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Wednesday, 18 October 2023

To All Councillors:

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday, 26 October 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Bank Road, Matlock, DE4 3NN**

Yours sincerely,

Paul Wilson
Chief Executive

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AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 5 - 10)

07 September 2023

3. RECEIVE THE MINUTES OF SUB-COMMITTEE MEETINGS (Pages 11 - 26)

To receive the minutes of the following Sub-Committee meetings:

- Local Plan Sub-Committee – 27 September 2023
- Biodiversity Sub-Committee – 13 September 2023

4. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

5. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

6. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

7. ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN (Pages 27 - 32)

This report summarises discussions at the first meeting of the Air Quality Action Plan Working Group core group and proposes that further updating reports are provided to future meetings of this Committee.

8. BIODIVERSITY ACTION PLAN SPECIFICATION (Pages 33 - 44)

The report presents a specialist professional services quotation brief for the approval of Members. The resulting action plan will allow the Council to meet the requirements of the enhanced Biodiversity Duty as set out in the Environment Act 2021. The quotation brief was approved by the Biodiversity Sub-Committee on 13 September 2023.

9. PRIVATE RENTED SECTOR STUDY (Pages 45 - 94)

Derbyshire Dales DC and Amber Valley BC secured a £25,000 grant from the Local Government Association (LGA) and their Housing Advisers Programme at the end of 2021/22. The grant award followed a successful bid for funding to undertake research into the private rented sector across both council areas. Altair were appointed to undertake the research which took place between April 2022 and March 2023. The final report was received prior to the local elections in May, hence the delay in reporting to Members. Altair have put forward several recommendations for Derbyshire Dales DC to consider and these are set out in the report.

Members of the Committee - Councillors Martin Burfoot (Chair), Peter O'Brien (Vice-Chair), Robert Archer, Anthony Bates, Kelda Boothroyd, Matt Buckler, David Chapman,

Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Dermot Murphy, Andy Nash, Peter Slack and Steve Wain

Substitutes – Councillors John Bointon, David Burton, Neil Buttle, Nigel Norman Edwards-Walker, Joanne Linthwaite, Simon Ripton, Roger Shelley and Nick Whitehead

NOTE

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Community & Environment Committee

Minutes of a Community & Environment Committee meeting held at 6.00 pm on Thursday, 7th September, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Martin Burfoot - In the Chair

Councillors: Robert Archer, Anthony Bates, Kelda Boothroyd, Matt Buckler, David Chapman, Peter Dobbs, Marilyn Franks, Gareth Gee, Andy Nash, Peter O'Brien, Peter Slack, John Bointon, Nigel Norman Edwards-Walker and Roger Shelley

Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Karen Carpenter (Environmental Health Officer), Robert Cogings (Director of Housing), Amanda Goodwill (Environmental Health Manager), Lucy Harrison (Democratic Services Assistant), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)) and Tommy Shaw (Democratic Services Team Leader)

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APOLOGIES

Apologies for absence were received from Councillor(s): Susan Hobson, Dermot Murphy and Steve Wain

96/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Matthew Buckler, Seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That the minutes of the meeting of the Community and Environment Committee held on 13 July 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

97/23 - PUBLIC PARTICIPATION

There was no public participation.

98/23 - INTERESTS

Item 8 – Visit Peak District, Derbyshire and Derby: Partnership Agreement 2023-2026

Councillor David Chapman declared a pecuniary interest in Item 8 due to his wife being employed by the District Council as a Tourism Officer.

99/23 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

No questions were received.

100/23 - ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN

The Director of Regulatory Services introduced a report outlining the outcomes of the public consultation on the proposals put forward as part of the draft Ashbourne Air Quality Management Area Action Plan. The report sought Member approval for the establishment of a working group to assist with the ongoing development of actions to address air quality issues.

At a Meeting of the Committee on 7th April 2021 it was agreed that updating reports would be submitted to further meetings of the Community and Environment Committee whilst work was undertaken to develop a draft Action Plan to address the exceedance of the air quality objective. These updating reports had been considered by the Committee at regular intervals and had led to proposals being agreed for public consultation. The period of public consultation concluded on 26th June 2023 and the outcomes from that consultation exercise had been analysed and detailed in Appendix 2 to the report.

At the meeting of the Community and Environment Committee on 13th July 2023 the Committee discussed the desirability of re-establishing an ongoing Working Group to monitor the success or otherwise of any Action Plan and to consider any necessary future developments of that Action Plan. It was suggested that the re-establishment of such a Working Group could provide a forum to consider and prepare further options for actions that could address air quality issues within the Ashbourne Air Quality Management Area for future consideration by the Community and Environment Committee, taking into account the outcomes from the consultation exercise and the implications of the Ashbourne Reborn project.

The recommendations as set out in the report were moved by Councillor Peter Dobbs and seconded by Councillor Robert Archer with the following amendment to recommendation 2:

2. That an Air Quality Action Plan Working Group be re-established, with a membership drawn from but not limited to those individuals listed in paragraph 2.18 below with a core

group within the working group to provide continuity for the collation and evaluation of possible actions, with the core group to be at least one officer from the District Council and two elected Members taken from the list set out in the report.

The motion was put to the vote and

RESOLVED (Unanimously)

1. That the responses received from the consultation exercise in relation to the Ashbourne Air Quality Action Plan be noted.
2. That an Air Quality Action Plan Working Group be re-established, with a membership drawn from but not limited to those individuals listed in paragraph 2.18 below with a core group within the working group to provide continuity for the collation and evaluation of possible actions, with the core group to be at least one officer from the District Council and two elected Members taken from the list set out in the report.
3. That progress on the re-establishment of the working group and its preliminary findings be reported to the next meeting of the Community and Environment Committee.
4. That a report be prepared on the options and costs associated with expanding the Council's current air quality monitoring to include fine particulates.

The Chair declared the motion **CARRIED**.

101/23 - LOCAL AUTHORITY HOUSING FUND - ROUND 2

The Director of Housing introduced a report following the Government announcement of the closure of bridging hotels, which were housing Afghan refugees. Councils were asked to provide housing to support the successful moving on of families, some of whom had been in hotels since early 2022.

The Council had received an allocation to purchase one 'bridging' home in the Local Authority Housing Fund (LAHF) Round 1 programme (the bulk of LAHF1 is for 17 Ukrainian properties). That property was acquired on 23 June and a family had now moved in. Members were updated on how the LAHF Round 1 proposal was progressing with six properties purchased, five further properties in the process of being acquired and seven properties left to be identified.

It was noted that grant funding through the Local Authority Housing Fund Round 2 (LAHF2) was available in two ways, firstly as a direct grant with 200 councils receiving an allocation and a further 66 who had been asked to submit an expression of interest (EOI) to take up any underspend. Under LAHF2 £250m had been made available to buy larger properties but this would buy less than 2,000 homes.

The Council was not allocated a grant initially through LAHF2, instead officers were advised that if any funding remained, then the authority would be offered £126,000 + £20,000 per property. Some of the 200 councils offered the grant did not take up the allocation. As such the grant had now been confirmed and the District Council was expected to enter into a Memorandum of Understanding with DLUHC. It was noted that both LAHF1 and 2 are challenging to deliver given open market values.

It was moved by Councillor Peter O'Brien, seconded by Councillor Robert Archer and

RESOLVED (Unanimously)

That approval be given to the delivery of LAHF2 as set out in the report.

The Chair declared the motion **CARRIED**.

18:40pm – Councillor David Chapman left the meeting due to previously declaring an interest in Item 8.

102/23 - VISIT PEAK DISTRICT, DERBYSHIRE AND DERBY: PARTNERSHIP AGREEMENT 2023-2026

The Director of Regeneration and Policy introduced a report which sought Member approval for the renewal of the Partnership Agreement between the District Council and Visit Peak District, Derbyshire and Derby (the official Tourist Board for this area).

Members were informed that annual expenditure for Visit Peak District, Derbyshire and Derby (VPDDD) varied but was approximately £750,000, of which some £168,500 was directly contributed by local authority partners. The largest district council funding contribution was from Derbyshire Dales District Council. This reflected the fact that the district contained more visitor economy businesses and attractions than other districts.

It was noted that VPDDD was one of the first 15 destination management organisations to be awarded the status of Local Visitor Economy Partnership (LVEP) by the Government earlier this year. LVEP status had been awarded to some of the larger and more viable destination management organisations, and recognised VPDDD's approach to partnership working. As part of the LVEP agreement, joint working between the existing Visit Peak District and Derbyshire and the existing Visit Derby organisations was being formalised – hence both titles, along with VPDDD, were still currently in use.

The VPDDD Board comprised of private sector industry representatives and local authority representatives. The Council was represented on the Board of VPDDD by Councillor Lucy Peacock in 2023/24. If the LVEP in time had a different Board structure, it was recommended that the Council (as the district contains more visitor economy businesses and attractions than other districts) should have a seat on the LVEP Board too.

It was moved by Councillor Roger Shelley, seconded by Councillor Andy Nash and

RESOLVED (Unanimously)

1. That the Partnership Agreement between Visit Peak District, Derbyshire and Derby and Derbyshire Dales District Council 2023-2026 be approved.
2. That the District Council takes a seat on the Local Visitor Economy Partnership (LVEP) Board when established.

The Chair declared the motion **CARRIED**.

Meeting Closed: 7.09 pm

Chairman

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Local Plan Sub-Committee

Minutes of a Local Plan Sub-Committee meeting held at 6.00 pm on Wednesday, 27th September, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor O'Brien - In the Chair

Councillors: Matt Buckler, Martin Burfoot, Nigel Norman Edwards-Walker, Gareth Gee, Susan Hobson, David Hughes, Lucy Peacock and Roger Shelley

Officers:

Steve Capes (Director of Regeneration & Policy), Mike Hase (Policy Manager), Esther Lindley (Senior Planning Policy Officer) and Angela Gratton (Democratic Services Officer)

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APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer

131/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Gareth Gee, Seconded by Councillor David Hughes and

RESOLVED (unanimously)

That the minutes of the meeting of the Local Plan Sub-Committee held on 3 July 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

132/23 - PUBLIC PARTICIPATION

There was no public participation.

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133/23 - INTERESTS

There were no declarations of interest.

134/23 - DERBYSHIRE DALES LOCAL DEVELOPMENT SCHEME 2023-2026

The Senior Planning Policy Officer introduced a report seeking approval of the revised Development Scheme (LDS) for the period covering 2023-2026. The National Planning Policy Framework requires that the planning system should be plan led, with an up-to-date plan providing a positive vision for the future of the area that sets out a framework for addressing housing needs, economic, social and environmental priorities. Plan makers have until 30 June 2025 to submit plans under the existing framework. After recent discussions with Members three potential options set out in section 2.4 of the report were considered for consultation and preparations of the Local Plan.

OPTION 2 represented the most appropriate approach for preparation of the Derbyshire Dales Local Plan. This recognised and balanced the desire to undertake early and constructive public consultation on the key housing and spatial strategy issues for the Local Plan alongside the requirement to advance plan preparation and meet the deadline to submit the Plan for examination to the Secretary of State by the 30 June 2025 deadline.

This option would entail completion of the ‘housing’ evidence base elements of the Local Plan and a targeted ‘issues and option’ style consultation. This would include options to meet the housing requirement for the plan area, such as the housing target, evidence on site availability, distribution strategy and settlement hierarchy. Consultation would be carried out in spring 2024, following which the wider evidence base would be finalised and the statutory stages of consultation at Regulation 18 (Preparation of the Local Plan) and 19 (Publication of the Local Plan) would be undertaken. This option would see the Plan submitted for examination in June 2025.

It was moved by Councillor Matthew Buckler, Seconded by Councillor Lucy Peacock and

RESOLVED (unanimously)

Option 2 be taken forward for consultation.

The Chairman declared the motion **CARRIED**.

135/23 - DERBYSHIRE DALES LOCAL PLAN - DESIGN POLICY REVIEW

The Senior Planning Policy Officer introduced a report advising Members that the Government is placing much more importance on the quality of the design and appearance of new development and reminding Members one of the key areas identified as part of the review of the Derbyshire Dales Local Plan was a need for the strengthening of policies relating to design. The report sought Members approval for the appointment of appropriately qualified and experienced consultants to undertake a review of the design policies in the Local Plan and to provide advice to the District Council on the most suitable approach to the introduction of a Derbyshire Dales Design Code. The contents of a detailed specification and brief for consultancy services was set out in Item 6, Appendix 1 of the agenda for Members consideration and approval.

The review of the Derbyshire Dales Local Plan identified the design policy element required revision to ensure it is compliant with the National Planning Policy Framework. Furthermore, the Levelling Up and Regeneration Bill will make it mandatory for all local planning authorities to produce a Design Code for its area. These codes will have full weight in making decisions on development, either through forming part of local plans or being prepared as a supplementary plan. A Design Code will include measures to seek to mitigate and adapt to the effects of Climate Change and be subject to a Climate Change Impact Assessment, Landscape Character and Design, Heritage and Conservation areas.

The Design Policy Review, as per the specification will provide options and recommendations as to how policies in the Derbyshire Dales Local Plan should be revised to address the requirement to prepare a Design Code and necessary policy revisions within the Plan. These options will be presented to future meetings of the Local Plan Sub Committee to determine the appropriate policy approach to design that could be adopted in the revised Derbyshire Dales Local Plan.

The commissioning of consultants to undertake a Design Policy review for the Derbyshire Dales Local Plan will require additional financial resources the estimated cost being £30,000. A request for a Supplementary Revenue Budget for the Derbyshire Dales Design Policy Review commission is due to be considered at the meeting of Council on 28th September 2023. If approved, the expenditure will be financed from the Local Plan Reserve.

It was moved by Councillor Matthew Buckler, Seconded by Councillor Gareth Gee and

RESOLVED (unanimously)

1. That the Brief for Consultancy Services on the Derbyshire Dales Local Plan – Design Policy Review as set out in **Appendix 1** be approved and circulated to consultants to obtain quotations.
2. That consultants be commissioned, in accordance with the District Council's procurement procedures, to prepare advice to the District Council as Local Planning Authority on the design policies and proposals of the Derbyshire Dales Local Plan, including Design Codes as part of the ongoing review of the Derbyshire Dales Local Plan.
3. That the results of the commission be reported to future meetings of the Local Plan Sub Committee for approval and incorporation in the revised Derbyshire Dales Local Plan.

The Chairman declared the motion **CARRIED**.

7.15 pm Councillor Hobson left the meeting.

136/23 - LEVELLING UP AND REGENERATION BILL - CONSULTATION ON IMPLEMENTATION OF PLAN MAKING REFORMS

The Policy Manager introduced a report on the Government's 12-week public consultation launched on 25 July 2023 on proposed changes that it would like to introduce as a means of improving the preparation of Local Plans. The Government are seeking a response to the public consultation by 18 October 2023. The report provided details of the proposed changes and recommended a response to the Government.

Members were asked to note the contents of the consultation and after consideration send any additional comments for inclusion in the submission to the Policy Manager by 13 October 2023. The report also sought approval to delegate authority to the Director of Regeneration and Policy to make the final submission to the Secretary of State on behalf of Derbyshire Dales.

The Government suggest that local plans will need to contain a locally distinct vision which will anchor the plan, provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period.

In line with the Levelling up and Regeneration Bill it is proposed that the Government would prepare a suite of National Development Management policies. Local Plans would include locally generated development management policies that should be underpinned by appropriate justification and wherever possible enable delivery of the Plan's vision.

A timeframe of 30 months is proposed to prepare and adopt a plan. To ensure that the plan making process remains on timetable the Government is proposing to require local planning authorities to prepare their timetable consistently and to report against the same milestones, with the Local Development Scheme not being required. It proposes that plan making be governed by a series of three Gateways. These would involve the local planning authorities process being assessed by independent specialist support, including the Planning Inspectorate. They are envisaged to be advisory checks, except the final gateway which would be a binding stop/go check which would allow, or otherwise, a plan to proceed to examination.

At the same as wanting to speed up the plan preparation process the Government is also wanting to increase the amount of engagement that takes place during the plan making process. It suggests four themes:

- Greater role for digital plan making
- Planning and monitoring the engagement approach
- Focus on early participation
- Standardised approach to consultation.

The Government has indicated that the legislation to introduce these changes will be in place by Autumn 2024. The District Council will need to ensure that to progress the completion of the review of the Derbyshire Dales Local Plan that the updated plan is submitted to the Secretary of State by 30th June 2025, failure to meet this will require the District Council to prepare a new Local Plan under the auspices of the new regime.

7.30 pm Councillor Roger Shelley left the meeting.

It was moved by Councillor Martin Burfoot, Seconded by Councillor Gareth Gee and

RESOLVED (unanimously)

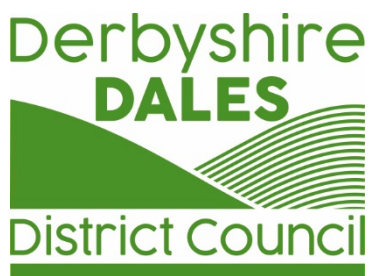
1. That the contents of the consultation be noted.
2. That the recommended Officers' response to the consultation questions as set out in Appendix 2 forms the basis of a submission to the Department for Levelling Up, Housing and Communities by the deadline of 18th October 2023.
3. That any additional comments from Members following consideration of this report be sent to the Policy Manager for inclusion in the submission to the Secretary of State by no later than 13th October 2023.
4. That authority be delegated to the Director of Regeneration and Policy to make the final submission to the Secretary of State on behalf of the District Council.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 7.43 pm

Chairman

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Biodiversity Sub-Committee

Minutes of a Biodiversity Sub-Committee meeting held at 6.00 pm on Wednesday, 13th September, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Matt Buckler - In the Chair

Councillors: Martin Burfoot, John Bointon, Stuart Lees, Roger Shelley and Peter Slack

Officers:

Tim Braund (Director of Regulatory Services), Joanna Hill (Climate Change Project Officer), Mike Hase (Policy Manager), Samantha Grisman (Clean & Green Manager) and Angela Gratton (Democratic Services Officer)

Public: 2

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APOLOGIES

Apologies for absence were received from Councillor(s):

115/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter Slack, Seconded by Councillor Martin Burfoot and

RESOLVED

That the minutes of the meeting of the Biodiversity Sub Committee held on 19 July 2023 be approved as a correct record.

Voting

05 For
00 Against
01 Abstentions

The Chair declared the motion **CARRIED**.

116/23 - PUBLIC PARTICIPATION

In accordance with the procedure for public participation Ms Laura Stevens (Matlock Local Resident) gave a statement and asked a question regarding the District Council's use of Glyphosate.

"Glyphosate as a weed control product is used in small quantities on Derbyshire County Council (DCC) Countryside sites by certificated staff using appropriate PPE.

Primarily it is used as an herbicide on INNS (invasive non-native species) on our sites. In practice, this is Giant Hogweed and Japanese knotweed, for which there is little or no alternative treatment. This is generally applied by spray, but we have recently started using an injector to deliver a metered dose into the plant stem as this is a more effective methods of treatment.

On 16 March 2023 at a DDDC council meeting, two people asked DDDC about their use of glyphosate. The following answer was given:

We appreciate the concerns around the use of glyphosate and we are trying to balance this against this other factor such as, complaints and service requests received and the resources available to provide hand removal. Therefore, we are proposing to reintroduce its use in a significantly reduced and limited manner. The use will solely be considered for closed churchyards and access roads to cemeteries and leisure centres. All other areas will continue to be managed with a weed ripper and hand weeding. This was decided in 2020 following a review of possible alternatives.

Please note the point in the report that we will continue to work towards finding a suitable replacement for glyphosate.

Sue Bliss took the attached images in May and August of this year. Concerned that glyphosate was being used in an area where children play and dogs roam freely, Sue submitted a FOI request to DDDC on the use of glyphosate. The FOI response was as follows:*

This is a Derbyshire County Council footpath so it is sprayed twice a year with Gallup Biograde 360.

The above response has been provided by the Green & Clean Manager.

Gallup Biograde 360 is glyphosate and I understand that the Green & Clean manager at DDDC is Samantha Grisman.

