Mandatory Disabled Facilities Grant or Discretionary Assistance may request a review of the decision not to consider or to refuse an application.

A request for review of must be submitted to the councils Home Adaptations Service (where delegated decision) with 21 days of the date of the decision letter. The request must be in writing. A review of the decision will be undertaken by the council's relevant Director / Head of Service and the decision will be notified to the applicant in writing. This process is a service request and falls outside of the Councils complaints procedure. If the person remains dissatisfied with the review decision they have the right to approach the Local Government and Social Care Ombudsman.

Any departure from Policy will only be considered where the applicant can demonstrate both wholly exceptional circumstances to justify such a departure but also that the applicant does not have the means by which they could reasonably be expected to otherwise fund and undertake the work.

Complaints about service delivery rather than Policy must be made in writing to the councils Home Adaptations Service who will investigate the complaint in accordance with the complaints procedure which is available on request.

## **15. ADDITIONAL CAPITAL FUNDING SCHEMES**

Capital funds for housing assistance may be used for projects which meet the strategic housing objectives. These may include but are not limited to:

- Energy efficiency measures
- Assistance to landlords
- Empty properties
- New build refurbishment adaptations

To be undertaken by agreement of the relevant Director / Head of Service and any other relevant decision making as per the Councils constitution. Details can be obtained from the Private Sector Housing Team upon request.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**10 June 2026**

**Housing Enforcement Policy 2026**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Cabinet Member for Housing, Health and Wellbeing Chris Rogers
<b>RESPONSIBLE OFFICER:</b>	Kate Bailey
<b>CONTACT OFFICER:</b>	Richard Osborne
<b>APPENDICES:</b>	Appendix One - Housing Enforcement Policy 2026

**1. PURPOSE OF REPORT**

- 1.1 To update the council’s Housing Enforcement Policy to reflect the introduction of the Renters’ Rights Act 2025 and reflect national guidance on levels of civil penalties.

**2. RECOMMENDATION**

**The Cabinet is invited to:**

- 2.1 **adopt the proposed Wyre Forest District Council Housing Enforcement Policy 2026.**

**3. BACKGROUND**

- 3.1 This policy sets out the Council’s principles for enforcing and executing its duties as a Housing Authority under the relevant statutes. This policy is based on the already adopted 2020 policy with amendments and additional elements to reflect additional enforcement duties and powers under the Renters’ Rights Act 2025.
- 3.2 Section 3 of the Housing Act 2004 imposes a duty on Councils to keep housing conditions in their district under review with a view to identifying any action that may need to be taken by them.
- 3.3 Section 107 of the Renters’ Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:
- Chapters 3 and 6 of Part 1 of the Renters’ Rights Act 2025,
  - Part 2 of the Renters’ Rights Act 2025,
  - Sections 1 and 1A of the Protection from Eviction Act 1977, and
  - Chapter 1 of Part 1 of the Housing Act 1988.
- 3.4 Section 110 of the Renters’ Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

- 3.5 The Renters Rights' Act 2025 includes removal of section 21 'no fault' evictions and provision for legal eviction processes updated, controls on rent increases, banning discrimination on certain grounds, a landlord database anticipated in 2027 and other measures. It enables civil penalties as an alternative to prosecution for some existing offences such as harassment. Full details can be found via the gov.uk website.

**4. KEY ISSUES**

- 4.1 The council must have a sound and up to date enforcement policy in order to be able to enforce the relevant legislation and guide officers in the application of the enforcement powers.
- 4.2 The current housing enforcement policy was adopted in 2020. Since then, there have been many tribunal cases that have helped confirm appropriate levels of civil penalties to be issued in given circumstances. These revised levels have been reflected in the model policy for civil penalties produced by the Justice for Tenants organisation and adopted by other councils. This is incorporated in Appendix 1.
- 4.3 The Renters' Rights' Act 2025 has introduced major changes in the renting market including the banning of section 21 'no fault' evictions. Requirements for lawful eviction processes and how landlords should be treating tenants have been set out and councils have a duty to enforce and report to the Government on that enforcement. New offences and civil penalties have been introduced and need to be incorporated into the policy.
- 4.4 The policy also includes details on how financial penalties will be applied in respect of energy efficiency standards, electrical safety and smoke and carbon monoxide alarms in private rented properties.

**5. FINANCIAL IMPLICATIONS**

- 5.1 Having an enforcement policy that covers all the requirements to be able to issue sound and reasoned civil and financial penalties will give an income that will support the work of the Private Sector Housing Team. Any income is required to be used to support the delivery of the service.
- 5.2 The Government have made available some limited new burdens funding; 27k in 2025/26 and £60k in 2026/27. This funding will be used to cover the costs of a new Tenancy Compliance and Relations Officer and the requisite IT system. The MHCLG have also given the Council a further £48,040 towards the costs of homeless prevention as there is expected to be an increase in homelessness initially.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Councils are required to have an up-to-date Housing Enforcement Policy in order to undertake enforcement of the relevant legislation.

**7. IMPACT AND IMPACT ASSESSMENTS**

- 7.1 Equality Impact Assessment – The screening is shown here - [EqIA - Housing Enforcement Policy 2026 | Wyre Forest District Council](#). The assessment shows the policy has a positive impact on persons who are or may be financially vulnerable to exploitation by landlords if an effective policy was not in place.
- 7.2 Climate Change - The policy has a positive impact on mitigation of climate change as it incorporates enforcement of minimum energy efficiency standards.
- 7.3 Health - The policy has a positive impact on health and wellbeing of tenants, enabling them to live in warmer, safer homes.

**8. RISK MANAGEMENT**

- 8.1 The lack of an up-to-date policy could lead to ombudsman cases and legal challenges as well as reputational risk in particular if the council does not meet mandatory requirements or have appropriate decision and review mechanisms.

**9. CONCLUSION**

- 9.1 An up-to-date Housing Enforcement Policy will help the council respond to legal requirements, support vulnerable tenants and achieve improvement of private rented properties with consequential improvement in health and wellbeing of residents.

**10. CONSULTEES**

- 10.1 Other Worcestershire district, borough and city councils.
- 10.2 CLT

**11. BACKGROUND PAPERS**

- 11.1 Not applicable

# **Wyre Forest District Council Housing Enforcement Policy 2026**

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## 1. General

- 1.1 The content of this policy will be revised as necessary to meet changing circumstances and the Policy shall be reviewed by Officers at least every three years and proposed amendments shall be approved through the appropriate mechanism.
- 1.2 All relevant officers are required to support and comply with the Enforcement Policy for Housing.
- 1.3 The Enforcement Policy takes into account and complies with the provisions of The Regulators' Code 2014 where applicable.
- 1.4 This Enforcement Policy takes into account the guidance set out in the 'Code for Crown Prosecutors'.
- 1.5 The Council recognises that there are many situations where there is a shared or complementary role with other agencies. All relevant officers of the Housing Section will work together with other agencies to ensure that the best possible outcome is achieved within the terms of this Policy. This will require actively seeking collaboration with agencies such as the Police, Fire Authority, Magistrates Courts, Trading Standards, Health and Safety Executive as well as internal colleagues of the Council such as Development Control, Building Control and Legal Services. This list of agencies is indicative but it is by no means exhaustive.
- 1.6 This Policy is available to the public on request and is also available on the Council's website [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk). Any comments on the enforcement policy can be made to the Director of Housing and Planning as service lead.
- 1.7 The Council agrees that effective and well targeted regulation is essential in promoting fairness and protection from harm. However, the Council agrees that, in achieving these and other legitimate objectives, regulation and enforcement should be proportionate and flexible enough to allow, or even encourage, economic progress.
- 1.8 This Policy is monitored for compliance by the Council's Corporate Leadership Team.

