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14 January 2015

To: All Councillors

As a Member or Substitute of the **Community Committee**, please treat this as your summons to attend the meeting on **Thursday 22 January 2015 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read "Sandra Lamb". The signature is fluid and cursive, with a large loop at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

16 October 2014

4. INTERESTS

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

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

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

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6. LICENSING OF HOUSES IN MULTIPLE OCCUPATION

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To consider the adoption of an updated set of standards for those houses in multiple occupation that are required to be licensed under the provisions of the Housing Act 2004.

7. FIRST YEAR REVIEW OF CLEAN & GREEN SERVICES

74 - 78

To consider progress made by the Clean and Green Service one year on from the implementation of recommendations resulting from the APSE Review. Also to note areas identified for further development that cannot be funded with current arrangements and will be the subject of a future report.

8. PLAY DEVELOPMENT FUND

79 - 80

To consider applications for grant assistance from Marston Montgomery Parish Council and Biggin Community Project, subject to the schemes being undertaken within the next 12 months.

9. CAR PARK MANAGEMENT: REPLACEMENT OF PAY & DISPLAY TICKET MACHINES

81 - 87

To receive an update on recent pay and display machine trials and consider the most appropriate course of action in implementing the planned replacement programme.

10. WIRKSWORTH NEIGHBOURHOOD PLAN

88 - 99

To receive a report on the responses received during the statutory publicity period on the Wirksworth Neighbourhood Plan and to consider the recommendation that these be forwarded to the examiner appointed to undertake the Examination of the Wirksworth Neighbourhood Plan together with the officer comments made in respect of the policies and proposals contained in the plan.

APPENDIX 1 PUBLISHED SEPARATELY

11. FEES & CHARGES 2014-2015

100 – 108

To consider the fees and charges recommended for services provided by the Leisure, Parks and Environmental Health Services with effect from 1 April 2015.

12. LAND AND PROPERTY MATTERS – PROPOSED TRANSFER OF LAND FOR COMMUNITY PLAY AREA, WIRKSWORTH 109 - 112

To consider the freehold transfer of an area of District Council owned land at Wash Green, Wirksworth to Wirksworth Town Council for use as a Children's Play Area to be funded by grant aid and managed by Wirksworth Town Council, subject to the recommendations in the report.

13. DERBYSHIRE LAW CENTRE 113 - 114

To consider a request for a one-off grant of £10,000 to the Derbyshire Law Centre to support their operation within the Derbyshire Dales.

Members of the Committee - Councillors Mrs Jacque Bevan, Jennifer Bower (Chairman) Richard Bright, Mrs Sue Burfoot, David Burton, Tom Donnelly, Tony Millward, Mike Ratcliffe, Lewis Rose, OBE, Andrew Statham, Geoff Stevens, MBE, Jacque Stevens, Colin Swindell, Jacque Stevens, Philippa Tilbrook, Judith Twigg and Jo Wild (Vice Chairman)

Substitutes - Councillors Steve Bull, Bob Cartwright, Albert Catt, Ann Elliott, David Fearn, Richard FitzHerbert, Steve Flitter, Chris Furness, Neil Horton, Cate Hunt, Mike Longden, Jean Monks, Garry Purdy, Peter Slack, Barrie Tipping, and Carol Walker.

COMMUNITY COMMITTEE
22 January 2015

Report of the Head of Regulatory Services

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

SUMMARY

This Report recommends the adoption of an updated set of standards for those houses in multiple occupation that are required to be licensed under the provisions of the Housing Act 2004.

RECOMMENDATION

That the updated set of standards be adopted.

WARDS AFFECTED

All

STRATEGIC LINK

The provision of decent housing that meets the needs of residents supports the District Council's priority to improve housing opportunities for vulnerable people.

1 BACKGROUND

- 1.1 The Housing Act 2004 introduced a legal requirement for certain larger types of houses in multiple occupation (HMOs) to be licensed by the local housing authority. In order to require licensing these properties needed to be occupied by 5 or more people who did not form part of the same household and to extend to 3 or more storeys.
- 1.2 The Act enables local housing authorities to adopt standards that they expect properties to meet before they may be licensed and conditions that may be applied to a licence to ensure that standards are maintained or improved during the period that the property remains licensed.
- 1.3 When the legislation came into force Derbyshire Dales District Council adopted a set of standards that were devised in partnership with High Peak Borough Council. At that time the two authorities worked closely together on housing issues and were devising a common Landlord Accreditation Scheme. It was seen as a sensible extension of the partnership working that already existed to try to adopt common policies in this sector of the private rented housing market.
- 1.4 Since the adoption of the original standards the degree of formal joint working between the two authorities has decreased. Over the same period the private rented market in High Peak, especially in Buxton, has grown as the University has also grown in scope. In particular the market for student bedsits has grown to a level much

greater than similar forms of property in the Derbyshire Dales. Currently there are only two known HMOs that require licensing within Derbyshire Dales.

- 1.5 However, despite the small number of properties officers are aware that this type of accommodation can give rise to problems, both to the residents of the properties and to neighbours. As a consequence the original standards have been reviewed and new standards have been developed. These standards take account of the issues that have arisen within Derbyshire Dales and the greater experience of the sector that exists within High Peak.

2 REPORT

- 2.1 The review of the HMO standards has been led by the Environmental Health team, who are responsible for private sector housing issues. In undertaking the review they have called on the expertise that has developed in High Peak Borough Council and within the larger Derbyshire Built Environment Group; the specialist officer group that deals with issues relating to private sector housing. Specialist consultation has also been undertaken with Derbyshire Fire and Rescue Service, Building Control and Development Management. All these agencies are satisfied that the proposed standards are fit for purpose and suitable for adoption.
- 2.2 The proposed new standards are presented as background papers and set out requirements for repair and maintenance; space standards; management standards; security, thermal comfort and energy efficiency, and means of escape from fire and other fire precautions. Taken together officers believe that these new standards will ensure a good standard of accommodation and safety for those living in houses in multiple occupation.
- 2.3 The previous Standards were contained in a series of 5 documents and whilst they contained a number of key issues they were not felt to be as useful to landlords or tenants as they might be. These are also presented as background papers.
- 2.4 The proposed new Standards are contained in a single document and are intended to act as a stand-alone document that contains all the information necessary for a landlord to know whether his/her property is suitable and for a tenant to know if his/her property meets all the necessary safety standards.
- 2.5 The proposed new Standards contain new information about Planning and Conservation issues, Building Control requirements and exemptions from licensing. They also contain considerably more detail on internal layout, repair and maintenance, the inclusion of sound insulation, improved provision for safety features, clearer responsibilities for outside areas, improved security arrangements, greater requirements for energy efficiency and greater detail in relation to the provision and maintenance of fire precautions and means of escape in case of fire.
- 2.6 As stated above, there are currently two known properties that require licensing under the Act. Officers are aware that the new standards will, if adopted, require improvements to these properties before their licences can be renewed. Licences are granted for a five year period and there are now 11 months left before the first licence requires renewal. It is proposed that this period will be used to work with landlords to ensure that the properties are brought up to the new standard in advance of renewal.
- 2.7 The proposed new Standards have been subject to an equalities impact assessment and were considered to be beneficial to all protected groups affected by them.

3 RISK ASSESSMENT

Legal

The revised Standards aim to provide a framework to regulate the design and condition of houses in multiple occupation to mitigate risks to health and safety. The legal risk is therefore low.

Financial

The costs associated with the adoption of an updated set of standards for those houses in multiple occupation (mainly officer time) can be accommodated from existing budgets. The financial risk is, therefore, assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Tim Braund, Head of Regulatory Services, Tel: 01629 761118,
Email: tim.braund@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

Proposed new HMO Licensing Standards

2005 HMO Licensing Standards

Equality Impact Assessment

Guidance on Standards for Houses in Multiple Occupation

Environmental Health Section
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN
01629 761212

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DEFINITION OF HOUSE IN MULTIPLE OCCUPATION (HMO)

A “House in Multiple Occupation” is defined in the Housing Act 2004 as a building, or part of a building (e.g. a flat):

- which is occupied by more than one *household* and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

To be categorised as an HMO a property must also be “occupied” by more than one household:

- as their only or main residence; or,
- as a refuge by persons escaping domestic violence; or,
- by students undertaking a full-time course of further or higher education; or,
- for some other purpose that is prescribed in regulations.

A *household* is defined as comprising:

- families (including single persons and co-habiting/sharing couples whether or not of the opposite sex); or,
- any other relationship that is prescribed by regulations, such as domestic staff or fostering or carer arrangements.

What about “non-standard” HMOs

Many HMOs will be fairly “traditional” – characterised by a number of households who are privately renting and who share, or lack, at least one basic amenity, for example, the typical bedsit type of property often associated with HMOs. In these cases it is relatively clear that the premises is an HMO by definition. The following few paragraphs explain how some of the more common types of non-standard HMOs will be treated.

Quite commonly, there may be a mixture of self-contained and non self-contained accommodation within a building. In these instances, as long as part of the building is non self-contained the building as a whole is classed as an HMO.

The number of occupants in the self-contained unit counts towards the number of occupants of the HMO as a whole.

The local authority will also have regard to the number of households occupying the self-contained flats as well as the number of households occupying the non self-contained accommodation. Similarly, the self-contained accommodation also counts towards calculating the number of storeys of the HMO.

