AGENDA FOR

CABINET

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To: All Members of Cabinet

Councillors : L Smith (Cabinet Member, Transport and Infrastructure), C Cummins (Cabinet Member, Housing Services), D Jones (Cabinet Member, Communities and Emergency Planning), A Simpson (First Deputy and Cabinet Member Health and Wellbeing), E O'Brien (Leader, Cabinet Member, Finance and Growth), A Quinn (Cabinet Member for Environment and Climate Change), T Tariq (Deputy Leader, Cabinet Member Children, Young People and Skills), J Black (Cabinet Member for Cultural Economy) and T Rafiq (Cabinet Member, Corporate Affairs and HR)

Dear Member

Cabinet

You are invited to attend a meeting of the Cabinet which will be held as follows:-

Date:	Wednesday, 24 March 2021
Place:	Microsoft Teams
Time:	6.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of Cabinet are asked to consider whether they have an interest in any of the matters of the Agenda and, if so, to formally declare that interest.

3 PUBLIC QUESTION TIME

Questions are invited from members of the public about the work of the Council and the Council's services.

Approximately 30 minutes will be set aside for Public Question Time, if required.

4 MEMBER QUESTION TIME

Questions are invited from Elected Members about the work of the Cabinet. 15 minutes will be set aside for Member Question Time, if required.

Notice of any Member question must be given to the Monitoring Officer by 9.30am Friday 19th March 2021.

5 MINUTES *(Pages 5 - 14)*

Minutes from the meeting held on 23 February 2021 are attached.

6 PRESTWICH TOWN CENTRE REGENERATION: PROGRESS UPDATE ON ACQUISITION AND PATHWAYS TO DEVELOPMENT - PART A *(Pages 15 - 20)*

A report from the Leader and Cabinet Member for Finance and Growth is attached.

7 ACCELERATED LAND AND PROPERTY DISPOSALS PROGRAMME - PHASE 1 *(Pages 21 - 40)*

A report from the Leader and Cabinet Member for Finance and Growth is attached.

8 RAMSBOTTOM PLACE MANAGEMENT AND MOVEMENT PLAN - APPOINTMENT OF CONSULTANTS *(Pages 41 - 52)*

A report from the Leader and Cabinet Member for Finance and Growth is attached.

9 **RADCLIFFE STRATEGIC REGENERATION FRAMEWORK - ACQUISITION OF ASSETS - PART A** *(Pages 53 - 64)*

A report from the Leader and Cabinet Member for Finance and Growth is attached.

10 **RADCLIFFE - ESTABLISHMENT OF A NEW SECONDARY SCHOOL** *(Pages 65 - 72)*

A report from the Cabinet Member for Children, Young People & Skills is attached.

11 **DEDICATED SCHOOLS GRANT (DSG) DEFICIT RECOVERY** *(Pages 73 - 80)*

A report from the Cabinet Member for Children, Young People and Skills is attached.

12 **INTRODUCTION OF A CIVIL (FINANCIAL) PENALTY POLICY AND ENFORCEMENT PROTOCOL - MINIMUM ENERGY EFFICIENCY STANDARDS** *(Pages 81 - 214)*

A report from the Cabinet Member for Housing Services is attached.

13 **PERSONA CARE AND SUPPORT LIMITED CONTRACT RENEWAL - 10 YEAR TENURE 1ST APRIL 2021 TO 31ST MARCH 2031** *(Pages 215 - 224)*

A report from the Cabinet Member for Health and Wellbeing is attached.

14 **NHS WHITE PAPER - INTEGRATION AND INNOVATION: WORKING TOGETHER TO IMPROVE HEALTH AND SOCIAL CARE FOR ALL - FEBRUARY 2021** *(Pages 225 - 238)*

A report from the Cabinet Member for Health and Wellbeing is attached.

15 **BURY LET'S DO IT BASELINE PERFORMANCE REPORT AND CORPORATE PLAN QUARTER THREE DELIVERY UPDATE** *(Pages 239 - 268)*

A report from the Cabinet Member for Corporate Affairs and HR is attached.

16 **IT CAPITAL PROGRAMME: CLOUD MIGRATION PROGRAMME** *(Pages 269 - 278)*

A report from the Cabinet Member for Corporate Affairs and HR is attached.

17 **COMMUNITY HUB STRUCTURE** *(Pages 279 - 300)*

A report from the Cabinet Member for Communities and Emergency Planning is attached.

18 **PUBLIC SECTOR DECARBONISATION SCHEME** *(Pages 301 - 320)*

A report from the Cabinet Member for Environment and Climate Change and Cabinet Member for Corporate Affairs and HR is attached.

19 **URGENT BUSINESS**

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

20 **ADDITIONAL RESTRICTIONS GRANT - PHASE 3** *(Pages 321 - 334)*

A report from the Leader and Cabinet Member for Finance and Growth is attached.

a **CHANGE IN CONTRIBUTION TO THE BURY POOLED FUND** *(Pages 335 - 338)*

A report from the Leader and Cabinet Member for Finance and Growth is attached.

21 **EXCLUSION OF PRESS AND PUBLIC**

To consider passing the appropriate resolution under Section 100 (A)(4), Schedule 12(A) of the Local Government Act 1972, that the press and public be excluded from the meeting for the reason that the following business involves the disclosure of exempt information as detailed against the item.

22 **PRESTWICH TOWN CENTRE REGENERATION: PROGRESS UPDATE ON ACQUISITION AND PATHWAYS TO DEVELOPMENT - PART B** *(Pages 339 - 372)*

A report from Councillor Eamonn O’Brien, Leader of the Council is attached.

23 **RADCLIFFE STRATEGIC REGENERATION FRAMEWORK - ACQUISITION OF ASSETS - PART B** *(Pages 373 - 404)*

A report from Councillor Eamonn O’Brien, Leader of the Council is attached.

Minutes of:	**CABINET**
Date of Meeting:	23 February 2021
Present:	Councillor E O'Brien (in the Chair) Councillors L Smith, C Cummins, D Jones, A Simpson, A Quinn, T Tariq, J Black and T Rafiq
Also in attendance:	Councillors N Jones, J Mason and M Powell
Public Attendance:	No members of the public were present at the meeting.

CA.26 APOLOGIES FOR ABSENCE

There were no apologies received.

CA.27 DECLARATIONS OF INTEREST

Councillor Quinn declared a personal interest in respect of all matters under consideration, as both his son and daughter in law are employed by the NHS, his wife is employed by the Citizens Advice Bureau and he is a member of the trade union, Unite.

CA.28 PUBLIC QUESTION TIME

The following question was submitted in advance of the meeting by a member of the public, Pam Martin:

Why despite the enormous opposition by the people of Bury are you still trying to press ahead with decimating the people's green belt rather than working out a more realistic plan and who exactly is profiting from this as it's not the taxpayer/local electorate?

Responding, Councillor Eamonn O'Brien reported that it should be noted that the item before tonight's Cabinet regarding the Places for Everyone Plan relates solely to the establishment of a new joint committee of the nine districts that remain supportive of preparing a joint development plan and to delegate responsibility to that committee for the preparation of the plan.

Like all Councils, Bury is required by law to have an up-to-date plan in place that identifies the land needed for new homes and new employment. Without an up-to-date plan in place we would be at serious risk of unmanaged development and 'planning by appeal' - along with the threat of Government intervention if we do not get a plan in place by December 2023. The Government has recently written to all local authorities to reiterate this requirement. Simply put – we need to get a plan in place. If we do not participate in a joint plan, we would have to produce a Local Plan that had to cover the same strategic issues that would be covered in a joint plan. In particular, this would need to set out how the plan was meeting the Government's housing target. Working with our neighbours, we can offset these housing targets to other parts of Greater Manchester, which reduces the impact on the Green Belt. This was the case with the GMSF where Bury managed to off-set around 2,500 of its housing need to other districts that we would otherwise have to accommodate within the Borough with a significantly greater impact on the Green Belt.

In terms of who would profit or benefit from an up-to-date plan, this would be wide ranging but it would include the Borough's existing and future residents who need homes to live in, including much needed affordable homes and local employment opportunities.

CA.29 MEMBER QUESTION TIME

There were no Member questions.

CA.30 MINUTES

It was agreed:

Minutes of the meeting held on 20 January 2021 be approved as a correct record and signed by the Chair.

CA.31 THE COUNCIL'S FINANCIAL POSITION AS AT 31 DECEMBER 2020

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which outlined the forecast financial position of the council at the end of 2020/21 based on the information known at the end of the third quarter, 31 December 2020. An underspend of £53,000 was forecast, which was in line with assumptions to break even for this year's budget and the challenges expected in future years.

In response to a Member's question about value for money regarding a consultant hired from Covid monies, the Leader advised that there were a range of functions to scrutinise spending both at an officer and Member level. This post was created to address the impact of Covid on the elections and the democratic process in general. In response to a follow up question, the Leader clarified that opposition Councillors could disagree with the spend itself but that personal attacks on an officer were inappropriate, a sentiment echoed by other Cabinet Members.

Decision:

- To note the forecast underspend of £0.053m on the revenue budget;
- To note the significant uncertainties that exist, in particular Covid, and that there is likely to be further changes before the end of the financial year;
- To note the position on the Dedicated Schools Grant, Collection Fund and the Housing Revenue Account and the Council's participation in the DfE's Safety Valve project;
- To note forecast position on the capital programme;
- To note the Council's application for de-carbonising the estate grant and approve that acceptance of the grant delegated to the Executive Director of Operations and the Council's S151 Officer in consultation with the Cabinet Member for Environment and Climate Change and the Cabinet Member for Finance and Growth;
- To give delegated approval to the Executive Director of Operations and the Council's S151 Officer in Consultation with the Cabinet Member for Environment and the Cabinet Member for Corporate Affairs and HR to award

contracts associated with the decarbonisation fund, subject to the appropriate procurement contract procedure rules being followed;
- Approve the revised rephasing of the capital programme as set out in the report.
- Approve the addition of £0.367m to the capital programme for the previously agreed contribution to the coroner's service to give a final capital programme of £57.201m for 2020/21.

Reasons for the decision:
To ensure the Council's budgetary targets are achieved.

Other options considered and rejected:
None.

CA.32 LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which outlined the background, current scheme, context of overall Welfare Reform and recommendations for delivering a local scheme of Council Tax Support with effect from April 2021.

Decision:
That Cabinet approves the following recommendations for onward approval by Full Council:
- the scheme continues in its current form for the year 2021/22;
- the current disregard of all War Widow's/Widower's Pension or War Disablement Pension is continued;
- the performance of the scheme continues to be closely monitored and will be reviewed and amended as appropriate on an annual basis.

Reasons for the decision:
Each year local authorities are required to consider their Council Tax Support Scheme as part of the budget setting process.

Other options considered and rejected:
The Council, like most Authorities, is experiencing significant financial pressures due to funding reductions in previous years further impacted by the Covid pandemic. The opportunity to provide additional funding is therefore limited and would create a cost pressure that would need to be managed elsewhere within the Council's budget.

CA.33 THE HOUSING REVENUE ACCOUNT 2021/22

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which set out the proposed Housing Revenue Account for 2021/22 and proposals for Dwelling and Garage rents, Sheltered Support, Management, Amenities and Heating charges, Furnished Tenancy charges and Fernhill Caravan site tenancy charges.

Decision:
- To increase the Rents for all HRA social rent formula and affordable rent dwellings by 1.5% from the first rent week in April;

- To increase Garage rents by 1.5% from the first rent week in April;
- To increase Sheltered Management and Amenity Charges by 1.5% from the first rent week in April;
- To approve that Sheltered support and heating charges remain unchanged from the first rent week in April;
- To approve that Furnished Tenancy charges remain unchanged from the first rent week in April;
- To increase pitch fees at the Fernhill Caravan Site by 1.5% from the first rent week in April.

Reasons for the decision:
The Council has a general duty to review the rents of its houses and is under a duty to prevent a debit balance on the HRA which is ring- fenced.

Other options considered and rejected:
None. A risk assessment of the major issues that could affect the financial position of the HRA has been carried out the Council's s151 Officer is recommending that for 2021/22 the HRA balances should not be allowed to fall below £1,083,000.

CA.34 THE DEDICATED SCHOOLS GRANT AND SETTING THE SCHOOLS BUDGET 2021-22

Councillor Eamonn O'Brien, Leader of the Council and Cabinet Member for Finance and Growth, presented the report which set out recommendations in relation to the Schools Budget for approval by Cabinet. It was noted that the details had been discussed by the Overview and Scrutiny Committee and the Schools Forum, and thanks were expressed to officers across Children's Services and Finance for their work and communication with the DfE.

Decision:
- To approve the Dedicated Schools Grant Budget for 2021/22 at £190.923m and approve the allocations between the 4 funding blocks;
- To approve the Schools and Academies 2021/22 funding unit values as recommended by Schools' Forum and detailed at Appendix 1;
- To approve the 2021/22 hourly rates for all early years providers as follows:
  - £4.44 per hour for 3 and 4 year olds, and:
  - £5.36 per hour for 2 year olds.

Reasons for the decision:
The Schools Forum has considered the allocation of the Schools Block and have made their recommendations. These have been applied to the formula used to determine individual school allocations and ensure full compliance with statutory requirements.

Other options considered and rejected:
None. All proposals have been discussed with the Schools Forum and are based on the latest financial information.

CA.35 CAPITAL STRATEGY 2021/22 - 2023/24 AND CAPITAL PROGRAMME 2021/22

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which had been prepared to cover a 3-year period initially, though it was expected that this will be extended to a 5-year time frame in line with the council's medium term financial strategy. It was noted that the approach set out demonstrated the Council's intent and commitment to regeneration while focussing on practical and deliverable outcomes.

Members discussed the report welcoming the additions for parks and green spaces, investment into highways and pothole repair, renovation of tennis courts and investment into leisure centres, and the extension of the Muslim burial site.

Decision:

- To approve the capital strategy 2021/22 – 2023/24;
- To approve the capital programme of £73.957m for 2021/22 and the associated funding arrangements;
- To note the indicative capital programme for 2022/23 and 2023/24 and that this will be subject to decision making in future years.

Reasons for the decision:
The Capital Strategy forms part of the council's strategic and financial planning framework and provides a framework within which the Council's capital investment plans will be delivered.

Other options considered and rejected:
None. The proposed programme takes account of the latest monitoring position on the 2020/21 capital programme including any identified rephasing that has been agreed for carry forward into the 2021/22 financial year.

CA.36 THE COUNCIL'S BUDGET 2021/22 AND THE MEDIUM TERM FINANCIAL STRATEGY 2021/22 - 2024/25

Councillor Eamonn O'Brien, Leader of the Council and Cabinet Member for Finance and Growth, presented the report which set out the key elements of the 2021/22 budget proposals and the framework for the longer term Medium Term Financial Strategy (MTFS) 2021 – 2025.

The Leader advised of the significant cost pressures of £46m from an increase in demand and loss of income, which had only been partially reimbursed by the £36m in Government support. The impact of Covid would continue, leaving a £45m gap over the next two years, up from £11.5m pre-Covid. One-off pressures could be addressed through the use of reserves, but ongoing pressures needed to be addressed through budget cuts. These were difficult proposals but set out the scale of the challenge and the scope of proposals to address them.

In response to a Member's question, the Leader advised that Business Rate growth assumptions were based on a reasonable return to the growth as seen previously. There had been an impact on the Business Rate base but Bury had seen a strong economy in the past and the Council was working closely with businesses to understand the impact on them and provide support. The Leader also advised that the situation would be reviewed regularly to ensure the Council remained flexible.

With regards to waste disposal, Councillor Alan Quinn, Cabinet Member for Environment and Climate Change advised there were no plans for bin reductions and that a focus on education to improve the use of bins and quality of recyclable materials had the potential to make significant savings.

In response to further Member questions, Councillor Quinn advised he would report back on the percentage of green energy used in Council's estate. He reported that that the decarbonisation timescales were very tight, necessitating a huge amount of work for officers to have the scheme up and running by September. With regards to boilers, Councillor Tahir Rafiq, Cabinet Member for Corporate Affairs and HR, advised that the Town Hall boilers were being addressed through different means and Councillor Quinn advised that gas boilers would require replacing or retuning and electric boilers were being installed in all brownfield site developments.

Decision:

- To approve the medium-term financial strategy and the assumptions regarding resources and spending requirements;
- To note the Council Tax base at 53,828 on which the Council Tax funding has been calculated as approved by Cabinet in December 2020;
- To approve the net revenue budget of £169.247m for 2021/22 and note that this includes an assumed increase in the council tax of 1.99%;
- To note the further option of a 3% social care levy and that this is not reflected the strategy;
- To approve the permanent spending allocations of £25.211m in 2021/22;
- To note the budget gap of £20.388m in 2021/22;
- To approve the budget reductions of £21.898m over the 4 years of which £8.056m applies to the 2021/22 financial year;
- To approve the use of reserves of £12.332m in 2021/22 and note the planned use of reserves of £14.355m in 2022/23;
- To note the forecast position on reserves;
- To note the Directorate cash limits;
- To note the significant financial risks for funding, income and demand pressures in future years and for the impact of Covid to impact on the strategy.

Reasons for the decision:
To progress the Council's 2021/22 budget setting process to achieve an approved budget.

Other options considered and rejected:
None, setting the budget is a statutory responsibility.

CA.37 LET'S DO IT! BURY 2030 COMMUNITY STRATEGY

Councillor Eamonn O'Brien the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which detailed *Let's do It,* a ten year vision and strategy for the Borough of Bury. It was noted that the strategy set out high level ambitions but was supported by a robust delivery plan to ensure measurable impact and outcomes.

Members praised the strategy and the collaborative approach proposed, the success of which could be seen in the rollout of Covid vaccinations. Members thanked officers for their work and endorsed the recommendations.

Decision:
That Cabinet approves the following recommendations for onward approval by Full Council:

- The Council endorses the strategy for adoption and encourages other public service and community leaders to do the same.

Reasons for the decision:
The strategy had been produced in consultation with local people and informed by all members of the Team Bury public and community sector partnership.

Other options considered and rejected:
None. The strategy has been produced following two rounds of consultation.

CA.38 GM CLEAN AIR PLAN: CONSULTATION

Councillor Alan Quinn, Cabinet Member for Environment and Climate Change, presented the report which set out the progress of the GM CAP and the next steps for the development of the Clean Air Plan and the closely linked Minimum Licensing Standards (MLS) for taxi and private hire services.

Decision:

- To note the progress of the Greater Manchester Clean Air Plan;
- To note the next steps for the development of the Clean Air Plan and Minimum Licensing Standards, listed at Section 11;
- To note the distribution of Bus Retrofit funding commenced in December 2020;
- To note that Government ministers have agreed to consider extending Greater Manchester's Clean Air Zone (CAZ) charges to the sections of the A628/A57 which form part of the Strategic Road Network, within the proposed CAZ boundary, subject to the outcomes of an assessment, which is expected to be completed by early 2021;
- To note that the GM Clean Air Plan is required to take action to tackle nitrogen dioxide exceedances until compliance with the legal limits has been demonstrated and that the nearer term influence of COVID-19 on air quality is not expected to lead to sufficiently long term reductions in pollution such that the exceedances of the legal limits of nitrogen dioxide will not occur without implementing a Clean Air Zone;
- To note that the GM CAP final plan will be brought forward for decision makers as soon as is reasonably practicable and no later than summer 2021;
- To note that the outputs of the MLS will be reported alongside the GM CAP as soon as is reasonably practicable and no later than summer 2021;
- Agree to the establishment of joint committees and to delegate to those committees the Authority's functions as set out in this report at paragraph 8.5 and the terms of reference, as set out in Appendix 6.
- Appoint the Cabinet Member for Transport and Infrastructure to sit on both committees for purposes as set out in this report at paragraph 8.5 with specific terms of reference, as set out in Appendix 6.

- Appoint the Cabinet Member for Environment and Climate Change as substitute for both committees for purposes as set out in this report at paragraph 9.5 with specific terms of reference, as set out in Appendix 6.
- Agree to enter into a collaboration agreement with the other 9 GM local authorities and GMCA/TfGM to clarify amongst other matters the rights, responsibilities and obligations of the authorities in relation to those contracts set out in Appendix 2 that are required to maintain delivery momentum in line with JAQU funding agreements.
- Agree a delegation to the Council Solicitor and Monitoring Officer to agree the final form of the collaboration agreement;
- Agree a delegation to the Executive Director of Operations in consultation with the Cabinet Member for Transport and Infrastructure and the Cabinet Member for Climate Change to award the contracts set out in Appendix 2 (subject to government funding) that are required to implement a charging Clean Air Zone in Spring 2022 to ensure the achievement of Nitrogen Dioxide compliance in the shortest possible time and by 2024 at the latest as required by the Ministerial Direction.
- Agree a delegation to Executive Director of Operations in consultation with the Cabinet Member for Transport and Infrastructure and the Cabinet Member for Climate Change to approve the submission of supplementary information to the Government's Joint Air Quality Unit (JAQU).

Reasons for the decision:
The formal governance mechanisms will underpin the delivery of a GM Clean Air Zone (CAZ) so as to ensure the achievement of NO2 compliance in the shortest possible time.

Other options considered and rejected:
None.

CA.39 ARRANGEMENTS FOR THE PREPARATION OF A JOINT DEVELOPMENT PLAN ON BEHALF OF NINE DISTRICTS

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which provided further details on the next steps in relation to the joint plan of the nine GM districts, to be known as 'Places for Everyone'. In order to progress this plan, a new Joint Committee of the nine districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) was proposed to be established, with delegated authority to formulate and prepare the 'Places for Everyone' Joint Development Plan Document (DPD).

In response to Members' questions, the Leader advised that by working with other GM districts there was more scope to push housing allocation from greenbelt to brownfield sites. He also advised that it was too early to say what the development plan would propose, and that this report focussed on the establishment of a joint committee to consider those matters.

Decision:
1. Approve the making of an agreement with the other 8 Greater Manchester councils [Bolton, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, Wigan] to prepare a joint development plan document to cover

strategic policies including housing and employment land requirements and, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine districts.

2. Delegate to the Joint Committee of the nine Greater Manchester councils the formulation and preparation of the joint development plan document to cover housing and employment land requirements including, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine Greater Manchester districts insofar as such matters are executive functions.

3. Agree that the Leader of the Council be the lead Member for the joint committee and that the Deputy Leader of the Council be the nominated deputy to attend and vote as necessary.

4. Note that the following are the sole responsibility of full Council:
    - Responsibility for giving of instructions to the Cabinet to reconsider the draft plan submitted by the Cabinet for the Council’s consideration.
    - The amendment of the draft joint development plan document submitted by the Cabinet for the full Council’s consideration.
    - The approval of the joint development plan document for the purposes of submission to the Secretary of State for independent examination.
    - The adoption of the joint development plan document.

5. Delegate to the Cabinet Member for Finance and Growth the power to make minor amendments to the Council’s Statement of Community Involvement to reflect the new joint plan-making arrangements in Greater Manchester.

6. Note that the Council’s Local Development Scheme will be amended by the Cabinet Member for Finance and Growth under existing delegated powers to reflect the new joint plan-making arrangements in Greater Manchester.

Reasons for the decision:
Approval to establish the new Joint Committee is a decision for each district according to their own Constitutional arrangements and approval to delegate the formulation and preparation of the Joint DPD to that committee is a Cabinet function.

Other options considered and rejected:
Discussions with the nine authorities indicate that there is continued opportunity to work collaboratively to produce a joint plan of the nine.

CA.40 MINUTES OF ASSOCIATION OF GREATER MANCHESTER AUTHORITIES / GREATER MANCHESTER COMBINED AUTHORITY

It was agreed:

Minutes of the meetings of the AGMA Executive Board held on 11 December 2020 and Greater Manchester Combined Authority held on 18 December 2020 and 29 January 2021 be noted.

COUNCILLOR E O'BRIEN
Chair

(Note: The meeting started at 5.00 pm and ended at 6.22 pm)

Agenda Item 6

REPORT FOR DECISION

Classification	Item No.
Part A	
Open	

Meeting:	Cabinet
Meeting date:	24th March 2021
Title of report:	Prestwich Town Centre Regeneration: Progress update on acquisition and pathways to development.
Report by:	Cllr Eamonn O'Brien
Decision Type:	**Key Decision**
Ward(s) to which report relates	**St Marys**

Executive Summary

This report provides an update on plans for the regeneration of Prestwich town centre and proposes the acquisition of the Longfield shopping centre in order that the wider regeneration outcomes for Prestwich can be achieved as well as proposals to take froward the future development.

Recommendation(s) That Cabinet:

- Note the progress made with the Prestwich Town Centre regeneration scheme.
- That approval be given to the acquisition by the Council of the Longfield Shopping Centre for the amount set out in the report in Part B of this agenda, subject to the detailed terms of the transaction and a best value report being submitted to Cabinet for approval before the end of June.
- Approve in principle to the Council entering into a Joint Venture agreement with a developer subject to detailed terms of the agreement being submitted to a future meeting of Cabinet for approval.

- The Council will submit a costed proposal for the interim property management of the Longfield Shopping Centre which will be subject to a competitive procurement process to be carried out in accordance with the Council Contract Procedure Rules.

Key Considerations

1.0 Background

1.1. Prestwich is a popular suburb neighbourhood with some of the highest demand for housing across the borough. The Longfield shopping centre which dominates the town centre was built 50 years ago and is no longer fit for the purpose of this modern Metropolitan suburb. Retail, leisure and cultural functions are also fragmented across the town centre and the area lacks a distinct, usable civic external space which symbolises the centre of the neighbourhood.

1.2. The regeneration of Prestwich town centre is an opportunity to deliver much needed new homes, facilitate growth through high quality commercial spaces, and embed a new cultural offering within new public buildings, whilst also providing an opportunity to deliver operational savings for the Council by consolidating buildings and service delivery with wider public estate functions across the town.

1.3. It has previously been recognised that a comprehensive regeneration programme for Prestwich will only be delivered by bringing together into a single scheme the redevelopment of the Longfield Suite and Library which are owned by the Council and the redevelopment of the privately owned shopping centre. NHS properties in the town centre and Transport for Greater Manchester (TfGM) will also play key roles in the development of a comprehensive regeneration package.

1.4 **Progress since October 2019**

1.5 The Cabinet approved a plan to bring forward development in Prestwich in October 2019 Officers have worked closely with all the key stakeholders and in particular the owners of the shopping centre and a developer who holds an option agreement to acquire the long leasehold.

1.6 One of the options discussed has been for the Council to purchase the Longfield Shopping Centre, either in its entirety or in partnership with the developer. Until now the purchase price for the Shopping Centre has been too high to develop a viable scheme. Recently the Council has been notified that the owner of the shopping centre is willing to consider a reduced price and one which makes the proposal viable, from the council’s perspective, in the context of the regeneration programme. The reduced price is however time limited to Summer 2021 and therefore should the Council wish to take forward the proposal, a decision by Cabinet is needed in order that there is sufficient time for the appropriate due diligence and finalisation of financial and legal processes to take place.

1.7 In addition to this, the proposals for the scheme have also changed with less reliance on high density housing and a leisure offer and a greater focus on a public service hub, creative workspace and housing at a more appropriate scale.

2.0 The Proposal

2.1. The proposal forms two parts:

- **Part One:** Acquisition of the long leasehold interest, the commercial details for which are set out in the Part B report attached to the agenda. It should be noted that prior to any finalisation of the purchase, the proposal will be subject to satisfactory completion of financial and legal due diligence including a best value report.
- **Part Two:** Develop a Joint Venture structure with the developer, in order to take forward the delivery of the scheme. At this stage, approval to continue with discussions and develop this as a viable option is sought and a further report to a meeting of Cabinet will seek approval to the commercial arrangements for the Joint Venture agreement.

3.0 Options Appraisal

3.1 Other options have been considered and have been subject to external validation by the Council's advisers CBRE. The options have been considered in relation to risk, likelihood of development in the short to medium term and best value for the Council. These are:

- do nothing;
- buy the lease;
- developer to buy the lease as part of a Joint Venture approach
- Compulsory Purchase Order

3.2 The detailed evaluation of the options is set out in Part B however the recommendations from the advisers is to purchase the long lease.

3.3 The do-nothing option will continue to see the redevelopment of the centre frustrated. The Longfield Shopping Centre will remain in a dilapidated and run-down state with the current owners remining in-situ. The Longfield Centre will be an abandoned building above the Centre, adding to the sense of a failing centre.

4.0 Benefits Statement – *why are we doing this?*

4.1 The Council's existing freehold interest is subject to a long lease, so the acquisition gives the benefit of greater control and flexibility. HMG have notified us that there is not the value in retail at the moment to invest in the refurbishment of the shopping centre. The purchase will be based on considered valuation advice which will satisfy the Council's duty to achieve best value under the Local Government Act 1999.

4.2 The acquisition will pave the way for a new Prestwich centre which should lead to delivery of new homes, a Library and Community Hub, small business workspace, outdoor space/public realm and Market Hall as part of our ambitious vision for a thriving local economy. The purchase of Longfield Shopping Centre will be a catalyst post COVID-19 for delivering Bury Council's regeneration ambitions which supports economic recovery.

4.3 In the longer term, the Council will directly benefit from additional financial uplift generated through Council tax and new as well as retained business rates.

4.4 The acquisition of 458 Bury New Road, Prestwich in 2019 was the first opportunity to acquire land interest in Prestwich. Further land acquisitions are not required but may enhance a wider scheme.

4.5 Prestwich Village represents a significant regeneration and development opportunity for Bury. The surrounding residential marketplace demonstrates viable transactional values and high levels of demand. Commercial values in the area are some of the highest in the district.

4.6 In the event that gap funding is required to unlock viability, there are several opportunities to procure external funding such as the UK Shared Prosperity Fund, Towns Fund, Greater Manchester Brownfield Fund, Greater Manchester Local Investment Framework and the North West Evergreen Fund. The funding strategy will be prepared following the completion of a development masterplan.

4.7 Any development masterplan will be agreed with the Council and will ensure that sufficient flexibility exists within the proposed uses and phasing to provide a continuously viable project through its delivery programme.

5.0 Financial Considerations

5.1 In order to contribute to the funding of regeneration programmes across the Borough, the Council approved the creation of a Regeneration Investment Fund as part of its capital strategy for 2021/22 and a total of £6m was included in the Council's capital programme. Access to the fund is subject to schemes meeting specific criteria that was agreed when the strategy was approved in February 2021. The intention of the Strategic Investment Fund is to:

- Provide a structured and disciplined approach to investment decisions which link decisions to outcomes and projects to a place-based framework and will form part of the management and monitoring arrangements.
- Promote a culture of success by addressing measurable outcomes including returns and the importance of re-cycling thus maximising the value of every £ which is spent - this can be compared with grant where every £ is spent only once.
- Facilitate third party funding (whether public or private) and advancement of the regeneration programme in the quickest possible time - equally by having the capability to act quickly at the start of the regeneration process a Fund can protect long term value which may only be attributable to longer term public investment.
- Support a Council commitment to the long-term future of the Town Centres with the potential to deliver match funding to leverage other public sector programmes.

5.2 In this context, the proposals set out in the report meet the following criteria 'to act quickly at the start of the regeneration process and the Fund can protect long term value which may only be attributable to longer term public investment'. It is therefore proposed that the Investment Fund be used alongside some funding that is already available within the capital programme to support the regeneration of Prestwich.

5.3 In concluding the acquisition, the Council will require the necessary financial and legal due diligence, including a best value report, to be completed.

EQUALITY IMPACT AND CONSIDERATIONS:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

ASSESSMENT OF RISK:

A number of risks have been identified and reported. Mitigation is in place and will be monitored.

Consultation:

The planned redevelopment of the Prestwich Centre will be subject to a full public consultation as part of the planning process and will be in conjunction with the developer.

LEGAL IMPLICATIONS:

The recommendation to acquire the Longfield Shopping Centre is subject to detailed terms being negotiated, a best value assessment and due diligence carried out before report back to the Cabinet for approval. Exchange of contracts and completion can then take place following that approval.

The recommendation in principle to enter into a Joint Venture agreement with a developer is subject to due diligence and report back to Cabinet for approval of the detailed terms of the agreement. Following such approval the agreement can be completed.

FINANCIAL IMPLICATIONS:

The cost of the proposals will be met from the Council's Strategic Investment Fund that has been made available in the Council's Capital Programme 2021/22. Any longer term funding requirements to develop the town centre will form part of the wider regeneration plans and will be subject to decision making at that time. Where possible the opportunity to secure external funding will be maximised.

REPORT AUTHOR AND CONTACT DETAILS:

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BACKGROUND INFORMATION:

Exempt

Glossary

Term	Meaning
LSC	Longfield Shopping Centre
HMG	Hollins Murray Group
JV	Joint Venture - a commercial enterprise undertaken jointly by two or more parties which otherwise retain their distinct identities.

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Accelerated Land and Property Disposals Programme – Phase 1
Report by:	Cllr. Eamonn O'Brien (Leader) – Cabinet Member for Finance and Growth
Decision Type:	Key Decision
Ward(s) to which report relates	All wards

Executive Summary:

The Council wishes to take active steps to rationalise its land and buildings, hereafter referred to as property assets. Many of its property assets are being seen as surplus to the requirements of the Council.

Further to the Cabinet report that approved the Council's Accelerated Land and Property Disposals Programme on 24th November 2020, this report identifies the Phase 1 list of sites and seeks approval for the property asset disposals.

Greater Manchester Combined Authority (GMCA) is providing Brownfield Land Grant on several of the sites identified for housing development and will assist with potential disposal options.

There are 20 sites that are part of Phase 1 which are detailed in this report at Appendix A.

Recommendation(s)

That:

- Approval is given for disposal of the Phase 1 property assets that are surplus to requirements.
- Acceptance that the Brownfield Land Fund will assist with disposal options for the sites identified as housing development sites.

Key Considerations

Background

A Cabinet report was approved on the 24th November 2020 which provided an overview on the Accelerated Land and Property Disposals programme including identifying some of the key benefits:

- Local Economy – Capital Receipts, Business Rates, Council Tax
- Creation of additional local jobs/ small business space
- Improved highway curtilage – potential use for digital marketing
- New housing
- Resources – reduction in cost base
- Reducing the Councils exposure to health and safety risks associated with holding vacant property assets
- Permanent release of revenue costs associated with holding vacant property assets

The Council has applied for Brownfield Land Grant from GMCA. The Tranche 1 sites noted below have been successful in achieving funding, whilst the prioritisation of funding for the Tranche 2 sites is ongoing and awaiting approval. These funds will be used to de-risk several sites that are suitable for housing development of which some are included within the Phase 1 list and will fulfil the grant funding agreement requirements. A summary of all Brownfield Land Grant sites is provided below:

Site	**Status**	**Scope**	**Works start**
School Street Radcliffe	Tranche 1 approved	Site clearance Demolition Remediation Coal drilling & grouting	Feb 21
Fletcher Fold Bury	Tranche 1 approved	Site clearance Remediation Coal drilling & grouting	Feb 21
Seedfield Bury	Tranche 2 approved - using MHCLG funds	Demolition of buildings Site improvements	Sept 21

Site	Status	Scope	Works start
Wheatfield Whitefield	Tranche 2 shortlist - awaiting final approval	Remediation and site enabling works	December 2021
William Kemp Heaton Bury	Tranche 2 reserve list	Remediation	December 2021

Current Challenges

There are limited Council resources to deal with the constant requests from individuals or third parties looking for opportunities to purchase our property assets. This programme will bring in the required resources to comprehensively allow the Council to dispose of its chosen property assets in a strategic and co-ordinated way, and via a manageable phased approach.

There is a cost to maintain the Council's assets and failure to manage them properly could cause a potential health and safety risk, as well as a reputational risk to the Council as the landowner.

The Proposal

List of Property Assets/Progress

The following 20 Phase 1 property assets are recommended for disposal. Further details on the sites can be found in Appendix A.

The property assets have been chosen for this first phase due to having had approval for disposal in previous years.

Some property assets already have a route for disposal and are in the process of being disposed of. They are on this Phase 1 list so backlogs can be captured as part of the overall corporate programme target of capital receipt generation. The table at Appendix A provides an appropriate narrative so these can be identified.

ADDRESS	SERVICE USE	NOTES
Land adjacent 92 Fir Street, Ramsbottom	Property	Former Garage Site now vacant

Land adjacent 5 Water Street, Radcliffe	Leisure - Landscaped Area	Interest from adjacent Shop owner - Leisure Services to retain remainder Part disposal to adjoining owner for car parking
New Summerseat House, Summerseat Lane, Bury	Children's Services	Former Pupil Learning Centre Agent being procured for its disposal following Cabinet approval in January 2021
Former Playing Field at Wellington Road, Bury	Children's Services	Former Tip Site now grassed over and vacant - Vents around perimeter of site Former tip site designated as playing field but never used
Wheatfields, Victoria Avenue, Whitefield [Site of Former ACS Day Centre]	Adult Care	Site of ormer Day Centre - [Japanese Knotweed on site] Housing Site - part of Brownfield Land Funding Bid with potential for disposal
8 & 10 Tithebarn Street, & 12 Tithebarn Street, Bury	Property	Sale proceeding - with legal awaiting exchange of contracts
Land adjacent 79 Pine Street, Bury	Leisure - Landscaped Area	Put forward as part of Leisure's sites review Former end terrace site suitable for Auction
Site of Part Whittaker House, Whittaker Street, Radcliffe [Part B]	ACS - Former Elderly Persons Home	Potential sale to Housing Association or other Former ACS EPH - Vacant site required for emergency access to Coney Green School site. Sale proposed to P@NWHA [part] DV Val £165k Legal Instructed
Land at Fern Street, Ramsbottom [Plot A]	Property	Development site ready for disposal Former Garage Site - Licenses terminated - Cleared site

Land at Peel Brow, Ramsbottom [Plot B] Patmos St/Fern St	Property/Leisure Services	Potential development site
Former Ramsbottom Youth Club site and adjoining land, Central St, Ramsbottom	Children’s Services & Adult learning - Former Youth Centre	Development site ready for disposal
William Kemp Heaton, St Peters Road, Bury	Adult Care	Housing Site - part of Brownfield Land Funding Bid with potential for disposal Cleared Site
Former Radcliffe High School site, School St, Radcliffe	Children’s Services - Former School	Housing Site – Part of Tranche 1 of the Brownfield Housing Fund PRU will need to be relocated
Site of former Bury Fire Station, The Rock, Bury	Property Services	Cleared site - marketing imminent
10-12 Tottington Road	Property Services	Vacant shop/office
Back Manor Street Works, Bury	Planning	Derelict building Vacant building in disrepair
Former CPU Kitchens, Willow Street, Bury	Operations	Potential development site - temporary use by East Ward Primary School as staff car parking
Rochdale Road / York Street (Claybank), Bury	Property Services	Offer was accepted in 2017 but has not proceeded to completion
Former Whitefield Library, Pinfold Lane, Whitefield	Libraries	Vacant Building [Temporary Covid Testing] – Adjacent to Pinfold Lane Adult Day Centre operated by Persona
Seedfield, Parkinson Street, Bury	ACS	Housing Site - part of Brownfield Land Funding Bid 99% vacant property. Children’s services team to relocate

Process for Disposal

An operational process map has been established that sets out a fair and consistent process, including governance route that will be followed for each disposal.

This revised operational process map is as a result of a review of the existing Council's Disposals Strategy 2013. It incorporates some of the existing principles for disposal of the 2013 strategy but also realigns it with the current priorities and structure of the Council.

Disposal of the property assets will be through a range of methods – land transaction, auction, marketed through an agent, community asset transfer etc. There will be a variety of property assets disposed of and it is important that there is a range of available disposal options, as not all property assets will benefit from being disposed of in the same way.

The management of each disposal will be delegated to the Head of Property & Asset Management/Director of Economic Regeneration & Capital Growth, as per approval given at Cabinet on 24th November 2020.

There will be a continuous active review of the Council's property assets that will include communication and consultation with key officers in all departments to help determine and prioritise property assets that are identified as surplus to requirements. This will establish the future phases of property asset disposal in line with Council strategies, requirements and expectations.

Future Strategy

Although this report focuses on Phase 1 of the Council's Accelerated Land and Property Disposal Programme, it is part of an ongoing piece of work that will include future phases of property assets for disposal over (at least) the next 2-3 years. A Phase 2 list is already being considered and developed.

Officers have started to establish a strategy for the identification of future property assets. A template for property review is being formulated to prioritise assets for disposal, alongside a matrix and criteria to help with developing the strategy.

Identification of property assets for disposal will be on a rolling programme of phases that will be identified by the Programme Manager for the programme. All future phases (like this first phase) will be manageable phases to ensure the success of the programme.

Programme Management

The following table sets out the key achievements since the Cabinet approval in November 2020:

Milestone	Timeline	Achieved
Cabinet approval for accelerated disposals programme	November 2020	Yes
Interim Programme Manager appointed (support from GMCA)	January 2021	Yes
Phase 1 list circulated internally (for	February 2021	Yes

Milestone	Timeline	Achieved
Expressions of Interest as per process map)		
Cabinet Approve Phase 1 Programme	March 2021	Pending
Appointment of Property Lawyer and Property Agent	April 2021	No
Marketing of sites commences, including taking sites to auction	April 2021	No

The Property Lawyer post's recruitment paperwork is being finalised and it is expected that the post will be advertised during March 2021. The Property Agent resource will be part of a retained agent service that the BGI department will procure and manage – the brief for the invitation to tender is currently being developed and it is hoped that a suitable property agent will be in place by May 2021.

Work is also underway to secure a programme manager for the duration of the programme by June/July 2021, noting that the current programme manager is interim but will stay in post until the recruitment process is complete to ensure that no momentum is lost with the programme.

Community impact / Contribution to the Bury 2030 Strategy

Community groups or other parties may express an interest in acquiring land assets from the Council. It may be that in the event that a sale price is not secured that a community transfer could be considered.

The community will benefit from some assets being transformed from possibly unused pieces of land that have been difficult to maintain over the years, to land that is of benefit to the local community e.g. small-scale residential developments.

Equality Impact and considerations:

This proposal does not adversely affect equality.

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

    A public authority must, in the exercise of its functions, have due regard to the need to -

    (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

    (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

    (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services*.

Assessment of Risk:

Risk / opportunity	**Mitigation**
Recession leads to lower land values and receipts	In this event, a larger disposal programme would be required to meet targets. The Council may wish to remarket land and property disposals that don't meet anticipated returns.
Land and property disposals are notoriously labour intensive and are at risk of not being favoured within a community	Agree sales schedules with Members and in particular ward members where they might be impacted and consider disposing to a community group via community asset transfer, subject to conditions being satisfied
Purchase fails to meet obligations placed on an agreed disposal and a dispute breaks out	Strict legal process in place that allows the Council to act if the agreed obligations weren't met within an agreed timescale
Resources to undertake the land and property disposals are not put in place in a timely manner	Recruit the necessary personnel in accordance with the key milestones and expected delivery timescales

Consultation:

Key Council officers (through the Council's Asset Working Group and the Executive Budget Holders Asset Board) have already been consulted on the list of property assets recommended for disposal, as part of the governance process for this disposals programme.

Comments have been helpfully received from Highways on some of the property assets that will be carefully considered and fed into next stages of the work that will involve preparing the assets for disposal.

Also part of the agreed governance process, respective Ward Members have been advised of the property assets that are being recommended for disposal that are in their ward. There were no comments made in relation to any of the property assets identified for disposal.

Legal Implications:

There are no legal implication arising from this report, but legal input will be required in relation to the proposed disposals. The dedicated legal post will be recruited to in line with the Council's recruitment and selection policies and compliance with relevant equality duties.

Financial Implications:

The total pipeline of sites indicates that c£8m in capital receipts can be generated from which £0.6m is likely to be needed to drive forward the programme primarily through the appointment of a programme manager, property agent and property lawyer. These costs together with c£1.6m in costs that have already been incurred will be met from the capital receipts.

Any capital receipts in excess of this and the opportunity they provide will need to be considered in the context of the Council's financial strategy. Consideration of the flexibilities allowed to support projects that will deliver service transformation and a reduction in costs will need to be taken into account.

The Council has also secured Brownfield Land Grant which will support and fund some of the costs associated with the programme. This funding is however time limited and the proposals therefore need to be progressed at pace to avoid any of the grant funding from being returned.

Regular monitoring and reporting of the process will be needed to ensure that receipts are delivered within anticipated timescales and that the Council does not incur costs without seeing the benefit of receipts and also to mitigate against the risk of clawback of grant monies. As part of the development of the governance arrangements for the capital programme, monitoring of capital receipts and the progress against the disposal programme will be factored into the quarterly monitoring reports to Cabinet.

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Background papers:

APPENDIX A – Phase 1 list of property assets (attached)

Approved Accelerated Land and Property Disposals Programme Cabinet Report 24th November 2021 (referenced in this report)

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

APPENDIX A – PHASE 1 PROPERTY ASSETS

Site Address	Land adjacent 92 Fir Street, Ramsbottom
Site Size	1094m2
Service Use	Property
Notes	Former Garage Site now vacant
Site Plan	

Site Address	Land adjacent 5 Water Street, Radcliffe
Site Size	35m2
Service Use	Leisure - Landscaped Area
Notes	Interest from adjacent shop owner - Leisure Services to retain remainder Part disposal to adjoining owner for car parking
Site Plan	

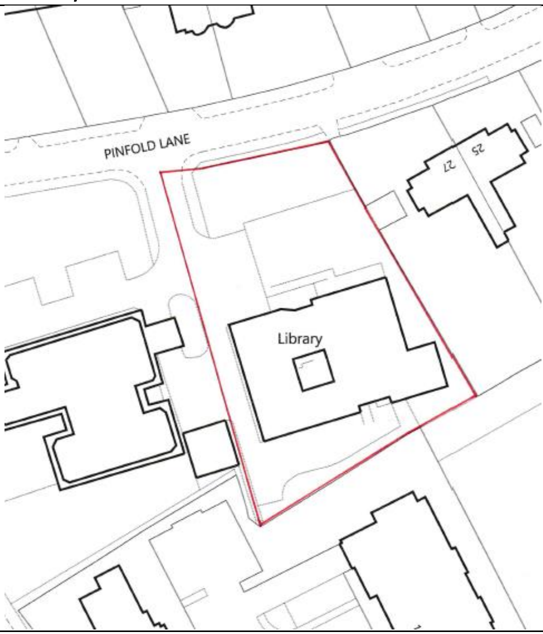
Site Address	New Summerseat House, Summerseat Lane, Bury
Site Size	7.21 Acres
Service Use	Children's Services
Notes	Former Pupil Learning Centre - Agent being procured for its disposal following Cabinet approval in January 2021
Site Plan	

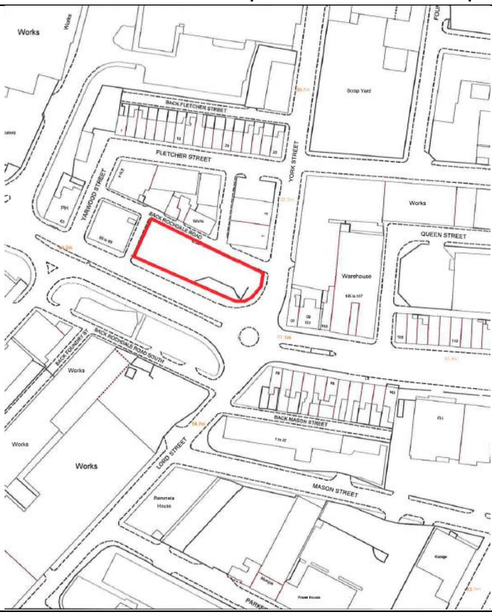
Site Address	Former Playing Field at Wellington Road, Bury
Site Size	2.40 Acres/ 9712m2
Service Use	Children's Services
Notes	Former Tip Site now grassed over and vacant - Vents around perimeter of site. Former tip site designated as playing field but never used
Site Plan	

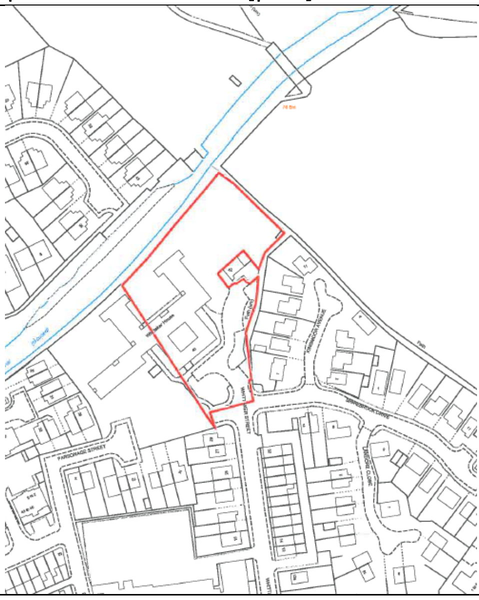
Site Address	Wheatfields, Victoria Avenue, Whitefield [ACS Day Centre]
Site Size	2.5Acres/ 9510m2
Service Use	Adult Care
Notes	Site of former Day Centre - [Japanese Knotweed on site] Housing Site - part of Brownfield Land Funding Bid with potential for disposal.
Site Plan	

Site Address	8 & 10 Tithebarn Street, & 12 Tithebarn Street, Bury
Site Size	195m2
Service Use	Property
Notes	Sale proceeding - with legal awaiting exchange of contracts.
Site Plan	

Site Address	Land adjacent 79 Pine Street, Bury
Site Size	152m2
Service Use	Leisure - Landscaped Area
Notes	Put forward as part of Leisure's sites review Former end terrace site suitable for Auction.
Site Plan	

Site Address	Former Whitefield Library, Pinfold Lane, Whitefield
Site Size	0.56 Acres/ 2278m2
Service Use	Former Library building/ currently being used as Covid Testing Centre
Notes	Vacant Building [Temporary Covid Testing] – Adjacent to Pinfold Lane Adult Day Centre operated by Persona
Site Plan	

Site Address	Rochdale Road / York Street (Claybank), Bury (PA)
Site Size	0.245 Acre/ 993m2
Service Use	Property Services
Notes	Offer was accepted in 2017 but has not proceeded to completion.
Site Plan	

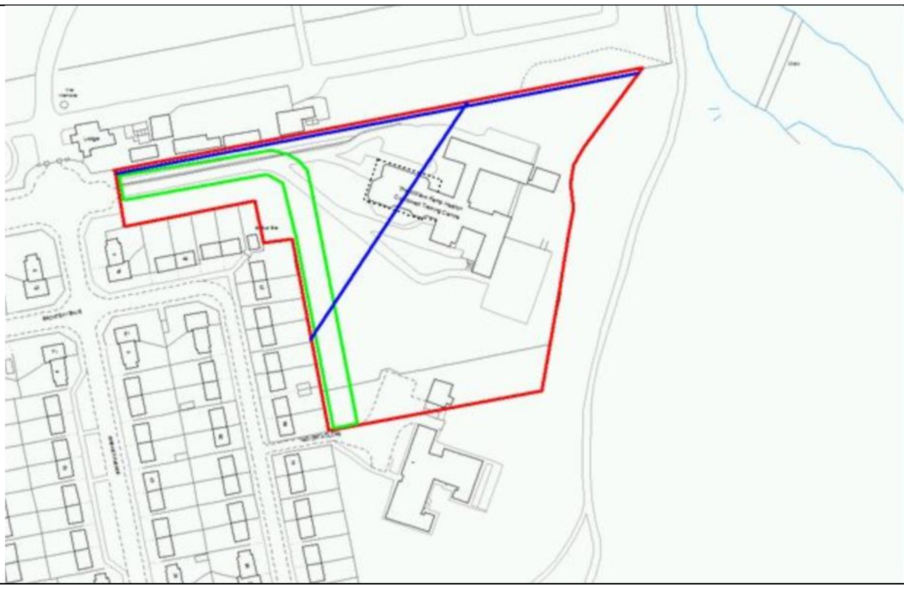
Site Address	Site of Part Whittaker House, Whittaker Street, Radcliffe (PA) [Part B]
Site Size	TBC
Service Use	ACS - Former Elderly Persons Home.
Notes	Potential sale to Housing Association or other. Former ACS EPH - Vacant site required for emergency access to Coney Green School site. Sale proposed to P@NWHA [part] DV Val £165k Legal Instructed
Site Plan	

Site Address	Land at Fern Street, Ramsbottom [Plot A]
Site Size	1161m2
Service Use	Property
Notes	Development site ready for disposal. Former Garage Site - Licenses terminated - Cleared site.
Site Plan	

Site Address	Land at Peel Brow, Ramsbottom [Plot B] Patmos St/Fern St
Site Size	3483m2
Service Use	Property/Leisure Services
Notes	Potential development site.
Site Plan	

Site Address	Former Ramsbottom Youth Club site and adjoining land, Central St,

	Ramsbottom (FK)
Site Size	0.447 Acre /1808m2
Service Use	Children's Services & Adult learning - S/o Former Youth Centre
Notes	Development site ready for disposal
Site Plan	

Site Address	William Kemp Heaton, St Peters Road, Bury (PA)
Site Size	3.13Acres/ 12663m2
Service Use	Adult Care
Notes	Housing Site - part of Brownfield Land Funding Bid with potential for disposal. Cleared Site
Site Plan	

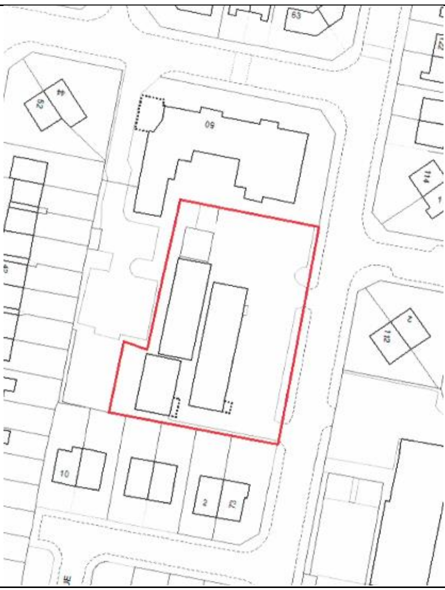
Site Address	Former Radcliffe High School site, School St, Radcliffe (PA)

Site Size	5.68 Acres/ 23018m2
Service Use	Children's Services - S/o Former School
Notes	Housing Site – Part of Tranche 1 of the Brownfield Housing Fund
Site Plan	

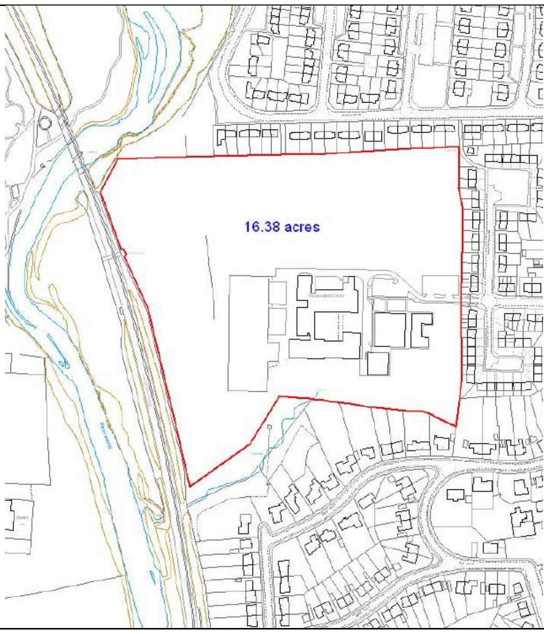
Site Address	10-12 Tottington Road
Site Size	0.03 Acres/ 107m2
Service Use	Property Services
Notes	Vacant shop/office.
Site Plan	

Site Address	Back Manor Street Works, Bury
Site Size	0.24Acre /977m2

Service Use	Planning
Notes	Derelict building. Vacant building in disrepair
Site Plan	

Site Address	Former CPU Kitchens, Willow Street, Bury
Site Size	0.28 Acres/ 1156m2
Service Use	
Notes	Potential development site - temporary use by East ward Primary School as staff car parking.
Site Plan	

Site Address	Seedfield, Parkinson Street, Bury
Site Size	16.38 Acres /66273m2

Service Use	ACS
Notes	Housing Site - part of Brownfield Land Funding Bid 99% vacant property. Children’s services team to relocate
Site Plan	

Site Address	Site of former Bury Fire Station, The Rock, Bury
Site Size	1.15 Acres/ 4672m2
Service Use	Property Services
Notes	Cleared site - marketing imminent
Site Plan	

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Ramsbottom Place Management and Movement Plan – Appointment of Consultants.
Report by:	Cllr. Eamonn O'Brien (Leader) – Cabinet Member for Finance and Growth
Decision Type:	For information
Ward(s) to which report relates	Ramsbottom, Tottington and North Manor Wards

Executive Summary

In November 2020, Cabinet approved proposals to engage consultants to prepare a public realm and place management plan for Ramsbottom. The plan will principally set out a series of initiatives to improve public realm, townscape and movement within the town centre and explore opportunities to improve its visitor offer in order to help maintain its role as a quality destination for the next 10 to 15 years.

This report provides an update to Members with the commission of the project having now been subject to a competitive tendering process which culminated in 13 submissions. Detailed consideration of those submissions concluded that a proposal led by Layer Landscape Architects Ltd. was the strongest and an appointment has been made on this basis.

The consultants will engage with stakeholders and businesses to develop concepts and interventions that will help build on the town's success, as well as assist with the recovery process as businesses emerge from the latest lockdown.

Recommendation(s)

Cabinet is recommended to:

1. Note that Layer Landscape Architects Ltd. have been appointed to prepare the Place Management and Movement Plan for Ramsbottom town centre on behalf of the Council; and

2. Note that a draft of the Place Management and Movement Plan will be presented to Cabinet for approval for consultation purposes and that, following consultation, a final version will be subject to further Cabinet approval.

Key considerations

1. Background

1.1 Over recent years Ramsbottom has developed a strong reputation as a food and drink-led visitor destination, supported by the East Lancashire Railway, a good range of independent retailers, expanding events programme, and a growing reputation as one of the best places to live in the region.

1.2 As a key destination and one of the most popular visitor destinations in the Borough, Ramsbottom is in a good position to continue its recent success. However, an updated approach to further improve the quality, appeal, and range of attractions in the town is required, to ensure that the offer remains attractive to visitors and Ramsbottom retains its important role in supporting the local economy.

2. Issues and Opportunities

2.1 Whilst Ramsbottom has performed relatively well, town centres across the country have, for a number of years, been facing significant challenges that have eroded high street retailing and its role in underpinning the vitality and economic strength of town centres. The economic impact of the Covid-19 pandemic has led to a significant intensification and acceleration of these challenges, and this is likely to have far-reaching consequences for the economies of all town centres.

2.2 Heritage and the layout of Ramsbottom town centre is one of its key assets. However, this does cause some tensions with its function as a key visitor destination. In particular, the centre can be difficult to navigate, there are issues with pedestrian and vehicular conflict when visitor numbers are particularly high, linkages between attractions are, in some cases, poor and the centre has a longstanding problem with the quantity and location of parking for visitors.

3. The proposal

3.1 In November 2020, Cabinet agreed to the commission of a study to set out an approach to addressing the issues identified above and to create a positive and proactive vision for Ramsbottom with a focus on improving public realm, infrastructure and movement through the town centre.

3.2 The Place Management and Movement Plan will build on Ramsbottom's existing strengths and will play a key role in identifying a way forward for the town, playing a key role in supporting the post-Covid economic recovery of town centre businesses and the town centre in general. It will build increased confidence in the town centre, promoting it as a visitor destination and as a location for inward investment.

3.3 The commission of the Ramsbottom Place Management and Movement Plan has now been subject to a competitive tendering process which culminated in 13 submissions. Detailed consideration of those submissions has concluded that a proposal led by Layer Landscape Architects Ltd. is the strongest and an appointment has been made on that basis.

3.4 The proposal by Layer Landscape Architects Ltd. shows a clear understanding of the brief which is backed up by a strong team with considerable project experience in delivering plans to improve placemaking and movement in other similar-sized towns across the country. Layer Landscape Architects Ltd. will work closely with Council officers to ensure that the objectives and outputs set out in the brief are fully delivered in a timely manner.

3.5 The successful proposal includes a robust methodology and suggests some innovative approaches to how the public realm and townscape of the town centre and the ability to move within it can be improved.

3.6 The commission will comprise two main phases. Phase 1 will involve the preparation of the Place Management and Movement Plan, including a series of proposed interventions with outline costs.

3.7 Phase 1 of the commission will include an extensive programme of engagement and consultation as an integral and ongoing part of the project. Effective early phase engagement will include all key stakeholders including businesses, community representatives and residents. A full programme of formal public consultation will also follow approval of the draft Place Management and Movement Plan. The nature of the consultation will be dependent upon Covid restrictions but will include a virtual consultation programme if necessary.

3.8 Phase 2 would comprise detailed design work and costings for an agreed list of priority interventions. Progression to Phase 2 activity will be subject to satisfactory completion of Phase 1 and availability of funding for implementation of priority interventions.

3.9 A draft of the Ramsbottom Place Management and Movement Plan will be presented to Cabinet to approve for consultation purposes and, following this consultation, a final version will be brought back to Cabinet for formal approval. In doing so, it is intended that the new Plan will be adopted as a material planning consideration in the determination of relevant planning applications and, in the longer-term, it will be used to inform statutory policies and proposals in the emerging Bury Local Plan.

3.10 It is anticipated that Phase 1 of the Place Management and Movement Plan will be completed by late summer/early autumn (including a period of consultation).

3.11 The November Cabinet Report identified that £100,000 was allocated to the overall project and that this can be met from within the 2020/21 capital programme. An initial budget of up to £50,000 was allocated to cover the costs of the Phase 1 work.

4. Other alternative options considered

4.1 The invitation to tender for the commission of the Ramsbottom Place Management and Movement Plan resulted in the submission of thirteen proposals in total. All submissions were fully considered as alternative options.

Community impact / contribution to the Bury 2030 Strategy:

The new Place Management and Movement Plan for Ramsbottom town centre will establish a clear vision for the town centre and set out how improvements to the town's public realm, townscape and movement can contribute towards ensuring that Ramsbottom remains a quality destination for locals and visitors., enabling it to continue to be a key economic driver for the Borough and play a key role in the delivery of economic aspirations set out in the Bury 2030 Strategy.

Equality impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Assessment of risk:

The following risks apply to the decision:

Risk / opportunity	**Mitigation**

Consultation:

Subject to Cabinet approval, a draft of the Ramsbottom Place Management and Movement Plan will be subject to a period of public consultation to give an opportunity for residents and stakeholders to have their say on the proposals.

Legal implications:

There are no legal implications arising from the report. The procurement has been completed and the appropriate contract documentation will now be entered into.

Financial implications:

The cost of the contract can be met from the funding available.

Report author and contact details:

Paul Lakin – Director of Economic Regeneration and Capital Growth

Email: p.lakin@bury.gov.uk

Crispian Logue – Assistant Director (Strategy, Planning and Regulation)

Email: c.logue@bury.gov.uk

Background papers:

Cabinet Report – Ramsbottom Place Management Plan (24 November 2020)

Glossary

Term	Meaning

Equality Analysis Form

Bury COUNCIL

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

1. RESPONSIBILITY

Department	Business Growth and Infrastructure	
Service	Strategic Planning and Economic Development	
Proposed policy	Ramsbottom Place Management and Movement Plan	
Date	11 March 2021	
Officer responsible for the 'policy' and for completing the equality analysis	**Name**	David Wiggins
	Post Title	Unit Manager: Development Planning
	Contact Number	0161 253 5282
	Signature	D. Wiggins
	Date	11 March 2020
Equality officer consulted	**Name**	
	Post Title	
	Contact Number	
	Signature	
	Date	

2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	The Place Management and Movement Plan will create a positive and proactive vision for Ramsbottom with a focus on improving public realm, infrastructure and movement through the town centre. It will build on Ramsbottom's existing strengths and will play a key role in identifying a way forward for the town, playing a key role in supporting the post-Covid economic recovery of town centre businesses and the town centre in general. It will build increased confidence in the town centre, promoting it as a visitor destination and as a location for inward investment.
Who are the main stakeholders?	The main stakeholders involved in the improvement of Ramsbottom town centre include local residents, developers, investors, land owners, businesses, education providers, health services, infrastructure providers, interest groups and representative bodies/agencies.

3. ESTABLISHING RELEVANCE TO EQUALITY

3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	
Disability	Yes	No	Initiatives in Ramsbottom town centre are likely to involve improvements to the public realm. Core design principles will be developed to reflect the needs of people with mobility difficulties.
Gender	No	No	
Gender reassignment	No	No	
Age	Yes	No	Initiatives in Ramsbottom town centre are likely to involve improvements to the public realm. Core design principles will be developed to reflect the needs of people with special needs, including the elderly.
Sexual orientation	No	No	
Religion or belief	No	No	
Caring responsibilities	No	No	
Pregnancy or maternity	No	No	
Marriage or civil partnership	No	No	

**3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty.
If you answer yes to any question, please explain why.**

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	No	
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	

If you answered 'YES' to any of the questions in 3a and 3b

Go straight to Question 4

If you answered 'NO' to all of the questions in 3a and 3b

Go to Question 3c and <u>do not</u> answer questions 4-6

3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.

N/A

4. EQUALITY INFORMATION AND ENGAGEMENT

4a. For a service plan, please list what equality information you currently have available, **OR** for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

Details of the equality information or engagement	Internet link if published	Date last updated
On-going improvement efforts in Ramsbottom will be informed by the new Place Management and Movement Plan for Ramsbottom town centre. This will be a key vehicle for the delivery of the Council's continued ambition for Ramsbottom to maintain its role as one of the key visitor destinations in the Borough. It will facilitate the development of plans and proposals that will enable all stakeholders to understand how the vision for Ramsbottom town centre will be achieved, the respective roles they can play in realising the vision, and the sequencing of funding decisions. It is intended to undertake consultation on a draft version of the Place Management and Movement Plan.	N/A	N/A

4b. Are there any information gaps, and if so how do you plan to tackle them?

No

5. CONCLUSIONS OF THE EQUALITY ANALYSIS

What will the likely overall effect of your policy/service plan be on equality?	Positive
If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?	N/A
Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.	No
What steps do you intend to take now in respect of the implementation of your policy/service plan?	The appointed consultants will commence work on a new Place Management and Movement Plan for Ramsbottom town centre.

6. MONITORING AND REVIEW

If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.

The effectiveness of the approach set out in the Ramsbottom town centre Place Management and Movement Plan will be monitored and will, if necessary, be further reviewed.

COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO THE EQUALITY INBOX (equality@bury.gov.uk) FOR PUBLICATION.

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Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Radcliffe Strategic Regeneration Framework – Acquisition of Assets
Report by:	Cllr. Eamonn O'Brien (Leader) – Cabinet Member for Finance and Growth
Decision Type:	Key Decision
Ward(s) to which report relates	All Radcliffe Wards

EXECUTIVE SUMMARY

In September 2020, Cabinet approved the Radcliffe Strategic Regeneration Framework (SRF) to guide the future regeneration of the town. In addition, Cabinet also agreed to the provision of a dedicated Programme Management Office to have the role of developing business cases and creating investment fund propositions. The SRF is also a key element of the Council's Capital Strategy and funding has been built into the 2021/2 capital programme.

One of the SRF's key proposals for the regeneration of Radcliffe is the creation of a new Civic Hub in the heart of the town centre and, specifically, on the land and premises currently under the ownership of London and Associated (L&A).

The Civic Hub project is a major regeneration priority for the Council and is

a key priority project given the potential for the site to have a fundamental role in driving economic growth.

The delivery of the Civic Hub is likely to require external funding and the Government's Levelling Up Fund has been identified as a key opportunity to help support the development. Details of the Leveling Up fund were announced following the chancellor's budget on 3 March and Bury has been placed in the highest priority category for funding.

In order to access these funds, the Council will be required to submit a comprehensive and robust bid that is able to demonstrate a credible development proposal which is supported by robust design and business case. Critically, the Council will need to show that it has the ability to deliver the development proposals within specific timeframes and, this will include demonstrating that it has unrestrictive control over land assets. As such, it is beneficial that the Council secures developable interests in the key sites that at the earliest opportunity.

Initial negotiations have taken place with the current owners of 3 key land and buildings sites) to acquire them so that the full benefits of the regeneration can be delivered. Cabinet is asked to approve the acquisition of these sites, subject to further financial and legal due diligence on the basis of the recommendations and advice set out in a joint report by Deloitte and CBRE. Draft Heads of Terms have been drawn up and are included in Part B of this report.

It is recommended that the final agreed acquisition of the 3 sites will be delegated to the Chief Executive after consultation with the Council's Section 151 and Monitoring Officers and the Leader of the Council, subject to the satisfactory completion of the required financial and legal due diligence.

The content of the report of the recommendations are being considered by the Cabinet Committee for Radcliffe SRF at their meeting of 18 March 2021 and their recommendations will be reported to Cabinet. This report is set out on the basis that the Cabinet Committee is supportive of the proposals.

RECOMMENDATION(S)

That:

- The progress on the creation of a new public service hub building and wider regeneration efforts in Radcliffe Town Centre be noted.

- Approval be given for the acquisition of land and premises that are critical to the delivery of key SRF projects as set out in Part B of this report be approved, subject to financial and legal due diligence to complete the transaction.

- Finalisation of the acquisitions, as set out in the Part B report, be delegated to the Chief Executive after consultation with the Council's Section 151 and Monitoring Officers and the Leader of the Council and subject to the satisfactory completion of the financial and legal due diligence.

KEY CONSIDERATIONS

1. Background

1.1 The continued regeneration of Radcliffe remains a key priority for the Council and, to support this, the Council appointed Deloitte LLP in February 2020 to prepare a Strategic Regeneration Framework (SRF) for Radcliffe with the aim of setting out a comprehensive plan to direct the future growth and development of the town in a coherent and joined-up manner.

1.2 In June 2020, Cabinet approved a draft of the SRF for consultation purposes. This was followed by a six-week period of public consultation between 22 June and 3 August 2020 to seek the views and inputs from the wider public, key stakeholders and partners.

1.3 The draft SRF's proposals were broadly well supported and thorough consideration was given to all comments received with some revisions being made in line with the consultee's areas of concerns. In September 2020, Cabinet approved a final version of the SRF as the Council's policy for the future regeneration of Radcliffe and as a material consideration in the determination of planning applications.

1.4 The final SRF proposes six priority projects that are primarily geared towards the regeneration of the town centre area, including:

- The introduction of a Civic Hub in the centre of the town;
- The revitalisation of Market Chambers;
- New leisure facilities;
- A transportation and parking strategy;
- A whole town housing programme; and
- A new high school for Radcliffe.

1.5 A key premise of the SRF is that a revitalised core will act as a catalyst for the regeneration of the wider town and, fundamental to this, is the proposal for a new Civic Hub in the core of the town centre. The development of a new Civic Hub has been identified as one of the SRF's priority projects which would bring together a mix of civic functions in an accessible and sustainable location in the core of the town centre.

1.6 The Civic Hub project is a major regeneration priority project given the potential for the site to have a fundamental role in driving economic growth. Consultation feedback on the SRF showed that the proposals for a new Civic Hub in the heart of the town centre were particularly popular, with over 90% of consultees in favour of the project.

1.7 The challenge and the aspiration for the Civic Hub development is to deliver a mixed use scheme that is distinctive and one that delivers the right products of the right quality within the current market conditions, with the potential to incorporate council services, leisure facilities, high quality retail, food and beverage outlets, community events space and private office space.

1.8 Doing nothing and leaving the town to market forces will not change the existing patterns of demand and won't provide the attractions to the centre is that is needed to drive footfall and the growth. As set out in the SRF, intervention in the market is required and a development of the scale and nature proposed has the potential to be truly transformational for the town and will act as a catalyst for further development and investment in the town centre and wider Borough.

1.9 The SRF is clear in specifying that the preferred location for a new Civic Hub should be in the very heart of Radcliffe town centre and, specifically, identifies the site of the existing 1960's precinct owned by London & Associates(L&A). This location is strategically linked to the public transportation network, complements the Radcliffe Market proposals and will significantly improve the image and environment of the town centre core.

1.10 In addition to this, 2 other key sites have been identified and are included the proposals.

2. Issues and Opportunities

Land Assembly and Funding

2.1 The implementation of the SRF is a key priority for the Council. A Programme Management Office (PMO) was established in September 2020 as the SRF's "engine room" to undertake the day-to-day tasks required for progressing the delivery of the SRF's proposals. Consultants Deloitte and CBRE have been appointed to provide advice and aid in the delivery of SRF projects and are members of the PMO.

2.2 The PMO is coordinating the progression of feasibility work on the Civic Hub in the core of the Town Centre and work is underway to inform the project development, scope for mix of end users and potential external funding streams that will be required to deliver the proposal.

2.3 A joint acquisition and best value report has been prepared by Deloitte and CBRE on behalf of the Council and this sets out the rationale and recommendations with regard to taking forward a land assembly strategy in Radcliffe Town Centre to support the delivery of a new Civic Hub and other potential regeneration projects in line with the approved SRF. This includes a suggested deal structure and base value for the acquisition of necessary land and property and risk mitigation and exit routes. The findings and the advice from the report supports the recommendations that are now being made both to the Cabinet Committee and Cabinet.

2.4 The Civic Hub project is one of the key projects in the SRF and, whilst the details of the project continue to be worked up, it could accommodate a range of services and facilities including:

- New Council offices and services, which would enable the disposal of Whitaker Street and other Council assets;
- An active ground floor frontage, which would provide a commercial hub to help the vitality and vibrancy of the town centre;
- Flexible community space; and
- A development of real scale and quality which would help change perceptions of the town centre offer that will complement existing uses including the Market and a revamped Market Chambers building.

2.5 The SRF identifies leisure facilities as a key priority for Radcliffe and work is still underway on an option appraisal that will help identify the best location for these facilities. These will include both wet and dry side facilities.

2.6 In order to contribute to the funding of the SRF projects, the Council approved the creation of a Regeneration Investment Fund as part of its capital strategy for 2021/22 and a total of £6m was included in the Council's capital programme. Access to the fund is subject to schemes meeting specific criteria that was agreed when the strategy was approved in February 2021. The intention of the Strategic Investment Fund is to:

2.7 Provide a structured and disciplined approach to investment decisions which link decisions to outcomes and projects to a place-based framework and will form part of the management and monitoring arrangements.

2.8 Promote a culture of success by addressing measurable outcomes including returns and the importance of re-cycling thus maximising the value of every £ which is spent - this can be compared with grant where every £ is spent only once.

2.9 Facilitate third party funding (whether public or private) and advancement of the regeneration programme in the quickest possible time - equally by having the capability to act quickly at the start of the regeneration process a Fund can protect long term value which may only be attributable to longer term public investment.

2.10 Support a Council commitment to the long-term future of the Town Centres with the potential to deliver match funding to leverage other public sector programmes.

2.11 It is intended that, in this instance, the Strategic Investment Fund will be used to leverage investment into Radcliffe (as well as other areas of the Borough) from private sector partners and central government. As the fund is designed to support towns and communities with physical and social regeneration projects, the opportunity to bid for recently announced £600m Government 'Levelling Up' funding worth up to £20m per project is likely to be enhanced.

2.12 The Levelling Up Fund prospectus was released with the Budget on 3 March 2021. The full prospectus can be viewed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966138/Levelling_Up_prospectus.pdf.

2.13 The prospectus states that the Fund will invest in local infrastructure that has a visible impact on people and their communities. This includes a range of high value local investment priorities, including local transport schemes, urban regeneration projects and cultural assets. The Fund is jointly managed by HM Treasury, the Ministry of Housing, Communities and Local Government (MHCLG) and the Department for Transport.

2.14 The first round of the Fund will focus on three themes: smaller transport projects that make a genuine difference to local areas (e.g. public transport initiatives, bridge repairs etc.); town centre and high street regeneration (e.g. the acquisition and regeneration of brownfield sites and investments in community infrastructure); and support for maintaining and expanding the UK's world-leading portfolio of cultural and heritage assets (e.g. maintaining and regenerating heritage assets). In particular, in terms of regeneration and town centre investment, the prospectus states that this can be used to upgrade eyesore buildings and dated infrastructure, acquire and regenerate brownfield sites, invest in secure community infrastructure and crime reduction, and bring public services and safe community spaces into town and city centres. Clearly, a bid to support the regeneration of Radcliffe would sit neatly with this particular theme.

2.15 The prospectus states that there is an expectation that Members of Parliament, as democratically-elected representatives of the area, back one bid that they see as a priority.

2.16 Monies awarded through the Levelling Up Fund would be secured following a competitive bidding process and, as with most funding sources, to have the best chance of securing these funds, the Council will need to demonstrate that it has the ability to deliver the projects.

2.17 In this sense, the Council would be required to submit a comprehensive and robust bid that is able to demonstrate a credible development proposal which is supported by robust design and a business case. Critically, therefore, the Council should secure the ability to build on the subject land and ensure it is free of legal constraints. Therefore, it is essential that the Council secure developable interests in the L&A land at the earliest opportunity.

2.18 Initial negotiations have taken place between the Council and L&A and there is a definite willingness from the current landowner to sell the land and property required for the Civic Hub development.

2.19 Draft Heads of Terms for a prospective deal for the acquisition of the L&A land and property assets have been drawn up as the basis for continued negotiations and, subject to the approval of the Cabinet on 24 March 2021, will form the basis for acquiring the asset.

2.20 The details of the draft Heads of Terms along with a Deloitte/CBRE report setting out the proposed land assembly details in Radcliffe Town Centre are commercially sensitive and, as such, both are included within Part B of this report.

Financial Considerations

2.21 The Council's Capital Strategy 2021/22 includes a £6m Strategic Investment Fund and a further £10m for the Radcliffe SRF. Further funding from the Council is anticipated in future years and is reflected in the future indicative capital programme, but will be subject to formal decision making at that time. The costs of the proposals can be met from within the funding available and there is funding available to support delivery. The extent of the delivery will however be subject to the outcome of the Council's bid for the 'Levelling Up' fund.

2.22 There is a risk that the 'Levelling Up' fund is not successful. In this event the Council would need to look at alternative sources of funding, may be required to contribute more than is currently anticipated into the programme from its own resources or there may be a requirement to scale back the programme to meet the funding available. Careful monitoring throughout the programme will be undertaken to ensure that all known financial impacts are understood and mitigating actions taken where needed.

2.23 The Council is able to demonstrate that the proposals meet the requirements of the Strategic Investment Fund should this be a source of funding that is utilised. The advice and Best Value report from Deloittes and CBRE has been considered in order to evaluate the scheme against the criteria and also in considering the acquisition from a best value perspective.

3. Alternative Options Considered

3.1 The alternative option is to not pursue the acquisition of the L&AP land and other sites and to cease negotiations with the current landowners. However, the SRF has been adopted by the Council as the framework for the regeneration of Radcliffe and this option would not be in accordance with the approved Framework.

3.2 Doing nothing and leaving the town to market forces won't change the existing patterns of demand and won't drive the growth that is needed whereas intervention in the market will encourage local economic growth.

EQUALITY IMPACT AND CONSIDERATIONS:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good*

relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

ASSESSMENT OF RISK:

The following risks apply to the decision:

Risk / opportunity	**Mitigation**
The Council acquires the land and buildings and is unsuccessful in obtaining Levelling Up funding.	The Council has been categorised as Category 1 and the SRF provides a strong basis for securing a successful bid. Other sources of funding are likely to be available.
The cost to the Council increases and is not affordable.	Regular monitoring throughout the programme will be undertaken and any changes in the financial position will be updated and, where necessary, mitigating actions taken. These will include looking for alternative sources of funding and reviewing/moderating the programme.

Consultation:

The Cabinet Committee for Radcliffe SRF has been consulted on these proposals.

LEGAL IMPLICATIONS:

This report gives approval to acquire subject to appropriate legal and financial due diligence. Those with delegations will have authority to finalise the acquisition but this is again subject to appropriate financial and legal advice which will be required throughout the process.

FINANCIAL IMPLICATIONS:

Provision has been made in the Council's Capital Programme to support the Radcliffe SRF albeit subject to external funding being secured for the wider programme. Any proposals that come forward for approval will be subject to the appropriate final due diligence processes and also consideration in the context of the available funding and this applies to the proposals set out in the report. These will be considered prior to the completion of the acquisitions and as part of the delegated approval process.

The proposals contained in the report can be met from within the capital funding and will support the bid for Levelling Up funding. There is no guarantee that the bid will be successful, however the chances will be greatly enhanced through the ability to demonstrate ownership and control of key strategic assets.

In the event that the bid is not successful the Council would be seeking alternative opportunities for funding and may need to consider revised proposals for the use of the sites. A successful scheme will contribute significantly to the regeneration of Radcliffe and will lead to increased long-term income from business rates and council tax as reflected in the wider regeneration business case.

REPORT AUTHOR AND CONTACT DETAILS:

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BACKGROUND INFORMATION:

The Radcliffe SRF and further information relating to it can be found on www.bury.gov.uk/radclifferegeneration.

Glossary

Term	Meaning

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Agenda Item 10

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Radcliffe – Establishment of a new secondary school
Report by:	Cabinet Member, Children, Young People & Skills
Decision Type:	**Cabinet Non-Key Decision**
Ward(s) to which report relates	All

Summary:

On the 5th February, the Secretary of State for Education announced the outcome of applications to wave 14 of the Government's Free School Programme. In doing so, the Council received confirmation that the application submitted by Star Academies, to establish a new secondary school in Radcliffe, had been approved.

The agreement to establish the new school is between the Department for Education and the Star Academies Trust, and construction of a new school building will be for the DfE and Trust to deliver.

The Council clearly has an interest in the establishment of the new school and, there are some matters which require the Council's commitment and agreement. This report sets out these matters.

This report now sets out wider considerations in respect of the site for the new school, the capital funding implications to the Council, and matters relating to the existing use of the Spring Lane site.

Recommendations

- **To formally welcome this important result for Bury, Star Academies and Radcliffe.**

- **To note the previous decisions of the Council in respect of the Spring Lane site, and the intention to commission a study to determine the extent of the site to be utilised for the school, whilst preserving access to the adjacent development site.**

- **To note that there is a financial commitment by the Council to the delivery of the scheme, and it is anticipated that this be funded from the school's capital budget, and that this will be subject to Cabinet approval when the detail is known.**

- **To note the alignment of the delivery of the school to the Radcliffe Strategic Regeneration Framework.**

- **To note the continuing close partnership working between the Council, Star Academies and the Department for Education.**

- **To note that discussions are underway for the acquisition of additional land to support the delivery of the school and its ancillary uses and that a further report would be brought back to Cabinet seeking approval for any acquisition.**

Background

The Secretary of State for Education approved an application from the Trust of Star Academies to establish a new school, to be located on land off Spring Lane, Radcliffe. The initial capacity of the school to be 750 pupils, increasing to 1,000 over time, as population growth demands.

The Free School Programme is the sole means by which new schools can be established, and the Governments programme enables sponsors to apply to do so. Applications can be made independently of the Council but in the case of the application submitted by Star Academies, this was submitted with the full support of the Council.

Council Members and Officers have been instrumental in developing the business case to establish the new school, and it was this that encouraged and enabled Star to submit its successful application.

Officers have worked extensively to demonstrate the need for new secondary school provision in Radcliffe, and the importance of that provision in supporting the economic growth and sustainability of Radcliffe. The comprehensive case produced by the Council, and the engagement with DfE to demonstrate that need, played a significant part in ensuring the successful application.

This ongoing partnership is instrumental in ensuring the delivery of the new school, and its alignment with the wider objectives of the Radcliffe Strategic Regeneration Framework (SRF).

The Council has previously considered reports on this subject.

Cabinet received a report on the 13th November 2019 in which it agreed to:

1. Endorse the submission by Star Academies of an application to the Department of Education for funding for a new secondary school for Radcliffe

2. Note that a successful application to establish a Free School will require the Council to provide the land on which the new school will be constructed, to be leased to the Sponsor at a peppercorn rent, and that a further report will be submitted to Cabinet to seek this approval

3. Require the Assistant Director (Education & Inclusion) to lead the process of engagement with Star Academies in support of the application and submit a further report to Cabinet as soon as the outcome of the application is known

Cabinet received a further report on the 26th February 2020, in which it agreed to:

> In the event of a successful application by Star Academies to establish a new Free School, Cabinet agrees to the release of the land edged red at Appendix 1 through the granting of a lease to Star Academies in return for a peppercorn rent, for a period of 125 years, whilst preserving access to the adjacent development site.

The cost of constructing the new school building will be met by the Department for Education, with the exception of those matters referred to below, which will fall as an obligation on the Council.

Because of delays in announcing the outcome of the applications to the Free School Programme, it is likely that the earliest the new school could be open to admit pupils will be September 2024. Initially, the school will admit pupils to year 7, and so will increase in size incrementally over 5 years. The admission policy for the new school will need to be agreed well in advance. A further report will be brought forward on the proposed admission arrangements at a later date.

The construction of the new school building will be facilitated by the Department for Education, with Star Academies being the client. The Council is a stakeholder in the process but does have specific obligations, as set out below:

- Site – With the full support of the Council, Star Academies identified land off Spring Lane, Radcliffe as the proposed location of the new school. This site is within Council ownership. Upon completion of construction of the new school building, the Council will be required to agree to a 125 year lease at a peppercorn, to enable the Trust to use the site. The Council’s Cabinet, at its meeting on the 26th February 2020 (CA.5) agreed the following:

  In the event of a successful application by Star Academies to establish a new Free School, Cabinet agrees to the release of the land edged red at Appendix 1 through the granting of a lease to Star Academies in return for a peppercorn rent, for a period of 125 years, whilst preserving access to the adjacent development site.

- The Council must commit to certain costs relating to the remediation of the site, which will include the demolition of any existing structures that are not otherwise being retained, plus any abnormal works linked to the condition of the site. In addition, highways works that are necessary to serve the school, and the cost of any planning conditions stipulated by the Local Planning Authority, are costs that need to be met by the Council.

It is anticipated that these costs will be met from within the schools' capital programme, with a further report being presented to Cabinet at a later date when detail known.

In identifying the Spring Lane site as the preferred location for a new school, the Council recognised that provision would need to be made for access to a potential development site to the North of the Spring Lane site, as identified in the Strategic Regeneration Framework (SRF). This raises a number of issues:

- The issue of access to the site to the North of the Spring Lane site is one for the Council, and not a matter for DfE or Star Academies, although each party has a clear interest. Further, the access is not required solely for the purpose of serving the new school, but to enable wider development opportunities. The cost of provision is not therefore, something that should be ascribed purely to the school project. It is important that the Council has a clear position with regards the proposed access requirements in order to determine the implications for the current Spring Lane site, including any loss of land that needs to be set aside for access.

- Given that the proposed access route will require part of the existing Spring Lane site to be retained by the Council, there may then be a requirement for the Council to provide additional land to meet the needs of the school, to compensate for this loss.

These factors need to be determined in order to correctly identify the site of the new school, and in order to allow the DfE to carry out its due diligence on the actual site to be the subject of the lease to the Trust, and to enable design work for the new school to be undertaken.

Initial conversations with DfE suggest that the exact boundaries of the site need to be confirmed by September 2021 to ensure current programme targets to be met.

In relation to the Radcliffe SRF, the Council has commissioned a range of activities to support master-planning across the wider area encompassing Radcliffe town centre. It is proposed that the brief of this commission be extended to enable a more targeted assessment in relation to the Spring Lane site, building on earlier work the Council commissioned in support of the initial business case for the school.

This more detailed master-planning will clarify the impact on the site, in making provision for an access to the North of the site. In turn this will also determine the ability of the site to retain and /or accommodate other uses on the site, including the existing facilities serving Spring Lane School and the Radcliffe Leisure Centre and Pool.

Further, it will inform the need for the Council to acquire additional land in order to meet the needs of the school. The appropriation of land linked to the SRF is subject to a separate report.

Spring Lane School

Spring Lane School is the Council's Pupil Referral Unit, operating on three sites across the borough, including the building on Spring Lane. Discussions have been ongoing with the leadership of the school about future accommodation requirements in respect of the Spring Lane building.

These discussions will be progressed to inform next steps. The proposed master-planning may determine that the location of Spring Lane School is unaffected. In the event that it is affected, work is ongoing to identify alternative premises. Provisional sums have been included the Council's (Children's Services) Capital Programme to meet anticipated costs.

Radcliffe Leisure Centre and Pool

As part of the Radcliffe SRF, a new Leisure Centre is proposed. Four location options are currently being assessed in respect of their viability, including the Spring Lane site. A decision in respect of location will be reached via Cabinet.

Regardless of the decision made in terms of location of a new leisure centre, in respect of school based leisure provision, a four-court sports hall, a 3G pitch (subject to available funding) and grass sports pitches will be provided as part of the school complex.

The existing Radcliffe Pool and Leisure Centre will need to be decommissioned and demolished at an agreed date to facilitate the school build. However, subject to the planned construction work, it may be feasible for Radcliffe Pool and Leisure Centre to continuing operating for as long as possible to enable continued service provision and community access.

Next Steps

Whilst the delivery of the new school project will primarily be driven by DfE and Star Academies, the continuing contribution of the Council is essential to ensure successful delivery, and alignment with the objectives of the Radcliffe SRF.

To enable the Council to fulfil this role, a Project Group will be established with governance linked to Radcliffe SRF.

Master-planning of the site will be commissioned in order to identify the full extent of the site for the new school and consider any implications to existing site usage.

There will be ongoing community engagement and stakeholder consultation as the project develops.

Cabinet is asked to note the contents of the report.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
Section 9 of the Academies Act 2010, and section 149 of the Equality Act 2010 require the local authority to assess the potential impact of any new school on existing educational provision and also impact on any groups with protected characteristics. The business case that supported the application for the new school documented the significant inequalities in the education, health and economic profile of the residents of Radcliffe. The provision of a high quality secondary school will contribute to measures designed to address these inequalities. The new school will help to minimize travel distances to school, improve accessibility to local school provision, and increase parental choice. The new school is not expected to have an adverse impact on any group with protected characteristics.	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Failure to identify the extent of the site for the new school will impact on the timely delivery of the project	Master-plan to be commissioned
The full extent of capital costs falling to the Council will not be known until more detailed design and planning has been completed	Provisional sum identified to cover anticipated financial obligations. Master-plan may identify opportunities to limit financial obligations on the Council
There are significant opportunities to align the project with the wider objectives of the Radcliffe SRF	Governance arrangements for the project to link to those for the Radcliffe SRF

Consultation:

Legal Implications:

There are no legal implications arising form this report but future funding arrangements will need Cabinet approval, along with the proposals for land development and any associated acquisitions if they are within the definition of a 'key' decision. Legal and financial advice will be required going forward.

Financial Implications:

There are likely to be some costs associated with the proposals that will fall to the Council although it is anticipated that this will be funded from capital grants. These will be subject to Cabinet approval as and when the detail emerges. The main cost of the school will be met from DfE funding.

Report Author and Contact Details: **Paul Cooke, Strategic Lead, Education Services**

Background papers:

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	**Dedicated Schools Grant (DSG) Deficit Recovery**
Report by:	Cllr Tamoor Tariq, Cabinet Member for Children, Young People and Skills
Decision Type:	**Non Key Decision**
Ward(s) to which report relates	**All**

Executive Summary

Cabinet has previously received reports setting out the significant deficit on the Council's Dedicated Schools Grant (DSG) and proposed actions to try and reduce this. In reporting the deficit, it has been recognised that it is currently offset by the Council's reserves and has also been reflected in the Council's Annual Governance Statement as a financial risk that needs to be addressed.

Councils with significant deficits are required to submit deficit recovery plans to the Department for Education (DfE) on an annual basis. Bury has complied with this requirement and has taken some actions to begin to reduce the deficit over time. This was set out in the detailed DSG recovery report presented to Cabinet in September 2020 at which point it was estimated that Bury's deficit on the DSG would increase to c£25m by the end of 2020/21.

Since then, the DfE has intervened and has been working with a small number of local authorities with the highest DSG deficits nationally, including Bury. The outcome of this work is to develop and agree an approach that will reduce the deficit and ultimately achieve a balanced budget.

This report outlines the outcome of this work including additional funding that is being made available, the delivery plan agreed with the DfE and the expected outcomes against which the Council will be monitored.
In total, funding of £20.5m revenue funding and £4m capital has been awarded by the Secretary of State following recommendations from the DfE. The funding will be received over 4 years up to 2024/25 including £6m that will be awarded in the current financial year.

Recommendation(s)

Cabinet is asked to:

- Note the DSG recovery agreement between the Department for Education and Council which forms the basis of the grant agreement that the Council has been required to sign up to

- Support the decisions required by officers to deliver the recovery plan within the agreed timeframe

- Note the financial support provided by the DfE in assisting Bury Council to recover the DSG deficit and the expectation that this will lead to a balanced position by the end of 2024/25

- Note that the settlement reached with the DfE will bring significant additional government funding into Bury to remove a large proportion of the DSG overspend

- Note that the settlement gives the Council funding to improve services, including services for children and families with SEND; better services here in Bury will replace more expensive services further away

- Agree that no decisions for change affecting individual children and families will be made without them.

Key considerations

Background

The DSG deficit has been the subject of concern due to its accumulated size and trajectory to increase further if no action was taken to address it. The DfE identified Bury as one of a small number of Local Authorities to be invited to work with them on a recovery plan, known as ‘The Safety Valve Project’.

DfE senior officials met with officers in December 2020 and agreed to work with Bury on developing a robust recovery plan to be presented to the Minister of State for Education for approval.

Bury Council engaged with Ameo, the Council's transformation partner, to develop a project plan that investigated all issues in respect to the High Needs Block of the DSG that were resulting in the cumulative overspend and increasing deficit.

In developing the plan, officers engaged with relevant stakeholders and presented draft proposals to the DfE officials throughout January 2021.
Officers presented the final recovery project plan to the DfE senior officials on 5 February 2021 where their support was provided, and confirmation received that Bury's recovery plan would be recommended to the Minister for their approval.

An agreement has been drawn up by the DfE in liaison with officers in Bury, including new conditions of grant in respect to additional funding to be provided by the DfE.

In developing the plan, the Council has demonstrated that services and practices in respect of SEND will be transformed and this has been linked to the delivery of savings over the agreed period. A significant driver for the deficit is the relatively high number of out of borough placements for SEN/High Needs. As well as revenue funding, capital funding has been provided to help support the Council in developing more in-borough capacity.

The proposal

In accepting the funding, the Council has had to sign a detailed agreement with the DfE, details of which are set out below. The purpose of this is to ensure there is clarity on the basis on which the funding has been made and to be clear about the outcomes. This is key as it will form the basis on which the Council will be assessed going forward.

Dedicated Schools Grant 'Safety Valve' Agreement: Bury Local Authority

1. This agreement is between the Department for Education and Bury Local Authority. It covers the financial years from 2020-21 to 2024-25.
2. The authority undertakes to reach a positive in-year balance on its Dedicated Schools Grant (DSG) account by the end of 2022-23 and in each subsequent year. The authority undertakes to control and reduce the cumulative deficit as follows:

Year	Maximum Forecast DSG Deficit Profile at year end £m
2020-21	25.5
2021-22	25.6
2022-23	25.0
2023-24	21.9
2024-25	16.0

3. The authority agrees to implement the action plan that it has set out. This

includes action to:

i. Strengthen their Special Educational Needs assessment and placements process

ii. including clarifying assessment thresholds for Education Health and Care Plans

iii. (EHCP) by March 2022. This should include reviewing transition arrangements for children and young people throughout 2021-22

iv. Ensure robust planning for future provision, including reducing the use of independent school placements by increasing the availability and suitability of local provision within Bury. This should include developing a model for forecasting future needs by March 2022.

v. Improve quality and timeliness of management information to enable evaluation of impact of central services.

vi. Support and drive schools in Bury to meet a higher level of need in a more cost-effective way within mainstream settings, while maintaining the quality of provision. Develop a culture in which demand is more effectively managed throughout the authority.

Remodel financial practice to ensure accurate contributions from appropriate funding sources, by December 2021.

4. The authority also agrees to ongoing monitoring of its performance in fulfilling this agreement. The authority will:

   i. Report quarterly (as a minimum) in writing to the Department (Funding Policy Unit) on its progress towards implementing the plan as per the conditions set in paragraphs 2 and 3

   ii. Inform the Department (Funding Policy Unit) of any unforeseen difficulties or impacts of carrying out the agreement, or any significant risks to reaching the agreed financial position as soon as they arise

   iii. Meet with the Department in the last quarter of each financial year covered by this agreement to discuss progress, and update on detailed plans for the subsequent financial year

   iv. Meet with the Department at any other time when the Department deems it necessary to discuss progress towards the agreement.

   v. Provide the Department with relevant Schools Forum papers as soon as they are issued.

5. The Department agrees to pay to the authority an additional £6 million of DSG

before the end of the financial year 2020-21. In subsequent financial years, subject to compliance with the conditions set out in paragraphs 2 and 3, the Department will pay DSG sums as follows in addition to the authority's formulaic allocation: £4 million in 2021-22, £4 million in 2022-23, £3 million in 2023-24 and £3 million in 2024-25. This funding will be provided in instalments and subject to continued satisfactory progress. Subject to full compliance, Bury should therefore eliminate their cumulative deficit no later than 2024-25.

6. The Department will send a commission relating to capital plans to Bury in 2021-22. This commission will seek to understand the authority's future plans for capital investment in new school places for pupils with special educational needs (SEND) and for those requiring alternative provision (AP), focusing on projects which support wider deficit reduction aims. The Department will assess and review plans against set criteria which will be outlined in the commission. Subject to that assessment, the Department will consider making a capital contribution to these plans in 2021-22 as an adjustment to the local authority's High Needs Provision Capital Allocation (HNPCA).

7. This agreement is subject to review at any time, for example, because of the following events:

   i. Higher or lower DSG formula funding levels for the authority in future financial years than those the authority has assumed

   ii. Significant changes to national SEND policy, for example, as a result of the government SEND Review, which impact on elements of the plan

   iii. Insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan

   iv. Whether Bury is awarded additional capital funding support following the capital plan commissioning process.

   The review process will include an assessment of the impact of the change in circumstances.

Implementing the Project Plan

As part of the process, the Council has developed a project plan that has been approved by the DfE. To make the impact that is needed, it is essential that the Council starts the process that has been agreed.

Within the funding made available, C£1m has been provided to support additional resources including SEN, systems, finance, data, and project management. To this end, Ameo has been retained to support Phase 1 of the programme and temporary resources for finance etc. are being sought. At the same time, a process is to commence to create the longer-term requirements and these will be taken forward through the Council's established processes for recruitment etc.

The agreement has just been announced and it is proposed that a report be taken to the next meeting of the CYP Scrutiny Panel, where more detail will be provided on governance, outcomes, progress, consultation, reporting and performance management frameworks.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
The Children and Families Act 2014 brought in new legislation and systems for supporting children and young people 0-25 years with special educational needs (SEN) and disabilities. The SEND Code of Practice provides statutory guidance which sets out how local authorities and other services are expected to work and support children and young people with SEN. The DSG Recovery plan will support the local authority to continue to meet its statutory functions as set out in the SEND Code of Practice and to improve and develop new and existing systems and processes. This will impact positively on children and people with SEND and their families – it is an opportunity to improve co-production with parents and young people, decision making, transparency and equity of service delivery. Children and young people's needs will be identified at an earlier stage and support pathways will be improved. The SEN service will be integrated more effectively with multi agency partners, ensuring that the holistic needs of children and young people with SEND are met. The school system will be enhanced to increase the range and type of local provision to better meet the diversity of needs and address inequalities in provision.	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Opportunity to improve services to the public Opportunity to improve the local offer to CYP with SEND Opportunity to improve the partnership responsiveness to meeting the needs of CYP earlier and more effectively Risk of lack of capacity to mobilise the recovery plan due to complex council governance, systems and processes Reputational risk of not meeting deadlines and expectations in respect of improvements and deficit recovery	The Project has been made a priority corporately and across the partnership (Bury 2030, The Corporate Plan, The Children's Strategic Partnership Priorities, Schools Forum) The Project is supported by refreshed governance via the newly established CYP Scrutiny Panel The Project is supported by external expertise and programme management provided by Ameo

Consultation: Relevant stakeholders were consulted in the scoping stage of the safety valve project. Consultation on the recovery plan will be factored into the programme plan. An initial meeting with Bury2gether has been arranged. Consultation will be ongoing with stakeholders and will be monitored via governance structures

Legal Implications:
There are no legal implications arising from this report.

Financial Implications:
The financial implications are set out in the report,

Report Author and Contact Details:
Steven Goodwin, Head of Strategic Business and Finance
s.goodwin@bury.gov.uk

Background papers:
Any further information is available upon request from Steven Goodwin

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DSG	Dedicated Schools Grant
DfE	Department for Education
SEND	Special Educational Needs

Classification	Item No.
Open	

Meeting:	**Cabinet**
Meeting date:	**24th March 2021**
Title of report:	**Introduction of a Civil (Financial) Penalty Policy and Enforcement Protocol - Minimum Energy Efficiency Standards**
Report by:	**Cabinet Member for Housing Services**
Decision Type:	**Key**
Ward(s) to which report relates	**All**

Executive Summary:

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended in 2016 and 2019), referred to in this report as "the Regulations", are designed to tackle the least energy-efficient properties, those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard of EPC band E for domestic private rented properties, affecting new tenancies and renewals since 1 April 2018. The Regulations now applies to all properties in scope from 1 April 2020.

To enable the Council to enforce this Statutory duty, there is a requirement to publish a Civil Penalty Policy. Therefore, in consultation with the Centre for Sustainable Energy and utilising best practice from other Local Authorities, including guidance from the Department for Business, Energy and Industrial Strategy (BEIS), we have developed the Civil (Financial) Penalty Policy and Enforcement Protocol – Minimum Energy Efficiency Standards. This report is seeking approval for the new proposed Policy.

Recommendation(s)

To approve and implement the Civil (Financial) Penalty Policy, to allow officers to impose fines where necessary to landlords and improve the energy efficiency standards of Private Rented Properties.

Key considerations

Background:

LEGISLATIVE FRAMEWORK

1.1 Councils have a statutory duty to enforce the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (amended in 2016 and 2019). *(See 'background papers' for access to a copy of the Regulations).* Subject to relevant exemptions these regulations set a minimum level of energy efficiency that:

- since 1 April 2018, landlords of relevant domestic private rented properties must not grant a tenancy to new or existing tenants if their property has an EPC rating of F or G (as shown on a valid EPC for the property);
- from 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating F or G (as shown on a valid EPC for the property).

Where a property is sub-standard, landlords must normally make energy efficiency improvements which raise the EPC rate to minimum E before they let the property. In certain circumstances, landlords may be able to claim an exemption from this prohibition on letting a sub-standard property. Where a valid exemption applies, landlords must register the exemption on the National PRS Exemptions Register.

Bury Council Officers are authorised to check for different forms of non-compliance with the Regulations and issue penalties for non-compliance. The Council's Urban Renewal section undertakes housing enforcement in the private rented sector and would be the team that would enforce these regulations.

1.2 To undertake this enforcement action, the Council must publish a Civil Penalty Policy, that sets out the protocol for how the Council will undertake the enforcement duties and arrive at decisions, ensuring they are fair and accountable.

1.3 The aim of adopting the policy is to increase the range of measures open to the Council, in tackling non-compliant landlords and to increase the Council's capacity to undertake enforcement, where there is clear evidence that offences have been committed.

SCOPE FOR ENFORCEMENT

2.1 The Council has previously not had the capacity to develop this work area to enable the enforcement of these regulations. However, in 2019/20 seven pilot studies across eight English local authorities were delivered which investigated enforcement of these Regulations. Following this a draft toolkit was developed by Centre Sustainable Energy (CSE) with the Department for Business, Energy and Industrial Strategy (BEIS) support, drawing on findings with example materials developed. In 2020 Bury was one of 12 Local Authorities chosen, (and awarded £100,000 from BEIS) to test this draft toolkit. The purpose of the pilot was to further explore the extent to which the toolkit can help streamline process development work, provide off-the-shelf tools to embed within business-as-usual practices; and minimise any additional resources that may be needed for Local Authorities when enforcing the regulations.

2.2 This has enabled Urban Renewal to recruit a temporary officer and created the capacity required to develop this work area, to set up the policies and procedures required, utilising the best practice and guidance from the first round of pilot projects, (Oxford Council and Bristol Council). Consequently, supporting Bury to become a flagship Council for the enforcement of these regulations, helping to shape the final toolkit that will be published by BEIS in the future.

2.3 We have identified an initial 326 private rented properties in the Borough, that are potentially not compliant with the regulations, they have an EPC rating of F/G. There have been no exemptions registered formally in Bury for domestic private sector homes. We have mapped this data to identify clusters of properties that are not compliant for proactive and focused targeted, ensuring limited staffing resources are utilised most effectively.

The proposal

3.1 Urban Renewal have drafted a proposed Civil (Financial) Penalty Policy, *(see 'background papers'),* that describes in detail how Bury Council comes to the decision to issue a financial penalty, the level of fine it will impose, and the process it will follow to issue the penalty.

The policy details:
- An outline of the regulations
- The Councils protocol for engagement with landlords
- A summary of the available penalties
- Factors in determining the level of Civil Penalty
- How decisions will be recorded
- How a landlord can appeal the decision

3.2 As mentioned earlier the Council has engaged with other local authorities involved in the phase 1 BEIS pilot in developing:
- The levels of harm, for example there is a vulnerable tenant in property, and they have been in the non-compliant property for an extended period, therefore there is a high level of harm,
- The level of culpability, for example there may be complex issues outside of the landlord's control which have led to non-compliance and therefore a low level of culpability,

  And

- The fine levels set according to the above. Currently the maximum level of penalty imposed, in relation to breaches of the regulations and as per the Regulations must be no more than £5,000, at an individual property, at a single point of time.

3.3 Urban Renewal will initially informally advise Landlords, who rent properties with an EPC of F or G, that they do not meet the minimum energy efficiency standard and are therefore committing an offence under the Regulations.

3.4 Additionally, the Council will proactively promote the energy efficiency retrofit grants that are available, such as the Greater Manchester Green Homes Local Authority Delivery Scheme, to engage positively with non-compliant landlords in the first instance. This will also assist the Council in achieving the Greater Manchester targets set for retrofit energy efficiency installations.

3.5 Landlords will be given an appropriate time, normally 14 days, to respond, either showing evidence that they now have a compliant EPC, or to set out a plan to achieve the required energy efficiency level. They will be warned that if they continue to be in breach after the time given, an investigation will follow and formal enforcement action will be considered, both under the Regulations and the Housing Act 2004.

3.4 The Council may in circumstances, where a landlord has a history of not complying with housing related regulatory requirements, decide to take formal action without giving an informal opportunity for the landlord to comply.

3.5 By approving this Policy, this will:

- Enable the enforcement of the Regulations,
- Improve the energy efficiency standards of private rented homes in the borough,
- Improve health outcomes for residents, ensuring they do not live in homes that are cold and damp, which can exacerbate health conditions such as asthma, angina, arthritis and can lead to respiratory infections and increased risk of stroke and heart attack due to vasoconstriction. This would inevitably lead to an increased demand on an already stretched health service,
- Reduce fuel bills and alleviate fuel poverty for Bury residents,
- Contribute to relevant Council strategies e.g. Housing Strategy and Climate Change Strategy,
  And
- Safeguard the continued delivery of the testing toolkit pilot outlined above, meeting targets set and ensuring that Bury remains a flagship leader in the development of enforcement across England and Wales.

Other alternative options considered

5.1 Reject the civil penalty policy – As a piece of legislation, we have a duty to adopt and utilise the powers contained within. Not adopting the policy also misses the opportunity to improve the energy efficiency of homes in the private rented sector, (which is an aim of the emerging Housing Strategy), to meet our climate change agenda, alleviate fuel poverty and to generate additional income.

5.2 Implement the policy and change the banding level of fines - This would mean Bury Council is not consistent with other Local Authorities.

Community impact/links with Community Strategy

Links to 2030 strategy, the emerging Housing Strategy and the 2038 Carbon neutral agenda.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
One issue raised - there may be instances where the landlord or tenant may not have English as their first language, should that be the case Enforcement Officers will ensure that any notices are translated to ensure equality. This is standard practice across all the enforcement duties Urban Renewal deliver, therefore this discrimination/inequality should not occur as a direct result of the introduction of this specific policy.	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	**Mitigation**
Legal Financial Reputational	As described in the new process

Consultation:

Relevant Council departments, the Department for Business, Energy and Industrial Strategy (BEIS) and Centre for Sustainable Energy.

Legal Implications:

The proposals and attached policy are in accordance with the relevant regulations.

Financial Implications:

The cost of the proposals are met from the grant available. In the event that any fines should be issued the income will be retained by the service.

Report Author and Contact Details:

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Urban Renewal

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Background papers:

Bury Council CIVIL (FINANCIAL) PENALTY POLICY and Enforcement Protocol: Minimum Energy Efficiency Standards

Bury Civil Penalty Policy and Enforcem

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

www.legislation.gov.uk/uksi/2015/962/pdfs/uksi_20150962_en.pdf (2015)
www.legislation.gov.uk/uksi/2016/660/pdfs/uksi_20160660_en.pdf (Amended 2016)
www.legislation.gov.uk/uksi/2019/595/pdfs/uksi_20190595_en.pdf (Amended 2019)

THE DOMESTIC PRIVATE RENTED PROPERTY MINIMUM STANDARD: Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended (published by BEIS)

Domestic_Private_Rented_Property_Min

National PRS Exemptions Register available at:
https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance#registering-an-exemption

Web article from CSE on Coordinating MEES pilot schemes across England: Helping local authorities fulfil their MEES obligations. Available at:
https://www.cse.org.uk/projects/view/1360

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
BEIS	Department for Business, Energy and Industrial Strategy
CSE	Centre for Sustainable Energy
EPC	Energy Performance Certificate

MEES	Minimum Energy Efficiency Standards

CIVIL (FINANCIAL) PENALTY POLICY and Enforcement Protocol:

Minimum Energy Efficiency Standards

URBAN RENEWAL DEPARTMENT

Commencement April 2021

Contents

Introduction

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended (most recently by the Energy Efficiency (Private Rented Property) (Amendment) (England and Wales) Regulations 2019) are referred to in this Policy as "the Regulations".

The Regulations are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard of EPC band E for domestic private rented properties, affecting new tenancies and renewals since 01 April 2018. The Regulations now applies to all properties in scope from 1 April 2020.

There are no exceptions to the requirement to comply with the Regulations. If a domestic property is legally required to have an EPC and is being let on one of the relevant tenancy types then it will be covered by the Regulations, and non-compliance is unlawful.

The minimum level of energy efficiency means that, subject to certain requirements and exemptions:

a) since 1 April 2018, landlords of relevant domestic private rented properties must not grant a tenancy to new or existing tenants if their property has an EPC rating of F or G (as shown on a valid EPC for the property);

b) from 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating F or G (as shown on a valid EPC for the property).

These requirements are referred to in the Regulations as "the prohibition on letting of sub-standard property". Where a property is sub-standard, landlords must normally make energy efficiency improvements which raise the EPC rate to minimum E before they let the property. In certain circumstances, landlords may be able to claim an exemption from this prohibition on letting sub-standard property

Where a valid exemption applies, landlords must register the exemption on the National PRS Exemptions Register. Full details of exemptions, and how to register an exemption are set out here.

Bury Council Officers are authorised to check for different forms of non-compliance with the Regulations and issue penalties for non-compliance. This document outlines the Council's Civil Penalty Policy and protocol in relation to the Regulations.

Bury Council intends to identify landlords that are not meeting the minimum requirements and determine if it is then appropriate to make a financial penalty and if so, whether or not that financial penalty is published.

As part of the proactive enforcement approach, the Council will also carry out visits under the Housing Act 2004 to undertake assessments under the Housing Health and Safety Rating System. This approach will enable the Council to advise landlords on what actions are necessary for them to take in order for them to be compliant.

Protocol

1. In the first instance the Council will informally advise Landlords who rent properties with an EPC of F or G that they do not meet the minimum energy efficiency standard and are therefore committing an offence under the Regulations.

Landlords will be given an appropriate time, normally 14 days, to respond to the notice, either showing evidence that they now have a compliant EPC or to set out a plan to achieve the required energy efficiency level. They will be warned that if they continue to be in breach after the time given, an investigation will follow and formal enforcement action will be considered, both under the Regulations and the Housing Act 2004.

The Council may in circumstances where a landlord has a history of not complying with housing related regulatory requirements, decide to take formal action without giving an informal opportunity for the landlord to comply.

2. The Council has the power to serve Compliance Notices to request information from the landlord that will help them to decide whether there has been a breach. Bury Council will serve Compliance Notices where the additional information is required. The Council will consider serving Penalty Notices where a landlord fails to comply with the Compliance Notice or provides information under the Compliance Notice that shows that they don't comply with the Regulations.

3. The Council will check the National PRS Exemptions Register and if it believes a landlord has registered false or misleading information it will consider serving a financial and publication penalty.

4. If breaches under these regulations are committed the Council will, where appropriate, serve a Penalty Notice. This protocol provides guidance on how Officers will determine the appropriate penalty.

5. Under regulation 39 the Local Authority may publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register. Bury Council will place the information on the register at the appropriate time, for a minimum of 12 months.

6. The Landlord has the right to ask for a Penalty Notice to be reviewed under Regulation 42. Any request for review must be submitted to the Council within 28 days of the Penalty Notice being served. Requests for review after the prescribed time will be considered at the Council's discretion if there is good reason for failing to comply with the time limit set in the Notice.

EPC Guidance for Landlords

To arrange an assessment in order to determine a property's EPC rating and (if necessary what improvement works are needed to bring the minimum standard) A search for an accredited assessor to undertake a domestic EPC assessment can be undertaken here.

Since 2008 all rental properties (with few exceptions) have been required to have a valid EPC before being let on a new tenancy. Therefore, you should already have an EPC for your rental property, and to not have one is unlawful. If you do not have an EPC for the property that you rent, you should make arrangements to obtain one immediately. To find out the current EPC rating for you property, you can search for a PDF copy using the property postcode here.

Regulation and penalties

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended that it is the duty of local authorities to enforce:

- Regulation 23 A landlord may not let a domestic property with an EPC rating of F or G unless they meet the criteria for an exemption and that exemption has been registered on the PRS Exemptions Register.
- Regulation 37(4)(a) and (b) A landlord must comply with the requirements of any compliance notice issued by an enforcing authority and allow the enforcing authority to take copies of any original documentation produced.

If an enforcement authority believes a landlord may be in breach of regulation 23, they may serve the landlord with a compliance notice under regulation 37, requesting information to help them determine whether a breach has occurred. They may serve a compliance notice up to 12 months after a suspected breach occurred.

The enforcement authority may serve a compliance notice that requests information from that landlord which will help them to decide whether that landlord has in fact breached the prohibition. The fact that an enforcement authority may serve a compliance notice on a landlord up to 12 months after the suspected breach means that a person may be served with a compliance notice after they have ceased to be the landlord of the property. It is good practice, therefore, for landlords to retain any records and documents relating to a let property that may be used to demonstrate compliance with the Regulations.

Any notice that is served under the Regulations must be in writing and may be sent in hard copy or electronically. Where a notice is served on a corporate body it may be given to the secretary or clerk of that body if a suitable named individual cannot be identified. Where a notice is served on a partnership, it may be addressed to any partner, or to a person who has control or management of the partnership business.

Compliance Notice

A compliance notice served by an enforcement authority may request either the original or copies of the following information:

- the EPC that was valid for the time when the property was let;
- any other EPC for the property in the landlord's possession;
- the current tenancy agreement used for letting the property;
- any Green Deal Advice Report in relation to the property;
- any other relevant document that the enforcement authority requires in order to carry out its compliance and enforcement functions.

The compliance notice may also require the landlord to register copies of the requested information on the PRS Exemptions Register. The compliance notice will specify:

- the name and address of the person that a landlord must send the requested information to;
- the date by which the requested information must be supplied (the notice must give the landlord at least one calendar month to comply).

The landlord must comply with the compliance notice by sending the requested information to the enforcement authority and allow copies of any original documents to be taken. Failure to provide documents or information requested by a compliance notice, or failure to register information on the PRS Exemptions Register as required by a compliance notice, may result in a penalty notice being served. The enforcement authority may withdraw or amend the compliance notice at any time in writing, for example where new information comes to light. The enforcement authority may also use the documents provided by the landlord or any other information it holds to decide whether the landlord is in breach of the Regulations.

It is the decision of the enforcement authority or its authorised officer to determine what action is appropriate when they determine that breaches of the regulations are being committed. It may be that providing advice and information is sufficient to ensure compliance. In some cases educating the landlord regarding the benefits of making cost-effective energy efficiency improvements to their property may be all the encouragement needed to ensure compliance with the requirements. However, in some cases, it may be that only imposing a penalty will do. It is for the enforcement authority or its authorised officer to decide what is the appropriate action in the circumstances. Below outlines the penalties that may be imposed by the enforcement authority or its authorised officer, through serving a penalty notice:

Summary of available penalties:

- Regulation 40(2)(a) and (b) A domestic landlord has breached regulation 23 and at the time the penalty notice is served has, or had, been in breach for less than three months. A financial penalty not exceeding £2,000, and a publication penalty
- 40(3)(a) and (b) A domestic landlord has breached regulation 23 and at the time the penalty notice is served has, or had, been in breach for three months or more. A financial penalty not exceeding £4,000, and a publication penalty
- 40(4)(a) and (b) A domestic landlord has registered false or misleading information on the PRS Exemptions Register. A financial penalty not exceeding £1,000, and a publication penalty
- 40(5)(a) and (b) A domestic landlord has failed to comply with a compliance notice served under regulation 37(4)(a) A financial penalty not exceeding £2,000, and a publication penalty
- The total financial penalties imposed on the Landlord in relation to the breaches in regulations outlined above must be no more than £5,000

Publication Penalty

A publication penalty means that Bury Council will publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register. The Council can decide how long to leave the information on the Register, but it will be available for view by the public for at least 12 months.

The information that the Council may publish is:

- the landlord's name (except where the landlord is an individual);
- details of the breach;
- the address of the property in relation to which the breach occurred;
- the amount of any financial penalty imposed.

The Council may decide how much of this information to publish. However, the Council may not place this information on the PRS Exemptions Register while the penalty notice could be, or is being reviewed by the Council or while the Council's decision to uphold the penalty notice could be, or is being, appealed.

Factors in determining the level of Civil Penalty

In determining the Civil Penalty amount, Bury Council will have regard to the statutory guidance outlined above and also to the Bury Civil Penalty Policy for Housing Standards (taking into account Culpability of the offender and the potential for tenant harm) to ensure a cohesive approach is taken.

When determining the financial penalty the Council will take the following approach:

- Three factors are considered, the culpability of the offender, the potential for tenant harm and the severity of risk. Collectively these factors identify the seriousness of the offence. The seriousness is then categorised, which then will be used to determine the amount of penalty.
- A determination of the offender's history of legal compliance
- A Penalty review. The Council will check that the penalty is proportionate to the overall means of the offender and if there are multiple offences the Council will ensure the maximum penalty does not exceed £5,000.

Officers will first consider factors affecting culpability and harm to choose a starting point from the table below for the financial penalty under consideration.

Factors affecting culpability:

High: Landlord has failed to comply with requests to comply with these regulations. Knowingly or recklessly providing incorrect information in relation to exemptions to these regulation

Low: First breach under these regulations, no previous history of non-compliance of with Housing related regulatory requirements. Complex issues partially out of control of the landlord have led to non-compliance.

Factors affecting harm/risk:

High: Low EPC rating e.g. G or close to G rating, vulnerable tenants occupying property and/or, extended period of time since non-compliance.

Low: EPC score close to minimum acceptable EPC rating (E), No vulnerable tenants and/or short period of non-compliance.

<table>
<tr><th></th><th>Low Culpability</th><th>High Culpability</th><th>Notes</th></tr>
<tr><td>Low Harm</td><td>25%</td><td>50%</td><td rowspan="2">% is the proportion of maximum penalty imposed</td></tr>
<tr><td>High Harm</td><td>50%</td><td>100%</td></tr>
</table>

Tables to show starting points for penalty for each type of breach:

Not meeting minimum standard for less than 3 months: MAX £2,000

	Low Culpability	High Culpability
Low Harm	£500	£1000

High Harm	£1000	£2000

Not meeting minimum standard for more than 3 months: MAX £4,000

	Low Culpability	High Culpability
Low Harm	£1000	£2000
High Harm	£2000	£4000

Providing False and Misleading information; MAX £1,000

	Low Culpability	High Culpability
Low Harm	£250	£500
High Harm	£500	£1000

Failing to comply with a Compliance Notice; MAX £2,000

	Low Culpability	High Culpability
Low Harm	£500	£1000
High Harm	£1000	£2000

If two or more Penalty Notices apply, the statutory maximum per set of breaches at an individual property at a single point of time will be £5000.

Further consideration of Aggravating and Mitigating Factors

Officers may then consider it appropriate to adjust the penalty from that determined in the table either up or down. If there are particular aggravating or mitigating factors such as Landlord has a previous history of non-compliance with housing related regulatory requirements.

Factors may come to light as part of the investigation for the breaches these adjustments will be made and included in the Financial Penalty. Details of these factors will be included in the Penalty Notice.

In addition factors may be provided in representations from a landlord in his request to review after the Penalty Notice has been served.

Officers will have regard to these factors and adjust the penalty to increase (up to the Maximum of £5000) or to reduce the penalty as they feel appropriate.

Review of the penalty

The Council must check whether the level of penalty is proportionate to the overall means of the defendant. If necessary the initial amount may be amended to ensure it fulfils the general principles outlined above. The Council will, when issuing a financial penalty for more than one offence, or where an offender has also been issued with another financial penalty, consider the total penalties are just and appropriate to the offending behaviour and make adjustments accordingly.

The overriding principle is that the overall penalty must be just and proportionate.

The landlord will be served a Notice after the review with an explanation of any adjustment made.

Record of the Decision

A record of each decision and the reasons for the financial / publication penalty will be made by an appropriate officer and how the amount of the penalty was obtained and the reasons for imposing it.

Appeals

A landlord also has the right to ask the enforcement authority to review its decision to serve a penalty notice. Appeals concerning penalties are initially to be made to the Council. This request must be made in writing (by a period of fourteen days beginning with the day after that on which the notice was given) to:

Urban Renewal

Bury Town Hall

Knowsley Street

Bury

BL9 0SW

When the Council receives the request, everything the landlord has said in the request will be considered and a decision will be made whether or not to withdraw the penalty notice. The Council must withdraw the penalty notice if:

- the Council is satisfied that the landlord has not committed the breach set out in the penalty notice;
- although the Council still believes the landlord committed the breach, the Council is satisfied that the landlord took all reasonable steps, and exercised all due diligence to avoid committing the breach; or
- the Council decides that because of the circumstances of the landlord's case, it was not appropriate for the penalty notice to be served.

If the Council does not decide to withdraw the penalty notice, a decision may be made to waive or reduce the penalty, allow the landlord additional time to pay, or modify the publication penalty, and must explain the appeals process and how financial penalties can be recovered. The Council will inform the landlord of the decision reached in writing

If the Council upholds a penalty notice on appeal, the landlord has a right to appeal to the First Tier Tribunal (General Regulatory Chamber).

Department for
Business, Energy
& Industrial Strategy

THE DOMESTIC PRIVATE RENTED PROPERTY MINIMUM STANDARD

Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*, as amended

Original version published: October 2017
Amended version published: April 2020

Any enquiries regarding this publication should be sent to us at:
enquiries@beis.gov.uk

Note on the Regulations and Guidance

This document provides guidance to landlords, enforcement authorities and others with an interest in the domestic private rented sector on the operation of Part Three of the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015* ("the Regulations") in relation to domestic property, as amended by the *Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019*.

This guidance is designed to support landlords to meet their obligations under the private rented property minimum energy efficiency standard provisions in the Regulations.

However, please note that this guidance does not have legal effect and is not legally binding. The Department of Business, Energy and Industrial Strategy (BEIS) cannot provide legal advice, nor can BEIS provide a definitive interpretation of the law as this is a matter for the courts. If landlords or others involved in the letting of domestic private rented property have questions about the Regulations and their implications, they should seek professional, independent legal advice.

Background Information

The Regulations, as originally implemented, were approved by Parliament and made on 26 March 2015. These original Regulations, pre-amendment, are available online here[1]. The Regulations have subsequently been amended twice:

- On 21 June 2016 to postpone the dates on which the PRS [Private Rented Sector] Exemptions Register opened to domestic and non-domestic landlords, and
- On 15 March 2019, with respect to the domestic sector only, to include a capped landlord's contribution requirement in the event of the non-availability or insufficiency of third-party funding. Consequential amendments were also made.

The 2016 amending Regulations are available online here[2] and the 2019 amending Regulations here[3].

This guidance text will be kept under review and may be updated from time to time in light of any feedback received, to ensure it meets user needs. It will also be updated if further amendments are made to the Regulations in the future.

1 www.legislation.gov.uk/uksi/2015/962/pdfs/uksi_20150962_en.pdf

2 www.legislation.gov.uk/uksi/2016/660/pdfs/uksi_20160660_en.pdf

3 www.legislation.gov.uk/uksi/2019/595/pdfs/uksi_20190595_en.pdf

Contents

Glossary

Cost Cap – the upper cap on the overall amount of investment required for each domestic private rented property, including any costs incurred by landlords, when purchasing and installing energy efficiency measures to comply with the minimum standard Regulations. The cost cap is £3,500 (inc. VAT) per domestic private rented property.

Domestic Private Rented Property – any privately rented property that is a residential dwelling not used for commercial purposes (as defined in section 42(1)(a) of the *Energy Act 2011*, subject to regulation 19 of the Regulations).

Energy Performance Certificate (EPC) – a certificate (and associated report) that sets out the energy efficiency rating of a property and contains recommendations for ways in which the energy efficiency of the property could be improved. Most domestic (and non-domestic) buildings sold, rented out or constructed since 2008 must have an EPC. An EPC may also be required when a property is altered in particular ways.

First-tier Tribunal – part of the court system administered by Her Majesty's Courts and Tribunals Service. The Tribunal will hear landlord appeals relating to enforcement of the Regulations.

Green Deal – a finance mechanism which enables consumers (property owners and occupiers) to take out loans to pay for energy efficiency improvements in their properties, with repayments made through the energy bill at the improved property.

House in Multiple Occupation (HMO) - A house in multiple occupation (HMO) is one where at least three tenants live there, forming more than one household, and the tenants share toilet, bathroom or kitchen facilities with other tenants.

Health and Safety Rating System - (HHSRS) a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in domestic private rented properties.

Landlord – a person or entity that lets, or proposes to let, a domestic private rented property. A tenant may also be a landlord, if they in turn are letting some or all of the property to further tenants in such a way as to constitute a tenancy in accordance with section 42(1)(a) of the *Energy Act 2011*.

Lease – a legal agreement between a leaseholder and a landlord (sometimes known as the "freeholder"). A leaseholder will only own a leasehold property for a fixed period of time. The lease sets out for how many years the leaseholder has temporary ownership of the property. When the lease comes to an end, possession of or succession to the property returns to the landlord or his/her heirs.

Listed Building – a building that has been placed on the Statutory List of Buildings of Special Architectural or Historic Interest. A listed building may not be demolished, extended, or altered without special permission from the local planning authority.

The Minimum Level of Energy Efficiency – the prescribed minimum EPC band (B and E) allowed under the Regulations for domestic private rented property which is let (including on extension or renewal) from 1 April 2018, or which continues to be let from 1 April 2020, subject to any qualifying exemptions.

Mortgagee – The person or company to whom a mortgage or charge over property is granted as security for a loan.

PRS Exemptions Register – the register established under regulation 36(1) of the Regulations, on which landlords of sub-standard property may register certain information relating to the property (including grounds for exemption from compliance with the Regulations). The Register opened to domestic landlords from 1 October 2017.

Publication penalty – is where an enforcement authority takes actions to publish some details of a landlord's breach, on the publicly accessible part of the PRS Exemptions Register

Recommendation Report – a report with recommendations made by an energy assessor for the cost-effective improvement of the energy performance of a building (as defined in Part 1, section 4 (1) of *The Energy Performance of Buildings (England and Wales) Regulations 2012*).

The Regulations – *The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015* (as amended). All references to regulation numbers in bold in this guidance document refer to these Regulations, as amended to date, the latest amendments being by the *Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019*.

Sub-Standard Property – domestic private rented property with an EPC rating of F or G.

Superior Landlord – the person or company for the time being who owns the interest in the property which gives him the right to possession of the premises at the end of the landlord's lease of the property.

Tenancy – a contractual arrangement under which a tenant pays a landlord (generally the owner) for use of an asset, in this case a domestic property (which may be either a building, or a unit within a building). Relevant tenancies for the purposes of the Regulations are tenancies which fall within section 42(1)(a) of the *Energy Act 2011*.

Tenant – a person or company to whom a tenancy of domestic private rented property is granted.

Introduction

This document provides guidance to landlords of domestic property, local authorities, and others with an interest in the minimum level of energy efficiency required to let domestic private property under the *Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2015 as amended*.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended (most recently by *the Energy Efficiency (Private Rented Property) (Amendment) (England and Wales) Regulations 2019)* are referred to in this guidance as “the Regulations”. The Regulations are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard of EPC band E for both domestic and non-domestic private rented property, affecting new tenancies and renewals since 1 April 2018. This guidance relates to domestic property only. (There is corresponding guidance to landlords of non-domestic property, called *The Non-Domestic Private Rented Property Minimum Standard*. That guidance can be found here[4].)

The Regulations have been amended twice, and this guidance reflects the most up to date requirements. The most recent amendments, made on 15 March 2019, introduced a new self-funding element for domestic landlords, which takes effect if landlords are unable to access third-party funding to improve any EPC F or G properties they let to EPC E. This spend element is capped at **£3,500 (inc. VAT) per property**; chapter two describes the funding requirements in detail.

Benefits of Energy Efficiency

EPC F and G rated properties are the most energy inefficient of our housing stock. They impose unnecessary energy costs on tenants and the wider economy and can lead to poor health outcomes, with a resulting resource pressure on health services[5]. These properties also contribute to avoidable greenhouse gas emissions.

Increasing the energy efficiency of our domestic rental stock can help:

- manage the energy costs of tenants, including those of some of the most vulnerable to the cold;
- improve the condition of properties and help reduce maintenance costs;
- lower demand for energy thereby smoothing seasonal peaks in energy demand, and as a result increase our energy security;
- reduce greenhouse gas emissions.

4 www.gov.uk/government/publications/the-non-domestic-private-rented-property-minimum-standard-landlord-guidance

5 A 2011 report from the Building Research Establishment, based on the English Housing Survey, gives an estimate, conservatively, of the cost to the NHS being approximately £760 million per year.

Increased demand for energy efficiency measures is also likely to support growth and jobs within the green construction industry and the wider supply chain for energy efficiency. Greater competition within these markets may also spur innovation, lowering the end costs of installing measures to business and households, and help sustain jobs.

Tenants and Landlords

Tenants

The Regulations are designed to ensure that those tenants who most need more thermally efficient homes, particularly vulnerable people and the fuel poor, are able to enjoy a more comfortable living environment and lower energy bills. Although newly built homes in the private rented sector (PRS) tend to have higher energy-efficiency ratings than the average, there remains a stock of older, often pre-1919 properties, which are less efficient and are difficult and costly to heat. These less efficient properties result in higher tenant energy bills, and for many, the likelihood of living in fuel poverty.

Average Annual Cost of Energy

Data shows that in the PRS, the average modelled annual cost of energy for an EPC band G property is £3,105, and £2,124 for an EPC F rated property. This contrasts with an average annual cost of £1,425 for an EPC band E property[6]. Therefore, a tenant whose home is improved from EPC band F to EPC band E could expect to see their energy costs reduced by £700 a year so long as there were no wider changes in how they use energy in the property.

Around a third of all fuel-poor households in England live in the PRS, despite the sector accounting for only around a fifth of all households in England.

Amongst EPC F and G rated properties in the sector, recent data shows that over 40% of households are classified as fuel poor. Put simply, the PRS has a disproportionate share of the UK's least energy-efficient properties and fuel-poor households. Installation of energy efficiency measures can help address this.

Landlords

While tenants benefit in terms of reduced energy bill spend, or through increased thermal warmth, comfort and the associated health benefits, energy efficiency improvements also benefit landlords. When the Regulations were being designed, a number of landlord associations identified a range of benefits for landlords including increased tenant satisfaction and reduced void periods; reduced long-term property maintenance costs; and making properties more attractive and easier to let.