## 2. Areas of Enforcement

Areas of enforcement where this Enforcement Policy applies are:

- Housing Law
- Caravan Sites Licensing
- Public Health
- Household Drainage
- And all further activities related to the above

## 3. Purpose

To ensure that enforcement decisions will be fair, consistent and undertaken in an open manner appropriate to the risk posed by non-compliance. In particular, in responding to non-compliance that officers identify, we will clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Where the risk is not significant and imminent and therefore requiring immediate formal

action, we will provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

## **4. Principles of Enforcement**

The Council's approach to Enforcement of the law will be informed by the principles of;

- Proportionality in applying the law and securing compliance
- Consistency of approach
- Transparency about how the Council, as a regulator operates, and what those regulated may expect
- Targeting, using risk assessment to channel resources into high risk areas
- Helpfulness, as the Council believe that prevention is better than cure and will attempt to alter the behaviour of the offenders
- Procedures to deal with complaints of poor, inappropriate or non-existent service will follow the Council's "Let Us Know" policy
- It must be in the public interest to prosecute

The Renters' Rights Act and the 'Landlord Legislation' (as defined by S107) sit outside of the Regulators' Code, and its provisions do not apply. Part 1 of the Housing Act 2004 is also outside of the code's scope. However the Regulators' Code and the principles of good regulation will be applied as appropriate to other legislation referred to in this policy and to the following:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

### **4.1 Proportionality**

Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties can expect that action taken by the Council to achieve compliance will be proportionate to any risks to public health or the environment and to the seriousness of that risk.

### **4.2 Consistency**

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar aims. The Council will also work closely with other enforcement agencies in its efforts to achieve consistency.

### **4.3 Transparency**

Transparency means that the Council undertakes to help those regulated to understand what is expected of them and what they in turn can expect from the Council. It also means making clear to those regulated not only what they have to do but where this is relevant, what they don't have to do. In other words, the Council will distinguish clearly between statutory requirements and advice or guidance what is desirable but not compulsory. General

information and advice will be provided in clear and concise language using a range of appropriate formats and media.

## **4.4 Targeting**

Targeting means making sure that inspections are targeted primarily towards those activities where they would be most effective by assessing the risks to their regulatory outcomes. The Council will ensure that the risk assessment proceeds and informs all aspects of its approach and regulatory activity, including:

- Data collection and other information requirements
- Inspection programmes
- Advice and support programmes
- Enforcement and sanctions

Risk assessments will be carried out according to the principles contained within 'The Regulators' Compliance Code'. Higher risk activities such as Houses in Multiple Occupation will naturally receive more attention than single let properties. Landlords who have a history of failing to comply with legal requirements can expect their properties to be pro-actively targeted for inspection. Caravan sites that are larger and/or have a history of not-meeting site licence requirements can expect to be visited more frequently.

## **4.5 Helpfulness**

The Council believes that part of its role is working actively with any person affected by its services to advise on and assist with compliance. The Council will provide a friendly, courteous, easily contactable, effective service which will deal promptly with service requests whilst minimising unnecessary overlaps and time delays.

## **4.6 Standards**

The Council has corporate standards setting out the level of service and performance which the public and business proprietors can expect to receive. Routine complaints and enquiries will be responded to within 5 working days whenever possible given resources available and staff will prioritise resources and response based on perceived relative risks. Before officers contact landlords regarding property standards complaints, they will normally expect the tenant to have reported the concerns to the landlord and given two weeks for the landlord to respond before the council will contact the landlord – they will advise the tenant of this process as part of routine complaints.

A response for urgent works is expected to be within 2 days. Where there is urgent work required (for example loss of heating in winter, hot water or electricity) and a landlord is not responding the council will endeavour to make contact directly with the landlord within 2 working days and would expect a landlord to respond to the issues within 2 days.

The council does not commit to inspect all properties where a complaint has been made by the tenant, especially where the landlord appears to be making reasonable endeavours to resolve. Officers will keep under review whether an inspection is required to ensure compliance for property standards or not, however a failure to respond within two weeks to the council, demonstrating arrangements to address the issues raised, will normally result in an inspection being arranged within the next 2 weeks subject to tenant availability.

The Council will prioritise and may inspect sooner where a landlord is failing to respond to reasonable requests from a tenant or the council in a reasonable time or where there is a history of non-compliance of the property or landlord or an indication of poor standards beyond ordinary wear and tear and accidental damage.

If capacity allows, officers will pro-actively identify properties with potentially poor standards to be targeted for inspection. Where poor standards are identified in one rented property, officers will consider targeted inspections of other properties rented by the same landlord or properties that appear to have similar characteristics for example if fire safety is a concern in one flat in a block, all flats will be reviewed.

Any property inspection will result in a report of any identified defects, works required and relevant hazards they relate to being issued to the landlord and tenant within 2 weeks normally, along with any relevant notice and statement of reasons for any action being taken. As well as this enforcement policy, officers will follow relevant government guidance, for example on enforcement of the Housing, Health and Safety Rating System and the Renters' Rights Act 2005.

### **4.7 Complaints Procedure**

The Council has published details of its Corporate Complaints Procedure "Let Us Know". The procedure is aimed at dealing effectively with complaints of poor, inappropriate or non-existent service. This means making the procedure readily accessible to all services users including those regulated. The Corporate Complaints Procedure forms part of the Council's performance monitoring systems to assist in continuous improvements of the services which the Council provides. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

### **4.8 Public Interest**

When formal action is necessary the person responsible for creating the risk must be held to account for it. However, it must still be in the wider public interest that enforcement action is taken.

## **5. Enforcement Options**

When conducting formal investigations, Officers will adhere to Police and Criminal Evidence (P.A.C.E), Code of Practice on Disclosure of Information. Although technically available as an option, enforcement action will only be taken against owner occupiers where their action, or lack of, adversely affects neighbouring properties or there is a clear existent or imminent potential risk to public health, safety or the environment.

### **5.1 Advice and Assistance**

Advice from an enforcement officer will be clear, readily understandable and confirmed in writing upon request. Before formal action is taken, an opportunity will normally be given to discuss the circumstances of the case unless there is need for immediate action due to the severity of the situation or to prevent evidence being destroyed, or to respond to a repeat offender. Where immediate action is considered necessary an explanation will be given as soon as possible and confirmed in writing. Any written documentation issued will contain all the information needed to understand what work is required, why it is needed and shall state the legislation contravened and measures to enable compliance with the legal requirements.

Financial assistance is available in certain circumstances under the Council's Private Sector Housing Assistance Policy. Details will be given of all rights of appeal, whether to Wyre Forest District Council or to external bodies.

## **5.2 Informal Action**

Informal action to secure compliance with legislation includes advice, verbal warnings and requests for action, the use of letters and inspection reports. The circumstances when it is appropriate to consider using informal action are as follows;

- The act was not sufficiently serious to require formal action
- From past history, it can be reasonable expected that informal action will achieve compliance
- The result of noncompliance will not cause a significant risk to public health, safety, wellbeing or the environment
- Where informal action will be more effective than formal action

## **5.3 Statutory Notices**

Enforcement Officers will consider the use of statutory notices, where one or more of the following apply;

- There is a legal requirement to act
- There is/are significant contraventions of legislation
- There is a lack of confidence in response to an informal approach
- There is a history of noncompliance with informal action
- There is evidence of little knowledge of statutory requirements
- The result of noncompliance could be potentially serious to public health, safety wellbeing or the environment

Statutory notices will only be issued by Officer's who have been authorised by Wyre Forest District Council and are considered competent. The failure to comply with a Statutory Notice served under e.g. The Housing Act 2004 is likely to result in a civil penalty or court proceedings where the circumstances fulfil the criteria in the Enforcement Policy. If a right of appeal exists, details will be included with the notice.

*It should be noted that some notices are served in order to obtain specific information and, as such, do not represent enforcement action.*

The carrying out of any works in default does not prevent the consideration of other formal action such as Formal Caution or prosecution.

## **5.4 Formal Cautions**

Formal Cautions, where appropriate, will be issued in accordance with Home Office Guidelines. A Formal Caution may be issued where there is sufficient evidence to provide a realistic prospect of conviction but because of the attitude, history and willingness to co-operate, it is considered inappropriate to prosecute. To issue a Formal Caution the Council must be satisfied that the offender has admitted to the offence, preferably in writing and has agreed to be cautioned. Formal cautions issued may be cited when considering any similar offences within three subsequent years.