If the use of glyphosate is confined to non-native invasive species by DCC and closed churchyards etc. by DDDC why is it being used on a footpath which runs through a green area where children play, and dogs are walked?"

**Submitted images available upon request.*

RESPONSE:

Thank you for your question.

At the meeting of Council in July 2023, the decision was made to continue not to use glyphosate on District Council land including closed churchyards, other than for the control of invasive species.

The images shared are of a County Council owned footpath, not District Council owned land. However, both authorities are working together to understand the possibilities of an alternative weed management programme on the highways.

STATEMENT and QUESTION from Dr Sheila Evans, Matlock Local Resident

“In January, the Biodiversity Sub-Committee council resolved to support the recovery of nature across Derbyshire Dales. The details of the recovery will be outlined in an ‘action plan’. As a local resident, and member of Derbyshire Dales Climate HUB, I endorse fully this proposal. There is indeed, a wider mandate for action.

The HUB undertook a research-led survey in 2021 of over a thousand local people. It indicated there was a very strong desire (over 95%) to improve local biodiversity. This included the use of nature to prevent flooding and support for local farmers to undertake pro-nature initiatives. Individuals expressed a willingness to take actions, including volunteering to re-wild verges, to enhance woodlands and wetlands. Over 95% who participated wanted the council to take pro-nature actions, including supporting farmers to green-up their land and initiate nature-based solutions to flooding. This provides a clear directive to improve biodiversity both across the estates and within the communities you serve. Since 2021, there is increasing awareness by residents of the biodiversity crisis and the need to take concrete steps to reverse Nature’s decline.

Britain's road verges, for example, cover an area the size of Dorset and, if managed appropriately, high-maintenance, low-biodiversity verges can be converted into a connected network of wildflower rich grassland. This in turn can provide food for insects and birds. Such verges are vital habitat for Nature as the UK has lost 97% of its’ wildflower meadows since the 1930s. As was shown when Rotherham initiated rewilding strategies, this transformation does not need to be costly - it led to savings on mowing costs of £23,000 a year.

You may receive emails that refute the survey’s results. Residents may complain of areas left uncut looking ‘neglected’ or ‘scruffy’, or that visibility is compromised by long grass. There are ways, however, to manage these issues. These are outlined clearly in the excellent website [Plantlife UK](#).

To ensure community buy-in, the advice on the website specifies communication and consultation with local people as essential. You can undertake a short survey to canvass public opinion. The HUB could help with this. I’m certain the result, like the 2021 survey, would indicate most people would want a ribbon of wildflowers running alongside roads and on roundabouts; supporting crucial pollinators like bees and butterflies. What’s not to like, as it’s to everyone’s advantage, including future generations. A connected network of such green spaces is one essential part of the district’s nature recovery.

So my request is, please include in the plan details of how we can create such a connected network of green spaces, and indications as to the rapid pace it is required, that meets the demands of the recognised crisis we are all facing.

I have provided one example here, road verges, but there are many other, often interlinked ways to improve the biodiversity across the district as well as address and mitigate the climate emergency: plant to prevent flooding, improve the quality of our rivers etc. I hope these are also detailed in the action plan.”

RESPONSE:

Derbyshire County Council have been appointed by Government as the responsible authority for the preparation of the Local Nature Recovery Strategy (LNRS) - <https://www.gov.uk/government/publications/local-nature-recovery-strategies/local-nature-recovery-strategies>

<https://www.derbyshire.gov.uk/environment/conservation/local-nature-recovery/local-nature-recovery.aspx>

They will need to work with other organisations and partners across the County to agree what should be included in the strategy identifying practical, achievable proposals developed with the input of people who know and understand the area. The strategy will propose where actions could be carried out for best effect and to connect and expand existing areas that are important for nature. They must undertake a public consultation on the strategy before it is published.

The action plan specification agreed by the Sub-Committee on Wednesday 13th September included the need for this Council to influence the development of the LRNS, ensuring that the plan complements the emerging strategy however it is not intended to replace or duplicate it. The intent is that the plan, which we hope to bring back before Council in April, is a series of clear and measurable actions that help us meet our Biodiversity Duty under the Environment Act 2021. It will build on some of the existing workstreams, such as the verges project, and identify opportunities for other initiatives which may include those you mention in your email.

STATEMENT and QUESTION from Ms Sue Bliss, Matlock Local Resident

“Allowing wildflowers to develop, grow and mature provides vital habitat, nectar, and pollen which sustains insect life. 75% of insects have been lost in the last 50 years. DDDC regularly mows down huge swathes of wildflowers during the growing season. An example of which can be seen in the first image. This is unacceptable when it is generally accepted that we need to manage at least 30% of land and sea for nature.*

People who prefer dead grass to wildflowers need to be educated. Mowing round the edges of wildflower areas (see 2nd attached image) with informative and educational signage would, I'm sure satisfy most of those people who like to control nature.*

Please answer the following question:

DDDC could leave wildflowers to thrive and mow round the edges of such areas. Why doesn't this happen?”

**Submitted images available upon request.*

RESPONSE:

Thank you for your question.

Your recommendation is one idea of many that will need to be explored as part of a wider strategy for the future. Enhancing biodiversity is a clear objective for the District Council.

The Biodiversity Sub-Committee will look to continue the Biodiversity Project under a new Biodiversity Action Plan. Your recommendation will likely be a strategy to consider. However, selecting areas for enhancement and a new management regime needs to be a

done in a structured manner to include highway safety, local users, accessibility and encompass other perspectives.

STATEMENT and QUESTION from Ms Rachel Murray, Matlock Local Resident

“Firstly, may I say that I welcome the formation of the biodiversity sub-committee. My question is in relation to the mowing and hedge cutting regime. I am fully supportive of wildflower verges and areas left uncut by the council. When verges are cut I would like to know if, rather than cutting the entire verge, a border could be cut leaving the wildflowers and grasses untouched in the centre. In regard to hedgerow cutting, can the cutting be carried out in the winter when many valuable plants have died back naturally rather than in the autumn when they are still a valuable source of food and nectar for many species?”

Thank you for considering my questions”

RESPONSE:

Thank you for your question

As also covered in the response provided to Ms Bliss’ question above, the practice of mowing a border around verges and leaving the centre uncut is an idea that will need to be explored as part of the wider Biodiversity Strategy moving forwards.

With regards to hedge cutting, this forms part of the Clean and Green winter work programme, however certain hedges in play areas, on car parks or near walking routes are cut for access. Most hedges are cut once a year.

STATEMENT and QUESTION from Ms Dawn Hind, Local Resident

“Could you confirm if there is policy and procedure around how, when and where you mow verges and public areas

If so, how will this be incorporated into the Biodiversity Action Plan.”

RESPONSE:

Thank you for your question.

The current frequencies and standards for mowing verges and public areas were approved by Council at the meeting held in July 2023. There are many areas within the Council’s Biodiversity Project that receive an alternative management process which aims to enhance biodiversity.

The newly formed Biodiversity Sub-Committee intends to further this project under the Biodiversity Action Plan, the details of which are yet to be established but will be published in due course.

STATEMENT and QUESTION from Ms Sue Bliss, Matlock Local Resident

“I applied to manage a wildflower verge but was told the neighbours didn’t agree. I know the immediate neighbours adjacent to the designated verge and they were very enthusiastic. So, I’m wondering how far afield it is that neighbours’ agreement is needed. I was also asked to submit a plan of works but know others who were not asked to do this.

One person I know was told to reapply later in the year. Another asked specific questions but did not get all the answers, despite an exchange of several emails. Another person was told neighbours have to be consulted but others were not informed of this.

There doesn't seem to be a clear application process to adopt a wildflower verge. I and several others have endeavoured to establish the 'process' for wildflower verge adoption, but information is patchy and inconsistent. Some people have already been put off by the inconsistencies.

It isn't dissimilar to applying for a job. If you don't have the job description and personal specification, it just isn't possible to submit a coherent and successful application.

Please could we have a clear and transparent process on how residents/public apply to manage a wildflower verge?"

RESPONSE:

Thank you for your question.

Thank you for your feedback regarding the process to engage in the Biodiversity Project. This is the first time it been raised with us that the process is unclear.

As part of the Biodiversity Project, residents and Councillors have been invited to recommend areas for an alternative management regime to enhance biodiversity. The areas included verges, parks, public open spaces, roundabouts, ponds etc. The Council received many recommendations, and they were all visited and assessed against a number of different factors, such as visibility and local use. The County Council Highways Department were notified for highway safety and each group seeking to engage in the project was met on site and advised of the necessary activities.

During the summer of 2022, the Council held a meeting between the groups that had engaged with the Biodiversity Project to share knowledge and experiences and the feedback was positive.

The areas put forward by yourself were on a housing estate, so the residents were required to be consulted. The result of the consultation was to avoid the areas recommended and pursue other areas on the estate. Should opinions have changed, the Council would welcome more recommendations to the project.

STATEMENT and QUESTION from Mr Andy Broadhurst, Derbyshire Swift Conservation

"Modern housing is designed to ensure new properties lack any gaps and spaces that can be used as breeding sites by urban bird species.

When combined with the on-going loss of potential nest sites on existing buildings caused by refurbishment and repairs, this overall reduction of breeding opportunities has resulted in a long-term decline of urban birds including Swifts, House Sparrows, House Martins and Starlings, all of which now red-listed, indicating species of high conservation concern.

Early attempts to provide nest sites for these species involved the installation of nest boxes on the exterior walls of buildings with boxes individually designed for each species. More recently it has been recognised that integrating such nest sites into the structure of the new buildings is a much-preferred solution as they are a permanent feature of the building, require zero maintenance, are aesthetically integrated with the design of the building, are

less vulnerable to vandalism and have better thermal regulation with future climate change in mind.

Furthermore, analysis of breeding records from new housing estates built with integrated Swift bricks has shown that these spaces are readily used by both Swifts and other urban bird species, so Swift bricks should be considered a “universal” nest brick for small bird species.

The UK National House Building Council (NHBC) Foundation report "Biodiversity in new housing developments: creating wildlife-friendly communities" (April 2021) states: “Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction [i.e. Swift bricks]. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a ‘universal brick’” (section 8.1 Nest sites for birds, page 42): <https://www.nhbc.co.uk/foundation/biodiversity-in-new-housing-developments>. This has been documented elsewhere by the Chartered Institute of Ecology and Environmental Management (CIEEM): <https://cieem.net/swift-bricks-the-universal-nest-brick-by-dick-newell/>

*Best-practice guidance has recently been made available with the publication of **British Standard BS 42021:2022 “Integral Nest Boxes – selection & installation for new developments”**:*

<https://knowledge.bsigroup.com/products/integral-nest-boxes-selection-and-installation-for-new-developments-specification-1/standard>

One key element of this guidance is that all integral nest boxes should be Swift bricks, as these can be safely used by all small bird species including Swifts.

We request, therefore, that the DDDC Biodiversity Sub-Committee votes to accept that this best practice, in the form of compliance with British Standard 42021:2022, should be adopted into the new Local Plan for Derbyshire Dales.”

RESPONSE:

Thank you for your detailed statement and request.

In July 2021 the Council adopted a Supplementary Planning Document (SPD) on Climate Change. This SPD which is a material consideration in the determination of planning applications encourages developers to include ‘at least one of the following: bird/bat boxes/swift bricks /amphibian kerbs/hibernacula/hedgehog holes/ hedgehog homes/garden ponds’ in new build residential and non-residential development.

The adopted Derbyshire Dales Local Plan is currently subject to review. Council in January 2022 resolved that PD3 Biodiversity and the Natural Environment was identified as an part of the Local Plan requiring modification to ensure that it achieves best practice in regards to Biodiversity:

<https://democracy.derbyshiredales.gov.uk/Data/Council/20220119/Agenda/01%20-%20Derbyshire%20Dales%20Local%20Plan.pdf>

Through the Local Plan review the Council has acknowledged that there is a need to bring much of the contents of the Climate Change SPD into the main body of the Local Plan so that it is policy rather than guidance.

The Council now has a dedicated Local Plan Sub-Committee. At their most recent meeting on the 3rd July 2023 it was agreed that consideration will need to be given about how nature

recovery can be incorporated within the plan seeking guidance from agencies such as the Derbyshire Wildlife Trust.

Whilst the proposal has considerable merit the District Council needs to give full consideration to the options available to it in respect of this issue. Recommended changes to Policy PD3 will be brought to future meetings of the Local Plan Sub Committee, as well Community and Environment Committee and Council.

117/23 - INTERESTS

Item 6 Biodiversity Project

Councillor Matthew Buckler declared a pecuniary interest in Item 6 due to his role with Derbyshire Wildlife Trust.

Councillor Peter Slack declared a non-pecuniary interest in Item 6 due to being a member of Wilder Wirksworth.

Councillor Martin Burfoot declared a non-pecuniary interest in Item 6 due to being a Member of Matlock in Bloom.

Councillor John Bointon declared a pecuniary interest in Item 6 due to having a contract to cut verges and pathways for Doveridge Parish Council

118/23 - ACTION PLAN FOR NATURE SPECIFICATION

The Climate Change Project Officer introduced a report presenting a specialist professional services quotation brief for the approval of Members. The resulting action plan will allow the Council to meet the requirements of the enhanced Biodiversity Duty as set out in the Environment Act 2021.

The plan should consider existing and emerging local strategies but focus on the actions that the Council can take in the short to medium term. It is intended that the plan will build on the workstreams that are currently underway, identifying opportunities to enhance these and seek new opportunities particularly where partnership working is possible. The plan should clearly set out the resource implications of continuing and new workstreams, identifying opportunities for funding. The term of the plan is proposed as 3 years (2024-27) to align with the current Council term.

Members were asked to note the timescale for the work a three-stage process. The expectation is that a draft action plan will be developed from late December 2023 for approval by the Council in Spring 2024.

It was moved by Councillor Martin Burfoot seconded by Councillor Roger Shelley and

RESOLVED (Unanimously)

1. That the specialist professional services quotation brief at Appendix 1 is approved.
2. That the funding mechanism for the plan, as set out in paragraph 7, is approved.
3. That Council, via the Community and Environment Committee, be requested to approve a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of

£58,791 associated with the action plan for nature specification and work to prepare for the delivery of Biodiversity Net Gain (BNG). This would be financed by the transfer of £11,984 from the grants unapplied reserve, £26,807 grant receivable in 2023/24 and £20,000 from the General Reserve

The Chair declared the motion **CARRIED**.

119/23 - BIODIVERSITY PROJECT UPDATE

The Clean and Green Manager gave a presentation updating Members on the current biodiversity pilot projects and discuss with Members the next steps for the proposal to take to the next Community & Environment Committee (C&E) meeting on 26 October 23.

It was moved by Councillor Martin Burfoot, Seconded by Councillor Peter Slack and

RESOLVED (Unanimously)

That the Clean and Green Manager should include the following in the report to C&E:

1. Merge the report with the Climate Change Officers report.
2. Pathfinder results to be presented in the report with the option to merge any sites into the Biodiversity Project.
3. The Wider Action Plan to incorporate public feedback, consultation and communication next April.
4. Motion operation for management of grass verges for next year– keeping the wider verges tidy by keeping a band mown at the edge.
5. Management proposal for a local DDDC site
6. Liaise with other Councils to see whether they are using Native or non-native seed mixes.
7. Work in partnership with other organisations – Local Community groups, Schools, Associations such as Derbyshire Beekeepers Association.
8. Produce a 'How to guide at Home' to offer service to the community.
9. Review signage and explore larger options.
10. Investigate the DCC process for selecting changes for the mowing regimes next year on the back of the Pathfinder data.

The Chair declared the motion **CARRIED**.

Meeting Closed: 7.40 pm

Chairman

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Agenda Item 7

OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE

Community and Environment Committee 26 October 2023

ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN

Report of Director of Regulatory Services

Report Author and Contact Details

Amanda Goodwill, Environmental Health Manager
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Karen Carpenter, Environmental Health Officer
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Wards Affected

Ashbourne North

Report Summary

This report summarises discussions at the first meeting of the Air Quality Action Plan Working Group core group and proposes that further updating reports are provided to future meetings of this Committee.

Recommendations

1. That the first meeting of the Air Quality Action Plan Working Group core group be noted.
2. That a further updating report be submitted to the December meeting of this Committee.

List of Appendices

None

Background Papers

Reports to the Community and Environment Committee – 7 April 2021, 23 June 2021, 17 November 2021, 23 February 2022, 29 June 2022, 1 November 2022, 9 February 2023, 13 July 2023, 7 September 2023

Consideration of report by Council or other committee

Since the declaration of the Ashbourne Air Quality Management Area in April 2021 a number of updating reports have been considered by the Community and Environment Committee as detailed under the Background Papers heading above.

Council Approval Required

No

Exempt from Press or Public
No

Report Title

1. Background

- 1.1 At the meeting of the Community and Environment Committee held on 7 September 2023 it was resolved, inter alia, that an air quality action plan working group be re-established, with a membership draw from a list contained within the report to that committee meeting and with a core group consisting of at least one officer from the District Council and two elected members taken from the list set out in the report. It was also resolved that the preliminary findings of that group be reported to the next meeting of the Community and Environment Committee, which is this meeting.
- 1.2 This report feeds back on the first meeting of the core group and sets out those preliminary findings.

2. Key Issues

- 2.1 The core group met on 4 October 2023 to discuss the position regarding the actions proposed for inclusion within the action plan following the public consultation on them earlier in the Summer and to receive the views of members of Ashbourne Town Team. It was noted that in addition to the general support for those items agreed by Derbyshire County Council there was public support for the concept of a 20 mph zone within the town, but a negative view towards the concept of a Clean Air Zone.
- 2.2 The group also considered the potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme. In considering this issue they were assisted by the attendance of the Senior Regeneration Officer who is working on the programme. It was noted that a number of common themes were starting to emerge and that they were being discussed in both forums.
- 2.3 The group recognised that discussions in both forums still needed to develop and that sufficient time was required for these developments to mature. It was estimated that it would take a further 6 to 8 weeks for these discussions to come to a conclusion and that following that timescale it was expected that officers should be able to present an updated suite of options for the final draft action plan.
- 2.4 The group also heard that discussions with Derbyshire County Council and High Peak Borough Council about the formation of an air quality liaison group specific to the mineral and logistics sector were ongoing. Again these discussions need to mature but the logic was that because air quality management areas in both local authority areas would be impacted by the same operators it would be logical to try to form a liaison group that worked for both AQMAs at the same time.

3. Options Considered and Recommended Proposal

- 3.1 The option to submit the draft Air Quality Action Plan 'as is' with the measures currently approved by Derbyshire County Council was considered but rejected at this stage, in order that potential synergies with the Ashbourne Reborn programme could be thoroughly explored.

4. Consultation

- 4.1 The measures currently approved by Derbyshire County Council, along with the concepts of a 20 mph zone and a Clean Air Zone have already been subject to public consultation.

5. Timetable for Implementation

- 5.1 Further updating reports will be submitted to the December 2023 meeting of this Committee and if necessary to the February 2024 meeting.

6. Policy Implications

- 6.1 Local authorities have a legal duty to provide an Air Quality Action Plan as a means to address areas of poor air quality that have been identified with Air Quality Management Areas. These action plans should develop measures that will provide the necessary emissions reductions to achieve the air quality objectives and act as a live document which is continually reviewed and developed to ensure that current measures are being progressed and new measures are brought forward.

7. Financial and Resource Implications

- 7.1 At this stage there are no financial implications beyond staff time associated with this report. As the cost of staff is included in the approved budget, the financial risk associated with the approval of the report's recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 An Air Quality Action Plan will ensure that the Council meets its statutory duties as set out in the Environment Act 1995 to regularly review and assess air quality in its area.
- 8.2 As the proposal seeks to establish a route for the agreement of an action plan through partnership working it therefore contributes to the authority fulfilling its obligations under the 1995 Act.
- 8.3 As such, the legal risk associated with this report is low.

9. Equalities Implications

- 9.1 Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to:
- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
 - (ii) advance equality of opportunity between people from different groups, and
 - (iii) foster good relations between people from different groups.
- 9.2 The decisions recommended through this paper could directly impact on end users. The air quality action plan is relevant to younger and older age groups, and people with disabilities, who are more vulnerable from the effects of poor air quality. The air quality action plan aims to have a positive

impact on people's health, including those with protected characteristics. The consultation on the draft air quality action plan has not raised any issues with regards to the protected characteristics.