6 Energy cost data based on analysis of the 2016-17 English Housing Survey, using the Standard Assessment Procedure (SAP) methodology.

A 2016 report by Sustainable Homes on social housing, for instance, demonstrated that improving the energy efficiency of rental housing reduces both rent arrears and voids[7]. The research showed that:

- as homes become more efficient, they are void for a shorter period of time (31% less for band B properties than E or F);
- Cold homes have an average of 2 more weeks of rent arrears each year than higher efficiency homes;
- the wider costs of tackling rent arrears and voids are significant and can be reduced. Costs related to chasing overdue rent payments (including legal and court costs) decline by 35% for more efficient homes.

Increasing a property's energy efficiency may also increase its market value. Data from a recent UK hedonic price study[8] indicates that energy efficiency improvements increase the market value of buildings. This finding is in line with similar studies in other countries. Evidence shows that a significant proportion of domestic UK landlords invest in property because of the potential for long-term capital appreciation. Investing in energy efficiency means that those landlords may benefit from a further capital value boost when they do finally look to sell an improved property.

More information on the direct and wider benefits of energy efficiency can be found here[9].

The Minimum Level of Energy Efficiency

The Regulations set out the **minimum level of energy efficiency** for private rented property in England and Wales. In relation to the domestic private rented sector (PRS) the minimum level is **EPC E**. Landlords who are installing relevant energy efficiency improvements may, of course, aim above and beyond this current requirement if they wish.

Prohibition on letting sub-standard property

The minimum standard will apply to any domestic private rented property which is legally required to have an EPC, and which is let on certain tenancy types. Where these two conditions are met the landlord must ensure that the standard is met (or exceeded); this is discussed in greater detail in chapter one.

Landlords of domestic property for which an EPC is not a legal requirement are not bound by the prohibition on letting sub-standard property. Please see section 1.1.4 in chapter one for further details on EPC requirements and exemptions.

7 "Touching the Voids: The impact of energy efficiency on landlord income and business plans". www.sustainablehomes.co.uk/research-project/rent-arrears/

8 The UK hedonic price study referred to here will be published shortly and details will be added in due course.

9 http://www.iea.org/publications/freepublications/publication/Captur_the_MultiplBenef_ofEnergyEficiency.pdf

The minimum level of energy efficiency means that, subject to certain requirements and exemptions:

a) since 1 April 2018, landlords of relevant domestic private rented properties must not grant a tenancy to new or existing tenants if their property has an EPC rating of F or G (as shown on a valid EPC for the property);

b) from 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating F or G (as shown on a valid EPC for the property). Landlords are encouraged to take action as soon as possible to ensure that their properties reach EPC E by the deadline of 1 April 2020. These requirements are referred to in the Regulations and in this guidance as "**the prohibition on letting of sub-standard property"**. Where a property is sub-standard, landlords must normally make energy efficiency improvements which raise the EPC rate to minimum E before they let the property. In certain circumstances, landlords *may* be able to claim an exemption from this prohibition on letting sub-standard property

Where a valid exemption applies, landlords must register the exemption on the PRS Exemptions Register. Full details of exemptions, and the Exemptions Register, are set out in chapters four and five of this guidance.

The Regulations cross refer to other Regulations, including the *Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007*, *the Building Regulations 2010* and the *Energy Performance of Buildings (England and Wales) Regulations 2012*. Readers wishing to consult these related Regulations should ensure they look at the most up to date versions at www.legislation.gov.uk

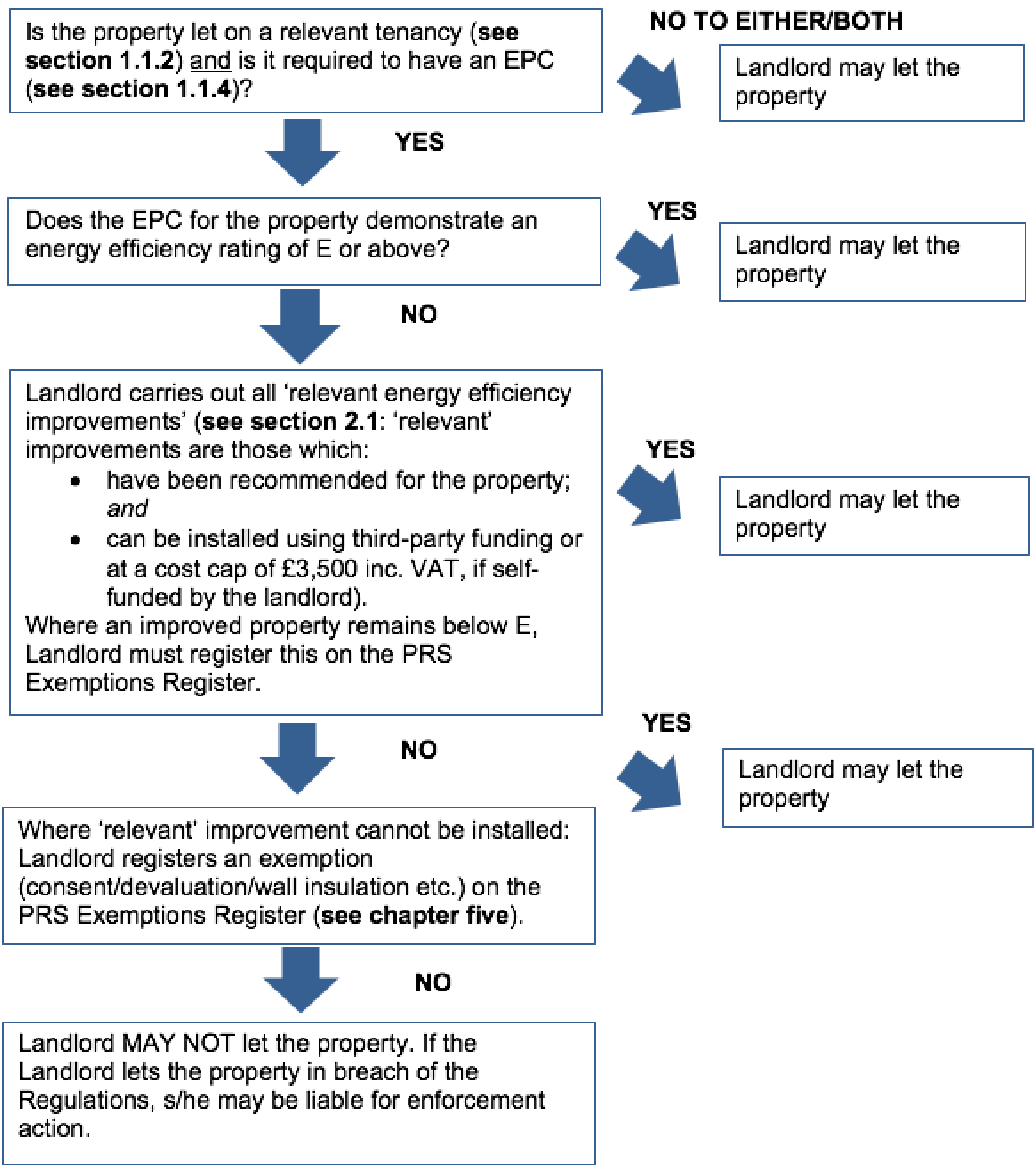
Enforcement of the Minimum Level of Energy Efficiency

Local authorities are responsible for enforcing compliance with the domestic minimum level of energy efficiency. They may check whether a property meets the minimum level of energy efficiency and may issue a compliance notice requesting information where it appears to them that a property has been let in breach of the Regulations (or an invalid exemption has been registered in respect of it). Where a local authority is satisfied that a property has been let in breach of the Regulations it may serve a notice on the landlord imposing financial penalties. The authority may also publish details of the breach on the PRS Exemptions Register. The landlord may ask the Local authority to review the penalty notice and, if the penalty is upheld on review, the landlord may then appeal the penalty notice to the First-tier Tribunal. Details of this process are set out in chapter six. A local authority may also serve a penalty notice for the lodging of false information on the PRS Exemptions Register.

Minimum Standards Regulations Compliance Decision Process

Figure 1 below sets out the key decision points a landlord will need to consider to help them comply with their responsibilities under the Regulations:

Figure 1- decision tree for minimum level of energy efficiency process



Note: an expanded decision tree for the minimum energy efficiency process is at Appendix A of this guidance. A digital version of the decision tree is also available online at the government endorsed Simple Energy Advice service here[10].

10 https://www.simpleenergyadvice.org.uk/minimum-energy-efficiency-standards/questionnaire

Chapter 1: How the Regulations Apply to Domestic Property

The Regulations mean that a domestic private rented property in England or Wales should not be let if its energy performance indicator is below EPC E.

This chapter is aimed at domestic landlords and outlines the factors landlords need to consider when determining if a property they let is covered by the minimum level of energy efficiency provisions. Enforcement authorities and others with an interest in domestic rented property will also find this information useful.

1.1 Domestic private rented sector (PRS) scope

1.1.1 Properties covered by the minimum level of energy efficiency provisions

The Regulations discussed in this guidance document apply to *all* domestic PRS properties in England and Wales which are:

a) let under certain types of domestic tenancy (see section 1.1.2 below) **and**
b) which are legally required to have an Energy Performance Certificate (EPC) (see section 1.1.4 below).

For the avoidance of doubt, this means that where a domestic private rented property meets these two conditions, it *will* be covered by the Regulations, irrespective of property type, length of tenancy, location, listed status, property size or any other characteristic. Conversely, where a property is let on a relevant tenancy type but is not legally required to have an EPC, or if it is required to have an EPC but is not let on a relevant tenancy, that property will not be covered and will not be required to comply with the Regulations.

Licence vs Tenancy

Please note, licences are not the same as tenancies, and a licence is not considered to be a tenancy for the purposes of the Regulations. A tenancy grants exclusive possession of the property, while a licence is merely permission for a licensee to do something on the property. If there are any concerns about whether a property is occupied under a licence or a tenancy, and whether the landlord is subject to the Regulations, legal advice should be sought.

1.1.2 Relevant Tenancies (regulation 19)

For the purposes of the domestic minimum standard provisions the relevant tenancy types are[11]:

- An **assured tenancy** (including an assured shorthold tenancy) defined in the *Housing Act 1988*;
- A regulated tenancy defined in the *Rent Act 1977*;
- A domestic agricultural tenancy as set out in the *Energy Efficiency (Domestic Private Rented Property) Order 2015*[12] as follows:
    - A tenancy which is an assured agricultural occupancy for the purposes of section 24 of *the Housing Act 1988*;
    - A tenancy which is a protected occupancy for the purposes of section 3(6) of the *Rent (Agriculture) Act 1976*;
    - A statutory tenancy for the purposes of section 4(6) of the *Rent (Agriculture) Act 1976*.

Background information on common domestic tenancy types can be found here[13] and at Appendix B.

Social Housing Exclusion

The minimum standards do not apply in the social housing sector. Therefore, even if a property is let on one of the tenancy types listed above, it will be excluded from the minimum standard provisions if it is either of the following[14]:

11 The tenancies in scope of the domestic minimum standard Regulations are defined in the Energy Act 2011, section 42 (1) (a) and the Energy Efficiency (Domestic Private Rented Property) Order 2015.

12 www.legislation.gov.uk/uksi/2015/799/made

13 www.gov.uk/private-renting-tenancy-agreements/tenancy-types

14 The exclusion of social rented property is defined in the Energy Act 2011, section 42(2).

- Low cost rental accommodation defined by section 69 of the *Housing and Regeneration Act 2008* and the landlord is a private registered provider of social housing; or

- Low cost home ownership accommodation within the meaning of section 70 of the *Housing and Regeneration Act 2008*.

A property will also be excluded if the landlord is a body registered as a social landlord under Chapter 1 of Part 1 of the *Housing Act 1996*.

1.1.3 Meeting the minimum standard, and sub-standard property (regulation 22)

Where a domestic private rented property is legally required to have an EPC and is let on a tenancy type described at 1.1.2 above, it will meet the minimum standard if, from the trigger dates discussed at section 1.2.1, it has a valid EPC which shows that the energy efficiency rating for the property is E or above. Where a property is at EPC E or above, the property will be compliant with the Regulations, and the landlord will not be required to take any action.

A property is below the minimum level of energy efficiency, and is therefore defined as *sub-standard and non-compliant* by the Regulations, if there is a valid EPC which shows that the energy efficiency rating is below an E (i.e. it is an EPC rating of F or G). In this case the landlord will need to take steps to comply, either by improving the property to a minimum of EPC E (see chapter two), or registering an exemption on the PRS Exemptions Register, if they meet the criteria for an exemption (see chapter four).

1.1.4 Energy Performance Certificate (EPC) ratings

1.1.4.1 EPC Overview

As noted at the beginning of this chapter, alongside tenancy type considerations, the Regulations only apply to those domestic properties which are legally required to have an EPC. This means properties required to have an EPC by any of the following:

- *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007*[15],
- *The Building Regulations 2010*,
- *The Energy Performance of Buildings (England and Wales) Regulations 2012*.

Separate government guidance on EPC rules for domestic properties can be found here[16].

Broadly speaking, since 2008 an owner or landlord has, on sale, letting or construction of a property, been required to make an EPC available to the prospective buyer or tenant (although in the case of construction projects, typically the person carrying out the work will supply the EPC)[17]. In addition to the above, a new EPC is likely to be necessary if a building is modified to have more or fewer parts than it originally had, and the modification includes the provision or extension of fixed services for heating, hot water, air conditioning or mechanical ventilation (i.e. services that condition the indoor climate for the benefits of the occupants). While some of the improvements which may be made to a property in order to comply with the Regulations may count as modification for the purposes of the EPC requirements, the majority will not.

Where an EPC is legally required for a property, then not having one is unlawful and could be subject to non-compliance penalties[18]. Local weights and measures authorities (usually through their trading standards officers) are responsible for enforcing the Regulations that require an EPC to be made available. The Ministry of Housing, Communities and Local Government (MHCLG) monitors enforcement activity through regular reports compiled and submitted by these authorities.

Further information on EPC requirements for dwellings can be found here[19].

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15 The 2007 Regulations have been repealed. However the minimum standard Regulations still recognise valid EPCs which were required by the 2007 Regulations.

16 www.gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings

17 Since October 2015, where a landlord hasn't provided an assured shorthold tenant with an EPC, he or she won't be able to evict them using a section 21 notice, the so-called "no fault" eviction procedure. Alongside the EPC, landlords are also required to provide tenants with a Gas Safety certificate, and a copy of the special "How to rent" guide. Failing to do so will make it more difficult to evict tenants. These requirements were introduced through the Deregulation Act 2015; more information on this is available at: www.gov.uk/government/publications/retaliatory-eviction-and-the-deregulation-act-2015-guidance-note. See also: www.gov.uk/government/publications/how-to-rent

18 A property owner and/or landlord may be fined between £200 and £500 if they fail to make an EPC available to any prospective buyer or tenant.

19 www.gov.uk/buy-sell-your-home/energy-performance-certificates

A sample EPC in PDF format is available at the following address: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5996/2116821.pdf.

Where a property already has a valid EPC, this EPC can be retrieved from the Domestic Energy Performance Certificate Register[20] (unless the owner has opted out of the EPC register). You can search for the EPC by the property's address[21] or by the EPCs report reference number[22].

When produced, an EPC will also be accompanied by a recommendations report setting out any energy efficiency measures which may be suitable for installation in the property[23]. Answers to a range of frequently asked questions about EPCs can be found here[24].

Houses in Multiple Occupation (HMO)

Please note that currently there is no legal requirement to obtain an EPC upon the letting of an individual non-self-contained unit within a property, such as a bedsit or a room in a house in multiple occupation (HMO). However, the property in which the unit/room is situated may already have its own EPC covering that property as a whole; this could be because the property had been bought within the past ten years, or because it had previously been rented out on a whole-property basis. If a property as a whole has a valid, legally required EPC and that EPC shows an energy efficiency rating of F or G, then the owner/landlord will not be able to issue new tenancies for non-self-contained units/rooms within the property until steps are taken to comply with the Regulations.

1.1.4.2 EPCs -Ten Year Validity

Once an EPC is lodged on the EPC register (the EPC assessor is responsible for ensuring this happens) it is valid for a period of ten years. A new EPC is not required each time there is a change of tenancy (or even when the property is sold), provided the earlier certificate is no more than ten years old. An owner, landlord or tenant will be free to commission a further EPC within that ten-year period if they choose. If a voluntary EPC of this type is produced and lodged for a

20 www.epcregister.com/home.html

21 www.epcregister.com/reportSearchAddressTerms.html

22 www.epcregister.com/searchReport.html

23 An EPC is valid where the data from which it may be produced has been lodged on the Energy Performance of Building register less than ten years before the date on which it is relied on for these Regulations in accordance with the Energy Performance of Buildings (England and Wales) Regulations 2012 and it is the most recent EPC on the register for that property.

24 www.epcregister.com/faq.html

property which is already legally required to have a valid EPC, then this new EPC will become the current one for the property, replacing the earlier one.

Once an EPC reaches the ten-year point and expires, there is no automatic requirement for a new one to be commissioned. A further EPC will only be required the next time a trigger point is reached, i.e. when the property is next sold, let to a new tenant, or modified in the manner described in section 1.1.4.1 EPC Overview above.

There is also no requirement to produce a new EPC after carrying out energy efficiency improvement works to comply with the Regulations. However, for the purposes of the Regulations, it is recommended that landlords do commission a fresh, post installation EPC. A new EPC will reflect the improvements made, alongside any change to the energy efficiency rating of the property. A post installation EPC will, in all likelihood, be the easiest way for a landlord to demonstrate that they have complied with the Regulations[25].

EPCs relate to the property rather than to the owner or occupier and remain valid irrespective of the owner. Therefore, an EPC obtained by a previous owner of the property will remain valid after a property is sold on, so long as it is less than ten years old. EPCs relate to the property rather than how it is used or occupied. Therefore, an EPC obtained by a previous owner of the property will remain valid after a property is sold on, so long as it is less than ten years old.

1.1.4.3 EPCs and multi-let buildings

In some cases, particularly for buildings which may contain multiple self-contained units which are let to different tenants, there may be multiple EPCs covering varying parts of the building. There may also be a separate EPC relating to the envelope of the building as a whole. These separate EPCs may provide varying energy efficiency ratings and, depending on circumstances, may have been produced at different times.

For the purposes of the minimum standard Regulations, the minimum EPC requirement is linked to the "property" being let which can be either a "[whole] building or part of a building". In cases where the property being let is a discrete unit within a building (for example a room in a house share which is rented out on an individual basis), rather than the entire building, and where there is an EPC for the entire building, but also one for the discrete space being let, then the

25 Alternatively, a landlord would be able to demonstrate compliance by providing evidence that any energy efficiency improvements made since the EPC was carried out, were assumed to deliver the necessary SAP (standard assessment procedure) points to improve the property to band E or above. So, for instance, on the EPC Energy Efficiency Rating, a property will be rated F or G if it has a SAP score of between 1 and 38; an E rating meanwhile will be awarded to a property with a SAP score of between 39 and 54. If a landlord did not wish to commission a fresh post-improvement EPC they would, at the very least, need to be able to demonstrate that the improvement, or improvements, they had made were sufficient to boost the SAP score to a minimum of 39. The recommendations report which accompanies a standard EPC sets out the rating a property is expected to achieve after installing individual recommended measures.

relevant EPC will be the one for the discrete space. Where there is only an EPC for the entire building (and where an EPC for the discrete space is not legally required) then that whole-building EPC will be the relevant EPC.

The landlord, then, should identify which EPC relates to the “property” that is subject to the relevant tenancy (or tenancies) and take action to improve the energy efficiency rating to the minimum standard, if necessary. A landlord should seek independent legal advice if they are in any doubt about which EPC is required.

As the relevant EPC will be the one related to the property being let, the landlord will only be required to install relevant measures which improve the energy performance of that property. In some cases, measures installed to improve the energy efficiency of a discrete space may also improve the energy efficiency of other spaces or units within a multi-let building. This is entirely acceptable.

1.1.4.4 Circumstances where an EPC may not be required

Guidance[26] issued by the Ministry of Housing, Communities and Local Government (MHCLG) notes that an EPC is not required where the landlord (or the seller, if relevant) can demonstrate that the building is any of the following:

- a building that is officially protected[27] as part of a designated environment or because of their special architectural or historic merit where compliance with certain minimum energy efficiency requirements would unacceptably alter their character or appearance;
- a building used as places of worship and for religious activities;
- a temporary building with a planned time of use of two years or less;
- Industrial sites, workshops, non-residential agricultural buildings with low energy demand and non-residential agricultural buildings which are in use by a sector covered by a national sectorial agreement on energy performance;
- stand-alone buildings with a total useful floor area of less than $50m^2$ (i.e. buildings entirely detached from any other building); or
- HMO’s (Houses in Multiple Occupation, for example these can be bedsits, hostels, shared houses etc) which have not been subject to a sale in the previous ten years, or which have not been let as a single rental in the past ten years.

26 www.gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings

27 Listed buildings on the Historic England (or Welsh equivalent) at: https://historicengland.org.uk/listing/the-list/

Notes on EPC exemptions for domestic premises can be found here[28].

A building will also not need an EPC where the landlord can demonstrate that it is furnished holiday accommodation as defined by HMRC and the holiday-maker is not responsible for meeting the energy costs. Under certain circumstances buildings may also be exempt from the requirement to obtain an EPC where it may be demonstrated that they are to be demolished. This is subject to a number of strict conditions as set out in regulation 8 of the *Energy Performance of Buildings (England and Wales) Regulations 2012*. Further information on the definitions of the building types set out above is provided at Appendix C of this guidance.

There are no other exceptions to the EPC obligations although there may be some transactions which do not qualify as a sale or a letting. If in doubt, legal advice should be sought. Please note that neither BEIS or MHCLG are able to provide specific advice regarding whether any of these EPC exemptions apply to specific properties.

1.1.4.5 Voluntary EPCs obtained for properties which are not legally required to have one

In situations where an owner or occupier of a building which is not legally required to have an EPC has obtained one voluntarily (i.e. a voluntary EPC for a property which has not been sold, let or modified within the past ten years), the landlord will not be required to comply with the minimum standard Regulations (and no exemption will be necessary, as the minimum standard Regulations will not apply to that property). A voluntary EPC may have been commissioned by a landlord who believed in error that one was required for their property, or it may be one commissioned by a property owner or occupant who simply wanted reliable advice on how to reduce energy waste.

A voluntary EPC may be registered on the official EPC database, but there is no requirement to do so. Where a voluntary EPC has been registered on the database it will supersede any earlier EPC that may have existed for the property, but official registration of a voluntary EPC will not, in itself, require the landlord to comply with the minimum standard.

However, if having acquired a voluntary EPC for a property they let, a landlord subsequently markets that property for let, that act will trigger the legal requirement for the property to have an EPC (and the EPC details will need to be displayed as part of the marketing material for that property). The landlord will be able to use the voluntarily obtained EPC to market the property (so long as the EPC is less than 10 years old), and the fact that the property is now legally

28 www.gov.uk/buy-sell-your-home/energy-performance-certificates

required to have an EPC will mean that the property will now be covered by the minimum standard Regulations (even though the EPC was initially obtained on a voluntary basis).

Box Two

Listed Buildings and EPC Compliance

There is a common misunderstanding regarding listed buildings and whether they are exempt from the legal requirement to obtain an EPC. Listed properties, and buildings within a conservation area, will not necessarily be exempt from the requirement to have an EPC when they are sold or let and it will be up to the owner of a listed building to understand whether or not their particular property is required to have one. Where a listed domestic private rented property, or a property within a conservation area, is required to have an EPC, that property will be within scope of the minimum energy efficiency standard and will need to be compliant (complying means either being at a minimum of EPC band E, or having a valid exemption registered for it). If a property is not legally required to have an EPC, then that property will not be covered by the minimum standard Regulations, and no exemption will be necessary.

Guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG) on EPC requirements[29] states:

[B]uildings protected as part of a designated environment or because of their special architectural or historical merit are exempt from the requirements to have an energy performance certificate insofar as compliance with minimum energy performance requirements would unacceptably alter their character or appearance.

To comply with minimum energy performance requirements, many of the recommendations in an EPC report e.g. double glazing, new doors and windows, external wall insulation, and external boiler flues would likely result in unacceptable alterations in the majority of historic buildings. These can include buildings protected as part of a designated environment or because of their special architectural or historical merit (e.g. listed buildings or buildings within a conservation area). In these cases, an EPC would not be required.

Building owners will need to take a view as to whether this will be the case for their buildings. If there is any doubt as to whether works would unacceptably alter the character or appearance of a building, building

29 www.gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings

owners may wish to seek the advice of their local authority's conservation officer.

In all cases it is vital that a landlord understands whether their property is legally required to have an EPC at any time from 1 April 2018 onwards, and whether it is or is not exempt from having to comply with the minimum level of energy efficiency provisions. If there is any doubt about whether a property (or the building it is in) is legally required to have an EPC (or whether an existing EPC is legally required or voluntary), or about any of the other criteria described above, advice should be sought from the local trading standards team.

Box Three

EPC Requirements, Ten Year Validity and the Minimum Energy Efficiency Standard

The following scenarios are provided as illustrative examples, highlighting the ten-year validity of an EPC and the interactions with the minimum standards:

Scenario one:

A landlord intends to let a property on a new tenancy from 1 April 2019: If the property already has an EPC which is less than ten years old then this EPC can be used to let the property. If there is no EPC, or if there is an EPC which is more than ten years old, then the landlord will be required to obtain a new EPC to market and let the property. If the EPC (whether new or existing) shows an energy efficiency rating of F or G then the landlord will need to carry out energy efficiency improvement works (with a maximum value of £3,500) sufficient to improve the property to a minimum of E, or register a valid exemption if applicable, before issuing a tenancy agreement.

Scenario two:

A property let on a ten-year assured tenancy with an EPC rating of F, where the EPC was legally required and was obtained in 2015: On 1 April 2020 (the minimum standard "backstop" date – see section 1.2.1) the landlord is continuing to let the property and will have to comply with the minimum energy efficiency provisions. This is because there is a valid, legally required EPC for the property (the EPC will continue to be valid until 2025) and the minimum standard "backstop" date has been reached.

Scenario three:

An EPC F rated property let on a twenty year tenancy where the EPC was obtained in 2009: On 1 April 2020 the landlord is continuing to let the property, but in this scenario the property will not be captured by the minimum energy efficiency provisions because the EPC will have expired during 2019, and there is no legal requirement on the landlord to obtain a new one at that point (because the tenancy is ongoing). The landlord will only be required to obtain a new EPC (which will trigger a need to comply with the minimum energy efficiency provisions) if they intend to remarket the property for let once the current tenancy expires, or if they (or their tenant) modify the property in a manner which would require a new EPC to be obtained.

Note: Landlords will wish to be aware that the calculation methodologies underpinning EPCs are updated periodically to account for new performance data (the methodology for existing dwellings is called the Reduced Data Standard Assessment Procedure, or RdSAP). This means that, depending on the characteristics of a particular building, or unit within a building, the EPC band may change irrespective of any improvement works undertaken. Therefore, even if an EPC for a property is current (i.e. less than ten years old), the landlord may wish to obtain advice as to the rating that would apply to the building if a fresh EPC were commissioned, before deciding on a particular course of action in relation to compliance with the Regulations.

RdSAP was last revised in late 2017, to encompass the latest developments in energy efficiency technology and other developments in the sector.

1.2 When do the minimum level of energy efficiency provisions apply?

1.2.1 Prohibition on letting sub-standard domestic property (regulation 23)

The domestic minimum standard is being introduced in a phased manner, with triggers for new tenancies entered into from 1 April 2018 onwards, and a “backstop” date of 1 April 2020 for all remaining tenancies.

This means that, from 1 April 2018 onwards, landlords must not grant a new tenancy, or renew or extend an existing tenancy agreement to let EPC F or G rated domestic property, unless either:

- the landlord has made all the relevant energy efficiency improvements that can be made to the property (or there are none that can be made) and the property's energy performance indicator is still below an EPC E, and this exemption has been registered on the PRS Exemptions Register; or
- no improvements have been made but a valid exemption applies which has been registered on the PRS Exemptions Register.

Then, from 1 April 2020, landlords must not continue to let a sub-standard domestic property, even to existing tenants (where there has been no tenancy renewal, extension or indeed new tenancy), unless:

- all relevant energy efficiency improvements have been made (or there are none that can be made), the EPC remains below E, and the situation has been registered on the Exemptions Register; or
- no improvements have been made but a valid exemption applies and has been registered on the PRS Exemptions Register.

So, since 1 April 2018, where a landlord intends to let a domestic property (or from 1 April 2020 continue to let such a property) they need to check whether their property is covered by the minimum level of energy efficiency provisions (as discussed above), and, if so, ensure that the EPC rating is at E or above (as discussed at section 1.1.3 above). If the EPC rating is below E, the landlord must either take appropriate steps to improve the rating to meet the minimum standard (see chapter two for more details) or register an exemption, if one applies (see chapters four and five for details on exemptions).

Meaning of "grant a new tenancy"

A tenancy is granted on the date a binding tenancy agreement is entered into between the landlord and the tenant. A binding tenancy agreement is a contract in which all the terms and conditions of the tenancy are finalised and there is an intention to vest exclusive possession to the tenant, either immediately or at a future date. Therefore, the grant of the tenancy becomes effective on the date all the terms and conditions are agreed, even where the date on which the tenant is permitted to take up possession of the property is subsequent to the date on which the tenancy is granted.

For example, if a tenancy was granted before 1 April 2018 but the tenant took possession of the property on or after 1 April 2018, the landlord would not be subject to regulation 23. Providing the Landlord does not grant a new tenancy, or renew or extend the existing tenancy on or after 1 April 2018, the landlord will have until 1 April 2020 to improve the property's rating to an E (or register an exemption, if one applies).

1.2.2 Subletting of domestic property

The responsibility for not letting a domestic property below EPC E applies to any person who lets, or proposes to let, a domestic private rented property. If the original tenancy allows a tenant to sublet the property, and that tenant proposes to enter into a sub-tenancy as a new landlord to a sub-tenant, then that original tenant/new landlord should not let the property until the minimum standard is reached, or until a valid exemption has been registered.

In the case of subletting, an original tenant/new landlord may (subject to the terms of their tenancy) need to obtain consent from their superior landlord before making improvements to meet the minimum standard. Note that from 1 April 2020, there is a continuing obligation on all domestic landlords to ensure the requirements of the Regulations are met (even where there has been no change or renewal of a tenancy), so the superior landlord should have already taken steps to improve a property to E before a post April 2020 subletting occurs.

Box Four

Tenant obtaining landlord consent

Where a tenant is looking to improve the energy efficiency of a property in preparation for renting that property to a sub-tenant (or for any other reason), that tenant may be required to obtain landlord consent before making the improvements.

The tenant should request consent from their landlord in the way specified in their tenancy agreement. If the landlord consents, then the work may proceed, subject to any conditions which the landlord may have placed on the tenant. However, if the landlord withholds consent (or fails to respond to the request), then the tenant may have recourse to the Tenants' Energy Efficiency Improvements provisions in Part 2 of the Regulations. Under these provisions tenants can request consent from their landlord to install energy efficiency improvements in the property they rent, and the landlord may not unreasonably refuse consent. These rights took effect from April 2016, and are subject to the tenant securing suitable funding for the requested improvements.

Guidance on the Tenant's Energy Efficiency Improvements provisions can be found here. [30]

The extent to which a tenant is allowed to sublet a property will depend on the specific provisions of their particular tenancy. Even where subletting is permitted, the tenancy may make specific provision for which party would be liable for improvement costs in any given situation. For this reason, superior landlords, sub-landlords and tenants are advised to consult their tenancy, and seek their own advice, when considering their rights and responsibilities under their tenancy.

Readers should also note that there are clear differences between subletting (where a tenant may become a landlord for the purposes of the Regulations), and arrangements such as assignment. In situations which do not result in the tenant becoming a new landlord for the purposes of the Regulations, any requirement to meet the minimum standard will remain with the original landlord. Again, appropriate legal advice should be sought if there is any doubt.

Example Subletting Scenario

The following scenarios are provided as illustrative examples, highlighting the way the minimum standards will apply to sub-letting scenarios pre and post April 2020.

In both scenarios the original tenant is the tenant of an F rated property where the tenancy was entered into before April 2018.

Scenario one – pre-April 2020

If the original tenant sublets the property during 2019 or early 2020, liability for compliance with the minimum standard sits with that tenant (who is now a landlord) as that (original) tenant is now the landlord for the tenancy which has triggered the need to comply with the minimum standard.

Scenario two – post April 2020

If the original tenant intends to sublet the property after 1 April 2020 (after the backstop date has come into force), the original landlord should already have taken steps to either improve the property to a minimum of E, or register an exemption, if one applies. If this has not taken place then the

30 www.gov.uk/government/publications/tenants-energy-efficiency-improvements-provisions-guidance-for-domestic-landlords-and-tenants

original tenant will be unable to lawfully sublet the property until steps have been taken (either by the landlord, or by the original tenant on the landlord's behalf) to rectify the situation.

If the landlord has not improved the property to E (or higher) by 1 April 2020 (or registered a valid exemption) they will be in breach of the Regulations for continuing to let a "sub-standard" property and may be subject to enforcement proceedings (see chapter six for more details on enforcement).

1.3. Mixed use properties and tenancy types

There will be situations where a landlord will be a landlord of a property which includes a mix of residential and commercial units, and a mix of commercial and residential tenants. Examples will range from a building with a shop on the ground floor and one or two flats on the upper floors, to larger buildings with a number of commercial units on the ground floor and multiple residential flats on the upper floors.

The Regulations apply to rented properties within such mixed-use buildings, although the triggers may be different depending on whether particular units are domestic or non-domestic. In many cases the distinction between the commercial and the residential units will be clear; however, there may be instances where a mixed-use property is let as a single unit. Where such a property falls below an EPC rating of E, the landlord will need to examine the tenancy to determine whether the property is domestic or non-domestic for the purposes of the Regulations, and whether it is required to comply with the minimum standard, and if so, by which trigger date[31].

Where a mixed-use property is rented on an assured tenancy (including an assured shorthold tenancy) for the purposes of the *Housing Act 1988*, a regulated tenancy under the *Rent Act 1977*, or a domestic agricultural tenancy under the *Energy Efficiency (Domestic Private Rented Property) Order 2015*, then it is likely to be considered a domestic property and should be treated accordingly.

If a privately rented property is let under a tenancy but is *not* considered a "dwelling", then it will be considered a non-domestic private rented property for

31 If a property is not required to comply with the minimum standard then the landlord will not be required to take any action. However, enforcement authorities have powers to issue landlords with compliance notice requesting information if they suspect that an F or G rated property is within the scope of the minimum standard. Therefore, landlords are advised to retain copies of any documentation they used to reach their decision so that, if they are issued with a compliance notice, they can demonstrate to the enforcement authority that their property is outside of the scope of the minimum standard and is not required to meet the E standard. See Chapter six for further information on compliance notices.

the purposes of the Regulations[32], and will need to comply with the minimum standards in accordance with the non-domestic trigger dates. In all cases it will be for the landlord to check their tenancy arrangements to understand what type of tenancy is in place, and they should seek appropriate legal advice if there is any uncertainty as to whether a property falls within the domestic or non-domestic category[33]. Landlords may also wish to discuss any concerns with the relevant enforcement authority before determining any course of action.

Box Five

The Housing Health and Safety Rating System (HHSRS)

While not directly related to the minimum level of energy efficiency, landlords should be aware of the Housing Health and Safety Rating System (HHSRS). The HHSRS is used to assess health and safety in residential properties, and was introduced by the *Housing Act 2004*. It assesses a range of potential hazards, including damp, excess cold and excess heat and categorises them according to seriousness.

Local authorities have strong powers under the *Housing Act 2004* to tackle poor property conditions which may impact peoples' health. They must take enforcement action where the most serious hazards are present.

If a local authority identifies a serious "category 1" hazard, it has a duty to take the most appropriate action. It may also take action for less serious category 2 hazards where this is considered the most satisfactory course of action. The HHSRS does not deal with a property being inefficient from an energy point of view; rather, action can be taken if there is excess cold or damp at the property, for example, but these two hazards can overlap in a situation where a property needs improvement from an energy efficiency perspective.

Depending on the case, local authorities may aim to deal with problems informally at first, but if this is unsuccessful they may take legal action against a landlord requiring them to carry out improvements to the property; for example, by installing central heating and/or insulation to improve cold properties. Where a legal notice is served under the *Housing Act 2004*, the landlord will have to meet the cost of the required work.

While some landlords of F and G rated rental properties may be able to claim valid exemptions from the requirement to improve a property to EPC E, this exemption will not excuse them from meeting the existing obligation keep their property free from serious hazards. Failure to do so may result in

32 According to section 42(1)of the Energy Act 2011.

33 Guidance to landlords of non-domestic property on complying with the non-domestic minimum standard can be found at: www.gov.uk/government/publications/the-non-domestic-private-rented-property-minimum-standard-landlord-guidance

enforcement action regardless of the fact that the property may be exempt from the minimum level of energy efficiency.

Because the HHSRS is so important to local authority enforcement of decent standards, and thereby the protection of peoples' health, the Government has commissioned a scoping review to assess how well the HHSRS works in practice and ensure it is fit for purpose.

Depending on the recommendations of the scoping review, a second review phase could involve anything from a full root-and-branch revision of the HHSRS down to a simple refresh of the standard and its accompanying guidance.

The Government has also supported the *Homes (Fitness for Human Habitation) Act* which will come into force on 20th March 2019 and will require landlords to ensure that their properties are kept free of potentially serious hazards at the start of and throughout a tenancy. Where a landlord fails to do so, their tenants will be able to seek redress in the courts.

Frequently Asked Questions Relevant to Chapter One

Q: When do the minimum standard provisions come into force?

A: The minimum standard came into effect for new domestic tenancy agreements from 1 April 2018, and will apply to all tenancies (including long term tenancies) from 1 April 2020, unless a lawful exemption applies (see chapter four).

Q: What types of tenancies are covered by the Regulations?

A: The tenancy types are:

- An assured tenancy (including an assured short hold tenancy) as defined in the *Housing Act 1988*;
- A regulated tenancy defined in the *Rent Act 1977*; and
- A domestic agricultural tenancy as set out in the *Energy Efficiency (Domestic Private Rented Property) Order 2015* (see section 1.1.2 Relevant Tenancies for more details).

Q: Are these Regulations UK-wide?

A These Regulations apply to properties rented in England and Wales only. They do not apply to rental properties situated in Scotland or Northern Ireland.

Q: When do domestic private rented properties need to be at EPC E by?

A: All domestic private rented properties covered by the minimum standard Regulations (i.e. those which are legally required to have an EPC, and which are let on a relevant tenancy type – see Q 2 above) must be at a minimum of EPC band E by 1 April 2020 (or have a valid exemption registered for them). Between 1 April 2018 and 1 April 2020, properties will only need to meet the standard (or have a valid exemption registered) at the point at which a new tenancy is entered into. Where no new tenancy has been entered into (i.e. the property is being let on a tenancy entered into before April 2018), a domestic private rented property may be lawfully let below EPC band E up until 1 April 2020.

Q: My property is already above EPC F or G; do I need to do anything?

A: No. If a domestic private rented property is already above EPC F or G, then no action is required by the landlord.

Q: What is an EPC and when is it required?

A: Energy Performance Certificates (EPCs) are needed whenever an eligible property is constructed, or marketed for sale or let. Property owners must provide an EPC for potential buyers or tenants before marketing a property. This is a requirement of the *Energy Performance of Buildings (England and Wales) Regulations 2012*. In addition, a landlord will be required to obtain an EPC after installing certain improvements before they let the property. This is a requirement of the *Building Regulations 2010*.

An EPC contains:

- information about a property's energy use and typical energy costs,
- recommendations about how to reduce energy use and save money

An EPC for a domestic building gives the property an energy efficiency rating from A (most efficient) to G (least efficient) and is valid for ten years. The EPC relates to the property rather than to the owner, therefore an EPC obtained by a previous owner of the property will remain valid even after a property is sold on, so long as it is less than ten years old.

Q: How do I arrange an assessment in order to determine my property's EPC rating and (if necessary what improvement works are needed to bring the minimum standard) who would perform the assessment?

A: You can search for an accredited assessor to undertake a domestic EPC assessment here[34]. Since 2008 all rental properties (with few exceptions) have been required to have a valid EPC before being let on a new tenancy. Therefore, you should already have an EPC for your rental property, and to not have one is unlawful. If you do not have an EPC for the property that you rent, you should make arrangements to obtain one immediately.

Q: How can I find out the current EPC rating for my property is?

A: If you don't have your certificate to hand then you can search for a PDF copy using the property postcode here[35].

Q: Are Houses in Multiple Occupation (HMOs) excluded from the minimum standard Regulations?

A: HMOs are not excluded from the Regulations. The Regulations apply to *all* domestic private rented properties which are legally required to have an EPC, and which are let (including the letting of individual rooms) on a relevant tenancy type (see section 1.1.2). An HMO will be in scope where it meets these two criteria.

34 https://www.epcregister.com/searchAssessor.html

35 https://www.epcregister.com/reportSearchAddressTerms.html?redirect=reportSearchAddressByPostcode

However, individual rooms within HMOs are not required to have their own EPC, so a property which is an HMO will only have an EPC if one is required for the property as a whole (typically this will be if the property has been build, sold or rented as a single unit at any time in the past 10 years). If an HMO is legally required to have an EPC, and if it is let on one of the qualifying tenancy types, then it will be required to comply with the minimum level of energy efficiency.

Q: I am a landlord who lets holiday cottages throughout the year. I do not know the basis on which these particular properties are let; am I still required to comply with the minimum standard Regulations?

A: Holiday cottages are typically let under a licence to occupy, rather than a tenancy. This type of rental property is, therefore, generally outside of the scope of the Regulations and not required to meet the minimum standard. If there are any concerns about whether a property is occupied under a licence or a tenancy, and whether the landlord is subject to the Regulations, legal advice should be sought.

Q: How long is an EPC valid for and when or what triggers reassessment?

A: Once produced, an EPC will be valid for ten years. A landlord can choose to commission a new EPC at any time for any reason, but this would be entirely voluntary. The only time a new EPC is legally required for a property is if the most recent certificate is more than ten years old, and the property is to be marketed for sale, or for rent to a new tenant.

Q: I am a landlord with multiple F or G rated properties. Is there any flexibility that would be shown to me due to the scale of works that I need to commission? Is there a limit on the number of properties that I would need to improve to EPC E?

A: No, all properties covered by the Regulations will need to comply and there is no limit on the number of properties a multi-property-owning landlord would be required to ensure are compliant. The amended Regulations are clear that landlords only need to undertake improvements which can be made either using third-party funding, *or* for £3,500 (inc. VAT) or less if self-funding. If no improvements can be made under either of these scenarios, the landlord would need to register an exemption for that property rather than improve it to E. But, assuming that improvements can be made for £3,500 (inc. VAT) or less (even if this does not improve the property all the way to E), there is no limit to the number of sub-standard properties a landlord is required to improve.

However, landlords should note that between 1 April 2018 and 1 April 2020, properties only need to be improved to meet the standard when a new tenancy is entered into with a new or existing tenant. If a new tenancy has not been entered into during that period, then a property may still be lawfully let below EPC E. Therefore, landlords with multiple properties would not necessarily need to improve all of their sub-standard properties at the same time and can phase improvement work over this two-year period as and when new tenancies are entered into.

Q: Are there any types of domestic rental property which are not covered by the Regulations

A: The Regulations provisions apply to *all* domestic private rented properties that are a) legally required to have an EPC, and b) are let on a qualifying tenancy type.

Listed buildings (and buildings within a conservation area) will not be required to meet the standards outlined in the Regulations if they are not required to have an EPC. If an individual listed building is required to have an EPC (and if it is let on a qualifying tenancy type) then it will be covered by the Regulations.

An HMO which is not required to have an EPC (for example, if it has not been bought/sold in the previous ten years, or if it has not previously been rented out as a single property) will likewise not be covered by the Regulations.

Q: What are the average energy bills for domestic properties across different EPC bands?

A: The average modelled annual energy bills by EPC band using the Standard Assessment Procedure (SAP) methodology are as follows:

EPC Band	Average Annual Energy Bills, SAP-based (2016[36])
A/B	£410
C	£660
D	£970
E	£1,420
F	£2,120
G	£3,100

36 Table 1.2: https://www.gov.uk/government/statistics/english-housing-survey-2016-energy-efficiency

Chapter 2: Minimum Standards Improvements and Funding

The following chapter sets out information to help a landlord identify the improvements which they can make to an EPC F or G rated domestic property to allow it to meet the minimum standard, and examples of the funding options open to them, including information on the new capped landlord self-funding element.

The chapter will first discuss the steps a landlord needs to take to identify "relevant" improvements they can make to their property. As you will see, in the first instance a landlord can identify potential improvements using the current EPC recommendations report for the property. There are also additional options available as set out below. This chapter will then discuss sources of funding to assist landlords in carrying out their chosen improvement measures.

2.1 Relevant energy efficiency improvements

2.1.1 Relevant energy efficiency improvements and recommendations reports (regulation 24)

For the purposes of the Regulations, "relevant energy efficiency improvements" which a landlord may choose to install to enable a sub-standard property to reach EPC E (either a single measure, or a combination of measures as appropriate) are any energy efficiency improvements recommended for the property through any of the following:

- an energy efficiency recommendations report (including the recommendations report accompanying a valid EPC – see box six below) [37], or
- a report prepared by a surveyor[38], or
- a Green Deal Advice Report (GDAR)

37 "Recommendations report" has the meaning given in Part 1, section 4 (1) of The Energy Performance of Buildings (England and Wales) Regulations 2012: "recommendations made by an energy assessor for the cost-effective improvement of the energy performance of a building or building unit".

38 A qualified surveyor is one who is on the Royal Institution of Chartered Surveyors' register of valuers. The register can be accessed via RICSs website at: www.ricsfirms.com.

A list of the energy efficiency measures which may be recommended for a property on an EPC or as part of a GDAR are set out at Appendix D.

Box Six

Example Measures Recommendations Page from EPC[39]

Recommendations

The measures below will improve the energy performance of your dwelling. The performance ratings after improvements listed below are cumulative; that is, they assume the improvements have been installed in the order that they appear in the table. Further information about the recommended measures and other simple actions you could take today to save money is available at www.gov.uk/energy-grants-calculator. Before installing measures, you should make sure you have secured the appropriate permissions, where necessary. Such permissions might include permission from your landlord (if you are a tenant) or approval under Building Regulations for certain types of work.

Measures with a green tick ✓ may be supported through the Green Deal finance. If you want to take up measures with an orange tick ✓ through Green Deal finance, be aware you may need to contribute some payment up-front.

Recommended measures	Indicative cost	Typical savings per year	Rating after improvement	Green Deal finance
Room-in-roof insulation	£1,500 - £2,700	£ 837	E39	✓
Internal or external wall insulation	£4,000 - £14,000	£ 195	E45	✓
Floor insulation (solid floor)	£4,000 - £6,000	£ 122	E49	✓
Increase hot water cylinder insulation	£15 - £30	£ 142	E54	✓
Draught proofing	£80 - £120	£ 18	D55	✓
Low energy lighting for all fixed outlets	£20	£ 21	D56	
High heat retention storage heaters and dual immersion cylinder	£1,200 - £1,800	£ 319	D67	✓
Solar water heating	£4,000 - £6,000	£ 57	C69	✓
Replace single glazed windows with low-E double glazed windows	£3,300 - £6,500	£ 123	C73	✓
Solar photovoltaic panels, 2.5 kWp	£5,000 - £8,000	£ 287	B83	✓

Box Seven

A note on "relevant energy efficiency improvements"

While EPC reports and the other recommendations reports described above provide guidance on the types of measures which may be technically appropriate for a particular property, it is not the objective of the Regulations to require landlords to install particular energy efficiency technologies. The Regulations introduce the concept of "relevant energy efficiency improvements" (as defined above) as a guide. However, a landlord remains free to make any improvements they wish to their property to raise the

39 The cost information used for the EPC recommended measures is in the process of being updated. Until this happens, the indicative costs figures do not accurately reflect current solar PV. The cost of a 2.5kW PV system is on average £4,500, according to BEIS Solar PV Cost Data from May 2017.

property to the minimum standard of EPC E. Therefore, a landlord may install any measures they choose (even if not recommended for the property via an energy efficiency recommendations report), so long as they are confident that the measure(s) will improve their sub-standard property to a minimum of EPC E.

However, if a landlord chooses to make improvements which are not “relevant energy efficiency improvements”, and those improvements fail to raise the property to a minimum of EPC E, the landlord will not then be able to let the property, or to register an exemption on the basis that they have made improvements to the property but it remains below E. In this instance the landlord will need to make further improvements to the property to try and improve the EPC rating to a minimum of E if they wish to let it.

Any landlord who has made improvements to a property, but not enough to raise that property to EPC E, will only be able to register a regulation 25(1)(a) exception (the exception available when all “relevant improvements” have been made and the property remains below an E) if they have first installed all “relevant energy efficiency improvements”. See section 4.1.1 in chapter four for more information on regulation 25(1)(a) exceptions.

2.1.2 “Relevant energy efficiency improvements” and funding (regulation 24)

While the recommendations reports described above at 2.1.1 will list one or more measures which will be technically suitable for a property, a recommended energy efficiency measure will only be a “relevant energy efficiency improvement” for the purposes of the Regulations if:

- third-party funding is available to cover the full cost of purchasing and installing the improvement(s); or
- where third-party funding is unavailable, the improvement(s) can be purchased and installed for **£3,500 or less (inclusive of VAT)** using the landlord’s own funding; or
- the improvement(s) can be installed through a combination of landlord self-funding and third-party funding with a total cost of £3,500 or less (inclusive of VAT).

Third-party funding options

Third-party funding may be available from one or several sources, including but not limited to:

- Energy Company Obligation or similar scheme designed according to section 33B or 33BD of the *Gas Act 1986* or section 41A or 41B of the *Electricity Act 1989* (see below);
- A Green Deal Finance Plan (see below);
- Local Authority Grant Funding.

Information on the Energy Company Obligation (ECO) 3 Scheme

ECO is a requirement that the Government places on energy suppliers to reduce the UK's energy consumption and support those living in fuel poverty. It does this by requiring energy suppliers to provide households (including households in rented accommodation) with energy efficiency and heating improvements. Obligated energy suppliers have bill savings targets which they are legally required to meet. The current obligation runs until March 2022. Government consulted on the details of the 2018 – 2022 scheme in Spring 2018; the response to consultation can be viewed here[40].

Certain properties in the domestic PRS will continue to be eligible for energy efficiency measures under the ECO3 scheme. Properties in the domestic PRS that are already at EPC Band E or above can benefit from any ECO measure, including First Time Central Heating. For domestic PRS properties at EPC Band F and G, the ECO scheme allows solid wall insulation and renewable heating measures to be delivered to these properties. Other measures are not permitted for F and G properties as the Government expects that landlords should provide working heating systems to their tenants alongside other basic energy efficiency features.

Landlords can find out more about ECO here[41] and here[42]. They can also find out whether a property they let may be able to benefit from ECO funding by visiting the government endorsed Simple Energy Advice service here[43].

40 www.gov.uk/government/consultations/energy-company-obligation-eco3-2018-to-2022

41 www.gov.uk/energy-company-obligation

42 www.ofgem.gov.uk/environmental-programmes/eco/support-improving-your-home/faqs-domestic-consumers-and-landlords

43 https://www.simpleenergyadvice.org.uk/pages/energy-company-obligation

Box Nine

ECO Flexible Eligibility

Under the "flexible eligibility" element of ECO, energy suppliers are able to deliver up to 25% of their Affordable Warmth obligation in properties identified by local authorities as fuel poor or low income and vulnerable to the effects of a cold home.

As part of their enforcement duties under the minimum standard Regulations, therefore, local authorities (LAs) may have an opportunity to identify eligible E, F and G rated domestic private rented properties, and refer them onto energy companies as eligible under ECO: Help to Heat. This may allow landlords of sub-standard properties to access supplier obligation support to meet their required obligations under the Regulations. It is important to note however that a referral by the LA will not guarantee that a measure will be installed, as this will be ultimately the decision of an energy supplier, or their intermediary.

Information on the Green Deal

The Green Deal is a finance mechanism which enables homeowners and households to take out loans to pay for energy efficiency improvements, with repayments made through the energy bill. A list of the energy efficiency measures for which Green Deal finance may be available is set out at Appendix D of this guidance.

Repayments for a Green Deal loan are made on a "Pay As You Save" (PAYS) basis: after the improvement has been made, the household begins to save energy, ensuring their energy bills are less than they would have been without the improvement, and these savings are used to repay the loan.

The Green Deal includes a principle called the "Golden Rule", under which the first year's repayments must not exceed the estimated first year saving, and the overall repayment period must not exceed the lifetime of the measures installed. This aims to help ensure that, overall, savings are greater than payments.

A Green Deal Finance Plan can provide funding, or part funding, for energy efficiency improvements to help a rental property meet the minimum standard. The Green Deal charge is attached to the electricity meter at the rental property. It is paid off over time by the bill payer – so in most cases the tenant rather than the landlord. A tenant in turn, while paying the Green Deal charge for as long as they pay the electricity bill at the property, should be able to enjoy energy bill savings equal to or greater than the charge.

Landlords can apply for a Green Deal loan by contacting a Green Deal Provider, details of which can be found on the Green Deal Oversight and Registration Body's website (http://gdorb.decc.gov.uk/green-deal-participant-register).

Additional third-party funding options

Alongside Green Deal funding and the Energy Company Obligation, funding may be periodically available from central or local government. Funding of this nature is likely to be less predictable, and more localised than Green Deal or ECO funding. Many local authorities will run energy efficiency grant schemes from time to time with varying qualifying conditions, and funding available in one area may not be available in another area, or at the same level.

Due to the varied nature and availability of local funding opportunities, landlords will need to investigate the availability of funding for the area where their property or properties are located by speaking with the relevant local authority. Advice on the availability of funding for making energy efficiency improvements is also available on the grants database on the government *endorsed Simple Energy Advice* service here[44].

Landlord self-funding and the cost cap

If a landlord of an EPC F or G rated property is unable to secure third-party funding, they will need to use their own funds to cover the costs of improving their property to EPC E (or as close as possible). This requirement is subject to a spending cap **of £3,500 (inclusive of VAT).** This cap applies to the *overall* cost of improving the property, not to the cost of individual measures. Therefore, a landlord of an EPC F or G property need only invest a total sum of money up to the level of the cap in improving their property, and need not invest in multiple measures which, individually, cost £3,500 (or less).

Moreover, the cap is an upper ceiling – it is not a target or a spend requirement. If a landlord can improve their EPC F or G property to E (or higher) for less than £3,500 then they will have met their obligation and need take no further action. (Analysis suggests that the *average* cost of improving an EPC F or G rated property to band E is £1,200.)

In cases where a landlord is unable to improve their property to E within the £3,500 cap, then they should install all measures which can be installed up to the £3,500 cap, and then register an exemption on the basis that "all relevant improvements have been installed and the property remains below E" (see chapters four and five for exemption advice). Analysis suggests that, for F and G

44 https://www.simpleenergyadvice.org.uk/grants

rated properties which cannot be improved to band E within the £3,500 cap, the combined *average* cost of the improvement, or improvements, which can be made is £2,000.

See the worked funding examples on the subsequent pages for more information.

Relevant energy efficiency improvements

As noted at section 2.1.2 above “relevant energy efficiency improvements” are those improvements which can be funded via either:

- third-party funding (Green Deal finance, ECO, funding provided by central government, a local authority or a third-party); or

- landlord self-funding; or

- a combination of landlord self-funding and third-party funding.

If third-party funding is not available at a sufficient level to fully cover the cost of a recommended improvement, or improvements (for instance because the costs exceed what can be borrowed within the Green Deal golden rule), the landlord must turn to alternative means of funding, including self-funding, provided the combined costs of purchasing and installing the measure(s) do not exceed the £3,500 cap (inc. VAT).

Worked third-party funding and/or self-funding examples

The following section provides worked examples illustrating various ways of meeting the permissible funding routes described above under either self-funding, or third-party funding.

Example one:

The following recommendations have been made for property A:

Recommended measures	Cost	Rating after improvement
Low energy lighting	£40	F
Floor insulation	£1,200	E
New condensing boiler	£2,300	E
Replace single glazed windows with double glazed windows	£2,400	E
Internal or external wall insulation	£5,000	D

Self-funding:

Based on the recommendations above, the landlord of property A could choose to install low energy lighting in combination with either floor insulation, a new condensing boiler, or double glazing; each of these measures costs less that the value of the cap, and each will improve the property to E without the need for further improvements. The landlord should install their preferred measure(s) and no further action would be required.

Third-party funding:

Alternatively, if the property houses tenants eligible for ECO support, the landlord may be able to obtain ECO funding to meet the cost of installing internal or external wall insulation. If funding is available, the landlord should install this measure at no cost to themselves; this will improve the property above EPC D (i.e. above the minimum standard) and no further action would be required.

Example two:

The following recommendations have been made for property B:

Recommended measures	Cost	Rating after improvement
Increase loft insulation	£350	G
Floor insulation	£1,200	G
Low energy lighting	£50	F
Internal or external wall insulation	£9,000	D
Solar panels	£5,000	C

Self-funding:

Based on the above recommendations, the landlord of property B could choose a package of loft insulation, floor insulation and low energy lighting, with a total cost of £1,600. This will not improve the property to E, but there are no further measures which can be selected without pushing the overall costs above [£3,500, inc. VAT], so the landlord would not be required to install them. The landlord should therefore install the £1,600 package of improvements and then register an exemption on the grounds that: “all relevant improvements have been made and the property remains below E”.

Third-party funding:

Alternatively, if the property houses tenants eligible for ECO support, the landlord may be able to obtain ECO funding to cover the costs of internal or external wall insulation, or solar panels. If such support is available, the landlord should arrange for the fundable measure(s) to be installed; this will improve the property above EPC E and no further action would be required.

Example three:

The following recommendations have been made for property C:

Recommended measures	Cost	Rating after improvement
Flat roof insulation	£1,500	E
Floor insulation	£1,200	E
Low energy lighting	£20	G
Heating controls	£450	G
Solar panels	£8,000	C

Self-funding:

Based on the above recommendations, the landlord of property C could choose either to install floor insulation, at a cost of £1,200, or to install flat roof insulation, at a cost of £1,500. Individually, either would improve the property to EPC band E and no further improvements would be required, although they could also choose to install low energy lighting and/or heating controls if they wished, while still keeping their spend within the cap.

Third-party funding:

Alternatively, the landlord may be able to obtain ECO funding to cover the costs of solar panels. If funding is available they should install this measure; this will improve the property above EPC E and no further action would be required.

Combined third-party funding and self-funding

In some instances, a landlord may be able to secure some third-party funding, but less than £3,500, *and* not enough to improve the property to EPC E. In such cases, the Regulations require the landlord to top up this third-party funding with their own funding, provided the combined value of the funding (third-party and self-funding) does not exceed the £3,500 cap (inclusive of VAT).

If this combined funding is sufficient to improve the property to EPC E then the landlord will need to take no further action. If the combined funding is insufficient to improve the property to E then the landlord should install all measures which can be installed up to value of £3,500, and then register an exemption on the basis that “all relevant improvements have been installed and the property remains below E” (see chapters four and five).

Combined third-party funding and self-funding examples

The following table provides some illustrative examples for cases of third-party funding with a landlord top-up contribution:

Property requiring £2k of investment to reach EPC E (£3.5k cap)	
Third Party Funding Secured	Landlord Contribution
£2k	£0
£1k	£1k
£0	£2k
Property requiring £2.5k of investment to reach EPC E (£3.5k cap)	
Third Party Funding Secured	Landlord Contribution
£2.5k	£0
£2k	£0.5 k
£0k	£2.5k
Property requiring £5k of investment to reach EPC E (£3.5k cap)	
Third Party Funding Secured	Landlord Contribution
£4k	£0k
£2k	£1.5k, if package of measures and suitable singular measure(s) can be installed to the total value of £3.5k
£0k	£0k, if single measure that costs £5k to install.

The £3,500 cost cap – spending on energy efficiency improvements incurred on or after 1 October 2017

When calculating their spend within the cost cap, landlords may take account of any energy efficiency improvement costs incurred since 1 October 2017, including where funding was obtained through a third-party. Therefore, where energy efficiency improvements have been made to an EPC F or G rated property since 1 October 2017, the landlord may subtract the cost of these previous energy efficiency improvements from the £3,500 limit (inclusive of VAT) to determine the value of the remaining energy efficiency improvements must make.

Please note: the cost of any energy efficiency improvements incurred *before* 1 October 2017 may not be included in the cost cap.

Worked Examples: Cost of energy efficiency improvements incurred pre 1 October 2017

Pre-Oct 2017 improvements to an EPC F or G rated property	Result of pre-Oct 2017 improvements	Action required post 1 April 2018
£2,500 spent on Property	Property improved to EPC E.	Property already meets the standard. No further action required.
£2,000 spent on Property	Property improved from G to F. Would require additional £2k spend to improve to EPC E.	Further £2k spend required to improve property to the minimum standard.
£3,000 spent of Property	Property improved from G to F. Would require additional £3k spend to improve to EPC E.	Further £3k spend required (if relevant measures can be identified) even though this will not improve property to EPC E.

Worked Examples: Cost of energy efficiency improvements incurred pre and post 1 October 2017

Post-Oct 2017 improvements to an EPC F or G rated property	Result of post-Oct 2017 improvements	Action required post 1 April 2018
£1,500 spent on Property	Property improved to EPC E.	Property already meets the standard. No further action required.
£2,000 spent on Property	Property improved from G to F. Would require additional £2k spend to improve to EPC E.	Only a further £1.5k is required to be spent on energy efficiency measures to improve the property – even though the amount of spend would not improve the property to EPC E.
£2,500 spent of Property	Property improved from G to F. Would require additional £4k spend to improve to EPC E.	No further spend is required - even though the property has not been improved to EPC E. The landlord would be eligible for an exemption.

Frequently Asked Questions Relevant to Chapter Two

Q: Are there any required measures or technologies which should be used to improve a property?

A: There are no specified materials or improvement measures; a landlord is free to do whatever they like with their property so long as the EPC rating can be raised to meet the minimum energy efficiency standard. The most accessible ready source of advice would be the recommended measures section on EPC for the property, but landlords can seek advice from other suitably qualified experts if they wish.

Q: Do I have to spend a fixed amount of money on improving the energy efficiency of my property? Do I have to spend £3,500?

A: No. A landlord is only required to make improvements to an EPC F or G rated property sufficient to improve that property to the minimum standard of EPC E using either: self-funding (capped at £3,500, inc. VAT); third-party funding (uncapped); or a combination of third-party and self-funding (capped at £3,500, inc. VAT). Third-party funding can come from a range of sources, primarily (but not limited to):

- Green Deal Finance,
- Local Authorities home energy efficiency grants,
- ECO help to heat funding,

If a property can be improved to E entirely through self-funding then the landlord will not need to incur any costs themselves. If the landlord does need to self-fund the improvements, and the property can be improved to E for less than £3,500, then that is all they will need to spend.

Q: Is the £3,500 cost cap inclusive of VAT?

A: Yes.

Q: Where can I find information on obtaining third-party finance to fund improvement works?

A: For general advice on energy efficiency funding, landlords should visit the government endorsed Simple Energy Advice service at:

https://www.simpleenergyadvice.org.uk/

The advice service provides information on Green Deal, ECO, and local authority grants here.

- Information on Local Authority funding can be found here; landlords can also contact their local Authorities for information on any home energy efficiency grants available;
- Information on the ECO help to heat programme can be found here and here;
- Information on Green Deal Finance: landlords can search for a local Green Deal Provider on the Green Deal Finance Company website (www.gdfc.co.uk) or through the enquiry form on the GDFC website;

Q: How does Green Deal work in the rental sector?

A: Using a Green Deal loan, a landlord can add value to their property with minimum financial outlay. Energy efficiency improvements made will make the property more attractive for tenants to live in and may increase the value of the property itself.

Tenants will repay the Green Deal Loan through their electricity bills. Tenants then benefit from a warmer, more efficient, home and are given protection against rising energy costs through the efficiency of the products installed.

Under the “Golden Rule” the cost to repay the loan should be covered by the energy savings following the installation. This means that if the tenants are typical energy users, their electricity bill is estimated not to increase.

The plan is linked to the property, rather than the property owner or occupant. When the tenant moves out and stops paying the electricity bill they will stop paying the Green Deal charge, and payment will be taken on by the next bill payer and so on (a landlord will be required to disclose the existence of the finance plan to prospective incoming tenants). If you decide to sell the property in the future, the plan remains with the property it is benefitting. However, you must inform the new property owner that there is a Green Deal plan on the property.

Q: Is there a cap on the amount of Green Deal finance available?

A: No, there is no cap on the amount of finance a customer can receive through Green Deal, but the total amount available will be limited by the Golden Rule.

Q: Can customers that take out a Green Deal Plan still switch energy supplier?

A: Yes, provided the new supplier is a Green Deal approved supplier. All the big energy companies and many of the smaller ones are approved.

Q: I made some energy efficiency improvements to my property three or four years ago (although the property is still below EPC E). Can I take account of the costs of those improvements when working out how much I need to invest in improvements now?

A: No. The cost cap can only take account of the cost of energy efficiency improvements incurred since 1 October 2017, including where funding was obtained through a third-party and even where the recommended measure(s) installed did not improve the property to EPC E. Where energy efficiency improvements have been made since 1 October 2017, the landlord may subtract the cost of these previous energy efficiency improvements from the £3,500 limit (inclusive of VAT) to determine the value of the additional energy efficiency improvements they will be required to make.