## **5.5 Prosecution**

Prosecution may normally be warranted when one or more of the following apply;

- Where the offence involves a significant breach of the law such that public health, safety, wellbeing or the environment is or has been put at risk
- Where the alleged offence involves a failure by the suspected offender to correct an identified potential risk having been given the opportunity to comply with the lawful requirements of an authorised Officer
- Where the offence involves a failure to comply in full or in part with the requirements of a Statutory Notice
- Where there is a history of similar offences related to risk to public health, safety, wellbeing or the environment

Before a prosecution goes ahead, the officer responsible for deciding on the enforcement action will liaise with the Legal Services team to be satisfied that there is relevant, substantial and reliable evidence that an offence has been committed. The alleged offender will normally be given the opportunity to state their case and circumstances around any alleged offence prior to formal consideration of prosecution.

## **5.6 Civil Penalties and Financial Penalties**

The Housing and Planning Act 2016 amended the Housing Act 2004 and introduced Civil Penalties as an alternative to prosecution for offences in relation to licensing Houses in Multiple Occupation (HMOs), failure to comply with an improvement notice and failure to comply with HMO management regulations. The use of civil and financial penalties has been extended to cover electrical safety, energy efficiency standards and landlord responsibilities under the Renters' Rights Act 2025. Given the history of relatively low fines imposed by magistrates for prosecutions for these offences and the fact that any civil penalty money received by the Council will be used to support the work of the Private Sector Housing Team, the use of Civil Penalties will be the normal approach to such offences rather than prosecution unless public interest warrants the action of prosecution, for example to enable a Banning Order. In determining whether to impose a financial penalty the Council will have regard to any relevant governmental guidance

Appendix 1 is the framework for setting a civil penalty for most landlord legislation and is a model developed by Justice for Tenants based on tribunal data nationally. Appendix 2 sets out the approach specific to energy efficiency requirements. Appendix 3 covers smoke and carbon monoxide alarms enforcement. Each specific case will be assessed on its own merits and the charging tables used as a framework to aid assessment and determination of an appropriate civil / financial penalty.

## **5.7 Banning Orders**

The Government has advised that when a landlord is prosecuted for a relevant offence, the Council may seek a Banning Order to prevent that person from managing rented property. This power will only be used where there is a persistent offender who has been subject to prosecution for multiple offences, in line with any Government guidance issued.

## **6. Accountability and Liaison with Businesses**

The Housing Section will regularly consult on the service it provides and comments received will be used to change procedures where appropriate. Landlords, caravan site owners and

other businesses we deal with should feel they are able to communicate with officers directly and that we will take account of their business in how we deal with them. Landlords are communicated with using an email list, met with directly and via Landlord Forums in order to help inform them and receive feedback and input into our policy determination. Normal practice will be to inform businesses where possible of new or changed legal requirements and we will always seek to offer advice and assistance where appropriate.

## **7. Costs of Enforcement, licensing and other activities**

The reasonable costs associated with enforcement, licensing and other activities will be charged to the responsible persons. For example, the costs of inspection and notice being served under the Housing Act 2004 and officer time costs associated with any works in default carried out along with the works costs. Caravan site provision, variation and transfer of licences, annual inspection and report costs will be charged to the site owner again based upon the officer time required and an administration element. House in Multiple Occupation Licences and renewals will also be charged at a rate to reflect the officer time and cost involved including an administration element. Where applications for licences are received in good time with full information and no issues to resolve, the Council will charge a reduced fee to reflect the reduced officer time required. Penalty Fees will also be charged to reflect officer time costs, administration and a deterrent element based upon history of compliance when available. Specific fees and charges will be reviewed annually and published by the Council as part of the overall fees and charges structure. The Council will actively seek to recover any costs incurred through use of civil action and use of enforced sale of property under the Law of Property Act 1925 where applicable.

## **8. Rent Repayment Orders**

- 8.1 Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders. Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances. This power will be considered in response to all qualifying offences and where there is sufficient evidence for a successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]
- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

## **Agenda Item No. 8.2 Appendix 1**

- 8.2 An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.
- 8.3 S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to a relevant organisation.

# Appendix 1

## Civil penalties under the Renters' Rights Act 2025 and other housing legislation

This appendix covers Civil Financial Penalties for the following legislation:

- Housing Act 2004
- Renters' Rights Act 2025,
- Housing Act 1988
- The Electrical Safety Standards in the
- Private Rented Sector and Social Rented Sector (England) Regulations 2020
- Protection from Eviction Act 1977

This policy applies once the Council has made a decision to commence civil penalty proceedings.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation. The term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above. The terms 'House in Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
- Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

## Agenda Item No. 8.2 Appendix 1

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under s.16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.
- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

### **Statutory Guidance**

The Government has issued statutory guidance entitled "Civil penalties under the Renters' Rights Act 2025 and other housing legislation". The Council has regard to this guidance in the exercise of their functions in respect of civil penalties. There is also statutory guidance on the enforcement of the Housing Health and Safety Rating System that will be followed in particular when determining whether it is appropriate to issue a civil penalty for the presence of a Category 1 hazard and how much that should be for in a rented property.

The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

**Severity of the breach or offence.** The more serious the breach or offence, the higher the penalty should be.

**Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with obligations and/or actions were deliberate and/or they knew, or ought to have known, that they were in breach of legal responsibilities.

**The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

**Punishment of the offender.** The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

**Deter the offender from repeating breaches or offences.** The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

**Deter others from committing similar breaches or offences.** While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

**Remove any financial benefit the offender may have obtained as a result of committing the breach or offence.** The principle here is that it should not be in the offender's financial interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

## **Civil Penalties Matrix**

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

## **Starting point based of seriousness of the breach or offence**

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not been complied with.

## **Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord ("Landlord Type")**

While all landlords are expected to comply fully with their legal obligations, the Council

considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

### **Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants**

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

#### **General approach**

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the

quantum of each penalty.

**Mitigating factors**

The Council may reduce the level of a civil penalty by up to 20% or more of the applicable starting point to reflect the presence of mitigating factors. Ordinarily, the presence of mitigating factors would result in a reduction of up to 20% of the applicable starting point but, in exceptional circumstances, the Council may apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors. Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

**Steps taken to remedy the basis of the breach or offence**

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

**A high level of cooperation**

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

**Acceptance of liability**

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

**Health circumstances**

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

### **Diminished culpability (limited responsibility)**

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

### **Aggravating factors**

The Council may increase the level of a civil penalty by up to 20% or more of the applicable starting point to reflect the presence of aggravating factors. Ordinarily, the presence of aggravating factors would result in an increase of up to 20% of the applicable starting point but, in exceptional circumstances, the Council may apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

#### **Previous history of non-compliance.**

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

#### **Non-cooperation with the Council.**

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

#### **Deliberate intent or negligence when committing the offence.**

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

**The number of occupants affected.**

Non-exhaustive examples include:

- 3-5 occupants affected.

**Duration of non-compliance.**

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

**Vulnerability of occupants**

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

**Financial considerations**

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years' full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years' P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;
- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

### **The totality principle**

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases, and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to

multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

## **Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty**

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. **Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.**

**The following is not an exhaustive list and any new offences or requirement breaches will be dealt with in a comparable approach to the approaches set out below.**

## Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

## Housing Act 1988 breaches and offences

### Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

- None.

### Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

### Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

**Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025**

Starting point	Statutory maximum civil	Landlord Type downward adjustment	No Landlord Type	Landlord Type upward adjustment

	penalty amount		adjustment	
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

- None.

**Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

**Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

**Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

## Housing and Planning Act 2016 offences

Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

## Renters' Rights Act 2025 breaches

### Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

### Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount		Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000		£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

## The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

## Housing Act 2004 offences

### Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

### Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

### Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property.

### Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

**Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004**

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48

hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment

Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400
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Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

**Breach of licence conditions – Section 72(3) Housing Act 2004**

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

**Failure to comply with licence conditions related to:**

- *Signage or the provision of information for tenants*
- *Provision of written terms of occupancy for tenants*
- *Procedures regarding complaints*
- *Procedures regarding vetting of incoming tenants*
- *Compliance with deposit protection legislation*
- *The recording and provision of information regarding rent payments*
- *Procedures relating to rent collection*
- *The provision of information regarding occupancy of the property*
- *The provision of information regarding change of managers or licence holder details*
- *The provision of information related to changes in the property*
- *Requirements relating to the sale of the property*
- *Attending training courses*
- *Requirements to hold insurance*
- *The provision of insurance documentation*
- *The provision of or obtaining of suitable references*
- *The provision of keys and alarm codes*
- *Security provisions for access to the property*
- *The provision of suitable means for occupiers to regulate temperature*
- *Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- *Procedures and actions regarding Inspections*
- *Procedures regarding Repair issues*
- *Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas*
- *Safeguarding occupiers and minimising disruption during works*
- *The provision of information regarding alterations and construction works*
- *Procedures regarding emergency issues*
- *Waste and waste receptacles, pests, minor repairs, alterations or decoration.*
- *Giving written notice prior to entry*
- *Allowing access for inspections*
- *Minimising risk of water contamination*
- *The compliance of furnishings or furniture with fire safety regulations*
- *Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- *The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances*
- *Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status*
- *Procedures and actions regarding ASB*
- *Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- *Minimum floor areas*
- *Occupancy rates*
- *Occupancy of rooms or areas that are not to be used as sleeping accommodation*
- *Limits on number of households allowed to occupy the property or part of the property*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Failure to comply with licence conditions related to:**

- *The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements*
- *The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction*
- *Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector*

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

**Housing Act 2004 section 6A Civil penalty for presence of a Category 1 hazard.**

***Key relevant matters for consideration are in the statutory guidance on HHSRS enforcement.***

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£1,000	£3,000	£6,000

Offence-specific mitigating factors:

- The nature and extent of the defects / hazard

Offence-specific aggravating factors:

- The nature and extent of the defects / hazard

## **Process for imposing a civil penalty and the right to make written representations**

### **Notice of intent**

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

### **Right to make written representations**

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within 28 days beginning with the day after the date on which the notice of intent was given.

### **Decision after the representations period**

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any penalty.

### **Final notice**

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

### **Discount for prompt payment**

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 15% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period,

the discount will not apply.

*Illustrative example of the application of the discount*

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

## **Appeals**

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

## Appendix 2

### The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Landlords need to meet minimum energy efficiency standards in private rented accommodation from 1<sup>st</sup> April 2020. Those found not to be in compliance will normally be informed and given time to comply with the requirements. However where found that the landlord has not responded to ensure or move in a reasonable time to comply, or known to have submitted false or misleading information to gain an exemption, or those landlords having a history of non compliance, then a financial penalty under the above regulations will normally be considered appropriate.

#### Guidance for determining the level of a financial penalty

The maximum level of penalty varied on the type of breach under the regulations

Financial penalties (Regulation 40)

*Where the local authority decides to impose a financial penalty, they have the discretion to decide on the amount of the penalty, up to maximum limits set by the Regulations. The maximum penalties are as follows:*

- (a) Where the landlord has let a sub-standard property in breach of the Regulations for a period of less than 3 months, the Local Authority may impose a financial penalty of up to £2,000 and may impose a publication penalty*
- (b) Where the landlord has let a sub-standard property in breach of the regulations for 3 months or more, the Local Authority may impose a financial penalty of up to £4,000 and may impose a publication penalty*
- (c) Where the landlord has registered false or misleading information on the PRS Exemptions register, the local authority may impose a financial penalty of up to £1,000 and may impose the publication penalty.*
- (d) Where the landlord has failed to comply with compliance notice, the Local Authority may impose a financial penalty of up to £2,000 and may impose a publication penalty.*

**Wyre Forest District Council will use the following matrix as a guide to officers to determine the appropriate penalty**

	Low culpability	High culpability	Notes
Low harm	25%	50%	% = Proportion of maximum penalty
High harm	50%	100%	

#### Notes –

If two or more Penalty Notices apply, the combined maximum per property per breach will be £5,000.

Officers may adjust the penalty from that determined in the matrix if there are particular aggravating or mitigating factors. These may come to light during the investigation and will need to be included in the Penalty Notice.

Also, factors may be provided in representations from a landlord in his or her request to review after the Penalty Notice has been served. Officers will have regard to these factors and may adjust the penalty to increase or reduce as they feel appropriate. Landlords will be provided with a minimum of one month and normally 6 weeks to request a review, presenting any information they wish considered as part of

that review. The landlord will be served a notice after the review with an explanation of any adjustment made. Any representations received will be considered in a case review by the manager of the investigating officer and subject to legal advice prior to determination of whether to confirm, vary, withdraw the financial penalty or allow more time for payment to be made.

The proceeds of any financial penalty received under these regulations will be applied to the costs of the enforcement functions in relation to the private rented sector.

**If a local authority confirms that a property is (or has been) let in breach of the Regulations, they may serve a financial penalty up to 18 months after the breach and/or publish details of the breach for at least 12 months.**

**Factors affecting the culpability –**

**Low -**

- × Landlord’s first offence under these regulations
- × No previous history of non-compliance with housing related regulatory requirements
- × Non –compliance due to complex issues partially out of the landlord’s control

**High -**

- × Landlord has a previous history of non-compliance with housing related regulatory requirements and/or landlord has failed to comply with requests to comply with these regulations
- × Landlord has knowingly or recklessly provided incorrect information in relation to exemptions to these regulations

**Factors affecting harm –**

**High –**

- × Very low EPC rating
- × Vulnerable tenants occupying the property for an extended period of time since non-compliance

**Low –**

- × No vulnerable tenants
- × Higher EPC score, close to the minimum EPC rating (E)

*Tables below show the penalty for each type of offence, applying the proportions of the maximum penalty in the matrix set out above.*

a) Breach is less than 3 months : Maximum fine £2,000			
	Low culpability	High culpability	Notes
Low harm	£500	£1000	
High harm	£1000	£2000	

b) Breach is more than 3 months : Maximum fine £4,000			
	Low culpability	High culpability	Notes
Low harm	£1000	£2000	
High harm	£2000	£4000	

c) Providing false or misleading information : Maximum fine £1,000			
	Low culpability	High culpability	Notes
Low harm	£250	£500	
High harm	£500	£1000	

d) Failing to comply with a Compliance Notice : Maximum fine £2,000			
	Low culpability	High culpability	Notes
Low harm	£500	£1000	
High harm	£1000	£2000	

Principles the council will take into account when applying a civil penalty:

1. **Harm to the tenant.** The greater the harm or potential harm to the tenant, the higher the penalty should be.
2. **Offender’s history of failing to comply with their obligations.** Landlords are expected to be aware of their legal obligations and responsibilities. This could be when a landlord’s actions are seen as deliberate or they should have known they were in breach of their legal responsibilities.
3. **Punishment of the offender.** The civil penalty route should not be seen as an easy option compared to prosecution. Whilst the penalty should follow the matrix, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and has demonstrated that there are consequences for not complying with their responsibilities.
4. **Prevent further offences.** The level of the penalty should be set high enough so it is likely to deter the offender from repeating the same offence again, or any other offence.
5. **Deter others from committing similar offences.** Although it is not made known to the public when someone is served a civil penalty, it is possible landlords may find out as in their local area landlords become aware through informal channels. By setting a high enough penalty it should both punish the offender and deter other landlords from doing the same.
6. **Remove financial benefit.** The offender may have obtained a financial benefit as a result of committing the offence so it is crucial to ensure they have not benefited as a result of the offence. It should not be cheaper to offend than to ensure a property is well maintained and properly managed.