10. Climate Change Implications

- 10.1 Whilst the Air Quality Action Plan is aimed at reducing health related air pollution, any reduction in traffic emissions will also have a beneficial impact in relation to climate change and should be supported.

11. Risk Management

- 11.1 The District Council has a duty to develop an Air Quality Action Plan following the identification and declaration of Air Quality Management Areas. Failure to comply with this requirement could leave this authority open to legal action and potential fines.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	18/10/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	12/10/23
Monitoring Officer (or Legal Services Manager)	Kerry France	18/10/23

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Agenda Item 8

Community and Environment Committee

BIODIVERSITY ACTION PLAN SPECIFICATION

Report of Director of Regulatory Services

Report Author and Contact Details

Joanna Hill, Climate Change Project Officer
01629 761243 or joanna.hill@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

The report presents a specialist professional services quotation brief for the approval of Members. The resulting action plan will allow the Council to meet the requirements of the enhanced Biodiversity Duty as set out in the Environment Act 2021. The quotation brief was approved by the Biodiversity Sub-Committee on 13 September 2023.

Recommendations

1. That the specialist professional services quotation brief at Appendix 1 be approved
2. That the funding mechanism for the plan, as set out in paragraph 7, be approved
3. That Council be recommended to approve a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of £58,791 associated with the action plan for nature specification and work to prepare for the delivery of Biodiversity Net Gain (BNG). This would be financed by the transfer of £11,984 from the grants unapplied reserve, £26,807 grant receivable in 2023/24 and £20,000 from the General Reserve

List of Appendices

Appendix 1 Specialist professional services quotation brief

Background Papers

None

Consideration of report by Council or other committee

Yes – approved at Biodiversity Sub-Committee on 13 September 2023

Council Approval Required

Yes – for supplementary revenue budget (recommendation 3)

Exempt from Press or Public
No

Biodiversity Action Plan Specification

1. Background

- 1.1 At a meeting on 26 January 2023 the Council resolved to support the recovery of nature across the Derbyshire Dales.
- 1.2 A report to Council on 16 March 2023 advised Members about the Biodiversity Duty, and set out activities which the District Council has, and is currently undertaking that contributes to meeting the new requirement. It recommended that a plan be prepared which sets out further actions the District Council should undertake to meet the requirements of the newly enhanced biodiversity duty.
- 1.3 At a meeting of the Biodiversity Sub-committee on 19 July 2023 it was agreed that a specification be prepared for a new biodiversity 'action plan'.
- 1.4 At a meeting of the Biodiversity Sub-committee on 13 September 2023 Members approved the specification in Appendix One.

2. Key Issues

- 2.1 The quotation brief was prepared following consultation with the officer working group and the Chair of the Sub-committee.
- 2.2 The draft brief was shared with potential consultant partners by way of 'soft market testing'. Their feedback and indicative costs were considered in the preparation of the brief.

3. Options Considered and Recommended Proposal

- 3.1 An action plan could be prepared 'in house' but the Council lacks the relevant capacity and expertise to undertake this work.
- 3.2 The recommendation is that the quotation brief is approved and the Council appoints a consultant or consultants to undertake the work in accordance with the timeframes set out below.

4. Consultation

- 4.1 Consultation will be undertaken as part of the development of new projects as appropriate, including revisions to the policies in the emerging Derbyshire Dales Local Plan.

5. Timetable for Implementation (proposed)

- 5.1 13th September 2023 – specification approved.
- 5.2 26th October 2023 - supplementary revenue budget approved at C&E committee.
- 5.3 23rd November 2023 – update report presented to Council outlining what further actions have been and will be implemented in respect of the Biodiversity Duty and for approval of supplementary revenue budget.

- 5.4 By mid-December 2023 - consultant partner engaged.
- 5.5 January 2024 – consultant partner meets with Officer Working Group and Chair/Vice Chair of Sub-Committee.
- 5.6 January 2024 – Biodiversity Net Gain (BNG) requirements come into force.
- 5.7 13th February 2024 – draft plan presented to Biodiversity Sub-committee.
- 5.8 4th April 2024 – final plan presented to Council.
- 5.9 2024 – 2027 – implementation of 3-year plan.

6. Policy Implications

- 6.1 The achievement of the enhanced Biodiversity Duty will require that the District Council give it appropriate level consideration in the revised Derbyshire Dales Local Plan.
- 6.2 Any other policy implications will be considered as part of the development of the action plan and where changes are required, these will be referred to the appropriate policy committee for approval.

7. Financial and Resource Implications

- 7.1 The Council has been allocated a ring-fenced grant of £26,807 for BNG preparation work to be carried out in 2023/24 (notification 27th July 2023). In addition, there is £11,984 unspent funding that was carried forward from the 2022/23 grant. This results in total grant funding of £38,791.
- 7.2 The Council has committed to expenditure of £22,365 in 2023/24 via a Service Level Agreement (SLA) for services in relation to BNG. It is proposed that the remaining grant funding of £16,426 be allocated to the preparation of the action plan. This would leave a projected shortfall of c£20k based on the discussions detailed in paragraph 2.2.
- 7.3 It will be necessary to seek approval from Council for a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of £58,791. This would be financed by the transfer of £11,984 from the grants unapplied reserve, the use of grant receivable in 2023/24 £26,807 and £20,000 from the General Reserve. As this expenditure is “one-off”, the General Reserve is permitted under the Council’s Medium Term Financial Strategy. This report includes a recommendation for a referral to full Council to seek approval for this supplementary revenue budget and its financing.
- 7.4 Any additional activities recommended through the plan to support the achievement of the Biodiversity Duty will need to be assessed to ensure that they are capable of fitting within the Medium Term Financial Plan and that consequent staffing requirements are capable of being resourced.
- 7.5 The financial risks associated with the recommendations of this report are assessed as low at present.

8. Legal Advice and Implications

- 8.1 Section 102 and Section 103 of the Environment Act 2021 – brought into effect on 1st January 2023 require that in carrying out its functions that the District Council must consider how it will conserve and enhance biodiversity and publish biodiversity reports which summarise action taken to comply with the wider duty.
- 8.2 The legislation requires that the District Council must agree policies and specific objectives based on this consideration and act to deliver those policies and objectives.
- 8.3 Preparation of an action plan will meet these requirements and provide a framework to meet the reporting requirements of Section 103.
- 8.4 There are 3 recommended decisions to be made connected to this report, both of these decisions have been assessed as having a low legal risk.

9. Equalities Implications

- 9.1 The development of any new activities to meet the duty will need to have the Equality implications identified as part of their development.

10. Climate Change and Biodiversity Implications

- 10.1 Nature based solutions are a significant part of the response to limiting climate change. Climate change is a significant cause of biodiversity loss and so the two crises are inescapably linked. Improving biodiversity can support efforts to reduce the effects of climate change. Conserved or restored habitats offer the potential to both reduce and remove emissions by enhancing the ability of ecosystems to sequester carbon dioxide, or reverse the decline of an ecosystem so that it no longer emits harmful greenhouse gas emissions and once more becomes a ‘net sink’ of carbon. Resilient ecosystems can also reduce the disastrous impacts of a changing climate, such as flooding and storm surges.

11. Risk Management

- 11.1 The risk of delivery of each action will be assessed as part of the development of the action plan.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	18/10/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	12/10/2023
Monitoring Officer	Kerry France	18/10/2023

(or Legal Services Manager)		
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SPECIALIST PROFESSIONAL SERVICES QUOTATION

DELIVERY OF A DERBYSHIRE DALES BIODIVERSITY ACTION PLAN

1. INTRODUCTION

At its meeting on 26th January 2023, Derbyshire Dales District Council resolved to support the recovery of nature across the Derbyshire Dales. The Council agreed to:

1. Develop and implement a Derbyshire Dales Nature Recovery Strategy and ensure it underpins all planning, development, and land management decisions, including the Local Plan
2. Improve access to nature by following the Natural England 'Nature Nearby' Accessible Natural Greenspace Guidance
3. Embed nature's recovery into all strategic plans, including the Local Plan, and all policy areas, not just those directly related to the environment. Ensure the Local Nature Recovery Strategy (LRNS) is well understood across the authority and complements other relevant plans and strategies
4. Integrate the targets, objectives, and outcomes of this motion, i.e. the biodiversity strategy and action plan, with those outlined in the Derbyshire Dales Carbon Reduction Plan, to ensure measures to tackle climate issues do not contravene the principles of enhancing biodiversity. Wherever possible, the council will invest in nature-based solutions to climate change to tackle the nature crisis and climate emergency together
5. Provide training and resources for councillors and council employees about the ecological emergency
6. Identify a council employee as the designated lead for coordinating council operations in relation to the ecological emergency

A report of the Working Group to Council in March 2023 reported the current activities the Council undertakes in relation to biodiversity summarised as an action plan – Annex One.

The Council subsequently set up a cross-party Biodiversity Sub-Committee to agree actions the Council should be taking to meet these commitments. An officer Working Group has also been formed with membership from service areas across the Council.

In May 2023 DEFRA [guidance](#) was published to support local authorities in understanding their responsibilities under the biodiversity duty as enhanced by Section 102 of the Environment Act 2021.

DEFRA has identified Derbyshire County Council as the responsible authority for delivering the Local Nature Recovery Strategy (LNRS) – points 1 and 3 above. The County Council intends to begin development of this strategy later in 2023.

The County Council prepared a Natural Capital strategy for Derbyshire in February 2023. The strategy 'describes the current status of the natural assets in the county and identifies where the natural capital is resilient and performing well in supporting the population. It identifies opportunities to adjust land management to increase the benefits felt from nature in Derbyshire'

This Council now wishes to prepare:

A Biodiversity Action Plan which identifies a series of clear and measurable actions that the Council should undertake to comply with the Biodiversity Duty. The plan should take into account existing and emerging local strategies but focus on the actions that the Council can take in the short to medium term. It is intended that the plan will build on the workstreams that are currently underway, identifying opportunities to enhance these and seeking new opportunities particularly where partnership working is possible. The plan should clearly set out the resource implications of continuing and new workstreams, identifying opportunities for funding. The term of the plan is proposed as 3 years (2024-27) to align with the current Council term.

The expectation is that a draft action plan will be developed from late December 2023 for approval by the Council in Spring 2024.

2. DETAILED REQUIREMENTS

The Council wishes to appoint consultants (a single firm or consortium headed by a single practice acting as lead consultant) to prepare a Biodiversity Action Plan:

The specific work that is required is as follows:

1. Initial advice and discussion around the scope and content of the Action Plan document. It is envisaged that this is by way of a meeting with senior officers.
2. Initial meeting with the Council's Biodiversity Sub-committee to gain an understanding of their approach to addressing the issue.
3. Guidance as to how the Council can most effectively meet our biodiversity duty considering current levels of activity, expertise and resource.
4. Recommendations on how the Council can communicate the value of biodiversity to our residents and businesses.
5. Consider how the Council can best influence the development of the LNRS, ensuring that the Action Plan complements the emerging strategy and relevant existing strategies.
6. Advice as to how the Council can embed nature recovery into all strategic plans, including the Local Plan, and policy areas.
7. Guidance as to what options are available to the Council in developing an approach to Biodiversity Net Gain (BNG) including a recommendation for how to evaluate land in Council ownership that may be appropriate for BNG or land that could be acquired.
8. Identification of opportunities to integrate work on biodiversity with the Councils Climate Change Strategy and Action Plan.
9. Identification of opportunities for internal training to ensure that there is a sound understanding of biodiversity across the Council.
10. Recommendation of an approach to meet the reporting requirements of the duty and how to positively communicate what the Council is doing.
11. Prioritisation, costing (to achieve/implement), resource estimation and advice on achieving the actions.
12. Identification and advice around appropriate community leadership actions relating to the activities of the Council, which are capable of contributing to the achievement of enhanced biodiversity across the district.
13. Prioritisation, costing and advice on achieving these community actions.
14. Amalgamation of the above into a clear and realistic Action Plan with measurable targets.
15. Presentation of the Action Plan to the relevant Sub-Committee

3. COSTS

Submissions should indicate the TOTAL price to complete the work, inclusive of all development time and materials. Please include all expenses such as travel, accommodation and subsistence in this price.

4. TIMESCALE FOR PROJECT COMPLETION

Twelve weeks from appointment - TBA

5. EVALUATION APPROACH

Bids will be evaluated on the basis of price and quality (to determine the most economically advantageous submission).

In assessing the answers to the following questions, the Council will be seeking evidence of the Potential Provider's suitability to deliver the requirements of the contract.

Responses to the specification will be evaluated in accordance with the Evaluation Approach detailed below. In the event that none of the responses are deemed satisfactory, the Council reserves the right to consider alternative procurement options.

The provision of false information will disqualify organisations from further consideration.

Scoring Principles

0	Unacceptable	Fails to meet the standard required - Response significantly deficient or no response.
1	Poor	Significantly fails to meet the standard required - Inadequate details provided and/or requirement/question not addressed or answered and/or proposals not directly relevant to stated requirement/question.
2	Limited	Fails to meet the standard required in most aspects - Limited or inadequate information provided in most areas. Only partially addressing the stated requirement/question.
3	Satisfactory	Meets the standard required in most aspects - Limited information provided in some areas. Only partially addressing the stated requirement/question.
4	Good	Meets the standard required - Information provided addresses the stated requirement/question.
5	Excellent	Meets the standard required - Comprehensive response provided in terms of the details and relevance to the stated requirement/question. Detailed evidence/ information provided to support the proposal/answer.

Scoring

Factor	Weighting
A clear understanding and interpretation of the tasks identified within this brief.	20
Robustness and suitability of the proposed approach/methodology.	15
Relevant knowledge, skills and experience of the team and experience within the team of undertaking (successfully) similar commissions.	15
Proven track record in delivering high quality work that corresponds with the requirements of the brief.	10
Price	40

The Council is not bound to accept the lowest submission. The assessment of the submissions will be undertaken by Officers from the Council.

6. DOCUMENTATION

Quotations should include an executive summary which should include:

- Narrative outlining your understanding of the tasks set out in the Brief and your timeline for completion;

- Proposed approach/methodology and detailed work programme;
- Breakdown of days and attendant costs for each consultant set against the principal tasks identified;
- Details of how any sub-contracted work will be managed;
- Experience, skills, team CVs;
- Details of appropriate referees who may be contacted, ideally these will be similar local authorities to Derbyshire Dales District Council and will include a summary of the work undertaken; and
- Evidence of appropriate insurance including a minimum of £1M professional indemnity and £10M public liability.

7. DEADLINE FOR SUBMISSIONS

A written proposal addressing the requirements above should be submitted to Tim Braund, Director of Regulatory Services by (date to be inserted), Any enquiries or clarifications about this contract opportunity should also be submitted via this route.

8. TERMS AND CONDITIONS

The successful consultants will be obliged to adhere to the Council's terms and conditions of contract.

The fee will be exclusive of VAT. No price fluctuations will be allowed unless agreed in advance by the Council's Client Officer.

9. ANNEXES

[Annex One](#) – current action plan

Annex Two – draft contract for information

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Agenda Item 9

**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee – 26th October 2023

PRIVATE RENTED SECTOR STUDY

Report of Director of Housing

Report Author and Contact Details

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Wards Affected

District wide

Report Summary

Derbyshire Dales DC and Amber Valley BC secured a £25,000 grant from the Local Government Association (LGA) and their Housing Advisers Programme at the end of 2021/22. The grant award followed a successful bid for funding to undertake research into the private rented sector across both council areas. Altair were appointed to undertake the research which took place between April 2022 and March 2023. The final report was received prior to the local elections in May, hence the delay in reporting to Members. Altair have put forward several recommendations for Derbyshire Dales DC to consider and these are set out in the report.

Recommendation

1. That the District Council recruit an additional Home-Options Officer on a temporary basis, funded by an earmarked reserve.
2. That the Director of Housing engage suitable consultants to develop an initial business plan for an Ethical Lettings Agency and direct provision of private rented homes that can be brought back to Members for further consideration

List of Appendices

Appendix 1 Altair Report – AVBC & DDDC Private Rented Sector Research – Final Report

Background Papers

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

1. Background

- 1.1 DDDC and AVBC are neighbouring authorities who already share a common allocations policy, choice based lettings scheme and homelessness application scheme. DDDC and AVBC both have complex housing issues within the private rented sector. Issues of quality, price and management continually cause difficulty both in terms of creating homelessness and trying to house people in suitable accommodation.
- 1.2 The LGA Housing Advisers Programme is designed to give councils the extra capacity to investigate housing issues and develop ideas to improve access to housing for their residents. The Council used the same LGA grant to develop the council housing business plan. This new bid therefore focused on seeking support from appropriate consultants to review the available information we have about the sector, undertake research with pressure groups, landlords and tenants concerning the issues they face.
- 1.3 The aim of the research was to explore the policy options open to us to intervene in the sector and develop these to a point where Members can review the proposals. This project is important to DDDC and AVBC because we know the sector needs to change. We need to reduce the number of homelessness cases coming from private rented properties. Corporate priorities around energy efficiency and empty homes also need to be addressed as we take forward MEES and higher premiums for long term empty homes. We also face the challenge of trying to regenerate our market towns and improving the quality of the private sector is a key element of our wider regeneration ambitions.
- 1.4 The Housing Advisors Programme provides added value through bringing capacity and resource to both council strategic housing teams. We have limited resources to undertake this work ourselves. The Advisers would also be able to bring workable examples from other areas that could be considered in the DDDC/AVBC areas. In addition the Advisers would provide an independent viewpoint that senior officers and Members could consider.
- 1.5 Running alongside the research is the Council's existing work relating to the PRS. Within Regulatory Services work is ongoing to deliver a programme of inspections funded by DLUHC. The Council also previously received the Derbyshire wide homelessness strategy. The Derbyshire Homelessness Officers Group is a well established partnership that is working at a county level to jointly identify, tackle and resource some of the common PRS themes.

2. Key Issues

- 2.1 In June 2022, the Department for Levelling up, Housing and Communities ("DLUHC") published the White Paper – A Fairer Private Rented Sector, announced as the Renters Reform Bill. The Bill is progressing slowly through parliament but the aim is to improve security of tenure and impose obligations on landlords to improve property standards. The private rented sector (PRS) is the second largest tenure in England. In the Derbyshire

Dales the PRS is roughly the same size as the social housing stock with an estimated 4,264 properties or 12.3% of the total properties in the Dales. Nearly half of all PRS in the Dales were built before 1918. 26.7% of all PRS homes in the Dales are described as non-decent with the most common reason being poor thermal comfort. This is consistent with the age profile of the PRS sector.

- 2.2 Surveys and workshops took place with tenants and landlords with 173 individuals taking part. Findings from the initial data and document review highlighted that issues with property condition was a common theme within the PRS in both local authority regions
- 2.3 Qualitative and quantitative feedback from the resident survey further emphasised that poor quality property conditions was a frequent issue for residents. There were a wide range of issues with PRS properties, with many being unsatisfied with the service or resolution they had received from their landlord. Stakeholders also reiterated the range of property issues found and how landlords are often not aware of the condition of their properties.
- 2.4 From the data provided by both local authorities, the main reason for a loss of a settled home in both DDDC and AVBC was the end of a private rented assured shorthold tenancy (“AST”). In DDDC, this accounted for 134 of the 242 losses between April 2019 to March 2022. Looking further into the factors behind this, the main reason for the loss of these tenancies across both local authorities was due to landlords wishing to sell or re-let their properties. In DDDC, no fault evictions caused 89 of the 135 losses of PRS Assured Shorthold Tenancies.
- 2.5 Survey respondents were then asked which sector they plan to find a home in once they stop renting in the PRS. 55% were looking to go into the social rent sector, 16% home ownership and 19% did not know which sector they would be living in afterwards. Only 5% of respondents intended to stay in the PRS. An emerging theme concerning security of tenure was that a large proportion of respondents did not know about key aspects of their tenancy contract. For example, 28% of respondents did not know the length of their tenancy. Qualitative feedback in the survey highlighted that some respondents did not have a tenancy contract set up with their landlord at all.
- 2.6 Qualitative feedback in the survey indicated that residents were particularly concerned about being served a Section 21 notice from their landlord or being evicted for being unable to pay their rent. Finally, when asked where they would go for external advice/support in relation to their tenancy, 55% of respondents said they would go to Citizens Advice Bureau and 20% to their local Council.
- 2.7 Several of the interviewees explained that long-term tenancy agreements are not guaranteed as landlords can serve a Section 21 notice if the tenant has been in the property less than 12 months. It was also highlighted that residents were often too scared to complain about issues with their properties as they were scared of being evicted or the impact on their security of tenure. Finally, it was noted that finding a suitable property in the

PRS within the 2 months' notice period can be a struggle for households given the lack of supply in the region.