Generally, people would consider an HMO to be one where there is some sharing, or lack of, basic amenities for the use of the people occupying the property. However, under the Housing Act 2004, an HMO is also defined as a poorly converted block of flats where a significant proportion of those flats are not occupied by long leaseholders. Therefore, where such a building conversion does not meet, at least, the standards laid down in the Building Regulations 1991 and in which less than two thirds of the flats are owner-occupied the building is classified as an HMO.

To determine whether your premises is an HMO for the purposes of the Housing Act 2004, use the checklist given in Appendix 2. The guidance in this booklet is aimed at HMO's with some sharing of facilities – separate guidance is available on converted blocks of self-contained flats.

EXEMPTIONS FROM HMO DEFINITION

Certain types of buildings will not be HMOs for the purpose of the Act, other than for Part one (Housing Health and Safety risk rating).

These include buildings:

- managed or owned by a public body (such as the police or the NHS) or a Local Housing Authority or a Registered Social Landlord;
- where the residential accommodation is ancillary to the principal use of the building e.g. religious establishments, conference centres etc.;
- entirely occupied by freeholders or long leaseholders and their households;
- occupied by no more than two households each of which comprise a single person (i.e. two person flat shares).
- buildings owned or managed by educational establishments and occupied principally by full-time students (most commonly these will be halls of residence) may be specified as exempt by order;
- buildings regulated otherwise than under the Act, such as care homes, bail hostels etc., where descriptions of uses to be exempt can be specified in regulations;

- buildings occupied by long leaseholders and their households, with 2 or fewer additional residents (i.e. lodgers).

HMO Licensing

Licensing of HMOs is intended to ensure that:

- Landlords of HMOs are fit and proper persons or employ agents who are.
- The standards of tenancy relations management and property management employed by a landlord or agent are adequate.
- High risk HMOs and their landlords are identified, so that health and safety measures under Part 1 of the Bill can be targeted on the worst cases.
- Where landlords refuse to meet the required criteria, authorities can step in to manage properties.
- Vulnerable tenants can be protected.
- HMOs are not occupied by excessive numbers of people.
- Local authorities can identify landlords and support them in participating in work to regenerate rundown areas or to tackle problems of anti-social behaviour.

Not all HMOs will be subject to licensing. Licensing will apply as follows;

Mandatory Licensing

Mandatory licensing will apply to all HMOs (other than blocks of self-contained Flats) with

- 3 or more storeys **and** 5 or more persons,
- living in more than one household and
- sharing an amenity.

Storeys are defined as including basements and attics if they are occupied (including by a resident landlord) or have been converted for occupation or which are in use in connection with the occupation of the HMO. Commercial premises on the ground or any upper floor will also be included in the calculation of number of storeys, but not basements in purely commercial use.

Additional (Selective) Licensing

Authorities may feel that there are problem HMOs in their area which do not meet the criteria proposed for mandatory licensing. Where authorities feel that licensing should be applied to other HMOs in their area, they will be able to introduce an additional licensing scheme which will apply licensing to other specified types of HMO in particular areas.

It will be a requirement that any person operating an HMO which is subject to mandatory licensing, or an additional licensing scheme, will need to obtain a licence from the Council to continue operating the property. Should this not be possible a local authority would be required to make a management order to ensure adequate management of the property is in place.

For each HMO which is required to be licensed, a licence fee is payable. A licence will normally last for five years.

Full details of the Licensing Application Process are given in Appendix 1 of this Guidance.

Planning and Conservation issues

Licensing of HMO's or the declaration of the premises as an HMO by the Environmental Health Service does not constitute planning approval in any way. Not all HMO's will require Planning Approval – The definition of a HMO in this guidance is for the purposes of the Housing Act 2004 only, and the Planning categories are unchanged. The Environmental Health Section may ask for evidence of planning consent during the Licensing Application determination, so it would be advisable to check with the Planning Department on the status of your building.

Properties that have been in use as an HMO for more than 10 years may receive a Certificate of Lawfulness and be immune from planning enforcement action. Premises that have been in use as an HMO for less than 10 years will need to seek advice from the Planning Service on whether a retrospective Application for approval is required.

Parts of Derbyshire Dales are designated as Conservation Areas, and special requirements apply to external structural repair. Separate guidance is available from the Environmental Health Service on this matter.

Guidance on Planning issues should be addressed to;
Development Control
Regulatory Services

Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire DE4 3NN
01629 761368
Planning@derbyshiredales.gov.uk

Building Control Requirements

The definition of a HMO in this guidance is for the purposes of the Housing Act 2004 only, and the Building Control definition is different - a property is a HMO for building control purposes if it is occupied by **more than 6 persons**, comprising more than one household.

The following activities will usually require a Building Regulations Application;

- Altering the internal arrangement of a property
- carrying out structural alterations
- replacing external windows and doors
- installing sanitary pipework and drainage
- works related to replacing heating and hot water systems and appliances
- Sound insulation between units of accommodation within the property.

Derbyshire Dales District Council's Building Control Department are happy to discuss any aspect of your building project with you, and will advise on whether an application is required, and what form this application may take. It is recommended that you seek the advice of the Building Control Department **before** you embark on any building project.

Building Control enquiries should be addressed to:

Regulatory Services
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN
01629 761321
Building.Control@derbyshiredales.gov.uk

Standards for Houses in Multiple Occupation

Part 1: Repair and Maintenance

- **General**

Landlords must ensure that the property is fit for occupation, clean and in good repair at the start of the tenancy, and that the property is maintained in good repair throughout the tenancy. The communal areas must be kept clean and free of obstructions, and any fixture or fitting owned by the landlord must be in a fully functional condition and in good repair. The external envelope of the building must be maintained in good repair and be fully functional and weatherproof.

Any outbuildings, yards, external stairways and forecourts in common use must be kept, clean and in good repair. Any garden in common use must be maintained in a tidy condition, free from accumulations of refuse or other material. Boundary walls and fences must be maintained in good repair.

If windows require replacement, you should take the opportunity to install double glazed units, to cut down on draughts and external noise and improve the thermal efficiency of the building. Further guidance is available on external structural alterations in Conservation Areas.

- **Personal Washing Facilities**

Each separate occupancy should, where practicable, be provided with a wash hand basin together with constant supplies of hot and cold running water and waste drainage within the unit of accommodation. A two course tiled splash-back should be provided to the wash hand basin. If the accommodation contains a sink, this will be sufficient for handwashing purposes.

- **Bathrooms**

Each occupancy shall have ready access at all times to a fixed bath (min 1700x760mm) in a bathroom or a shower (min. 800x800mm) in a suitable shower room, together with adequate drying and changing space. Each household should have a bath or shower and a wash hand basin with hot and cold water supply and waste drainage in a proper bathroom or shower room within the letting.

Where this is not practicable, one Bathroom containing a bath or shower shall be provided for every 5 occupants or part thereof. The bathroom shall be within one floor distant from any individual occupant and shall be accessible from a common area. All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water. All bathrooms must be adequately heated and ventilated, and must be of an adequate size and layout.

A two course tiled splash-back is to be provided to the bath, and the shower cubicles must be fully tiled or complete self-standing cubicles.

The hot and cold water supplies to each appliance shall be exclusive, adequate and available at all times whether by pre-payment meter or otherwise.

Baths and showers must not be in kitchens.

The walls and floor of any bathroom or shower room should be reasonably smooth and non-absorbent, and must be capable of being readily cleansed.

Bathroom amenities that are 30 years old or more shall be replaced.

- **Drainage and Sanitary Conveniences**

Each household should have a water closet in a properly ventilated compartment within the letting. Where this is impractical, a water closet shall be provided and maintained for every 5 persons or part thereof.

Water closets:

- Should ideally be in a separate room within the building, The walls and floor of which should be reasonably smooth and non-absorbent, and must be capable of being readily cleansed.
- where shared by 2 or more households, shall be entered from a common passageway or hallway
- shall be within one floor distant from any individual letting
- shall be provided with a suitable wash hand basin supplied with running hot and cold water within the cubicle.

Where there are shared water closets, at least half of the WC's shall be provided in separate compartments (i.e. not within a bathroom). Where a sole WC is provided and maintained for no more than 5 persons, it may be located within a bathroom.

The premises shall be provided with an effective system, both above and below ground, for the drainage of foul, waste and surface water.

Sanitary conveniences that are 30 years old or more shall be replaced.

- **Preparation of Food**

In bedsit type HMO's where the facilities for the cooking of food are located in the bedroom, they shall meet the following standards

- There shall be a cooker with 4 burners/hobs (2 rings acceptable for single person), an oven and grill for each three occupants.
- There shall be a metal or ceramic sink (min. 500x600mm) with a constant supply of hot and cold running water, set on a base unit with a two course tiled splash-back and a draining board. The cold water to the sink will be drinking water standard. The sink will be connected to the drainage system by a suitable trap. A wash hand basin shall not be used in place of a sink.
- The kitchen area shall be provided with a minimum of four 13 Amp electric power outlets (in addition to any sockets serving major appliances) at a convenient height and safe position.
- There will be an impervious work surface (min. 500x1000mm)
- There will be a ventilated food storage unit (min. capacity 0.16 cubic metres) within the unit of accommodation.
- There will be appropriate refuse disposal. There will be a suitable refrigerator with an adequate freezer compartment for each bedsit unit

In bedsit type HMO's where the facilities for the cooking of food the kitchen facilities are shared as well as B&B's, guest houses or hostels, they shall meet the following standards;

- There shall be a cooker with 4 burners/hobs, an oven and grill for each three occupants. A microwave oven may be substituted for one or two of the burners/hobs respectively.
- There shall be a metal or ceramic sink (min. 500x600mm) with a constant supply of hot and cold running water, set on a base unit with a two course tiled splash-back and a draining board for each three occupants. The cold water to the sink will be drinking water standard. The sink will be connected to the drainage system by a suitable trap. A wash hand basin shall not be used in place of a sink.
- The kitchen area shall be provided with a minimum of four 13 Amp electric power outlets (in addition to any sockets serving major appliances) at a convenient height and safe position for each five occupants.
- There will be an impervious work surface (min. 500x500mm) with an additional 500x500 of work surface per person.