**Culpability - Responsibility for a fault or wrong. Being culpable, is a measure of the degree to which a person, can be held morally or legally responsible for action and inaction.**

**Harm - The damage to something which is caused by a particular course of action.**

## Appendix 3

### **Statement of principles to determine the amount of a penalty charge under Part 4 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 (“the Regulations”)**

Section 13 of the Regulations requires local housing authorities to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The Regulations introduced legal requirements on relevant landlords to:

1. Equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. During any period when the premises were occupied under the tenancy, to ensure that a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and which contains fixed combustion appliance other than a gas cooker.
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
4. Where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.

For the purposes of the legislation, living accommodation includes a bathroom or lavatory.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of the Regulations.

If the landlord then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge and can arrange for remedial action to be taken under certain circumstances. The power to charge a penalty arises from Regulation 8 of the Regulations. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

The Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

A landlord will not be considered to be in breach of their duty to comply with the remedial notice if they can demonstrate they have taken all reasonable steps to comply. Where there is evidence, including written correspondence, of repeated and consistent efforts to obtain access to the property, with access repeatedly being prevented by the occupant(s) of the property, a landlord will not be considered to be in breach of their duty to comply with the remedial notice. A landlord will be expected to have:

- Communicated the risk of harm that the lack of functioning alarms posed to all occupants in writing on multiple occasions
- Requested access to comply with the remedial notice on a regular basis of no longer than every seven days in writing

In considering the imposition of a penalty, the Council may look at the evidence concerning the breach of the requirement of the notice. A non-exhaustive list of methods that may be used to obtain relevant evidence includes, but is not limited to:

- Evidence obtained from a property inspection
- Evidence provided by the tenant or agent
- Evidence provided by the landlord demonstrating compliance with the Regulations by supplying dated photographs of alarms, together with installation records
- That all detector heads have not passed their expiration or replacement date

Landlords need to take steps to demonstrate that they have met the testing requirements at the start of the tenancy requirements. A non-exhaustive list of methods that may be used to evidence compliance with these testing requirements includes, but is not limited to:

- Tenants signing an inventory form which states that they observed the alarms being tested and confirming that the alarms were in working order at the start of the tenancy

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property

When determining the amount of the penalty charge, regard will be had to whether this is a first breach under the Regulations.

### **Determining the amount of the penalty charge for a first breach**

The starting level of a penalty charge for a first breach of the Regulations will be £3000. The penalty charge amount will then be varied depending on aggravating and mitigating factors.

Aggravating factors include, but are not limited to:

- The number of alarms not working or missing (Regulations state there should be one per storey)
- Other fire safety concerns/defects in the property which increase the risk posed to the occupants
- The length of time the offence is believed to have been on-going
- The frequency of complaints to the landlord about the non-working or missing alarms
- The costs of any remedial work the Council have carried out in response to the breach
- Whether the property is let as a HMO (which increases the overall risk)
- The number of occupants living in the property
- Presence of vulnerable occupiers such as elderly, children or disabled people
- Any history of previous enforcement or non-compliance of the landlord
- Attempts to obstruct the investigation

Mitigating factors include, but are not limited to:

- The property being small and low-risk (for example a one-bedroom ground floor flat with a large number of fire escapes including large windows)
- A single occupant living in the property
- Evidence that all required alarms were checked and in working order at the start of the tenancy
- Written evidence that some efforts to gain access and comply with the remedial notice were made and access was prevented by the occupant

The minimum amount of a penalty charge for a first breach of the Regulations will be £2500. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a penalty charge for less than £2500. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors

### **Determining the amount of the penalty charge for a subsequent breach**

The penalty for subsequent breaches by the same landlord will be £5000. Only in exceptional circumstances may the Council depart from the application of this statement of principles and issue a

## **Agenda Item No. 8.2 Appendix 1**

penalty charge for less than £5000. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**

**10 June 2026**

**Removal of permitted development rights for smaller houses in multiple occupation (HMOs) (confirmation of Article 4 direction)**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Cllr Dan Morehead, Cabinet Member for Economic Regeneration, Planning and the Green Agenda
<b>RESPONSIBLE OFFICER:</b>	Kate Bailey, Director of Housing and Planning
<b>CONTACT OFFICER:</b>	Fred Stuart, Planning Officer
<b>APPENDICES:</b>	Appendix 1: Article 4 HMO – Consultation Summary Document

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to provide Cabinet with information and outcomes of the public consultation on the Non-Immediate Article 4 Direction that was carried out between 20<sup>th</sup> of February and 6<sup>th</sup> of April 2026, and to confirm the Direction.
- 1.2 The Direction would remove Class L, Part 3, Schedule 2 permitted development rights which currently permits change of use of dwellinghouses to small HMOs (i.e. a house in multiple occupation with 6 or less people) and vice versa, within the town of Kidderminster only. It would require all proposed small HMOs located in Kidderminster to obtain planning permission from 20<sup>th</sup> February 2027 following the direction being “made” on 20 February 2026.

**2. RECOMMENDATION**

The Cabinet is invited to:

- 2.1 **NOTE the outcomes and responses from the public consultation and the general positive support for the non-immediate article 4 direction;**
- 2.2 **AGREE that the non-immediate Article 4 Direction is confirmed which will be applied to the area within the whole of the parish of Kidderminster (as amended by The Wyre Forest District Council (Reorganisation of Community Governance) (Kidderminster, Kidderminster Foreign and Stourport-on-Severn) Order 2026)) to remove permitted development rights for the change of use of dwellinghouses (C3 use) to smaller Houses in Multiple Occupation (HMOs) (C4 use) to come into force on 20 February 2027, 12 months after being made.**

**3. BACKGROUND**

- 3.1 A public consultation was undertaken between 20<sup>th</sup> of February and 6<sup>th</sup> of April 2026. This provided residents and stakeholders with an opportunity to comment on the proposed non-immediate Article 4 Direction covering the parish of Kidderminster. The Direction would remove permitted development rights for the change of use from dwellinghouses (Use Class C3) to small Houses in Multiple Occupation (Use Class C4).
- 3.2 Appendix 1 provides a detailed summary of the consultation responses. The consultation was conducted via an online questionnaire comprising eight questions, including both multiple-choice and open-ended responses. The questions were as follows:
- Q1 To what extent do you support this proposal?
  - Q2 Please tell us why you feel this way
  - Q3 What impact (if any) do you feel shared houses have on an area?
  - Q4 What benefits do you think this new rule could bring?
  - Q5 What concerns (if any) do you have about this proposal?
  - Q6 Which of these best describes you?
  - Q7 Where do you live?
  - Q8 What's your connection to Kidderminster? Please tick all that apply
- 3.3 Questions 6 to 8 were included to provide information on respondents' characteristics and their relationship to the area. Questions 2, 4 and 5 invited qualitative feedback, while Question 3 offered a range of predefined impacts alongside an 'other' option for additional comments. Question 1 sought to gauge overall support for the proposal. Of the 124 respondents, 81.45% indicated that they strongly support the proposed Direction.
- 3.4 Respondents provided a range of reasons for their views, as summarised in Table 1 of Appendix 1. The majority expressed support for the Article 4 Direction, often citing concerns about the impacts of small HMOs and the need for greater planning control. While the consultation identified a range of potential impacts, additional issues were raised through responses, including perceived effects on property values.
- 3.5 The consultation has provided officers with further insight into the perceived day-to-day and longer-term impacts of HMOs within Kidderminster. Responses indicate a high level of support for the introduction of an Article 4 Direction. It is also evident that respondents generally understand that the Direction would not prevent HMOs but would instead introduce greater planning oversight to manage concentrations and standards.

**4. KEY ISSUES**

- 4.1 The main aims of the Article 4 direction:
- Manage the concentration of HMOs
    - Preventing streets having an excessive number of HMOs, which can significantly change the character of a neighbourhood.
    - Maintaining balanced communities; mix of families, professionals etc.