- 2.8 In the landlord survey only 24% of survey respondents said they would let a property to a household who had been homeless and only 53% of respondents said they would accept a household paying rent through state benefits. The survey asked what length of tenancy contracts the landlords typically offer to residents. 29% of respondents offered 6-month contracts or less, 42% offered between 7-24 month contracts and 29% offered tenancy contracts over 2 years. In relation to their plans over the next five years, several respondents said their decision on whether to keep the property in the PRS or not would depend on incoming government regulation, legislation and taxation. For those who were planning to leave the PRS, they cited increased regulation, taxation and government disincentives as the main reasons for leaving.
- 2.9 Of the 1005 applicants on DDDC's housing register, 237 (23%) are privately renting. 63% of respondent's annual household income was £25k or under, and 27% earned between £25k and £50k as a household. Survey respondents were also asked what percentage of their monthly income is spent on rent. The majority of respondents spent 40%-50% of their monthly income on rent. 18% of respondents spent 20%-29%, and a similar split of respondents (17%) spent 30%-39%. 43% of respondents felt their rent level was not affordable. 42% of respondents disagreed with the statement that their rent was good value for money. 70% of respondents answered that they would be unlikely to afford an increase in rent if their landlord decided to increase rents. Whilst only 14% said they are likely to be able to afford an increase.
- 2.10 A particular source of the unaffordability was due to Local Housing Allowance (LHA) rates not being able to fully cover rents. In particular, the freeze of LHA against the backdrop of increased inflation, interest rates and national rent levels have inflated the unaffordability of PRS properties for those who receive LHA. This issue is impacting the PRS nationally too. Several of the stakeholders interviewed felt that LHA rates are not high enough to incentivise landlords to rent at that level and therefore there is a scarcity of affordable private rental properties in the region. Landlords felt positively about the affordability of their properties, with 88% of landlord survey respondents agreeing that that the rent level of their properties are affordable to tenants, as well as 94% of respondents agreeing that their rent levels were good value money. When asked about how likely they would be to increase rents in the next 12 months, 41% of respondents said they were likely to increase.
- 2.11 In summary the PRS makes up a small but important part of the local housing market. Nearly half of the stock is over 100 years old, impacting on the condition and energy efficiency of the sector. Private tenants and landlords have opposite views about the affordability, standards and sustainability of their homes. Tenants are spending much of their income on their rent and the sector struggles with the LHA rate. The sector could be described as 'fragile', with landlords concerned about impending legislation. For many tenants they see the PRS as the access point to social housing, whilst at the same time the PRS is also the main source of homelessness.

3. Options Considered and Recommended Proposal

- 3.1 Altair considered the suitability, feasibility and acceptability of different policy options open to DDDC and AVBC. This involved reviewing the findings of the research, considering examples of best practice elsewhere and undertaking an options appraisal workshop with a range of officers from across both Councils.
- 3.2 For DDDC the recommendations fall in to three main options/areas of work;
- A. Developing better information and advice for landlords and tenants, including multi agency working and making better use of DASH (Decent and Safe Homes) and DLC (Derbyshire Law Centre).
 - B. Undertaking a greater number of proactive inspections and enforcement work as well as reviewing the outcomes from such inspections and what other interventions should be considered.
 - C. Consider the provision of an ethical lettings agency and direct provision of PRS accommodation via some form of council owned company.
- 3.3 Option A is a relatively low risk and short-term area of work. However given the current workload of the Housing Department it will need a dedicated officer resource to deliver over a 12 to 18 month period. It is therefore recommended that an additional temporary Home Options Officer is recruited to refresh and enhance the advice and information provided for landlords and tenants, develop partnerships and multi agency working across the sector, assess the service provided by DASH, DLC and potential accreditation schemes. This post will be funded from government grants relating to homelessness prevention held in an earmarked reserve.
- 3.4 Option B is a low risk short to medium term area of work, much of which should be delivered through the DLUHC funding to support the delivery of PRS inspections. At this stage it is not proposed to do anything further until the outcome of the inspection work is known.
- 3.5 Option C is a high risk, medium to long term piece of work. It will require a more detailed and considered approach. External advice and support will be needed to take this forward. There is a balance of £8000 remaining from the original LGA grant and so it is recommended that the Director of Housing engage suitable consultants to develop an initial business plan that can be brought back to Members for further consideration.

4. Consultation

- 4.1 Consultation with tenants and landlords provided the basis for the report produced by Altair. This took place through an online survey and via focus groups. Council officers and staff from other agencies were consulted on the approach, methodology and results.

5. Timetable for Implementation

- 5.1 Option A can be delivered from Q4 2023/24 to Q2 2025/26 subject to recruitment of an additional Home-Options Officer. Option B is currently in the procurement phase and should run alongside the same timeline as

Option A. Option C will take time to review in more detail comparable arrangements delivered by other rural councils before developing a specification. Consultants could be instructed the end of Q4 2023/24 with a report delivered Q3 2024/25.

6. Policy Implications

- 6.1 The PRS impacts on several services including Regulatory Services, Housing, Community Safety and Revenues and Benefits. Many of the Council's most vulnerable residents live in the PRS and when tenancies breakdown they can lead to substantial interventions by the council. A functioning and good quality PRS is necessary to help people move for employment, tackle homelessness and accommodate those who might otherwise find it difficult to access social housing.

7. Financial and Resource Implications

- 7.1 The cost of a Home Options Coordinator for 18 months including employer oncosts will be in the region of £70,000. Funding is available in earmarked reserves up to a value of £102,358 and approval for use of this reserve will be requested in quarter 2 revenue monitoring reported to Council 14 December. The financial risk associated with the approval of the report's recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 This report relates to a £25,000 grant from the Local Government Association (LGA) and their Housing Advisers Programme.
- 8.2 There are 2 recommended decisions to be taken and should those decisions be taken in accordance with the recommendations, the legal risk has been assessed as low.

9. Equalities Implications

- 9.1 The Altair report did not go in to detail about equalities, however improving opportunities for tenants within the private rented sector will have a general benefit for everyone. The impact on vulnerable adults and others less able to manage a tenancy will be more pronounced.

10. Climate Change Implications

- 10.1 The Altair report itself does not address any specific climate change issues. Implementing the report's recommendations will have some impact but this will be assessed as part of the delivery of the options outlined in section 3 above.

11. Risk Management

- 11.1 There are no outstanding risks associated with the Altair report. In relation to the 3 options set out in Section 3, the risks have been identified. Given the value of the works remaining, the relative risk of each option overall is low.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	18/10/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	18/10/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	18/10/2023

March 2023

Amber Valley Borough Council &
Derbyshire Dales District Council
**Private Rented Sector
Research – Final Report**

Contents

1. Executive summary	3
2. Introduction and approach.....	5
3. National picture.....	7
4. Property condition findings.....	11
5. Security of tenure findings.....	19
6. Affordability findings.....	24
7. Options workshop.....	29
8. Recommendations.....	35
Appendix 1 - Options case studies.....	37
Appendix 2 - Full reading list, interviews and session attendance	40
Contact details	42

DISCLAIMER: Our report is addressed to Amber Valley Borough Council and Derbyshire Dales District Council. We stress that our report is confidential and prepared for the addressees only. It should not be used, reproduced, or circulated for any other purpose, whether in whole or in part without our prior written consent, which consent will only be given after full consideration of the circumstances at the time.

If the report is released to a third party without prior consent from Altair, we do not acknowledge any duty of care to the third party and do not accept liability for any reliance placed on the report.

1. Executive summary

- 1.1. Altair Consultancy and Advisory Services Ltd (“Altair”) was commissioned by Derbyshire Dales District Council (“DDDC”) and Amber Valley Borough Council (“AVBC”) (together “the Councils”) to design and undertake research on the private rental sector (“PRS”) in their respective local authority areas.
- 1.2. Both DDDC and AVBC are seeking to understand how they can better understand the PRS across the region, and what role they can play in contributing to the improvement of the PRS for tenants, landlords and homeless prevention services.
- 1.3. Both DDDC and AVBC are currently taking a holistic approach to the PRS and are aware of the challenges of the sector and the importance of raising standards in light of the issues facing both tenants and landlords.
- 1.4. Altair undertook a resident survey, a landlord survey, resident focus groups, resident interviews and stakeholder interviews to form the research base for the Options Appraisal Workshop.
- 1.5. The research identified three areas within the PRS that have a significant impact on tenants. The three areas are:
 - Property condition – with 26.7% of tenants living in non-decent homes in DDDC and 28.5% of tenants living in non-decent homes in AVBC.
 - Security of tenure – 53% of tenants responding to the survey said that they were concerned about security of tenure.
 - Affordability of accommodation – 43% of tenants responding to the survey identified that their current rent is unaffordable and 70% identified that they could not afford their rent if it was increased.
- 1.6. In January 2023, Altair conducted an Options Appraisal Workshop with representatives from both councils. Altair provided a series of 15 options for the councils to consider, with both authorities making an assessment of the options after the workshop of the suitability, feasibility and acceptability (“SFA”) of each option. Some of the options discussed at the workshop were already being delivered by one or both authorities and the options workshop was seen as an opportunity to refresh existing approaches and to consider potential new areas of activity.
- 1.7. Based on the SFA scores and discussions from the workshop, the following options were rated most highly (scoring more than ten out of a possible 15) by both authorities:
 - Advice and Information.
 - Multi-Agency Working.
 - DASH and DLC Services.
 - Ethical Lettings Agency.
 - Inspections.
- 1.8. The following options were graded highly by DDDC (more than ten out of a possible 15) with AVBC grading them lower (less than ten out of a possible 15):
 - Advertising PRS Properties on Home Options.
 - Council to Provide PRS Accommodation.
 - Council Accreditation Scheme.

1.9. The following option was graded highly by AVBC (more than ten out of a possible 15) with DDDC grading it lower (less than ten out of a possible 15):

- Evidence Database.

1.10. Altair has made six recommendations for both councils, one recommendation for AVBC and one recommendation for DDDC. Our recommendations are formed on the issues identified within the research in relation to affordability, security of tenure and home condition, our knowledge of the PRS sector across both council areas and our understanding of best practice for Local Authority interventions for the PRS.

Summary of recommendations:

No.	Recommendation	AVDC	DDDC
1	Advice and information	✓	✓
2	Proactive inspections	✓	✓
3	Ethical lettings agency	✓	✓
4	Multi-agency working	✓	✓
6	Full assessment of DASH, DLC and in house council accreditation schemes	✓	✓
7	Dedicated complaints service for PRS tenants	✓	
8	Exploration of the delivery of PRS accommodation		✓

2. Introduction and approach

2.1. About this project

- 2.1.1. Altair was commissioned by DDDC and AVBC to design and undertake research on the PRS in their respective local authority areas.
- 2.1.2. DDDC and AVBC are seeking to address issues of quality, price and management that are contributing to homelessness and unsuitable housing for households. Whilst the local authorities have some data, there is limited knowledge about the extent and nature of the PRS across DDDC and AVBC.
- 2.1.3. DDDC and AVBC are, therefore, looking to develop a sound research base and to develop an approach for engaging with the PRS across their local authority areas and develop new or updated PRS strategies.
- 2.1.4. The intended outcomes of the research are to understand and engage with the sector, to seek to improve the quality of accommodation, develop good management practices, and reduce the levels of homelessness coming from the sector.

2.2. Approach

- 2.2.1. Altair's research involved a mixed research approach including the following primary and secondary research methods:
 - **Policy review:** Altair issued a documentation and information request, which included relevant datasets held by DDDC and AVBC, research undertaken previously, and relevant policies and strategies. The review of the provided documentation was further supplemented with a desktop review of key data sources.
 - **Desktop research and data analysis:** Initial data analysis was conducted to present an overview of the PRS in DDDC and AVBC. This included information (as available) on key players, private renter demographic data, landlord types, size of sector, stock type, and affordability. Further desktop research was undertaken in January, following the anticipated release of latest census data.
 - **Resident online survey:** As part of the data collection and desktop analysis, Altair issued an online tenant survey to hear from those currently living in private rented homes about their experiences of living in this type of accommodation and their aspirations for the future. The purpose of the survey was to obtain the views and feedback of residents. We received 173 responses, split by 51% in Derbyshire Dales and 49% in Amber Valley.
 - **Landlord online survey:** We also issued an online survey for PRS landlords to understand their experience of providing private rented accommodation and their plans for the future. The survey was designed to mirror the questions and themes asked within the tenant survey to compare the perspectives of landlords and tenants on the issues. We received 17 individual responses which covered c.20 properties across each of the authorities. It should be acknowledged that, given the small sample of respondents, the results could not be validated to reflect the regional sector as a whole, however the views from landlords aligned with the findings obtained from the other phases of this research.
 - **Focus groups and interviews:** The surveys were followed by a tenant focus group focussed on getting input from tenants in the PRS. The first focus group session was attended by 14 residents and the by 7 residents. Additionally, we adapted our approach to conduct tenant interviews due to poor attendance and

limited tenant engagement during the second focus group session. In total, 8 resident interviews were held, all of whom were from the Derbyshire Dales local authority area. The interviews and focus groups primarily focused on the 'as-is' state, including what works well, what challenges there are, the emerging themes and served as an opportunity to discuss potential solutions.

- **Stakeholder interviews:** In parallel to the online surveys and focus groups, a stakeholder map was formulated, identifying key stakeholder groups for engagement. Altair undertook 7 interviews with key stakeholders put forward by DDDC and AVBC, gathering various views on PRS across the two local authority regions. These stakeholders included council officers, resident representative groups and local charities. The full list of stakeholders interviewed is in Appendix 2.
- **Interim report:** Having completed the focus groups, interviews and surveys, Altair issued an interim report to the project steering group highlighting the initial findings of the emerging themes ahead of the options workshop.
- **Options appraisal:** Drawing from relevant literature and research, we developed a set of potential interventions that the Councils could implement to address and improve the issues identified within their PRS. We then undertook a desktop review of other local authorities of a similar size and context to DDDC and AVBC to understand other approaches taken to deal with the challenges identified, and the successes and failures of these approaches. These options were then tested with key stakeholders from DDDD and AVBC in an interactive workshop. Using our Suitability, Feasibility and Acceptability ("SFA") options analysis framework, the stakeholders identified the preferred interventions which has informed the recommendations within this final report. The workshop was designed to allow discussion between the stakeholders attending on the SFA scorings of each option, the strengths and weaknesses of the options and any relevant considerations for the Councils in relation to implementation.
- **Final report:** Based on the feedback given from the interim report and workshop, this final report has been drafted to present the recommended options to both Councils.

2.2.2. In total, 202 residents, 17 landlords and 14 stakeholders (including stakeholder interviewees and options appraisal workshop attendees) participated in this research.

3. National picture

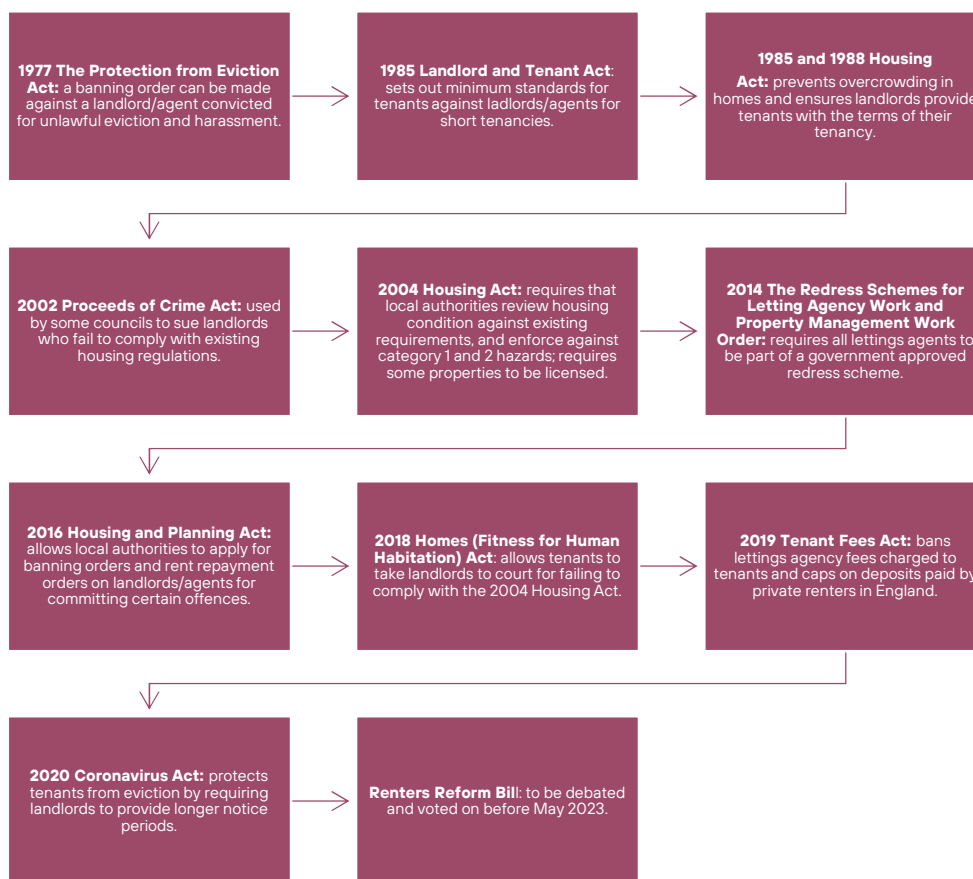
3.1. Current PRS approach

3.1.1. 5 million households privately rent across England and Wales¹. In the main, PRS accommodation is provided to households with an Assured Shorthold Tenancy, set by a fixed term of between six months and two years.

3.1.2. According to the National Census 2021, there is an increase in the proportion of households that rented their accommodation, from 34.3% (8.0 million) in 2011, to 37.3% (9.3 million) in 2021. Of these 20.3% (5.0 million) rented their accommodation privately, which is an increase from 16.7% (3.9 million) in 2011.

3.1.3. The Homelessness Reduction Act (2017) has outlined that those awarded a prevention duty can have that duty discharged if the applicant has suitable accommodation available for at least six months. The result of the legislative change in 2017 means that those awarded a duty could be discharged into the PRS on an assured shorthold tenancy.