- There will be a ventilated food storage unit (min. capacity 0.16 cubic metres) which is lockable for each unit of accommodation.
- There will be appropriate refuse disposal. There will be a suitable refrigerator with an adequate freezer compartment for each bedsit unit which is lockable.

Where the Council is satisfied that the provision of kitchen facilities for the exclusive use of each occupancy is not practicable or appropriate, suitable **communal kitchen facilities** shall be provided on a ratio of one set of facilities for every 5 occupants or part thereof. No individual letting will be more than one floor distant from a kitchen.

Communal kitchens shall meet the following minimum standards;

- There shall be no more than 2 sets of facilities in any one kitchen.
- There shall be a cooker with 4 burners, oven and grill for each group of 5 occupants or part thereof.
- There shall be an appropriate extractor fan for each kitchen.
- There shall be a metal or ceramic sink and drainer (min. 500x600mm) with a constant supply of hot and cold running water, set on a base unit with a two course tiled splash-back and a draining board, for each group of 5 occupants or part thereof. The cold water to each sink will be drinking water standard. Each sink will be connected to the drainage system by a suitable trap.
- Each kitchen (or each set of communal facilities) shall be provided with four 13 Amp electric power outlets at a convenient height and safe position, excluding those used for fridges etc.
- There will be an impervious work surface (min. 500x500mm) per person with an additional 500x500mm of work surface.
- There will be adequate refuse disposal facilities.
- Each occupancy within the HMO shall have an individual, lockable and ventilated food storage unit (min. capacity 0.16 cubic metres) within the communal kitchen, or non-lockable if located within the unit of accommodation.

Each occupancy within an HMO shall have a refrigerator (min. capacity 0.15 cubic metres) within the unit of accommodation. Shared refrigerators in communal kitchens are not favoured because of the risk of poor storage practice and the resulting contamination of food.

Kitchen facilities that are 20 years old or more shall be replaced.

Shared kitchens should be not more than one floor away from any letting except where a dining room is provided next to the kitchen.

In situations where meals are provided for occupants, the advice of the Council's Environmental Health Service Food and Safety Team should be

sought on the requirements of the Food Safety Act 1990, the Health and Safety at Work Act 1974 and any associated Regulations.

- **Ventilation**

Kitchens, bathrooms and utility rooms should be provided with adequate natural and where required, mechanical ventilation to limit the level of condensation. Habitable rooms and WC cubicles should be provided with adequate natural ventilation to provide a comfortable environment.

Adequate ventilation is also required to provide heating appliances with combustion air and to ensure the adequate working of any associated flue. Advice on ventilation requirements can be obtained from the Council's Building Control.

As a general guide, ventilation openings should be not less than one twentieth of the floor area of the room, and in kitchens and living rooms some part of the opening should be at least 1.75m above floor level.

Mechanical ventilation should be sufficient to provide one air change per hour in habitable rooms and kitchens, and three air changes per hour in bathrooms and WC compartments.

- **Natural and Artificial Lighting**

Every room used for living or sleeping must have at least one window in an external wall or roof containing a glazed area of not less than one tenth of the floor area of that room.

Every kitchen, dining room, bathroom, shower room, WC, staircase, landing, corridor and passage shall, where practicable, must have at least one window sufficient to provide adequate natural lighting.

All rooms and communal areas shall be provided with adequate artificial lighting, and the means of operating such lighting shall be easily accessible. Lighting to staircases, landings and passages may be controlled by timed switches or other devices having a similar effect. Artificial lighting to the common parts shall be provided, maintained and paid for by the landlord or agent (i.e. a landlord's supply).

- **Water Supply**

A sufficient and wholesome supply of water for drinking purposes shall be provided and shall be accessible to all tenants at all times. The water supply must not be cut off unreasonably and landlords have an obligation to ensure the continuation of the mains supply to the premises.

- **Refuse Storage and Disposal**

Refuse and litter must not be allowed to accumulate inside or outside the premises. Suitable and sufficient refuse bins must be provided, and must be regularly emptied by the Local Authority or your appointed contractor. Tenants should be instructed and encouraged to segregate different types of waste and where practicable, facilities provided to do so.

- **Gas Safety**

You must provide the Council with a valid landlord's gas safety certificate from a Gas Safe registered plumber or fitter. The certificate must include all the gas appliances and any associated flues within the house. Provide and fix a carbon monoxide detector in accordance with BS 7860:1996 (Battery powered) to all rooms containing a gas fire, unless the gas fire is fitted with an integral carbon monoxide detector linked to a cut-off safety valve.

- **Electrical Safety**

You must provide the Council with a valid periodic test report from a suitably qualified electrician for all the electrical wiring in the property.

The electrical installation should be inspected and tested and earthed appliances (Class 1) electrically tested by a competent person as part of a preventative maintenance programme. **A definition of what constitutes a suitably qualified electrician is given in Appendix 4.**

The Institution of Electrical Engineers (IEE) "Code of Practice for In-Service Inspection and Testing of Electrical Equipment" recommends an initial 12 monthly frequency for the inspection and testing of Class I and Class II equipment.

The IEE Regulations state that the main electrical installation should be inspected every 5 years, by a competent person who can issue an Inspection Certificate.

In order to reduce the risk of electrical injury, all sockets are to be provided with Residual Current Device protection, (RCDs). This will reduce the risk of electrocution and serious electric shock. RCDs should have a rated residual current of 30mA or less and operate within 40m secs at a residual current equal to or greater than 250mA. Ideally, all sockets should be protected by installing one device on the main distribution board. You should consult a competent person on this.

- **Basement Rooms**

Specific and additional requirements apply to basement rooms used as living accommodation. Advice should be sought from the Building Control Service in such cases.

- **Party Walls and Internal Layouts**

Ideally, the building should not share a party wall with another dwelling. This is to stop the occupants of an HMO creating too much noise and disturbance to neighbours.

This, however, is not always possible or realistic. In these cases, the developer should where possible design the internal layout so that

- Kitchens and communal areas are not situated next to party walls.
- Kitchens, bathrooms and communal lounges are not situated, below or next to bedrooms within the same building.
- Circulation areas including stairs, landings, and hallways are not situated next to walls of bedrooms and living rooms of neighbouring properties.

Where this is not possible to achieve the measures outlined above, adequate sound insulation must be provided to protect residents. Details of such measures must be submitted in writing to Environmental Health prior to any works taking place..

All HMO and Flat developments must also include sound insulation internally in walls and floors to minimise the impact of noise to other occupants of the property.

Part 2: Space Standards

Minimum sizes of rooms used for sleeping are as follows;

BEDSIT ACCOMODATION FOR ONE PERSON

- **One Room Units:**
 - 13 m² with kitchen facilities
 - 10 m² with separate shared kitchen or meals provided.
 - Shared Kitchens shall provide 3 m² per person using kitchen, but in no case being less than 5.5 m² total size.

- **Two or more room units:**
 - 6.5 m² each bedroom, provided that the total floor area of the letting exceeds 15 m²
 - Each Kitchen: 5.5 m²
 - Each Living/Kitchen:, 11 m²
 - Each Living Room: 9 m²
 - Each Living/Bedroom: 10 m²

BEDSIT ACCOMODATION FOR TWO OR MORE PERSONS

- **One room units:**
 - 18 m² with kitchen facilities
 - 16 m² with separate exclusive kitchen on same floor, or meals provided.

- **Two or more room units:**
 - 6.5 m² each single bedroom
 - 10 m² each double bedroom,
 - BUT ONLY if the total floor area of the letting exceeds 18.5 m² or 16 m² according to kitchen facilities.
 - Each Kitchen: 7 m²
 - Each Living/Kitchen:15 m²
 - Each Living Room:10 m²
 - Each Living/Bedroom: 6.5 m²
 - Each Double Bedroom: 10 m²

SHARED HOUSES

- **One Person Room:**
 - Each Bedroom/Study 10 m², or 8 m² where there is a shared living room.

- **Two Person Room:**
 - Each Study/Bedroom 15 m², or 12 m² where there is a shared living room.

Common Rooms

- **Kitchens**
 - 1-5 persons, 7 m². For >5 persons, and additional 3 m² per person using kitchen. The kitchen should be at least 1.8m at its narrowest point.
- **Dining Kitchens**
 - 1-5 persons: 11.5 m²
 - 6-10 persons: 16.5 m² but dependant on kitchen facilities provided- contact the Housing Team to discuss
- **Living Rooms and Dining Rooms:**
 - 1-5 persons: 11.5 m²
 - 6-10 persons: 16.5 m²

Each shared kitchen, bathroom and living and dining rooms should be provided on the same floor as the bedroom/study or no more than one floor up or down from the bedroom/study.

BED & BREAKFAST ACCOMMODATION/HOSTELS/GUEST HOUSES

- **Bedrooms without cooking facilities**

- One person room: 8.5 m²
- Two person room: 11 m²
- Three person room: 17 m²
- Four persons room: 22 m²

ONLY when with separate exclusive kitchen facilities elsewhere or sufficient communal meals provided by the landlord in a dining room / kitchen. A separate communal lounge / sitting room should also be available.