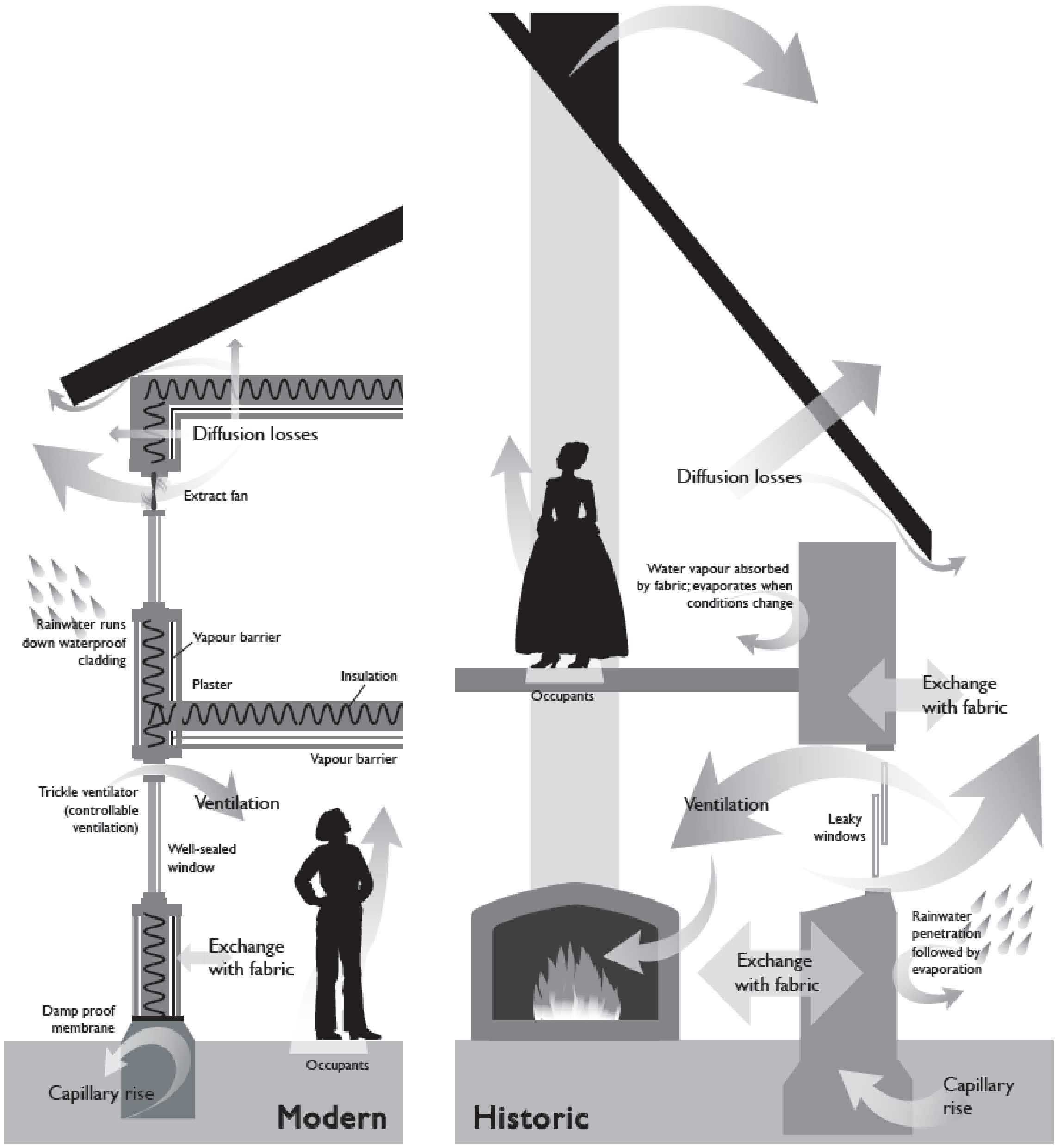
Chapter 3: Technical Advice for Landlords on making Energy Efficiency Improvements

Energy efficiency improvements should always be considered with an understanding of how the building was designed to perform, as well as how the building is likely to be used by occupants. Many of the principles of building performance and building use are generally applicable to all homes; however, some of these will be particularly relevant to private rented properties. This chapter highlights several technical issues that landlords may wish to raise when seeking expert advice on how to improve their properties.

As discussed in the previous chapter, when identifying appropriate energy efficiency improvement measures for a property, the first port of call for a landlord should be the recommendations page of the current EPC certificate for that property.

Many buildings hold historic value and special care must be taken in retrofitting them to a 21st century standard of performance while respecting these heritage issues. In order to make an informed decision about building improvements that suitably balances performance and heritage it is important to first understand how the building was designed to operate. A significant portion of domestic private rented properties can be described as “traditional buildings”, meaning that they were built prior to the widespread use of modern building techniques. Traditional buildings were typically built before 1920 and likely have solid walls of brick or stone.

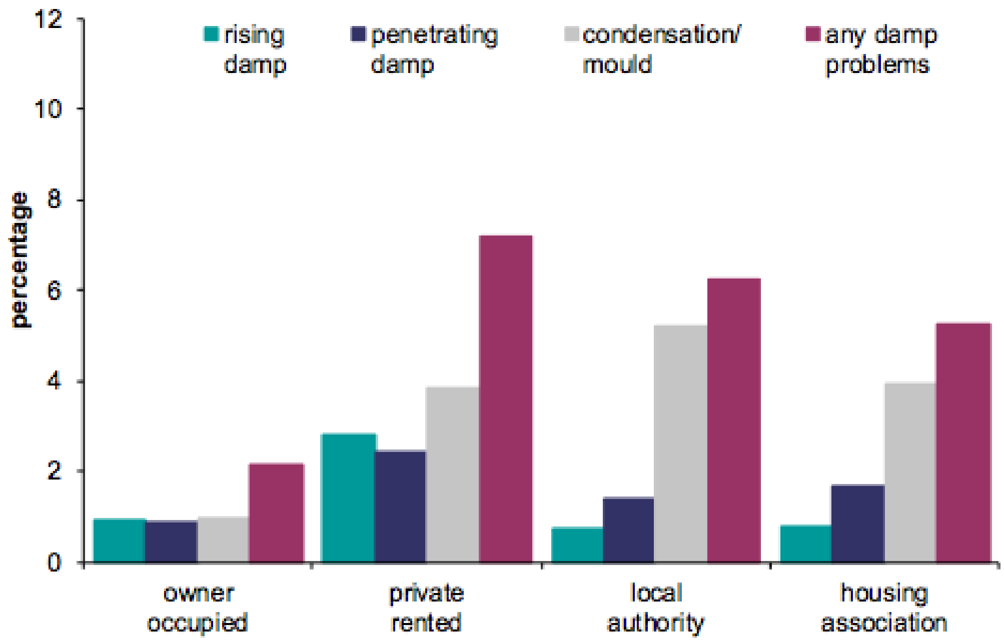
Modern buildings include barriers that make them impermeable to moisture. Excess moisture from laundry, showers, and other occupant activities is typically controlled through ventilation. In traditional buildings, moisture is in part controlled by allowing it to evaporate through the walls themselves. This is sometimes called a “breathing building”.



From Historic England: Energy Efficiency and Historic Buildings (digital image by Robyn Pender)

If a building was designed to breathe, then changing the external envelope by adding energy efficiency improvements such as wall insulation can inadvertently trap moisture in the building as well. Unless efforts are made to control the relative humidity there is a risk of moisture building up, which could cause mould, adverse health impacts, and potentially damage the building as well. In some cases, it is possible for moisture and mould to build up within a wall, which can go unnoticed for long periods of time.

Incidences of damp are far more common among the private rented sector (PRS) than in the general housing stock. In order to protect the health and safety of their tenants, as well as their buildings, landlords have a role in both choosing energy efficiency improvements that are suitable for their buildings, and communicating these improvements so that their buildings can be used by their tenants without adverse consequences.



(MHCLG English Housing Survey 2017 Figure 2.7)

Warm air can hold more dissolved moisture than colder air. When warmer air absorbs moisture then cools down, excess moisture forms as condensation. There are a number of ways in which this can occur, including changes to the heating system throughout the day, inconsistent temperatures between different rooms in the home, or local cold spots such as corners or thermal bridges. The heating system and ventilation controls can help both maintain comfort and limit the risk of moisture build up.

Landlords should note that simple upgrades that can be easily controlled are more likely to be used effectively. Some systems use passive control features like humidistats to automatically turn on extract ventilation when the space becomes too humid. Smart heating controls can be used to simplify the user inputs needed to keep the space comfortable. Finally, the provision of information through manuals and log books can be an effective way of communicating with tenants about how to use energy efficiency features most effectively.

Care must also be taken when installing insulation (particularly internal insulation) in order to avoid creating thermal bridges, or cold bridges. Cold bridges occur when one element with insulation is adjacent to another element without insulation. It is common around window reveals, hard to reach corners, or near party walls. Cold bridging is particularly problematic in retrofit projects because it changes the way heat flows out of the building. For example, if one insulates an internal wall, but not the window reveal, it creates local cold spots in an otherwise warm space. Condensation, mould growth, and potential structural damage can in fact be more likely to occur on the window reveal after the room was insulated than before. It is essential that any insulation project is undertaken with sufficient detailing to limit cold bridging.

There will almost always be multiple paths available that bring an F or G rated property up to an E rating. In many cases a single measure such as insulating solid walls or updating a heating system will be sufficient to achieve an E rating or better. However, it is recommended to seek professional advice on effectively combining measures using a “whole house” approach to ensure that the renovation upgrades are not only as efficient as possible, but also avoid the adverse consequences described above. In particular, note that even small energy efficiency improvements made separately over a long time period can have a cumulative effect that greatly changes how the building performs.

In many cases, improvements to the building also require changes in occupant behavior. In complying with the minimum standard requirements, landlords should consider the holistic performance of the building and aim to select a combination of measures that offer a suitable balance for the building and its occupants. The landlord should exercise caution and seek expert advice both in selecting the measures that will be taken and in communicating to their tenants how to effectively use those measures.

Landlords should also take care in selecting suitably qualified contractors with the range of expertise needed to offer advice for a specific building. This can be challenging, because as discussed above, a “whole house” approach to energy efficiency frequently reaches across the core expertise of many specialist contractors. Landlords should ensure that the advice they receive covers the performance of the whole house including interactions between different retrofit measures such as how adding insulation will affect the air tightness and breathability of the building.

Most housing retrofit work should be undertaken by contractors holding an NVQ – Level 3 qualification in a topic suitable to the work being carried out. It is also desirable if the contractor holds qualifications through a scheme such as PAS 2030. In nearly all cases, retrofit work will need to comply with the Building

Regulations through either the Local Authority, an Approved Inspector, or the Competent Persons scheme. If the property in question is a traditional building, then knowledge of BS 7913: Guide to the Conservation of Historic Buildings is encouraged.

Landlords should attempt to become as informed as possible about both their homes and energy efficiency prior to approaching contractors for quotations on retrofit work. Further information is available through BEIS and other resources such as the Simple Energy Advice Service[45]. In addition to general advice on energy efficiency, there are a number of services available specifically for traditional buildings through groups such as Historic England (www.HistoricEngland.org.uk/energyefficiency). Finally, there are often local services offered at the council level, and landlords are encouraged to approach their Local Authorities for more direct advice.

45 https://www.simpleenergyadvice.org.uk/

Chapter 4: Exclusions and Exemptions

The following chapter sets out information on the exclusions and exemptions from meeting the minimum standard which are permitted by the Regulations.

Please note that any exemptions from the prohibition on letting sub-standard property which are claimed by a landlord may not pass over to a new owner or landlord upon sale or other transfer of that property. If a let property is sold or otherwise transferred with an exemption in place, the exemption will cease to be effective and the new owner will need to either improve the property to the minimum standard at that point, or register an exemption themselves where one applies, if they intend to continue to let the property.

Any notice served by a landlord, a tenant, or a third-party under the Regulations, including where the landlord is approaching a third-party to obtain consent to make an improvement, must be made in writing. A notice may be sent by post; however, e-mail and other electronic communication is also acceptable. Where the notice is sent to a body corporate, the Regulations state that it may be addressed to the secretary or clerk at that body corporate, although it would be best practice for the party in question to send any correspondence to the most relevant contact at the organisation, including any named individual with whom the landlord typically corresponds with regard to the tenancy. Where a notice or other communication is sent to a partnership, the Regulations state that it may be addressed to any partner or a person who has control or management of the partnership business (regulation 3).

Please Note: if a landlord is intending to register an exemption because a “relevant energy efficiency improvement” cannot be installed, the exemption may only be registered if the improvement in question is the only “relevant improvement” which can be made to the property.

For example, if several “relevant improvements” have been identified, and one of these would require planning consent, and planning consent is subsequently sought and refused, the landlord should take steps to make the other improvements which do not require planning consent, rather than register a “consent exemption” and neglect those improvements which are viable.

4.1 Exemptions

4.1.1 Where all the “relevant energy efficiency improvements” for the property have been made (or there are none that can be made) but the property remains sub-standard (regulation 25)

The requirement to meet the minimum level of energy efficiency (EPC E) does not apply where a landlord has made all the relevant energy efficiency improvements to the property that can be made within the £3,500 cap (inc. VAT) (or there are none that can be made[46]), and the property remains sub-standard (Please see section 2.1 in chapter two for the definition of “relevant energy efficiency improvements”.)

In other words, even if the measure or package of measures purchased and installed by the landlord does not improve the property to EPC E, the landlord need not take any further action if there are no additional measures which can be selected without pushing the overall costs above the £3,500 cap (inc. VAT).

If this is the case, then the situation must be registered on the PRS Exemptions Register and supported by the necessary evidence (see table one in chapter five for information on evidence requirements). The exemption will last five years; after five years it will expire and the landlord must try again to improve the property’s EPC rating to meet the minimum level of energy efficiency. If this cannot be achieved, a further exemption may be registered.

There will also be occasional instances where no energy efficiency improvements have been recommended for a property on an EPC or other advice report. In these cases, this exemption category should be selected on the Exemptions Register, reflecting the fact that there are no energy efficiency improvements which ‘can be made’ to that property.

“No cost to the landlord” provision change

Removal of the “no cost to the landlord” provision:

The original Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 included a “no cost to the landlord” provision, which permitted landlords to register a “no cost to the landlord” exemption on the PRS Exemptions Register where they were unable to make improvements to their sub-standard property at no cost to themselves.

46 “None that can be made” means that no energy efficiency improvements have been recommended for the property on an EPC or other advice report.

Once registered, “no cost to the landlord” exemptions were valid for five years.

However, this “no cost to the landlord” provision is no longer available as of 1 April 2019. The changes made to the Regulations by the *Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019* include a capped landlord’s contribution requirement in the event of the non-availability or insufficiency of third-party funding.

Validity of existing “no cost to the landlord” exemptions:

Any “no cost to the landlord” exemption registered between 1 October 2017 and 31 March 2019 will now end on 31 March 2020, instead of extending for five years as previously. Therefore, landlords who had registered such “no cost to the landlord” exemptions must make the necessary improvements (up to the value of the cap, if applicable) to ensure their property meets EPC E (or as close as possible) by 1 April 2020.

All landlords who have registered “no cost to the landlord” exemptions prior to 1 April 2019 will be contacted personally via the PRS Exemptions Register to alert them in good time to the adjusted exemption length. The PRS Exemptions Register will be updated by the Government so that all “no cost to the landlord” exemptions are automatically cancelled on 31 March 2020, and the landlord alerted of this electronically.

4.1.2 Where a recommended measure is not a “relevant energy efficiency improvement” because the cost of purchasing and installing it would exceed the £3,500 cap (inc. VAT) (“high cost” exemption).

The prohibition on letting property below an EPC E does not apply if the cost of making even the cheapest recommended improvement would exceed the £3,500 cap (inc. VAT). (See 2.1.2 in chapter two for information and examples on landlord self-funding).

If this “high cost” exemption applies, the landlord must register this on the PRS Exemptions Register. To support this exemption, the landlord must provide evidence in the form of three quotations from different installers, each showing that the cost of the cheapest recommended improvement exceeds the £3,500 cap (inc. VAT). Copies of these three quotes must be uploaded onto the Exemptions Register. Once registered, the exemption will be valid for five years; after which time it will expire and the landlord must try again to improve the property’s EPC rating to meet the minimum level of energy efficiency. If this still cannot be achieved, then a further exemption may be registered.

Please note: this exemption should only be used where there are no improvements which can be made for £3,500 or less (and analysis suggests that the majority of EPC F and G rated properties can receive at least one improvement for this amount or less). If one or more recommended improvements can be made for £3,500 or less, and these improvements fail to improve the property to EPC E, than the exemption which should be registered is the one described at 4.1.1 above where: 'All the "relevant energy efficiency improvements" for the property have been made but the property remains sub-standard'

4.1.3 Relevant energy efficiency improvements - wall insulation (regulation 24(3))

The Regulations recognise that certain wall insulation systems cannot, or should not, be installed in certain cases even where they have been recommended and where the costs do not exceed £3,500 (or where third-party funding can be secured to cover the costs of installing them). Therefore, there is special provision for cases where cavity wall insulation, external wall insulation systems, and internal wall insulation systems should be installed in a property (see chapter three for some further technical advice on the potential impacts of insulation on a building).

The special provision is that a recommended energy efficiency measure is not considered to be a relevant measure where it is:

- cavity wall insulation, external wall insulation or internal wall insulation (for external walls); and
- where the landlord has obtained written expert advice which indicates that the measure is not appropriate for the property due to its potential negative impact on the fabric or structure of the property (or the building of which the property forms a part).

The expert advice the landlord provides must be obtained from one of the following independent experts:

- an architect registered on the Architect Accredited in Building Conservation register;
- a chartered engineer registered on the Institution of Civil Engineers' and the Institution of Structural Engineers' Conservation Accreditation Register for Engineers;
- a chartered building surveyor registered on the Royal Institution of Chartered Surveyors' Building Conservation Accreditation register; or

- a chartered architectural technologist registered on the Chartered Institute of Architectural Technologists' Directory of Accredited Conservationists.

Alternatively, if the advice is not, or cannot be, obtained from one of the above experts, advice may be obtained from an independent installer of the wall insulation system in question who meets the installer standards for that measure, as set out in Schedule 3 to the *Building Regulations 2010*[47], as reproduced at Appendix E of this document.

Please note: the Regulations (in regulation 2) define an "independent" expert or installer as a person who is not a spouse or civil partner of the landlord or superior landlord.

Where the landlord is a company rather than an individual person, then an independent expert or installer must be someone who is not, and has not been in the last 12 months:

- a director, partner, shareholder or employee of, or other person exercising management control over, the landlord or the superior landlord; or
- a spouse or civil partner of a person falling within the sentence above.

If a landlord intends to rely on the special provisions relating to wall insulation in order to let a sub-standard property, they must register the property and all required information on the PRS Exemptions Register (see table one in chapter five for more information).

4.1.4 Third-party consent exemption (regulation 31)

This exemption applies where the landlord:

- needed consent from another party, such as a tenant, superior landlord, a mortgagee, freeholder (if the landlord in question is a leaseholder of the property being let) or planning or listed building consent, and despite their reasonable efforts they could not obtain that consent, or the consent was given subject to conditions they could not reasonably comply with; or
- could not carry out the proposed improvements without the consent of the tenant or tenants of the property, and one or more of the tenants refused to give consent.

47 www.legislation.gov.uk/uksi/2010/2214/pdfs/uksi_20102214_en.pdf

Certain relevant energy efficiency improvements may legally require third-party consent before they can be installed. Such improvements may include external wall insulation or solar panels which can require local authority planning consent in certain instances, consent from mortgage lenders, or other third-parties. Consent from a superior landlord may be required where the landlord is them-self a tenant. Consent may also be required from the current tenant of the property or other tenants depending on the provisions of the tenancy or tenancies. Where third-party consent is required for a particular measure, the landlord must identify this requirement and make, and be able to demonstrate to enforcement authorities on request, “reasonable effort” to seek consent.

Green Deal finance: “tenant consent” exemption change

Please note: prior to 1 April 2019, domestic landlords were able to register a “tenant consent” exemption where a sitting tenant refused to consent to a Green Deal finance plan for funding improvements. With effect from 1 April 2019, regulation 31 is amended so that domestic landlords no longer have this option. (NB. The option remains for non-domestic landlords.) From 1 April 2019, where a domestic landlord has secured Green Deal finance but a sitting tenant withholds their consent to the plan, the landlord cannot claim an exemption on that “consent withheld” basis and must seek alternative means of financing the required improvements, including landlord self-funding.

However, where a sitting tenant in an EPC F or G domestic property withholds their consent to the landlord making energy efficiency improvements for any other reason (for example, because they believe the “hassle factor” will interfere with their enjoyment of the property), the landlord can still register a consent exemption on this basis.

It is not practical to provide an exhaustive list of all situations where third-party consent could apply. Information on when and where consent is required will be contained within relevant documentation for the property, for example in the landlord’s lease or mortgage condition documents, or within the current tenancy agreement. If a landlord is in any doubt about whether consent is required for a measure in their property, they should seek appropriate advice.

Landlords are also strongly advised to speak to their local authority planning department if they are in any doubt about whether planning consent is needed to implement a particular improvement, particularly where the building to be improved is listed or within a conservation area.

Box Ten

Tenant Consent to Energy Efficiency Improvement Works

One issue which landlords should consider is whether they have the right to carry out improvement works under the terms of an existing tenancy. Landlord rights of entry to undertake work on a property typically only extends to the carrying out of repairs or maintenance, rather than making “improvements”. As a majority of the measures landlords can install to meet the minimum standard will be considered improvements, a landlord may not have an automatic right of entry to install the measure or measures, and tenant consent may be necessary.

On the other hand, if the tenancy agreement specifically gives the landlord right of entry to undertake “improvement works”, tenant consent may not be necessary. In all cases the wording of individual tenancies will dictate what is and is not permissible without consent.

A landlord may let a sub-standard property where they can demonstrate that they have been unable to improve its energy efficiency rating to at least EPC E because they could not obtain one or more necessary consents. If this applies, the landlord must register the exemption on the PRS Exemptions Register. The landlord will then be exempt from the prohibition on letting sub-standard property for five years from the date the exemption is registered, or, where lack of tenant consent was the issue, until the current tenancy ends or is assigned to a new tenant.

Please note: where a particular improvement cannot be made due to consent considerations, but where there are other relevant improvements which can be made, and for which consent will not prove a barrier, the landlord must (subject to any of the other exemptions and exceptions) still install these, and may not rely on the consent exemption in relation to them.

Box Eleven

Reasonable Efforts to Obtain Consents

The Regulations require the landlord to make “reasonable efforts” to obtain third-party consent. Reasonable efforts may include attempts on a number of separate occasions and using a number of different available means of communication to secure agreement from, for example, a tenant or superior landlord, with evidence to show this has been done (in the case of planning consent refusal, evidence of a single application and subsequent refusal is likely to be sufficient evidence).

Broadly speaking, it is thought that it will not be reasonable for the landlord to comply with a condition which may reduce the landlord’s ability to let the property or if it involves unreasonable costs. Where the landlord does not agree with an enforcement authority’s review of a penalty notice, he or she can appeal to the First Tier Tribunal.

4.1.5 Property devaluation exemption (regulation 32 and regulation 36 (2))

An exemption of five years from meeting the minimum standard will apply where the landlord has obtained a report from an independent surveyor who is on the Royal Institution of Chartered Surveyors (RICS) register of valuers[48] advising that the installation of specific energy efficiency measures would reduce the market value of the property, or the building it forms part of, by more than five per cent. This exemption provides a safeguard for landlords in situations where energy efficiency measures might significantly impact upon the property’s commercial value, although the government expects this exemption will apply infrequently.

A surveyor’s report prepared to support this exemption must clearly state all the recommended relevant energy efficiency measures for the property that would lead to it being devalued. In such cases a landlord will still be required to install any relevant improvements recommended for their property that are not covered by the surveyor’s report (unless another exemption applies).

Where the property cannot be improved to EPC E because certain energy efficiency measures will devalue the property, and the landlord intends to rely on an exemption to comply with the Regulations, the landlord must register the exemption. Details of the registration of an exemption on the PRS Exemptions Register are provided in chapter four.

48 The Royal Institution of Chartered Surveyors’ register of valuers may be accessed via their website: http://www.ricsfirms.com/ . Please note that the RICS register contains the details of surveyors covering a range of disciplines, therefore landlords seeking a valuation report for the purposes of a property devaluation exemption are advised to check that any valuer they intend to instruct is competent to carry out a valuation of this type.

After five years the exemption will expire and the landlord will again need to try to improve the property to meet the minimum standard, or register another valid exemption.

4.1.6 Temporary exemption due to recently becoming a landlord (regulation 33 & regulation 36 (2))

The Regulations acknowledge that there are some limited circumstances where a person may have become a landlord suddenly and as such it would be inappropriate or unreasonable for them to be required to comply with the Regulations immediately. If a person becomes a landlord in any of these circumstances (set out below), a temporary exemption from the prohibition on letting a sub-standard property, or on continuing to let a sub-standard property, will last for six months after the date they become the landlord and will apply from that date.

The circumstances are:

- the grant of a lease due to a contractual obligation (this is intended to cover a situation where a contract was entered into on a contingent basis, regardless of whether it was entered into before or after the Regulations came into force);
- where the tenant becomes insolvent and the landlord has been the tenant’s guarantor (in this situation, the tenant’s guarantor becomes a landlord when taking over the lease);
- the landlord has been a guarantor, or a former tenant, who has exercised the right to obtain an overriding lease of a property under section 19 of the *Landlord and Tenant (Covenants) Act 1995* (for the avoidance of doubt, a “guarantor” who exercises this right under the 1995 Act is the guarantor of a former tenant);
- a new lease has been deemed created by operation of law;
- a new lease has been granted under Part 2 of the *Landlord and Tenant Act 1954*;
- a new lease has been granted by a court order, other than under Part 2 of the *Landlord and Tenant Act 1954*.

Additionally, from 1 April 2020, when the minimum standard applies to all domestic private rented properties that are occupied by tenants, a temporary exemption of six months will apply from the date from which a person became a landlord in the following situation:

- A person becomes the landlord on purchasing an interest in a property and, on the date of the purchase, it was let on an existing tenancy.

In all cases landlords are advised to obtain their own independent legal advice if they are unsure about whether any of these temporary “recent landlord” exemptions apply in their case. Where a landlord does intend to rely on one of these exemptions, they must register the exemption on the PRS Exemptions Register (see table one in chapter five for more details) at their earliest opportunity. After six months the exemption will expire and the landlord must either have improved the energy efficiency of the property to at least EPC E, or have registered another valid exemption, if they intend to continue letting.

Frequently Asked Questions Relevant to Chapter Four

Q: Don't landlords have to get consent from their tenants before they can install measures? Is it right that tenants should be able to veto energy efficiency improvements in this way?

A: There is no requirement in the Regulations for a landlord to seek consent from a tenant to install energy efficiency measures where such a requirement does not already exist.

Depending on the terms of the tenancy agreement between an individual tenant and landlord (and all tenancies are different), the landlord may need to obtain tenant consent before undertaking certain works (energy efficiency related or otherwise). Where this requirement already exists, the minimum standard Regulations recognise that consent should be obtained before work is undertaken (alongside any other form of third-party consent, such as planning consent).

Between 1 April 2018 and 1 April 2020 landlords are only required to improve F or G rated properties before entering into a new or extended or renewed tenancy agreement. To do this, Government anticipates that many landlords will make improvements while a property is vacant between tenancies. Therefore, in many cases tenant consent may not be a consideration.

Q: If a landlord has managed to secure Green Deal finance but their sitting tenant withheld consent to it, is the landlord able to register a "tenant consent" exemption?

A: No. If a sitting tenant in a domestic property withholds consent to Green Deal finance, the landlord must seek alternative means of funding the improvement(s) - including self-funding.

Q: If a landlord is unable to access any third-party funding and none of the exemptions in the Regulations apply, is the landlord required to use their own funding to make the necessary improvements to their property?

A: Yes. From 1 April 2019, where third-party funding is unavailable or insufficient, a landlord must make a contribution capped at £3,500 (inc. VAT).

Landlords of EPC F or G properties who cannot access third-party funding must find funding from elsewhere (whether self-funding, loan, mortgage extension, etc) and ensure that energy efficiency improvements are made in order to improve these properties to EPC E, or as close as possible, up to a total cost of £3,500 (inc. VAT).

If an element of third-party funding is secured, this funding can be included within the value of the cap (see the worked examples in chapter two for more information on blending third-party funding with landlord self-funding).

Q: If a landlord has registered a "no cost to the landlord" exemption prior to the changes coming into force, is that exemption still valid for five years?

A: No. Following amendment of the Regulations, any "no cost to the landlord" exemption will now automatically end on 31 March 2020.

All landlords who have registered "no cost to the landlord" exemptions must make the necessary improvements (up to the value of the cap) to ensure their property meets the minimum energy efficiency standard (EPC E or as close as possible) by 1 April 2020, unless other exemptions or exceptions apply.

Q: What if it is not possible for my property to reach EPC E even though I have undertaken all possible improvement works?

A: The landlord may claim an exemption under section 25(1) of the Regulations, where: "all the 'relevant energy efficiency improvements' for the property have been made but the property remains sub-standard". The landlord must have installed as many recommended energy efficiency measures as possible to make progress towards EPC E (up to the value of £3,500). When registering the exemption, the landlord must provide details of the recommended improvement measures that have been installed.

Q: My property has solid walls and not cavity walls; will this give me an exemption from these Regulations?

A: There is no automatic exemption. If solid wall insulation has been recommended for the property and full or partial insulation can be installed for £3,500 (or less), or the landlord can obtain funding for the insulation, then they should take steps to have it installed. However, if this type of improvement work would risk harming the fabric or structure of the property then the landlord will be able to register an exemption. This exemption must be supported by a surveyor's report stating that the wall insulation measure would damage the property. The landlord must also install any other relevant measures which would improve the property (unless a separate exemption applied to them).

Information on Solid Wall Insulation:

If a property was built before 1919, its external walls are likely to be of solid rather than cavity wall construction. Cavity walls are made of two layers with a small gap or "cavity" between them. Solid walls have no gap, so they let more heat through.

Solid walls can be insulated – either from the inside or the outside. They will cost more than insulating a standard cavity wall, but the savings on heating bills may be greater too. There are many benefits to solid wall insulation; however, there are a number of points the landlord should consider:

- Internal wall insulation will need any problems with penetrating or rising damp to be fixed first;

- Internal wall insulation might require pipework and other building services to be moved;

- External insulation is not recommended if the outer walls are structurally unsound and cannot be repaired;

- External insulation requires good access to the outer walls;

- External insulation may need planning permission - check with your local council.

In instances where a local planning authority requires planning permission to install solid wall insulation, and will not grant permission to install on a particular domestic private rented property, solid wall insulation will not have to be installed.

Chapter 5: The PRS Exemptions Register

If a landlord considers that an exemption applies allowing them to continue to let a property below the minimum energy efficiency standard, that landlord will need to upload details and evidence of the exemption to the PRS Exemptions Register - a centralised self-certification register. Chapter five discusses the information a landlord must provide in order to lodge an exemption, and the evidence required to support each exemption type.

5.1 The PRS Exemptions Register

The PRS Exemptions Register is a digital service which allows landlords (or an agent acting on their behalf) to register valid exemptions from the minimum energy efficiency requirements. The Register service can be accessed directly here[49]. Alternatively it can be accessed via the gov.uk Private Rented Property Minimum Standard page here[50].

Only those domestic F and G rated properties which are covered by the Regulations, and which qualify for a valid exemption, should be registered. This means that landlords need not register domestic F or G properties which are not covered by the Regulations (for example buildings which are not legally required to have an EPC - see section 1.1.4 - or which have not been subject to a new tenancy agreement - during the period 1 April 2018 to 1 April 2020 only).

Exemptions are registered on a self-certification basis, and registration of an exemption does not attract a fee or charge. Exemptions are valid from their date of registration. Enforcement authorities will monitor and audit to ensure that exemptions comply with the Regulations, but a landlord does not have to wait to hear from their local authority before they can rely on the exemption (and they may never be contacted by their enforcing authority if the authority is satisfied that the exemption is compliant).

49 https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

50 https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents

The PRS Exemptions Register is a digital by default service. However, if a landlord or agent needs advice or assistance with registering an exemption, they can email PRSRegisterSupport@BEIS.gov.uk with their query or issue. Alternatively, they can call on: 0333 234 3422.

Please note, this Assisted Digital service provides digital support in lodging an exemption on the Register (for instance, help with scanning or uploading evidence documents), but is not able to provide advice on whether individual properties meet the criteria for an exemption. This remains the responsibility of the landlord, and it is for the landlord to ensure that their property meets the eligibility criteria for any exemption registered

Public access to the Register

The Regulations require that a part of the Exemptions Register service must be available to the public, providing access to limited information about exemptions registered. This "public search" element of the service is available here[51]. Information available on this publicly accessible section of the service is limited to:

- addresses of properties for which exemptions have been registered;
- names of landlords of exempt properties where the landlord is not an individual person;
- the exemptions relied on (consent exemption, devaluation exemption etc);
- a copy of valid EPCs for exempt properties; and
- the dates on which exemptions were registered.

Exemption lengths

As discussed earlier in this guidance, the majority of exemptions which may be registered on the PRS Exemptions Register last for a period of five years. The five year period is intended to give certainty to landlords and to allow for a realistic chance that circumstances (for example, changes in fuel prices, availability of other funding mechanisms, or reductions in the cost of improvements) may have changed enough for improvements to be made in a

51 https://prsregister.beis.gov.uk/NdsBeisUi/register-search-exemptions

way which meets the requirement of the Regulations. The two exceptions to the five year exemption rule are those relating to lack of tenant consent, which last for five years or until the tenancy of that particular non-consenting tenant ends (or is assigned to another tenant), whichever is soonest, and the exemption for recently becoming a landlord, which lasts for a period of six months, starting from the date the person becomes the landlord.

Also, following amendment of the Regulations in April 2019, any “no cost to the landlord” exemption registered under regulation 25(1) will now automatically end on 1 April 2020, instead of extending for five years as previously.

As discussed above, exemptions claimed by a landlord may not pass over to a new owner or landlord of a property upon sale, or other transfer. On such a transfer, they will cease.

5.1.1 General principles of the Register

Information placed on the Register must be current at the time the exemption is registered.

Landlords must register both the exemption type and the information required to support that exemption before they can rely on it and let (or continue to let) the property. The Register and the validity of registered exemptions will be scrutinised by enforcement authorities to ensure compliance. If an enforcement authority believes that a landlord is in breach of the prohibition on letting a sub-standard property, including where they may have supplied misleading or incomplete information or evidence to the Register, that enforcement authority may serve a compliance notice (requesting information from that landlord which will help them to decide whether that landlord has breached the prohibition) or issue a penalty notice.

If a landlord has any questions or concerns about the evidence needed to support an exemption, they should speak with the relevant Local Authority in advance of registering the exemption. See chapter six for more information on enforcement.

Box Twelve

Exemptions Register User Account

Before a landlord can register an exemption on the Register they will be asked to set up a unique user account for the site. This account will capture details including their name (or the company name) and contact details, including e-mail address and telephone number. The account will enable landlords to register exemptions for one or more properties and manage their exemptions via a single user portal.

Agents may also set up an agent account; this will enable them to register exemptions on behalf of landlords they represent.

Screenshots of key pages from the register are at Appendix F of this guidance.

Once a unique user account has been opened, the landlord (or their agent) will be required to submit information relating to the property they wish to exempt, alongside information and evidence to support the exemption. Table One below and on the following pages sets out the common information requirements for all exemptions, followed by the specific evidence required for each individual exemption type.

Registration of an exemption on the service will not generate an exemption certificate or other formal documentation (although a confirmation e-mail will be sent). Landlords can check on any live exemptions they have registered on the 'dashboard' page within their user account.

As noted above, non-personal data related to exemptions is searchable by members of the public via the exemption search page here. This search page is in place of a formal exemption certificate and can be used by anyone seeking proof that an exemption has been registered for a particular property.

5.2 Exemptions Register data and evidence requirements

Please note: as discussed in chapter four, for the individual "relevant improvements" exemptions listed below to be valid, landlords must demonstrate that there are no other energy efficiency improvement measures that can be installed as an alternative to the measure(s) that they are seeking an exemption for.

Table One:

Exemptions Register Information requirements	
Information required for all exemptions:	The address of the relevant rental property; which exemption to the Regulations the landlord is registering; a copy of a valid Energy Performance Certificate (EPC) for the property.

Additional Information and Evidence Related to Specific Exemption	
Registering an exemption under the regulation 25(1)(b) exception - where a recommended measure is not a "relevant energy efficiency improvement" because the cost of purchasing and installing it would exceed the £3,500 inc. VAT cap ("high cost" exemption). See regulation 24(3). (see section 4.1.2):	Where a landlord intends to reply on a "high cost" exemption because even the cheapest recommended measure exceeds the value of the cap, they (or their agent on their behalf) will be expected to provide: - Copies of three quotes for purchasing and installing the cheapest recommended measure (inclusive of VAT) from qualified installers, demonstrating that this improvement exceeds the cost cap; and - Confirmation that the landlord is satisfied that the measure(s) exceed the cost cap. This confirmation should be provided via a signed statement uploaded onto the Register. There is also a tick-box confirmation on the appropriate register page. The registration page also provides an optional text box for the landlord to provide further information or clarifications if desired.
Registering an exemption under the regulation 25(1)(a) exception - where all relevant improvements have been made and the property remains below an E (see section 4.1.1):	- Details of any energy efficiency improvement recommended for the property in a relevant recommendation report (if separate to the relevant EPC), including a report prepared by a surveyor, or a Green Deal Advice Report; - Details, including date of installation, of all recommended energy efficiency improvements which have been made at the property in compliance with the Regulations.
Registering an exemption under the regulation 25(1)(b) exception – where the property is below EPC E and there are no relevant improvements	- A copy of the relevant energy efficiency advice report (if separate to the EPC already uploaded) demonstrating that no improvements have been recommended for the property. **Please note**: if registering this exemption, the user should select the exemption option titled: 'all relevant improvements have been made (or there are none which can be made) and the property remains below an E'.

which can be made (see section 4.1.1):	
Registering a wall insulation exemption under regulation 24(2) (see section 4.1.3):	- A copy of the written opinion of a relevant expert stating that the property cannot be improved to an EPC E rating because a recommended wall insulation measure would have a negative impact on the property (or the building of which it is a part).
Registering a consent exemption under regulation 31(1)(A) (see section 4.1.4):	- A copy of any correspondence and/or relevant documentation demonstrating that consent for a relevant energy efficiency measure was required and sought, and that this consent was refused, or was granted subject to a condition that the landlord was not reasonably able to comply with. **Please note**: where the party who withheld consent was a tenant, the exemption will only remain valid until that tenant's tenancy ends. When that tenant leaves the property (or after five years, whichever is soonest) the landlord will need to try again to improve the EPC rating of the property, or register another exemption, if applicable. The exemption will also end if the tenant who withheld consent, assigns their tenancy to a new tenant.
Registering a devaluation exemption under regulation 32 (see section 4.1.5):	- A copy of the report prepared by an independent RICS surveyor that provides evidence that the installation of 'relevant measures' would devalue the property by more than 5%.
Registering an exemption upon recently becoming a landlord (regulation 33) (see section 4.1.6):	- The date on which they became the landlord for the property; and - the circumstances under which they became the landlord (any of the circumstances set out at section 4.1.6 of this guidance).

	Please note: Where a person wishes to register an exemption upon recently becoming a landlord, the exemption will last for a period of six months, starting from the date the person becomes the landlord.

As discussed earlier in this guidance, any exemptions from the prohibition on letting sub-standard property which are registered on the PRS Exemptions Register may not pass over to a new owner or landlord of a property upon sale, or other transfer. If a let property is sold or otherwise transferred with an exemption registered, the exemption will cease to be effective and the new owner will need to either improve the property to the minimum standard at that point, or register an exemption where one applies, if they intend to continue to let the property.

Frequently Asked Questions Relevant to Chapter Five

Q: How long does an exemption last?

A: This depends on the specific exemption registered: the majority of exemptions run for five years, but several run for a shorter period. A full description of the exemptions and their lengths is set out in Chapter four.

Q: How can I register an exemption?

A: Landlords can register valid exemptions on the PRS Exemptions Register. The Register is an online platform and can be accessed at: https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

Q: Can I register an exemption offline (without using the online portal)?

A: The Register is a digital by default service, however if you need advice or assistance with registering an exemption, you can email PRSRegisterSupport@BEIS.gov.uk with your query. Alternatively, you can call on: 0333 234 3422.

(Please note, the Assisted Digital service provides digital support in lodging an exemption on the Register, but it remains the responsibility of the landlord to ensure that their property meets the eligibility criteria for an exemption. The service is not able to provide advice on whether individual properties meet the criteria for an exemption.)

Q: More than one type of exemption applies to my property. Do I have to register all of them?

A: No. A landlord only needs to register one exemption for an individual property. If more than one exemption applies, the landlord may register whichever one they feel is most appropriate.

Q: What happens to the information about landlords and properties that is captured and stored on the Register, will this information be available to the public or will it be confidential?

A: Certain non-personal data placed on the Register will be viewable by the general public. Any personal data, along with all supporting evidence uploaded to the register, will be accessible to the relevant local enforcement authority only for enforcement purposes.

Q: I have registered an exemption. When will I receive my exemption certificate?

A: Registration of an exemption will not generate an exemption certificate or other formal documentation. Landlords can check any live exemptions they have registered on the dashboard page of their Register user account. Details of an exemption can also be viewed by members of the public on the exemption search page here. This search page operates in place of a formal exemption certificate and can be used by anyone seeking proof that an exemption has been registered for a property.

Q: I have registered an exemption. When will the enforcement authority approve the exemption?

You do not need to wait to hear from your local enforcement authority. An exemption is valid from the day it is registered, and does not need to be approved by the enforcement authority.

However, enforcement authorities have powers to review and audit exemptions registered for property in their area, and may subsequently contact landlords if they have queries or concerns about any of the materials submitted to the Register (if they have no queries or concerns then it is likely that the landlord will not hear from them). There is no timeframe for this audit however, as enforcement bodies may review and request additional information from the landlord at any point during the life of an exemption (and up to 12 months after an exemption has expired – see chapter six).

Q: I have registered an exemption for my property. Does this mean that my property no longer requires an EPC, and I no longer need to provide new tenants with a copy of the EPC?

No. Your property will still be required to have an EPC just as it always was. An exemption on the Register is an exemption from the requirement for a property to meet the minimum energy efficiency standard. It is not an exemption from the requirement for that property to have an EPC, or from the requirement to provide the tenant with a copy of the EPC at the start of their tenancy.

Chapter 6: Enforcement of the Domestic Minimum Level of Energy Efficiency

The following chapter is aimed at both landlords and enforcement authorities, and outlines the steps an enforcement authority may take where it believes a landlord is in breach of the minimum level of energy efficiency provisions. It also broadly sets out what both parties might expect to happen if an appeal is made to the First-tier Tribunal against a compliance notice which an enforcement authority has made, and links to further guidance.

In all cases it is recommended that a landlord and an enforcement authority attempt to resolve any dispute informally first, and take expert advice before the matter progresses to the First-tier Tribunal.

6.1 Compliance and enforcement

6.1.1 Enforcement authorities (regulations 34 and 35)

Every Local Authority is the "enforcement authority" for their area, and will be responsible for enforcing compliance with the minimum level of energy efficiency provisions within their geographic boundaries. A representative or authorised officer of the Local Authority may carry out the enforcement activities including using the information held on the PRS Exemptions Register or produced in response to a compliance notice to monitor compliance, and issue compliance and penalty notices where applicable.

Enforcement authorities can choose which function they wish to use to enforce the minimum standard Regulations – for example they may decide to use Trading Standards Officers or Environmental Health Officers. However, it is ultimately up to individual Local Authority as to how they wish to enforce the minimum standard, taking into account the particular needs of their area.

The authorised officer may check for different forms of non-compliance with the Regulations including:

- since 1 April 2018 whether the property is sub-standard and let in breach of regulation 23 (which may include continuing to let the property after 1 April 2020) (see section 1.2.1 of chapter one);

- where the landlord has registered any false or misleading information on the PRS Exemptions Register, or has failed to comply with a compliance notice (see section 6.1.2 below).

6.1.2 When the enforcement authority may decide to serve a compliance notice (regulation 37)

Since 1 April 2018, where the enforcement authority believes that a landlord may be in breach of the prohibition on letting a sub-standard property (as described in section 1.2.1 of chapter one), or a landlord has been in breach of the prohibition at any time in the past 12 months, the enforcement authority may serve a compliance notice that requests information from that landlord which will help them to decide whether that landlord has in fact breached the prohibition.

The fact that an enforcement authority may serve a compliance notice on a landlord up to 12 months after the suspected breach means that a person may be served with a compliance notice after they have ceased to be the landlord of the property. It is good practice, therefore, for landlords to retain any records and documents relating to a let property that may be used to demonstrate compliance with the Regulations.

Any notice that is served under the Regulations must be in writing and may be sent in hard copy or electronically. Where a notice is served on a corporate body it may be given to the secretary or clerk of that body if a suitable named individual cannot be identified. Where a notice is served on a partnership, it may be addressed to any partner, or to a person who has control or management of the partnership business.

A compliance notice served by an enforcement authority may request either the original or copies of the following information:

- the EPC that was valid for the time when the property was let;
- any other EPC for the property in the landlord's possession;
- the current tenancy agreement used for letting the property;
- any Green Deal Advice Report in relation to the property;
- any other relevant document that the enforcement authority requires in order to carry out its compliance and enforcement functions.

The compliance notice may also require the landlord to register copies of the requested information on the PRS Exemptions Register. The compliance notice will specify:

- the name and address of the person that a landlord must send the requested information to;

- the date by which the requested information must be supplied (the notice must give the landlord at least one calendar month to comply).

The landlord must comply with the compliance notice by sending the requested information to the enforcement authority and allow copies of any original documents to be taken. Failure to provide documents or information requested by a compliance notice, or failure to register information on the PRS Exemptions Register as required by a compliance notice, may result in a penalty notice being served (see section 6.2.3 below).

The enforcement authority may withdraw or amend the compliance notice at any time in writing, for example where new information comes to light. The enforcement authority may also use the documents provided by the landlord or any other information it holds to decide whether the landlord is in breach of the Regulations.

6.2 Penalties

6.2.1 Financial penalties (regulations 38-45)

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

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

A local authority may not impose a financial penalty under both paragraphs (a) and (b) above in relation to the same breach of the Regulations. But they may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty may not be more than £5,000.

It is important to note that this maximum amount of £5,000 applies per property, and per breach of the Regulation. Given this, it means that, if after having been previously fined up to £5,000 for having failed to satisfy the requirements of the Regulations, a landlord proceeds to unlawfully let a sub-standard property on a new tenancy; the local enforcement authority may again levy financial penalties up to £5,000 in relation to that new tenancy.

Table Two:

Infringement	Penalty (less than three months in breach)	Penalty (three months or more in breach)
Renting out a non-compliant property	Up to £2,000, and/or Publication penalty.	Up to £4,000, and/or Publication penalty.
Providing false or misleading information on the PRS Exemptions Register	Up to £1,000, and/or Publication penalty	
Failing to comply with a compliance notice	Up to £2,000, and/or Publication penalty	

It is important to note that the maximum penalty amounts apply **per property**, and **per breach of the Regulations**.

Box Thirteen

Non-Compliance with the Regulations: Financial Penalty Examples

Example 1

If the landlord has let a sub-standard property in April 2018, and has been in breach of the Regulations for two months at the time a penalty notice is served, the enforcement authority could impose a financial penalty of up to

£2,000 in relation to that breach. A publication penalty may also be levied against the landlord in question (explained below in 6.2.2).

If the landlord re-lets that property in 2019 to a new tenant, and has again been in breach of the Regulations for less than 3 months at the time the penalty notice is served (or if they are still letting the property on 1 April 2020), that would be a new breach of regulation 23, and the enforcement authority could impose financial penalties in relation to that new breach of up to £2,000.

Example 2

If the landlord lets two sub-standard properties, and in respect of each has been in breach of the Regulations for one month at the time the penalty notice is served, the enforcement authority may impose financial penalties of up to £2,000 in relation to each property plus the publication penalty.

Example 3

If the landlord lets a sub-standard property for more than three months, in breach of the Regulations, registers misleading information on the PRS Exemptions Register in relation to that letting, and fails to comply fully with a compliance notice served in relation to that letting, the enforcement authority could impose a financial penalty of up to £5,000 (up to £4,000 for letting the property, up to £1,000 for registering false or misleading information, and up to £2,000 for breach of compliance notice – but the total is capped at £5,000).

6.2.2 Publication penalty (regulation 39)

A publication penalty means that the enforcement authority will publish some details of the landlord's breach on a publicly accessible part of the PRS Exemptions Register. The enforcement authority can decide how long to leave the information on the Register, but it will be available for view by the public for at least 12 months.

The information that the enforcement authority may publish is:

- the landlord's name (except where the landlord is an individual);
- details of the breach;
- the address of the property in relation to which the breach occurred; and

- the amount of any financial penalty imposed.

The enforcement authority may decide how much of this information to publish. However, the authority may not place this information on the PRS Exemptions Register while the penalty notice could be, or is being reviewed by the Local Authority (see section 6.2.5), or while their decision to uphold the penalty notice could be, or is being, appealed (see section 6.3).

6.2.3 Circumstances in which a penalty notice may be served (regulation 38)

From 1 April 2018 onwards, the enforcement authority may serve a penalty notice (relating to a financial penalty, a publication penalty or both) on the landlord where they are satisfied that the landlord is, or has been in the last 18 months:

- in breach of the prohibition on letting sub-standard property (which may include continuing to let the property after 1 April 2020) (see section 1.2.1); or
- in breach of the requirement to comply with a compliance notice (see section 6.1.2); or
- has uploaded false or misleading information to the Exemptions Register.

The fact that an enforcement authority may serve a penalty notice on a landlord up to 18 months after the suspected breach means that a person may be served with a penalty notice after they have ceased to be the landlord of a property.

6.2.4 What will be included in a penalty notice (regulation 38)

The penalty notice may include a financial penalty, a publication penalty or both. The penalty notice will:

- explain which of the provisions of the Regulations the enforcement authority believes the landlord has breached;
- give details of the breach;
- tell the landlord whether they must take any action to remedy the breach and, if so, the date within which this action must be taken (the date must be at least a month after the penalty notice is issued);
- explain whether a financial penalty is imposed and if so, how much and, where applicable, how it has been calculated;

- explain whether a publication penalty has been imposed;
- where a financial penalty is imposed, tell the landlord the date by which payment must be made, the name and address of the person to whom it must be paid and the method of payment (the date must be at least a month after the penalty notice is issued);
- explain the review and appeals processes (see sections 6.2.5 and 6.3 below), including the name and address of the person to whom a review request must be sent, and the date by which the request must be sent; and
- explain that if the landlord does not pay any financial penalty within the specified period, the enforcement authority may bring court proceedings to recover the money from the landlord (see section 6.2.6).

A further penalty notice may be issued if the action required in the penalty notice is not taken in the time specified.

As noted above, when an enforcement authority issues a penalty notice which carries a right of appeal, they must tell the landlord about that right of appeal. Typical wording might be:

> *"You have a right of appeal against this decision to the General Regulatory Chamber (GRC) of the First Tier Tribunal. If you wish to appeal you should do so within 28 days of the date of this letter by writing to (Leicester address).*
>
> *You can obtain an appeal form from that address or from the tribunal website at (website address)."*

Further details on the First-tier Tribunal appeals process (including postal and web addresses) are set out below at 6.3.

6.2.5 Circumstances in which a penalty notice may be reviewed or withdrawn (regulation 42)

An enforcement authority may decide to review its decision to serve a penalty notice, for example when new information comes to light.

A landlord also has the right to ask the enforcement authority to review its decision to serve a penalty notice. This request must be made in writing. The penalty notice must tell the landlord how long they have to make this request, and who it must be sent to. When the enforcement authority receives the request, it must consider everything the landlord has said in the request and decide whether or not to withdraw the penalty notice.

The enforcement authority must withdraw the penalty notice if:

- they are satisfied that the landlord has not committed the breach set out in the penalty notice;
- although they still believe the landlord committed the breach, they are satisfied that the landlord took all reasonable steps, and exercised all due diligence to avoid committing the breach; or
- they decide that because of the circumstances of the landlord's case, it was not appropriate for the penalty notice to be served.

If the enforcement authority does not decide to withdraw the penalty notice, it might decide to waive or reduce the penalty, allow the landlord additional time to pay, or modify the publication penalty, and must explain the appeals process (see section 6.3) and how financial penalties can be recovered (see section 6.2.6).

Whatever they decide, the enforcement authority must inform the landlord of their decision in writing, and should do so at the earliest opportunity.

6.2.6 Recovery of financial penalties (regulation 45)

If a landlord does not pay a financial penalty imposed on them, the enforcement authority may take the landlord to court to recover the money. In proceedings for the recovery of a financial penalty a certificate signed by or on behalf of the person with responsibility for the financial affairs of the enforcement authority and stating that payment of the financial penalty was or was not received by a given date, will be accepted as evidence of the landlord's non-compliance with the penalty notice. Note however that the enforcement authority may not take the landlord to court to recover the money:

a. during the period in which the landlord could ask the enforcement authority to review their decision to serve the penalty notice, or while they are reviewing their decision to serve the penalty notice; or
b. during the period in which the landlord could appeal to the First-tier Tribunal (see section 6.3 below), or while there is an ongoing appeal to the First-tier Tribunal, against the penalty notice.

6.3 Appeals

6.3.1 Appeals to the First-tier Tribunal (General Regulatory Chamber) (regulations 43 and 44)

The First-tier Tribunal (General Regulatory Chamber) is administered by Her Majesty's Courts and Tribunals Service and is the home for a range of rights of appeal. Where a landlord asks the enforcement authority to review a decision to serve a penalty notice and, on review, they decide to uphold the penalty notice, the landlord may then appeal to the First-tier Tribunal against that decision if they think that:

- the penalty notice was based on an error of fact or an error of law;
- the penalty notice does not comply with a requirement imposed by the Regulations; or
- it was inappropriate to serve a penalty notice on them in the particular circumstances.

The General Regulatory Chamber (GRC) is governed by a set of Tribunal Rules which can be found here[52] . General information on the Tribunal can be found here[53]

If a landlord does appeal, the penalty notice will not have effect while the appeal is ongoing. A landlord may also wish to seek legal advice as part of considering or making an appeal, if they have not already done so.

6.3.2 How to apply to the First-tier Tribunal

Note: the guidance which follows is general; the First-tier tribunal should be contacted for more detailed advice and guidance.

A landlord has 28 calendar days to submit an appeal from the date of the local authority's decision, and once submitted the landlord is referred to as "the appellant". The landlord should submit an appeal by sending a notice of appeal to the First-tier Tribunal (General Regulatory Chamber). The notice of appeal can be in the form of a letter, or a completed T98 form which can be found online at

52 www.gov.uk/government/publications/general-regulatory-chamber-tribunal-procedure-rules

53 www.gov.uk/courts-tribunals/first-tier-tribunal-general-regulatory-chamber

formfinder.justice.gov.uk[54] (Please note: guidance on completing the form can be found at: hmctsformfinder.justice.gov.uk/GetLeaflet[55]).

If submitting an appeal in letter form, the notice of appeal must include the following (taken from rule 22 of the GRC Rules):

- the name and address of the appellant (the landlord);
- the name and address of the appellant's representative (if any);
- an address where documents for the appellant may be sent or delivered;
- the name and address of any respondent (the enforcement authority);
- details of the decision or act, or failure to decide or act, to which the proceedings relate;
- the result the appellant is seeking;
- the grounds on which the appellant relies; and
- any further information or documents required by a practice direction.

Completed notices of appeal should be sent to:

General Regulatory Chamber

HM Courts and Tribunal Service

PO Box 9300

Leicester

LE1 8DJ

The General Regulatory Chamber can be contacted on 0300 123 4504 and at: grc@hmcts.gsi.gov.uk. Staff cannot give advice about individual cases but can assist with process queries.

Once submitted, the completed notice will be sent by the Tribunal to the enforcement authority, which is referred to as "the respondent". At this point the

54 hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=2800

55 hmctsformfinder.justice.gov.uk/HMCTS/GetLeaflet.do?court_leaflets_id=2597

respondent will have 28 days after the date of receipt to file a response. Their response must include the following:

- The name and address of the respondent (the enforcement authority);
- The name and address of the respondent's representative (if any);
- An address for the service of documents;
- Any further information or documents required by a practice direction or direction;
- Whether the respondent would be content for the case to be dealt with without a hearing; and
- A statement as to whether the respondent opposes the appellant's case and, if so, the grounds for such opposition.

The response must be sent to the appellant (the landlord) as well as to the Tribunal. If the response is provided outside of the 28 day limit the respondent must include a request for an extension of time and the reason why the response is late.

Under rule 24 of the GRC Rules the appellant (the landlord) may provide a reply to the respondent's (the enforcement authority) response at this point if they wish. If they intend to do so, this must be provided to the Tribunal and the respondent within 14 days. After this point the administrative team will normally refer the appeal to the Registrar or to the Chamber President.

Full details and guidance on the process can be found here[56].

Based on the facts of the case, the First-tier Tribunal may decide to quash the penalty notice or affirm the penalty notice in its original or a modified form. If the penalty notice is quashed the enforcement authority must reimburse the landlord for any amount paid as a financial penalty under the notice.

56www.gov.uk/courts-tribunals/first-tier-tribunal-general-regulatory-chamber

Frequently Asked Questions Relevant to Chapter Six

Q: Who will be enforcing these Regulations?

A: The minimum standard Regulations will be enforced by Local Authorities. Each authority will develop their own approach to the enforcement of the Regulations, using the powers granted to them by the Regulations.

Q: Is there an appeals process regarding penalties?

A: Yes. Appeals concerning penalties are initially to be made to the relevant Local Authority. If the Local Authority upholds a penalty notice on appeal, the landlord has a right to appeal to the First Tier Tribunal (General Regulatory Chamber).

Q: Do Local Authorities have discretion regarding the levying of penalties, whether to issue a penalty notice in the first place or the level of the fine imposed? If so, will there be stated differences in the approach to enforcing these Regulations?

A: The Regulations set out the maximum level of fines/penalties that can be levied. However Local Authorities do have discretion to determine the level of fines in each case.

Q: What is the amount I could be fined for non-compliance with these Regulations?

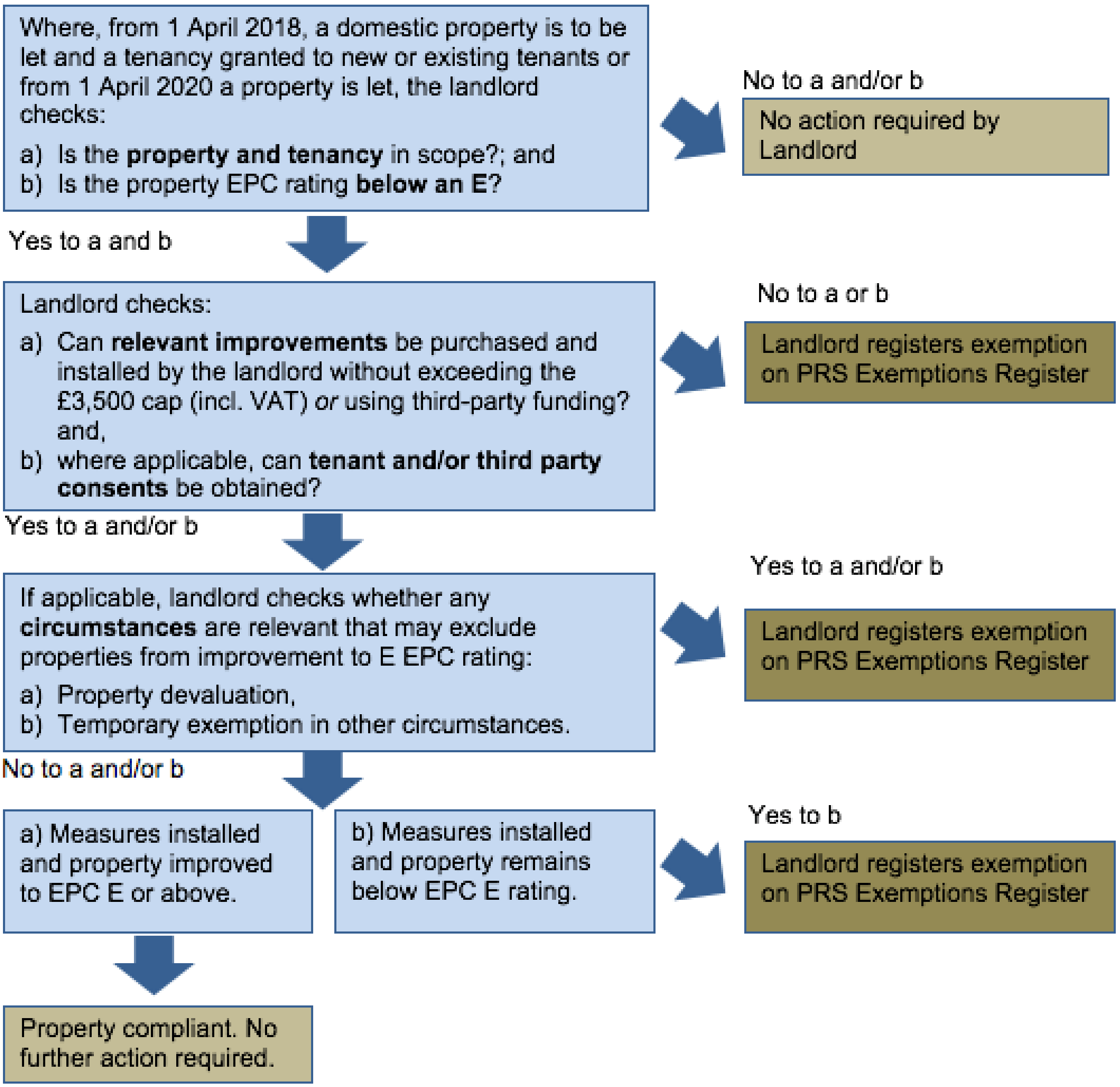
A: Each individual infringement is penalised in the following manner:

- Renting out a non-compliant property and the landlord is less than three months in breach): up to £2,000 and/or publication penalty;
- Three months or more in breach: up to £4,000 and/or publication penalty;
- Providing false or misleading information the PRS Exemptions Register: up to £1,000 and/or Publication Penalty;
- Failure to comply with a compliance notice: up to £2,000 and/or Publication penalty.

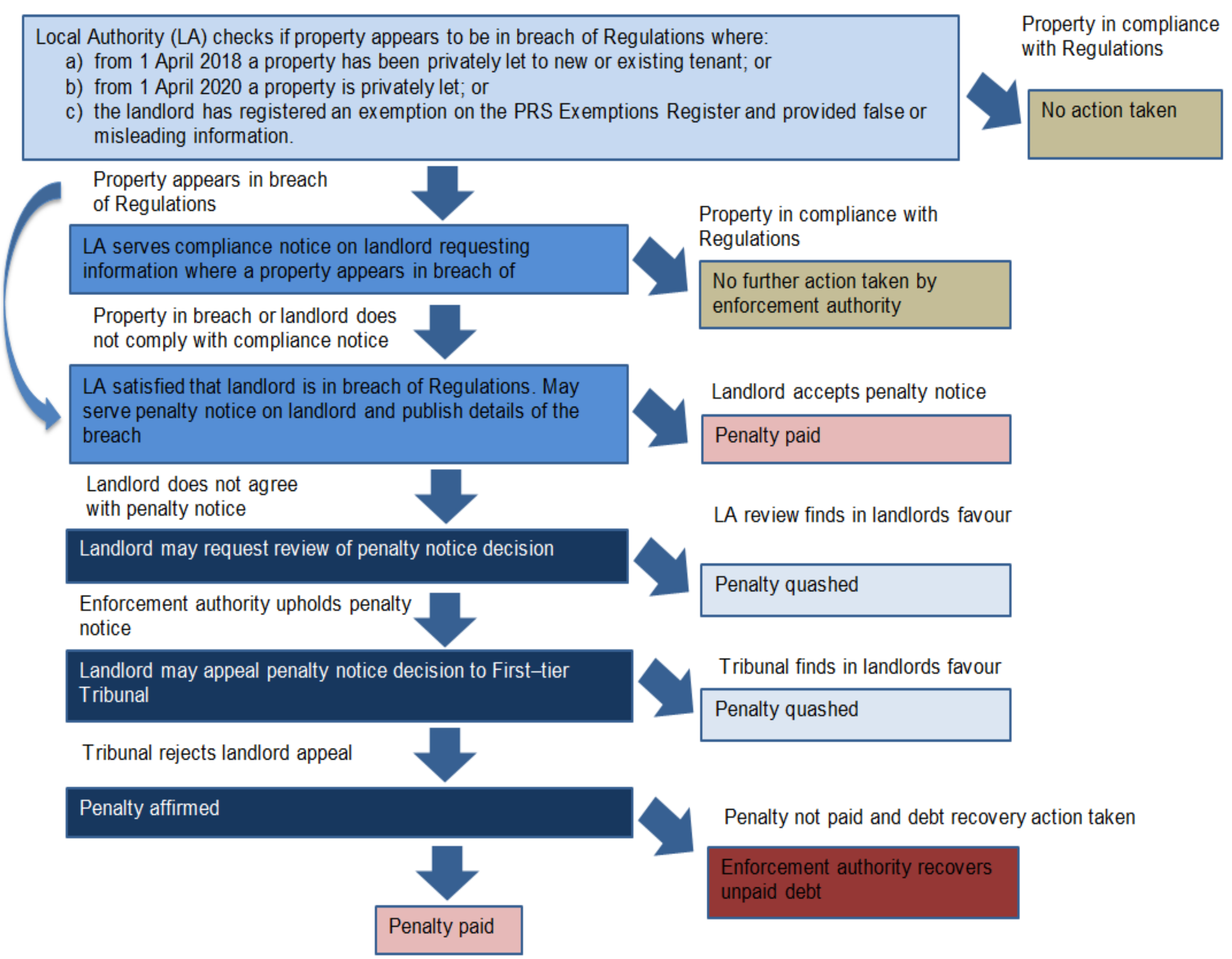
There is a maximum level of penalty which applies to each property. This is set at £5,000. This means that if, for instance, a landlord is fined £2,000 for being in breach of the Regulations for less than three months, and they continue to let the property below the minimum standard after three months, the most they can be fined for a three months or more breach, will be £3,000. £5,000 in total.

Appendix A

Minimum Level of Energy Efficiency Provisions Flow Chart



Compliance and Enforcement Flow Chart



Appendix B

Information on Common Tenancy Types

Assured tenancies

In a majority of cases, rented residential accommodation in England and Wales will be let under an assured shorthold tenancy. This is the main type of assured tenancy in use in the domestic private rented sector (PRS).