3.1.4. Key legislative changes to protect tenants' rights:



¹Office of National Statistics, 2022, [Housing, England and Wales: Census 2021](https://www.ons.gov.uk/housing/articles/housing-england-and-wales-census-2021)

3.2. Overarching policy changes for the PRS

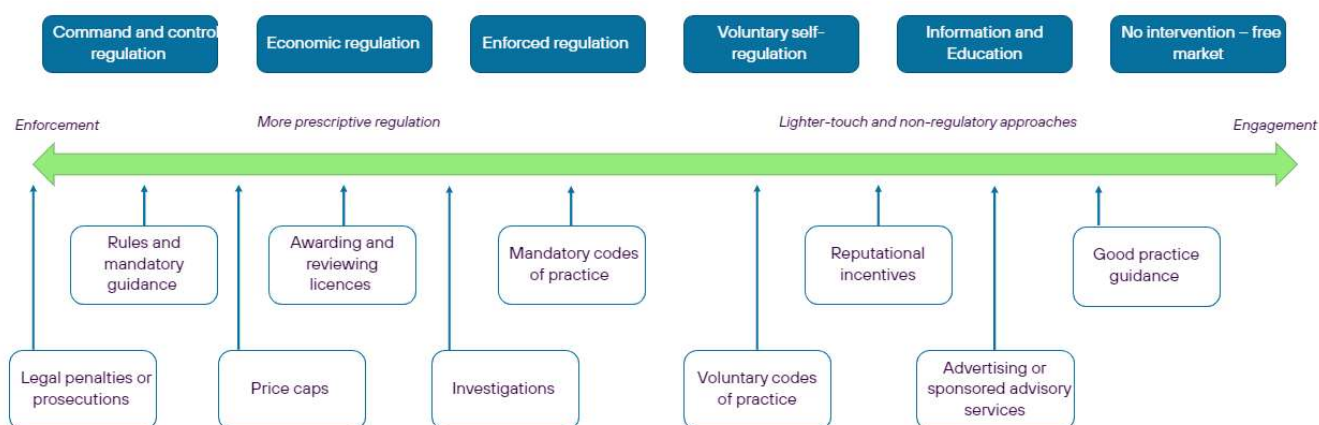
In June 2022, the Department for Levelling up, Housing and Communities (“DLUHC”) published the White Paper – A Fairer Private Rented Sector, announced as the Renters Reform Bill in the Queen’s Speech. This shows the Government’s commitment to an overhaul of the PRS. It is our understanding that the current Government remains committed to the changes outlined in the white paper and is set to vote on the Bill in this parliamentary session, before May 2023. The white paper outlines key areas of potential policy change to include the following:

- Extension of the Decent Homes Standard (“DHS”) to the PRS.
- Abolition of the use of Section 21 notices, “no fault” as a route to eviction.
- Ability to challenge unjustified rent increases.
- An Ombudsman covering all private landlords.
- Stronger enforcement powers for local councils.
- A ban on ‘No DSS’ practices.

3.3. Local Authorities relationship with the PRS

- 3.3.1. The PRS is the second largest tenure in England and has grown in the last 20 years. The proportion of PRS households has more than doubled since 1996-97, and the overall size of the PRS has increased over this time from 2.1 million households in 1996-97 to around 4.4 million households in 2022.
- 3.3.2. While the quality of privately rented housing has improved over the past 20 years, a number of rogue landlords knowingly rent out unsafe and substandard accommodation. Local authorities play a vital role in ensuring that tenants in the PRS have access to safe and good quality housing.
- 3.3.3. Local authorities which have well-managed PRSs have developed a clear strategy supported by policy, process and resource which is aligned to their local circumstances.
- 3.3.4. Good practice principles of PRS that can help to drive up standards in local authorities include:
- Understanding the local PRS and identifying the main issues.
 - Reviewing the agreed policies and procedures to make sure they are effective to the local context.
 - Communicating and engaging with tenants and landlords to educate them on their rights and responsibilities as well as sending a strong and clear message to rogue landlords that they are not welcome in the sector.
 - Proactive inspection and management of the sector to ensure the local landlords uphold their duties responsibly, and tenants feel safe in their accommodation.
 - Acting with enforcement powers to improve neighbourhoods where it is required.
- 3.3.5. The diagram below highlights the range of regulatory interventions available to local authorities ranging from enforcement to engagement.

Diagram 1: Regulatory interventions available to local authorities



Source: National Audit Office analysis

3.4. Property condition and the extension of the DHS to the PRS

3.4.1. A recent consultation has been held in relation to extending the DHS, which currently only applies for social rented accommodation, to private rented accommodation in England. The consultation ran from September 2022 to October 2022. To date, there hasn't been a formal response to the consultation.

3.5. Progress to date

3.5.1. Since the launch of the white paper and the series of changes within Government and the re-appointment of Michael Gove as Secretary of State for Housing, Communities and Local Government, Gove has committed to progress the ambitions set out in the white paper and the drafting of the Renters Reform Bill. However, there is yet to be a timetable established.

3.6. Damp and mould

3.6.1. Following the tragic death of Awaab Ishak in Rochdale and the subsequent coroner's report which identified that the two-year-old died of a respiratory condition caused by prolonged exposure to mould in his family's housing association flat, there has been increased scrutiny about the degree of damp and mould across both the social and private rented sectors.

3.6.2. Local authorities have been approached by DLUHC to provide a description of the activity that has been taken over the last 3 years to address damp and mould hazards in the PRS and how they plan on prioritising the issue, with an initial response due by 30th November 2022 and a full response by 27th January 2023.

3.7. An overview of both councils' current approach

3.7.1. Both DDDC and AVBC have a positive working relationship with Derbyshire City Council Public Health and, working closely with Derbyshire City Council, they developed a stock condition database based on a combination of modelled and real data. This work has potential for both councils to further develop their understanding of stock condition across their areas.

3.7.2. AVBC currently has a 10-year private rented plan. The private rented plan considers the wider role of PRS accommodation in meeting housing need for those who would be

unable to access social housing. The private rented plan sets out AVBC's strategy for PRS, including AVBC's approach to enforcing standards, when necessary.

- 3.7.3. Both authorities have delivered a programme focussed on informing landlords about the expectations of the minimum energy performance requirements. This was done through targeted engagement with those landlords owning lower performing properties.
- 3.7.4. Both councils have a relatively small student population resulting in low levels of HMOs. Our research has found that in any event HMOs are generally of a good standard and that enforcement action is rarely required.

4. Property condition findings

4.1. Literature/data review

4.1.1. The data from both AVBC's 2022 Modelled Stock Condition Survey (SCS) and DDDC's 2021 SCS of the PRS in their respective local authority regions highlighted the size of the PRS relative to the overall housing sector in each region.

4.1.2. As Figure 1 and Figure 2 below demonstrate, AVBC has a slightly larger PRS than DDDC with 5,564 PRS properties to DDDC's 4,264. However, DDDC's PRS contributes to a larger proportion of the overall housing stock in the region making up 12.3% of the total housing stock, compared to AVBC's PRS properties contributing 9.6% of the overall stock.

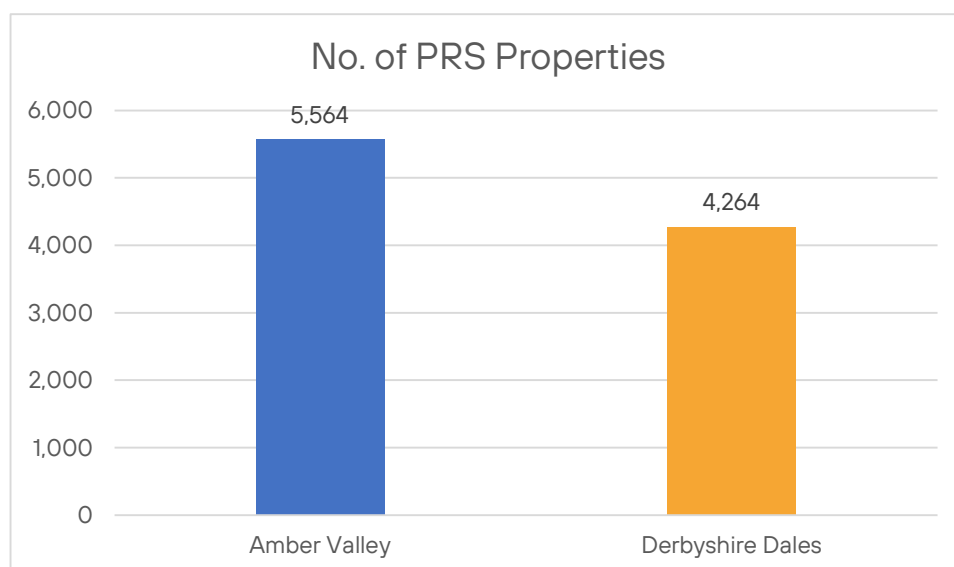


Figure 1: Number of PRS properties in Amber Valley and Derbyshire Dales

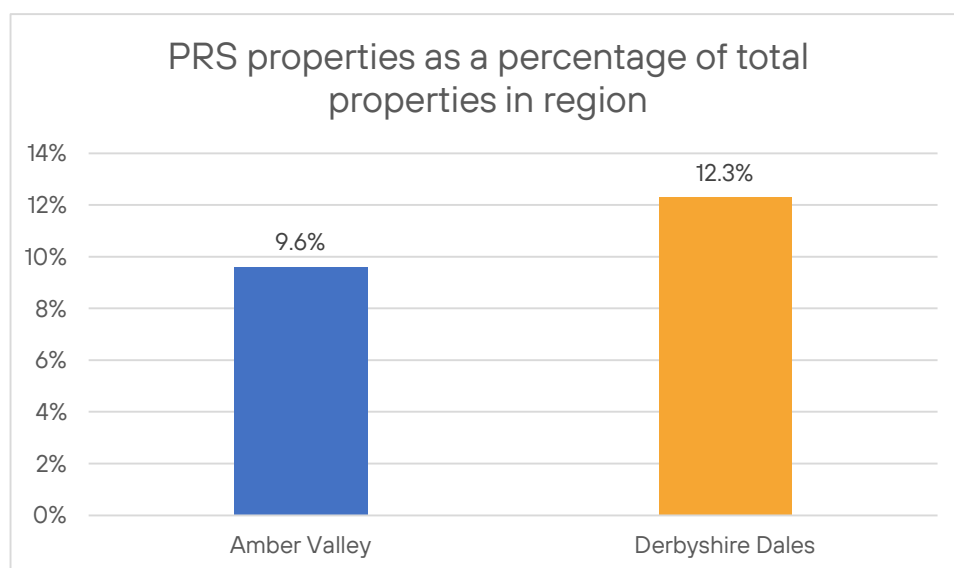


Figure 2: PRS properties as a percentage of the total properties in Amber Valley and Derbyshire Dales

- 4.1.3. Figure 3 highlights the difference in property age between PRS properties in the AVBC and DDDC local authority areas from the respective SCS's.
- 4.1.4. Nearly half of all PRS properties in DDDC were built pre-1918, where as only around a third of AVBC's PRS properties were built in the same period. Overall, PRS stock in AVBC was newer than DDDC.
- 4.1.5. Our conversations with residents from DDDC also highlighted how property age, particularly in conservation areas, were a contributing factor towards poor property conditions and the inability to resolve certain property condition issues.

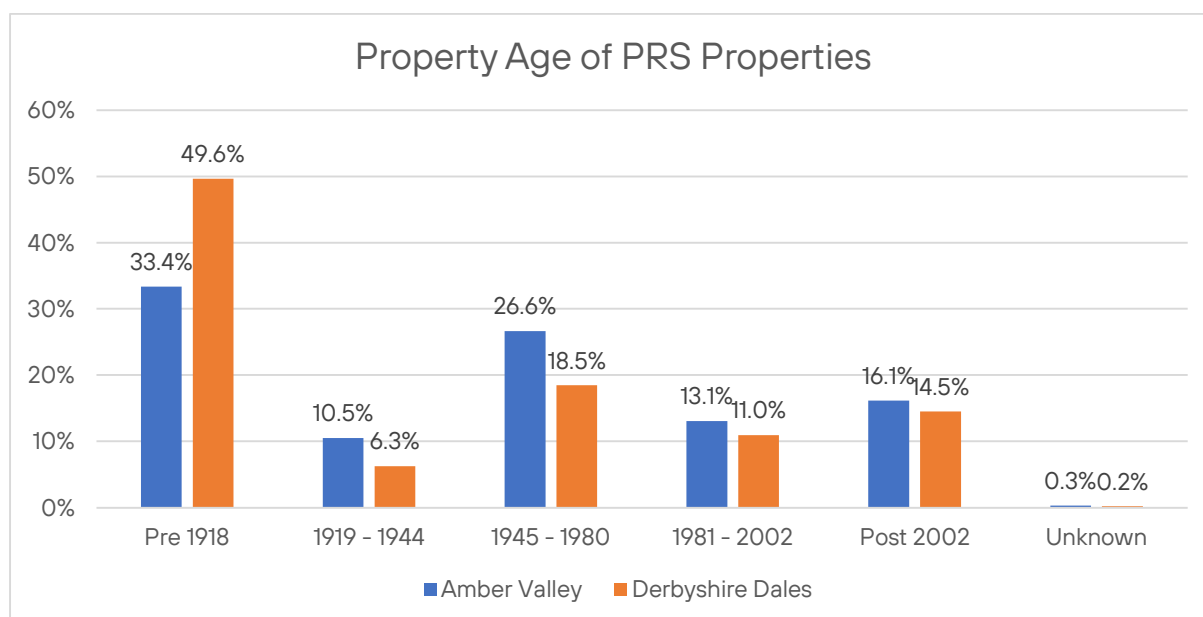


Figure 3: Proportion of PRS properties by age across Amber Valley and Derbyshire Dales

- 4.1.6. Figure 4 highlights the proportion of PRS properties that fail the DHS across the two authorities and provides a breakdown of the reasons.
- 4.1.7. The proportion of non-decent PRS properties was slightly higher in AVBC compared to DDDC but was relatively similar overall.
- 4.1.8. The chart also highlights that the proportion of non-decent homes that failed due to HHSRS category 1 cold and/or damp hazards, HHSRS category 1 fall hazards, and thermal comfort was higher in PRS properties in DDDC than in AVBC. The proportion of PRS homes failing the DHS due to modern facilities and disrepair was similar across both local authorities.

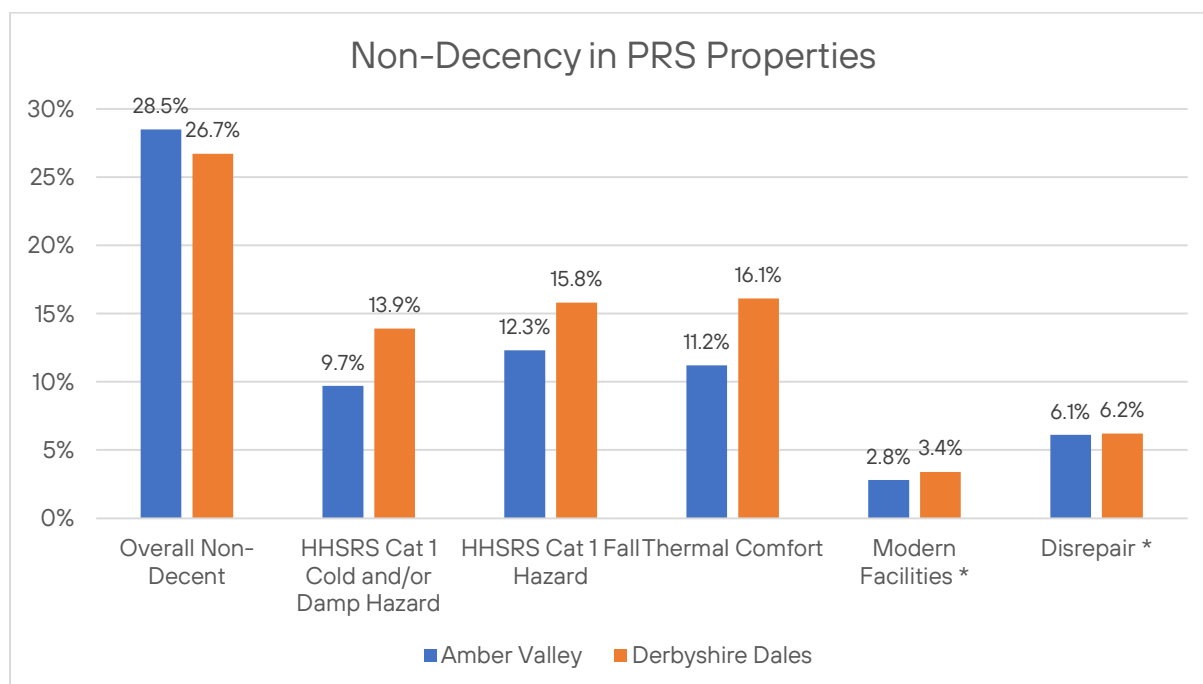


Figure 4: Proportion of non-decent PRS homes across Amber Valley and Derbyshire Dales

4.1.9. It should be noted that the data used for 'Modern Facilities' and 'Disrepairs' for DDDC was taken from DDDC's 2019 SCS as the summary data from DDDC's 2021 SCS provided to us did not include the figures for these categories.

4.1.10. The SCS data and accompanying reports provided by the Councils provided a picture of the size of the PRS, but also highlighted that there were issues with property conditions. We therefore wanted to explore tenant's experiences of their property condition further within our primary research.

4.2. Resident survey

4.2.1. As part of the resident survey, we asked a series of questions to explore the quality of homes, the extent of the property condition issues and how respondents' landlords have reacted to the reported issues.

4.2.2. Of the 173 survey respondents, landlords managed 58% of their properties compared to letting agents managing 40% of them.

4.2.3. When asked how much they agree or disagree with the statement "the condition of my home is of good quality", 40% of survey respondents said they either 'disagree' or 'strongly disagree' with the statement, whilst 35% said they 'agree' or 'strongly agree'.

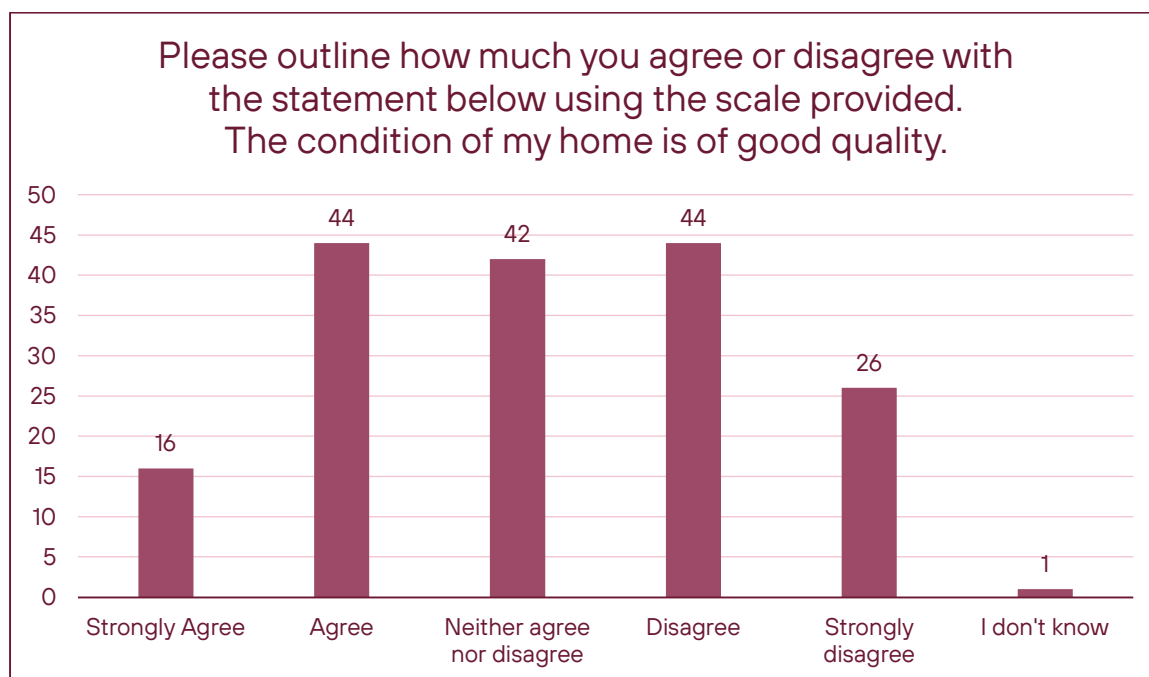


Figure 5: Response to question 'Please outline how much you agree or disagree with the statement below using the scale provided. The condition of my home is of good quality.'

4.2.4. The qualitative feedback from respondents to describe the quality of their home similarly had a mixed response. Heating and insulation of properties was a commonly noted improvement needed.