- Protect residential amenity by reducing problems linked with high HMO density
  - Noise and anti-social behaviour
  - Parking issues and pressures
  - Litter and waste storage
  - Poor property standards and maintenance
- Ensure Better planning control
  - An article 4 removes the permitted development right, meaning landlords need to apply for planning permission before making the conversion
  - This allows the council to assess each application on its merits and against local planning policies and HMO density issues.
- Support sustainable housing and community balance
  - Protect the availability of family housing and prevent over-conversion of properties into HMOs
  - Promote stable, long term communities rather than transient populations.
- Raise housing quality standards
  - Encourage landlords to improve property standards to meet planning and licensing requirements.
  - Help the council ensure that HMOs contribute positively to the local housing market.

4.2 There are two types of Article 4 direction:

- Non-immediate Article 4 direction: This type requires a public consultation before it can be introduced. It must then be confirmed after the consultation period, and the Secretary of State must be notified once it is made and confirmed.
- Immediate Article 4 direction: This can take effect as soon as it is issued, removing permitted development rights immediately before consultation. However, it must be confirmed by the local authority within six months, and the Secretary of State must also be informed.

**5. FINANCIAL IMPLICATIONS**

- 5.1 From a resources perspective the impact on the council, if the Direction is implemented, there may be an increase in planning applications and therefore additional work for officers. However it is considered that the benefits will outweigh the additional pressure on officer resource, and the Council will receive additional planning fees for these applications.
- 5.2 There is potential for compensation claims against the council. However, the implementation of a non-immediate Article 4 Direction would reduce the risk and likelihood of these compensation claims. The categories of compensation claims that could be made include abortive expenditure, diminution in the value of the land, loss of anticipated profit, and other financial commitments.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Currently the legislation allows the change of use of a single family dwellinghouse (Use Class C3) to a smaller HMO (C4) without the need for planning permission as

this constitutes “permitted development”. A change of use to a larger HMO (i.e. over 6 residents) always requires planning permission. The permitted development regime means that the Council has no scope to regulate the quality, spread, concentration or location of these smaller HMOs.

- 6.2 An Article 4 direction on HMOs specifically refers to powers granted under the Town and Country Planning Act 1990, and it is exercised through the Town and Country Planning (General Permitted Development) (England) Order 2015. Wyre Forest District Council can remove permitted development rights by making an Article 4 direction, provided they can demonstrate a clear need for such a measure. It is important to emphasise that an Article 4 direction does not constitute an outright ban on new HMOs. Rather, it ensures that proposals for HMO conversions are subject to the statutory planning process, giving greater control over the number, distribution and management of HMOs.
- 6.3 The process for making an Article 4 direction is governed by the Town and Country Planning (General Permitted Development) Order 2015 (as amended). In accordance with the statutory framework, the following requirements must be met:
- **Publication of Notice:** The Local Planning Authority (LPA) must publish a notice of the making of the Article 4 direction, including displaying site notices and publishing the notice in a local newspaper. Affected parties must be notified in accordance with the regulations.
  - **Statutory Consultation:** A formal consultation period must be undertaken, during which interested parties are provided an opportunity to make representations.
  - **Consideration of Representations:** The LPA is required to consider all representations received during the consultation period prior to determining whether the Direction should be confirmed.
  - **Confirmation of the Direction:** For a non-immediate Article 4 direction, the LPA must formally confirm the Direction following the conclusion of the consultation process. The Direction may only take effect from the date specified within the confirmation notice (which cannot be less than 12 months from the making of the Direction).
  - **Justification and Evidence:** The Direction must be supported by appropriate evidence and must satisfy national policy tests, including demonstrating that the restriction is necessary to protect local amenity or the well-being of the area, and that it applies to the smallest geographical area required.
  - **Notification to the Secretary of State:** The Secretary of State must be notified both when the Article 4 direction is made and when it is confirmed, in accordance with statutory requirements.
- 6.4 National planning policy framework advises that Article 4 directions should be used only when absolutely necessary. They must be supported by robust evidence, aimed at protecting local amenity or community well-being, and should cover the smallest area possible. Furthermore, in accordance with paragraph 54 of the National Planning Policy Framework (NPPF), non-immediate Article 4 directions require only that the local planning authority demonstrate the necessity of the direction to safeguard local amenity or to support the well-being and sustainable development of the area.

- 6.5 The potential harm that the Article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority).
- 6.6 The detailed procedure for an Article 4(1) direction without immediate effect is located within The Town and Country Planning (General Permitted Development) (England) Order 2015, SCHEDULE 3.
- 6.7 The Secretary of State has to be informed about the Article 4 direction and then has the power to modify or cancel Article 4 directions at any time before or after they are made but the Secretary of State will not use his powers unless there are clear reasons why intervention at this level is necessary.

## **7. IMPACTS and IMPACT ASSESSMENT**

- 7.1 An equality impact assessment screening exercise was undertaken and a full assessment is not required as there were no adverse effects for those with a protected characteristic. The EIA is available to view at:  
<https://www.wyreforestdc.gov.uk/your-council/equality-diversity-and-inclusion/equality-impact-assessments-eia/eqia-planning-for-houses-in-multiple-occupation-hmo-article-4-direction/>
- 7.2 An Article 4 direction on HMOs can have a positive impact on the health and well-being of both residents and tenants. By controlling the concentration of HMOs, the policy helps to reduce overcrowding, noise, and anti-social behaviour, which are known to contribute to stress, sleep disturbance, and mental health issues. It also enables the council to ensure that HMOs meet minimum standards for space, ventilation, and amenities, improving living conditions and reducing risks associated with poor quality housing. Collectively, these measures support safer, healthier, and more balanced communities, enhancing the quality of life for both tenants and neighbouring residents.
- 7.3 By requiring planning permission for changes of use, the policy helps to prevent excessive concentrations of HMOs in particular areas, which can reduce pressure on local infrastructure such as parking, waste management, and public services. This control also enables the council to maintain the character and amenity of neighbourhoods, ensuring that residential areas remain balanced and sustainable.

## **8. RISK MANAGEMENT**

### **8.1 Compensation Claims**

There is a potential risk of compensation claims from landlords or developers following the implementation of an Article 4 direction. This risk is mitigated by implementing a non-immediate Article 4 direction, which reduces the likelihood of compensation liabilities for the Local Planning Authority.

### **8.2 Increased Planning Applications**

The introduction of the Direction may result in an increased number of planning applications for HMOs, placing additional demand on the planning team. However,

the benefits of the Direction outweigh this impact, and planning fees can help offset the additional resource requirements.

**8.3 Legal Challenge**

The Direction could be subject to legal challenge if statutory procedures are not correctly followed, for example regarding consultation requirements. Ensuring an adequate consultation period and adherence to procedural requirements helps mitigate both legal and compensation risks.

**8.4 Risk of Inaction**

If the Article 4 direction is not implemented, the issues outlined in this report, such as over-concentration of HMOs and associated impacts on local amenity, may worsen, potentially resulting in significant negative effects on the town of Kidderminster.

**8.5 Risk of Accelerated HMO Conversions**

Public awareness of the proposed Article 4 direction may lead to an increase in conversions of dwellings into small HMOs during the 12-month notice period which runs from 20 February 2026, when it was made and 20 February 2027 when the Direction comes into force. This could result in a concentration of unplanned HMOs, undermining the purpose of the Direction and creating additional pressures on local services, parking, amenity, and housing mix before effective controls can be applied.

**9. CONCLUSION**

9.1 The consultation demonstrates a clear level of public support for the proposed Article 4 Direction in Kidderminster. Of the 124 respondents, over 80% expressed support, indicating a strong preference for the introduction of increased planning control in relation to Houses in Multiple Occupation (HMOs).

9.2 Responses highlight that this support is primarily driven by concerns regarding the cumulative impacts of HMOs on neighbourhood character, parking provision, housing availability and overall community wellbeing. Many respondents identified a need for greater regulation and oversight, not to prevent HMOs entirely, but to ensure that their development is appropriately managed. While HMOs are recognised by some respondents as contributing to the local housing supply, the prevailing view is that their growth should be carefully controlled to mitigate potential negative effects, including pressures on local infrastructure, property standards and residential amenity.