- **Bedrooms where cooking facilities are provided in the same room**

- One person room: 14 m²
- Two person room: 18 m²
- Three person room: 23 m²
- Four person room: 28 m²

- **Living rooms**

- Minimum of 3 m² per person, but to include one area of at least 15m²

- **Dining rooms**

- Minimum of 2 m² per person

- **Combined Living/Dining rooms**

- 3.5 m² per person if the floor area of living room and dining room are combined

- **Kitchens used for the preparation of communal foods**
 - To be in accordance with the requirements of the current Food Hygiene Regulations

NOTES

1. No more than 2 persons are allowed to sleep in any one room, regardless of size (no account will be taken of children under the age of 1 year).
2. Persons of the opposite sex over the age of 12 years and who do not live as partners shall not be obliged to share a room.
3. The measurement of rooms must be made at floor level and extend to the back of all protruding skirting boards. The floor area measurement must include any space formed by a bay window and any area of floor which is covered by fixed cupboards or projecting chimney breast.
4. Any ceiling height less than 2.1m is not acceptable unless within a room with a sloping ceiling, in which case no area with a ceiling height of less than 1.5m will be taken into consideration. At least one half of the remaining area should have a ceiling height of no less than 2.3m. The 1.5m ceiling height area should be used to calculate the maximum occupation level.

Part 3: Management

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to any HMO, but for the purposes of this guidance the following provisions apply to all HMO's other than a converted block of flats, which will be subject to separate Council guidance.

In the following provisions—

"the Act" means the Housing Act 2004;

"fixtures, fittings or appliances" are:-

- (i) lighting, space heating or water heating appliances;
- (ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
- (iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
- (iv) washing machines or other laundry appliances; and

"the manager", in relation to an HMO, means the person managing the HMO. (For the definition of "person managing", see NOTE under Part 9 'General' below)

1. Duty of manager to provide information to occupier

The manager must ensure that:-

- (a) his name, address and any telephone contact number are made available to each household in the HMO; and
- (b) such details are clearly displayed in a prominent position in the HMO.

2. Duty of manager to take safety measures

The manager must ensure that all means of escape from fire in the HMO are:-

- (a) kept free from obstruction; and
- (b) maintained in good order and repair.

The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order. The manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers. This requirement does not apply where the HMO has four or fewer occupiers. The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to:-

- (a) the design of the HMO;
- (b) the structural conditions in the HMO; and
- (c) the number of occupiers in the HMO.

In performing this duty the manager must in particular:-

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and

(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

3. Duty of manager to maintain water supply and drainage

The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that:-

(a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and

(b) any water fitting which is liable to damage by frost is protected from frost damage. ("water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe).

The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

4. Duty of manager to supply and maintain gas and electricity

The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer. ("recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing).

The manager must—

(a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

(b) obtain a certificate from the person conducting that test, specifying the results of the test; and

(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

5. Duty of manager to maintain common parts, fixtures, fittings and appliances

The manager must ensure that all common parts of the HMO are:-

- (a) maintained in good and clean decorative repair;
- (b) maintained in a safe and working condition; and
- (c) kept reasonably clear from obstruction.

The manager must in particular ensure that:-

- (a) all handrails and banisters are at all times kept in good repair;
- (b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
- (c) any stair coverings are safely fixed and kept in good repair;
- (d) all windows and other means of ventilation within the common parts are kept in good repair;
- (e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
- (f) fixtures, fittings or appliances within the Manager's control and used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

The manager must ensure that:-

- (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
- (b) any garden belonging to the HMO is kept in a safe and tidy condition; and
- (c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

In this provision

(a) "common parts" means:-

(i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;

(ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and

(iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

6. Duty of manager to maintain living accommodation

The manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it. This requirement does not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

The manager must ensure, in relation to each part of the HMO that is used as living accommodation, that

(a) the internal structure is maintained in good repair;

(b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order (this requirement does not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager); and

(c) every window and other means of ventilation are kept in good repair.

This requirement does not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner. For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or

otherwise fails to conduct himself as a reasonable tenant or licensee would do.

7. Duty to provide waste disposal facilities

The manager must

(a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and

(b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

8. Duties of occupiers of HMOs

Every occupier of the HMO must

(a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties

(b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;

(c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;

(d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;

(e) store and dispose of litter in accordance with the arrangements made by the manager; and

(f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

9. General

Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

NOTE: “person managing” means, in relation to the premises, the person who, being an owner or lessee of the premises –

Receives (whether directly or through an agent or trustee) rents or other payments from persons who are in occupation as tenants or licensees of parts of the premises, or

would so receive those rents or other payments but for having entered into an arrangement with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rent or other payments;

and includes, where those rents or other payments are received through another person as agent or trustee, that other person.

Housing Act 2004 Section 263 (3)

Part 4: Security

- The front and rear entrance doors and frames should be of robust, external quality hardwood or period softwood, a minimum of 40mm thick and hung on substantial hinges. Thin plywood panels will not be accepted. UPVC doors with a multi-point locking system will be an acceptable alternative.
- Locks to front and rear doors shall be halfway up the door, with a 5/6 pin cylinder mortice lock so that exit and/or escape is possible without the use of a key. All locks to meet the strength requirements of BS3621:1980 – Thief Resistant Locks. Any glazed area or letter box must be remote from the lock (except where the glazing is laminated security glass). Where UPVC doors are already fitted, the lock should be fitted with a cylinder having a thumb turn on the inside face, so that a key is not necessary to exit the premises.
- If the house has patio doors, they should be fitted with an anti-lifting device, and either a multi-locking system or patio door locks to the top and bottom of the sliding door.
- All windows to the ground floor should be fitted with window locks to all opening lights.

Part 5: Thermal comfort and energy efficiency

Energy efficiency measures are becoming increasingly important in the property market, and will be of particular benefit to landlords who are charging an 'all-in' rent which includes utility bills. Derbyshire Dales District Council are committed to improving the thermal comfort of the private rented housing stock, and has agreed the following standards:

- **Insulation**

Any roofspace, void or loft must have fitted a minimum of 250mm (10") BS Standard thermal insulation quilt to all areas.

Where the roofspace has been converted into a room and there is no existing insulation, then you should EITHER strip down the ceiling to the roof spars and reboard with a proprietary thermal insulation board, OR apply a min. 10mm 'Sempatep' or similar proprietary brand insulation material to the ceiling and internal wall surfaces (where the wall is an outside wall).

All external doors (and openings in doors), windows and skirting boards to outside walls should be fitted with a good quality draught-proofing material.

- **Heating**

The premises should be centrally heated via a SEDBUK 'A' or 'B' rated gas condensing boiler. New installations and conversions should always be to this standard, and should run both the heating and hot water systems. If there is no gas supply to the premises, you should contact the Energy Saving Trust Advice Centre for advice on energy efficient alternatives. All but one of the radiators must be fitted with individual thermostatic controls. One of the radiators in the communal areas should be selected as the one without the thermostat. Where central heating is impractical, each habitable room must be fitted with an Economy 7 storage heater. The principal living room of each occupancy must be provided with a level of heating that is capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade. Hot water cylinders must be fitted with a thermostat and must be pre-insulated or provided with a suitable 'jacket'. All water pipes should be suitably lagged, particularly in the roofspace.

- **Appliances, etc.**

All 'white goods' (e.g. refrigerators, fridge/freezers, washing machines) should be 'A' rated appliances.

A microwave should be provided in every kitchen.

Kettles should be of the 'rapid-boil' type.

All internal light fittings should be fitted with energy-efficient light bulbs.

- **Home Efficiency Check** questionnaire which is available free of charge from the Energy Efficiency Advice Centre, must be completed and returned by the landlord (see 'Further Advice' section at the end of this document for contact details). The Council may ask to see a copy of the Home Energy Efficiency Report from the EEAC and your action plan for implementing any recommendations.

Part 6: MEANS OF ESCAPE FROM FIRE AND OTHER FIRE PRECAUTIONS

Statistics show that there are more fires in HMO's than in single family houses, and it is for this reason that fire safety is so significant in this type of housing.

The overall size, layout, occupancy and management of the house must be taken into consideration, along with any other relevant matters, in carrying out a risk assessment to determine the appropriate fire precautions and means of escape in case of fire.

This guide does not provide the fire safety solution for any one property, as precise requirements will vary from house to house. Neither can a short guide like this one describe in detail all the works required to achieve satisfactory fire safety. What the guide does provide is an indication of the matters which must be considered and which will contribute to the fire safety or protection solution for 2, 3 or 4 storey HMO's.

The following guidance is based on a standard layout where all habitable rooms open onto a landing or hallway which forms part of the main stairway through the property. It assumes that the base of the main staircase opens onto a hallway that connects directly to the front door or main external exit door. In situations where there is a 'non-standard' layout, or where the particular layout or internal arrangement does not fit easily to the guidance provided, you should consult the Fire Prevention Officer. The FPO will be happy to advise on particular requirements in non-standard accommodation, and also on alternative fire detection and alarm solutions where appropriate.