4.2.5. 77% of survey respondents said they had reported issues to their landlords in the last six months. Respondents were asked to select what their issue(s) were related to. The results of this were the following (note that respondents could select more than one issue):

- Doors and Windows - 37%
- Heating and Hot Water - 34%
- Damp and Leaks - 22%
- Structural Issues - 21%
- Gas and Electrical Safety – 14%
- Drainage – 9%
- Pests – 5%
- Fire Safety – 3%

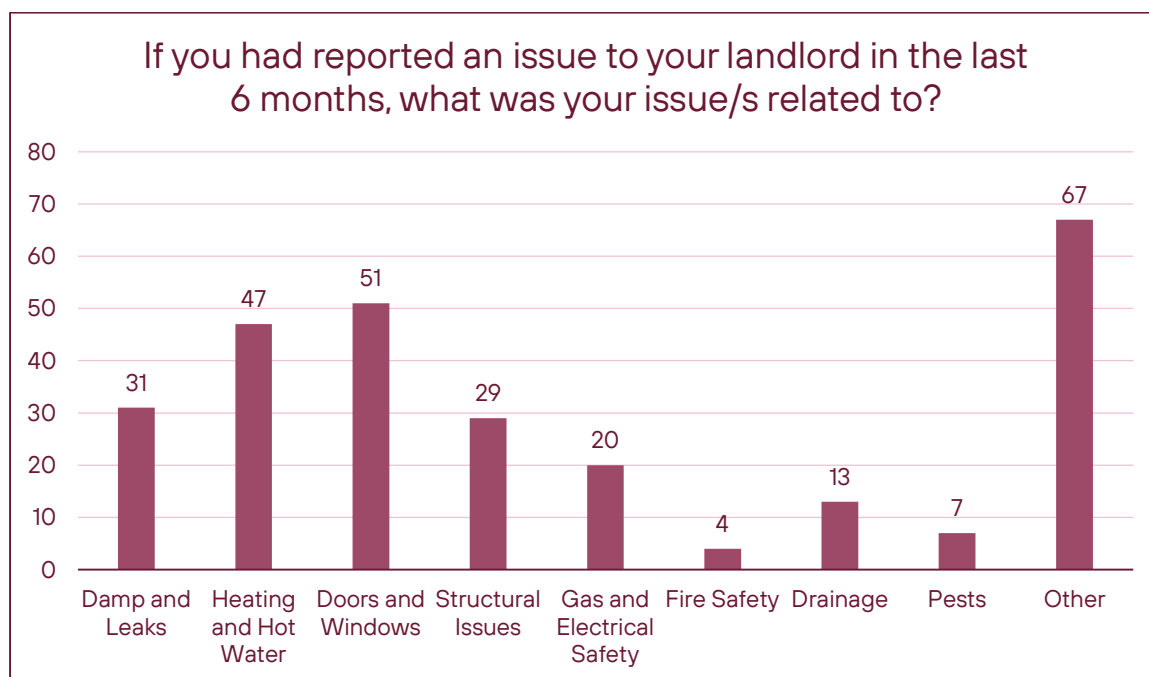


Figure 6: Response to question 'If you had reported an issue to your landlord in the last 6 months, what was your issue/s related to?'

- 4.2.6. The survey question also allowed respondents to select 'other' and enter their answer into a free text box if their issue was not included in the answer options. The responses were wide ranging but tended to be more specific or focused issues within the themes of the answers above.
- 4.2.7. Respondents were asked how satisfied they were that their issue(s) had been resolved. 34% of respondents said they were either 'very satisfied' or 'somewhat satisfied' that their issue was resolved and 42% said they were either 'very dissatisfied' or 'somewhat dissatisfied'.

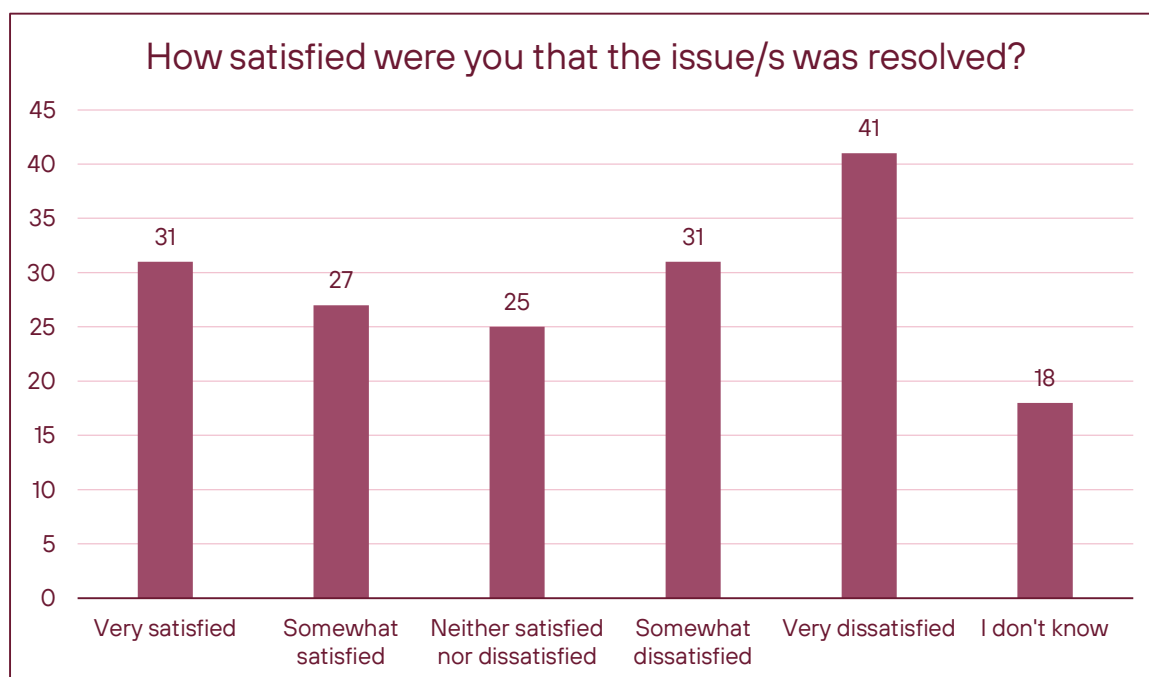


Figure 6: Response to question 'How satisfied were you that the issue/s was resolved?'

4.3. Resident focus group

4.3.1. The challenges relating to PRS home conditions that were discussed at the resident focus group centred around poor repairs services. Some attendees highlighted the lack of value in maintenance fees/charges for their properties. Others felt that landlords do not inspect or know the extent of the condition of their properties and are therefore not motivated to help address issues.

4.3.2. A solution to these issues that were suggested at the focus group were to create an agreement between the landlord and tenant so that the tenant can have reduced rent if they undertake maintenance and repairs themselves. However, it was felt that issues with responsibility and accountability could occur if the landlord is not satisfied with the work undertaken.

4.4. Resident interviews

4.4.1. Our interviews with residents sought to understand the experiences and the issues identified in the resident survey. In particular, in relation to understanding the condition of their property and any anecdotal issues and challenges they could provide.

4.4.2. Issues that interviewees had experienced in their homes varied and included damp, heating, leaks, electrics, plumbing and poor quality carpets.

4.4.3. Several interviewees explained that they lived in older properties and the age of their property had caused issues to its condition. Some of the interviewees lived in conservation areas which meant they were unable to make structural changes to the properties as they were listed.

4.4.4. Only a few of the interviewees had regular inspections from their landlord, although most highlighted that they had a good relationship with their landlord in spite of this.

4.5. Stakeholder engagement

- 4.5.1. Stakeholder interviews similarly highlighted that landlords do not regularly inspect their properties and are often unaware of the standard of their properties. We were informed that when landlords are made aware of property condition concerns by the Councils, they were generally quick to respond and rectify concerns.
- 4.5.2. It was also noted within the stakeholder interviews that some tenants are often too scared to report issues as they are concerned about the impact of requesting repairs on their rent and security of tenure.
- 4.5.3. An interviewee from the Communities team at AVBC highlighted to us that some of the more serious property issues they have seen are with residents who don't complain e.g. basic maintenance like doors not having locks. The same officer also highlighted that there are some residents who do not complain to authorities about the condition of their property as they are concerned that by reporting property condition issues would risk their landlord seeking possession of their home.
- 4.5.4. Our interview with an Environmental Health Officer (EHO) at DDDC highlighted that damp and mould is the most commonly reported issue to them. However, they rarely issue enforcement notices as the issue is rarely as a result of the property but instead is typically because of the living conditions of the resident. Falls from height, fire/gas safety and excessive cold were noted by stakeholders as the most common issues with properties reported to them. The EHO also highlighted that a significant amount of properties in the DDDC are Grade 1 or 2 listed buildings in conservation areas which meant there were limitations to what work could be undertaken to address structural issues.

4.6. Landlord engagement

- 4.6.1. In the landlord survey, we asked what the landlords' plans are for their properties in (i) the next year and (ii) the next five years. Some respondents highlighted that they were going to be undertaking repairs and maintenance work before reletting. The most noted the works that landlords are looking to undertake in the next five years were insulation and energy efficiency works.
- 4.6.2. Landlords provided qualitative feedback that they found it difficult to get significant repairs/maintenance works completed on properties because the 3 months council tax 'grace period' is not long enough.
- 4.6.3. 82% of landlord survey respondents said they regularly plan a programme of improvement works or repairs. These works ranged from new kitchens, improving energy efficiency/insulation, cosmetic works e.g. painting and redecorating, new roofs, new boiler/central heating.
- 4.6.4. Some of the results from the landlord survey were in stark contrast to the feedback we had heard from residents and stakeholders, for example:
- 47% of landlord survey respondents had received reports of problems with a property in the last six months. This is on contrast to the resident survey, where 77% of survey respondents said they had reported issues to their landlords in the last six months.

- 65% of respondents said they conduct routine, non-emergency inspections on their properties. Feedback from residents and stakeholders was that landlords do not tend to make regular inspections.

4.7. Conclusion

- 4.7.1. Our findings from the initial data and document review highlighted that issues with property condition was a common theme within the PRS in both local authority regions.
- 4.7.2. Qualitative and quantitative feedback from the resident survey further emphasised that poor quality property conditions was a frequent issue for residents. There were a wide range of issues with PRS properties fed back to us by residents, with many being unsatisfied with the service or resolution they had received from their landlord.
- 4.7.3. Stakeholders also reiterated the range of property issues found and how landlords are often not aware of the condition of their properties.
- 4.7.4. In contrast, feedback from landlords highlighted that they have planned repairs and maintenance works on their properties and are conducting regular inspections but are not receiving as high volume of reports of problems with their properties as residents have indicated. However, given that these landlords engaged in the consultation, it could be assumed they are more active in their property management than other landlords in the region.

5. Security of tenure findings

5.1. Literature/data review

- 5.1.1. From the data provided by both local authorities, the main reason for a loss of a settled home in both DDDC and AVBC was the end of a private rented assured shorthold tenancy (“AST”). In AVBC, this accounted for 284 of the 478 accounted losses of settled homes between April 2019 to March 2022. In DDDC, this accounted for 134 of the 242 losses in the same period.
- 5.1.2. Looking further into the factors behind this, the main reason for the loss of these tenancies across both local authorities was due to landlords wishing to sell or re-let their properties. In AVBC, 190 of the 284 losses of PRS ASTs was due to no fault evictions and in DDDC, no fault evictions caused 89 of the 135 losses.
- 5.1.3. It was clear from the initial data review that security of tenure was an area we wanted to explore further in our primary research.

5.2. Resident survey

- 5.2.1. In the resident survey, we firstly sought to understand people’s experience in the PRS and their future living aspirations.
- 5.2.2. Figure 7 highlights how long respondents had been renting in the PRS, with 58% of respondents having lived in the PRS between 5-20 years.

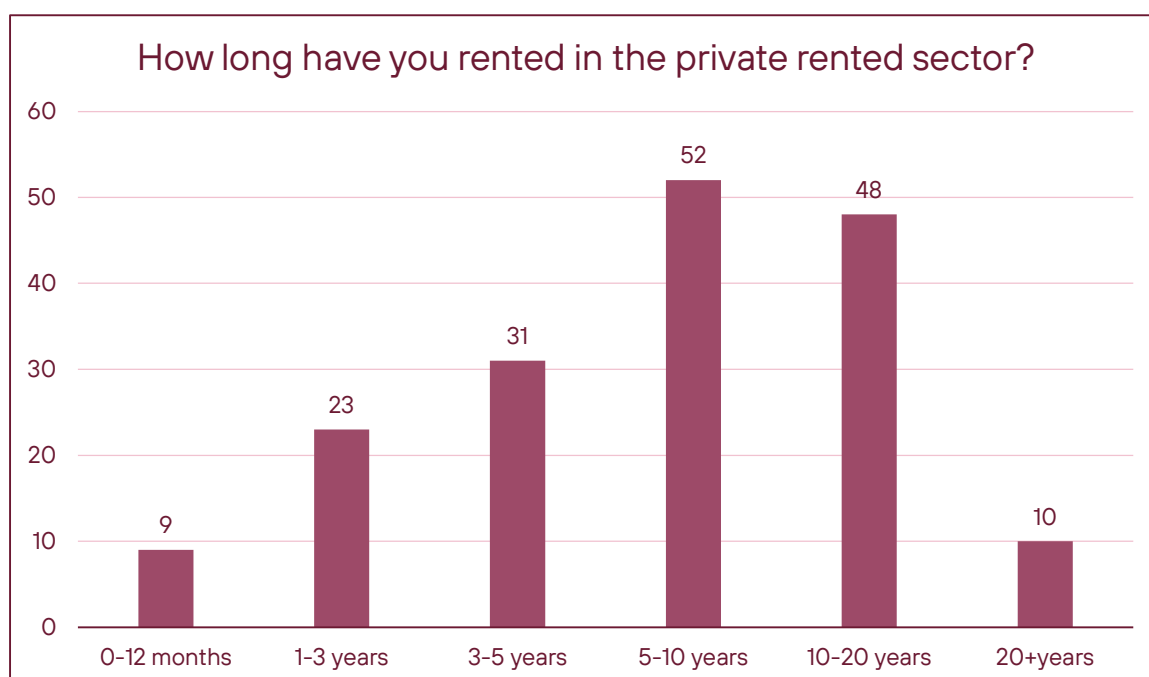


Figure 7: Response to question ‘How long have you rented in the private rented sector?’

- 5.2.3. We then asked how long survey respondents were planning to rent in the PRS. 23% said between 0-12 months, 21% said between 1-20 year, 11% said over 20 years and 45% were not sure about how long they plan to rent in the sector.
- 5.2.4. Survey respondents were then asked which sector they plan to find a home in once they stop renting in the PRS. 55% were looking to go into the social rent sector, 16%

home ownership and 19% did not know which sector they would be living in afterwards. Only 5% of respondents intended to stay in the PRS.

5.2.5. The main barrier for nearly half of respondents to leave the PRS was being on the social housing waiting list. Given that the survey was advertised on both Councils' HomeOptions pages, this may have led to such a high result. The affordability of purchasing a home was the main barrier for nearly a quarter of the respondents.

5.2.6. From here we wanted to explore issues with security of tenure, in particular around their tenancy contract and their concerns about being evicted.

5.2.7. 15% of respondents did not have the option to break their contract before it expires, whilst 44% were unsure if their contract has a break clause in it.

5.2.8. On the other hand, 12% of respondents did not have an option to extend their tenancy before it expires. Whilst 40% of respondents did have option to extend, 47% were unsure if they did have an option.

5.2.9. An emerging theme within our questions around security of tenure was that a large proportion of respondents did not know about key aspects of their tenancy contract. For example, 28% of respondents did not know the length of their tenancy.. Qualitative feedback in the survey highlighted that some respondents did not have a tenancy contract set up with their landlord at all.

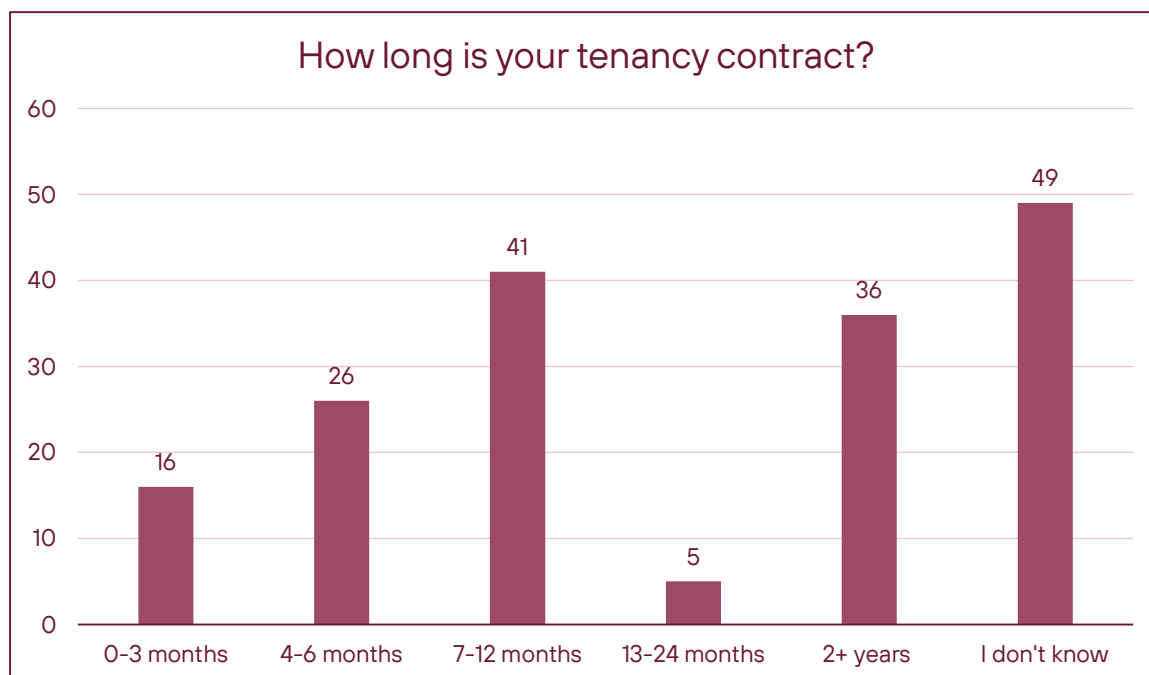


Figure 9: Response to question 'How long is your tenancy contract?'

5.2.10. We then asked respondents how much they agreed or disagreed with the statement 'I am concerned about the security of my tenure'. The results of the survey question are highlighted in Figure 10 and show that 53% of respondents 'agreed' or 'strongly agreed' that they were concerned about the security of their tenure. Qualitative feedback in the survey indicated that residents were particularly concerned about being served a Section 21 notice from their landlord or being evicted for being unable to pay their rent.

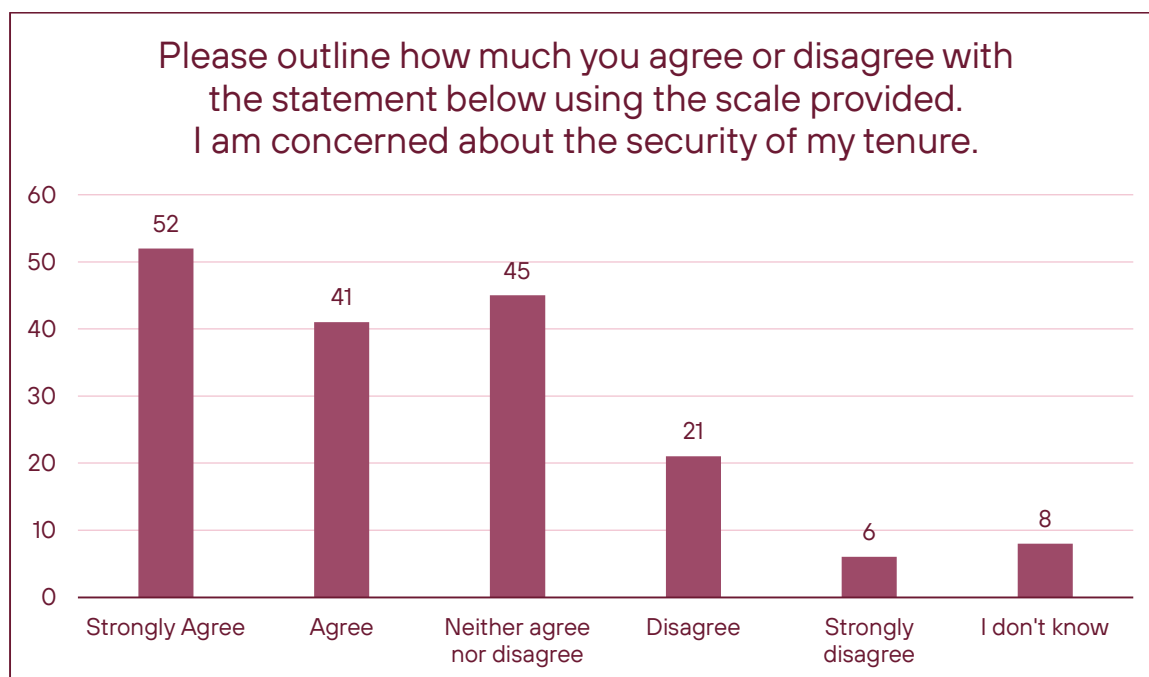


Figure 10: Response to question 'Please outline how much you agree or disagree with the statement below using the scale provided. I am concerned about the security of my tenure'

5.2.11. Finally, when asked where they would go for external advice/support in relation to their tenancy, 55% of respondents said they would go to Citizens Advice Bureau and 20% to their local Council.