9.3 The impacts of HMOs identified through the consultation were predominantly negative, such as perceived effects on property values. A limited number of respondents raised concerns about the proposed Article 4 Direction itself, with these largely relating to its effectiveness and the need for appropriate implementation and enforcement.

9.4 Overall, the consultation provides a robust evidence base to inform decision-making. It indicates a clear level of community support for the introduction of an Article 4 Direction to enable greater planning oversight and to support a more balanced approach to the management of HMOs within Kidderminster.

**10. CONSULTEES**

10.1 CLT

10.2 Planning Manager, WFDC

**11. BACKGROUND PAPERS**

Not applicable.

## Appendix 1 - Article 4 HMO – Consultation Summary Document

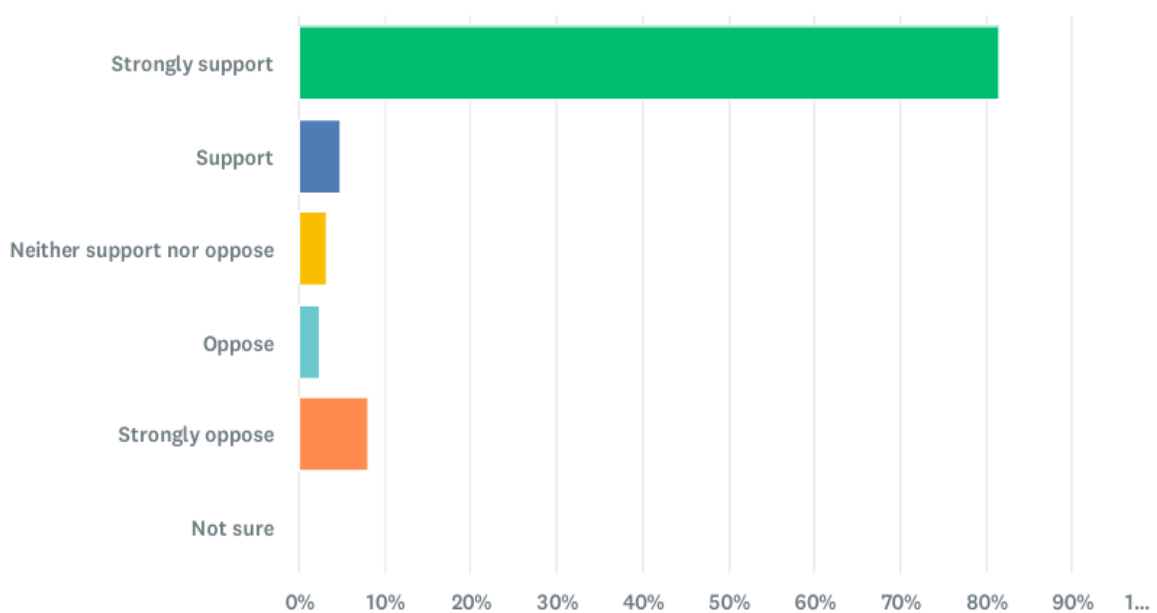
### Support or Oppose

This document provides a summary of the responses received through the public consultation that the Wyre Forest District Council ran from the 20<sup>th</sup> of February to the 6<sup>th</sup> of April 2026. The online questionnaire had a variety of questions designed to understand people’s opinions of implementing a non-immediate article 4 direction within the town of Kidderminster.

124 responses were received through this period, with a significant majority (81.45%) supporting the proposal as shown below in figure 1. Whilst only 8.06% strongly opposed the direction.

### Q1 To what extent do you support this proposal?

Answered: 124 Skipped: 0



**Figure 1**

The 2<sup>nd</sup> question asked why they feel this way when answering question 1 and they could express in their own words why they answered the way they answered for question 1, not all the respondents chose to write why as it was not mandatory. Table 1 shows what categories the responses fell into. A lot of the responses mentioned multiple reasons, and this means that the total in the table is above 124, to ensure all responses were considered.

**Table 1**

<b>Category of Response</b>	<b>Number of times mentioned</b>
Regulation and/or planning control support	<b>28</b>
Impact on community/neighbourhood character	<b>21</b>
Parking and Traffic Issues	<b>17</b>
Housing stock impact (loss of family homes and impact on first time buyers)	<b>15</b>
Poor Landlord practices (Profit driven, overcrowding, exploitation)	<b>13</b>
Infrastructure and Public services pressure – strain on healthcare, schools, roads etc	<b>11</b>
Safety and Living Condition concerns	<b>11</b>
Overconcentration of HMOs	<b>9</b>
Noise and Anti-Social Behaviour	<b>8</b>
General HMO Complaints	<b>8</b>
Supports the potential council/community input on decisions	<b>8</b>
Property Value Concerns	<b>5</b>
Support for LPA to have oversight	<b>4</b>
Negative perceptions of tenants in HMOs	<b>3</b>
Construction concerns (Disruption from building works)	<b>1</b>
Geographical concerns – Worried the problem could be pushed elsewhere	<b>1</b>

The responses show a clear concern about the impact of HMOs on local areas, with the most prominent theme being the need for stronger regulation and planning control (raised in around 27% of responses). Many residents also highlighted worries about changes to neighbourhood character (20%), alongside practical pressures such as increased parking demand (16%) and the loss of family housing (14%). Issues relating to landlord practices, infrastructure strain, and housing quality were also commonly mentioned. While fewer respondents referred to specific problems like anti-social behaviour or property values, these concerns still contribute to an overall perception that, without tighter oversight, HMOs can negatively affect both living conditions and community stability.

The overwhelming majority of responses were in support of the Article 4 and subsequently raised concerns around impacts of HMOs or support for tighter planning controls. There were multiple responses that discussed that there is a need for HMOs and that they are an important part in the housing provision but support the local planning authority having oversight and the community being able to contribute to discussions and be made aware of potential HMOs in their community. The direction won't prevent HMOs existing, but will help ensure that the impacts are reduced.

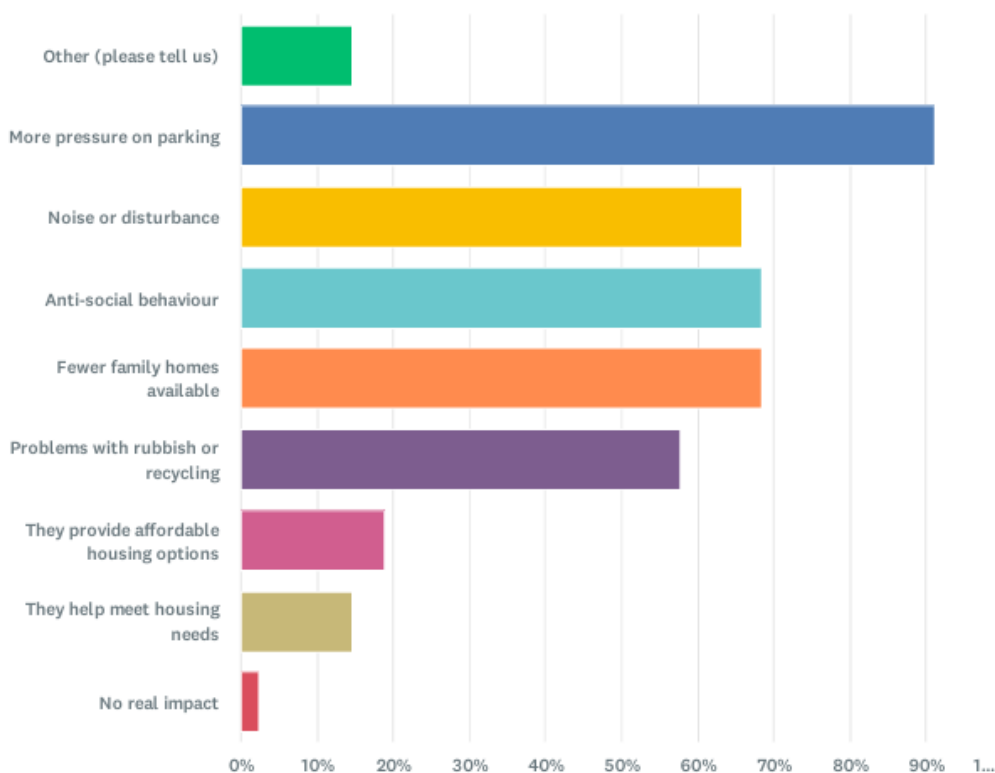
**Impacts**

Not every question was mandatory therefore subsequent questions did not receive 124 responses. Figure 2 shows the result of question 3 which asked what was the impacts that are caused by HMOs. Only 1 respondent skipped this question. The respondents were allowed to select more than one option as it would be restrictive to force a single impact answer. Although the 2<sup>nd</sup> question in the consultation was produced similar responses question 3 focused solely on impacts of HMOs rather than the reason the article 4 direction should be made.