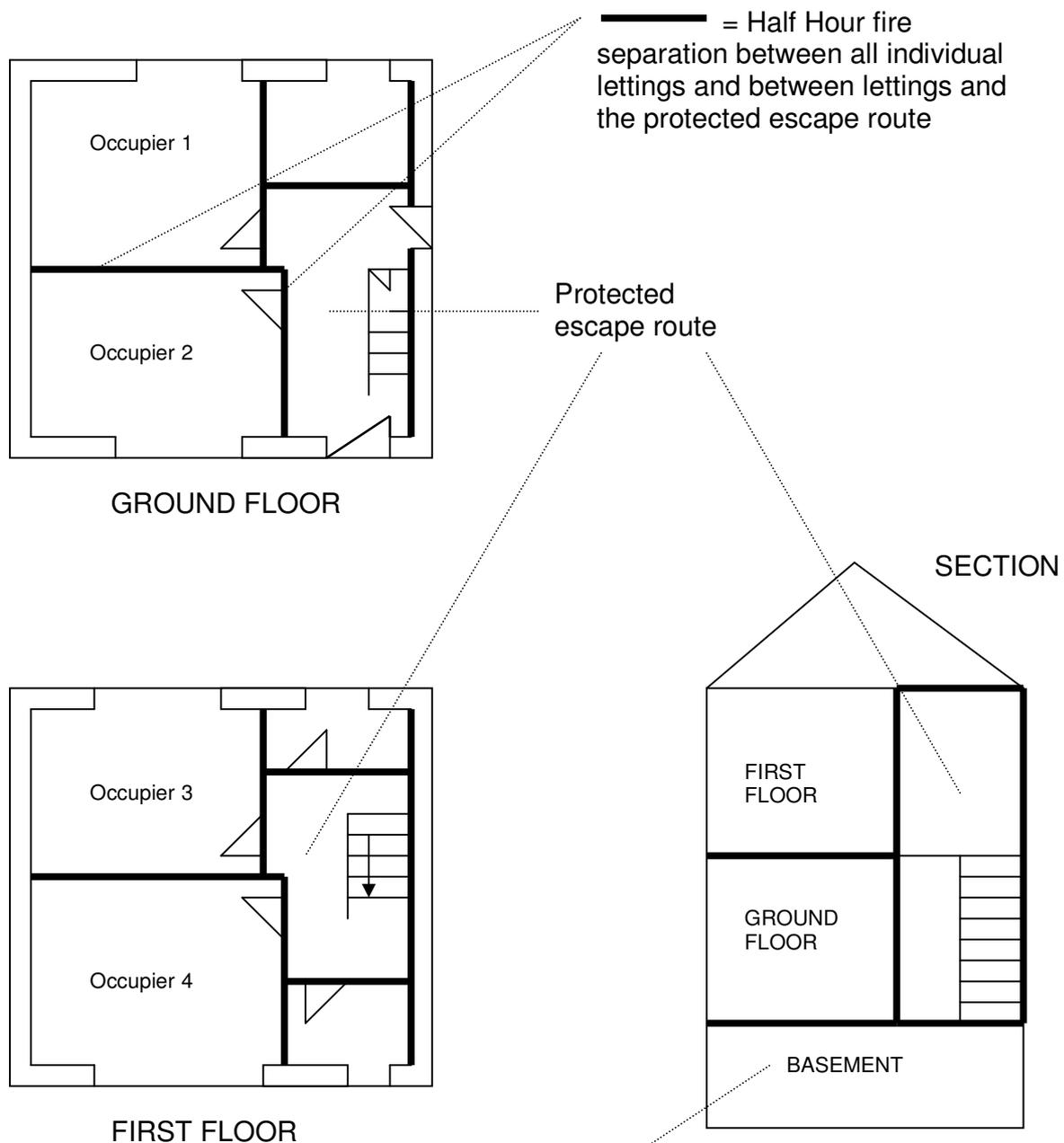
A Building Regulations application will almost certainly be required in the case of works carried out to means of escape in HMO's, and it may also be necessary to obtain Planning Permission in order to convert a building into an HMO.

STRUCTURAL MEANS OF ESCAPE

The following diagrams illustrate the required standards for structural means of escape in different buildings. Thick black lines indicate doors and partitions which are required to be fire resistant to either 30 minutes or one hour (as specified).

- **DIAGRAM 1: TWO STOREY HOUSE WITH DOWNWARD ESCAPE ONLY**

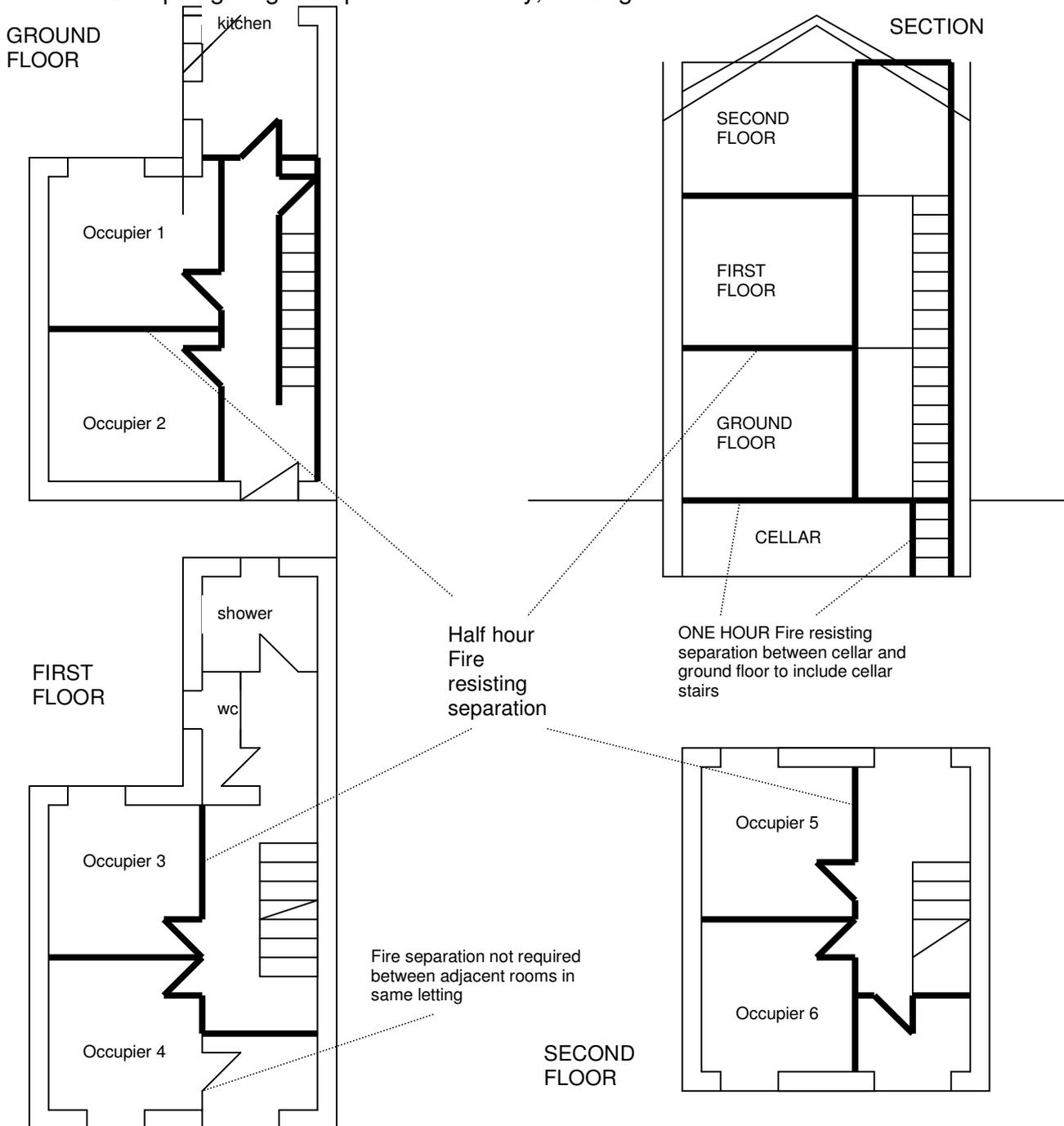
- (i) The stairway, landings and access corridors thereto must be made a protected escape route.
- (ii) The ceiling of the stairway must be made half hour fire resistant from both sides.



If accessible, any cellar must be separated from the ground floor by 1 HOUR fire resistance. Fire resistant separation is not required if the cellar stair is removed, the floor reinstated and access sealed off permanently

- **DIAGRAM 2: THREE OR MORE STOREY HOUSE WITH DOWNWARD ESCAPE ONLY**

As for Diagram 1 (i) and (ii), PLUS –
 Automatic fire detection and full alarm system are required throughout the building, and
 Escape lighting is required to stairway, landing and access corridors.



STAIRWAYS, LANDINGS AND ENTRANCE HALLS

Common stairways, landings and entrance halls in HMO's are regarded as escape routes.

The stairway to the house must be enclosed by half hour fire resisting construction, that is the ceiling, walls and floor. All doors opening onto the stairwell (except to bathrooms and toilets where there is no source of ignition present) must be half hour fire resisting doors.

Any routes leading from the stairway, such as landings and entrance halls, must be similarly protected.

When such work has been carried out, the stairway and routes leading to the stairway are referred to as protected escape routes.

CEILING AND FLOOR ELEMENTS

Ceiling and floor structures must be constructed of materials capable of providing at least half an hour fire resistance. This includes ceiling or floor structures between a cellar or basement and the ground floor.

KITCHENS

Shared kitchens must normally be enclosed with half hour fire resisting walls and doors. Other kitchens intended for the exclusive use of one letting may also need to be enclosed, depending on its location.

WALLS BETWEEN LETTINGS

These must be half hour fire resisting partitions.

LAYOUT OF ROOMS

Travel distances (the actual distance people have to travel to reach a place of safety) may be relevant in larger houses. Large habitable rooms may need an additional exit door if the distance from any point within the room to the room exit exceeds 9 metres.