5.3. Resident focus group

5.3.1. The challenges relating to security of tenure that were discussed at the resident focus group centred around short-term tenancy agreements. Many residents felt that they were not given any choice if they could not afford rent increases and would be forced to be evicted.

5.3.2. In the resident focus group, attendees sought interventions that bridged the relationship between the landlord and tenants in order to improve security of tenure.. There was acknowledgment that DASH's 'call before you serve' service useful in addressing this.

5.4. Resident interviews

5.4.1. In our interviews with residents, we sought to further understand their experiences and concerns around security of tenure in the PRS.

5.4.2. 5 out of the 8 resident interviewees either had a monthly rolling contract with their landlord or did not have a contract at all. However, these interviewees were not concerned about their security of tenure as they all had good relationships with landlord or had been given no indication that they were looking to sell.

5.4.3. The interviewees property's that were found through the landlord directly, social media, or word of mouth tended to have either a rolling contract or no contract at all. As a result, their relationship with their landlord tended to be more informal and personable.

5.4.4. One of the interviewee's property was owned by an estate which meant they were very unlikely to ever sell the property and therefore were unconcerned about their security of tenure.

5.5. Stakeholder interviews

5.5.1. Our interviews with key stakeholders highlighted that security of tenure was an issue stakeholders had witnessed with residents throughout the PRS.

5.5.2. The interviewee from the Citizens Advice Bureau noted that, given the time it takes to find a property, even six-month ASTs are not secure enough for residents.

5.5.3. Several of the interviewees explained that long-term tenancy agreements are not guaranteed as landlords can serve a Section 21 notice if the tenant has been in the property less than 12 months.

5.5.4. It was also highlighted that residents were often too scared to complain about issues with their properties to their landlord as they were scared of being evicted or the impact on their security of tenure.

5.5.5. Finally, it was noted that finding a suitable property in the PRS within the 2 months' notice period can be a struggle for households given the lack of supply in the region.

5.6. Landlord survey

5.6.1. In the landlord survey we wanted to explore the factors that may lead a landlord to evict a resident or sell their PRS property.

5.6.2. Only 24% of survey respondents said they would let a property to a household who has been homeless and only 53% of respondents said they would accept a household paying rent through state benefits.

5.6.3. We asked what the length of tenancy contracts that landlords typically offers to residents. 29% of respondents offered 6-month contracts or less, 42% offered between 7-24 month contracts and 29% offered tenancy contracts over 2 years.

5.6.4. We then asked what the landlords' plans are for their PRS properties in the next year. Only one landlord said they were planning to sell their property in that time. In relation to their plans over the next five years, several respondents said their decision on whether to keep the property in the PRS or not would depend on incoming government regulation, legislation and taxation. For those who were planning to leave the PRS, they cited increased regulation, taxation and government disincentives as the main reasons for leaving.

5.6.5. When asked to rank the biggest challenges facing landlords in the PRS, respondents chose the following as their top answers:

- Changing legislative landscape
- Increased material and repairs costs
- Increased interest rates
- Buy-to-let tax increases

5.6.6. In regard to the recent increase in interest rates, just over half (53%) of respondents said it was likely to impact their ability to be a landlord in the PRS. On the other hand, 24% of respondents said it was unlikely to impact them.

5.6.7. Finally, we asked respondents to rate how much they have been impacted by the increase in buy-to-let taxes, with 1 being 'no impact at all' and 10 being 'significantly impacted'. The responses to this question averaged at 5.6.

5.7. Conclusion

- 5.7.1. Our findings from the initial data and document review highlighted that landlords selling or re-letting properties, and no-fault evictions were a common reason for the loss of tenancies within the PRS of both local authority regions.
- 5.7.2. The results of the resident survey indicated that the majority of the respondents from the PRS were concerned about the security of their tenure. Qualitative feedback from the resident survey and focus group further highlighted that short-term ASTs and increasing unaffordability of PRS properties have contributed to residents' anxiety about their tenure security.
- 5.7.3. Our interviews with stakeholders also highlighted that some residents' concerns around their security of tenure leads them to not report other issues with their tenancy such as unaffordable rent levels and poor property condition. The interviews also revealed that finding a suitable property within the 2 months' notice period can be a struggle for households given the limited supply of affordable PRS properties.
- 5.7.4. Resident interviews and the landlord survey highlighted that short-term or monthly rolling tenancy contracts were common across the local authorities.
- 5.7.5. Changes to the legislative and financial landscape for landlords is increasingly impacting landlords' ability to serve and remain in the PRS across the two local authority regions. In turn, this is impacting on the security of tenure for residents..

6. Affordability findings

6.1. Literature/data review

- 6.1.1. Data provided by both the local authorities showed that a significant number of applicants on the Councils' housing registers were currently living in the PRS.
- 6.1.2. In AVBC, 525 of the 1,914 applicants on AVBC's housing register are living in private rented accommodation which equates to 27% of the total applicants. Similarly, 237 of the 1,005 applicants on DDDC's housing register are currently private renting, which equates to 23% of the total applicants.
- 6.1.3. Across both of the local authorities, there were a combined 59 ASTs in the PRS that were ended due to rent arrears between April 2019 and March 2020.
- 6.1.4. Given the context of cost-of-living crisis, increase in mortgage rates and inflation on rent prices nationally, as well as the initial findings from the data review, it was clear that affordability was a theme we wanted to explore further.

6.2. Resident survey

- 6.2.1. In order to gain an understanding of affordability issues within the PRS, we first wanted to understand the monthly income that is spent on rent. As such, we asked what the income of the respondent's household is per year. 63% of respondent's annual household income was £25k or under, and 27% earned between £25k and £50k as a household.
- 6.2.2. Survey respondents were also asked what percentage of their monthly income is spent on rent. The results are highlighted in Figure 11 below. The majority of respondents spent 40%-50% of their monthly income on rent. 18% of respondents spent 20%-29%, and a similar split of respondents (17%) spent 30%-39%.

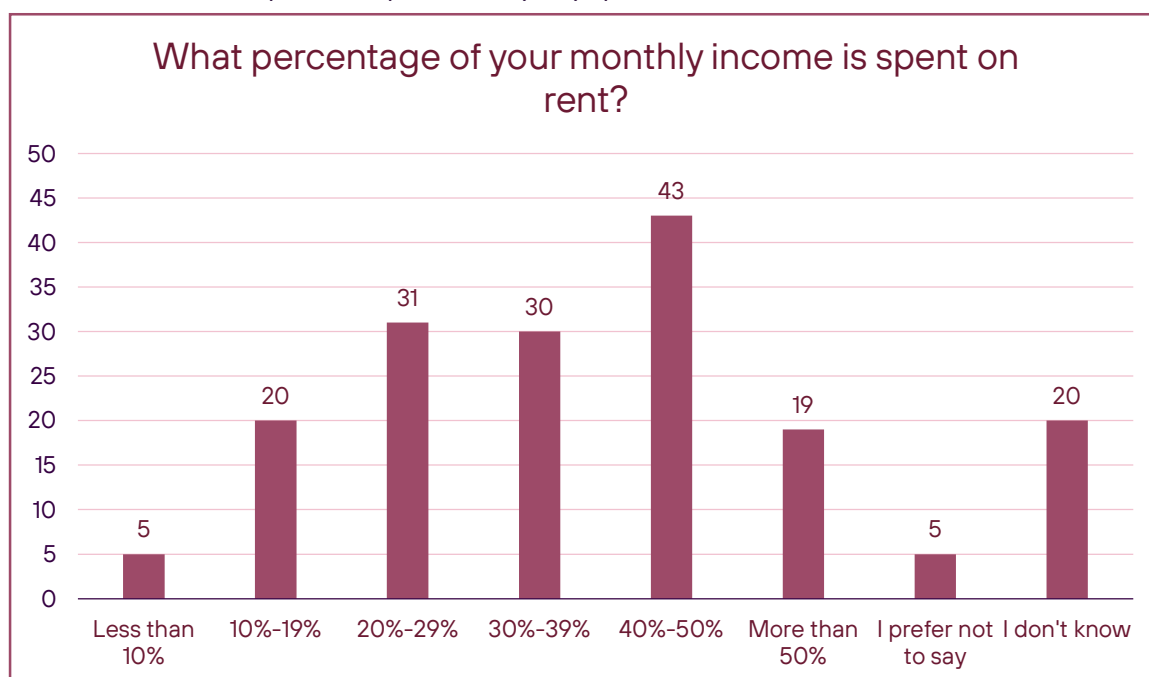


Figure 11: Response to question 'What percentage of your monthly income is spent on rent?'

6.2.3. When asked how much they agree or disagree with the statement “my current level is affordable”, 43% of respondents felt their rent level was not affordable compared to the 30% of respondents who felt their rent level was affordable.

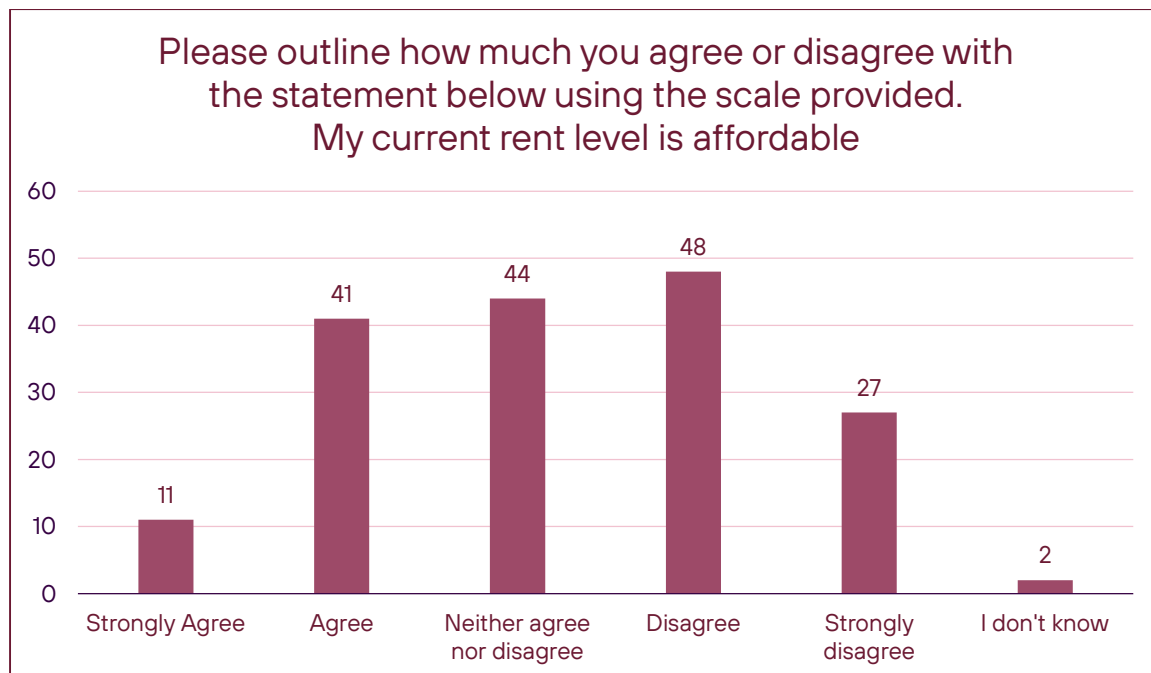


Figure 12: Response to question ‘Please outline how much you agree or disagree with the statement below using the scale provided. My current rent level is affordable.’

6.2.4. Respondents were also asked how much they agree or disagree with the statement “my current rent level is good value for money”. 42% of respondents disagreed with the statement and only 31% agreed that their rent was good value for money.

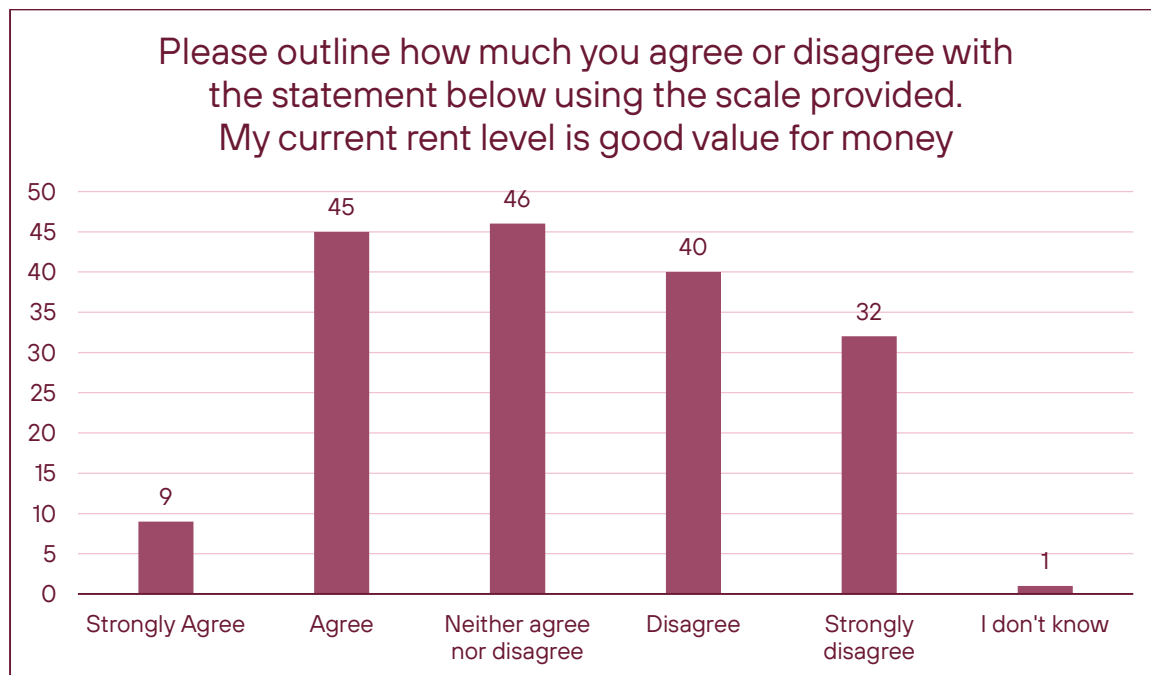


Figure 13: Response to question ‘Please outline how much you agree or disagree with the statement below using the scale provided. My current rent level is good value for money.’

6.2.5. Finally, figure 14 below shows the results from the survey question asking how likely respondents would be able to afford an increase in their rent levels. 70% of respondents answered that they would be unlikely to afford an increase in rent if their landlord decided to increase rents. Whilst only 14% said they are likely to be able to afford an increase.



Figure 14: Response to question 'If your landlord decides to increase the rent, how likely are you to be able to afford an increase in rent levels?'

6.3. Resident focus group

6.3.1. Qualitative feedback from the resident focus group noted that the recent spike in rental prices have become unaffordable for many and residents often feel powerless when landlords increased their rents. As a result, the rental price spike has significantly impacted resident's concerns on the security of their tenure.

6.4. Resident interviews

6.4.1. Several of the resident interviewees had experienced an increase in rent levels recently for the first time in a number of years. Despite this, the majority of the residents we interviewed felt that their rent was affordable, particularly given the scarce amount of PRS properties in the area.

6.4.2. Two of our interviewees had previously used or were in the processing of applying for Universal Credit to cover the Local Housing Allowance (LHA) for their rent, both noting that their landlord had been supportive and considerate of their financial situation when doing so.

6.5. Stakeholder interviews

6.5.1. Our discussions with key stakeholders reiterated that private rented properties in the region are not affordable for many.

- 6.5.2. A particular source of the unaffordability was due to LHA rates not being able to fully cover rents. In particular, the freeze of LHA against the backdrop of increased inflation, interest rates and national rent levels have inflated the unaffordability of PRS properties for those who receive LHA. This is issue that is impacting the PRS nationally too.
- 6.5.3. Several of the stakeholders interviewed felt that LHA rates are not high enough to incentivise landlords to rent at that level and therefore there is a scarcity of affordable private rental properties in the region. One stakeholder described that they had spoken to estate agents in the area who regularly receive 20-30 applications for the one-bed properties they let.
- 6.5.4. We were also told that some of the affordability difficulties for residents derive from not being allocated any social housing and therefore being stuck in the PRS as they have no alternative.
- 6.5.5. The Benefits Manager from DDDC highlighted to us that limited employment options in the borough mean that there is mainly an elderly population in the local PRS. They estimated that around half of the residents on housing benefits are elderly. The interviewee also highlighted that engagement with landlords regarding housing benefits has previously been a struggle.

6.6. Landlord survey

- 6.6.1. In the landlord survey, we wanted to understand the views of landlords on the affordability of their properties in the area.
- 6.6.2. Landlords felt positively about the affordability of their properties, with 88% of landlord survey respondents agreeing that that the rent level of their properties are affordable to tenants, as well as 94% of respondents agreeing that their rent levels were good value money.
- 6.6.3. When asked about how likely they would be to increase rents in the next 12 months, 41% of respondents said they were likely to increase, whilst 24% said they were unlikely to increase rents.
- 6.6.4. Respondents were asked to rank the most important factors to them when considering possible tenants. The overall results from the respondents ranked the factors in the following order:
1. Ability to pay rent on time
 2. Reference from current or previous landlord
 3. Length of time they want to occupy the property
 4. Tenant employment status
 5. Ability to pay deposit
 6. Legal status of prospective tenant
 7. Amount of money offered per month
- 6.6.5. As mentioned in the 'Security of Tenure Findings' section, 53% of landlord survey respondents said they would accept a household paying rent through state benefits.

6.6.6. Qualitative feedback from the landlord survey also highlighted that landlords felt there was no incentive from central or local government for them to rent out at the LHA rate and tax changes have made it harder to sell.

6.7. Conclusion

6.7.1. Our initial findings from the data review highlighted that affordability was a common issue for residents in the region and national PRS.

6.7.2. The outcomes of the resident survey and focus group session emphasised that, for many, renting in the PRS is unaffordable. In particular, the recent spike in rental prices has further inflated affordability issues for residents in the PRS.

6.7.3. Our interviews with stakeholders also reiterated that the freeze on LHA and lack of incentives from central or local government for landlords to rent out at LHA has impacted on the affordability of the sector.

6.7.4. This was supported by feedback from the landlord survey which highlighted that landlords felt disincentivised to rent properties at LHA rates and in the PRS as a whole.

7. Options workshop

7.1. Introduction

- 7.1.1. In January 2023, an options workshop was held with officers of DDDC and AVBC. The aim of the session was to develop and assess potential options designed to address the issues identified in the research; affordability, security of tenure and home condition. Attendees were asked to rate each option presented based on suitability, feasibility and acceptability.
- 7.1.2. This section sets out more details of the procedure for the workshop, the options presented and voting results.