An assured tenancy is the letting of a dwelling which is occupied as the tenant's only or principal home (or by at least one of them if there are joint tenants). The tenant or tenants must be individuals – i.e. not corporate bodies. A tenancy can move in and out of assured status depending on whether the required conditions for an assured tenancy are currently met.

A dwelling let under an assured tenancy may be a self-contained unit such as a house or flat but for the property to qualify as a dwelling the tenant need only have exclusive occupation of at least one room, such as a bedsit, even though it is non self-contained and the tenant shares other accommodation with other tenants. Non self-contained accommodation of this kind is not required to have an EPC so it will be outside the scope of the Regulations, unless it is part of a building which itself is required to have an EPC, e.g. because the building itself has been build, sold, or let out as a single property within the past ten years.

Regulated Tenancies

Regulated tenancies, often referred to as Rent Act protected tenancies, were the main form of letting in the domestic PRS before the introduction of assured tenancies in January 1989. New Rent Act protected tenancies cannot be created except in very limited exceptions. For this reason, their number is gradually reducing, but as they are often unmodernised/unimproved properties, it is likely that there will be a relatively higher number of properties let under Rent Act protected tenancies which have poor levels of energy efficiency. Where a property let on a regulated tenancy has been let continuously to the same tenant since before 2008 (when EPCs were introduced), it is possible that the property will not have an EPC (and will not be legally required to have one). In this case the property will be excluded from the need to meet the minimum standard and no further action will be required. However, where an event has occurred post 2008 which triggered the need to obtain an EPC (for instance a sale or new tenancy), the property will be covered by the minimum standard. If the EPC rating is F or G, improvements will be required by 1 April 2020 at the latest, or sooner where a new tenancy is granted.

Regulated tenancies will normally take the form of what is called a “statutory tenancy” (not to be confused with statutory periodic tenancies which run on once a fixed term assured tenancy (including a shorthold) has come to an end). In many cases a “fair rent” will be registered by the Rent Officer fixing the amount of rent payable. The rule preventing the creation of new Rent Act protected tenancies does not apply in limited cases where a new tenancy is granted to someone who is already a Rent Act protected tenant. This can apply whether the tenancy relates to the same or a different property.

Where there is a regulated tenancy protected by the Rent Act, if the sole tenant dies there is provision for statutory succession. His or her surviving spouse (or civil partner) becomes the successor statutory tenant provided that he or she occupies the property as his or her residence. This extends to unmarried partners living together as if they were husband and wife, partners in a same-sex marriage, or civil partners. This is called transmission of the statutory tenancy. As this is in effect a transfer of the existing tenancy it does not amount to the grant of a tenancy so if it were to happen before 1 January 2020 it would remain outside the scope of the Regulations but would, of course, be subject to the Regulations as a continuing tenancy as from 1 January 2020 (assuming there was a legal requirement for an EPC to be in place).

Properties let under licence

For the Regulations to apply, there must be a tenancy in place; and not a licence. The tenancy/licence distinction is not an easy one and if you are unsure you need to take your own legal advice. Broadly speaking, there will be a licence and not a tenancy where the agreement is with a lodger, i.e. the owner needs to enter the accommodation itself to provide services which he/she is required to provide under the agreement. Likewise, where the occupier shares accommodation with the owner this will probably be a licence agreement.

If a licence is granted to an employee under a service occupancy where the employee is required to occupy the accommodation for the better performance of his/her duties, e.g. a caretaker, this will not fall within the scope of the non-domestic PR regime so long as a licence exists as opposed to a tenancy (if there is a letting to an employee however the position may be different and this is an area on which advice will be required as to the specific circumstances applicable).

Appendix C

As discussed in chapter one, under certain circumstances, buildings may be exempt from the requirement to have an EPC where it may be demonstrated that they are to be demolished. This exemption is subject to a number of conditions set out in regulation 8 of the *Energy Performance of Buildings (England and Wales) Regulations 2012*, as follows:

The Energy Performance of Buildings (England and Wales) Regulations 2012, regulation 8

Buildings to be demolished

8.—(1) regulations 6 and 7 do not apply in relation to a dwelling which is to be sold or rented out where the relevant person can demonstrate that—

(a) the dwelling is suitable for demolition;

(b) the resulting site is suitable for redevelopment;

(c) all the relevant planning permissions, listed building consents and conservation area consents exist in relation to the demolition; and

(d) in relation to the redevelopment—

(i) either outline planning permission or planning permission exists, or both; and

(ii) where relevant, listed building consent exists.

(2) regulation 6 does not apply in relation to any prospective buyer or tenant of a building other than a dwelling which is to be sold or rented out where—

(a) the relevant person can demonstrate that—

(i) the building is to be sold or rented out with vacant possession;

(ii) the building is suitable for demolition; and

(iii) the resulting site is suitable for redevelopment; and

(b) the relevant person believes on reasonable grounds that the prospective buyer or tenant intends to demolish the building.

(3) regulation 7 does not apply in relation to a building other than a dwelling which is to be sold or rented out where the relevant person can demonstrate that—

(a) the building is to be sold or rented out with vacant possession;

(b the building is suitable for demolition;

(c) the resulting site is suitable for redevelopment;

(d) all the relevant planning permissions, listed building consents and conservation area consents exist in relation to the demolition; and

(e in relation to the development—

(i) either outline planning permission or planning permission exists, or both; and

(ii)where relevant, listed building consent exists.

Appendix D

Measures fundable under the Green Deal Finance Mechanism - The Green Deal (Qualifying Energy Improvements) Order 2014 Schedule

(a) air source heat pumps;

(b) biomass boilers;

(c) biomass room heaters (with radiators);

(d) cavity wall insulation;

(e) chillers;

(e(a) circular pumps;

(f) cylinder thermostats;

(g) draught proofing;

(h) duct insulation;

(i) gas-fired condensing boilers;

(j) ground source heat pumps;

(k) hot water showers;

(l) hot water systems;

(m) hot water taps;

(n) external wall insulation systems;

(o) fan-assisted storage heaters;

(p) flue gas heat recovery devices;

(q) heating controls for wet central heating systems or warm air systems;

(r) heating ventilation and air-conditioning controls (including zoning controls);

(s) high performance external doors;

(t) hot water controls (including timers and temperature controls);

(u) hot water cylinder insulation;

(v) internal wall insulation systems (for external walls);

(w) lighting systems, fittings and controls (including rooflights, lamps and luminaires);

(x) loft or rafter insulation (including loft hatch insulation);

(y) mechanical ventilation with heat recovery systems;

(z) micro combined heat and power;

(aa) micro wind generation;

(bb) oil-fired condensing boilers;

(cc) photovoltaics;

(dd) pipework insulation;

(ee) radiant heating;

(ff) replacement glazing;

(gg) roof insulation;

(hh) room in roof insulation;

(ii) sealing improvements (including duct sealing);

(jj) secondary glazing;

(kk) solar blinds, shutters and shading devices;

(ll) solar water heating;

(mm) transpired solar collectors;

(nn) under-floor heating;

(oo) under-floor insulation;

(pp) variable speed drives for fans and pumps;

(qq) warm-air units;

(rr) waste water heat recovery devices;

(ss) water source heat pumps.

Appendix E

The Building Regulations 2010

The regulation 24(2) wall insulation exemption provides for an exemption where written expert advice can be provided indicating that a recommended wall insulation measure is, in fact, not appropriate for the property due to its potential negative impact on the fabric or structure of the property.

The Regulations define the types of expert who are qualified to provide an opinion, but alternatively allow advice from an independent installer of the wall insulation system in question who meets the installer standards for that measure, as set out in Schedule 3 to the *Building Regulations 2010*. The details of schedule 3 are as follows:

Building Regulations 2010 **SCHEDULE 3**

Self-certification Schemes and Exemptions from Requirement to Give Building Notice or Deposit Full Plans

Regulations 12(6) (a) and 20(1)

England & Wales

Column 1	*Column 2*
Type of Work	*Person carrying out work*
1.Installation of a heat-producing gas appliance. This paragraph does not apply to the provision of a masonry chimney.	A person, or an employee of a person, who is a member of a class of persons approved in accordance with regulation 3 of the *Gas Safety (Installation and Use) Regulations 1982*.
2.Installation of— (a) an oil-fired combustion appliance; or	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited3, Blue Flame Certification Limited4, Building Engineering Services

(b) oil storage tanks and the pipes connecting them to combustion appliances. This paragraph does not apply to the provision of a masonry chimney.	Competence Assessment Limited5, Certsure LLP6, NAPIT Registration Limited7, Oil Firing Technical Association Limited8 or Stroma Certification Limited9.
3.Installation of a solid fuel-burning combustion appliance other than a biomass appliance. This paragraph does not apply to the provision of a masonry chimney.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited10, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
4.Installation of a heating or hot water system, or its associated controls.	A person, or an employee of a person, who is a member of a class of persons approved in accordance with regulation 3 of the *Gas Safety (Installation and Use) Regulations 1998*, or a person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited11 , Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
5.Installation of a mechanical ventilation or air conditioning system or associated controls, in a building other than a dwelling, that does not involve work on a system shared with parts of the building occupied separately.	A person registered in respect of that type of work by Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.

6.Installation of an air conditioning or ventilation system in a dwelling, that does not involve work on a system shared with other dwellings.	A person registered in respect of that type of work by Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
7.Installation of an energy efficient lighting system or electric heating system, or associated electrical controls, in buildings other than dwellings.	A person registered in respect of that type of work by Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
8.Installation of fixed low or extra-low voltage electrical installations in dwellings.	A person registered in respect of that type of work by […]12 Benchmark Certification Limited, Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
9.Installation of fixed low or extra-low voltage electrical installations in dwellings, as a necessary adjunct to or arising out of other work being carried out by the registered person.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Blue Flame Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.

10.Installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.	A person registered in respect of that type of work by BM Trada Certification Limited13, […]12 Certsure LLP, by Fensa Limited 14 under the Fenestration Self-Assessment Scheme, by NAPIT Registration Limited, Network VEKA Limited15 or Stroma Certification Limited.
11.Installation, as a replacement, of a window, rooflight, roof window or door in an existing building other than a dwelling. This paragraph does not apply to glass which is load bearing or structural or which forms part of glazed curtain walling or a revolving door.	A person registered in respect of that type of work by BM Trada Certification Limited, Blue Flame Certification Limited, CERTASS Limited, Certsure LLP, by Fensa Limited under the Fenestration Self-Assessment Scheme, by NAPIT Registration Limited, Network VEKA Limited or Stroma Certification Limited.
12.Installation of a sanitary convenience, sink, washbasin, bidet, fixed bath, shower or bathroom in a dwelling, that does not involve work on shared or underground drainage.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited.
13. Installation of a wholesome cold water supply or a softened wholesome cold water supply.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT

	Registration Limited or Stroma Certification Limited.
14.Installation of a supply of non-wholesome water to a sanitary convenience fitted with a flushing device, that does not involve work on shared or underground drainage.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited or Stroma Certification Limited.
15.Installation in a building of a system to produce electricity, heat or cooling— (a) by microgeneration; or (b) from renewable sources (as defined in Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources)16.	A person registered in respect of that type of work by Association of Plumbing and Heating Contractors (Certification) Limited, Benchmark Certification Limited, Building Engineering Services Competence Assessment Limited, Certsure LLP, HETAS Limited, NAPIT Registration Limited, Oil Firing Technical Association Limited or Stroma Certification Limited.
16. Installation, as a replacement, of the covering of a pitched or flat roof and work carried out by the registered person as a necessary adjunct to that installation. This paragraph does not apply to the installation of solar panels.	A person registered in respect of that type of work by NAPIT Registration Limited or the National Federation of Roofing Contractors Limited17.
17. Insertion of insulating material into the cavity walls of an existing building.	A person registered in respect of that type of work by Blue Flame Certification Limited, CERTASS Limited, The Cavity Insulation Guarantee Agency18 under the Cavity Wall Insulation Self-

	Certification Scheme, by Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
18.Installation of insulating material to the internal walls of a building, not including the installation of flexible thermal linings.	A person registered in respect of that type of work by Blue Flame Certification Limited, British Board of Agrément19, CERTASS Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
19.Installation of insulating material to the external walls of a building, not including insulation of demountable-clad buildings.	A person registered in respect of that type of work by Blue Flame Certification Limited, British Board of Agrément, CERTASS Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.
20.Installation of insulating material to the external and internal walls of a building ("hybrid insulation"), not including insulation of demountable-clad buildings, and not including the installation of flexible thermal linings.	A person registered in respect of that type of work by Blue Flame Certification Limited, British Board of Agrément, CERTASS Limited, Certsure LLP, NAPIT Registration Limited or Stroma Certification Limited.

Notes

1. Table substituted by *Building (Amendment) (Wales) Regulations 2015*/1486 Sch.1 para.1 (July 31, 2015)
2. S.I. 1998/2451.
3. A company formed and registered under the Companies Acts (as defined in section 2 of the Companies Act 2006, c. 46) with the registration number 02876277.
4. A company formed and registered under the Companies Acts with the registration number 05182566.

5. A company formed and registered under the Companies Acts with the registration number 03712932.
6. A limited liability partnership formed and registered under the Limited Liability Partnerships Act 2000 (c. 12) with the registration number OC379918.
7. A company formed and registered under the Companies Acts with the registration number 05190452.
8. A company formed and registered under the Companies Acts with the registration number 02739706.
9. A company formed and registered under the Companies Acts with the registration number 06429016.
10. A company formed and registered under the Companies Acts with the registration number 02117828.
11. A company formed and registered under the Companies Acts with the registration number 07144771.
12. Words revoked by Building Regulations &c. (Amendment) (Wales) Regulations 2016/611 reg.2(22) (June 17, 2016)
13. A company formed and registered under the Companies Acts with the registration number 02110046.
14. A company formed and registered under the Companies Acts with the registration number 03058561. SI 2010/2214 Page 177
15. A company formed and registered under the Companies Acts with the registration number 04029350.
16. OJ No. L 140, 5.6.2009, p. 16, Article 2.
17. A company formed and registered under the Companies Acts with the registration number 02591364.
18. A company formed and registered under the Companies Acts with the registration number 03044131.
19. A company formed and registered under the Companies Acts with the registration number 00878293.

Notes

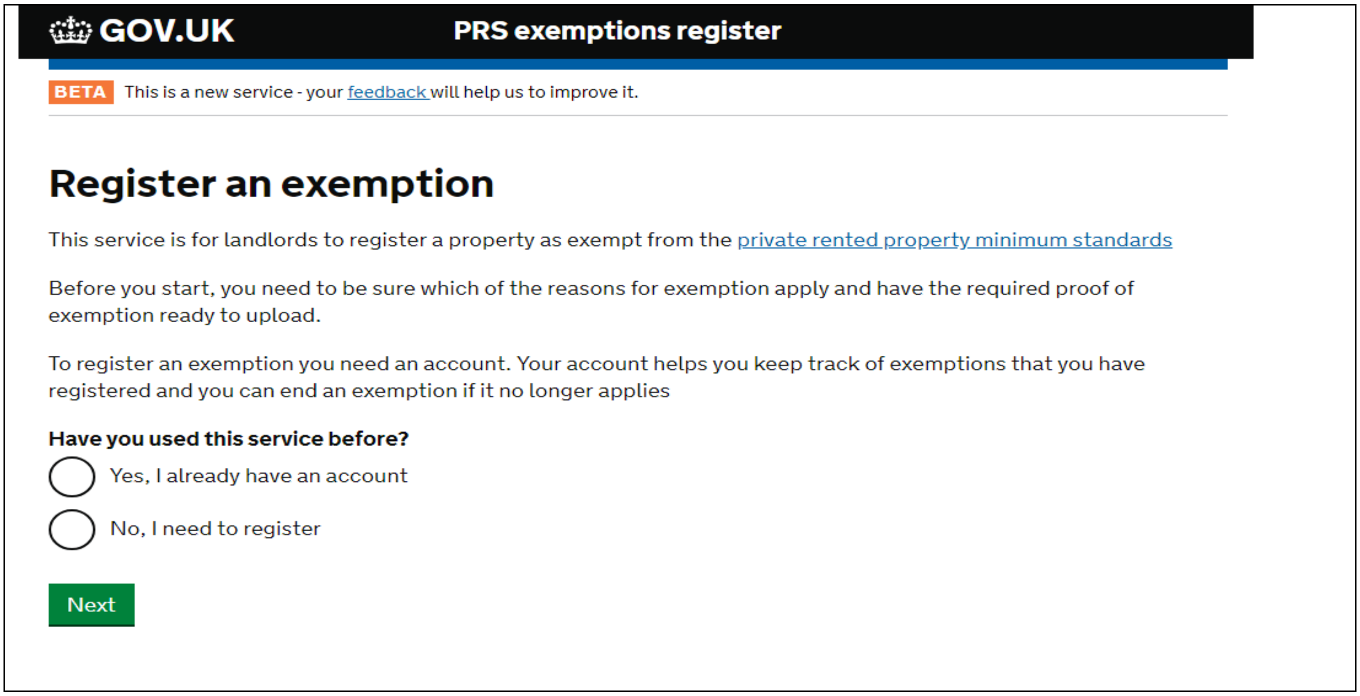
20. Table substituted by Building Regulations &c. (Amendment) Regulations 2015/767 Sch.1 para.1 (April 18, 2015)

21. A company formed and registered under the Companies Acts (as defined in section 2 of the Companies Act 2006, c.46) with the registration number 02876277.
22. A company formed and registered under the Companies Acts with the registration number 05182566.
23. A company formed and registered under the Companies Acts with the registration number 03712932.
24. A limited liability partnership formed and registered under the Limited Liability Partnerships Act 2000 (c.12) with the registration number OC379918.
25. Words revoked by Building Regulations &c. (Amendment) Regulations 2016/285 reg.2(19)(a) (April 6, 2016)
26. A company formed and registered under the Companies Acts with the registration number 05190452.
27. A company formed and registered under the Companies Acts with the registration number 02739706.
28. A company formed and registered under the Companies Acts with the registration number 06429016.
29. Words revoked by Building Regulations &c. (Amendment) Regulations 2016/285 reg.2(19)(b) (May 1, 2016)
30. A company formed and registered under the Companies Acts with the registration number 02110046.
31. A company formed and registered under the Companies Acts with the registration number 03058561.
32. A company formed and registered under the Companies Acts with the registration number 04029350.
33. OJ No L218, 5.6.2009, p.16, Article 2.
34. A company formed and registered under the Companies Acts with the registration number 02591364.
35. Word revoked by Building Regulations &c. (Amendment) Regulations 2016/285 reg.2(19)(c) (April 6, 2016)
36. A company formed and registered under the Companies Acts with the registration number 03044131.
37. A company formed and registered under the Companies Acts with the registration number 00878293.

Appendix F

Exemptions Register Screenshots

Account Registration


GOV.UK PRS exemptions register

BETA This is a new service - your feedback will help us to improve it.

Register an exemption

This service is for landlords to register a property as exempt from the private rented property minimum standards

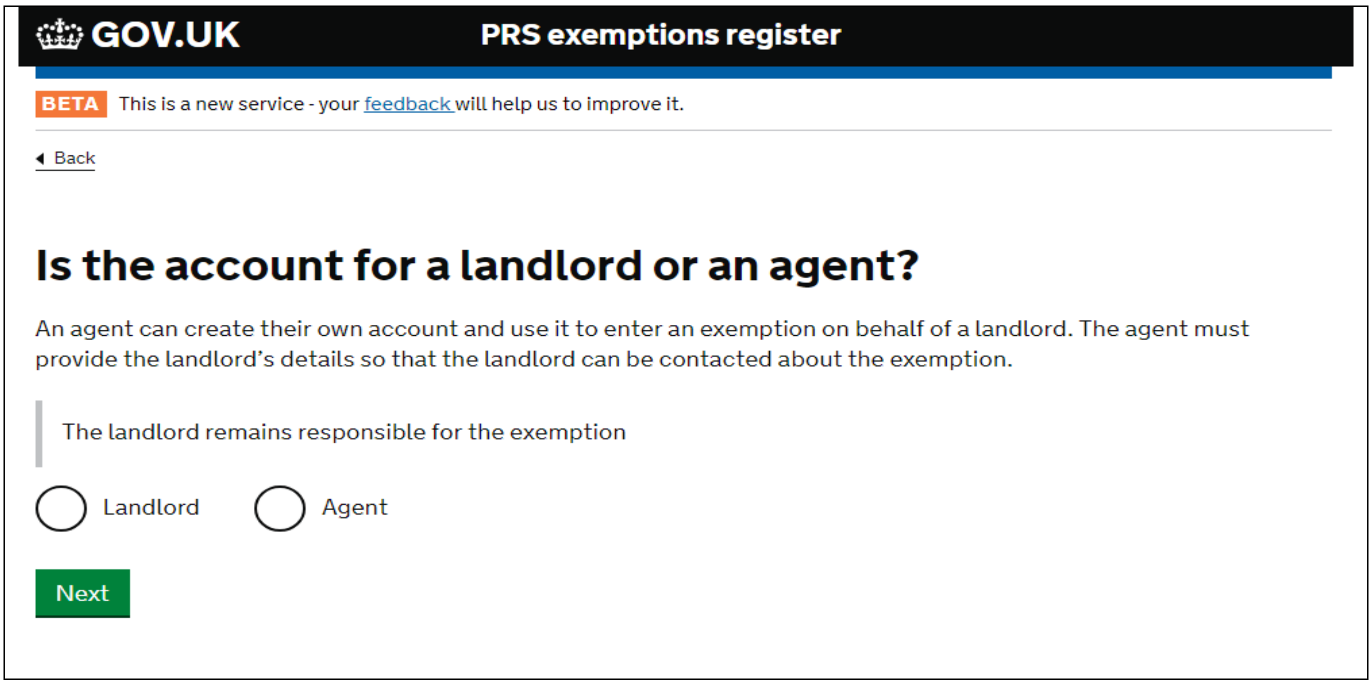
Before you start, you need to be sure which of the reasons for exemption apply and have the required proof of exemption ready to upload.

To register an exemption you need an account. Your account helps you keep track of exemptions that you have registered and you can end an exemption if it no longer applies

Have you used this service before?

- Yes, I already have an account
- No, I need to register

Next


GOV.UK PRS exemptions register

BETA This is a new service - your feedback will help us to improve it.

Back

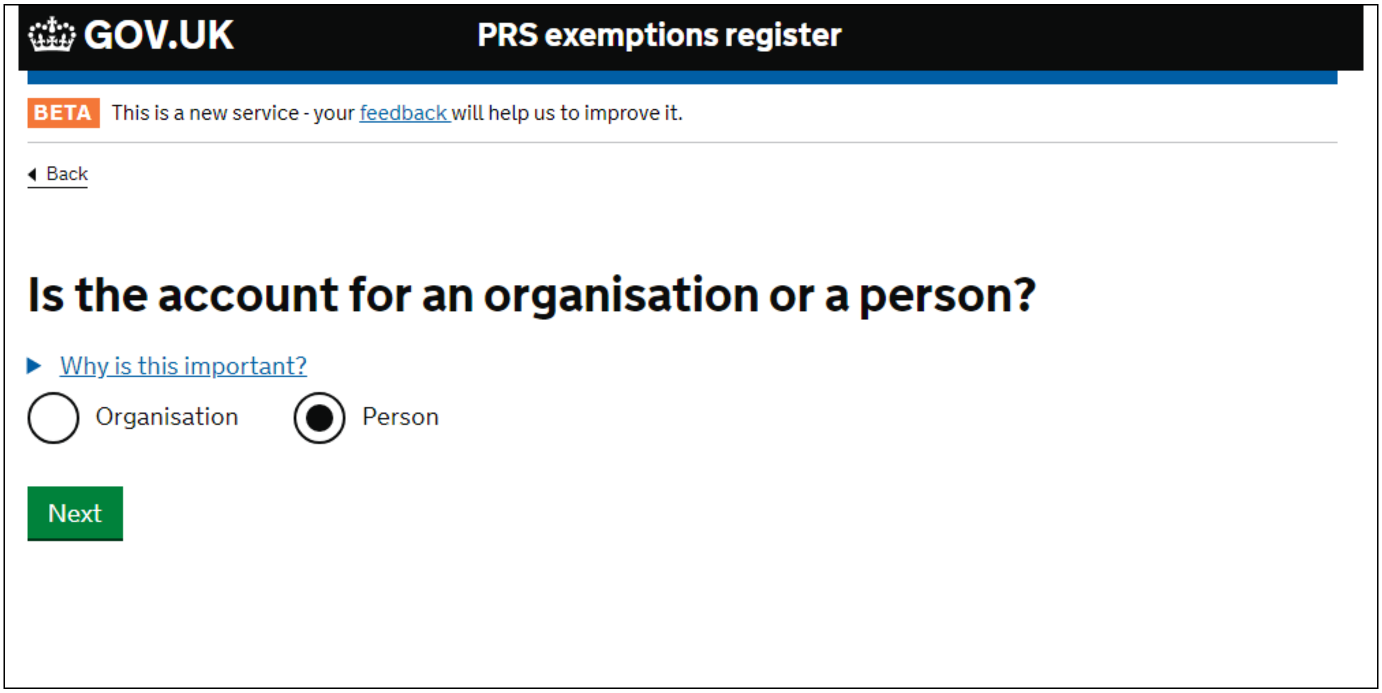
Is the account for a landlord or an agent?

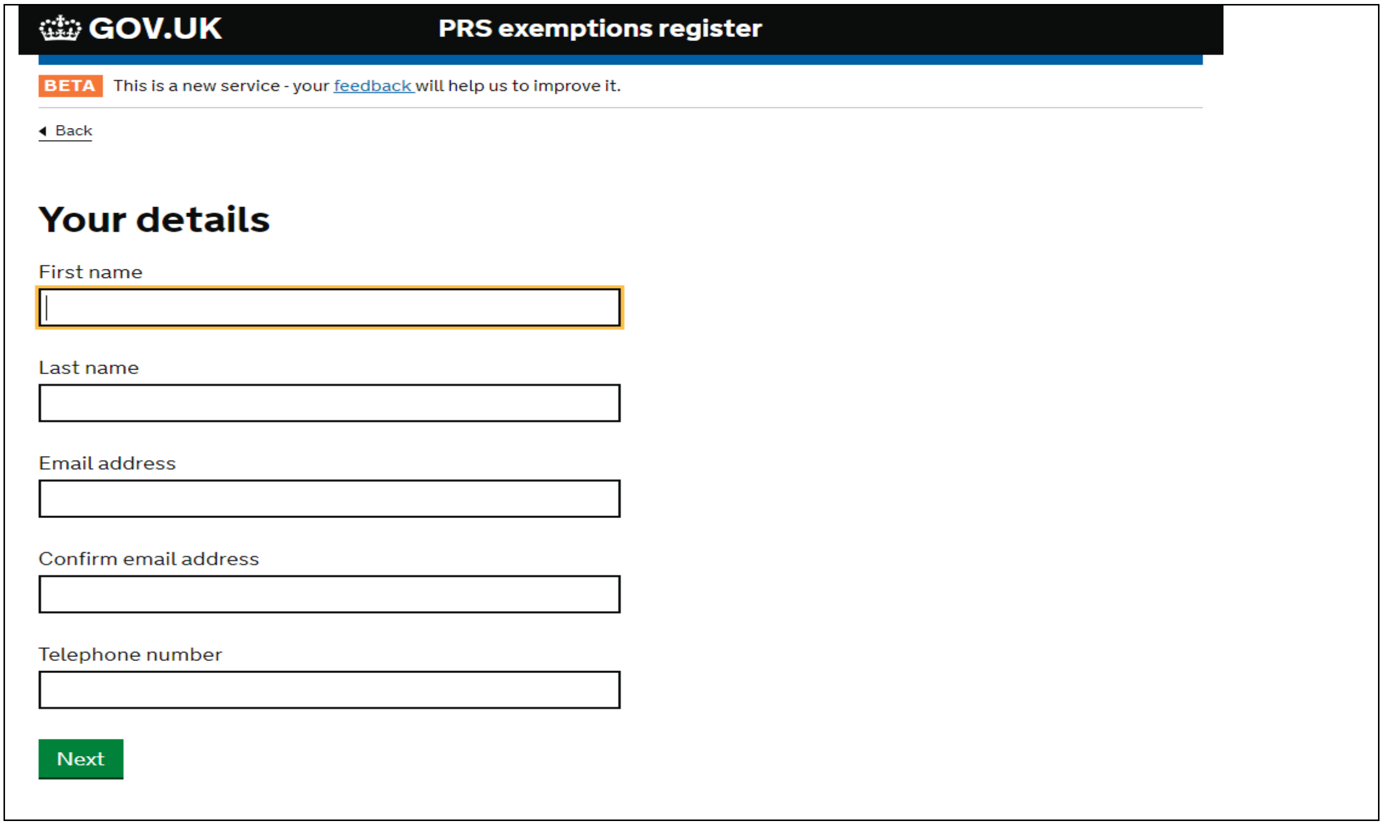
An agent can create their own account and use it to enter an exemption on behalf of a landlord. The agent must provide the landlord's details so that the landlord can be contacted about the exemption.

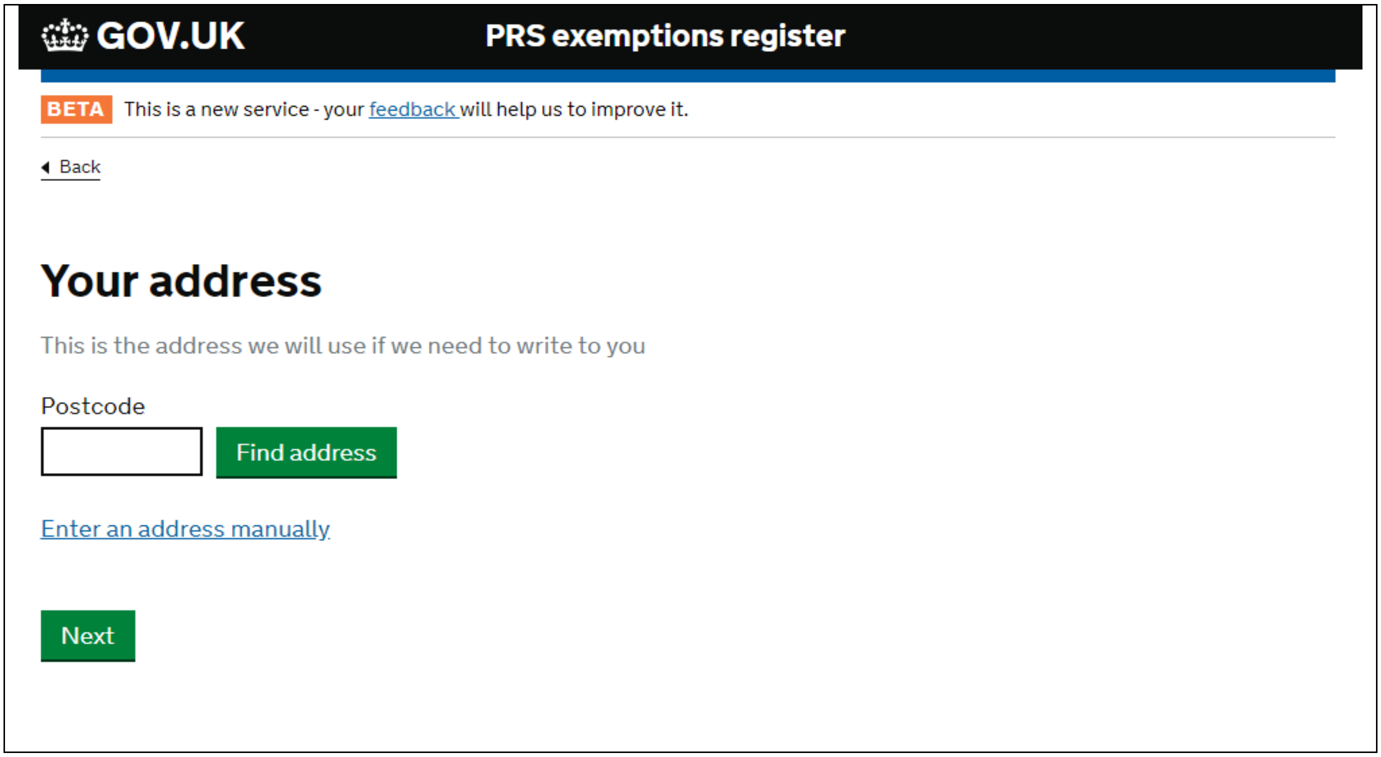
The landlord remains responsible for the exemption

- Landlord
- Agent

Next


GOV.UK
PRS exemptions register
BETA
This is a new service - your feedback will help us to improve it.
Back
Is the account for an organisation or a person?
Why is this important?
Organisation
Person
Next


GOV.UK
PRS exemptions register
BETA
This is a new service - your feedback will help us to improve it.
Back
Your details
First name
Last name
Email address
Confirm email address
Telephone number
Next



GOV.UK PRS exemptions register

BETA This is a new service - your feedback will help us to improve it.

Back

Your address

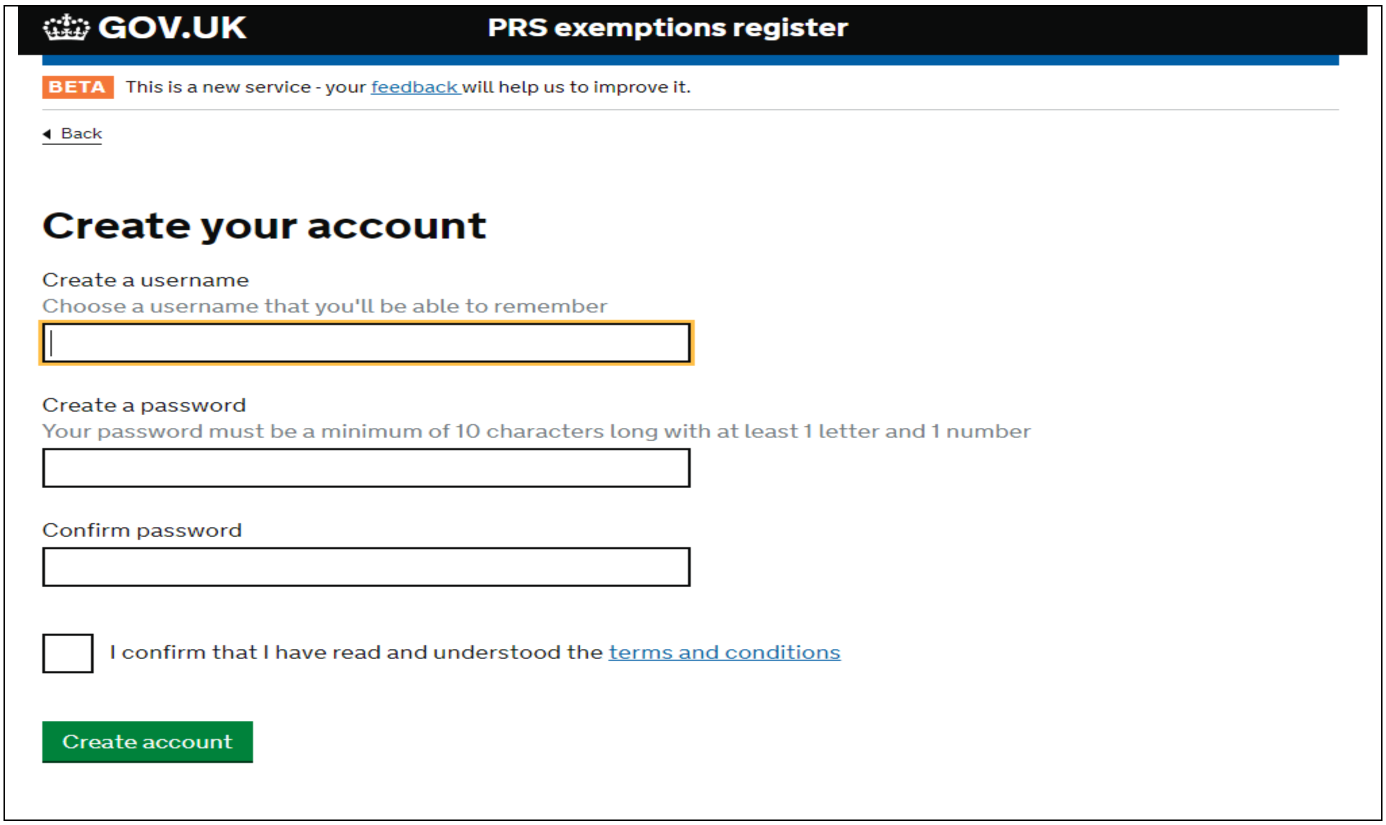
This is the address we will use if we need to write to you

Postcode

Find address

Enter an address manually

Next



GOV.UK PRS exemptions register

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Back

Create your account

Create a username

Choose a username that you'll be able to remember

Create a password

Your password must be a minimum of 10 characters long with at least 1 letter and 1 number

Confirm password

I confirm that I have read and understood the terms and conditions

Create account

GOV.UK PRS exemptions register

BETA This is a new service - your feedback will help us to improve it.

Account created

You need to activate your account before you can use it.

We have sent you an email with the information that you need to do this.

Account activation e-mail

From: noreply@northgateps.com <noreply@northgateps.com>
Sent:
To:
Subject: Account activation

GOV.UK PRS exemptions register

Thank-you for creating an account for the PRS exemptions register.

Your account has been created and your username is **Sryman**

You now need to complete your registration and activate your account.

Activate your account

If the link does not work, copy the text below and paste it into the address bar of your web browser. This will take you to the account activation page.

https://prsregisteruat.beis.gov.uk/NdsBeisUi/account-activation?tenant=BEIS

Next, copy the reference below and paste it into the box on the account activation page.

U3J5bWFu-6a733264-07f4-42a0-a3bb-510a9ee95bd2-1552234489895

This email is only valid for 24 hours from the time that you first registered. If you don't activate your account in that time you can get a new activation email using the 'Forgotten password' option.

Please note that terms and conditions apply to your account.

This email was sent from the PRS exemptions register.

GOV.UK PRS exemptions register

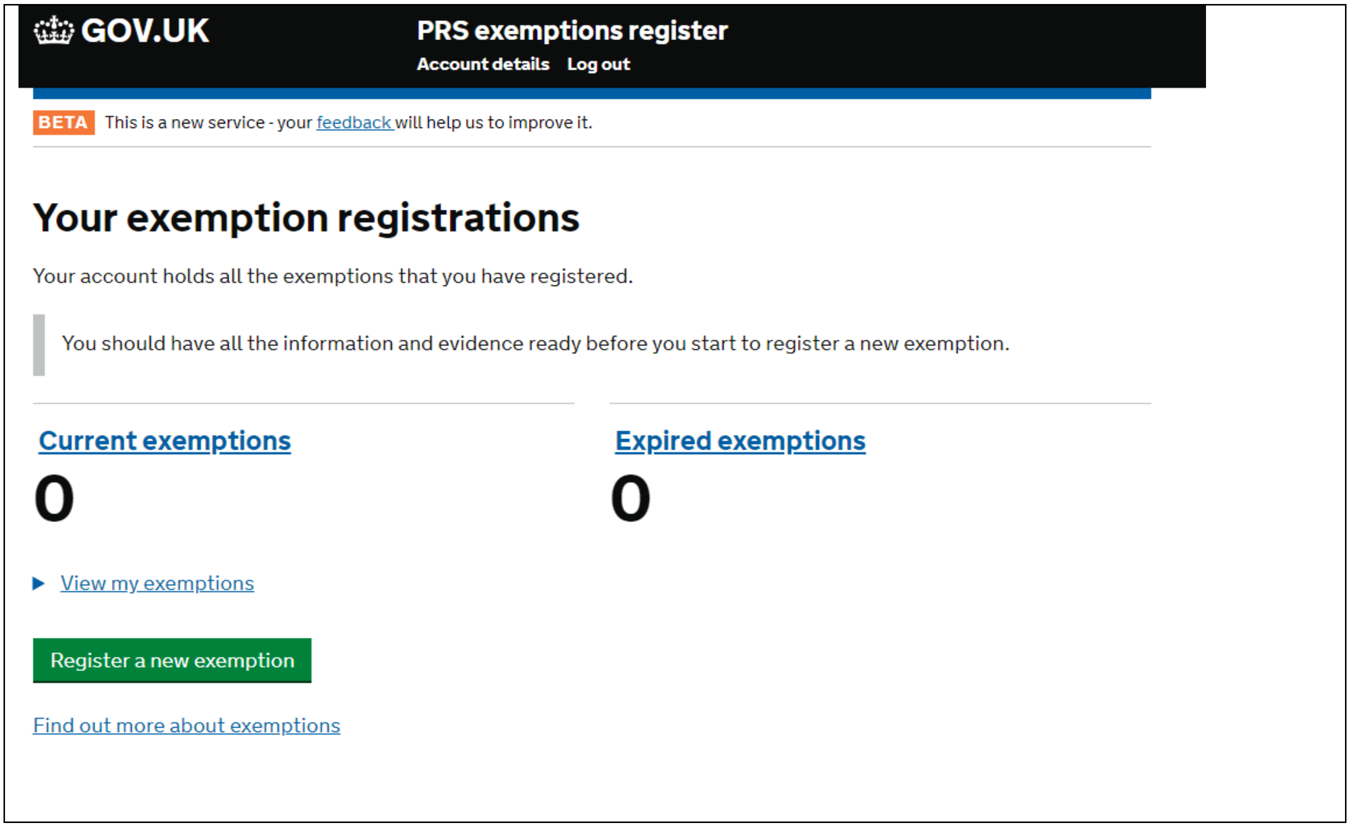
BETA This is a new service - your feedback will help us to improve it.

Account activation complete

Your account has been activated.

Sign in

Account Dashboard


GOV.UK
PRS exemptions register
Account details Log out
BETA This is a new service - your feedback will help us to improve it.

Your exemption registrations

Your account holds all the exemptions that you have registered.

You should have all the information and evidence ready before you start to register a new exemption.

Current exemptions
0

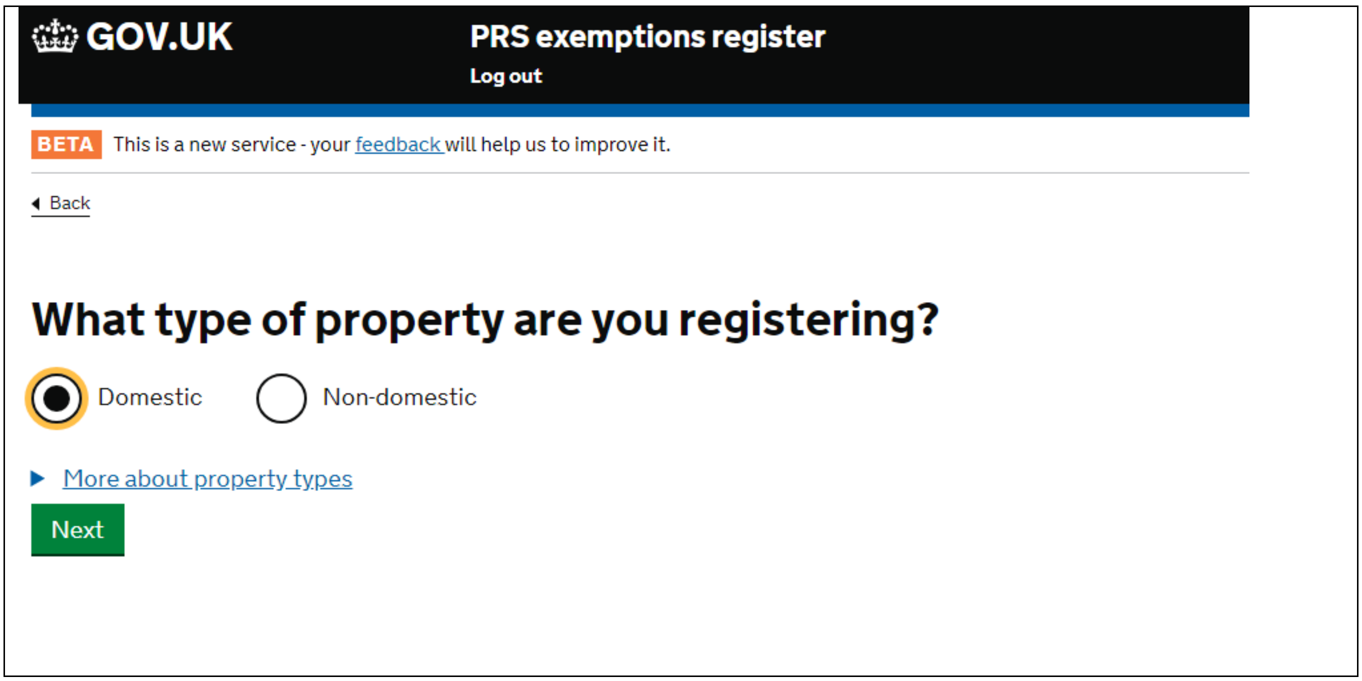
Expired exemptions
0

View my exemptions

Register a new exemption

Find out more about exemptions

Registering an exemption


GOV.UK
PRS exemptions register
Log out
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Back

What type of property are you registering?

Domestic
Non-domestic

More about property types

Next

GOV.UK PRS exemptions register

Log out

BETA This is a new service - your feedback will help us to improve it.

Back

What type of exemption are you registering?

You must select the one that is most relevant

- The installation of specific energy efficiency measures will devalue the property by more than 5%
  This is regulation 32
- The cost of the cheapest recommended energy efficiency improvement exceeds £3,500. This is regulation 24 (amended)
- All relevant improvements have been made (or there are none which can be made) and the property remains below an E
  This is regulation 25
- You have recently become a landlord under circumstances that qualify the property for an exemption
  This is regulation 33
- Consent to an energy efficiency improvement was refused or made subject to unreasonable conditions
  This is regulation 31
- A recommended wall insulation measure would have a negative impact on the building
  This is regulation 24

Next

GOV.UK PRS exemptions register

Log out

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Back

Address

Enter the address of the property the exemption applies to

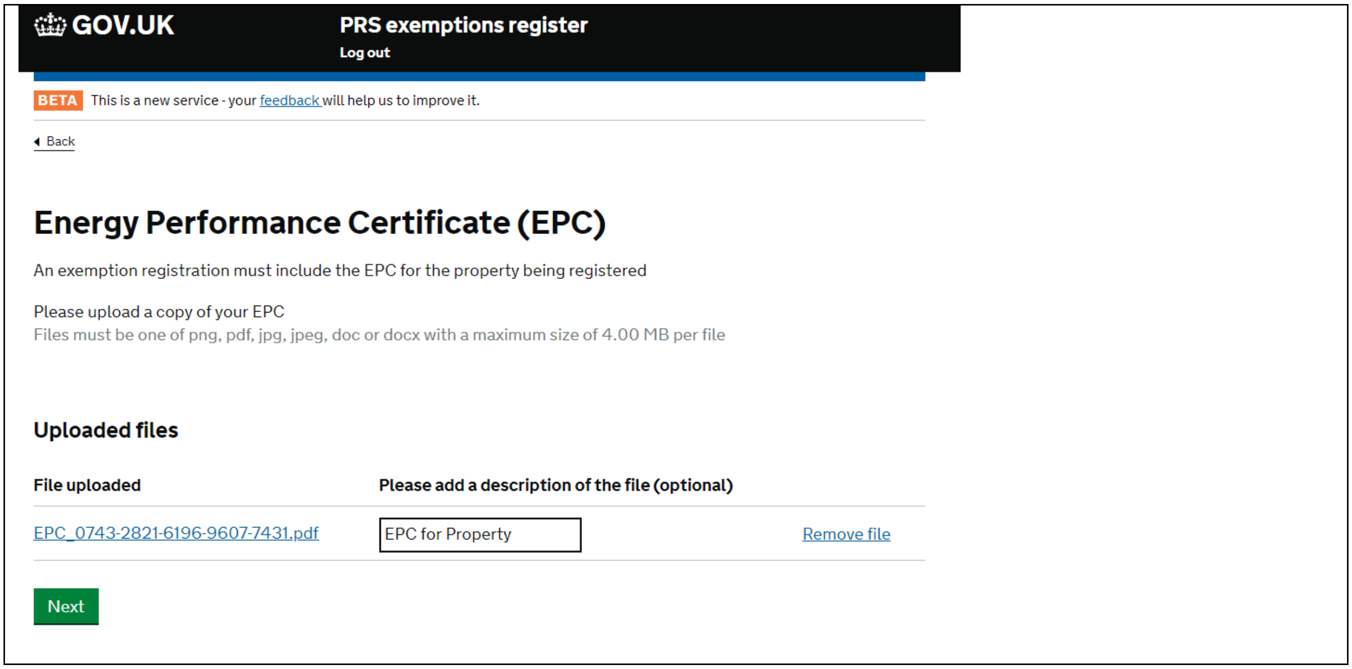
Postcode

Find address

Enter an address manually

Next

EPC Upload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Energy Performance Certificate (EPC)

An exemption registration must include the EPC for the property being registered

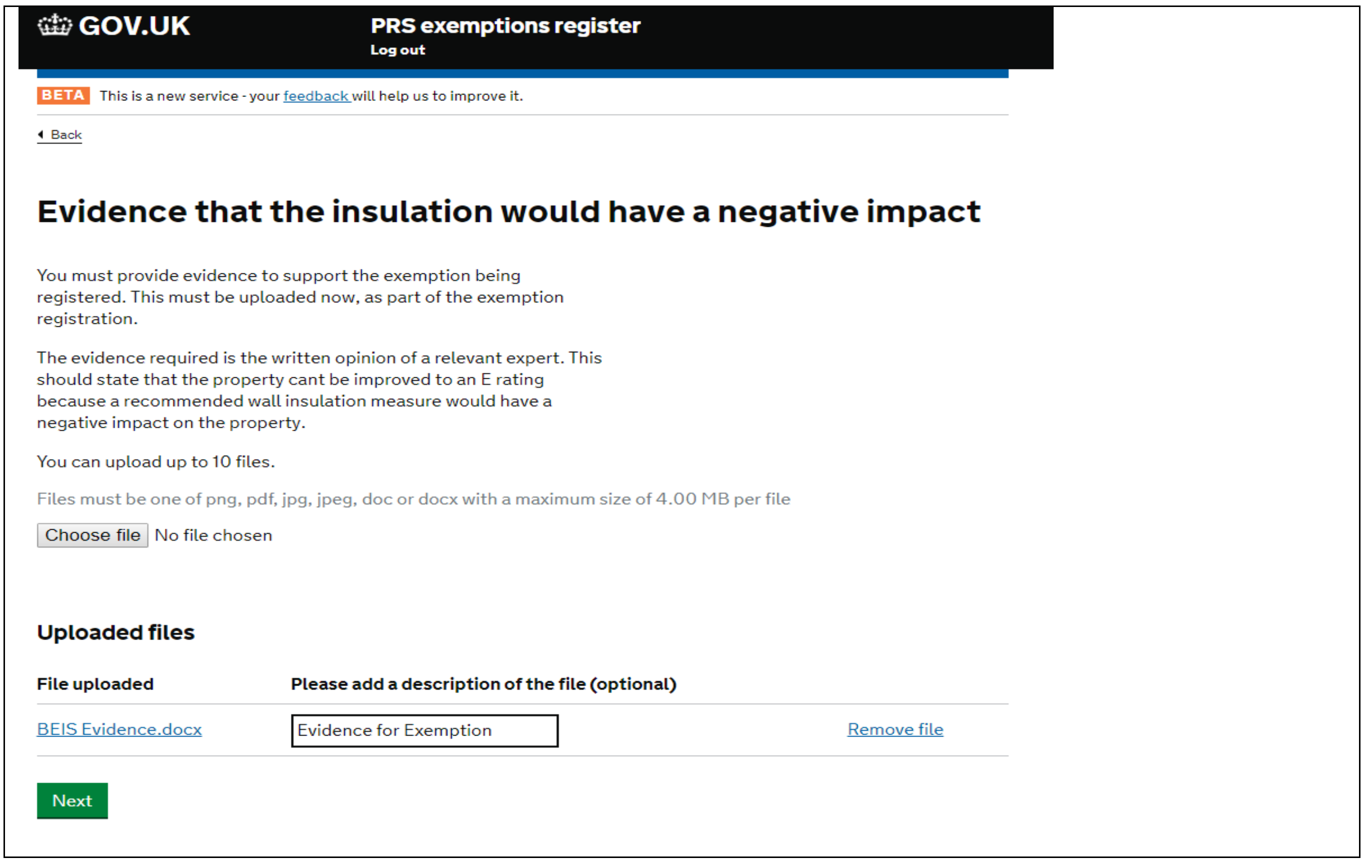
Please upload a copy of your EPC
Files must be one of png, pdf, jpg, jpeg, doc or docx with a maximum size of 4.00 MB per file

Uploaded files

File uploaded	Please add a description of the file (optional)	
EPC_0743-2821-6196-9607-7431.pdf	EPC for Property	Remove file

Next

Evidence upload (note that other exemption types have different evidence requirements)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Evidence that the insulation would have a negative impact

You must provide evidence to support the exemption being registered. This must be uploaded now, as part of the exemption registration.

The evidence required is the written opinion of a relevant expert. This should state that the property cant be improved to an E rating because a recommended wall insulation measure would have a negative impact on the property.

You can upload up to 10 files.

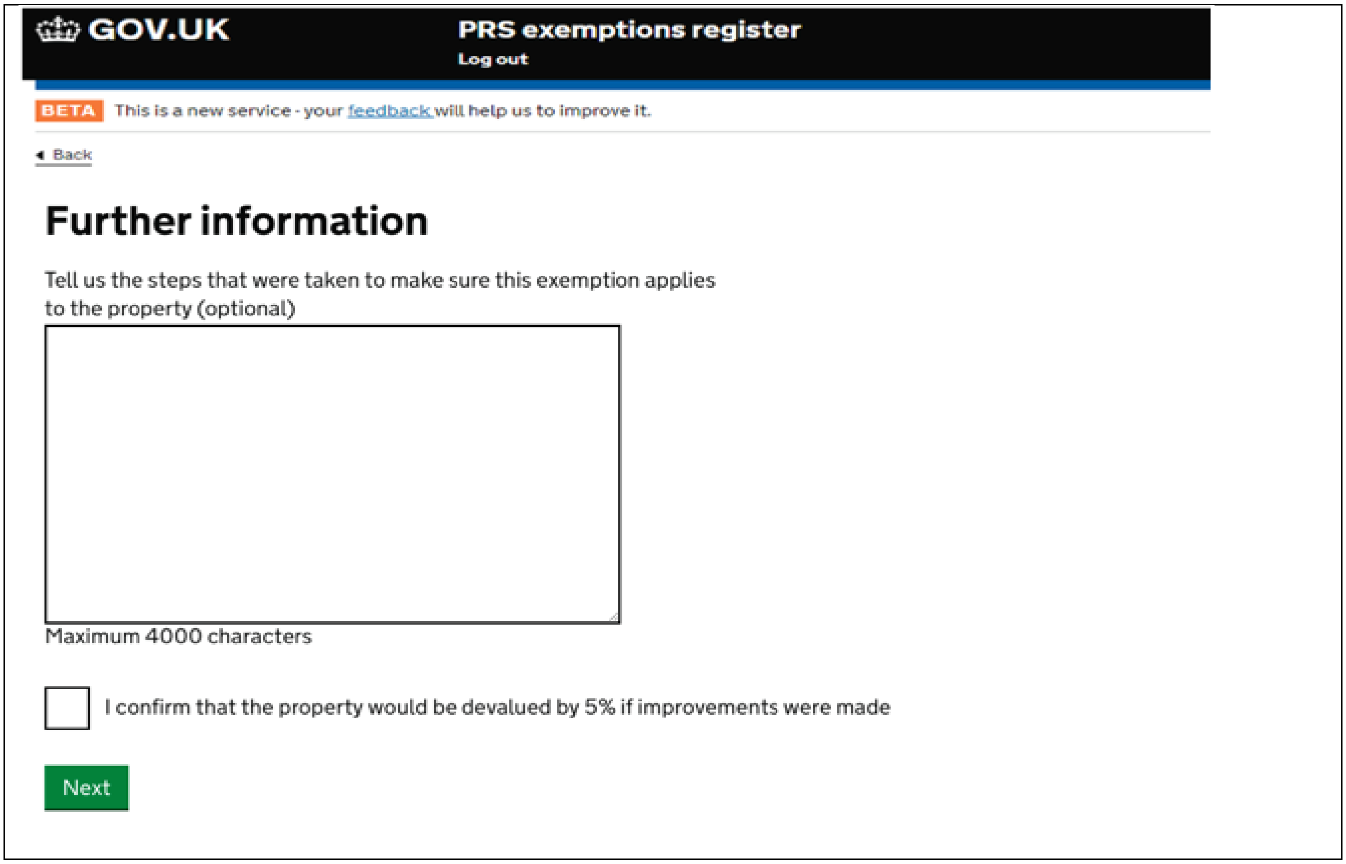
Files must be one of png, pdf, jpg, jpeg, doc or docx with a maximum size of 4.00 MB per file

Choose file No file chosen

Uploaded files

File uploaded	Please add a description of the file (optional)	
BEIS Evidence.docx	Evidence for Exemption	Remove file

Next



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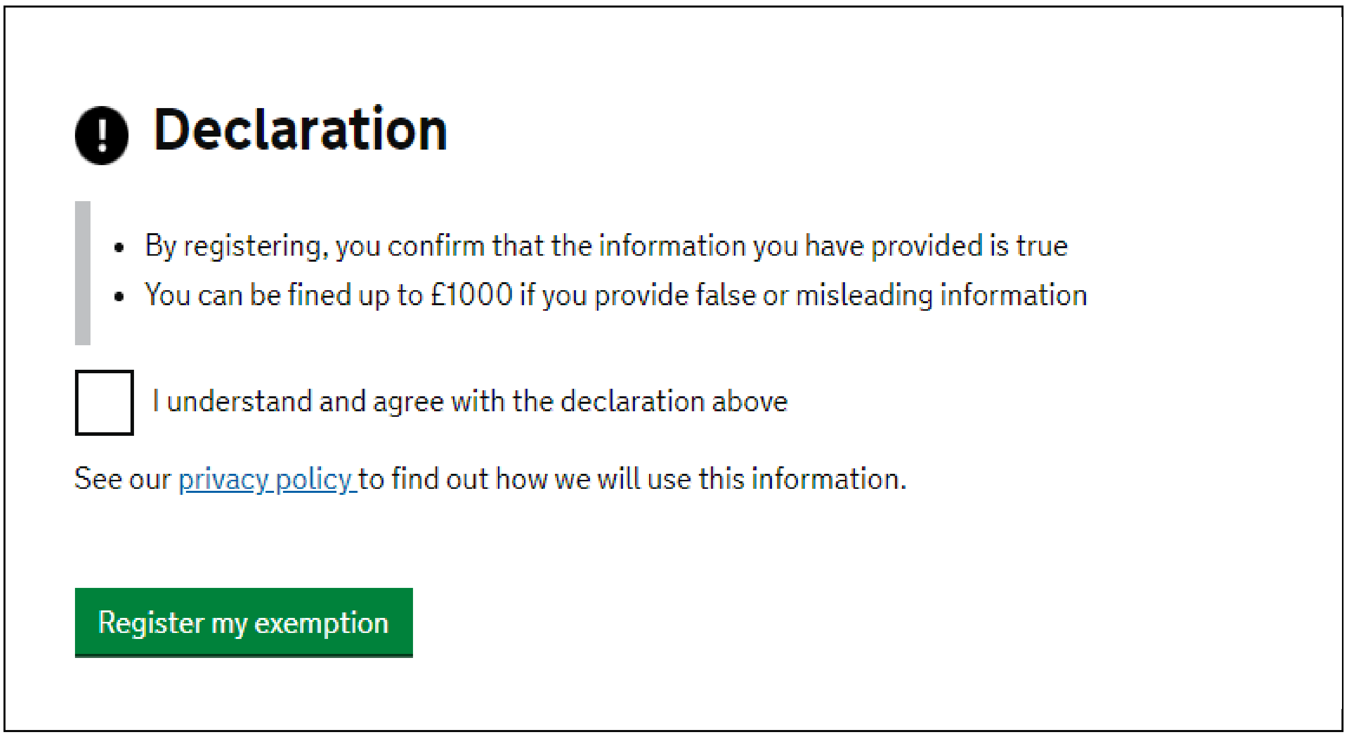
Further information

Tell us the steps that were taken to make sure this exemption applies to the property (optional)

Maximum 4000 characters

I confirm that the property would be devalued by 5% if improvements were made

Next



Declaration

- By registering, you confirm that the information you have provided is true
- You can be fined up to £1000 if you provide false or misleading information

I understand and agree with the declaration above

See our privacy policy to find out how we will use this information.

Register my exemption

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Exemption registered

Your reference number is
BEIS00009793GBBBJ

We have sent you a confirmation email.

What happens next?

Your exemption details and evidence have been submitted to the local authority whose area the exempt property is in.

The local authority will contact you if they need any more information or proof.

View my exemptions

Print exemption evidence summary

Exemption confirmation e-mail

From: noreply@northgateps.com <noreply@northgateps.com>
Sent:
To:
Subject: Exemption registration

GOV.UK PRS exemptions register

Your exemption has been registered successfully.

The cost of the cheapest recommended energy efficiency improvement exceeds £3,500. This is regulation 24 (amended)

The exemption reference is BEIS000XXXXXXXXXXXX

As this is a self-certification register, you do not need to do anything else, and now you can rely on your registered exemption to let your property.

The Enforcing Authority will not contact you to validate this exemption and will only contact you if they have a query about the information you have registered.

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Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Persona Care and Support Limited – Contract Renewal 1st April 2021 to 31st March 2031
Report by:	Cllr Andrea Simpson, Cabinet Member for Health and Wellbeing
Decision Type:	Key Decision
Ward(s) to which report relates	All

Executive Summary:

The purpose of this report is to outline the proposal to renew the contract between Bury Council and Persona Care and Support Limited from 1st April 2021 for a 10-year tenure until 31st March 2031.

Recommendation(s)

That:

- Cabinet approve the renewal of the contract between Bury Council and Persona Care and Support Limited for a period of 10 years commencing on 1st April 2021.
- Note the report was presented to Strategic Commissioning Board on 1st March 2021 and the progression to Cabinet for decision was approved.
- Note the report was presented to Health Scrutiny on 2nd March 2021 and the progression to Cabinet for decision was approved

Key considerations

1. Introduction

1.1 The purpose of this report is to outline the proposal to renew the contract between Bury Council and Persona Care and Support Limited. The main objective is to deliver an outcome based 10 year contract from 1st April 2021. This will set out the status of existing services provided by Persona and alongside our Innovation and Savings programme for 2021-2023 will capture our future ambition to innovate service delivery, ensure value for money and meet the changing needs of the partners and customers.

2. Background

2.1 Persona Care and Support Limited (Persona) was incorporated as a private limited company on 10th August 2015 and officially 'stepped out' of the Local Authority on 1st October 2015 as Bury Council's arms-length trading company or Local Authority Trading Company (LATCo). Persona provides a range of adult social care services, some of which were previously in-house services of the Council, to people who are vulnerable due to age or disability. These include; Day services, Short Stay Services; Supported Living Services; Extra Care and Shared Lives.

2.2 Work has been ongoing between Persona and the Council and with the onset of Covid-19, the partners have come together in more innovative ways to manage the pandemic and meet the challenges faced. This has meant working in different ways and the positive outcome of this has realised a shared approach to change, develop and innovate services. What has emerged is a changing relationship and opportunities which we want to build upon for the future.

3. Interim Partnership Agreement

3.1 In July 2020 we set out this new approach in an Interim Partnership Agreement which described the nature of the relationship between Persona and the Council. It provided a framework within which both parties could address strategic issues of mutual interest and set out our shared ambition, agreed concept of engagement and key objectives, describing both partner's shared values and strategic principles for effective joint working.

3.2 The agreement reflected a strong commitment to the Strategic Partnership of Council and Persona and a common purpose. It outlined the approach of how we would work together to promote effective partnership working on the review and refresh of a sustainable contract with a 10-year ambition and with sufficient flexibility to be both strategic and tactical, developing and responding to local needs and changes in our economy.

4. Future Vision

4.1. The main objective is to deliver an outcome based 10-year contract commencing on April 1st 2021. This will set out the status of existing services provided by Persona and alongside our Innovation and Savings programme for 2021-2023 will capture our future ambition to innovate service delivery and meet the changing needs of the partners and customers.

4.2. The benefit of this approach will give the Council, Persona and our wider partners a more sustainable commissioning platform on which to develop new and innovative services, sustain a quality and committed workforce and allow opportunities for external funding, broader business development and build on community assets, realising social value, which in turn will benefit the customers and the people of Bury.

4.3. The Contract will be flexible enough to allow for national policy change which may result in local changes in direction and/or financial restrictions that may be required in response to any such change. Together we need to be able to demonstrate value for money, quality of provision and continuous development and innovation. The overarching principles in the agreement between partners will minimise any emerging risks and provide reassurance to all parties.

4.4. The partnership with Persona is crucial in supporting the recovery from Covid 19 over the next 6 months – building services back better. The contract also provides a solid platform to fully contribute to The Bury Let’s Do It strategy and will support the vision clearly set out on the need to work across a neighbourhood team footprint, generating thriving places and creative ideas, putting our communities, people and customers at the heart of what we do.

4.5 The partnership with Persona is also crucial in realising and exemplifying core elements of the transformation of the way in which we social care is delivered - recognising people as experts in their own lives and conditions, seeing people as assets and enabling them to reach their own potential, focussing on ‘what matters to you’ and helping connect people into their community (formal and non-formal services).

4.6 The role of Persona as a strategic partner in the market, co-designing, exemplifying and driving the type of reforms described, such as asset-based commissioning, deployment of new technology, all age perspective and neighbourhood focused is a significant benefit to the Council and wider system partners. Having Persona as a strategic partner is in part an ability to test, demonstrate and embed reformed practice that can positively influence the rest of the provider market in Bury. The 10-year approach allows us to build upon the strategic partnership with confidence.

4.7. Persona is well placed with a physical footprint in four of the five Bury neighbourhoods. With established and developing links with other local services in each of those areas, this will foster a different approach to the way we work: developing 'step up' 'step down' services, looking at how alternative community support services can complement the Persona delivery offer and working collaboratively to deliver differently. In addition, Persona are working with the Council to consider the current gaps in service provision, in particular supporting more complex individuals who otherwise would go out of our borough to be supported.