Bedrooms must not be entered through another room. Where this occurs, structural work may have to be carried out to ensure that bedrooms open directly onto a protected route.

CELLARS

Where the cellar entrance opens onto a common escape route, a half hour fire resisting door must be installed. The spandrel and the soffit enclosing the cellar staircase must also be of half hour fire resisting construction if they adjoin an escape route. The ceiling of the cellar must be half hour fire resisting. This may be reduced to 30 minutes where an automatic detection system is available.

HABITABLE BASEMENTS

These should be separated from the ground floor by two 30 minute fire resisting doors, one at basement level and one at ground level. The ceiling/floor between the basement rooms and the ground floor rooms must normally be of one hour fire resisting construction.

A separate means of escape must be provided to basement room to a place of safety. Where this is not possible, then means of escape via an escape window must be provided.

An escape window to any habitable room must have a minimum openable area of 0.33m^2 and a minimum height and width of 450mm. The bottom of the openable area must be no more than 1100mm from the floor.

Where no such window exists or it is not possible to provide one, then a 30 minute protected must be provided.

INTERNAL DOORS AND THE PROTECTED ESCAPE ROUTE

The common stairways and landings are regarded as emergency escape routes, and so all doors opening onto the communal stairs and landings must be of 30 minute fire resisting construction. This includes all bedroom doors, the bathroom door (except in cases where there is no source of ignition in the bathroom), and any doors between the foot of the stairs and the entrance door (the primary escape route). The internal kitchen door(s) must also give 30 minutes fire protection. Where the stairway opens into a living room or kitchen on the ground floor (as opposed to a hallway), additional advice on fire protection will need to be obtained on a case by case basis.

All such doors must be well fitting smoke control fire doors complying with the FD30s standard (where the symbol 's' follows the fire door rating, these doors are to be effectively smoke stopping by fitting combined heat and smoke seals to the back edge, stile and head of the door leaf or frame). Fire doors to be hung on three 100mm mild steel butt hinges with a maximum gap between door and frame of 3mm. Doors to be fitted with a steel or brass lever door handle and mortice latch which engages in a keep for a minimum 10mm when the door is closed.

Doors must also be fitted with a suitable surface mounted overhead door closer complying with BS 5588, or a 'Perkomatic' double chain concealed door closer (R85) complying with BS 476:Part 22:1987.

All internal glazing on the primary escape route (e.g. fan lights, door glazing and side panels) must be replaced with fire resistant glazing.

GENERAL CONSTRUCTION POINTS

The spandrel and soffits of a protected staircase encroaching into any habitable room must be of half hour fire resisting construction.

The following items are NOT permitted within stairway enclosures;

- Portable heaters of any type.
- Heaters with unprotected naked flames or radiant bars
- Fixed heaters using a gas supply cylinder
- Oil fuelled heaters
- Cooking appliances
- Upholstered furniture
- Wardrobes or other storage furniture
- Coat racks
- Storage of any kind (unless it is kept in a locked cupboard which is constructed to the same standard of fire resistance as the enclosure to the stairway e.g. cupboards under the stairs must either be sealed up or constructed of half hour fire resisting material).

Final exit doors to a place of safety and other room doors and windows used for escape purposes must have simple fastenings and must be openable from the inside without the use of a key. All such doors and windows must enable the person escaping to reach a place free of danger from fire.

All soil pipes which perforate ceiling/floor structures must be framed out with fire protective boarding. Holes around gas and water pipes must be made good with fire resistant material such as intumescent paste.

EXISTING EXTERNAL FIRE ESCAPES

Where there is an existing external escape or access staircase, this should comply with current Building Regulations. In a fire, smoke or flame issuing from windows or doors must not prejudice any escape using this staircase.

Any door opening onto the stairway below the top floor and any door in the external wall beneath the stairway should be half hour fire resisting and self closing.

Windows which are within 1.8 metres horizontally from the stairway must be of the fixed type and be glazed with Georgian wired glass so as to be half hour fire resisting.

Any such escape should normally be provided with emergency lighting and may also require protection from the weather.

If these standards for the external escape stairway cannot be achieved and there is adequate fire escape provision within the building, it may be advisable to remove the external escape. If the external escape is essential for the safe evacuation of the occupants then the above standards must be achieved.

SURFACE FINISHES OF WALLS

Surface linings and finishes of walls and ceilings can increase the hazard to residents in the early stages of a fire.

Brickwork, blockwork, concrete, ceramic tiles and plaster finishes are all acceptable in any locations.

Plastic, timber, hardboard, chipboard and blockboard can be used on small areas of wall surface in rooms (not ceilings), but must not be used on escape routes (staircases, landings etc).

Thin vinyl and paper coverings are acceptable in all locations provided that they are on a plaster surface. Heavy flock wallpapers must not be used.

Expanded polystyrene linings or tiles should generally be removed, but they may be considered acceptable in rooms provided that the thickness does not exceed 5mm on walls or 12mm on ceilings and are not painted with gloss paint. If there is any doubt, they should be removed. Polystyrene products must never be used in escape routes.

AUTOMATIC FIRE DETECTION AND ALARM

- THE ALARM SYSTEM

Grade A fire alarm and detection systems must be installed and comply with BS 5839:part 1 (2002) except clauses relating to alarm audibility, alarm warning for the hearing impaired, standby supplies, manual call points and radio linked systems, which are replaced by part 6.

The control panel must conform to BS5839:part 4. In general, the system must include manual call points next to exits and in larger buildings, on each landing.

The alarm signal must achieve a minimum volume of 65 dB(A) in all accessible parts of the building and 75dB(A) at all bedheads when all doors are shut.

- THREE AND FOUR STOREY HOUSES

A Grade A, LD2 system must be provided. This must include smoke detectors throughout the escape route.

Where cooking facilities are provided in the bedsits, an interlinked heat detector and in addition a grade D non-interlinked smoke alarm with integral battery backup must be provided in each bedsit.

Where cooking facilities are sited in shared kitchens, not in the bedsits, then an interlinked smoke detector must be provided in each bedsit. In addition, interlinked heat detectors must be provided in each kitchen.

Where access is available to the cellar, then interlinked smoke detectors must be provided.

In buildings converted to self-contained flats, a mixed system must be provided which includes Grade A:LD2 coverage in the common areas and a heat alarm in each flat in each room/lobby opening onto the escape route which is interlinked. In addition, a grade D:LD3 coverage in each flat (non-interlinked smoke alarm in the room /lobby opening onto the escape route). Further guidance on this should be sought from Environmental Health.

Where the HMO accommodation is above a shop or other commercial premises, the alarm system to the commercial premises must be interlinked with the HMO alarm system, so that the HMO alarm will be activated in the event of a fire in the commercial premises below. Where the commercial premises do not have a fire alarm capable of interlinking, additional detection must be provided in the commercial premises that forms a part of the HMO alarm system.

LIGHTING OF ESCAPE ROUTES

Conventional lighting is required. Emergency escape lighting may be required if the route is complex or there is no effective borrowed light. Where it is considered necessary, it must be designed and comply with BS 5266

FIRE FIGHTING EQUIPMENT

Provide one fire blanket within each kitchen area and bedsit with cooking facilities fixed to the wall at the point of usual entry to the kitchen. This must comply with BS 6575.

Provide an approved multi-purpose extinguisher on each floor in the common parts which complies with BS EN 3-7.

GENERAL FIRE SAFETY

All products, materials and so on must be selected, fitted, used and maintained in accordance with manufacturers' guidance and relevant British Standards, so as to achieve appropriate levels of fire safety.

The Furniture and Furnishings Fire Safety Regulations 1988 require that all upholstered furniture provided by the landlord in rented accommodation must be fire resistant and pass tests for fire safety. Furniture owned by a tenant is not accountable.

Landlords must ensure that tenants know the fire safety measures in the house, what to do if there is a fire and how the fire alarm system works. Written information on these matters should be displayed in the main entrance hallway of the building.

It is recommended that landlords provide a telephone facility at the premises, for emergency use. This can be a coin-operated 'call box' type unit or an 'incoming calls only' landline (999 emergency calls can be made on 'incoming calls only' lines).

Further Advice / Useful Contacts

Energy Efficiency

For further advice on energy efficiency at your premises, you should contact the Energy Saving Trust (EST) on 0300 1231234

The EST can also offer advice on the availability of grant assistance towards certain energy efficiency work and on discounted goods, and can offer practical solutions to many of the issues raised in the above standards.

Trading Standards

Advice on fire resistance requirements of furniture and upholstery can be obtained from the Trading Standards Division at Derbyshire County Council on 01629 533190

Fire Safety Advice

Detailed advice and guidance on the fire safety requirements of these standards can be obtained from the Fire Prevention Officer at the Derbyshire Fire and Rescue Service on 01298 22620.

Housing Standards

For further advice or information on any of the standards outlined above or on the Houses in Multiple Occupation standards, you should in the first instance contact Environmental Health on 01629 761212 or email

EnvHealth@derbyshiredales.gov.uk

APPENDIX 1

Application of HMO Licensing

For each HMO which is required to be licensed, a licence fee is payable, subject to any maximum which may be set by the Secretary of State and any exemptions or reductions which may be required by regulation.