The negative impact options were selected far more than the positive impact options as shown in figure 2, with pressures on parking being selected by over 90% of respondents.

**Q3 What impact (if any) do you feel shared houses have on an area?**

Answered: 123 Skipped: 1



**Figure 2**

‘Other’ was selected by 14% which provided an opportunity for respondents to write their own impact. The written responses have been grouped into categories in table 2. Some respondents used the written opportunity to mention impacts that were options in the original question. Table 2 shows that the respondents believe negative impacts on house value and the community are being caused by HMOs. Out of the 15 suitable

responses to the other option, 14 of them were highlighting negative impacts and only one respondent wrote a positive impact of HMOs.

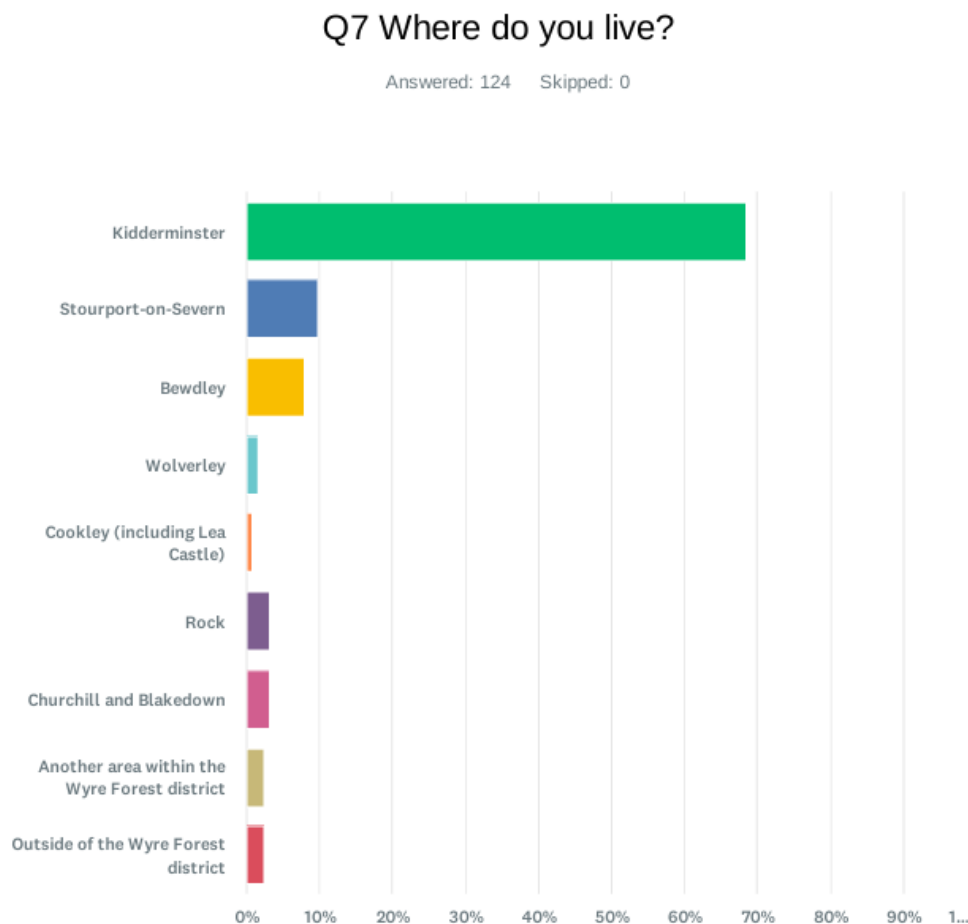
Question 4 asked what benefits do you think this new ‘rule’ could bring and the majority of responses from people who didn’t skip the question discussed various impacts it would reduce that have been raised in other questions and how it would provide the LPA with some control and protection for communities and neighbourhoods, and tenants health and wellbeing.

**Table 2**

Category of Impact	Number of responses
Decrease house value (including surrounding properties)	5
Parking pressures	1
Provide students and temporary workers accommodation	1
Insufficient system of landlord management	3
Negatively impact neighbourhood/community	5
Inappropriate or irrelevant responses	3

### Who were the respondents

Figure 3 below shows where the 124 respondents live, with a significant majority of the respondents living in Kidderminster (68.55%) and 17.74% living within Stourport or Bewdley. 13.71% not within the 3 main towns within the district.



Therefore, we received the majority of the responses from the people that will be impacted the most from HMOs within Kidderminster, whilst still receiving responses from respondents from a variety of locations within the district.

### Concerns about the Proposed Article 4 Direction

Table 3 shows the responses to question 5 which asked, ‘What concerns (if any) do you have about this proposal?’. Not every respondent completed this question, 42 skipped, therefore the 42 respondents who skipped assumptions can be made that they do not have any concerns regarding the article 4 direction.

Most respondents expressed no concerns about the proposal, with many actively supporting it. Among those who did raise issues, the most common view was that the proposal does not go far enough or may not be effectively enforced. A smaller proportion highlighted potential unintended consequences such as reduced housing supply, impacts on affordability or the delays and additional costs of planning applications.

Multiple respondents did not raise concerns with the proposal but provided further impacts and concerns they have about HMOs within Kidderminster, such as parking issues, anti-social behaviour and waste issues being raised similarly to previous questions, therefore those responses have not been included in table 3.

**Table 3**

Category of Concern	Number of responses
No Concerns (Support the direction)	<b>36</b> (42 also skipped the concerns question)
The proposal is not strong enough	<b>9</b>
Doubts about enforcement/monitoring and decision making	<b>8</b>
Reducing the Housing supply or increased rents	<b>6</b>
Increased costs and delays through planning applications	<b>5</b>
Relocating of the problem to other areas in the district	<b>1</b>

### Conclusion

In conclusion, the consultation demonstrates a clear and substantial level of public support for the proposed Article 4 Direction in Kidderminster. With over 80% of respondents in favour, the findings indicate a strong appetite for increased planning control over HMOs, primarily driven by concerns about their cumulative impact on

neighbourhood character, parking pressures, housing availability, and overall community wellbeing.

Respondents consistently highlighted the need for greater regulation and oversight, not to eliminate HMOs entirely, but to ensure they are managed in a way that balances housing provision with the protection of established communities. While HMOs are recognised by some as an important part of the local housing mix, the prevailing view is that their growth requires careful monitoring to mitigate issues such as poor landlord practices, strain on infrastructure, and declining living standards.

The perceived impacts of HMOs are overwhelmingly negative, particularly in relation to parking demand, neighbourhood disruption and housing value decline, reinforcing the need for intervention. Relatively few respondents raised concerns about the Article 4 Direction itself, and those who did largely focused on its potential limitations, suggesting that the proposal may need to be robustly enforced and possibly strengthened to achieve its intended outcomes.

Overall, the consultation provides a strong evidence base supporting the introduction of the Article 4 Direction. It reflects a community seeking a more balanced and sustainable approach to housing management, where growth in HMOs is controlled, local voices are considered and the quality of life for residents is safeguarded.