4.8. A piece of work to review the skills required at Persona Board in light of the future direction of travel is currently underway. This will provide the opportunity to ensure that future Persona Board members are selected based on their experience and skill set to support the next phase of the journey. Key skills around health and social care integration, partnership development and neighbourhood working will be of increased importance.

5. 10 Year Contract

5.1. A 10-year partnership agreement will bring about an opportunistic change in the way we work together, moving away from being service specific and counting activity and instead moving towards developing an outcome based, flexible collaboration which is person centred and innovative in its approach, fostering continuous development and learning.

5.2. The contract will set out clear outputs, measures and accountability and provide stability to Persona, enabling them to explore other business opportunities, which over time will reduce the reliance on Council funding. We will together agree enough flexibility in the contract to respond to the changing landscape and build an environment for Persona to mobilise resources as they see fit to manage demand and move funds/assets around within the block contract to deliver the right care and support, at the right time and in the right place.

5.3 In addition, it is also envisaged that Persona will retain the status of provider of 'first choice and last resort', which in cases of emergency or market failure will allow the Council to fulfil its statutory duty of care.

5.4 The contract value will be reviewed and set annually taking into account outcomes, performance, demand management and any further savings pressures on the Council. The contract value will be reduced by £1million for the financial year 2021/22 and a further £1.5million for the financial year 2022/23.

5.5 The contract reduction for Persona equates to just over 20% of the overall budget. Reducing the contract value will be enabled by transforming services and developing new ways of working to realise efficiencies, and in some cases it will mean the potential reduction or closure of services. This will impact on customers and staff, however every possible action will be taken to minimise this impact. Due process will be followed ensuring customers and staff are appropriately engaged and consulted with. The proposals will go out to public consultation to understand the views of those people who may be impacted both now and in the future. The ten year contract will help Persona develop new business opportunities which could help to reduce any staff impacts.

6. Innovation and Savings

6.1. The partners acknowledge that as with all commissioned services we will need to ensure value for money and demonstrate innovation and efficiencies through smarter ways of working and service delivery, in line with the Council's overall savings programme. Persona, in partnership with the Council, have already identified key areas for savings for 2021-2023 and we are confident through our collaboration that savings will be realised and will be enabled through new and smarter ways of working. The new relationship has strengthened the savings conversation and on an annual basis, specific innovation and savings will continue to be identified in line with the Council savings requirement.

6.2. Innovation and savings will continue to be delivered in a number of ways, such as cost avoidance as we develop new ways of working. An example of this would be avoiding individuals transitioning from Children's to Adult services and being placed out of borough due to a lack of appropriate local provision. We could avoid this together by looking flexibly at the needs of the customer and the gap in current local provision i.e. too complex/challenging behaviours and determine ways in which we can bridge this gap enabling more customers to be supported locally by Persona.

6.3. There may also be cost efficiencies delivered in other services rather than directly in Persona's baseline, however still as a by-product of the repurposed Persona work. For instance, innovating prevention and early intervention into the model, developing Dementia and LD hubs, linking in with the wider community offer, which may reduce the need for the more specialist and costly frontline services in health and social care.

6.4. In other areas Shared Lives schemes have been proven to be more effective as an alternative to other more costly accommodation-based provision or Supported Living services, minimising voids in accommodation may produce savings in other areas of the Council.

7. Financial implications

7.1 The current Persona contract is in place until March 2021, with a contract value for 2019/2020 of £12,393,408. The 10-year contract would commence on 1st April 2021 to 31st March 2031. The contract value will be reviewed and set annually taking into account outcomes, performance, demand management and any further savings pressures on the Council.

7.2 Innovations and savings between Persona and the Council have already been set for the first two years of the new contract. Year one, 2021/22 will see a reduction in the baseline contract value of £1million and a further £1.5million in year two, 2022/2023. Subsequent years would be subject to an annual review and an agreed efficiency target by the partners.

8. Legal implications

8.1 The benefits to a 10-year contract between the Council and Persona (LATCO) will give the partnership stability and longevity and will be important to deliver the transformation and innovation of provision and enable the efficiencies and savings outlined.

8.2 The contract will have sufficient flexibility to be both strategic and tactical, developing and responding to local needs and changes in national or local policy. It will allow for any changes in our local economy, taking account of financial stability and reform.

8.3 The current contract between the Council and Persona permits either partner to terminate on 12 months' notice without cause. The existing clauses will be retained in the new 10-year contract, this is a positive provision for both parties as opposed to other more rigid terms such as a 6 year, plus 2 year, plus 2 year contract which provides a long initial period that does not allow for annual changes or early termination.

8.4 The contract value over the 10-year period would be over £100million subject to agreeing a year on year baseline. Under the LATCO/*Teckal* exemption the Council can go directly to Persona to provide services. Persona is a company wholly owned by the Council over which the Council has retained extensive management controls as sole shareholder under its Articles of Association.

8.5 The 10-year contract would be subject to an annual review to determine the value of the contract each year. Any material changes to the specification of services or intention to decommission a specific service would be subject to agreement by both parties and varied under an existing clause (53).

9 Actions Required

- Approve the proposal to renew the contract between Bury Council and Persona Care and Support Limited commencing on 1st April 2021 for a period of 10 years until 31st March 2031.

- Note the report was presented to Strategic Commissioning Board on 1st March 2021 and the progression to Cabinet for decision was approved.

- Note the report was presented to Health Scrutiny Committee on 2nd March 2021 and the progression to Cabinet for decision was approved.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
>
> (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and *demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services*.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
Initial EA outcomes, The proposals to renew a contract with our Local Authority Trading Company focused on providing high quality care aligns to the Health and Wellbeing strategy and the Locality Plan. The proposals align to the commissioning strategy, as the main objective is to deliver an 'outcomes' focused contract. Supporting the future ambition to innovate service delivery and meet the changing needs of partners and customers. The benefit of this approach will give the Council, Persona and our wider partners a more sustainable commissioning platform on which to develop new and innovative services, sustain a quality and committed workforce and allow opportunities for external funding, broader business development and build on community assets, realising social value, which in turn will benefit the customers and the people of Bury whilst delivering value for money. Persona like any care provider in Bury are focused on delivering the best quality care and support to those who need it. This is based on a person's needs and aspirations, putting the person at the heart of delivery is important to Persona. Also working across the neighbourhood footprint and where possible linking in to community groups to help support and develop communities in order to reduce health inequalities is important to Persona.	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	**Mitigation**
Being out of contract with our LATCo, Persona Care and Support Limited.	

Consultation:

Legal Implications:

The legal implications are set out in the report.

Financial Implications:

The financial implications are set out in the report.

Report Author and Contact Details:
Julie Gonda, Director of Community Commissioning

Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
LATCO	Local Authority Trading Company

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Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	NHS White Paper – Integration and Innovation: working together to improve health and social care for all – February 2021
Report by:	Cllr Simpson – Executive Member Health and Wellbeing
Decision Type:	Non-Key Decision
Ward(s) to which report relates	All

Executive Summary:

On February 11th, 2021 the Government published draft legislative proposals for a new health and care bill. The White paper – "Integration and Innovation: Working together to improve health and social care for all" – describes an intent to create opportunities for strengthened collaboration and integration within the NHS, and between the NHS and local government. The White paper reflects many of the objectives and working relationship in place across Greater Manchester and in Bury. However, the paper also changes elements of NHS structure, including the replacement of CCGs with "Integrated Care Systems" (ICSs) which for us would be Greater Manchester.

This paper provides an overview of the white paper, the connection to the strategic intent and delivery in Bury and across Greater Manchester, the issues of concern with the restructure across Greater Manchester, and a framework for a transition subject to the passage of the legislation

Recommendation(s)

That the Cabinet

1) Note the update on the NHS White Paper 2021

2) Recognise the ambition to ensure new governance arrangements allow the continuation of the transformation journey described in the Bury Locality Plan
3) Support the new partnership arrangements under development
4) Note the content of the transition programme to be managed through the Bury System Board
5) Recognise the areas of concern around the governance of the GM ICS if it is to support the direction described

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Community impact/links with Community Strategy

The objectives of the Locality Plan – the strategy for the transformation of the health and care system in Bury – align fully with 'Let's Do it'.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
>
> (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
This paper is provided for information in relation to the local implications of potential forthcoming legislation – which itself will be subject to an equality impact assessment. Further work will on an equality impact assessment will be undertaken when further clarity on the legislation is provided.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Report is for information	.

Legal Implications:

The proposals referred to in the report identify a number of changes, particularly in relation to the current structures, delegations and therefore consequential changes in governance arrangements need to be considered. This will require a review of the current system of decision making and delegations and appropriate legal advice will be required. Consideration will also need to be given as to who facilitates and services the meetings of the proposed boards going forward and any cost/resource implications.

Financial Implications:

This is an update paper and financial implications will be developed as legislation and further guidance becomes clearer.

Report Author and Contact Details:

Will Blandamer – Executive Director, Strategic Commissioning – Health and Care

Background

1. On 11th February 2021 the government produced a white paper on the future of the NHS. The NHS confederation summarised the key points as follows:

    a. The paper signals a step away from the Health and Social Care Act 2012 with a broad move away from competition and internal markets and towards integration and collaboration between services.

    b. Integrated care systems (ICSs) are to be established on a statutory footing through both an `NHS ICS board' (though this will also include representatives from local authorities) and an ICS health and care partnership. The ICS NHS body will be responsible for the day-to-day running of the ICS, NHS planning and allocation decisions. The partnership will bring together the NHS, local government and wider partners such as those in the voluntary sector to address the health, social care and public health needs of their system.

c. A duty to collaborate will be created to promote collaboration across the healthcare, public health and social care system. This will apply to all partners within systems, including local authorities.

d. There will be new powers for the Secretary of State for Health and Social Care over the NHS and other arm's-length bodies (ALBs). Under the proposals, the Secretary of State will be able to intervene in service reconfiguration changes at any point without need for a referral from a local authority.

e. The Department of Health and Social Care will also be able to reconfigure and transfer the functions of arm's-length bodies (including closing them down) without primary legislation.

f. There will be significant changes to procurement. It is proposed that section 75 of the Health and Social Care Act 2012 (including the Procurement, Patient Choice and Competition Regulations 2013) will be repealed and replaced with a new procurement regime.

2. A key change will be that an ICS would take on the commissioning function of Clinical Commissioning Groups (CCGs) and the CCG's Governing Body and 'membership' model would be replaced by a board consisting of representatives from the system partners. For Bury this means that the Greater Manchester ICS will take on the responsibilities of the each of the 10 CCGs in Greater Manchester and they, including Bury CCG, will cease to exist from 1/4/22 (subject to legislation).

Context

3. It is important to root the consideration of the impact of the NHS White Paper in our on-going strategic development plan for health and care in Bury. The Bury Locality plan 2019-2024 described a vision.

- for a step change in the health of the population of the borough,
- for residents and communities to be supported to be connected, well and independent from services if possible,
- for residents to have improved and joined up community-based health and care services connected to primary care,
- for a joined-up approach between the Council and CCG on commissioning services that focus on the individual not the organisations,
- and securing for Bury residents' best outcomes from health and care services.

4. This work was driven both by a shared moral imperative to improve opportunity and outcomes for all residents, and also a belief that financial sustainability of the health and care system was at least in part dependent on reducing unplanned and preventable and reactive health and care system cost. This vision still holds true, and can be supplemented by an appreciation of the key characteristics of any future system we seek to deliver
   - Residents in control of their health and the way services are organised around them

- Population Health and Inequality should be core to our work
- Neighbourhood Working is 'currency of integration' and as a foundation for scaled prevention and early intervention – in health and care, with wider public services, and with communities
- Services delivered closer to home/in home where possible
- Person and Community Centred Care is central to health and care transformation
- Clinical and political leadership should be central – not advising but leading
- Collaboration at a North East Sector and across GM required to transform hospital wide services
- Timely and effective access pathways for more specialist health and care services when required.

5. The Locality Plan pre-dates but is fully in line with "Lets Do it" as the strategy for the borough to 2030. The health and care transformation described in the locality plan – with its focus in local services, on inequality, on integrated services, on strengths-based working, and on partnerships working together differently to support residents and communities – makes a full contribution to Let's Do It.

Progress in developing integrated partnership arrangements in Bury

6. In order to deliver the vision and system characteristics described the partnership arrangements in the Bury health and care system have developed over time to become more collaborative, locally sensitive, and focused. At this point we have:

- Joined up commissioning arrangements between the Council and CCG including the operation of an integrated care fund (pooled, aligned and 'in view'), a joint strategic commissioning board of political and clinical leadership, joint executive level appointments, and the philosophy of a 'one commissioning organisation' with increasingly consistent operating protocols, working arrangements and joined up teams.
- The Bury Local Care Organisation (LCO) – an independently chaired focal point for joined up working arrangements in the provision of community-based health and care. The LCO has a small, dedicated management team and leads on a number of key implementations plans such as Urgent Care reform, and new end of life care pathways The LCO – operating as an alliance of partners - includes representation from key stakeholders including Pennine Acute, Pennine Care, BARDOC, GP Federation, Council, CCG, VCFA, and Persona.
- An increasing focus on neighbourhood working as a unit of delivery and common currency for service design for integrated health and care (through the LCO), the alignment of wider public services, and the role of community and voluntary capacity (e.g., community hubs). In each of 5 integrated neighbourhood teams we have community health staff and adult social care staff working together under single management arrangements – reducing duplication and joining up delivery for patients.

- The establishment of 4 Primary Care Networks, supporting resilience and service delivery for primary care and building maturity and working relationships to respond to national expectations on future role.
- A Health and Wellbeing Board, recently recast as focusing on the wider population health system – working with and challenging partners on the wider determinants of health, on behavioural change, on community connectedness, and on the operating of preventive public services.
- Northern Care Alliance (managing acute hospital services in Salford, Bury, Rochdale and Oldham) (NCA) refocused on a place-based footprint with named senior management and clinical leadership at a 'Care Organisation' for each borough
- Pennine Care Foundation Trust (Mental Health Service Provider) (PCFT) has also introduced a local leadership structure with Bury having a named / dedicated Assistant Director, the NES having a dedicated leadership triumvirate and a dedicated Exec link to Bury
- A whole System Board meeting for key stakeholders in the health and care system, with oversight of the comprehensive health and care recovery and transformation programme.
- System wide enabling programmes reflective of key health and care partners e.g., Strategic Finance Group, Strategic Estates group, and others.
- Bury Voluntary and Community and Faith Alliance (VCFA) as a key partner on System Board, Health and Well Being Board and LCO
- Active partnership with CCGs in the North East Sector of GM
- High quality clinical leadership leading transformation of services and pathways

7. These strengthened partnerships based, and integrated arrangements have made a tangible difference to the way services are delivered, and in the focus on addressing the determinants of poor health and wellbeing. For example
    a. Residents now get care that is more joined up e.g home care by a team not separate service.
    b. Our urgent care system is working well with patients being seen in the most appropriate setting for their condition and spending less time unnecessarily in hospital
    c. Our intermediate care services have worked effectively to provide alternatives to hospital admission and to support improved discharge arrangements

8. In particularly the strength of the partnership working in Bury has been a key factor in the response to the Covid 19 pandemic. We have for example delivered ability of the system to rapid changes to the organisation of community service to protect the hospitals through the first peak, primary care supporting Care Homes, increased but safe discharges and safe control of admissions to help hospitals cope with the Jan / Feb surge and of course all the testing and vaccination programmes delivered by the NHS and Council and with partners such as the VCFA working together seamlessly.

Greater Manchester Context

9. The Greater Manchester Health and Care Partnership review commenced in early autumn and deployed a mixture of independent expertise and reflections from within the partnership. The review sought clarify and support the next iteration of the ambition of 'Taking Charge'. The review identified 8 clear statements of intent:
   - We are part way through a journey we are still committed to.
   - The breadth of our ambition is broad, but our delivery will be focussed on fewer objectives. These will address both the essentials of a high performing system and the unique opportunities which GM can excel at.
   - Our Greater Manchester (GM) model is consistent with the NHS ICS definition and provides us with the structures to ensure that we continue to work in a way that encompasses the widest possible definition of integrated public service delivery
   - We believe there is merit in the establishment of a statutory entity at the GM level to provide a vehicle through which further delegation and devolution can take place
   - We need to ensure that we have a consistent definition of our place-based arrangements
   - There are a limited, but critical, number of key enablers central the ambitions of collaboration and integration (these include Digital Transformation, Financial Flows and Reform, Workforce, Estates, Sustainability and Climate Change, for our Boards and Committees to reflect the communities we serve, engagement and involvement of our communities in our work)
   - We strongly support an expanded role for Provider Collaboratives
   - We will commit to a single decision-making board (joint committee) in each locality, bringing together provision and commissioning that can deliver accountability for decisions and budgets at place level.

Maintaining our Local transformation Journey

10. The white paper is permissive in the sense of supporting those parts of the country where substantial progress has been made in the transition to more integrated models of health and care transformation. Greater Manchester is explicitly recognised in the White Paper, and the GM framework – creating integrated working at the conurbation level and in each of the 10 places is regarded nationally as leading edge. Nevertheless, there are key questions to be addressed as we work across Greater Manchester to develop the arrangements for the GM Integrated Care System.

    - There are concerns about the extent to which the decision-making authority of the GM ICS will be reflective of the 10 districts as well as 'sectoral' interests. Greater Manchester has always worked best when the GM tier is 'of the 10' rather than 'above it' – as for example in the model of the unique potential of a Partnership in a Mayoral Combined Authority Area

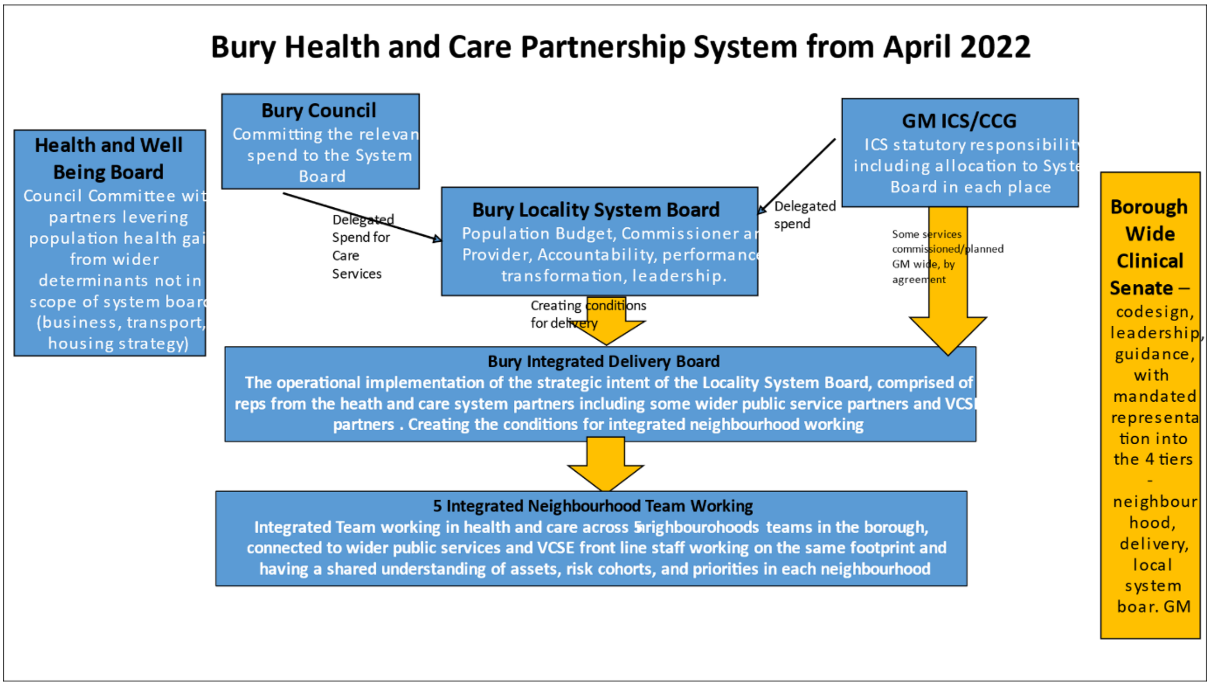
- It is important that the GM ICS facilitates and supports **place-based working** through the delegation of NHS budgets & aligned governance with districts. For this to work there needs to be clarity o the financial flow from a GM ICS into localities in a way that supports a pooled and integrated view of total health and care spend in each place.

- There is a concern about the **'2 boards' of an ICS** – an NHS ICS and a Health and Care Partnership ICS. This is a step backwards from current working across the Greater Manchester Health and Care Partnership

11. Clinical, political, and officer leadership continues to work closely with partners across Greater Manchester to engage and challenge on these points as the GM ICS arrangements are developed.

Proposed Partnership Arrangements in Bury

12. Subject to the clarification of the arrangements across Greater Manchester, and in particular to the need to ensure each of the ten districts have the authority and accountability to continue to drive the model of integration forward, the following arrangements are proposed in Bury.



13. The key elements for consideration.

a. Locality System Board

We should seek to establish a new Locality System Board for Bury operating in shadow format in the year 2021/22 and fully operational by 1/4/22. This system board will be a development of the existing Strategic Commissioning Board by including key providers and will operate as a single and transparent strategic forum. We would disestablish the current and relatively informal System Board and reduce the number of members of the SCB that transition into the new Locality System Board. Its functions will be a relatively small board, setting strategic direction for the health and social care system in Bury

a. Recommitting and amplifying the key strategic direction and intent of health and care reform in the borough
b. Agreeing high level resource allocation based on the allocation from the GM ICS and the contribution of the Council to pooled budgets.
c. Agreeing transformation plan objectives (and having the current health and care recovery and transformation programme reporting to it)
d. Setting out and ensuring delivery of outcomes for borough residents.
e. Co-ordinating the intersection between GM wide provider collaborative strategic intent and locality strategy.
f. Align the borough strategic connection to Greater Manchester, North West, and national arrangements
g. A focal point for the alignment and integration of enabling functionality across the borough as described in the locality place – system estates group, system IM&T strategy, System workforce reform.

The System Board is essentially the apex of the health and care partnership in Bury – the design, delivery and assurance vehicle – a partnership (an integrated care partnership or ICP) convened by a place leader and governed by a formal committee with power, responsibility and accountability, and providing a mandated vote into the GM ICS.

b. Bury Health and Well Being Board

The board is a statutory function of the Local Authority. In Bury we have worked to recast the role of the Health and Well Being to focus on the steps required to create Bury as a Population Health System. This uses the Kings Fund 4 quadrant model of a population health system – wider determinants, behaviours and lifestyles, community, and the operation of public services.

Addressing population health and health inequalities is of course core to the work of the Locality System Board, but it is recognised the System Board is unlikely to provide the necessary airtime for, for example addressing the crucial wider determinants of poor health – quality employment, freedom from abuse, clean air, health promoting environments, housing.

Health and Well Being Board membership has been recently refreshed to include representation from wider public services including Housing and GMP and would benefit from wider representation from the business sector and other key stakeholders.

Health and Well Being has recently considered the establishment of a number of small subgroups, including one on a particular focus on inequalities and secondary care – access, outcomes etc.

c. An Integrated Delivery Board

A single system blind to provision and commissioning needs not only a single strategic authority (the proposed Locality System Board) but a single integrated delivery framework co-ordinating the delivery of services and the delivery of transformation programmes. This is essentially a place-based provider collaborative for Bury.

In developing this it is recognised that the Bury LCO has made good progress in building improved working relationships between delivery partners in health and care, in leading particular transformation programmes, and in creating strong foundations and emergent proof of concept for neighbourhood working. However, it should be recognised that both the scope and formality of the LCO has some limitations, including for example.

- The limited connection to Primary Care Networks
- The lack of connection to children's services
- Some potential duplication of management capacity with providers and OCO

An integrated delivery board could be an extension of the current LCO Board and would recognise it operates across the breadth of the system including those services not necessarily currently considered to be in the scope of the LCO. It would recognise that the opportunity of binding partners together more formally (though joint assurance and formalised financial risk and gain share arrangements) for a particular subset of all service delivery (e.g., the urgent care system), and the scope of such formality may increase over time. However, the ambition of the LCO as the co-ordinator and integrator of services in the collaborative tier is not limited only to those services that are within its formal scope and accountability agreement.

An important role of the Integrated Delivery Board would be to take responsibility for creating the conditions for neighbourhood working to develop and thrive, connected to the Primary Care Networks

d. Neighbourhood team Delivery

The focus on neighbourhood team as the unit of currency for integrated health and care and connections to communities and wider public services is recognised by our own locality plan, by the NHSE Next Steps guidance, and by an increasing confidence in initiatives like integrated neighbourhood teams. In addition, we recognise the weight being attributed by national guidance to the future role of Primary Care Networks.

- as a mechanism of securing the sustainability and clinical critical mass in primary care,
- the mechanism by primary care becomes central to the model of neighbourhood working
- Increasingly a mechanism for receipt of money directly from ICS to strengthen local and integrated functions.

To deliver fully on the opportunity of neighbourhood team working we need to routinely conceive of neighbourhood teams as comprised of three significant and related sectors

1) integrated and all age health and care,
2) wider public services such as DWP, GMP, Housing and others that have within their gift a significant influence on health and wellbeing and demand for health and care services
3) Community and voluntary sector capacity and connectedness – recognising its communities and voluntary organisations and friendships that keep people well, connected and safe. This element of a comprehensive model of neighbourhood team working has been best exemplified by the development of the community hubs during the pandemic – providing support and assistance to vulnerable residents.

It may be that we wish to recognise an ambition neighbourhood boards for health and social care that could themselves make decisions about neighbourhood resources, priorities and assets. Ultimately, we might have a framework of delegated matters to neighbourhoods, the integrated provider board and the system board, based on the principle of transferring decision making closest to those affected by the decision.

e. A Clinical and Professional Senate for the Borough

One of the particular strengths of the CCG as a membership organisation has been the mandated and elected representation of GPs and other professional leaders into clinical leadership positions as clinical directors and clinical leads. The absence of a local CCG constitutes a significant risk to the continuation of such leadership – not only influencing but leading transformation and reform both locally and at a GM level.

Senior Clinical leadership can also be seen in professional groups such as Local Medical Committee (LMC), Local Pharmaceutical Committee (LPC), Local Optometry Committee (LOC), and in the role of Medical Director in the LCO, as well as in the Primary Care Networks Clinical Directors and neighbourhood clinical leadership. Key providers such as Pennine Care and Pennine Acute have also worked to confirm borough based medical director leadership

In addition, clinical leadership recognises and respects other professional and statutory leadership such as in social care and public health.

In the absence of being able to confirm mandated and authoritative clinical leadership at both a local and GM level there is a risk of losing clinical and professional perspectives into service transformation proposals, and furthermore having clinical leadership that is not mandated, or connected to Bury making decisions on our behalf.

It is proposed that Clinical and Professional Senate for the borough is convened reflective of the breadth of such leadership in the borough, operating with a senior 'board' bringing together those with mandated leadership roles – e.g., PCN clinical directors, NCA Bury Care Organisation medical director, Bury Director of Adult Care, Director of Childrens Services – and with a wider membership reflective of all relevant stakeholders. A key function would be to secure mandated (through election) representation to all 4 tiers of the new partnership arrangements – neighbourhoods, integrated delivery board, locality system board, and the GM ICS.

f. Enabling Infrastructure

A single health and care system needs system wide collaboration and partnership on key enabling architecture. Progress has already been made in some of these areas, but further work is required to assess their position and weight in relation to influence across the system and the connections to a revised governance. Key areas of focus include but are not limited to.

- Strategic Health and Care Finance Group
- Strategic Estates group – adopting a one public service estate mentality and in particular create opportunities for integrated hubs rooted to models of neighbourhood working
- Digital Board – driving compatibility between systems and also models of risk stratification and identification, and on securing patient/resident control of records.
- Strategic Workforce Group – exploiting opportunities across sectors and services to build sustainable, supported, and flexibly workforce deployment across the system
- System Information Governance Board

Transition Planning

14. The existing System Board is operating as the Transition Programme board - tasking working groups, specifying expected outcomes, reconciling emergent themes, and holding all groups to account for delivery. The Senior Responsible Officer (SRO) for the programme is Geoff little – CCG Accountable Officer/Bury Council Chief Executive, supported by Will Blandamer – Exec Director of Strategic Commissioning. Seven task and finish groups are in place and reporting routinely to the System Board, covering; Clinical and Professional Senate, Integrated Delivery Arrangements, Neighbourhood Team Development Plan for health and care, CCG Staffing Transition, Financial Flows, Patient and Public Involvement, and Powers and Governance

Recommendations

The Council Cabinet is invited to

1) Note the update on the NHS White Paper 2021;
2) Recognise the ambition to ensure new governance arrangements allow the continuation of the transformation journey described in the Bury Locality Plan;
3) Support the new partnership arrangements under development;

4) Note the content of the transition programme to be managed through the Bury System Board;
5) Recognise the areas of concern around the governance of the GM ICS if it is to support the direction described.

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Agenda Item 15

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24th March 2020
Title of report:	Bury Let's Do It Baseline Performance Report and Corporate Plan Quarter Three Delivery Update
Report by:	Councillor Tahir Rafiq Corporate Affairs and HR
Decision Type:	**Non key decision**
Ward(s) to which report relates	**Whole Borough**

Executive Summary:

This is the first performance report against Bury Council and CCG integrated Corporate Plan. It details delivery against planned priorities for Quarter 3 of the 2020/21 Corporate Plan which was published in autumn 2020.

This document provides:

- A summary of the contribution of the Council and the CCG to Bury Strategy outcomes
- An overview of delivery and key performance measures against each of the objectives of the corporate plan
- baseline data for future performance reporting across relevant internal Key performance indicators and the seven key outcomes of the Let's do it! Strategy, which will be developed into an annual "State of the Borough" report for the Team Bury partnership

The report also describes the performance management framework (PMF) which has been designed to support the monitoring of the delivery of Corporate Plan for Bury Council and Bury CCG.

Recommendation (s)

That Cabinet:

- notes the progress against 2020/21 Corporate Plan delivery objectives
- notes the baseline position detailed in this report for future performance monitoring
- approve Performance Management Framework (PMF) for the Bury Let's Do It Strategy and Corporate Plan.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
>
> (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
N/A	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
N/A This is an update report and does not propose any decisions or policy changes	.

Consultation:

Legal Implications:

There are no legal implications arising from the report

Financial Implications:

There are no direct financial implications rising from this update report

Report Author and Contact Details:

Helen Smith, Strategic Performance and Intelligence Manager, Bury Council

h.smith@bury.gov.uk

Background papers:

- Bury 2030 Community Strategy – Let's Do It!
- Bury Council & Bury CCG Corporate Plan

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
PMF	Performance Management Framework
FSM	Free School Meals
NVQ	National Vocation Qualification
TBD	The Bury Directory
OCO	One Commissioning Organisation

Bury Council & CCG Corporate Plan Delivery Report Quarter Three 2020/21

1. Background

The Bury Council and CCG Corporate Plan was published in October 2020 and set out the four priority areas of work across Bury Council and CCG for the next two years as follows:

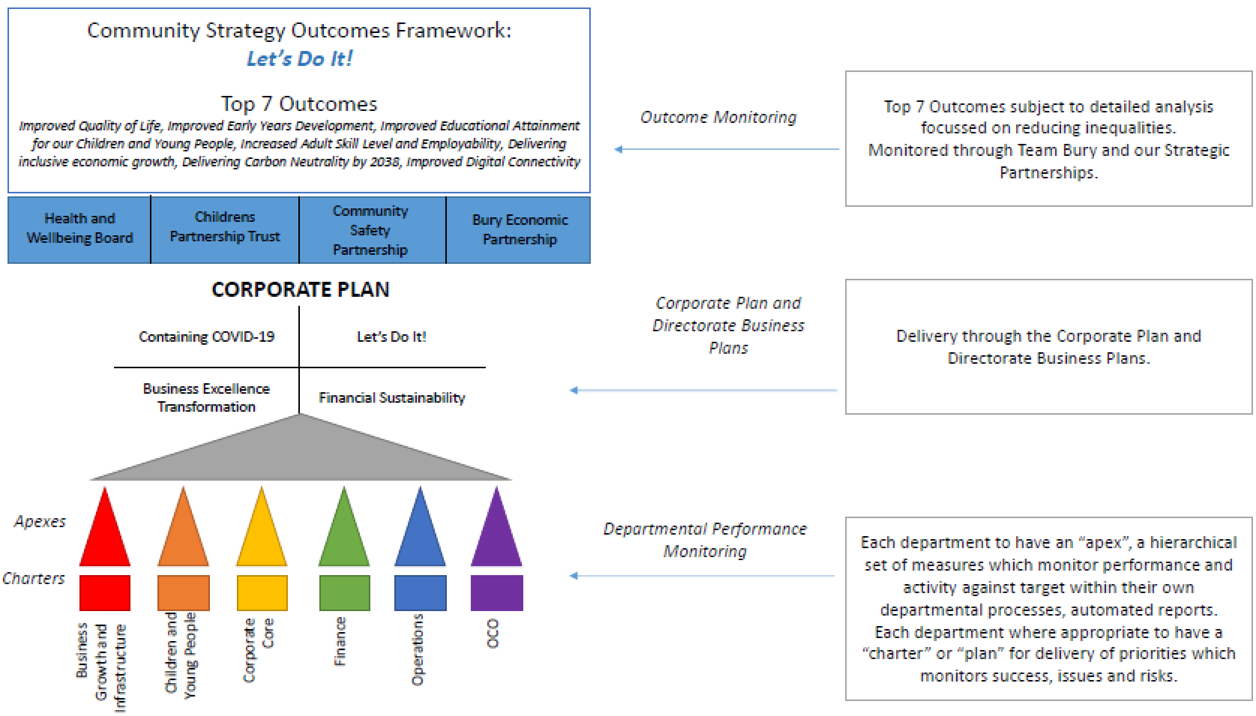
- Containing COVID-19 – (Emergency Response and Recovery)
- Delivering the emerging Bury 2030 strategy
- Financial sustainability
- Internal transformation

It was agreed that an update report against the Corporate Plan would be produced on a quarterly basis to cover both progress against delivery plans and key performance indicators. This document is the first of these reports and provides:

- A summary of the contribution of the Council and the CCG to Bury Strategy outcomes;
- An overview of delivery and key performance measures against each of the objectives of the corporate plan; and
- baseline data for future performance reporting across relevant internal Key performance indicators and the seven key outcomes of the Let’s do it! Strategy, which will be developed into an annual “State of the Borough” report for the Team Bury partnership.

A full list of the Quarter Three delivery commitments is included in Appendix One.

1.1. Let’s Do It! Performance Management Framework (PMF)



2. Monitoring Delivery of the Corporate Plan

2.1 Summary of Contribution to Outcomes

The *Let's do it!* Strategy includes seven outcomes which are designed to address inequality gaps within the borough. The detailed baseline for these measures is provided later in this report and will be reported annually, starting in 2021/22.

A summary of the Council and CCG contribution to these outcomes during Quarter Three 2020/21 is summarised below:

Improved quality of life
- New programme of work for Health and Wellbeing Board, aligned to LETS!
- Transformation strategy for urgent and intermediate care
- Physical Activity Strategy refreshed
- Continuing Health Care Arrangements and Review

Improved early years development
- Development of early help support for children and families via a community partnership model
- Support for children in need of help and protection through the period of Covid-19 restrictions

Improved educational attainment for our children and young people
- Leadership of whole system support to schools, early years providers and FE colleges to mitigate the detrimental impacts of Covid-19

Increased adult skill levels and employability
- Establishment of Kickstart programme in conjunction with DWP
- Work underway with Bury Employment Health and Skills Task Force (BHEAST) to update Youth Hub, refresh digital inclusion offer including Barclays Digital Wings programme and via Bury Adult Learning

Delivering inclusive economic growth
- Business Bury Leadership Group and Town Centre Recovery Boards supported winter trading plan and preparations for Brexit
- Regeneration plans launched for Radcliffe, including consultation
- Distribution of Additional Restrictions Grant (ARG) to provide direct business grants and wider business support; £3,632,919.41 of grants paid to 1111 businesses by the end of Quarter Three

Delivering carbon neutrality by 2038
- Began Bury Council vehicle decarbonisation strategy through purchase of 10 x low emission bin wagons
- Road network improvements

Improved digital connectivity
- Modernisation of the Council's IT estate and to facilitate the delivery of a new programme of investment in technology and digital services
- Majority of council employees upgraded to Windows 10 devices and pilot of Office 365 and Exchange online with 600 staff

2.2 Delivery Monitoring by Priority

This section monitors delivery of the Corporate Plan by each of the four strategic themes:

- Containing COVID-19 – (Emergency Response and Recovery)
- Delivering the emerging Bury 2030 strategy
- Financial sustainability
- Internal transformation

For each theme of the plan a summary of delivery in Q3 is provided together with an overview of key performance indicators that have been defined as follows:

Corporate Plan Monitoring

CORPORATE PLAN

Containing COVID-19

1) 7 day average infection rates per 100,000
2) Number of rough sleepers currently being supported
3) Numbers of children using fit and fed clubs
4) IMC Bed Occupancy
5) Residential and Nursing Care Bed Occupancy
6) Number of referrals to Adult Social Care
7) Number of Looked After Children
8) Number of Children In Need
9) Number of Child Protection Plans
10) Medically Optimised Awaiting Transfer
11) Number of Clinically Extremely Vulnerable supported through Community Hubs
12) Numbers accessing self isolation £500 benefit scheme
13) GM MH Programmes
14) 52 week breaches
15) School attendance for vulnerable children

Bury Let's Do It Strategy

Local Neighbourhoods
1) Rate of all crimes
2) Proportion of residents who feel safe
3) Number of housing units completed in the borough that are affordable
4) Number on housing waiting list
5) Highway repairs completed on time
6) Street lighting faults completed on time

Economic Growth and Inclusion
1) Claimant count as a proportion of working age people
2) % Good level of development – pupils with SEN
3) Average attainment 8 score – pupils with SEN
4) % of 16-17 year olds not in education , employment or training (NEET)
5) Net business growth rate (start-ups minus dissolutions)

Delivering Together
1) Total number of VCFA volunteers
2) Number of local offers on TBD

Strength Based Approach
1) Healthy weight in 10-11 year olds
2) Rate of hospital admissions caused by unintentional and deliberate injuries in children aged 0-14 years
3) Under 75 mortality rate from cardiovascular diseases considered preventable
4) Percentage of children achieving the expected level in personal-social skills at 2-2.5 years
5) Percentage of physically active adults
6) Percentage of physically active children and young people

Business Excellence Transformation

1) % Invoices paid within 10 and 30 days
2) Payment days for SMEs
3) Average time taken to repair street lighting
4) Number of housing complaints completed within 20 days
5) High and medium food standards inspections completed
6) Sickness absence: average number of days lost per FTE per year
7) Staff turnover
8) FOIs completed on time
9) SARs completed on time
10) Complaints responded to within timescale / escalated to ombudsman
11) Contact centre – number of contacts
12) % annual PDRs completed

Financial Sustainability

1) PCN collection rates
2) Council tax collection
3) Business rate collection
4) Debtor days above 30 days
5) Capital projects completed
6) Capital slippage
7) Departmental savings achieved
8) Total amount cashable savings from Health and Care Recovery schemes
9) Actuals against plan: CCG, Council, Pennine Care, Pennine Acute

2.2.1 Containing COVID-19 – (Emergency Response and Recovery)

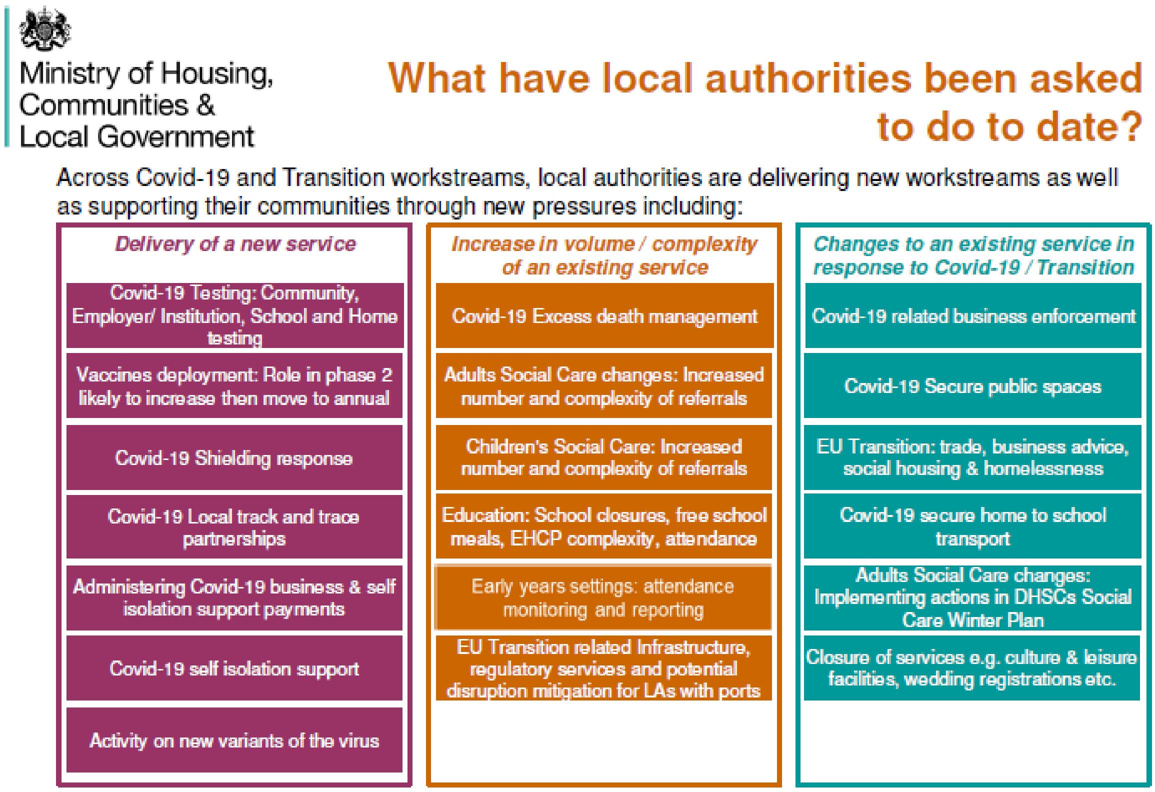
The borough Covid response and recovery strategy has been organised into the following work streams:

1) Containing Covid
2) Supporting Health and Care
3) Mitigating the impacts
4) Supporting our communities

Delivery highlights against these themes during Quarter Three include:

- Providing community leadership to residents, businesses, schools and the health and care community to establish a further period of national "lockdown" and fulfil the Council's statutory duty to warn and inform residents and provide humanitarian aid
- Administering the business grants offer to businesses required to close or facing additional trading restrictions
- Providing humanitarian aid for c9000 clinically vulnerable people through the Community Hubs
- Hardship support to vulnerable communities including maintaining free school meals during the October half term and Christmas holidays.
- Stood up additional continuing health care review capacity
- Established and maintained daily sit rep reporting arrangements monitoring and managing hospital admission and discharge positions and the work of the wider system to support the hospital
- Creating additional community bed based capacity to support hospital discharge arrangements
- Worked closely with community NHS partners including primary care and community health services to maintain priority services
- Planned the delivery of the vaccination programme to commence late December 2020 across 4 primary care hubs.

The totality of work that has been required from local authorities throughout the emergency including this reporting period is summarised below. In Bury we have worked extensively with our partners to achieve this successfully:



More detailed COVID monitoring occurs on a daily and weekly basis with reports being circulated to the emergency response governance. Daily reports are provided to the Council's Emergency Response Governance including Cabinet and partners via the Health Protection Board chaired by the Director of Public Health. The Director of Public Health also provides a weekly summary of the position to be submitted to the Greater Manchester Emergency Committee on each Monday.

We are also using this part of the plan to keep in check with the Health and Social Care system as it continues to respond to the real time demands of the pandemic alongside planning future recovery.

A summary of relevant performance measures is provided below, for response and recovery respectively. In accordance with the "Quality of Life" outcome there is a particular focus on keeping check on vulnerable people, including the Clinically Extremely Vulnerable and our children and young people.

Containing COVID-19 KPIs – Emergency Response

Key:

Time Period	Target	Actual Value	Current Trend
Latest time period for data point	Figure for actual target - < - > indicates polarity whether the local value should be higher or lower than the target value to achieve the improvement	Figure is the latest value for the data period. Green shading means the value has achieved target, red has not achieved target and blue means that no target has been set.	The arrow indicates if the data trend has been continuing in an upwards or downwards trajectory and the number indicates longevity of this ie how many time periods the trend has been occurring.

Corporate Plan 2020-22

FILTERS

COVID-19 Plan

	Time Period	Target	Actual Value	Current Trend
7 day average infection rates per 100,000 people	Jan-2021	Targets under development	202	1
Number of rough sleepers currently being supported	Jan-2021		25	1
Numbers of children using fit and fed clubs	Dec-2020		210	
Percentage of Intermediate Care Beds Occupied	Jan-2021		74	1
Percentage of Residential and Nursing Care Beds Occupied	Jan-2021		83	1
Number of referrals to Adult Social Care	Jan-2021		1,452	2
Number of Looked After Children	Dec-2020		349	1
Number of Children In Need	Dec-2020		1,359	1
Number of Child Protection Plans	Dec-2020		207	1
Patients in hospital Medically Optimised Awaiting Transfer	Dec-2020		26	1
Number of Clinically Extremely Vulnerable people supported through Community Hubs	Jan-2021		40	3
Numbers accessing self isolation £500 benefit scheme	Jan-2021		841	1
Referral to Treatment - Total waitiing list entries	Dec-2020	<= 15800	17,115	1
Referral to Treatment - Total number waiting in excess of 52 weeks	Dec-2020	= 0	1,037	7
IAPT waiting times % : 6 weeks or less from referral	Nov-2020	> 75	73	1
Percentage of vulnerable children attending school	Wk 5/3/2021		51	2

The data highlights the progress that has been made in response to the Covid-19 pandemic. As at the end of December the system was in a good position to face the challenges of Quarter Four in terms of the likely rise in infections following the identification of new variants and the relaxation of lockdown rules over Christmas. Efforts in the health and care sector were focused on ensuring capacity for the combination of dealing with usual winter pressures and also an anticipated rise in case through January and February. During this period work had already commenced on designing the vaccination roll-out plan. Figures on the numbers vaccinated across the borough will be included in the Quarter Four report.

The data also measures efforts to protect the most vulnerable during the pandemic, including supporting the homeless and rough sleepers. The Community Hubs continued to support those classified as clinically extremely vulnerable and in need of additional support and likewise the self-isolation benefit scheme was rolled out to offer financial support.

Although the number of Looked After Children had increased slightly, the number of Children in Need and those on Child Projection Plans has decreased. Referrals into Adult Social Care were also declining. This demonstrating the balance between work to contain the impact of the pandemic and mitigate the impact on vulnerable groups.

KPIs - Covid Recovery

Key:

Time Period	Target	Actual Value	Current Trend
Latest time period for data point	Figure for actual target - < - > indicates polarity whether the local value should be higher or lower than the target value to achieve the improvement	Figure is the latest value for the data period. Green shading means the value has achieved target, red has not achieved target and blue means that no target has been set.	The arrow indicates if the data trend has been continuing in an upwards or downwards trajectory and the number indicates longevity of this ie how many time periods the trend has been occurring.

Corporate Plan 2020-22

Bury Council | NHS Bury Clinical Commissioning Group

FILTERS

Bury Let's Do It Strategy

		Time Period	Target	Actual Value	Current Trend	
Delivering Together	Total number of VFCA volunteers	Jan-2021		450		
	Number of local offers on TBD	Jan-2021		2,853	↘	1
Enterprise	Number of JSA and UC claimants (claimant count) as a proportion of working age people	Dec-2020	< 8	7	↘	1
	% of children achieving a good level of development - pupils with SEN	2019	> 29	26	↘	1
	Average attainment 8 score - pupils with SEN	2020	> 36	32	↗	2
	% of 16-17 year olds in education, employment or training (EET)	2019	> 93	91	↘	4
	Net business growth rate (start-ups minus dissolutions)					
Local Neighbourhoods	Rate of all crimes	Q4 2020	Targets under development	20	↘	1
	Proportion of residents who feel safe	Q2 2020		94	↗	1
	Number of housing units completed in borough that are affordable	2019		20		
	Number of entries on housing waiting list	Jan-2021		1,477	↗	3
	Highway repairs completed on time	2020		71		
	Street lighting faults completed on time	2020		72		
Strength Based Approach	Percentage of 10-11 year olds who are a healthy weight	2019		65		
	Rate of hospital admissions caused by unintentional and deliberate injuries in children aged 0-14 years	2019	91	138	↘	1
	Under 75 mortality rate from cardiovascular diseases considered preventable			58		
	Percentage of children achieving the expected level in personal-social skills as 2-2.5 years	Awaiting activation of data source				
	Percentage of physically active adults	2018		66		
	Percentage of physically active children & young people	2018		45		

Response measures have been structures around the four principles of the LETS! Strategy. The long-term effects of the pandemic will require detailed analysis to assess the impact on underlying health inequalities and the wider determinants of deprivation such as education, employment and environment.

From the analysis completed so the need to focus on education is clear and is a national challenge as well as local one. Understanding the most appropriate way to support those children in Bury who have missed out on the milestones of formal education will be a key priority within the revised Corporate Plan and will be carefully monitored in future reports.

Dealing with the long-term effects of Covid-19 on people's health and wellbeing is also being researched. Greater Manchester mirrors other places in the UK in terms of required deeper understanding of the likely future demands both for health and wellbeing support for those who have experienced the coronavirus but also those currently on waiting lists for elective care which may have been delayed due to other pressures on the system.

Economic data suggests that unemployment rates across the borough in Quarter Three were in line with other Greater Manchester authorities. National research suggests that economic impact may have a disproportionate effect dependent on underlying levels of deprivation. Therefore, through the Neighbour Model established in the LETS! Strategy further work will be required to understand local impact, especially once the furlough scheme comes to an end.[1]

2.2.2 Delivering the Bury 2030 strategy: Let's Do It!

During Quarter Three the Council and CCG led a number of community-wide consultations to develop borough's next ten-year community strategy, including:

- Consultation and co-design of the Bury 2030 and a parallel 10-year Housing Strategy;
- Consultations on Clean Air and Minimum Taxi Standards Strategy; and
- Contributing to the process of developing a new spatial framework for Greater Manchester, Places for Everyone.

In addition, the Council & CCG led:

- The development and consultation of a Strategic Regeneration Framework for Radcliffe; and
- The delivery of a new internal inclusion strategy on the basis of feedback from an independent review and analysis of local interventions to meet the emerging Bury 2030 aspiration to achieve a workforce which is representative of the community and an aspiration to harness diversity to cultivate new approaches and ideas. The strategy comprises 7 strategic objectives and is overseen by an internal Working Group comprised of Staff Equality Group Chairs from across the Council and CCG.

2.2.3 Business Excellence Transformation

To deliver improved outcomes and secure financial sustainability, an internal and external transformation programme has been agreed. The core components for the next 12 months will include:

- Investment in Leadership including Elected Member and senior officer development strategies, the development of a clear joint vision and identity and staff engagement plan;
- Partnership resources to be corralled in a neighbourhood model within each township, to mitigate demand through joined-up, all-age "early help" and mainstreamed community hubs; and

[1] At the time of publication furlough had been extended until the end of Sep 2021 as part of the March Budget.

- Our workforce will be developed including a refreshed induction; apprenticeship strategy and updated core skills programme to maximise our resources and target our work in the right places.

Progress towards these objectives during Quarter Three included:

- Commissioning an independent transformation partner to assist with the development of this programme;
- Agreement of an agile working strategy for all office-based staff, to release savings from office rationalisation and conditions for greater productivity;
- Progression of the council's digital strategy including work to build on the introduction of Microsoft Team through a pilot implementation of M365 and Exchange online, the move to a cloud hosted iTrent environment for HR & Payroll and the completion of the move to our new Customer Relationship Management System; and
- Approval of following projects to deliver savings as part of the forthcoming 2021/22 budget setting process:

Workstream	**Proposed savings option**
Leadership	**Agile Working** model – improvement in staff productivity and reduction in Council owned and occupied buildings and operating costs
Process	A council **Customer service strategy** - channel shift to extend the Council's reach to communities and secure economies of scale by streamlining all customer contact into a coherent corporate function
	A joint **business support review** to establish a modern and cost effective service which reduces cost
Workforce	**Management efficiencies** within the Council through consistent and efficient spans of management control and organisational hierarch

Key Performance Indicators which inform transformation priorities are set out below.

Key:

Time Period	Target	Actual Value	Current Trend
Latest time period for data point	Figure for actual target - < - > indicates polarity whether the local value should be higher or lower than the target value to achieve the improvement	Figure is the latest value for the data period. Green shading means the value has achieved target, red has not achieved target and blue means that no target has been set.	The arrow indicates if the data trend has been continuing in an upwards or downwards trajectory and the number indicates longevity of this ie how many time periods the trend has been occurring.

Corporate Plan 2020-22

FILTERS

Business Excellence Transformation

	Time Period	Target	Actual Value	Current Trend
% Invoices paid within 10 and 30 days	Jan-2021		98	1
Payment days for SMEs	Jan-2021		90	1
Average time taken to repair street lighting	2020		10	
Number of housing complaints completed within 20 days	Jan-2021		1	
Number High & medium food standards inspections completed	Not taken place during COVID-19 pandemic			
Sickness absence: average number of days lost per FTE per year (Bury Council)	2020		8	1
Sickness absence: average number of days lost per FTE per year (Bury CCG)				
Staff turnover (Bury Council)	2020		17	1
Staff turnover (Bury CCG)		CCG organisational measures under development		
Percentage of FOIs completed on time (Bury Council)	Jan-2021		53	2
Percentage of FOIs completed on time (Bury CCG)				
% annual PDRs completed (Bury Council)	2020		9	1
Percentage of SARs completed on time (Bury Council) *				
Percentage of SARs completed on time (Bury CCG)				
Percentage of complaints responded to within timescale (Bury Council)	Jan-2021		87	
Percentage of complaints responded to within timescale (Bury CCG)				
Contact centre – number of contacts	Jan-2021		19,303	1

**SARs statistics are currently collected at a departmental level within Bury Council, work is underway to aggregate into an organisational figure.*

Particular measures which support the short-term transformation priorities defined include:

- The number of customer contacts identified, which will be included in a strategy to migrate communication to lower cost, higher volume channels;
- Staff sickness absence which will be addressed as part of the leadership and management strategy, as part of a wider culture change strategy and re-focus for the HR service;
- Work began during Q3 to seek to proactively manage staff attendance during a very high risk time through the production of a comprehensive staff wellbeing offer. The strategy comprises a series of interventions aligned to the Public Health "5 ways to wellbeing" offer to support physical and mental health.

2.2.4 Financial Sustainability

The Council is facing a significant financial gap as a result of Government spending restrictions; demand increases for statutory services and additional pressures as a result of Covid pressures not covered by Government grants. The forecast for the CCG will be determined when national announcements are made.

In balancing our budget, we will look to make changes and efficiencies to our services which are aligned with the Bury Let's Do It strategy, to ensure decisions on resources match policy commitments as far as possible. Proposals for the next 12 months are described below:

- Use our reserves to balance the need to support short-term funding gaps whilst recognising the need to deliver ongoing savings; and
- Introduce a new operating model that will increase the time we spend on delivery by removing duplicated and fragmented systems and processes.

The CCG is also facing a significant financial gap, with a recurrent underlying deficit of £20 million in 2020/21. CCG allocations for 2021/22 are yet to be published due to the ongoing impact of Covid-19 on front line services and to provide certainty the CCG will be given a fixed allocation to remain within for Quarter One at least.

The CCG is working with local NHS and non NHS partners, including the Council, to prioritise investments with system benefits and to deliver system wide savings to support the reduction of the deficit. Investments associated with the GM Transformation Fund have already been prioritised in line with the continued SCB support for these services. In 2021/22 the NHS landscape will change with the development of Integrated Care Systems and the dissolution of CCGs in March 2022.

Key:

Time Period	Target	Actual Value	Current Trend
Latest time period for data point	Figure for actual target - < - > indicates polarity whether the local value should be higher or lower than the target value to achieve the improvement	Figure is the latest value for the data period. Green shading means the value has achieved target, red has not achieved target and blue means that no target has been set.	The arrow indicates if the data trend has been continuing in an upwards or downwards trajectory and the number indicates longevity of this ie how many time periods the trend has been occurring.

Corporate Plan 2020-22

FILTERS

Financial Sustainability

	Time Period	Target	Actual Value	Current Trend
PCN collection rates				
Council tax collection	Jan-2021		88	9
Business rate collection	Jan-2021		80	9
Debtor days above 30 days	Jan-2021		12,446,998	2
Capital projects completed				
Capital slippage				
Departmental savings achieved				
Total amount cashable savings from Health and Care Recovery schemes				
Actuals against plan: CCG, Council, Pennine Care, Pennine Acute				

Further financial monitoring to be developed once budget has been approved through full Council.

3. Let's Do It! Top Seven Outcomes

Seven outcomes have been derived to accompany the "Let's Do It" strategy:

1. **Improved quality of life** – measured through the life expectancy gap of our "worst" and "best" performing local areas.
2. **Improved early years development** – measured through the gap of school readiness between all our pupils and those eligible for free school meals
3. **Improved educational attainment for our children and young people -** measured through the gap of attainment 8 score at Key Stage 4 between all our pupils and those eligible for free school meals
4. **Increased adult skill levels and employability** – measured through the gap of adults in Bury who have no qualifications and those who have NVQ level 3 or above qualifications.
5. **Delivering inclusive economic growth –** by monitoring the ranking for Bury within GM of average household income
6. **Delivering carbon neutrality by 2038 –** by monitoring the ranking for Bury with GM of CO2 emissions.
7. **Improved digital connectivity** – measured through the % of people over 16 who access the internet

Each of these outcomes have an associated measure which can be analysed in depth and are at a high level to encompass all potential activity taking place in the system that may improve them.

Rather than traditional RAG rating in terms of targets, a bespoke future state has been detailed against each one of them – such as a gap analysis between worst and best wards – that will drive sustainable improvement. The current position against each of these seven outcomes is summarised overleaf and is detailed in turn in this paper.

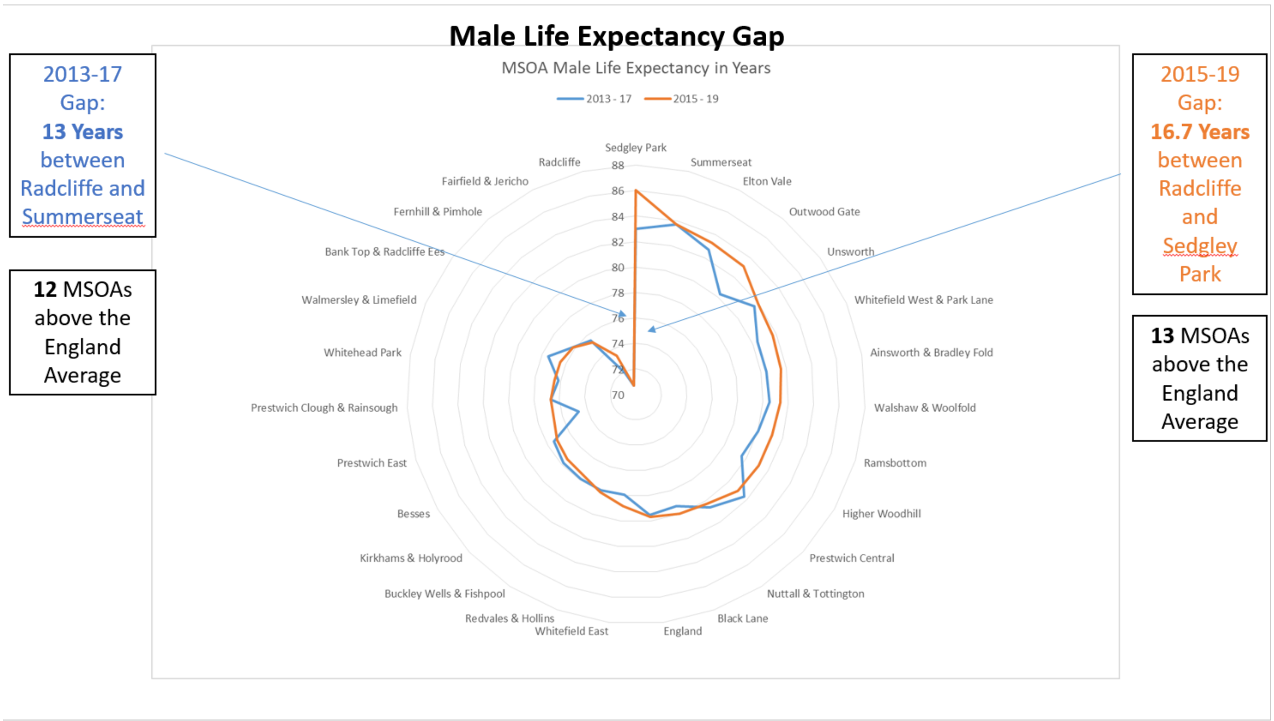
	Geography	Latest Data	Trend	Target Statement
Male Life Expectancy in years	Bury	79.1	↑	Reduce the life expectancy gap between our worst and best performing areas to under 13 years for men and 10 years for women.
	GM	av. 78.1	**n/a**	
	England	79.8	↑	
Female Life Expectancy in years	Bury	82.1	↑	
	GM	av. 81.7	**n/a**	
	England	82.1	↑	
% of all children achieving a good level of development	Bury	71.4	↑	Narrow the gap between the school readiness levels of all pupils and those eligible for free school meals. Gap to be narrowed by reducing inequality for FSM cohort. Aim to achieve and improve gap in 2016/17 of 8.5 percentage points
	GM	68.2	↑	
	England	7.8	↑	
% of all FSM children achieving a good level of development	Bury	59.8	↑	
	GM	55	↑	
	England	57	↔	
Average attainment 8 score for all children	Bury	48.1	↑	Narrow the gap in average attainment 8 score for all pupils and those eligible for free school meals. Gap to be narrowed by reducing inequality for FSM cohort. Aim to maintain or improve current gap of 8.8 percentage points.
	GM	48.5	↑	
	England	48	↑	
Average attainment 8 score for FSM children	Bury	39.3	↑	
	GM	37.7	↑	
	England	38.6	↑	
Proportion of adults with NVQ3+ qualifications	Bury	57.9	↑	Widen the gap of adults with no qualification and those with NVQ Level 3+ qualifications by reducing the number of adults with no qualifications. Improve latest gap of 57.9 and improve upon the best position of 58.5 percentage point seen in 2017.
	GM	55	↑	
	England	58.5	↑	
Proportion of adults with no qualifications	Bury	9.1	↑	
	GM	9.4	↓	
	England	7.5	↓	
Average total household income	Bury	£40,950	↑	Maintain position in Top 3 GM ranking for average total household income and increase range of income by improving those incomes in the top quartile.
	GM	£38,528	↑	
	England	£43,491	↑	
CO2 emissions per capita	Bury	4.4	↓	By 2030 maintain decline in CO2 emissions per capita and be within the top 5 localities in GM with the lowest emissions
	GM	av 4.3	↓	
	England	av 5.8	↓	
% of people who have never used the internet / not used the internet in the past 3 months	Bury (NES)	6.7	↓	Improvement in the borough rank within GM – baseline position for NES 6.7%
	GM	av. 8.9	↓	
	UK	7.5	↓	

2.3 Improved Quality of Life

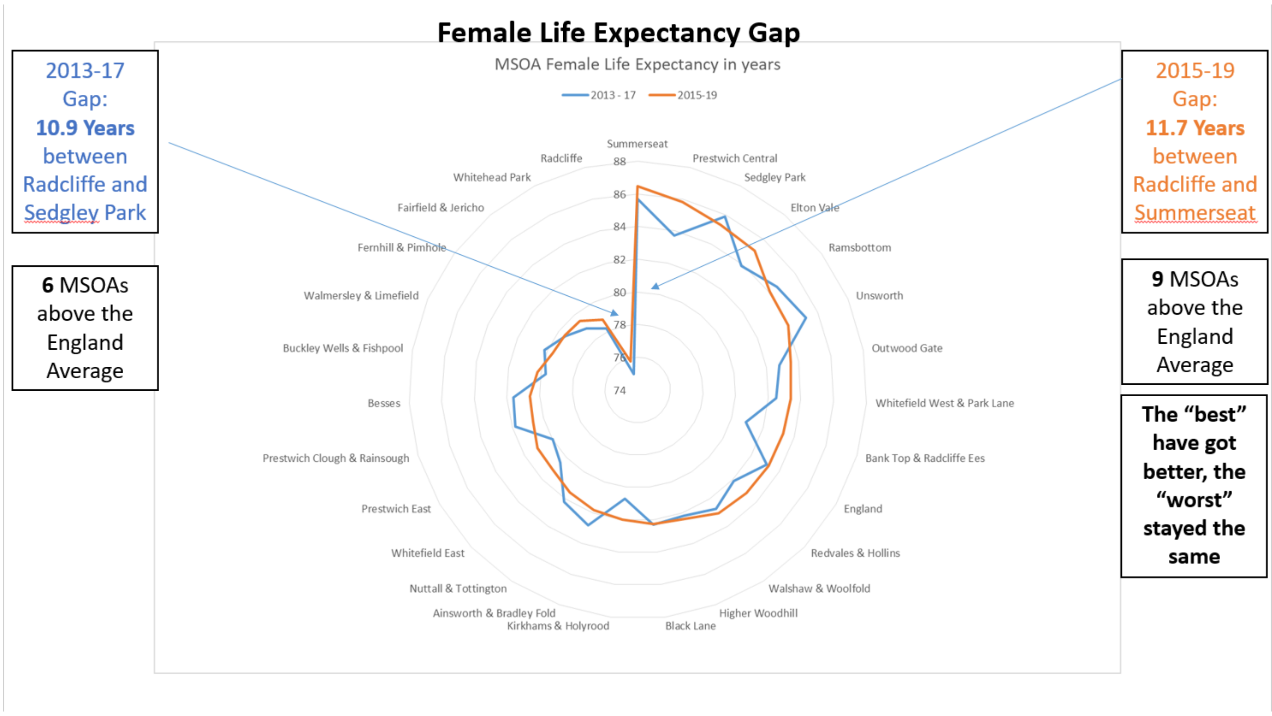
Measure(s):	Gap in life expectancy in years for males and females between the "worst" and "best" MSOAs
Target Statement	Reduce the life expectancy gap between our worst and best performing areas to under 13 years for men and 10 years for women.