CONDITIONS FOR OBTAINING A LICENCE

A person owning or managing an HMO which is required to be licensed must apply to the Local Housing Authority (LHA) for a licence for that property unless a Temporary Exemption Notice has been applied for or is in force. The Secretary of State may make regulations concerning licence applications. Licence Application Forms can be obtained from

Derbyshire Dales District Council
Environmental Health Section
Town Hall
Matlock
Derbyshire
DE4 3GJ Tel 01629 761212

The LHA must grant a licence if it is satisfied that:

- the HMO is reasonably suitable for occupation by the number of persons permitted under the licence;
- the licence holder is a fit and proper person;
- the proposed licence holder is the most appropriate person to hold the licence;
- the proposed manager, if not the licence holder, is fit and proper; and
- the proposed management arrangements are satisfactory; including that

the person involved in the management of the house is competent and the structures and funding for the management are suitable.

In considering whether the HMO is reasonably suitable for occupation by the number of persons permitted under the licence the authority must have regard to the minimum prescribed standards of amenities and facilities given in Part 1 of this Guidance.

In deciding whether a licence holder or agent is fit and proper, the LHA must have regard, amongst other matters, to:

- any previous convictions relating to violence, sexual offences, drugs or fraud;

- and whether the proposed licence holder has contravened any laws relating to housing or landlord & tenant issues;
- and whether the person has been found guilty of unlawful discrimination practices;
- and whether the person has managed HMOs otherwise than in accordance with any Approved Code of Practice.

It is, however, a matter for the LHA to determine the relevance of these considerations (or other matters it considers to be relevant) in deciding whether or not the person is fit and proper. Relevant convictions do not automatically mean that a person cannot be deemed fit and proper. These may be considered alongside matters such as landlord's having undertaken training or accreditation or a record of engagement with initiatives with the local authority to improve the sector.

If the LHA is not satisfied that it can grant a licence under the above conditions it must refuse to grant the licence and make an Interim Management Order. However, before refusing to grant a licence it must give its reasons for proposing to do so, in advance, and give the applicant 14 days in which to make representations about that proposal. Where a licence is refused a landlord may appeal to the Residential Property Tribunal.

CONTENTS OF A LICENCE

An HMO licence will specify the maximum number of occupants who may occupy the HMO. It will always include conditions requiring the licence holder to:

- produce gas safety certificates obtained within the last year on an annual basis (where there is a gas supply to the HMO);
- keep electrical appliances and furniture made available by the licence holder in a safe condition and supply on demand to the local authority a declaration to that effect;
- ensure that smoke alarms are installed and to keep them in proper working order and supply on demand to the local authority a declaration as to the condition and positioning of such alarms;
- supply the occupier with a written statement of the terms on which they occupy the property.

A licence may also include conditions relating to:

- The management of the house, including taking such steps as are reasonable to deal with anti social behaviour of the occupants and people visiting the property.

- The condition of the house, its contents (e.g. furniture), the amenity standards (e.g. bathrooms, toilets etc) (other than in respect of matters which should be addressed under Part 1 of the Housing Act 2004).
- A requirement to carry out specified works or take actions, within such times as is specified in the licence.
- A requirement for the landlord to attend training courses in relation to any approved Code of Practice.

Management regulations will also set out general requirements as to the management of properties and conditions need not cover these general issues. Where there are hazards, or suspected hazards in the HMO these will be dealt with under the HHSRS provisions rather than licensing. A local authority should consider potential hazards first, before any licensing issue.

BREACHES OF LICENCE CONDITIONS

The licence holder or manager of an HMO who allows it to be occupied by more persons than are permitted under the licence commits an offence and can be fined up to £20,000. If that person breaches a condition of the licence he will also commit an offence and may be fined up to a maximum of £5,000. Prosecution of the offences is without prejudice to the LHA's power to revoke the licence.

DURATION OF LICENCES

A licence will normally last for 5 years (and cannot be granted for a longer period), but may be granted for a lesser period.

VARIATION OF LICENCES

A licence may be varied by the LHA with the agreement of the licence holder, such as where a new manager is agreed. It may vary the licence without agreement if there has been a change of circumstance, such as there is a need to provide additional amenities, carry out works or alter the maximum number of persons permitted to occupy the property. However, in deciding whether to vary a licence the LHA may not impose higher, or otherwise different standards than applied when it originally granted the licence, except where the standards are required to meet new amenity standards prescribed by regulations.

REVOCAION/CESSATION OF LICENCES

A licence may be revoked with the agreement of the licence holder, such as when a house ceases to be an HMO. It also ends automatically after 5 years or after the period specified in the licence (if that is different).

A licence ceases to be in force on the death of a licence holder and for the first three months following the death of that person no licence is required as if a temporary exemption notice had been issued and was in force. Unless the HMO ceases to be licensable within that period or the LHA grants a temporary exemption notice on the expiry of that period the HMO must be relicensed or an Interim Management Order made in respect of it.

Other than in those circumstances, a licence may only be revoked if:

- there has been a significant breach of the licence conditions;
- or the licence holder and others involved in the management of the house are no longer fit and proper persons;
- or the property ceases to be an HMO that is subject to licensing;
- or, if the LHA would not have granted a new licence for the HMO at the

time it terminates the licence because of reasons relating to the structure of the HMO which render the property unsuitable for licensing on similar terms.

On revocation of a licence (unless this is because the HMO no longer requires to be licensed) the LHA must grant another licence or make an Interim Management Order.

APPEALS AGAINST LICENSING DECISIONS

An appeal may be made to a Residential Property Tribunal against a decision of the LHA to:

- refuse to grant a licence;
- grant a licence, including any conditions imposed;
- vary a licence;
- revoke a licence;
- refuse to vary or revoke a licence.

An appeal must normally be made within 28 days of the decision being made, but if the tribunal thinks there are good reasons to do so, it may extend the period for appeal. In considering an appeal the tribunal rehears the LHA decision, but is able to take account of new evidence put forward by the appellant. In its decision the tribunal may quash the LHA's decision, vary it or confirm it.

APPENDIX 2

Is your property a HMO?

Use the checklist below to determine whether your premises is defined as an HMO. Don't forget to check Appendix 3 to make sure that it is not exempted from the HMO Definition. Words in *italics* are defined at the end of this Appendix.

A BUILDING OR PART OF A BUILDING IS AN HMO IF IT MEETS **ONE** OF THE FOLLOWING FOUR TESTS;

1. The Standard Test ('Bedsit' test)

- a) It consists of one or more units (not being self-contained flats);
- b) The living accommodation is occupied by persons who do not form a *single household*;
- c) The living accommodation is occupied by persons as their *only or main residence*;
- d) The occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- f) Two or more households who occupy the living accommodation share one or more *basic amenities*, or the living accommodation is lacking in one or more basic amenities.

2. The Self – Contained Flat Test

- a) The premises is a self-contained flat;
- b) The living accommodation is occupied by persons who do not form a *single household*;
- c) The living accommodation is occupied by persons as their *only or main residence*;
- d) The occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- f) Two or more households who occupy the living accommodation share one or more *basic amenities*, or the living accommodation is lacking in one or more basic amenities.

3. The Converted Building Test ('Shared House' Test)

- a) The premises is a *converted building*;
- b) It consists of one or more units (not being Self-contained Flats)
- c) The living accommodation is occupied by persons who do not form a *single household*;
- d) The living accommodation is occupied by persons as their *only or main residence*;

- e) The occupation of the living accommodation constitutes the only use of that accommodation;
- f) Rents are payable or other consideration is provided in respect of at least one of those person's occupation.

4. The Converted Block Test

- a) the building has been converted into and consists of self-contained Flats;
- b) The building work undertaken in connection with the conversion did not comply with the Building Regulations 1991 (i.e. where conversion work was completed before 1st June 1992 or which is dealt with by s20 of the Building Regulations 1991 SI 1991/2768), and still does not comply;
- c) Less than two-thirds of the self-contained flats are *owner-occupied*.

DEFINITIONS

Single Household

– Persons who are all members of the same family (i.e. they are married or co-habiting regardless of their sex, or one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other)

- Persons receiving care and their carer occupying living accommodation in the same building, provided that a). the carer is an adult placement carer approved under the Adult Placement Schemes (England) Regulations 2004, and b). the carer provides care for no more than 3 service users under the terms of a scheme permitted by those regulations.

- Domestic staff, provided that the employee lives in the employers house, carries out work or performs a service of an exclusively domestic nature, is provided with the living accommodation as part of the consideration for carrying out the work or service, and does not pay any rent or other consideration in respect of the living accommodation.

or any other relationship that may be prescribed by regulations, such as fostering arrangements.

Only or Main Residence - this includes

- Residence for the purpose of undertaking a full-time course of further or higher education (i.e. student accommodation other than Halls of Residence provided by the Educating Body);
- A Refuge providing temporary accommodation for persons who have left home as a result of physical violence or mental abuse, or threats of such violence or abuse, from persons they were living with;
- A migrant worker or seasonal worker where the accommodation is provided partly in consideration of his employment and is provided by or on behalf of his employer;
- An asylum seeker provided with accommodation under s95 of the Immigration and Asylum Act 1999 and which is funded in part or in whole by the National Asylum Support Service.

Basic Amenities – means a toilet, personal washing facilities or cooking facilities.

Converted Building – means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed.

Owner-occupied – a flat is owner-occupied if it is occupied by

- A person with a long lease i.e. for a term of more than 21 years.
- A person with the freehold estate in the converted block, or
- A member of the household of one of the above.

APPENDIX 3

Exemptions from HMO Definition

The following types of premises are exempt from the definition of an HMO by virtue of Schedule 14 of the Housing Act 2004;

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.

(2) In this Schedule "building" includes a part of a building.