7.2. Overview of the workshop

- 7.2.1. The workshop began by highlighting the learning so far and then presented a set of options that had been developed from this research base.
- 7.2.2. Each option was presented with an overview description of the option, the identified strengths, weaknesses and considerations, and for some options, a case study was also provided.
- 7.2.3. After the workshop, attendees were provided with a slide pack and asked to reflect on the options and make an assessment using the suggested criteria for suitability, feasibility, and acceptability as outlined in Table 1:

Table 1: Suitability, Feasibility and Acceptability Criteria

Criteria		
1	Suitability	How suitable or effective is each option for DDDC and AVBC, its context and its objectives? Will it address identified issues?
2	Feasibility	Is the option implementable in practice with reasonable expectations for resource? Is it practical? Is it affordable?
3	Acceptability	How acceptable is the option to stakeholders? (Including Council members, Council departments, landlords, tenants and wider stakeholder groups). Scores should include wider acceptability and not a single stakeholder group.

- 7.2.4. The combined 1-5 scores for suitability, feasibility, and acceptability of each option gave an overall score out of 15.

7.3. Options discussed

- 7.3.1. The options presented at the workshop were as follows:

Option 1 – Advice and Information

The Council publish information on a dedicated, user-friendly web page on private rented accommodation for local landlords and tenants in order to advertise the support the Council can provide and to provide information on the PRS within the region.

This could include: local standards, examples of good practice, promoting awareness of responsibilities, regulatory information updates, advice on repairs improvements, provide links to local landlord groups, information on illegal eviction.

Option 2 – Advertising PRS Properties on Home Options

The Council utilise their Home Options platform to advertise private rented properties in the region.

Option 3 – Dedicated Complaints Service for PRS tenants

Provision and advertisement of information for PRS tenants on how to process a complaint to the council/stakeholders about key issues with their property/landlord. This involves:

- Improved comms for PRS tenants to access support from the Council (i.e. accessing inspections, environmental health, homelessness services and CAB/Shelter).
- Multiple channels to make the complaint (phone, digital).
- Clear complaints procedures for tenants to follow.
- Rapid response process to route relevant service who can action and track the complaint effectively and ensure a swift resolution.

Option 4 – Evidence Database

The Council to research and create a data base to obtain a better picture of the local PRS which can be used in future to identify the key issues and apply the right interventions. Both councils have an evidence database of stock condition.

Option 5 – Multi-Agency Working

Local authority departments and other agencies working in the area, tackle rogue landlords by reporting issues collaboratively, and making connections between enforcement of other illicit activities. The following teams may be able to identify hotspots of rogue landlord activity: complaints, planning enforcement, anti-social behaviour. Other agencies such as the police, local health partners and fire and rescue service can offer insight into areas where rogue landlords may be prevalent.

Option 6 – Ethical Lettings Agency

The Council create a lettings agency that supports landlords to provide high quality accommodation, whilst minimising risks to landlords through robust management approach. It aims to strike a balance to make sure privately-owned homes benefit society and generate profits for landlords.

Option 7 – Increased Capacity

Increase capacity within the Council's Housing Standards Team to enable more resource to investigate and take enforcement action on landlords who rent out substandard properties and fail to comply with housing legislation. Both councils have received funding from the Department of Levelling Up, Housing and Communities (DLUHC) to increase capacity within their Housing Standards Team.

Option 8 – Council to Provide PRS Accommodation

The Council provide its own PRS accommodation. If the Council are unable to improve existing PRS properties, there is an option for the Council to create its own stock. The

Council will ensure that tenancies are offering on ASTs for a minimum period to ensure security of tenure.

Option 9 – DASH and DLC Services

The Council invests in support services which include DASH and Derbyshire Law Centre (DLC).

DASH Services is a joint-working initiative with local authorities, property owners, landlords and tenants. DASH aims to improve housing conditions, with a particular emphasis on the PRS.

Option 10 - Council-led Accreditation Scheme

The Council designs and introduces its own tailored accreditation scheme to address the key local issues.

Option 11 – Landlord Register

The Council holds a voluntary registration system of landlords that can be used as a tool to gather information on the local landlords and their portfolios. Landlords' individual register number would be used in all transactions relating to each letting.

Option 12 - Additional Licencing for HMO's

Along with mandatory licencing which seeks to target those Houses in Multiple Occupation (HMO) that are at the highest risk, local councils can introduce additional licencing.

Option 13 – Selective Licencing for PRS

The Council can introduce a Selective Licencing Scheme to ensure that all private rented properties within a designated area are required to be licenced. Such a scheme would require landlords of properties within a Selective Licencing Area to seek a licence from the Council enabling an inspection of the property and providing the Council with the opportunity to work with the landlord to remedy poor housing conditions or management deficiencies.

Option 14 – Inspections

The Council increase the number of reactive inspections, if they have received a complaint, or proactive inspections to gather evidence and identify any action that may need to be taken.

Option 15 – Stronger Enforcement Approach

Council to impose a strong enforcement and inspection regime. For example, increasing the number of Housing Health and Safety Rating System (HHSRS) inspections taking place, increasing the number of notices issued and/or increasing the fines/penalties for the notices. Both councils have received funding from the Department of Levelling Up, Housing and Communities (DLUHC) to enhance their enforcement approach.

7.4. Ratings and discussion

7.4.1. The tables below highlight the average scorings given by attendees for suitability, feasibility and acceptability, and the overall score for each option.

- 7.4.2. For Option 2 (Advertising PRS Properties on Home Options), it was highlighted by attendees that there is a risk that tenants perceive PRS homes to be to a minimum quality standard if placing bids through a council platform.
- 7.4.3. For Option 4 (Evidence Database) attendees raised concerns that the management of such a database would require a significant amount of resource. Resourcing was also highlighted as a concern for Option 7 (Increased Council Staff Capacity), with both councils identifying that it is unlikely for additional roles and costs to be accepted in the current operating environment.
- 7.4.4. Comparisons were raised between Option 6 (Ethical Lettings Agency) and Option 8 (Council to Provide PRS accommodation) with some identifying that Option 6 as a similar, yet lower risk solution in comparison to Option 8.
- 7.4.5. The operational implications of Option 15 (A Stronger Enforcement Approach) were raised in the session, including concerns about the engagement with landlords in the context of a notice served, including the potential risk of eviction for the tenant.
- 7.4.6. The results are shown in Table 2 and Table 3.

Table 2: AVBC options appraisal assessment

Amber Valley					
No.	Option	Suitability	Feasibility	Acceptability	Overall Score
1	Advice and information	4.2	4.2	3.8	12.2
2	Advertising PRS Properties on Home Options	3.4	3.2	3.2	9.8
3	Dedicated Complaints Services for PRS Tenants	2.8	3.4	3.4	9.6
4	Evidence Database	3.8	3	3.2	10
5	Multi-Agency Working	4.4	4.4	4.2	13
6	Ethical Lettings Agency	3.8	3.4	3.2	10.4
7	Increased Council Staff Capacity	4	2.4	3.4	9.8
8	Council to Provide PRS Accommodation	2.8	2	2.6	7.4
9	DASH and DLC Services	4	4	3.8	11.8
10	Council Accreditation Scheme	2.4	2.2	2.8	7.4
11	Landlord Register	3.2	2.2	3	8.4
12	Additional Licensing for HMOs	1.6	2.2	2	5.8
13	Selective Licensing for PRS	2.2	2	2.2	6.4
14	Inspections	4.2	3.4	3.8	11.4
15	Stronger Enforcement Approach	2.4	3	2.8	8.2

Table 3: DDDC options appraisal assessment

Derbyshire Dales					
No.	Option	Suitability	Feasibility	Acceptability	Overall Score
1	Advice and information	5	5	5	15
2	Advertising PRS Properties on Home Options	4	3	3	10
3	Dedicated Complaints Services for PRS Tenants	3	2	2	7
4	Evidence Database	2	3	4	9
5	Multi-Agency Working	4	3	4	11
6	Ethical Lettings Agency	4	2	4	10
7	Increased Council Staff Capacity	4	2	3	9
8	Council to Provide PRS Accommodation	4	3	3	10
9	DASH and DLC Services	5	4	4	13
10	Council Accreditation Scheme	4	3	4	11
11	Landlord Register	2	2	3	7
12	Additional Licensing for HMOs	2	2	3	7
13	Selective Licensing for PRS	3	3	3	9
14	Inspections	4	4	4	12
15	Stronger Enforcement Approach	3	3	3	9

7.5. Conclusion

7.5.1. The options workshop made several recommendations to the Councils around possible interventions for the PRS, ranging from engagement and education, in-house council initiatives, voluntary regulation, and mandatory regulation and enforcement. Attendees were asked to rate these on suitability, feasibility and acceptability (SFA).

7.5.2. Based on the SFA scores and discussions from the workshop the following options were rated most highly (more than ten out of a possible 15) for both authorities:

1. Advice and Information.
2. Multi-Agency Working.
3. DASH and DLC Services.
4. Ethical Lettings Agency.
5. Inspections.

7.5.3. The following options were graded highly by DDDC (more than ten out of a possible 15) with AVBC grading them lower (less than ten out of a possible 15):

1. Advertising PRS Properties on Home Options.
2. Council to Provide PRS Accommodation

3. Council Accreditation Scheme.

7.5.4. The following option was graded highly by AVBC (more than ten out of a possible 15) with DDDC grading them lower (less than ten out of a possible 15):

1. Evidence Database

8. Recommendations

8.1. Our approach to the recommendations

- 8.1.1. Our recommendations take account of the SFA scoring by both councils; however, this has not been the only driver. Rather, our recommendations are also formed on the issues identified within the research in relation to affordability, security of tenure and home condition, our knowledge of the PRS sector across both council areas and our understanding of best practice for Local Authority interventions for the PRS.
- 8.1.2. Our recommendations are set out in Table 4 and have been split into whether the recommendation should be taken forward by an individual council or both councils.

Table 4: Recommendations

No.	Recommendation	AVDC	DDDC
Recommendations currently being delivered by both councils which may benefit from a refresh			
1	Advice and information – both councils should review the information that they publish for landlords and tenants. Information should be on a dedicated, user-friendly web page to advertise the support the Council can provide and to provide information about the PRS within the region.	✓	✓
2	Dedicated complaints service for PRS tenants AVDC should further explore a dedicated complaints service for PRS tenants. This recommendation has a strong relationship with recommendations 1 and 6, all three recommendations should be considered in parallel.	✓	
3	Multi-Agency working – both authorities should consider how to apply a multi-agency working approach to address rogue landlords and property condition issues. Consideration should be given to how to apply a multi-agency approach to better understanding the relationship with health and housing, specifically the impact of damp and mould to asthma rates across both areas.	✓	✓
4	Full assessment of DASH, DLC and in house council accreditation schemes – both authorities should conduct an assessment of current DASH and DLC services, including identifying service gaps, (such as the provision of support for property condition), the impact of services to landlords and tenants and the associated costs. A comparison should be made to an in-house accreditation service by cost and impact.	✓	✓

Recommendations for the delivery of property condition interventions (in consideration of the DLUHC funding available to both councils)			
5	Proactive inspections – both authorities to create a schedule of proactive inspections based on data already known by the councils, alongside other data sources identified through multi-agency working. The proactive inspection regime should be supported by communications and engagement with landlords and tenants about the inspection purpose and potential outcomes.	✓	✓
6	Increased staff capacity – to increase staffing capacity to support the schedule of proactive inspections. Due consideration should be given to the capacity of new and existing roles.	✓	✓
7	Regular reviewing of outcomes – both councils should regularly review the learnings from proactive inspections and consider whether other interventions are required to further support the PRS (i.e., whether licencing schemes should be considered at a later date)	✓	✓
Recommendations for new PRS interventions not currently delivered by one or both councils			
8	Ethical lettings agency – both authorities should further explore the option of an ethical lettings agency to address the issues identified in this paper. Both authorities should explore whether other neighbouring authorities that may wish to partner.	✓	✓
9	Exploration of the delivery PRS accommodation- DDDC should further explore the option of delivery of PRS accommodation through the provision of a local housing company, at arms-length by the council.		✓

Appendix 1 – Options case studies

Option 1 case study - Advice and Information

Derby City Council

- The Housing Standards Team produces a regularly updated report on its activities in the private rented sector. It includes a detailed guide on its approach to enforcement covering, for example, its procedures on addressing serious hazards, minor hazards, the use of prohibition orders and charges. It is available on the local authority website and is targeted at landlords and lettings agents.

Option 3 case study – Dedicated Complaints Service for PRS Tenants

Plymouth – Triaging, ‘different level interventions’

- Initial contact - an in-depth telephone conversation with the tenant, which includes discussing defects, advice on security of tenure, how to approach the landlord and asking questions to determine the level of risk.
- A letter from council - write to the landlord asking him/her to address the tenant's concerns. They found that this resolved about 50% of cases to the tenant's satisfaction.
- Serious concerns - a prioritised visit will be made, and appropriate action taken.

Option 4 case study – Evidence Database

Examples of data elements:

- Owner occupation, council tax names registered, council tax names liable, single person discount, student exemption.
- Ex local authority property sold under right to buy, local authority housing placements, housing association owned property.
- Planning applications.
- Building regulation approvals and breaches.
- Frequency of turnover of occupants.
- Benefits - who has claimed against an address, number of claims against address.
- Electoral roll data against an address.
- Census data.
- Police call outs against an address.
- Anti-Social Behaviour Orders placed against an address.
- Large rubbish collections or removals against an address.

Option 5 case study – Multi-Agency Working

‘Leeds Neighbourhood Approach (LNA)’

- Leeds City Council developed the ‘Leeds Neighbourhood Approach (LNA)’ project which addresses both housing conditions and the needs of the households and community. It proactively targets small areas of the city on a street-by-street basis based on intelligence, stock condition, levels of empty homes and identifiable community needs. The LNA is a partnership approach, led by the Private Sector Housing team. The approach involves a wide range of partners to deliver change in their local area.

- All rented properties within the designated area are inspected by the Private Sector Housing team to ensure consistency. All owner/occupiers are invited to take part with help and advice provided on property maintenance. All landlords, agents and empty home owners are invited to work with the partnership to improve the area. Any owner who does not come forward within the six-week amnesty is dealt with formally using whatever legislation is appropriate.

Option 6 case study – Ethical Lettings Agency

Hartlepool Borough Council

- Hartlepool Borough Council operates a Social Lettings Agency (SLA) which provides similar services to a commercial letting and managing agent. It works with landlords and tenants to help establish and sustain tenancies. The SLA aims to provide quality and affordable housing management services and access to a range of in-house skills and expertise.

Option 7 case study – Increased Capacity

Housing Standards Team

- Complaints
- Customer Service Centre
- Enforcement
- Environmental Health
- ASB Team
- Homeless services
- Other support (Age UK, Citizen Advice)

Option 8 case study – Council to Provide PRS Accommodation

Guildford Borough Council (GBH)- North Downs Housing (NDH)

- NDH is the housing trading arm of GBH. NDH was set up by the Council but is a separate legal entity managed by independent directors.
- Its purpose is to enable the Council to offer a wider range of housing products and solutions to those who for whatever reason find access to purely market-based options a challenge.
- The company delivers homes for rent and homes for sale but is principally focus on the lower quartile of the housing market including the rental sector.
- As of 2021, more than 80% of all councils owned housing companies. While some are dormant, many operate successfully today. These organisations are being used in different ways, whether that is for pure development, housing management, purchasing Section 106 properties, or buying street properties for rent.

Option 10 case study – Council-led Accreditation Scheme

The Coventry Landlord Accreditation Scheme

- This is a free voluntary self-regulating scheme that landlords and lettings agents are encouraged to join. It incorporates free training on a variety of regulations and reduced fees for property licensing. In addition, landlords can advertise themselves as being accredited by the council. The benefits of the scheme for all parties, including tenants, include better property conditions, higher management standards and more tenant-considerate behaviour in relation to neighbours. It also helps to reduce misunderstandings and disputes between landlords and tenants.

Option 11 case study – Landlord Register

Rent Smart Wales (landlord registration):

- Since 23 November 2015, all Landlords with privately rented property let out on a domestic tenancy in Wales are legally required to register with Rent Smart Wales in order to comply with the law.
- The landlord registration is valid for 5 years.

Scottish Landlord Register:

- Private landlords in Scotland are legally required to apply for registration with their local authority. Operating as an unregistered landlord is a criminal offence.

Option 14 case study – Inspections

Powers to inspect:

- Section 239 and 240 of the Housing Act 2004

Powers of entry:

- Section 239 and 240 of the Housing Act 2004 give local authorities the power to enter a home to obtain information for enforcement action.
- Officers are required to give 24 hours' notice in most instances.
- If entry is refused or immediate entry is required because of an imminent risk to health and safety, officers should obtain a warrant from the Justice of the Peace.

As an exception, officers may enter and take action in certain circumstances where a warning would make an inspection insignificant.

Option 15 case study – Stronger Enforcement Approach

Evidence - In 2021:

- Local authorities performed an average of 135 HHSRS inspections per year, significantly below the average number of complaints.
- Activity varied substantially, with 25 local authorities responsible for 50% of all HHSRS inspections.
- 3,679 improvement notices are issued annually, with 9% of HHSRS inspections leading to an improvement notice.
- However, usage of this notice is concentrated, with 20 local authorities responsible for 50% of notices.
- Two local authorities performed most of the emergency remedial actions over the last three years. Over half performed no emergency remedial action at all.
- Follow-up enforcement is extremely low with around 1% of HHSRS inspections leading to criminal prosecution.

Appendix 2 – Full reading list, interviews and session attendance

Documents Provided by the Councils

Amber Valley Borough Council

- Private Rented Plan
- Amber Valley Borough Council Stock Condition Report 2019
- Map of HMOs in Amber Valley
- Non-Public HMO Register
- AVBC - Reasons for Registration
- AVBC – Home Options Data
- AVBC - PRS Approaches & Reasons (Apr 2019 – Mar 2020)
- Stock Condition Survey Master Database
- Supported Accommodation Breakdown

Derbyshire Dales District Council

- Copy of Derbyshire Dales 2021 SCS Database Master
- Derbyshire Dales District Council Stock Condition Survey Report (2019)
- Home Options Data
- DDDC - PRS Approaches & Reasons (Apr 2019 – Mar 2020)
- Case Studies for Private Rented Research
- Renewal Policy 2020-2023

External Source List

The list of external sources we used inform the research is as follows:

- DASH Services– Options for Improving Housing Standards
- Department for Communities and Local Government - Improving the PRS and Tackling Bad Practice - A Guide for LAs (2015)
- Department for Communities and Local Government - Rogue Landlord Enforcement - Guidance for Local Authorities (2019)
- Local Government Association – DASH East Midlands (2020)
- Local Government Association - Improving the PRS - A Guide for Councils (2020)
- National Audit Office - Regulation of Private Renting (2021)
- Office of National Statistics – Census 2021 (2022)
- University of York - The Evolving Private Sector (2018)
- Derby City Council Cabinet – ITEM 13 (2022)

Stakeholder Interviewees

We interviewed the following individuals for our stakeholder engagement:

- Housing Options Service Manager - Age UK Derby & Derbyshire
- Head of Communities - Amber Valley Borough Council

- Decent and Safe Homes (DASH) Manager - DASH Services
- Housing Solutions Officer - Derbyshire Dales District Council
- Environmental Health Officer - Derbyshire Dales District Council
- Benefits Manager - Derbyshire Dales District Council
- Projects and Services Manager - Derbyshire Districts Citizens Advice

Derbyshire Law Centre were contacted for an interview but we were unable to arrange one in the timeframe required.

Surveys Response Rate, Interview Attendance and Focus Group Attendance

- **Resident Survey:** 173 responses in total. 84 responses from Amber Valley and 89 responses from Derbyshire Dales
- **Resident Focus Groups:** Focus group held on 16th November had 14 attendees. The second focus group on 17th November had 7 attendees.
- **Landlord Survey:** 17 responses in total. 5 responses from Amber Valley and 12 responses from Derbyshire Dales.
- **Stakeholder Interviews:** 7 stakeholders were interviewed.
- **Resident Interviews:** 8 residents were interviewed. All of the interviewees lived in Derbyshire Dales
- **Options Workshop:** 7 stakeholders attended the options workshop in total. 5 stakeholders were from Amber Valley Borough Council and 2 stakeholders were from Derbyshire Dales District Council

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