	Geography	Latest Data	Trend
Male Life Expectancy in years	Bury	79.1	↑
	GM	av. 78.1	**n/a**
	England	79.8	↑
Female Life Expectancy in years	Bury	82.1	↑
	GM	av. 81.7	**n/a**
	England	82.1	↑

Between 2013-17 and 2015-19 the gap in male life expectancy widened from 13 years to 16.7. Therefore currently males living in Sedgley Park can expect to live on average 16.7 years longer than males living in Radcliffe. As with female life expectancy this gap has widened due to improvements in life expectancy in less deprived areas.



Between 2013-17 and 2015-19 the gap in female life expectancy widened from 10.9 years to 11.7. Therefore, currently females living in Summerseat can expect to live on average 11.7 years longer than females living in Radcliffe. The gap has widened due to an improvement in life expectancy in less deprived areas compared to no improvement in more deprived areas.



There are many influences on life expectancy, both behavioural such as physical inactivity, diet and alcohol or drug use; and physiological influences such as high blood pressure and cholesterol, high body mass index and anxiety and depression. There are also wider determinants to general health and wellbeing such as housing, economic status and the environment in which we live. Across the borough, as demonstrated by the above, there are stark inequalities in life expectancy, not only between small local areas within Bury, but also across other areas such as gender, ethnicity, sexuality and having a disability.

There is a strong relationship between deprivation and life expectancy, ill health and disability. It is the economic, social and environmental conditions in the places in which people live that determine patterns of health, morbidity and mortality. The latest Index of Multiple Deprivation for Bury shows that this relationship between deprivation and ill health has become stronger in recent years which is driving more than ever the need for system and partnership response to improve this outcome.

There is a lot to do and the recent COVID-19 pandemic will no doubt influence future data around life expectancy, this is why the future ambition is to try and narrow the gap for both males and females to under 10 years by maintaining the performance of less deprived areas and increasing the performance of more deprived areas. We also wish to maintain a similar relationship with the England average particularly around the number of Bury MSOAs that are above this average.

We are currently looking at our Elective Care provision as this has been significantly impacted by the COVID-19 pandemic. We are looking at this through a neighbourhood lens to understand disease prevalence at a Neighbourhood and Medium Super Output Area (MSOA) level in order to understand how to best target our commissioned services and resources.

2.4 Improved Early Years development

Measure(s):	The % of children achieving a good level of development at the end of reception – all children vs children eligible for FSM
Target Statement	Narrow the gap between the school readiness levels of all pupils and those eligible for free school meals. Gap to be narrowed by reducing inequality for FSM cohort. Aim to achieve and improve gap in 2016/17 of 8.5 percentage points

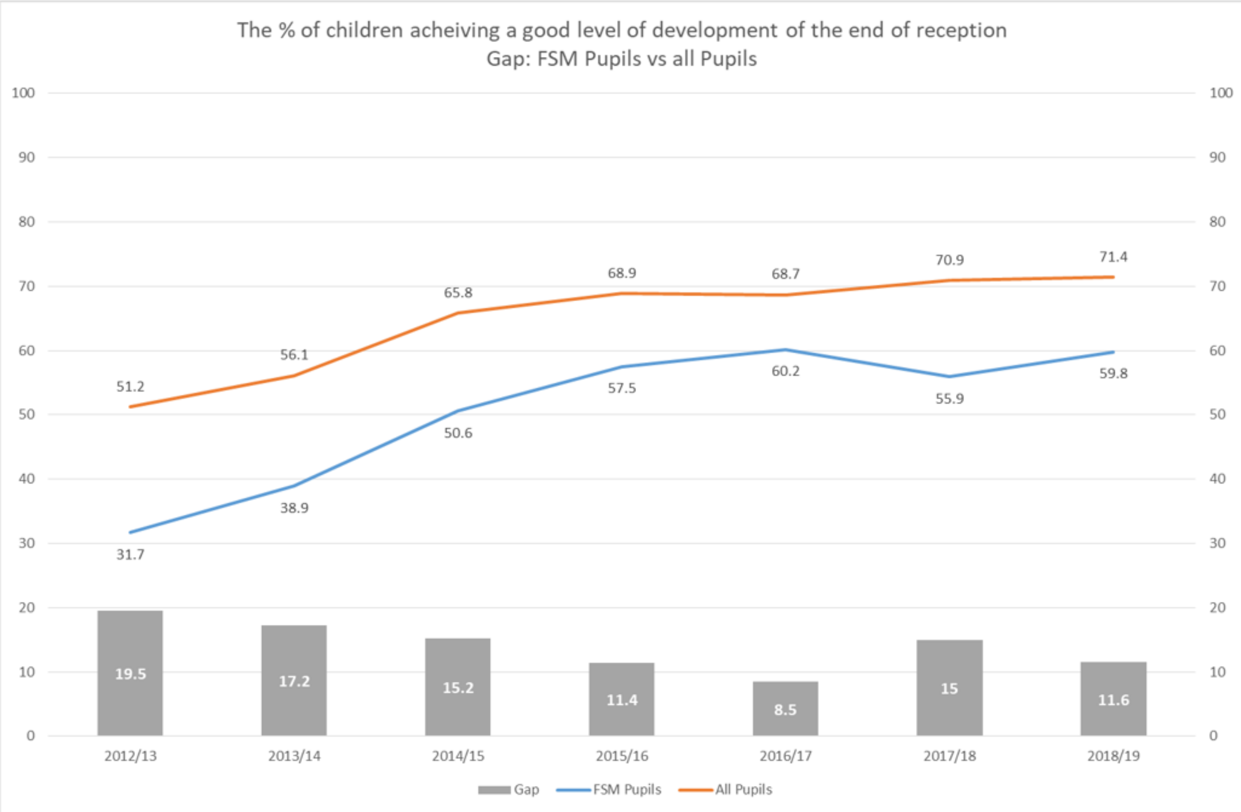
	Geography	Latest Data	Trend
% of all children achieving a good level of development	Bury	71.4	↑
	GM	68.2	↑
	England	7.8	↑
% of all FSM children achieving a good level of development	Bury	59.8	↑
	GM	55	↑
	England	57	↔

A "good level of development" or "School readiness" is a term used to describe how ready children are socially, physically and intellectually to start formal schooling. Whilst an end in itself, school readiness should also be seen as a 'way marker' for future life chances. It is an indicator for having had a good start in life i.e. growing up in a nurturing safe environment that enables children to survive and be physically healthy, mentally alert, emotionally secure, socially competent and able to learn.

School readiness is measured through assessment at the end of the early years foundation stage (EYFS) and known as the EYFS (Early Years Foundation Stage) profile. This assessment is based on practitioners' observations of a child's daily activities taking account of the perspectives of the child, parent and other adults. It is undertaken in the last term of a child's reception year.

Children are defined as having reached a good level of development if they achieve at least the expected level in the early learning goals in the prime areas of learning (personal, social & emotional development; physical development; and communication & language) and the early learning goals in the specific areas of mathematics and literacy.

Up until 2016/17, Bury was on a trajectory to significantly close the gap between the % of all children and % of FSM children achieving a good level of development at the end reception. There had been steep improvement in the achievement of those children eligible for FSM creating the smallest ever gap of 8.5 percentage points. From 2017 the free childcare funding for 3-4 years was rolled out nationally which may explain the dip in the above figures where there had been some concerns that the 30 hour offer may widen inequalities between children from working and non-working households.



The journey to school readiness begins with a healthy pregnancy/perinatal infant mental health. There is now overwhelming evidence that the first 1001 days (conception to age 2) are critical in determining future school readiness and that if a baby's development falls behind in the first years of life, the child is likely to fall further behind rather than catch up with those who had a better start.

As part of the commissioned maternity services, there is an expectation that women receive a holistic assessment of her health, emotional and social needs in pregnancy before the end of the 12th completed week of pregnancy and the target is for this to take place in at least 90% of cases in order to improve outcomes for both the mother and child. Late presentation to maternity services has been associated with increased rates of neonatal unit admissions, perinatal morbidity and mortality and even maternal death. Although performance can fluctuate, data for 2020-21 shows that 90% of Bury women were assessed in the required timeframe at the two main provider sites.

Eligibility for FSM can be an indication that a child is within a family where there may not be equal opportunities for all. The target here is to aim to achieve and improve the gap of 8.5 percentage points by improving the attainment of the FSM cohort.

Low household income, deprivation and therefore FSM eligibility are key determinants of school readiness often manifested through poor language development. It has been demonstrated that children in more affluent families hear on average 30 million more words than lower income peers by age 3. Poor early language skills are an early predictor of later problems as children develop.

In 2018 Bury closed the gap with the England average and exceeded the average of our statistical neighbours. Between 2012 and 2017 there was an excellent rate of improvement in the proportion of children eligible for free school meals from 32% to 60% and whilst still below the whole population average, the gap had reduced. The percentage of Bury children eligible for free school meals achieving good level of development (GLD) was above the national average. However, in 2017/18 there has been a decline in GLD for those children eligible for free school meals in Bury, Greater Manchester and also with our statistical neighbours. England overall has seen a 0.6% increase.

Nationally girls generally achieve a higher level of GLD than boys, in Bury that is also the case. Children from the BME community in Bury are on average less likely to be school-ready by the age of 5 compared with children from a White ethnic background. BAME children in Bury again do less well compared with BAME children across the GM region, and England. Contributing factors are likely to be worse socioeconomic status and worse health outcomes of the BAME community in Bury as compared to the general population.

There is no one intervention that will improve school readiness and the improvements we have seen in the past are likely to be the result of a combination of factors which is why this remains an important partnership priority.

2.5 Improved educational attainment for our children and young people

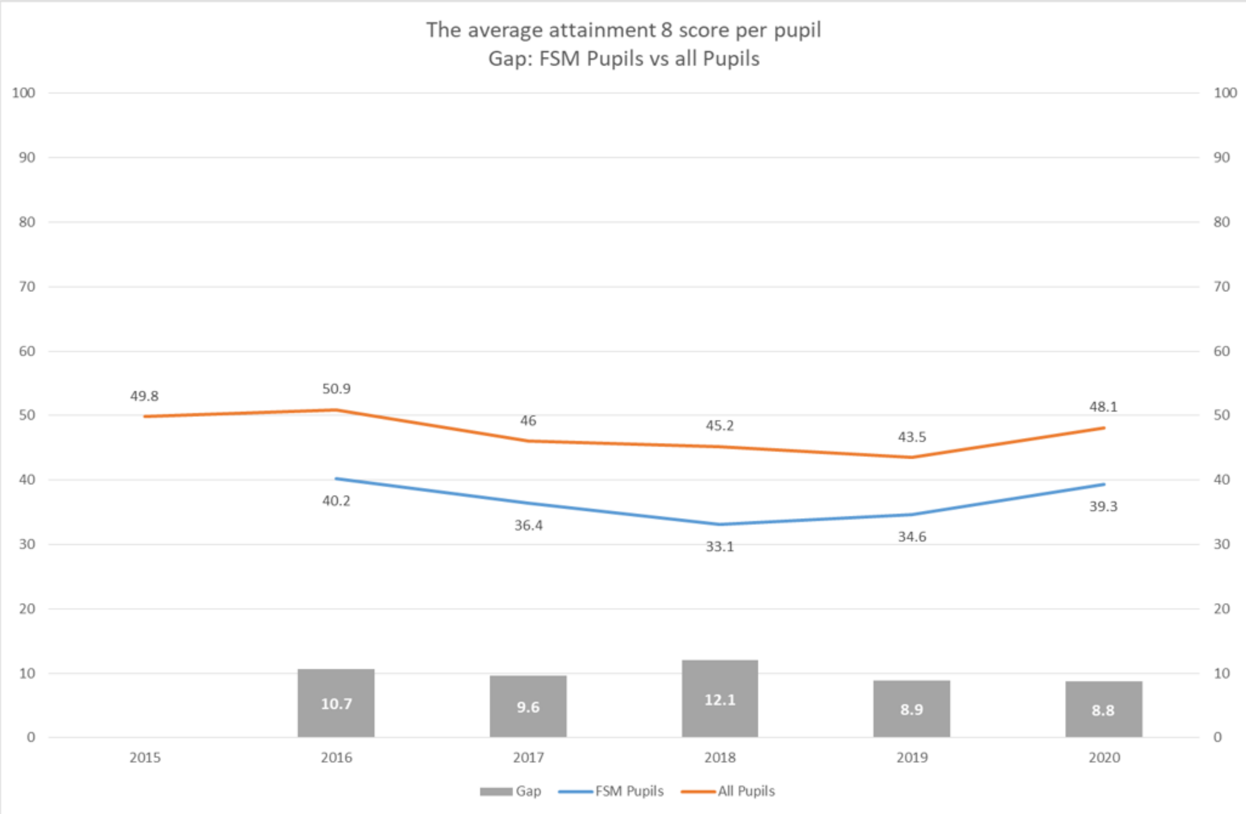
Measure(s):	The average attainment 8 score (KS4) – gap between all children vs children eligible for FSM
Target Statement	Narrow the gap in average attainment 8 score for all pupils and those eligible for free school meals. Gap to be narrowed by reducing inequality for FSM cohort. Aim to maintain or improve current gap of 8.8 percentage points.

	Geography	Latest Data	Trend
Average attainment 8 score for all children	Bury	48.1	↑
	GM	48.5	↑
	England	48	↑
Average attainment 8 score for FSM children	Bury	39.3	↑
	GM	37.7	↑
	England	38.6	↑

Currently the gap for this measure is at its narrowest position and been achieved in the past two years by increasing the performance of the FSM cohort. However, the last year of data has to be taken with caution due to the COVID-19 pandemic, the summer exam series was cancelled in 2020. Pupils scheduled to sit exams were awarded either a centre assessment grade based on what the school believed the student would most likely have achieved had the exams gone ahead or their calculated grade using a model developed by Ofqual. The DFE state:

> "that the grades awarded to pupils in 2020 will remain with them as they stay on in further education or enter employment. However, the cancellation of summer 2020 GCSE exams and the new method of awarding grades has led to

a set of pupil attainment statistics that are unlike previous years. each of the pupil level attainment statistics have increased – more than would be expected in a typical year…as a result the 2019/20 data should not be directly compared to attainment data from previous years for the purposes of measuring changes in student performance".



For this outcome, whilst the proportion of each cohort achieving the average attainment 8 score has increased significantly in the last year, the gap has stayed roughly the same compared to the previous year. It is the gap that we are interested in improving in this outcome and the inequalities between most and least deprived communities (with FSM being an indicator of this) will most likely have been widened due to the COVID-19 pandemic.

2.6 Increased adult skill levels and employability

Measure(s):	The gap between the proportion of adults with no qualifications and those with NVQ level 3 or higher qualifications.
Target Statement	Widen the gap of adults with no qualification and those with NVQ Level 3+ qualifications by reducing the number of adults with no qualifications. Improve latest gap of 57.9 and improve upon the best position of 58.5 percentage point seen in 2017.

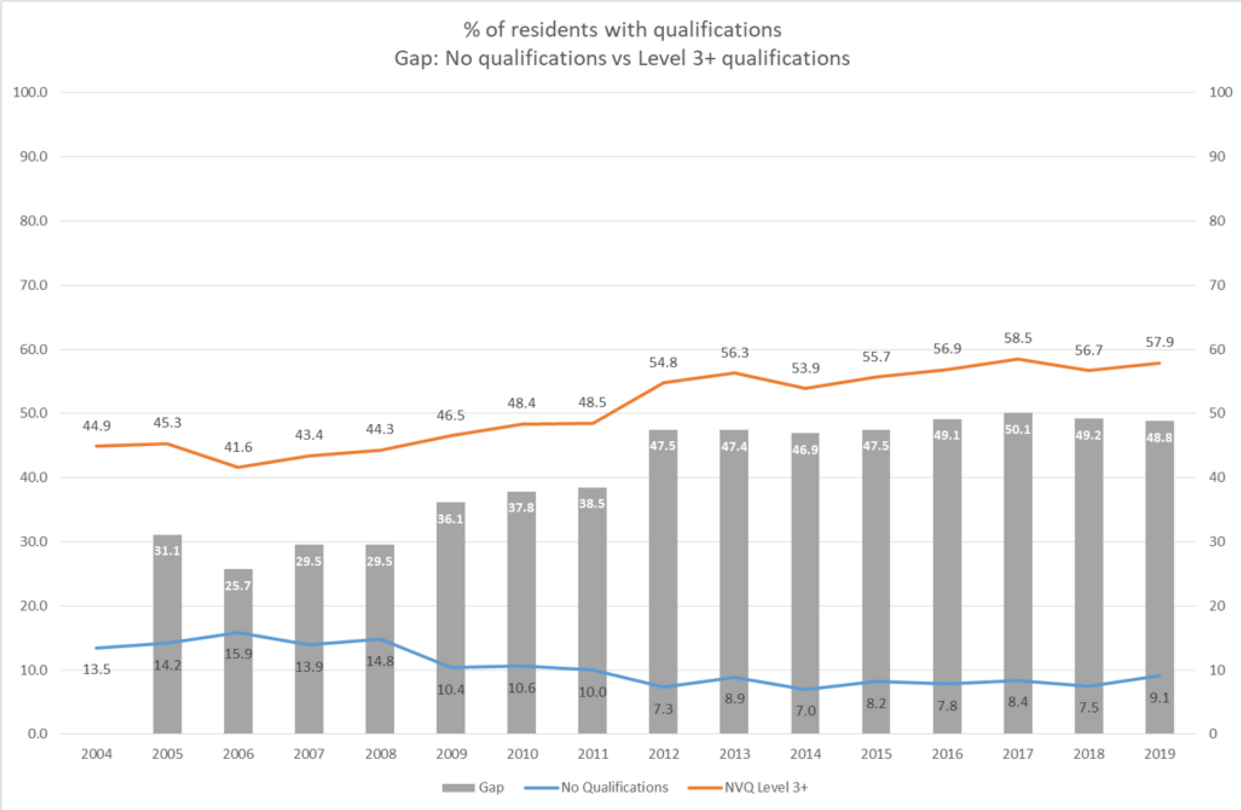
	Geography	Latest Data	Trend
Proportion of adults with NVQ3+ qualifications	Bury	57.9	↑
	GM	55	↑
	England	58.5	↑
Proportion of adults with no qualifications	Bury	9.1	↑
	GM	9.4	↓
	England	7.5	↓

The proportion of Bury's working age population with no qualifications is lower than GM and GB averages. The performance of Bury high schools has traditionally exceeded regional and national outputs, with local key stage 4 students generally performing favourably in contrast to students outside the borough. Duplication of low skills intervention, particularly targeting 16-24 year olds, is evident locally and regionally, with less provision available to adults nearing retirement age.

The supply and demand of local provision is steered by national and regional funding/policy. Further opportunities through devolution will drive inclusive economic growth. Although the majority of Bury residents have the necessary qualification attainment, there is a concentration of residents aged 35-64 (the 35-49 age bracket is most affected), that may move further from the labour market. The older no skills populace could partially be attributed to the historical economic context, whereby low paid manufacturing was a big local employer.

Although Bury's low skilled populace data is low, this is still a reflection of inequality gaps within the borough as these residents are statistically more likely to be:

- Unemployed
- In low pay employment
- Claiming in and out of work benefits
- At risk of developing health related barriers



Bury has academically high performing high schools and colleges, which exceed the GM and UK average and that Bury benefits from a wide variety of training providers, which offer learning opportunities at all levels however the number of local traineeship opportunities is low. We have a variety of employment programmes such as Working Well and other employment support provision, supporting residents (with no skills) to develop. This is undertaken by systematically removed barriers to employment, which includes poor health and wellbeing, lack of transferable skills, limited/no work experience and no qualifications.

Apprenticeship reforms enable employees to retrain in subjects that had not previously been studied. In contrast to old apprenticeship guidance, the reforms encompass retraining at levels preceding and superseding the highest previous level of attainment.

Further education remains the default destination for the vast majority of high school students. The Raising Participation Age encourages students to progress into on the job learning or education until their 18th birthday, without it being enforced.

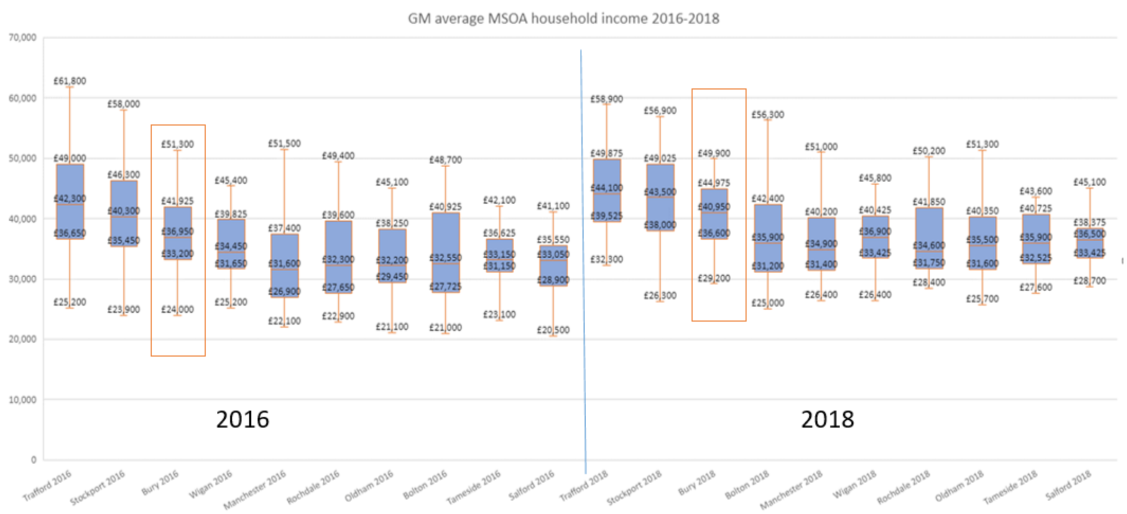
Despite low levels of young people not in employment, education or training (NEET), Bury’s youth unemployment remains high in relation to the proportion of overall unemployment (one of the highest figures across GM). This reinforces a disconnect between the education system and the skills employers require, alongside inconsistencies within careers information, advice and guidance at all levels of the education system.

2.7 Delivering inclusive economic growth

Measure(s):	Average total household income
Target Statement	Maintain position in Top 3 GM ranking for average total household income and increase range of income by improving those incomes in the top quartile.

	Geography	Latest Data	Trend
Average total household income	Bury	£40,950	↑
	GM	£38,528	↑
	England	£43,491	↑

For the past two data points Bury has remained the third highest average household income in GM following Trafford and Stockport respectively. In 2018 the average total household income was £40,950, ranging from the lowest at £26,300 to the highest of £49,900. Whilst the average income had increased from 2016 the upper quartile of this range had decreased slightly which may be an indication of a future declining or stagnant trend in the average income. The target for this outcome is to ultimately increase the average household income by increasing the range of incomes by improving those in the top quartile.



This would usually be a challenge and will be even more so during the recovery from the COVID-19 pandemic. Unemployment rates before COVID-19 were relatively low but these have now increased along with claimant count numbers which have increased twofold exceeding levels seen in the previous recession.

The average household income has been traditionally above the GM average where Bury's housing market provides value for money, with strong local amenities and leisure options. This encourages highly skilled people, with high paid jobs, to reside within the borough. However, a high proportion of Bury residents continue commute to work outside of the borough. The impact of COVID-19 on such employment due to furlough and other support mechanisms may influence this in future data points.

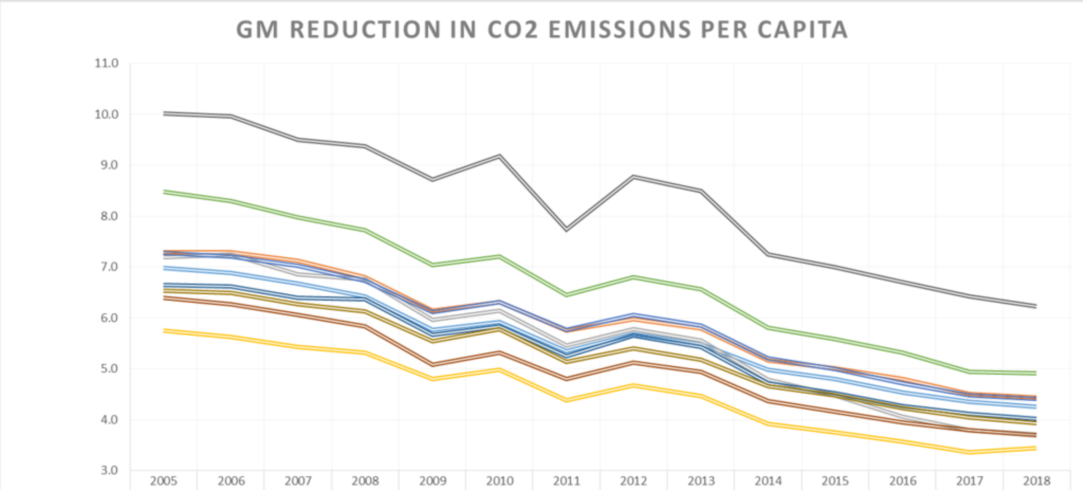
Before COVID-19, a quarter of economically inactive residents of Bury were inactive due to long term sickness. (April 2018 to March 2019). Anecdotally, a high proportion of Bury's unemployed cohort have deep rooted barriers to entering the labour market, highlighting why there is a plethora of programmes that target those in work and at risk of leaving employment i.e. Working Well: Work and Health Programme. In terms of developing the economy within Bury as an attractive place to work, data from 2020 shows that currently the average annual full time salary for Bury workplaces is £26,752. The same salary for Bury residents who may work both inside and outside of the borough is £32,173. This demonstrates that perhaps residents travel out of the area for higher paid employment opportunities.

2.8 Delivering carbon neutrality by 2038

Measure(s):	CO2 emissions per capita
Target Statement	By 2030 maintain decline in CO2 emissions per capita and be within the top 5 localities in GM with the lowest emissions

	Geography	Latest Data	Trend
CO2 emissions per capita	Bury	4.4	↓
	GM	av 4.3	↓
	England	av 5.8	↓

In 2018, Bury ranked 7 out of 10 for the lowest CO2 emissions per capita in GM. This ranking has been similar for the past 13 data points and whilst Bury has achieved a significant reduction in emissions from 7.3 to 4.4 this hasn't been a great enough reduction to improve on GM rankings. The Let's Do It strategy has an aim to be carbon neutral by 2038.



	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Bolton	7.0	6.9	6.7	6.4	5.8	5.9	5.3	5.7	5.5	5.0	4.8	4.5	4.4	4.3
Bury	7.3	7.3	7.1	6.8	6.1	6.3	5.7	6.0	5.8	5.2	5.0	4.8	4.5	4.4
Manchester	7.2	7.3	6.9	6.8	6.0	6.1	5.5	5.8	5.6	4.8	4.5	4.1	3.8	3.7
Oldham	5.7	5.6	5.4	5.3	4.8	5.0	4.4	4.7	4.5	3.9	3.8	3.6	3.4	3.4
Rochdale	7.3	7.2	7.0	6.7	6.1	6.3	5.8	6.1	5.8	5.2	5.0	4.7	4.5	4.4
Salford	8.5	8.3	8.0	7.7	7.0	7.2	6.4	6.8	6.6	5.8	5.6	5.3	4.9	4.9
Stockport	6.6	6.6	6.4	6.4	5.7	5.8	5.3	5.7	5.4	4.7	4.5	4.3	4.1	4.0
Tameside	6.4	6.3	6.1	5.8	5.1	5.3	4.8	5.1	4.9	4.4	4.2	4.0	3.8	3.7
Trafford	10.0	10.0	9.5	9.4	8.7	9.2	7.7	8.8	8.5	7.2	7.0	6.7	6.4	6.2
Wigan	6.5	6.5	6.3	6.1	5.5	5.8	5.1	5.4	5.2	4.7	4.5	4.2	4.0	3.9

2018	
Oldham	3.4
Tameside	3.7
Manchester	3.7
Wigan	3.9
Stockport	4.0
Bolton	4.3
Rochdale	4.4
Bury	4.4
Salford	4.9
Trafford	6.2

2.9 Improved digital connectivity

Measure(s):	% of people over 16 who used the internet over 3 months ago / never used the internet
Target Statement	Improvement in the borough rank within GM – baseline position for NES 6.7%

	Geography	Latest Data	Trend
% of people who have never used the internet / not used the internet in the past 3 months	Bury (NES)	6.7	↓
	GM	av. 8.9	↓
	UK	7.5	↓

This data is only available currently at a NUTS level (Nomenclature of Territorial Units for Statistics) across GM. This is broken down into North and South sectors and a central Manchester sector. Bury resides in the North East Sector which also includes Rochdale and Oldham.

This sector currently has the second lowest proportion of people who have not used the internet, seeing the highest, consistent reduction since 2017 out of all of the sectors.

3 Conclusion and Next Steps

This is the first performance report of the joint Corporate Plan. Work is underway to design and automate this reporting into a clear, concise and visual document to provide ease of interpretation for the next iteration. It is anticipated that this report will be produced on a quarterly basis with explanation and assurance within the reports of how our departments are managing their own performance and the process of which issues and risks are escalated when and where required. The seven outcomes will be revisited in detail on an annual basis which is in line with the longer time lags on data release for those measures.

4 Recommendation

That Cabinet is asked to:

- note the progress against 2020/21 Corporate Plan delivery objectives
- note the baseline position detailed in this report for future performance monitoring
- approve Performance Management Framework (PMF) for the Bury Let’s Do It Strategy and Corporate Plan.

Appendix 1

Detailed Q3 Delivery Commitments by Department

Corporate Core

Complete as planned Q3 20/21	Implementation continues into Q4 and 21/22	Timescale realigned to 21/22
• Let's do it strategy consultation • Corporate plan & departmental business plan process updated • Council constitution updated • Transformation partner & planning commissioned • Brexit planning • Performance data dashboard & reporting implemented • Homeless strategy developed • Neighbourhood model – community established • Relationship with STH • VCSE strategy developed	• i-Trent/transactional HR review • Business support review • Armed Forces Covenant Refresh • Agile working strategy • Boundary Commission Review • Microsoft 365 rolled out • HR policy review	• Talent Strategy (Capacity reprioritised to deliver wellbeing strategy) • Health & Safety Strategy

Business Growth and Infrastructure

Complete as planned Q3 20/21	Implementation continues into Q4 and 21/22	Timescale realigned to 21/22
• Town Centre Recovery Boards • GMSF planning • Bury Local Industrial Strategy developed • Council Strategic Asset Management Strategy • Business relationship and engagement function developed • Working well strategy developed • Approval of enhanced disposal programme	• Prestwich village regeneration delivery • Radcliffe SRF delivery • Bury Interchange • Bury Town Centre Masterplan	• Private Rented Strategy • Economic Recovery Plan including Barclays Thriving Local Economies programme • Uplands • Estates Strategy / Council Strategic Asset Management Strategy • Growth strategy

Children and Young People

Complete as planned Q3 20/21	Implementation continues into Q4 and 21/22	Timescale realigned to 21/22
• Development of early help support for children and families via a community partnership model • Radcliffe School support • Support for children in need of help and protection through the period of Covid-19 restrictions • Leadership of whole system support to schools, early years providers and FE colleges to mitigate the detrimental impacts of Covid-19		• Implementation of early help support for children and families via a community partnership model • Whole system leadership of School improvement to transform outcomes for all children and young people at each key learning stage • Support for children in need of help and protection through the period of Covid-19 restrictions • Leadership of whole system support to schools, early years providers and FE colleges to mitigate the detrimental impacts of Covid-19 • Whole system leadership of improvements to the Bury local offer for children and young people, with additional and SEND needs • Development of excellent social work practice, focused on interventions which will have most impact for children and families • Support to the Star Academy Trust to deliver a new secondary school, as part of the wider Radcliffe regeneration

Finance

Complete as planned Q3 20/21	Implementation continues into Q4 and 21/22	Timescale realigned to 21/22
• Anti-poverty strategy developed • Community voucher scheme established • Risk Registers and Risk Maturity Assessment refreshed • Capital programme review • Income and Debt Management Review	• Making tax digital • Council tax support scheme • Finance Service Offer	• Financial procedures and policies • Social Value Policy and Procurement Review

and Write-off Policy • MTFS • Procurement review and new CPR • Treasury management strategy • STH VFM • Commercial strategy • HRA strategy		

Operations

Complete as planned Q3 20/21	Implementation continues into Q4 and 21/22	Timescale realigned to 21/22
• FM Strategy & Structure • 12 new waste vehicles • Clean Air and Minimum Licensing Standard Consultation commenced • COVID secure buildings established • Bury market investment • Recycling strategy developed • H&E: Transport plan with 'on the shelf' schemes • Asset Rationalisation plan developed	• Street light dimming • Civics Centre review • Town Hall repairs & maintenance	• Climate Change Strategy: Carbon Footprint Report • Climate Change Strategy: Deliver the Housing Strategy action plan in relation to Carbon Management • Leisure reviews

One Commissioning Organisation

Complete as planned Q3 20/21	Implementation continues into Q4 and 21/22	Timescale realigned to 21/22
• HWB leadership refreshed • System-wide COVID response & recovery delivery • Staff Wellbeing: Support and Communication plan established • Local outbreak plan developed • Rework of Physical Activity Strategy • Continuing Health Care Arrangements and Review commenced	• System wide COVID response • System-wide COVID response & recovery • Staff Wellbeing: Support and Communication	• Community Based Health and care integration including LCO form and function • New vehicles for mandated and system wide clinical leadership • Children's Integrated Health and Care Commissioning including SEND

Agenda Item 16

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24th March 2021
Title of report:	IT Capital Programme: Cloud Migration Programme
Report by:	Councillor Tahir Rafiq, Cabinet Member for Corporate Affairs and HR
Decision Type:	**Cabinet Key Decision**
Ward(s) to which report relates	**All**

Executive Summary:

The ICT Capital Programme was approved by Full Council in February 2019 to support the modernisation of the Council's IT estate and to facilitate the delivery of a new programme of investment in technology and digital services to support future transformation.

Of the £9 million agreed in 2019, just over £2m has been spent on essential remedial work to improve the security and stability of our ICT infrastructure. An additional £1.3 million was committed last year to a three year Microsoft Enterprise Agreement.

This Key Decision is to allow the transformation plan to progress to the next phase of our Cloud Migration Programme through the appointment of a delivery partner to undertake the build phase of the project, including the development of our Microsoft Azure tenancy to maximise the value we can gain from our Enterprise Agreement. The business benefits will include greater resilience through a cloud-based data recovery model and improved business intelligence through investment in data management.

Recommendation(s)

That:

Cabinet approves the decision to use the ICT Capital Programme to fund the build phase of the Cloud Migration programme through appropriate procurement routes.

Key considerations

When the ICT Capital Programme was agreed at Full Council in February 2019 it was done based on a recognition of the importance of the council having a modern and resilient IT estate that would enable agile working and transformation of services. It established a four-year programme of work to upgrade and reshape the IT & Digital footprint of the council. This was designed to underpin the emerging commitments to changing ways of working by taking a digital first approach to the delivery of services.

Despite the fact that ensuring business continuity was one of the reasons for undertaking this programme of investment, no one at the time could have predicted the events to come in 2020. The rapid response to Covid-19 which saw all council offices closed and the majority of council services delivered remotely happened practically overnight at the end of March 2020 and massively changed the speed and delivery of the council's digital programme.

Due to the investment already agreed through the capital programme fortunately the majority of council employees had been upgraded to Windows 10 devices and were already using laptops and mobile devices which allowed them to connect to council networks remotely. Through a combination of our Citrix environment and our virtual private network (VPN) we went from having approximately 100 users logging on remotely to council networks per day, to over 1000 users a day in less than three weeks.

In March 2019 we had already initiated an infrastructure refresh programme to ensure our servers where upgrades to current versions and fully supported. Again, this work was accelerated in 2020 to provide extra resilience to the council and its employees. Overall connectivity has been stable and secure throughout the last twelve months despite different ways of working, two floods in the data centre and various other challenges caused by remote working.

As a result of signing a three year Microsoft Enterprise Agreement at Cabinet in February 2020 we were able to accelerate the roll out Microsoft Teams and Office 365 (now M365) to council employees and elected members. This was a hugely challenging process, especially as it had to be done remotely, and the support provided by our IT Team was exceptional. The pressure put on our Service Desk and Tech Support was immense and for a time we offered a 24/7 response service to ensure that people could access systems and each other at all times during the early stages of the response to the pandemic.

It was with great pride that we were able to support the first virtual Full Council meeting in May 2020, live streamed, and with all of our Elected Councillors able to fulfil their democratic duties. We have facilitated a full programme of democratic activity throughout the pandemic including Scrutiny Committees, Appeals Panels, Recruitment Panels, Emergency Powers Group Meetings, Cabinet and Full Council meetings.

In terms of getting value from Year One of the Enterprise Agreement, at the start of March 202, 820 users had been migrated from Office 2013 to Microsoft 365, despite the challenges of remote implementation. These 800 users have formed a pilot for testing the approach to using M365 before accelerating the roll out to our remaining staff. In addition to this just under 650 staff have had their e-mails migrated to Exchange Online. Making use of the E3 licences purchased last year we now have almost 2000 staff using Microsoft Teams, over 25,000 meetings organised in the last three months alone.

Despite the global pandemic other work has not been paused. The IT Team have also lead on the implementation of a new telephony system in July 2020, a system which required installing a completely new operating system across all council phones; switching all of our call centres over to a new contact management system and re-installing replacement soft phones for all remote users. It also included bringing forward a planned move from ISDN phones lines to SIP trunks ahead of the 2022/23 deadline. This project was three years in the planning and as a result when the porting date came on the 4th July loss of service to the Council's phone lines was kept to a minimum of three hours and all users were migrated successfully in less than 24 hours.

In November 2020 the move to a new Customer Relationship Management (CRM) System was completed. This was a long term project which has involved complicated work to move from an outdated legacy system with complex links to other council systems, including work flow software and payment systems. We have now migrated to a more modern CRM environment which will allow us to exploit more efficient ways of working and offer better experience to our residents through more joined-up working across the various contact points we have in the organisation.

The end of the year was marked with another significant project, the move of our HR system from on-premise servers to a cloud-hosted environment. This work had to be done within a very short period to avoid disruption to the payroll systems of the council and our external clients, including schools. The migration team were set an ambitious challenge of completing the design, test, build and delivery within twelve weeks, the shortest timescale the supplier had ever been involved with. This was achieved and the January payroll was successful completed via the hosted environment. This now permits the implementation of a similarly ambitious programme of modernisation of the HR system, to install new self-serve modules for employees and managers which will further support agile working and improve productivity.

This key decision paper relates to another key programme of work within the IT Digital Programme, Cloud Migration. In March 2020 a Strategic Business Partner, the ANS Group, was appointed to undertake the detailed design work required to scope the cloud environment required to replace our current on-premise, physical data centre. Working alongside our internal team this has been a thorough and time consuming process however we are pleased to be able to bring forward this Key Decision to seek permission for the next stage of the programme.

Current Proposal

In February 2020 Bury Council procured specialist consultancy from an Information Technology Service Provider, the ANS Group, experienced in working with Local Government and the NHS, to deliver the planning and design phase for cloud migration in terms of our current IT estate, including disaster recovery. The tender specifically referred to the Planning and Design Phase of the work required to establish overarching migration strategy, migration assessment, Azure Consumption estimate and cloud architecture review, resulting in a clear and costed transition plan.

The purpose of this decision is to support an application for the funding required to deploy a Microsoft Azure Cloud Platform which is needed to underpin the council's new approach to Information Technology and Digital Strategy delivery. This next 'Phase 2' Investment will see a new Microsoft Azure Public Cloud Platform being deployed so the council can begin the process of replacing its ageing, inflexible, legacy systems and facilities with a next generation digital platform that will support the transformation of its public services, alleviating the current risks that the council faces:

- The current Town Hall Data Centre facilities being unsafe and at a high risk of failure;
- Critical Applications needing to be migrated from the existing legacy platforms into the resilient Cloud platform at pace to mitigate the risk of loss of service due to the Town Hall building suitability;
- Mitigation of risk of failure with a documented and tested failover data recovery plan;
- These critical applications will now be under a governed and secure Managed Service.

The completion of Phases 1 & 2 will deliver the following outcomes:

- A solid foundation for the council's new approach to a modern Digital Strategy.
- Appropriate Back Up and Disaster Recovery capability will be delivered.
- The platform will enable the Council to build new business models and deliver new revenue streams whilst enabling better ways to engage with its citizens.
- The ability to leverage the Platform in the future to provide better insight and use of data through the use of a new common data platform.
- Easier integration with the CCG.

Funding Model:

It has been recognised that to deliver the transformation required, at the pace which is needed, we must invest in our systems and infrastructure and create an environment which enables us to utilise the benefits of new technology and the most up-to-date ways of working. To achieve this in February 2019 the ICT Capital Programme was agreed at Full Council, resulting in £9.6m capital fund to transform and upgrade our infrastructure and delivery models. Since the original decision to approve an ICT Capital Fund was taken, just over £4m has been spent on improving the security of our ICT estate and upgrading the hardware and software used by our staff and services. Broad headings for this work are as follows:

- Infrastructure Development and Replacement of Core Components
- Network Coverage Improvement
- End of Life User Hardware Replacement
- End of Life Central Hardware Replacement
- Software and Licences Maintenance and Upgrades
- A 3 year Enterprise Agreement with Microsoft

The value of the contracts issued to date have been within the limits set by the Scheme of Delegation for sign-off by the Cabinet Member for Corporate Affairs and HR. A separate key decision form was approved by Cabinet in March 2020 for the approval of the capital funding required for the Microsoft Enterprise Agreement.

This paper requests permission to access the next phase of funding from the Capital Programme to cover the implementation costs associated with the build phase of the Cloud Migration work.

Current Request and Return on Investment:

The table below shows the costs of running the current data centre in Bury compared with relocating to the Microsoft Azure Cloud data centres. Some computing power has to be retained locally for networking, printing and communicating with the cloud data centres but would come to represent 5% of the original total. Staying with an 'on premise' arrangement will cost the Council £3.1m over the next 5 years of which there is a requirement or some initial investment in 2021/22.

The proposed approach will cost £2.8m over the same 5-year period resulting in a savings overall of c£0.3m of which £41k will be achieved on an ongoing basis. In addition to cost reductions, it means the council has greater flexibility in the way it manages its assets.

Project Year	2021/22	2022/23	2023/24	2024/25	2025/26	5 Year Total
As Is						
Bury On Premise Data Centres	(inc. Citrix licenses, server costs, storage, software and utilities)					
Total	**£1,424,601**	**£426,801**	**£426,801**	**£426,801**	**£426,801**	**£3,131,805**

To Be						
Azure Cloud Costs	(inc. Service and equipment costs, Azure hosting and on-premise residual costs)					
Total Cloud Costs	**£847,118**	**£410,678**	**£385,678**	**£385,678**	**£385,678**	**£2,414,829**
Migration Project Costs	(inc. Additional internal capacity to manage transition, additional costs for applications to be deprovisioned or re-developed, archive storage					
Total Migration Project Costs	**£260,000**	**£130,000**	**£0**	**£0**	**£0**	**£390,000**
Total Cloud Migration Costs	**£1,107,118**	**£540,678**	**£385,678**	**£385,678**	**£385,678**	**£2,804,829**

Recommendation:

It is recommended that Bury Council proceeds with the relocating its IT equipment into the Cloud via a procurement exercise to be run through G-Cloud. This will allow a faster implementation of the next phases, allowing us to fully realise the benefits of Microsoft 365 Applications and the other aspects of our existing Microsoft Enterprise Agreement including improved telephony services, file sharing and remote working.

Specifically, in the short term this will include £1.7m in 2021/22 from the ICT Capital Programme to undertake the implementation of the Phase 2 of the Cloud Migration Programme. The availability of this funding was confirmed at the ICT Capital Gateway Board on Friday 22nd January 2021 subject to a full business case being developed as outlined above.

The costs of this project are front loaded costs due the initial work required to deliver the secure setup of Bury Council's specific tenant in Microsoft Azure, then subsequently moving the Council's systems from the existing local data centres to the Microsoft Data Centre. Equally, there is time required to setup the specific requirements around Disaster Recovery and Backup as per the requirements detailed in the Phase 1 design work. Once this work has been completed, there will be a consistent on-going Microsoft Azure hosting cost.

The additional costs in Year One that are not in the subsequent years are project transition costs and include the extra capacity required to maintain exiting set-up, undertaking required training to create a Cloud Competency Centre within Bury's internal ICT Function and to migration the data and applications as per the agreed statement of works. The costs also include three years of upfront hosting costs to allow for the transformation of the Council's data centre. Future years will be funded from the revenue budget.

Other alternative options considered:

Alternative options would be to continue to invest in our on-premise data centre which is high risk due to the age of the hardware and infrastructure. It would also not bring the business benefits of having data stored in a cloud environment where we can benefit from improved data management to support the delivery of high-quality business intelligence.

Alternative cost models to move to another physical data centre have also been explored and remain under consideration for some of the servers and systems where there is not a suitable cloud hosted alternative.

In order to ensure the efficacy of this approach and the validity of the costing model the Phase 1 design work has been independently reviewed by Business Analysts from Gartner, our Executive Support Partner who have been appointed to peer-review the IT Digital programme. Gartner is the world's leading information technology research and advisory company who offer technology-related insight necessary for organisations to make best informed technology related decisions. The design work from Phase 1 has been reviewed by a Gartner Business Analyst and endorsed as conforming to current industry best practice and in line with Microsoft Gold Partner standards.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
None	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Failure to invest in the modernisation of the Council's data centre infrastructure could result in a loss of functionality and data which would affect all council services and represent a significant security risk.	Should this decision not be approved the Council will need to build an alternative investment case to upgrade the on-premise data centre which would be more expensive and not offer the full business benefits. Other mitigation would be including physically relocating the data centre however moving our current server room would introduce significant risks to continuity of service. A further alternative would be to re-commission the design phase to provide alternative costings however this would replicate the work already undertaken with no guarantee of a different outcome in terms of recommendations and costs.

Consultation:

Legal Implications:

There are no legal implications arising from the report and recommendations. The procurement has been undertaken in accordance with the Council's Contract Procedure Rules and to comply with the Council's duty to achieve best value using the G-Cloud Framework, part of the Crown Commercial Services Digital Marketplace for public sector procurement.

Financial Implications:

The cost of the proposal can be met from the ICT reserve and from the revenue budgets. It is proposed that ICT budgets will be centralised so ensure that ongoing savings can be identified and delivered.

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Background papers:

N/A

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

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Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Community Hub Structure
Report by:	Cabinet Member for Communities and Emergency Planning
Decision Type:	**Key Decision**
Ward(s) to which report relates	**All**

Executive Summary:

A network of Community Hubs was established in Bury in March 2020 in response to the national requirement for every Local Authority to provide humanitarian aid during the present emergency.

The Hub network is presently comprised of deployed staff from Bury Council and community volunteers. The teams have, however, grown in strength over time and made a significant contribution to the emerging *Let's do it!* vision of neighbourhood delivery and community empowerment.

This paper proposes that through Covid Contain funding, a Council delivery structure for the Community Hubs is formalised initially on a fixed term basis across each of the five neighbourhood footprints. The Hubs will continue to play a key role in the ongoing emergency response and over time will expand to contribute to wider community strategy, to further strengthen local democracy.

Recommendation(s)

That: The proposed staffing structure is agreed for immediate implementation.

Key Considerations

1. Background

Over the last two years, Bury has been developing its approach to neighbourhood working. In September 2019, community groups and residents took part in consultation events to develop what has since become the *Let's do it!* Strategy, which sets out:

- The structured engagement of community groups and residents, through a local community hub, to harness and expand local capacity aligned to community needs and opportunities.
- A consistent set of principles that define a new relationship between communities and public services. These are that we work together to apply a "Local" mindset; to drive "Enterprise"; that communities, residents and public services work "together" with a common mindset and supporting structures and that every intervention follows a "strengths-based" approach.
- A neighbourhood model of public service delivery, where statutory services are integrated around the needs of local communities and follow the principles of prevention and early intervention. The local offer will be comprised of:
    - Integrated health and social care teams;
    - The Children's Early Help teams;
    - A community hub;
    - A "hub" of other public services.

The national requirement to establish of a network of Community Hubs to provide humanitarian aid during the present pandemic has provided an early opportunity to begin to mobilise this vision. In Bury the hubs were established in March 2020 which involved:

- Developing a single point of contact and triage mechanism for people seeking advice and support with shielding and other types of humanitarian aid.
- Providing support to vulnerable people to enable them to stay at home by mobilising efforts around the provision of food and medication.
- Co-ordination of wider public services and volunteers to support schools testing and vaccine centre administration.
- Supporting vaccination arrangements for clinically vulnerable people and other priority cohorts.
- The establishment of referral pathways to other service providers such as Mental Health services, the Staying Well Service, the Beacon Service, the Integrated Neighbourhood Teams in Health and Social Care, CAB for welfare rights information and Age UK for befriending Services.
- Strengthening the links and contacts within the community through partnerships with Voluntary Community and Faith Alliance and via hundreds of smaller voluntary, community and faith groups as well as foodbanks, community grocers.
- Contributed to mutual aid and support through a similar network of hubs across Greater Manchester, facilitated by the GM Humanitarian Aid Group, part of the Contain Cell within the Emergency Response structure.

Over time, the Community Hubs have grown in strength and influence and have supported the community sector to come together to develop new approaches, for example:

- The development of isolated food banks into a thriving, strong, neighbourhood-based Community Network of 14 food banks and community grocers.
- Providing support to faith groups during religious celebrations and Holy Days.
- Involvement with cultural events such as the Festival of Light and Hope and the promotion of the 2020 Bury stars, which included recognising the work of our volunteers and carers.
- Securing an MHCLG grant of c£450,000 to invest in the creation and development of a network of community champions
- Leadership of community participatory funding opportunities, created to by the Council to tackle particular issues eg loneliness and emergency recovery more widely

To date the emergency response activity within the Hubs had been resourced from redeployed Council and CCG staff only, backfilled or supported by a small number of Agency staff funded from Contain monies and covered in separate decision notices. As the Borough moves into recovery the resource requirement must now be stabilised to provide the resilience to maintain the network.

2. Future Delivery Priorities

This paper proposes that the Community Hubs networks are now formalised and that, through Covid Contain funding, a Council delivery structure is established initially on a fixed term basis across the following geographic networks:

- Bury East
- Radcliffe
- Whitefield
- Ramsbottom
- Prestwich

Over time the proposed structure will move out of the current emergency response phase and become the central delivery mechanism for the place-based neighbourhood model in the borough as described in *Let's Do It!*. Key pieces of work will include:

- Co-design of the **neighbourhood model** including:
    - alignment with Children's Early Help and Integrated Neighbourhood Teams in health and social care to create the public sector infrastructure in each neighbourhood
    - Supporting the collection and production of neighbourhood data, to inform trends, risk stratification and outcomes
    - Improving the current referral pathways and developing further referral pathways to other parts of the public sector including urgent care, Covid pathways, welfare grants.

- Recommissioning the **VCFA infrastructure** organisation and developing the role of volunteers including the development of our new **Volunteering Strategy**.
- Working closely with Elected Members and Community Leaders to develop sustainable mechanisms for **community engagement**.
- Managing local **community participatory grants** such as the current campaign for loneliness intervention.
- On-going **humanitarian aid** acting as the single point of access in each neighbourhood and contributing to the pan-GM effort through the Contain Cell and its focus on levelling up and recovery.
- Investing national funding in a network of **community champions** to take responsibility for understanding issues and needs in a place and responding with the support and materials required, closing gaps in community relationships and networks. Specific actions will include:
    - Establishing c250 residents to act as individual community champions, as a conduit for communication and engagement with the council across the borough
    - Investment in data and analytics to better understand our communities
    - the Development of the skills and requirements of the Community Connector role, including the role of Ward Members
    - developing local fora and engagement mechanisms with local communities in each neighbourhood, on a geographic; ward and interest basis

3. Proposed Structure and Responsibilities

It is proposed that Community Hub structure is established for a two-year fixed term period under the direction of the Assistant Director Public Service Reform (AD PSR).

The AD PSR was appointed in December 2020 with responsibility for developing and managing the neighbourhood model outside of social care, as well as operational responsibility for community safety; arts and community learning. The Hubs are currently being led by the Director of Transformation who will plan to hand over their responsibilities and move on to support other aspects of the transformation programme once this structure is implemented.

The proposed Community Hub structure will be a mixture of permanent and fixed term provision, according to available resources and subject to review. It is proposed that:

- The existing post of **Strategic Partnership Manager** will be amended to include responsibility for overseeing delivery of the Community Hubs as part of the implementation of the Neighbourhood model.
- The two substantive posts of **Neighbourhood Engagement Co-ordinators** and the **Programme Support Assistant** will be confirmed on a permanent basis within the Hub structure.
- Five **Community Hub Managers**, one for each neighbourhood, will be established on a two-year, fixed term basis funded from the Covid Contain grant, with one designated as **Team Leader** to provide additional supervisory capacity.

- A network of five **Community Engagement Co-ordinators** will be appointed for 12 months, one at each Community Hub, funded from the Community Champion grant.

Proposed responsibilities are summarised below. Job descriptions are appended:

3.1 The **Strategic Partnership Manager** will:

- Be the senior manager for the community hubs, responsible for delivering the totality of Hub work operationally and responding to dynamic requirements, particularly in relation to the current emergency.
- Manage and develop the relationships with strategic community stakeholders including Ward Members; Community leaders, the VCFA and other public service colleagues including health, children's and adults social care, Staying Well Team, GMP and GMFRS.
- Develop and apply neighbourhood policy and procedures, including referral pathways and the interface between other public service hubs and the development of the community engagement strategy including the community connector role and network itself.
- Deputise for the Director/Assistant Director at Greater Manchester, regional and national meetings as appropriate

3.2 The **Hub Managers** will:

- Lead the current emergency response in each neighbourhood and report to the Strategic Partnership Manager via the Hub Manager – Team Leader role
- Lead individual teams in each neighbourhood, to pursue the strategic objectives proposed with a particular focus on developing relationships with community leaders and seeking to harness and expand local volunteer capacity.
- Take the lead in managing the interface with other council and public sector relationships in particular Ward Councillors; the established health and care Integrated Neighbourhood Teams and Children's Early Help emerging wider public service hubs.
- Work with residents to develop local resident engagement fora and be responsible for arranging, leading (as appropriate) and evaluating events.
- The **Team Leader** will have line management responsibility for the other four Hub Managers.

3.3 The **Community Engagement Champions** will:

- Be accountable to the Hub Managers.
- Identify and connect with the Community Champions in each neighbourhood and across other hubs to ensure communities of interest are understood and represented.
- Feed in local viewpoints, issues and opportunities to the Communications Team and wider leadership and inform the development of the community connector role design and skills profile
- Support the wider community network
- Co-ordinate wider community engagement e.g. establishing resident fora

- Take responsibility for understanding issues and needs in a place and responding with the support and materials required
- Close gaps in community relationships and networks

3.4 The **Neighbourhood Engagement** team comprises two Neighbourhood Engagement Co-Ordinators and a Programme Support Assistant. This team will:

- Work across the hub network, not be allied to any one neighbourhood.
- Work flexibility to provide additional capacity where community volunteering efforts are least and to respond to priorities and challenges as they emerge.

4. Implementation

The impact of existing posts on the Council's establishment is below. All other posts are new and therefore present an opportunity for existing staff but do not have a bearing on their contract:

Current Role	Proposed Change
AD - Public Service Reform.	• No change
Strategic Partnerships Manager	• Some change to responsibilities. • Change in line management responsibilities.
Neighbourhood Engagement Co-ordinators	• No change to role • Change in line manager to Strategic Partnerships Manager
Programme Support Assistant	• Change in line manager to Senior Partnerships Manager

It should be noted that this structure absorbs the functions that were proposed to be established into a Strategic Partnerships team in the last Department of Core Services restructure report. The Strategic Partnerships Manager will take on responsibility for the Hub Managers and Neighbourhood Engagement Officers. The vacant post of Partnership Co-ordinator will be deleted.

The structure will be implemented through:

- Normal recruitment process which will give priority to redeployees and then parallel internal and external advertisement for the Hub Managers and network of Community Engagement Champions.
- Assimilation of the Neighbourhood Engagement Co-ordinators and the Programme Support Assistant who were formerly part of the Social

Engagement team into the structure as agreed in the Corporate Core restructure report in September 2020.

5. Alternative Options Considered

The alternative arrangement is to seek to maintain the community response through staff deployment and volunteer cover. Experience shows that this is unreliable from a resource perspective however and further, does not harness the opportunity to progress the Let's do it! Strategy through a team of dedicated and skilled individuals.

6. Recommendation

On the basis of the analysis presented in this report it is recommended that the proposed staffing structure is agreed for immediate implementation.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

(a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

<table>
<tr><td>Equality Analysis</td><td>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</td></tr>
<tr><td colspan="2">An equality assessment for the work of the community hubs has been in place and continually updated since they were established. The EA has once again been refreshed and demonstrates an opportunity to further equality of opportunity between different community groups and in particular mitigate discrimination against people with a disability or health condition</td></tr>
</table>

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:
The following risks apply to the decision:

Risk / opportunity	Mitigation
The Council failures to discharge its humanitarian aid responsibilities during the present emergency	The Hub structure maximises available resources for deployment within existing funding, to allow an effective response

Consultation:
The proposal has been presented to the Trades Unions. It is not subject to formal consultation because:

- Consultation has already been undertaken in relation to the former Social Engagement Team.
- All other proposed posts in the structure are new

Legal Implications:
The Interim Council Solicitor and Monitoring Officer and Data Protection has reviewed this proposal and has considered it to be significant in terms of its effect on communities living or working in an area comprising two or more wards and is therefore a Key Decision. The proposal has been added to the Forward Plan.

Financial Implications:
The cost of the proposals can be met from grant funding that has been made available to the Council in response to Covid and the ongoing requirements. The funding arrangements will continue to be reviewed to reflect any new and emerging grants that may come forward over time.

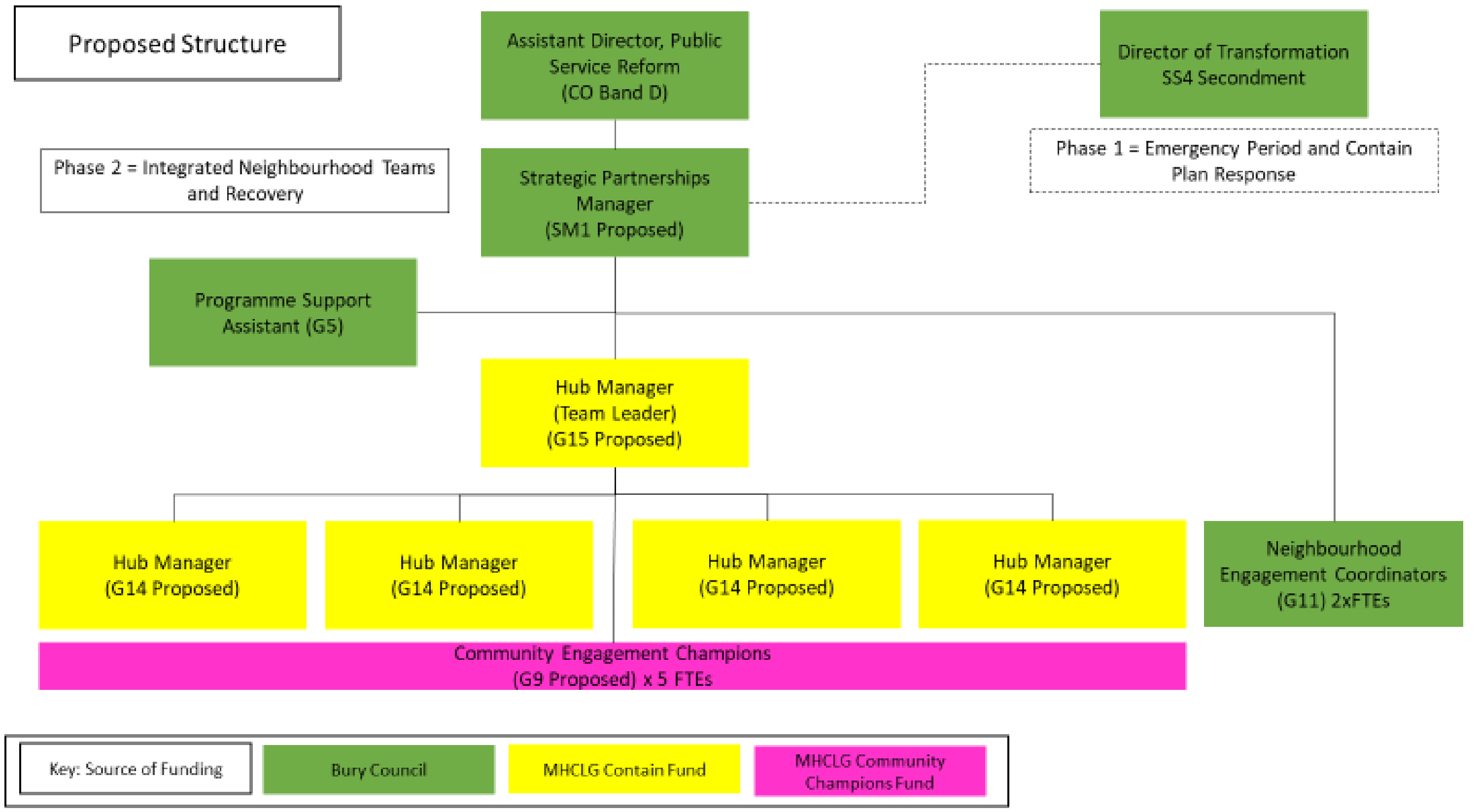
Report Author and Contact Details:
Lynne Ridsdale
L.Ridsdale@bury.gov.uk

Background papers:
Restructure proposals Department of Corporate Core Services Cabinet Report 2nd September 2020.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
Let’s do it!	The Bury 2030 Community Strategy
PSR	Public Service Reform

Appendix 1 Proposed Structure



Appendix 2– Detailed Costs & Funding

The costs are as follows:

Existing Council Budget	**Grade**	**Hours**	**Top of Grade**	**Plus 31.5%**
Strategic Partnerships Manager	SM1	37	£50,773	£66,766
Neighbourhood Engagement Co-ordinator	11	37	£33,782	£44,423
Neighbourhood Engagement Co-ordinator	11	37	£33,782	£44,423
Programme Support Assistant	5	37	£19,312	£25,395
Sub-Total				£181,007
Contain Fund **New posts (2 years)**	**Indicative Grade**	**Hours**	**Top of Grade**	**Plus 31.5%**
Hub Manager - Team Leader	15	37	£43,857	£57,671
Hub Manager	14	37	£41,881	£55,073
Hub Manager	14	37	£41,881	£55,073
Hub Manager	14	37	£41,881	£55,073
Hub Manager	14	37	£41,881	£55,073
Sub-Total				£277,963
Community Champions Funding **New posts 12 months**	**Indicative Grade**	**Hours**	**Top of Grade**	**Plus 31.5%**
Community Engagement Champion	10	37	£31,346	£41,219
Community Engagement Champion	10	37	£31,346	£41,219
Community Engagement Champion	10	37	£31,346	£41,219
Community Engagement Champion	10	37	£31,346	£41,219
Community Engagement Champion	10	37	£31,346	£41,219
Sub-Total				£206,095
Total				

The total cost of the structure is proposed to be funded as follows:

Funding source	**Total**
Bury Council	£181,007
MHCLG Contain Fund	£277,963
MHCLG Community Champions Fund	£206,095
Total	£665,058

Bury COUNCIL

NHS Bury Clinical Commissioning Group

EQUALITY ANALYSIS

This Equality Analysis considers the effect of Bury Council/ Bury CCG activity on different groups protected from discrimination under the Equality Act 2010. This is to consider if there are any unintended consequences for some groups from key changes made by a public body and their contractor partner organisations and to consider if the activity will be fully effective for all protected groups. It involves using equality information and the results of engagement with protected groups and others, to manage risk and to understand the actual or potential effect of activity, including any adverse impacts on those affected by the change under consideration.

For support with completing this Equality Analysis please contact corporate.core@bury.gov.uk / *0161 253 6592*

SECTION 1 – RESPONSIBILITY AND ACCOUNTABILITY *Refer to Equality Analysis guidance page 4*	
1.1 Name of policy/ project/ decision	**Bury Community Hubs**
1. 2 Lead for policy/ project/ decision	**Lynne Ridsdale**
1.3 Committee/Board signing off policy/ project/ decision	**Cabinet**
1.4 Author of Equality Analysis	*Name: Nicky Parker* *Role: Director of Transformation* *Contact details: nicky.parker1@nhs.net*
1.5 Date EA completed	*Updated 25/02/2021*
1.6 Quality Assurance	*Name: Chris Woodhouse* *Role: Strategic Partnership Manager* *Contact details: c.woodhouse@bury.gov.uk* *Comments: Outlined in Section 9*
1.7 Date QA completed	*25/02/2021*
1.8 Departmental recording	*Reference:* *Date:*
1.9 Next review date	*11/03/2021 no change following review by Inclusion Group.*

SECTION 2 – AIMS AND OUTCOMES OF POLICY / PROJECT *Refer to Equality Analysis guidance page 5*	
2.1 Detail of policy/ decision being sought	This updated Equality Analysis outlines the position twelve months on from the establishment of a network of five virtual Community Hubs in the Borough in March 2020. It also considers the proposed transition from emergency mandated infrastructure for humanitarian aid to a key proactive component of Burys Neighbourhood Model within the Bury 2030 – Let's Do It! strategy.
2.2 What are the intended outcomes of this?	The Community Hubs were established as part of the national emergency response to the Covid-19 pandemic, in particular to

	provide humanitarian aid and assistance to the Clinically Extremely Vulnerable (CEV) cohort in relation to food and medication. Whilst the breadth of offer increased in late 2020 around wider community support including for those self-isolating, the humanitarian aid for CEVs continues, and indeed has increased in February 2021 with the additional a further 4800 CEVs to the Shielded Patients List. The outcome is to ensure Bury's 14,000 CEVs and additional residents who are asked to self-isolate are supported, including assistance to self-support, eg through access to community provision or priority supermarket delivery slots, whilst cementing the infrastructure of the hubs as a key component of Bury's future neighbourhood model and the Let's Do It! Strategy

SECTION 3 – ESTABLISHING RELEVANCE TO EQUALITY & HUMAN RIGHTS
Refer to Equality Analysis guidance pages 5-8 and 11

Please outline the relevance of the activity/ policy to the Public Sector Equality Duty

General Public Sector Equality Duties	Relevance (Yes/No)	Rationale behind relevance decision
3.1 To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by Equality Act 2010	**Yes**	By providing a service to shielded and self-isolating residents regardless of their particular component protected characteristics the Hubs have sought to ensure humanitarian aid provision to all CEVs. Going forwards the hubs will play a key role in leading community engagement through community champions, including through the enhanced use of data, to identify and address both the causes and effects of inequality
3.2 To advance equality of opportunity between people who share a protected characteristic and those who do not.	**Yes**	Humanitarian Aid provision for CEVs and self-isolators who have been instructed to shield or stay at home has ensured food and medication access so not to disadvantage those remaining at home. Going forward this will be further enhanced through community champions to ensure greater connections at place.
3.3 To foster good relations between people who share a protected characteristic and those who do not	**Yes**	Central to the Community Hubs is the vital role volunteers have played in supporting those shielding or requiring additional support. The Community Champions initiative will encourage greater insight and understanding of local communities and addressing barriers to life chances.
3.4 Please outline the considerations taken, including any mitigations, to ensure activity is not detrimental to the Human Rights of any individual affected by the decision being sought.		

The Community Hubs continue to play an essential component in the Borough's pandemic response and in particular ensuring residents are able to access essential food and medication without putting themselves at any additional risk having been identified as clinically (extremely) vulnerable or self -isolators

<table>
<tr><th colspan="4">SECTION 4 – EQUALITIES DATA
Refer to Equality Analysis guidance page 8</th></tr>
<tr><th>Protected characteristic</th><th>Outcome sought</th><th>Base data</th><th>Data gaps (to include in Section 8 log)</th></tr>
<tr><td>4.1 Age</td><td rowspan="5">The Community Hubs were established to provide emergency humanitarian response and in their evolving role as part of Bury's Neighbourhood model are not set out to bring about a set change in equality demographics. Rather it is recognised the outcome is to support those most in need regardless of characteristic. Section 6 will consider specific mitigations, interventions or actions to ensure the activity does not negatively impact on any given community of interest or experience.</td><td>2018 Mid-Year Estimate (latest data available) of over 70s in Bury : 24,843

6,763 of c.14k CEVs as of 25/02/2021 are 70 or over</td><td rowspan="3">Data breakdown of CEVs at a super output area level is available which indicates those areas of Bury with high numbers of CEVs. This data needs mapping against data for low uptake of vaccinations and high numbers of infections to identify areas where additional support may be required</td></tr>
<tr><td>4.2 Disability</td><td>13,933 CEVs as of 25/02/21 Largest concentration at neighbourhood level in West though highest concentration at Super Output Area are within East.

3,293 tasks completed on Community Hub app as of 25/02/21. Hub app data available at neighbourhood level including focus of support provided.

Over 21,224 people in Bury have a limiting long-term illness, health problem or disability equating to 11.24% of our resident population, compared to 18.8% of the population of England and Wales (Census 2011)</td></tr>
<tr><td>4.3 Gender</td><td>Female 51%
Male 49%</td></tr>
<tr><td>4.4 Pregnancy or Maternity</td><td>Data to be sourced</td><td>No additional requirement for this particular EA</td></tr>
<tr><td>4.5 Race</td><td>BAME population
20,028 (Census 2011)

Bury has a Black, Asian and Minority Ethnic (BAME) population of around 10.8% compared to 14.7% of the population of England and Wales (2011 Census). The Borough has a number of emerging</td><td>Data breakdown available at neighbouhood level though through Community Champions work</td></tr>
</table>

		communities' and data from the Government shows that there are 495 refugee and asylum seekers in Bury receiving section 95 support intended to meet essential living needs.	seeking to strengthen hyper-local data
4.6 Religion and belief		Census 2011 responses: Christian (62.7%, nationally 59.3%), Muslim (6.1%, nationally 4.8%) and Jewish (5.6%, nationally 0.5%). 18.6% identified as having no religion	Data not currently included within Neighbourhood Profiles
4.7 Sexual Orientation		There is currently no national or local data on sexual orientation. However, estimates provided by the LGBT Foundation and Stonewall that between 5% and 7% of the population identify as Lesbian, Gay or Bisexual nationally.	Census 2021 to capture additional information
4.8 Marriage or Civil Partnership		The Census 2011 showed those married as 70,088 and those in a registered same-sex civil partnership status as 253 in Bury.	Nil
4.9 Gender Reassignment		There is currently no national or local data on gender identity. However, estimates provided by the Lesbian, Gay, Bisexual and Transgender (LGBT) Foundation that 1 in 4,000 people in the UK seek support to change their birth gender.	No additional requirement for this particular EA
4.10 Carers		19,954 (Census 2011) 440 (Bury Carers Hub)	Carer data is held by GP practices and commissioned providers. The Hubs are working through these organisations to communicate with carers. The data will be brought into one place as part of the Carer Strategy being developed within the One Commissioning Organisation.
4.11 Looked After Children and Care Leavers		358 Looked After Children 140 Care Leavers (as of end of January 2021)	
4.12 Armed Forces personnel including veterans		6,447 (GP register, July 2020)	Specific question being asked in 2021 census
4.13 Socio-		15,700 Housing benefit / Council	Neighbourhood

economically vulnerable		Tax support claimants NOMIS Claimant Count: 8,135 (October 2020) 356 people whom the council has a homeless duty Data is collected by BCSN and reported through to Bury Council and GM Humanitarian Aid Group regarding no of people asking for financial support, advice and food parcels. C. 900 Food parcels distribute per week through Bury Community Support Network (Nov 2020-Feb 2021)	analysis of housing benefit and council tax support will add to the development of the neighbourhood profiles.

SECTION 5 – STAKEHOLDERS AND ENGAGEMENT *Refer to Equality Analysis guidance page 8 and 9*		
	Internal Stakeholders	External Stakeholders
5.1 Identify stakeholders	Cabinet Members, in particular Leader and Cabinet Member for Communities and Emergency Planning; Joint Executive Team; Strategic Commissioning Board. Covid Response Silver, other service providers such as Adult Social Care, Staying Well Team, Loneliness Team and Integrated Neighbourhood Teams.	Team Bury Partnership; Bury Strategy Group; VCFA; Health and Wellbeing Board; Bury Community Support Network; Commissioned service providers including Beacon Service, Age UK, CAB, 450 individual volunteers, DWP
5.2 Engagement undertaken	Cabinet – Covid update 14/10/20 Informal Cabinet Feb re 5000 new CEVs Cabinet March 21 re Hubs Structure Monthly meetings with Cabinet Portfolio Member including 08/02/21 3 rounds of meetings with ward members in Neighbourhoods Q3 2020 Pilot neighbourhood summit – Prestwich Feb 21 Monthly system meetings Hubs and INTs Monthly meetings for each hub and INT LCO meetings Covid Pathway meetings monthly (NHS and Hubs)	VCFA – through specification design November 2020 and updates on Covid response to Chief Officers Group Team Bury – 22/01/21 Triborough Jewish meetings Quarterly Pathway meetings with Age UK, Beacon, Staying Well,CAB Fortnightly community group meetings in each hub
5.3 Outcomes of engagement	Designing Covid pathways Neighbourhood working design with	Specific approaches for Community Champions proposals with Bury Faith Forum

	INTs Approval for Hubs structure and community engagement champions Role of ward members as community connectors	Community meetings to engage community groups in key messages about the emergency response and provide feedback to HPB on services such as setting up testing, setting up vaccination centres, anti-poverty initiatives, Winter Grant, FSM etc
5.4 Outstanding actions following engagement (include in Section 8 log)	Report to Cabinet 24/03/2021	Post Cabinet further communication session with VCFA and Bury Community Support Network

SECTION 6 – CONCLUSION OF IMPACT
Refer to Equality Analysis guidance page 9

Please outline whether the activity/ policy has a positive or negative effect on any groups of people with protected inclusion characteristics

Protected Characteristic	Positive/ Neutral Negative/	Impact (include reference to data/ engagement)
6.1 Age	Positive	Government guidance issued on 16th March 2020 detailed the social distancing and isolation guidance for those at increased risk of severe illness from Covid which included “aged 70 or older”(regardless of medical conditions). This was updated to reflect all over 70s as being ‘clinically vulnerable’ and advised to strictly follow social distancing and remain at home wherever possible. National Shielding Scheme paused at beginning of August 2020 but hub activity continued to help people self-isolating that don’t have any other support, including developing additional referral routes such as through to AgeUK for befriending services as pre-cursor to Bury’s Neighbourhood Model. National Guidance has been updated several time sto include arrangements for Lockdown 2, Tier 4 and Lockdown 3. Updated again February 21 to include Qcovid CEV arrangements. 2318 of Qcovid CEVs are aged over 70. As such just under 50% of CEVs in Bury as of 25/02/21 are aged 70 or over. Further duties, through the National Self-Isolation Framework are expected March 2021. The Older Peoples Staying Well team as part of the Bury Live Well Service have been active in each of the initial hub community collaboration calls (from w/c 27th April 2020). Regular meetings with Staying Well to determine referral cases A letter was sent out to all residents aged over 70 to outline support available locally alongside additional Keeping Well at

		Home leaflet from GM. This is particularly important in relation to people retaining their own independence where possible, taking charge of their own health and wellbeing (physical and mental) 7including resources such as The Bury Directory. Several letters sent from Hubs to all 14,000 CEVs advising them of revised national guidelines and locally available support A data protection impact assessment (DPIA) has been completed to support the alignment of the Careview app (highlighting incidents of loneliness and social isolation) with the Community Hub app. A DPIA for the Community Hubs volunteers app was completed in May 20 which now needs updating to reflect updates to the app Support for over 70s summarised online at: https://www.bury.gov.uk/index.aspx?articleid=15405 Link via Borough Silver meetings into Children and Young People's Department in relation to schools, children centres, SEN provision and Early Help within neighbourhood settings. A checklist has been established for call handlers responding to out of hours call to highlight the calls which should be transferred to EDT and giving guidance in respect of signposting those that do not meet the criteria. Hubs staff have contacted all CEVs to book in for vaccination and provide additional support eg transport to vaccination centres, translation services etc. Additional call once Qcovid 4,800 residents released in 2 tranches- under and over 70s.
6.2 Disability	Positive	Government guidance was updated on 16th February to define those who are Clinically Extremely Vulnerable including a set of specific health conditions https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19#cev Functionality of the Bury Directory, which includes Community Hub information, support and advice includes Browsealoud for those with visual difficulties. Meetings taking place with Hubs via Teams have accessibility functions including contrast setting, dictation, text by telephone, in addition to compatibility with screen readers. Volunteering information formatted in large print for easy reading.

		Bury Society for Blind and Visually Impaired have included hub information within large-print information bulletin circulated to nearly 500 homes across the Borough. GM Text Phone service introduced – residents can dial 07860 022 876 – Messages will be responded to by the next working day 'Getting Help Line' launched in Bury on 17 August 2020 to offer non-clinical, non-urgent support for anyone experiencing low level emotional health and wellbeing difficulties. The new helpline is being launched on behalf of Bury Council and NHS Bury Clinical Commissioning Group (CCG) and is available to Bury residents of all ages. The 'Getting Help Line' will be open Monday to Saturday from 8am until 8pm Hubs staff have contacted all CEVs to book in for vaccination and provide additional support including transport to vaccination centres.
6.3 Gender	Neutral	No specific impact – does not impact on the engagement with the Community Hub and neighbourhood model. However, the Community Champions initiative provides an opportunity to strengthen awareness of place based support of initiatives within neighbourhoods that seek to enhance gender equality and opportunities as outlined in sections 3.2 and 3.3
6.4 Pregnancy or Maternity	Positive	Pregnant women were included in the list of "high-risk" groups as per the government shielded guidance published on the 16th March 2020. The latest government guidance (16th February 2021) provides greater specificity, identifying women who are pregnant with significant heart disease, congenital or acquired as clinical extremely vulnerable as such advised to shield and the hubs will support hose without existing networks. Hubs staff have contacted all CEVs to book in for vaccination and provide additional support such as seeking Primary Care advice on any vaccination queries for this demographic. In the development of the neighbourhood model further is information to be made available on current peri-natal, pregnancy and maternity/paternity support in light of Covid in relation with health care colleagues to detail provision in each of our five neighbourhoods and clarity over referral routes into health services.
6.5 Race	Positive	The Office for National Statistics (ONS) have provided analysis of COVID-19 deaths by ethnicity and gender at a national level. In terms of ethnicity, the data shows that those from ethnic

		minorities are more at risk of dying from COVID-19. However, this analysis does not account for sociodemographic characteristics, particularly around deprivation. As such specific local activity has taken place including bringing together community leaders to address the low uptake of the Covid vaccine within the local BME community and pop-up vaccination centre within heart of local community in February 2021. ADAB have played an active role as locality anchor group involved connected to the Bury East Hub and led an initial BAME listening event in September 2020 to better understand the community impact of Covid. Further specific listening events are being planned as part of the Community Champions initiative and emerging Community Engagement Strategy. People who speak English as a second language may have less access to information about COVID19, and less access to information about our local support offer- therefore placing them at higher risk. The Bury Directory translate function allows Covid support advice and information into over 100 languages. Information and guidance has been translated into Urdu and Punjabi, distributed through the Community Hubs during recent months. Hubs staff have contacted all CEVs to book in for vaccination and provide additional support eg transport to vaccination centres, translation services referring some residents to support from ADAB to book in for jabs. Also used language line where appropriate eg Mandarin resident.
6.6 Religion and belief	Positive	Community Hub activity has supported cultural food requirements in terms of kosher and halal provision arranged through the Borough's foodbanks and additional waste collection carried out in south of the Borough in relation to Passover; now picked up through Bury Community Support Network Shomrim who provide community safety services to Jewish population around Prestwich working closely with the hub and through the wider Bury Faith Forum there has been increased engagement through community leaders of support available to local people, such as through leaflets distributed after Friday prayers. Hubs staff have contacted all CEVs to book in for vaccination and provide additional support eg myth busting information about the vaccine and support to communities to book into Muslim session at Jinnah Centre
6.7 Sexual Orientation	Neutral	No specific impact – sexual orientation does not impact on the engagement with the Community Hub and neighbourhood

		model.. However, the Community Champions initiative provides an opportunity to strengthen awareness of place based support within neighbourhoods and seek to enhance the principles outlined in sections 3.2 and 3.3
6.8 Marriage or Civil Partnership	Neutral	No specific impact – does not impact on the engagement with the Community Hub and neighbourhood model
6.9 Gender Reassignment	Neutral	As 6.7
6.10 Carers	Neutral	Development of the Community Hubs with Bury's Neighbourhood Model includes further synergy with N-Compass who took on the Bury Cares Hub contract during 2020. The Community Hubs and wider volunteer network have provided additional support in terms of food and medication delivery to the shielded/ self-isolating whilst those with caring commitments, especially informal cares socially distance or themselves are shielded/in isolation. Hubs staff have contacted all CEVs to book in for vaccination and provide additional support eg transport to vaccination centres, support to carers to get vaccinated Thanks and recognition event planned for carers in March 2021
6.11 Looked After Children and Care Leavers	Neutral	The development of Bury's Neighbourhood Model and role of the Community Hub and Champions network will seek to ensure linkages at a neighbourhood level support for this demographic and build on activity such as Christmas gifts for families via the Bury Community Support Network.
6.12 Armed Forces personnel including veterans	Neutral	Armed Forces and Veterans engagement through stakeholder sessions on 18th September 2020 and 25th January 2021 in relation to review and refresh of local Armed Forces Covenant
6.13 Socio-economically vulnerable	Positive	The development of isolated food banks into a thriving, strong, neighbourhood-based Community Support Network of 14 food banks and community grocers. This includes the development of food banks into community grocers and food pantries on course for Q1 21/22. Provision extends beyond food into household essentials including white goods and wider advice, information and referral into broad welfare support. Data is collected and reported on Bury and GM anti-poverty activity. The details of the Hubs in Covid response have been relayed via The Bury Times and Roch Valley Radio for those without online access.
6.14 Overall impact – What will the likely overall effect of your activity be on equality, including	Positive – both with emergency response and development of hubs within Neighbourhood Model, as outlined in the protected characteristics above. As of 25/02/2021 there are 13,933 people on the shielded list for Bury.	

consideration on intersectionality?	Approx 150 new self-isolators every day in Bury

SECTION 7 – ACTION LOG *Refer to Equality Analysis guidance page 10*			
Action Identified	Lead	Due Date	Comments and Sign off (when complete)
7.1 Actions to address gaps identified in section 4			
Super Output Area CEV data to be mapped against data for low uptake of vaccinations and high numbers of infections to identify areas where additional support may be required	NP	01/04/2021	
Pregnancy and maternity data to be sourced	CW	11/03/2021	
Community Champions activity to identify additional data available at a neighbourhood level, eg faith	VC	01/05/2021	
Neighbourhood analysis of housing benefit and council tax support to be sought to deepen insight within neighbourhood profiles.	VC	31/03/2021	
7.2 Actions to address gaps identified in section 5			
Post Cabinet further communication session with VCFA and Bury Community Support Network	NP	31/03/2021	
7.3 Mitigations to address negative impacts identified in section 6			
None identified			
7.4 Opportunities to further inclusion (equality, diversity and human rights) including to advance opportunities and engagements across protected characteristics			
Equality Analysis to be updated as National Self-Isolation Framework details published	NP	31/03/201	
Review of Ageing in Place for Minority Ethnic population publication from Ambition for Aging to take place to assess intersectionality opportunities.	CW	01/04/2021	
Further strengthening of support through Careview app	VC	01/05/2021	

in 2021.			

SECTION 8 - REVIEW *Refer to Equality Analysis guidance page 10*			
Review Milestone	Lead	Due Date	Comments (and sign off when complete)
Cabinet – March 2021	NP	30/04/2021	
Monthly routine review of EA	NP	31/05/2021	

Please make sure that every section of the Equality Analysis has been fully completed. The author of the EA should then seek Quality Assurance sign off and departmental recording.

SECTION 9 – QUALITY ASSURANCE *Refer to Equality Analysis guidance page 10*		
Consideration	**Yes/ No**	**Rationale and details of further actions required**
Have all section been completed fully?	Yes	EA fully completed include good level of data. Action log to be reviewed at each review date.
Has the duty to eliminate unlawful discrimination, harassment, victimization and other conducted prohibited by the PSED and Equalities Act been considered and acted upon?	Yes	EA outlines targeting of supporting to CEVs within emergency response.
Has the duty to advance equality of opportunity between people who share a protected characteristic and those who do not been considered and acted upon	Yes	EA details actions taken to mitigate the impact of the Coronavirus pandemic across protected characteristics and local communities of interest and support neighbourhoods in Bury from initial emergency response to support in relation to self-isolation and vaccinations. This will continue through the emerging neighbourhood model.
Has the duty to foster good relations between people who share a protected characteristic and those who do not, been consider and acted upon	Yes	
Has the action log fully detailed any required activity to address gaps in data, insight and/or engagement in relation to inclusion impact?	Yes	Actions highlighted from across data, engagement and mitigation measures. Leads and target dates identified. This to be maintained as further engagement takes place
Have clear and robust reviewing arrangements been set out?	Yes	Review post committee (Cabinet) and routine review approach outlined with named lead.
Are there any further comments to be made in relation to this EA	No	

Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24 March 2021
Title of report:	Public Sector Decarbonisation Scheme
Report by:	Cabinet Member for Environment and Climate Change and Cabinet Member for Corporate Affairs and HR
Decision Type:	**Key Decision**
Ward(s) to which report relates	**All**

1.0 Executive Summary:

1.1 This report provides information about the Council's participation in the Greater Manchester Public Sector Decarbonisation Scheme funding bid and explains the importance of the scheme in the context of the ambition for Bury to be carbon neutral by 2038, which is a key commitment as part of the Let's Do It strategy.

2.0 Recommendation(s)

That the Cabinet:

2.1 Note that:

- the Council has received notification from Salix that the grant application has been approved and that £8.5m is to be awarded to Bury Council subject to formal sign-off of the grant conditions;
- the formal approval and sign-off process for the grant was delegated by Cabinet in February to the Executive Director of Operations and the Council's

S151 Officer in consultation with the Cabinet Member for Environment and Climate Change and the Cabinet Member for Finance and Growth;

- the scheme will be added to the Capital 2021/22 Capital Programme;
- in order to meet the challenging timescales for delivery, that some works have commenced at risk, however the full cost will be met from the grant once the formal approvals have been received and accepted;
- approval to award the required contracts to deliver the project were delegate by Cabinet in February to the Executive Director of Operations in consultation with the Cabinet Member for Environment and Climate Change and the Cabinet Member for Corporate Affairs and HR.

2.2 Approve the Council's participation in the Public Sector Decarbonisation scheme (as set out in Appendix 1), following the confirmation received on 26 February 2021 that the Greater Manchester bid had been successful.

3.0 Key considerations

3.1 The "Lets Do It" Strategy approved by Cabinet on 23 February 2021 included a commitment for the whole borough to be carbon neutral by 2038, which responds to the Council's declaration of a Climate Emergency in 2019. This carbon neutral target aligns with the Greater Manchester target included in the 5 Year Environment Plan for Greater Manchester.

3.2 Achieving this carbon neutral commitment will require a step change in the way our communities live. We will need to help them to move away from fossil gas heating to renewable energy heat pumps and improve the insulation of housing stock. We also need to move away from petrol and diesel cars to active travel, public transport, and electric vehicles. This represents a huge challenge, but one that we must face to protect the health and wellbeing of our communities.

3.3 To help achieve this change the Council must provide leadership for all individuals and organisations in the borough to reduce emissions. We are currently producing our Climate Action Strategy, which will be developed with the community to show how we will progress to our 2038 target.

The Council must also lead by example by decarbonising our own buildings, which must include investment in low carbon measures such as heat pumps and solar energy.

4.0 Council Emissions

4.1 Figure 1 below shows that the vast majority of the Council's carbon emissions come from our schools and corporate buildings. Our total emissions in 2019/20 were 15,650 tCO2e, which we must reduce to net zero by 2038.

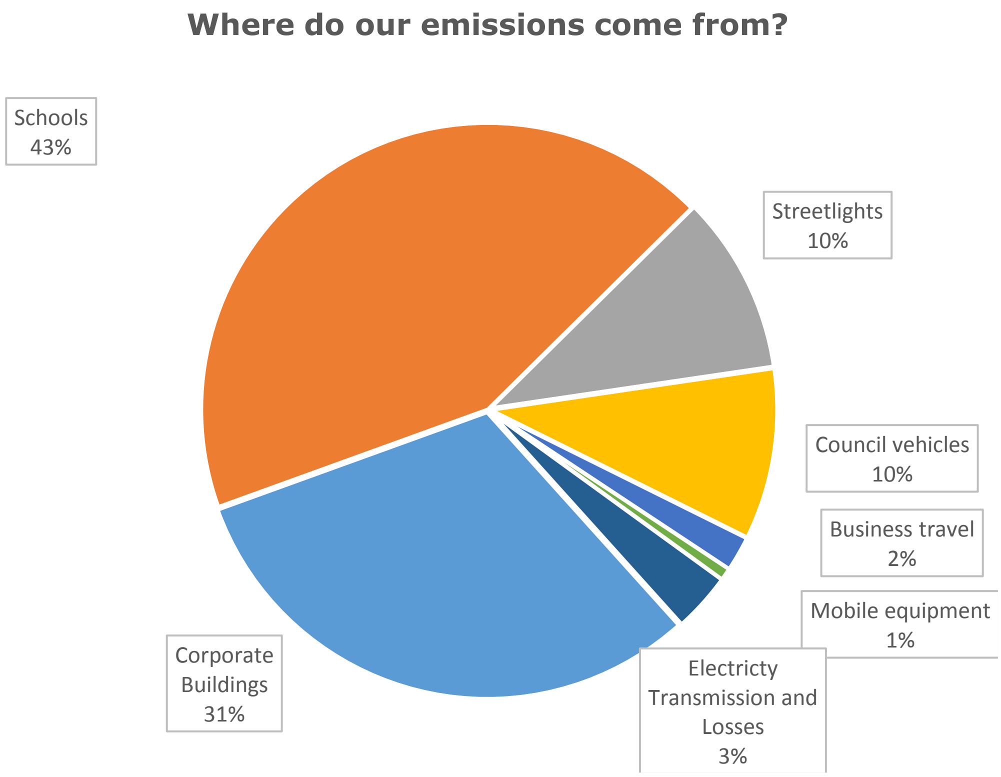


Figure 1 Sources of Bury Council's Carbon Emissions

4.2 Over the last 10 years we have implemented a whole range of measures in our buildings to reduce carbon emissions including improved insulation, voltage optimisation, double glazing, new low energy lighting and controls, solar water heating, and condensing boilers. More recently we have:

- Installed 11,431 low energy LED streetlights meaning that nearly 60% of our streetlights are now LED. A further 3,194 will be fitted with LED over the next 5 years so that 75% of our streetlighting will be converted.
- Refurbished Killelea elderly persons home to include energy efficiency works such as: combined heat and power, LED lighting, lighting controls, solar panels and a new building energy management system.
- Installed low energy LED lighting at Ramsbottom Pool, Bury Market, Bury Adult Learning Centre, Bradley Fold Depot and The Villa.
- Installed a 30KWp solar panel scheme at Radcliffe Market and a 25 kWp solar panel scheme at our Bradley Fold Depot.
- Generated 202,682 kWh from renewable energy on council buildings in 2019/20.

4.3 Over the last 12 months we have been working closely with GMCA to gather data from our buildings to look at the potential for improved energy efficiency, renewable energy heating and solar energy. The aim of this work is to allow us to prioritise our buildings and to get projects "bid ready" so that we are able to respond to funding opportunities which often have tight timescales for submission and delivery.

4.4 School buildings account for 43% of our total carbon emissions and therefore over the next 12 months we propose to work closely with head teachers and business managers to develop a prioritised list of "bid ready" projects, that can be considered as funding opportunities arise.

5.0 Decarbonisation of Council buildings

5.1 From 2008/09 to 2019/20 we have reduced our Council emissions by 47%. This is a significant achievement, but we are aware that along with the introduction of carbon reduction measure, some of this has been achieved by the closure of buildings and also the decarbonisation of the electricity supply grid. Our focus now must be to drastically reduce the carbon emissions from our buildings through the introduction of a number of carbon reduction measures.

6.0 The GM Public Sector Decarbonisation Scheme

6.1 In October 2020 we were given the opportunity to work with GMCA and other GM councils to develop a bid to the Governments Public Sector Decarbonisation Fund. The funding has been provided by the Department for Business, Energy Industrial Strategy (BEIS) and is being delivered by Salix. It is designed to support the installation of heat pumps, alongside supporting measures such as improved insulation, glazing and solar panels on public sector buildings. All projects funded by this scheme have to be completed by 30 September 2021.

6.2 Corporate buildings account for 31% of total Council emissions and because the bid submission deadlines were tight, we prioritised and put forward a number of our corporate building over which we have direct control. In November 2020 in partnership with the GMCA we submitted an £8.5 million bid for 100% funding for carbon reduction measures at 16 Council owned buildings.

6.3 Details of the buildings included, and the measures proposed are described in Appendix 1 and mainly involve the installation of new heat pumps, solar panels and improved insulation.

6.4 Salix are managing this grant scheme on behalf of BEIS and they originally advised that we would receive any formal grant offer by 11 December 2020.

However, Salix's response has been significantly delayed, such that we received notification that our bid was successful on 26 February 2021.

6.5 The £8.5million award will fully fund the delivery of low carbon measures in 16 corporate buildings which will help us progress towards our carbon neutral targets. In addition, it is expected to generate revenue savings that could be up to £265k per year once everything is in operation and a carbon saving of 1,033 tCO2e (a 6.6% reduction in total council emissions).

6.6 Delivering a project of this scale by the 30 September 2021 will be a huge challenge, which has been exacerbated by the delays in receiving formal notification of the success of our bid. As a result of these delays and the tight delivery timescales we had to commence work "at risk" on the preparation, detailed planning and procurement of the delivery of this scheme. This work included appointment of an external project manager and consultants to prepare the detailed design documents needed to go out to tender. Although a small amount of work had been carried out "at risk" the GMCA had received positive indications that we would receive the full amount which provided some reassurance.

6.7 We now have formal notification of our award and are therefore in a position to proceed with confidence and work in partnership with the GMCA.

6.8 We will be looking to tender works at 14 of buildings with the support of the GMCA and the procurement of the proposed measures at Bury Town Hall and Bury Library and Museum will be considered separately by our in-house Architectural Services.

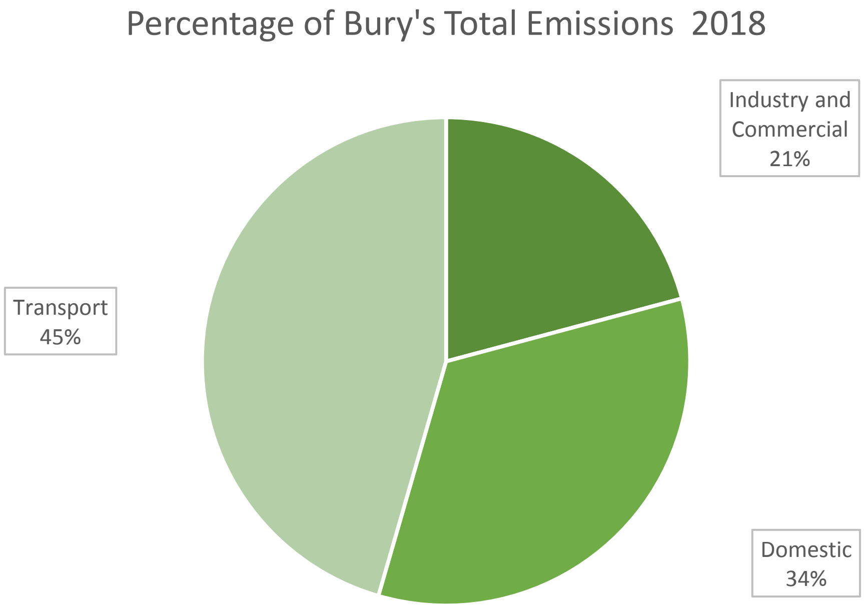
6.9 Further assessment work is needed on some of the buildings to ensure there are no remedial or improvement works that would be needed that could impact on the deliverability of any of the schemes. Works at some buildings may have to be reconsidered if any issues arise.

6.10 The Budget report to cabinet on 23 February 2021 included the following delegation to ensure that the required contracts to carry out the works can be appointed in a timely manner:

"Approval to award the required contracts will also be needed to progress the schemes in time to meet the tight deadlines. As such delegated Authority is requested to the Executive Director of Operations in Consultation with the Cabinet Member for Environment and Climate Change and the Cabinet Member for Corporate Affairs and HR".

As pointed out it will be very challenging to deliver this whole programme by the 30 September 2021.

7.0 Carbon Reduction for the Borough as whole.



Explain

Figure 2 Percentages of Bury's Emissions by Sector.

7.1 Figure 2 shows the latest data re carbon emissions from our borough as a whole and shows that transport is our largest source, followed by the domestic sector and then Industry and commerce.

7.2 Transport is also a problem for our borough in relation to air quality targets for nitrogen dioxide. This emphasises the importance of the Greater Manchester Clean Air Plan and the associated Clean Air Zone, which aims to tackle this issue but will also bring significant benefits in relation to carbon emissions. All 10 Greater Manchester local authorities have been required by Government to take action to meet nitrogen dioxide targets in the shortest time possible. We have also received a Ministerial Direction to implement a charging Clean Air Zone for commercial vehicles. On 23 February 2021 the Cabinet received an update on the Clean Air Consultation and approved various measure to allow preparation for the Clean Air Zone to continue and for the governance of the Clean Air Plan.

7.3 The necessary reductions to meet our carbon neutral target will be extremely challenging, requiring unprecedented transformational change and financial investment. Although the Council has a leading role in delivering carbon neutrality, we cannot deliver the target alone, we will need to work closely with residents, businesses and community groups to enable and encourage them to help us to meet our target.

7.4 This work has started with the success of the Greater Manchester Green Homes Grant bid in 2021. This bid attracted £4.7million to Greater Manchester to deliver energy upgrades and heat pumps to the homes of those on low income This is being followed up with a further £5 -6 million GM bid to Phase 1b of this fund so that we can expand this scheme further.

7.5 Our draft Housing Strategy has a section on carbon neutral homes which includes the development of a new "Bury Eco Homes Standard", exemplar carbon neutral projects in Six Town and other Council-controlled housing and the preparation of "bid ready" projects. In addition to providing local examples of good practice, these actions will help to stimulate the local green economy bringing new jobs and training opportunities and we will be working to promote these local opportunities and develop skills amongst Bury businesses. We are also working with the Energy Systems Catapult to provide an updated, detailed Local Area Energy Plan to show what the transition to carbon neutrality would look like in our communities.

7.6 We will continue to expand our electric vehicle charging infrastructure, with 2 new rapid chargers in Bury Town Centre to be delivered in Spring 2021 and proposals for more community charge points and an on-street charging pilot later this year.

7.7 In Spring 2021, we will consult on our Draft Climate Action Strategy which will lay out a proposed action plan to take us towards our 2038 target. This will be used as starting point to promote discussions with our communities and to gather their ideas and support to build and deliver our climate action objectives together.

8.0 Conclusion

8.1 The award of £8.5million towards the decarbonisation of 16 of our corporate buildings is very welcome. The wider goal of a carbon neutral borough by 2038 is an immense challenge, but brings huge opportunity to improve our health, economy, and our environment. By working with our communities and bringing them with us we will hopefully achieve the level of change we need to protect our future. A report on our Draft Climate Action Strategy will be brought to Cabinet for consideration in the new municipal year.

Other options considered

The option described above in relation to the Greater Manchester Public Sector Decarbonisation Scheme provides 100% funding for new heating systems and low carbon measures. No other funding opportunities were identified.

Community impact/links with Community Strategy

The proposals are designed to protect the climate and safeguard the health and wellbeing of our communities in line with Section 4.2 re "Place" in the Bury 2030 Strategy.

Equality Impact and considerations:

This proposal does not adversely affect equality.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
>
> (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	**Mitigation**
Further assessment work is needed on some of the buildings to ensure there are no remedial or improvement works that would be needed that could impact on the deliverability of any of the schemes. Works at some buildings may have to be reconsidered if any issues arise.	Meetings planned with service managers to understand any unforeseen issues, so they can be addressed early.
A risk register has been complied for the project and is included as Appendix 2.	See Appendix 2.

Consultation:

Managers of the buildings involved in the project have been kept informed throughout the process. They will be involved in project meetings moving forward to ensure the impacts on the services can be considered and disruption can be managed and minimised.

Legal Implications:

The timescale for procuring the contractors to carry out the work and complete it by 30th September 2021 is extremely tight. The Specification is already being prepared externally which will speed up the process and options for accelerating the procurement itself will be explored including the use of frameworks.

Financial Implications:

The cost of the programme is £8.5m, for which grant funding is being made available to the Council to cover the cost. To secure the funding, the programme has to be delivered within specified timescales. In order to place the Council in the best possible position, some works have commenced 'at risk' but the funding confirmation means that this will be met from the grant. Arrangements are in place to ensure the procurement processes can be carried out and this will mitigate the risk of non-delivery. The programme will be subject to regular monitoring and will be reported to Cabinet as part of the current monitoring arrangements.

Report Author and Contact Details:

Chris Horth – Unit Manager Environment Team

Laura Swann – Assistant Director Operations Strategy

Background papers:

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
kWp	Kilowatt peak – a measurement of the capacity of solar panels to generate electricity
kWh	A measure of electricity used or generated

Appendix 1

Building	Planned Measures	Total Funding Bid	Projected annual energy savings	Annual Carbon Savings (tCO2e)
Bury Business Centre	Cavity Wall Insulation Loft Roof Insulation Solar PV Air Source Heat Pump Upgrade low voltage supply	£576,377	£8,901	111
Bury Cemetery Chapel	Ground Source Heat Pump Underfloor wet heating Building Energy Management Controls Solar PV Upgrade low voltage supply	£151,240	£4,226	2
Bury Cemetery Facilities	Roof insulation Double glazing Roller Shutter Door Air Source Heat Pump Solar PV Upgrade low voltage supply	£504,596	£24,856	42
Bury Fish and Meat Market	New heat invertor pump to cooling system Convert overdoor heater to heat pump fed Solar PV Draught Lobby Upgrade low voltage supply	£132,596	£15,549	8
Manchester Road Park Lodge	Double Glazing Air Source Heat Pump Solar PV Electrical enabling works	£74,494	£505	3

Building	Planned Measures	Total Funding Bid	Projected annual energy savings	Annual Carbon Savings (tCO2e)
New Kershaw Centre	Solar PV Air Source Heat Pump Upgrade low voltage supply	£256,743	£2,249	26
Radcliffe Market Chambers	Cavity Wall Insulation Loft Insulation Air Source Heat Pump Solar PV Double glazing LED Lighting Mechanical ventilation with heat recovery Low voltage distribution board	£918,843	£23,276	27
Ramsbottom Civic	Air Source Heat Pump Solar PV Electrical enabling works	£165,262	£2,546	7
Ramsbottom Library	Solar PV Air Source Heat Pump Upgrade low voltage supply	£196,461	£1,183	18
Ramsbottom Pool and Fitness Centre	Cavity Wall Insulation Solar PV Air Handling Unit with High Regen Wet Side Air Handling Unit with High Regen Dry Side Air Source Heat Pump Building Energy Management System New low voltage distribution board New electrical meter	£513,776	£7,665	101

Building	Planned Measures	Total Funding Bid	Projected annual energy savings	Annual Carbon Savings (tCO2e)
Bury Market	Install 2nd Double Bi -Parting Door to Draught	£718,548	£17,294	56
	Double glazing refurb incl asbestos removal			
	Air handling unit and ventilation renovation - heat recovery and heat pump pre heat			
	Solar PV			
	Upgrade low voltage supply			
Bury Adult Learning Centre	Air Source Heat Pump	£197,143	£4,787	8
	Solar PV			
	Upgrade low voltage supply			
Bury Town Hall	Double Glazing	£1,336,347	£11,282	53
Bury Library and Museum	Double Glazing	£643,740	£3,043	15
The Met	Solar PV	£31,143	£3,818	2
	Electrical surge protection			
Castle Leisure Centre	Cavity Wall Insulation	£1,848,213	£133,980	553
	Solar Thermal			
	Solar PV			
	Air Handling Units with regen for dry and wet side			
	Air Source Heat Pump			
	Building Energy Management System			
	New LV distribution board			
	New electrical meter			
General supporting works where needed	Low voltage supplies /upgrades, grid connections and metering.	£244,650		
Total		**8,510,373**	**£265,160**	**1,033**

Appendix 2 – Risk Register

ID	Description	Likelihood	Impact	Response	Strategy	Countermeasure(s) (if any)	Ownership	Date Logged	Date last reviewed
BU1	G99 Approval	Very Low	Marginal	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Start discussions with ENW as soon as possible prior to project starting. Ensuring applications are provided at appropriate times and provide as much information as possible.	Project Manager	10/11/2020	02/03/2021
BU2	Costs for work exceed estimates	Low	Marginal	Contingency	These actions are planned and organised to come into force as and when the risk occurs	Costs allowed include contingencies so should be accurate - If required we have the Council's Energy Loan Fund that can be considered.	Officer Delivery Group	10/11/2020	02/03/2021
BU3	Disruption to building occupants	Significant	Marginal	Reduction	Treat the risk - take action to control it in some way where the actions either reduce the likelihood or limit the impact to acceptable levels	Liaise with Building managers and contractors to ensure impact of works is minimised.	Officer Delivery Group	10/11/2020	02/03/2021
BU4	Planning applications refused	Low	Critical	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Enter into early discussions with planners to help with design and layout of measures. Ensure careful positioning of heat pumps and solar panels so as to meet all regulations and not to impact neighbours.	Officer Delivery Group	10/11/2020	02/03/2021

ID	Description	Likelihood	Impact	Response	Strategy	Countermeasure(s) (if any)	Ownership	Date Logged	Date last reviewed

ID	Description	Likelihood	Impact	Response	Strategy	Countermeasure(s) (if any)	Ownership	Date Logged	Date last reviewed
	buildings in Conservation Areas				differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	and work with them to design measures that are in keeping with the building design.			
BU6	Measures don't deliver savings	Low	Marginal	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Design of measures to ensure optimum performance -and post installation monitoring to ensure equipment is working effectively.	Officer Delivery Group	10/11/2020	02/03/2021
BU7	Unforeseen site issues	Significant	Critical	Reduction	Treat the risk - take action to control it in some way where the actions either reduce the likelihood or limit the impact to acceptable levels	Carry out all necessary checks and inspections before work is carried out. Allow a contingency in the budget.	Project Manager	10/11/2020	02/03/2021
BU8	Contractors cease trading	Low	Marginal	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Thorough due diligence checks as part of the procurement process.	Project Manager	10/11/2020	02/03/2021

ID	Description	Likelihood	Impact	Response	Strategy	Countermeasure(s) (if any)	Ownership	Date Logged	Date last reviewed
	occupiers don't operate the equipment correctly				doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact	equipment on how to optimise performance.	Group		
BU10	Accident to contractors or third parties during installation	Low	Critical	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Ensure through the procurement process that contractors have all relevant health and safety policies and check these are complied with on site.	Project Manager	10/11/2020	02/03/2021
BU11	COVID 19	Significant	Marginal	Contingency	These actions are planned and organised to come into force as and when the risk occurs	work shouldn’t be impacted by lockdowns, but delays could occur if contractor's employees have to self-isolate. Allow for potential delays in the project schedule.	Project Manager	17/11/2020	02/03/2021
BU12	Asbestos issues	Low	Marginal	Contingency	These actions are planned and organised to come into force as and when the risk occurs	Asbestos reports for each building must be considered at design and delivery stage. Allow for potential delays in schedule if unforeseen asbestos is found and contingency fund allowed for in estimates for costs.	Project Manager	17/11/2020	02/03/2021
BU13	Electrical system issues	Significant	Critical	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Ensure that all electrical installations have appropriate and current inspection records and certification.	Officer Delivery Group	17/11/2020	02/03/2021

BU14	Delivery capacity isn't available in the supplier market	Significant	Critical	Reduction	Treat the risk - take action to control it in some way where the actions either reduce the likelihood or limit the impact to acceptable levels	Timely liaison with local procurement framework operators to gauge capacity of local contractors to deliver projects across 10 GM districts. Adjust work plans to ensure that capacity will be available.	Officer Delivery Group	17/11/2020	02/03/2021
BU15	Insufficient Procurement capacity within GMCA and council to deliver within required timescales	Significant	Critical	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Ensure sufficient specific resource is allocated to the project and that procurement demands at GMCA and local level are understood.	Project Manager	19/11/2020	02/03/2021
BU16	Contractor cannot meet tendering timescales	Medium	Critical	Reduction	Treat the risk - take action to control it in some way where the actions either reduce the likelihood or limit the impact to acceptable levels	Agree basis of tender information and requirements. Review with Contractors through GMCA to ensure Contractors understand requirements.	Project Manager / GMCA	02/03/2021	
BU17	Design information deliverables - scope gaps or not fully defined for tender	Low	Critical	Prevention	Terminate the risk - by doing things differently and thus removing the risk. Either stop it from occurring or prevent it having any impact.	Agree tender requirements and pricing documents are sufficiently detailed. Consider if two-stage approach to appoint Contractor early in process is workable within programme constraints.	Project Manager / Design Consultant	02/03/2021	

ID	Description	Likelihood	Impact	Response	Strategy	Countermeasure(s) (if any)	Ownership	Date Logged	Date last reviewed
BU18	Tender costs for respective buildings exceed funding amount	Low	Critical	Contingency	These actions are planned and organised to come into force as and when the risk occurs	Cost Consultant to review overall allowances per site. Review with GMCA if terms of funding allow re-allocation of funds across buildings from overall allocation of funds.	Project Manager / Officer Delivery Group	02/03/2021	

BU19	Impact of Brexit increases material costs and tender prices or restricts availability	Low	Medium	Reduction	Treat the risk - take action to control it in some way where the actions either reduce the likelihood or limit the impact to acceptable levels	Competitive tendering should assist with offsetting any additional costs. Early identification of key plant / equipment to be procured to establish any likely cost issue or supply blockages.	Project Manager / Design Consultant	02/03/2021	
BU20	GMCA Contractor Frameworks cannot meet programme requirements	Significant	Significant	Reduction	Treat the risk - take action to control it in some way where the actions either reduce the likelihood or limit the impact to acceptable levels	Review GMCA favoured frameworks to understand key requirements / contract type and compare to required programme / dates.	Project Manager	02/03/2021	

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Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	24th March 2021
Title of report:	**Additional Restrictions Grant – Phase 3**
Report by:	Cllr. Eamonn O'Brien (Leader) – Cabinet Member for Finance and Growth
Decision Type:	**Key Decision**
Ward(s) to which report relates	**All**

Executive Summary:

Cabinet is requested to approve a modification to the Additional Restrictions Grant (ARG) programme prospectus to ensure full deployment of the resources provided by Government. Following further allocation of resource under the ARG (Additional Restrictions Grant) the Council has a total of £5.73m to distribute to businesses. The ARG (Phase 3) Prospects identifies a series of new categories of support, which have now been designed to work alongside the timetable Government has set-out nationally for the ultimate lifting of restrictions by June 2021. The strategic approach of the Council contains a much greater focus on supporting our business community in a recovery phase and in particular our key town centres, which must overcome the impact of being largely closed for the past 12 months.

Key considerations

1 Background

1.1 On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under national and Local COVID Alert Level 3 restrictions.

1.2 This support will take the form of a funding scheme in Financial Year 2020-2021 and can be used across Financial Years 20/21 and 21/22. The scheme is called the Additional Restrictions Grant (ARG) and is administered by business rate billing authorities in England.

1.3 The ARG provides local councils with grant funding to support closed businesses that do not directly pay business rates as well as businesses that do not have to close but which are impacted by the restrictions elsewhere. In addition, larger grants can be given than those made through the previous Local Restrictions Support Grant (which is now closed).

1.4 Local councils can decide which businesses to target and determine the amount of funding from the ARG. They also have the freedom to set the eligibility criteria for these grants. However, there is an expectation that the funding will be used to help those businesses which, while not legally forced to close, are nonetheless severely impacted by the restrictions. Examples of these categories of business include:

- businesses which supply the retail, hospitality, and leisure sectors;
- businesses in the tourism and events sectors; and
- businesses required to close but which do not pay business rates.

1.5 Initially, Greater Manchester was allocated £60m in ARG from the Government under a national formula. Bury's share of this was £4.1m. However, following the announcement of the third national lockdown by Government, Bury received a further allocation which has brought the total funding to £5,737,574.

1.6 The Council has been allocating the ARG to business under two initial phases that were designed to support businesses in line with national guidelines.

1.7 However, as circumstances have changed, it is proposed that a Phase 3 is now approved to enable targeted and prompt distribution of the remaining ARG monies. This phase has been designed to reflect local and national priorities and to ensure that the ARG is strategically allocated to support those most severely impacted in line with the roadmap and recovery plans.

2. Promotion of ARG – Bury B-Ready Campaign

2.1 The Economic Development Team have promoted each stage of the ARG and all other business support via:

- Bury Means Business Weekly E newsletter (subscriptions continue to increase daily, widening the Councils reach to the Bury business base)
- Bury Means Business and partner organisations social media channels

2.2 Further promotional activity will be delivered, proactively engaging with the business base:

- Internal Communications Team will support the simplification of language whilst still including key information that we must include (State Aide, tax liability, due diligence).
- Internal Communication Team will continue to support with targeted social media activity.
- GM Chamber of Commerce to promote the Strategic Business Fund.
- GM Growth Hub to promote with key business sectors, manufacturing, Digital and Creative etc.
- The VCFA will share key messages via their networks.
- Best of Bury will share key messages amongst their networks.
- The Federation of Small Businesses will share amongst their networks.
- The Town Centre Management Boards will share with independent retailers across town centers and high streets within a defined perimeter.
- Advertorial in the Bury Times
- Advertorial in Your Bury magazine (60,00 households across the borough)

2.3 Wrap around support has been integral to our response to applicants regardless of their eligibility. The Business Rates Team and the Economic Development Team have worked collaboratively to provide a range of support to the Bury business community. This includes the following types of support:

- Health and Wellbeing support for employees
- Signposting to wider business support through our partners
- Funded mental health support
- Signposting to DWP and Employ GM
- Skills Support for the Workforce

2.4 It is proposed to use the established B-Ready branding to incorporate ARG Phase 3 into wider recovery support, this will include the town centre campaigns funded by the Safe Reopening Fund.

2.5 Communication activity will reiterate that financial support is to cover safe reopening and business fixed costs and not to replace lost income. This has always been made explicit in the guidance that accompanies the application process.

3. Previous phases of ARG

3.1 The Phase 1 roll-out of ARG commenced on 2 December 2020 and this was followed by Phase 2 which commenced on 22 January 2021. Phases 1 and 2 have now closed.

Phase 1 Programme

3.2 The initial roll out of ARG focused on supporting the following businesses:

- Bury and Radcliffe market traders;
- Companies within the events sector;
- Companies in the retail, hospitality, and leisure sectors - who are legally required to close, occupy a rateable premise, but do not pay rates;
- Companies whose main service is supplying businesses legally required to close in the retail, hospitality, and leisure sector; and
- Childcare organisations within commercial settings.

3.3 Those businesses that were eligible have been receiving payments. Forward payments have been paid up until the 15 February 2021. Where eligible, these organisations will continue to receive payments up until the 12 April 2021. This will be reviewed post 12 April 2021 in line with the Government position on reopening at that point.

Phase 2 Programme

3.4 Phase 2 focused on supporting the following businesses.

- Key strategic businesses who if they were to close would harm the Borough's economic capacity
- Key employment generators, including those companies which support the employment base of the Borough
- Small and Micro businesses that have not previously benefitted from support programmes

Progress on Implementing Phase 1 and Phase 2 programmes

3.5 Phases 1 and 2 of the ARG are now closed.

3.6 To date, the Council has received a total of 867 applications for both Phase 1 and 2. It is important to note, however, that not all the applications are eligible for grant assistance and some have not passed the due diligence tests.

3.7 As of 16 March 2021, a total of £1,891,748.61 of grant has been allocated with further payments being processed daily. Further payments will be made to successful applicants up until the 12 April 2021 when their status will be reviewed.

3.8 In agreement with the Business Rates Team, we have continued to consider applications forwarded from the team managing the Local Restrictions Support

Grant (LRSG). There are often circumstances where a strong case for grant is evident, but because of national criteria a payment cannot be made through the LRG fund. The Council has used the ARG fund to make 87 grant awards to date.

3.9 Because of the rolling nature of payments to applicants through Phase 1 of the ARG programme we will automatically continue to utilise the Government allocation to Bury. However, this alone will not spend the allocation awarded to Bury Council by Government, which is why we are now seeking to extend the scope and scale of the ARG programme.

3.10 Whilst we are proposing to extend the scope of the ARG programme, the Council will continue to administer applications from businesses who approach us with a proposal which meets the criteria of Phase 1 and 2.

4. Phase 3 proposals

4.1 The Council now can plan to use grants in line with a clear timetable for the re-opening of the economy. This was not the position when the funds were first allocated to the Council in late 2020 when we were in a position where infections were increasing, and we were headed towards a third national lockdown.

4.2 That is why we are proposing to change our approach for Phase 3 as we can now plan alongside a clear national timetable for re-opening. This means that the emphasis for the next phase is being placed much more on the safe re-opening of key businesses in the Borough's town centres, supporting businesses grow out of the pandemic and supporting key visitor infrastructure re-open for business.

4.3 This change of emphasis aligns with a recent decision made by the Council to provide additional support for businesses.

- Spring/Summer Safe Reopening Support - Town Centres and major High Streets;
- Enhanced digital transformation support; and
- Enhanced boroughwide marketing support to encourage 'shop local'

4.4 The detailed Prospectus for Phase 3, laying out the categories of support, the levels of proposed funding awards and other measures is attached to this Cabinet report.

5. Risks

5.1 The risk of not deploying support effectively and at pace will have a negative impact on the local economy, in terms of business closures, redundancies and a reduction in business rates and Council Tax revenue now and in the future. This support will contribute to safeguarding local jobs and maintain some spend in the local economy.

5.2 There is a significant risk that pressure to distribute the money quickly without proper due diligence mean that the ARG is not necessarily be awarded to those most in need. A balance between administrative efficiency and proper safeguards of public money is important to achieve.

6 RECOMMENDATIONS

6.1 It is recommended that Phase 3 prospectus is approved by Cabinet.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

> *A public authority must, in the exercise of its functions, have due regard to the need to -*
>
> (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.*
>
> (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	*Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.*
It is important that all sections of our business community are able to reach and obtain information on the availability of grants, and we recognise that on occasion it is necessary to put additional support measures in place to assist with the application process. These are measures we put in place when administering the Phase 1 and Phase 2 programmes. We will seek to use a wide range of media tools to publicise the availability of the grants and we will ensure all new staff administering this programme will provide the best support possible to all applicants.	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
The grant allocation is not defrayed to eligible Bury businesses in an efficient and speedy manner. If an increase in allocation is not realised there is a potential risk of a reduced amount of additional funding to Bury. Strategic allocation of grant with regular reviews of funding envelope.	Additional resources are made available to the Economic Development Team. Phase 3 is launched and promoted. Finance officer is assigned to the Economic Development Team.

Consultation:

Informal Cabinet and Scrutiny Committee briefed.

Legal Implications:

The proposals are in line with the Council's ongoing response to the current Covid situation. They do not give rise to any legal implications, but clarity around the eligibility criteria for certain elements will be required due to the discretionary nature of the grants. The potential for a funding gap will need to be monitored. The risks noted in the report must be addressed and a failure to do so could lead to legal challenge, financial and reputational risk.

Financial Implications:

Financial Implications – ARG £5,737,574

The total allocation of ARG is £5,737,574. Projected spend by the 12th of April 2021 is estimated at £1.6m. The residual funding will continue to support phase 1 and 2 applications, but the majority will be allocated in phase 3, with larger amounts allocated.

There will be a regular review of grant allocated and based on the delivery performance of each fund, there may be scope to allocate residual funds from the ARG once performance is reviewed.

It will be made clear that the monthly recurring payments will only be made for as long as we are in a high-level lockdown or by the point at which we have exhausted the resource envelope.

The Council will reserve the right to vary the terms of the scheme, at any time and without notice, should it be necessary to do so.

The proposals outlined in the report will maximise the use of the grant funding available. There is potential that demand for support will exceed the level of funding available and the situation will need to be carefully monitored as the impact of the pandemic continues.

The cost of the proposals can be met from the grant available. He thresholds set in the report for the individual workstreams provide additional controls and governance and ensure that the overall position can be monitored as and when streams are fully allocated.

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Director of Economic Regeneration & Capital Growth

Background papers:

Phase 3 Additional Grants Prospectus

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
ARG	Additional Restrictions Grant

Bury Council

Additional Restrictions Grant

Phase 3 Programme Prospectus

Programme A: Safe Reopening Fund

This fund will be available to small and medium sized businesses in Bury that have suffered the most from the tier systems and national lockdown. For clarity, eligible businesses for this fund will be those with less than 50 employees although it is proposed that the Council reserves the right to have some discretion should the organisation have more than 50 employees.

The fund will primarily focus on the retail, hospitality and leisure sectors or businesses that are in the supply chain, or that are impacted by the closure of these sectors. The fund will support businesses that operate from commercial premises and is intended to assist businesses with the following types of support.

- Purchasing new stock;
- Deep cleaning of premises;
- Purchase of PPE and signage;
- Covid-safe seating areas;
- Temperature testing for customers;
- Front of house entry monitoring;
- Marketing and publicity; and
- Separation screens.

The fund will be open to those who have not received Local Restrictions Support Grant as well as those that have not been eligible for LRSG or Restart Grant.

The formula for the allocation of funding is set out below and is aligned to payments made under the forthcoming Restart Fund.:

Rateable Value/rent/lease equivalent	Grant Payment Amount
Up to 15,000	£8,000
£15,000 - £51,000	£12,000
> £51,000	£18,000

In applying for assistance from the Safe Reopening Fund, it is proposed that businesses must clearly demonstrate the impact that the lockdown has had on their business. The grant award will be based on safeguarding jobs and payments of up to £18,000 per business may be made. The business must be

Bury-based and not be part of a multi-national or international organisation unless there is evidence that, without support, local jobs will be at risk. Such businesses must also declare any other grant awards received by the company (or its parent company or subsidiaries in the UK).

All applications must also be accompanied by a self-declaration from the business that that they will utilise any allocation to meet their safe reopening requirements.

Programme B: Recovery Expertise Fund

This fund is designed to support small and medium size enterprises (SMEs) to purchase specialist support to build resilience into their business model and support survival and growth. For clarity, a SME for the purpose of this fund is fewer than 250 employees.

This fund is open to businesses that have received Local Restrictions Support Grant and those that have not been eligible for the LSRG that have been impacted by the closure of retail, hospitality, and leisure.

This fund is a response to the fact that organisations may have been adversely impacted because the pandemic brought to light shortcomings within the businesses, such as:

- Little or no online presence;
- Little or no marketing expertise;
- Lack of digital skills within the organisation;
- Little or no Human Resources expertise within the business;
- Little or no access to compliance and regulatory advice;
- Inability to receive contactless payments; and
- Little or no cyber security measures in place.

Under this fund, businesses will be able to apply for a maximum of £5,000 per organisation. Successful applicants will have 3 months to draw down funding upon the supply of a receipt for work undertaken. Applications will be accepted throughout future restrictions and subsequent recovery periods subject to resource availability.

Programme C: Town and District Centre Independent Retail Support Grant

This fund is designed to support independent retailers in the Borough's town and district centres that have been financially impacted due to a reduction in footfall as a direct result of Covid restrictions. The fund will be for those businesses that have a rateable value but were not mandated to close under restrictions.

The guidance that accompanies the application process will give boundary restrictions to the town centres and district centres. For clarity, eligible businesses for this fund will be those with less than 50 employees although it is proposed that the Council reserves the right to have some discretion should the organisation have more than 50 employees.

This is a one-off payment to reflect the Closed Business Lockdown payment. Reflecting the CBLF is a point of equity so that payment from this fund is not more than grant allocated to recipients of the Closed Business Lockdown fund.

The formula for the allocation of funding is set out below:

Rateable value/annual rent	Grant Payment Amount
£15,000 or less	£4,000
£15,000 - £51,000	£6,000
> £51,000	£9,000

This fund will be allocated on a first come first allocated basis although it is proposed that the Council could review the fund and makes strategic decisions if demand outstrips the funding envelope allocated to it.

Programme D Tourism and Culture Fund

This fund is intended to support businesses/organisations in the Borough employing between 5 and 50 people that are important in attracting visitors and footfall and which are key to our town centre recovery plans.

Eligibility for assistance from the Tourism and Culture Fund will be based upon the ability to demonstrate loss of income from ticket sales and/or entrance fees because of having been forcibly closed due to Covid restrictions. Eligibility will also require evidence of relatively high ongoing, fixed property-related costs (e.g., through a lease agreement or mortgage payments).

Grants will be paid up to a maximum of £25k per business/organisation and will be based on the following funding formula:

Rateable Value	Grant Payment Amount
Up to 15,000	£10,000
£15,000 - £51,000	£15,000
> £51,000	£25,000

The Council will review the fund and make strategic decisions if demand outstrips the funding allocated to it.

The Council may allocate repeat payments should restrictions continue in 2021 and financial impact is still ongoing.

Programme E Community Facilities, Social Enterprises and Charitable Organisations Fund

This fund is intended to support community centres, social clubs and charitable organisations that have not been able to access LRSG but can demonstrate financial impact due to Covid restrictions, including:

- Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates relief
- Community Centres that support development activity and have lost revenue due to Covid restrictions; and
- Social Clubs that are an integral part of the community who have proven loss of revenue.
- Social Enterprises that can demonstrate financial impact.

The fund excludes all charity shops which are part of an organisation with excess of 50 employees.

Applications for assistance from this fund must clearly demonstrate significant loss of income due to Covid restrictions and funding would be awarded based on the following formula:

Rateable Value/annual rent	Grant Payment Amount
15,000 or less	£4,000
£15,000 - £51,000	£6,000
> £51,000	£9,000

Additional Measures

Special Cases Business Panel

In all programmes of this nature there is a risk that a business which clearly merits grant funding support has, for one reason or another, fallen through the cracks. To address this risk, we are establishing a panel to review any submissions that fall into this category. The role of the Panel will be to review each case and reach a determination as whether a payment is merited.

Council officers across both the Business Rates Team and the Economic Development Team will identify and put forward cases for a panel to review the evidence and make a recommendation to award grant assistance or not. It is proposed that this is undertaken by an independent panel supported by the Officer overseeing the applications. This approach will give additional flexibility within the scheme.

It is proposed that this panel also oversee a one-off special circumstances allocation to the East Lancashire Railway. ELR is a critical contributor to footfall in Bury and Ramsbottom town centres and its survival is crucial to the borough's economy in terms of tourism, brand identity as a place to visit and wider economic value. Officers from the Council will collaborate with the ELR team to agree a structured recovery plan, with the case for grant clearly articulated in a special one-off business case.

Continuation of the Key Sector Fund

The Key Sector Fund was launched in Phase 2 will limited uptake. It is proposed that the amount awarded is increased with an option for repeat payments should reopening of the economy stall.

We have the commitment of 3 Officers from the Growth Hub to contact key sectors within their portfolios to encourage applications.

The finding model will increase as per the table below:

Rateable Value/equivalent fixed cost	Grant Payment Amount
Up to 15,000	£10,000 (increase to £20,000)
£15,000 - £51,000	£15,000 (increase to £30,000)
> £51,000	£25,000 (increase to £50,000)

Ends

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URGENT DECISION FORM

Bury COUNCIL

TO BE UPLOADED ON TO THE INTERNET BY DEMOCRATIC SERVICES

Date: **24 March 201**	**Ref No:**

Type of Decision:

Cabinet Decision	Yes	**Council Decision**	
Key	Yes	**Non-Key**	

Subject matter:

Change in contribution to the Bury Pooled Fund

Reason for Urgency:

Additional health funding has become available and in order to benefit from this across Bury Council and Bury NHS Clinical Commissioning Group (CCG), a change in the contributions to the pooled fund by both organisations in 2020/21 and 2021/22 is needed. The decision needs to be made in advance of the financial year end in order to secure the funding totalling £2.5m.

Freedom of Information Status

Equality Impact Assessment [Does this decision change policy, procedure or working practice or negatively impact on a group of people? **If yes** – complete EIA and summarise issues identified and recommendations – forward EIA to Corporate HR]	No

Decision taken:

Decision taken by:	**Signature:**	**Date:**
Chief/Senior Officer/Cabinet Chair		
After consultation with:		
Cabinet Member (if a Key Decision) or Chair or Lead Member (as appropriate)		

If it is a Key Decision, the Chair of Scrutiny Committee to agree that the decision cannot be deferred		
Opposition Leader or nominated spokesperson (Council Decision) or Leader or Majority Group Member on Overview and Scrutiny Committee (if a Key Decision) to agree that the decision cannot be deferred		
Leader of second largest Opposition Group (if a Key/Council Decision) to agree that the decision cannot be deferred		

Background

Bury Council and Bury CCG operate a pooled fund primarily focussed on integrated health and social care. The formal S75 agreement that underpins the pooled fund has an approved financial framework and governance that has previously been agreed by Cabinet. An opportunity has arisen to secure an additional £4.5m in health funding and this required a change in the planned contributions to the pooled fund by both organisations in both the current (2020/21) and next (2021/22) financial years.

MAIN BODY OF REPORT

In 2019, Cabinet approved the proposed expansion of the health and social care commissioning pooled budget and the creation of a wider integrated commissioning fund (ICF). Subsequent to that, the pooled fund arrangements including the financial framework were approved by Cabinet in March 2020. Within the financial framework both organisations agree contributions to the pooled fund at the start of the financial year. The financial framework allows for variations to these contributions and this is part of standard practice in order to ensure the maximum benefit to the pool can be obtained.

In March 2020, Cabinet agreed to a variation to the pooled fund of £10.5m for both the Council and the CCG in 2019/20 and 2020/21 in order to access £4m surplus funding that was available through health. A similar position has arisen now and Cabinet is asked to approve a variation of £4.5m for the Council. Effectively the council is being requested to pay £4.5m less in the current financial year and £4.5m more in 2021/22 in order to secure additional funding overall within the pooled fund of £4.5m.

Taken together there is a total of £15m increased contributions by the CCG in 2020/21. The impact of the contribution variations across years and by partner is shown in the table below and overall has a net nil impact on the financial position.

Revised Contributions to the Pooled Fund				
	2019/20 £m	**2020/21 £m**	**2021/22 £m**	**TOTAL £m**
Council	+10.5	-15.0	+4.5	**0.0**
CCG	-10.5	+15.0	-4.5	**0.0**
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**

Any risk of either party not implementing the decision is mitigated by:

- The Section 75 being a legally binding document
- The Joint Accountable Officer and CFO posts having authority in the Council
- The Council being a public sector, publicly funded body
- Any request to further alter the 2021/22 contributions would require full agreement from both organisations.

The reduced contribution from the Council in 2020/21 will be held in reserves at the end on 2020/21 and will be carried forward to fund the additional contribution in 2021/22.

Financial implications

The financial implications are set out in the report.

Legal implications

Section 75 partnership arrangements provided by the National Health Service Act 2006 allow budgets to be pooled between local health and social care organisations and local authorities. The legal mechanisms allowing budgets to be pooled under S75 partnership agreement enable greater integration between health and social care. The associated financial framework Agreement makes provision for governance and accountability of an integrated commissioning fund, responsibilities of each partner organisation, management responsibilities, budgeting and budgetary control.

Associated Risks

The risks are set out in the report together with the mitigations.

Conclusion

Cabinet is recommended to approve a variation in financial contributions to the pooled fund for 2020/21 and 2021/22 of £4.5m as set out in the report.

Lisa Kitto
Interim Director of Financial Transformation
24 March 2021

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