Buildings controlled or managed by public sector bodies etc.

- 2 (1) A building where the person managing or having control of it is-
 - (a) a local housing authority,
 - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
 - (c) a police authority established under section 3 of the Police Act 1996 (c. 16),
 - (d) the Metropolitan Police Authority established under section 5B of that Act,
 - (e) a fire and rescue authority, or
 - (f) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990 (c. 19).

(2) In sub-paragraph (1)(e) "fire and rescue authority" means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

Buildings regulated otherwise than under this Act

- 3 A building is not an HMO for the purposes of the Housing Act 2004 (except for Part 1) where it's occupation is regulated by or under any of the enactments listed below :-
 - (a) sections 87, 87A, 87B, 87C and 87D of the Children Act 1989;
 - (b) section 43(4) of the Prison Act 1952;
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;

- (d) The Secure Training Centre Rules 1998;
- (e) The Prison Rules 1999;
- (f) The Young Offender Institute Rules 2000;
- (g) The Detention Centre Rules 2001;
- (h) The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001;
- (i) The Care Homes Regulations 2001;
- (j) The Children's Homes Regulations 2001; and
- (k) The Residential Family Centres Regulations 2002;

Buildings occupied by students

4 (1) Any building-

- (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
- (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

(2) In sub-paragraph (1) "specified" means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

(3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying-

- (a) a particular educational establishment, or
- (b) a particular description of educational establishments.

(4) The appropriate national authority may have regard to the extent to which, in its opinion-

- (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected

educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or

- (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

(5) In sub-paragraph (4) "occupied for connected educational purposes", in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

Buildings occupied by religious communities

- 5 (1) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

(2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

Buildings occupied by owners

- 6 (1) Any building which is occupied only by persons within the following paragraphs-

- (a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;

- (b) any member of the household of such a person or persons;

- (c) no more than 2 other persons.

(2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

Buildings occupied by two persons

- 7 Any building which is occupied only by two persons who form two households.

APPENDIX 4

How to choose a competent electrician

For periodic inspection and testing of electrical installations, the Council will accept an inspection report from contractors who are members of one of the following self-certification schemes;

BRE Certification Ltd
British Standards Institution
NICEIC
ELECSA
ECA
NAPIT

Members of the above schemes are authorised competent persons who can do all electrical installation work.

BED AND BREAKFAST GUIDANCE

Each unit of accommodation shall have adequate means of space heating.

Each kitchen area shall be fitted with:

- mechanical extract fan;
- adequate refuse disposal facilities;
- suitably sited fire blanket;
- adequate provision of fire doors and fire detection.

Each bathroom shall be adequately heated and ventilated. Ventilation should include humidistat-controlled extraction.

Communal areas, including hallways, landings, shared kitchen and living/dining rooms shall be fitted with appropriate fire detection and fire precaution equipment.

The service provided at these premises can vary so the amenity provision applying may vary accordingly. But the provision for washing and toilet facilities will be the same for each type as shown.

Item	Size or number	
Bath/shower	1 for 5 occupants. With constant hot & cold water supply	For 6-10 occupants double the number/size to be provided. If you have more than 10 people living in the HMO, contact the Public Health & Housing Team.
Separate toilet and wash hand-basin	1 for 5 occupants. With constant hot & cold water supply	
Wash hand-basin	1 for each letting unit. With constant hot & cold water supply	

In premises where all or some meals are provided in addition to breakfast, contact the Public Health & Housing Team to discuss the amenity provision required.

In other cases the amenity provision required is:

Item	Size or Number
Cooker	
Microwave oven	
Sink	Contact the Public Health & Housing Team to discuss the provision required
Worktop	
Electrical sockets, over worktop	
Dry food storage	Double wall unit or single base unit for each letting unit. Storage in communal areas to be lockable
Refrigerator, with freezer compartment	Suitable refrigerator provision shall be made for each letting unit. Provision to be discussed with the Public Health & Housing Team

A suitable equipped communal dining room should be provided next to each shared kitchen facility.

For advice and more information:

write to us at:

Public Health and Housing Team, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire DE4 3NN

phone us on 01629 761212

email : envhealth@derbyshiredales.gov.uk

BEDSIT GUIDANCE

Bedsits will generally be occupied as room-lets on individual tenancies, whether with or without any exclusive amenities.

Each unit of accommodation shall have adequate means of space heating.

Each kitchen area shall be fitted with:

- mechanical extract fan;
- adequate refuse disposal facilities;
- suitably sited fire blanket;
- adequate provision of fire doors and fire detection.

Each bathroom shall be adequately heated and ventilated. Ventilation should include humidistat-controlled extraction.

Communal areas, including hallways, landings, shared kitchen and living/dining rooms shall be fitted with appropriate fire detection and fire precaution equipment.

Bedsit with sole use of:	
Item	Size or number
Cooker	4 hot rings and grill and oven (one household) or 2 hot rings and grill and oven (for single person household)
Sink	Bowl and drainer and constant hot & cold water supply
Worktop	1 metre x 500mm
Electrical sockets over worktop	At least 4 sockets, excluding those for refrigerator, washing machine and so on
Dry food storage	Double wall unit or single base unit for one person. For more than one person proportionately more storage space is needed
Refrigerator, with freezer compartment	Standard size refrigerator
Bath/shower	1 for each household. With constant hot & cold water supply
Toilet	1 for each household
Wash hand-basin	1 for each household. With constant hot & cold water supply

If the Council believes it is not possible to provide facilities within each letting, the shared standards overleaf apply:

Bedsit with shared use of:

Item	Size or Number	
Cooker	4 hot rings and grill and oven for each 3 occupants	
Microwave oven - optional	Allows sharing of cooking facilities by extra people at the Council's discretion	
Sink	Bowl and drainers and constant hot and cold water supply for each 3 occupants Note - where exclusive cooking facilities are provided, exclusive sink facilities shall also be provided	For 4-6 occupants adjust the ratio to be provided appropriately.
Worktop	Minimum 500mm depth and at a ratio of 0.5 m plus 0.5m for each of the first 3 occupants and then 0.25 for each additional occupant	If you have more than 6 occupants living in the HMO, contact the Public Health and Housing Team
Electrical sockets, over worktop	At least 4 sockets for each 5 occupants, excluding those for refrigerator, washing machine and so on	
Dry food storage	Double wall unit or single base unit for each occupant. Storage in communal areas to be lockable	For 6-10 occupants double the number/size to be provided.
Refrigerator, with freezer compartment	Standard size refrigerator for each bedsit unit. Storage in communal areas to be lockable	
Bath/shower*	1 for 5 people. With constant hot & cold water supply	
Separate toilet and wash-basin*	1 for 5 people. With constant hot & cold water supply	

Each shared kitchen must be no more than one floor away from any letting – except where a suitable equipped communal dining room is provided next to each shared kitchen facility.

* Where less than 5 people share – it may be acceptable for the bath/shower and toilet/wash basin provision to be contained within the one bathroom, although the separation of toilet/wash basin from the bath/shower room is always preferred.

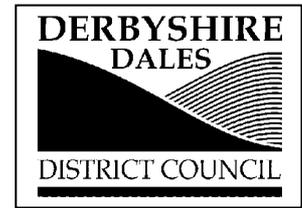
For advice and more information:

write to us at:

Public Health and Housing Team, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire DE4 3NN

phone us on 01629 761212

email : envhealth@derbyshiredales.gov.uk



THE MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (ENGLAND) REGULATIONS 2006

Manager's duties:

These Regulations place a number of duties upon the manager of a house in multiple occupation, HMO. These duties include:

Duty to provide information to occupiers:

The name, address and telephone number of the manager must be provided to each household in the HMO, AND the same information must be clearly displayed in a prominent position in the HMO.

Duty to take safety measures:

Means of escape from fire must be kept free of obstruction and kept in good order and repair

Fire fighting equipment and alarms must be kept in good working order

Notices indicating the location of means of escape from fire must be displayed so they are clearly visible to all occupiers

All reasonable steps should be taken to protect occupiers from injury with regard to the design of the HMO, its structural condition and the total number of occupiers. In particular, in relation to any unsafe roof or balcony they must be made safe or all reasonable measures taken to prevent access to them and in the case of windows with sills at or near floor level provide bars or other safeguards to protect occupiers.

Duty to maintain water supply and drainage:

These must be maintained in proper working order - namely in good repair and clean condition. Specifically, storage tanks must be effectively covered to prevent contamination of water and pipes should be protected from frost damage.

Duty to supply and maintain gas and electricity:

These should not be unreasonably interrupted.

All fixed electrical installations must be inspected and tested by a qualified engineer at least once every 5 years and a results certificate obtained.

The latest gas appliance/s test certificate/s and electrical test results certificate/s must be provided to the council within 7 days of the council making a written request for such.

Continued/...

Duty to maintain common parts, fixtures, fittings and appliances:

All common parts must be kept clean, safe, in good decorative repair and working order and free from obstruction. In particular handrails and banisters must be provided and kept in good order, any stair coverings securely fixed, windows and other means of ventilation kept in good repair and adequate light fittings available at all times for every occupier to use.

Gardens, yards, outbuildings, boundary walls/fences, gates, etc., which are part of the HMO should be safe, maintained in good repair, kept clean and present no danger to occupiers.

Duty to maintain living accommodation:

The internal structure, fixtures and fittings, including windows and other means of ventilation, of each room should be kept in good repair and in clean working order. Each room and all supplied furniture should be in a clean condition at the beginning of the tenant's occupation.

Duty to provide waste disposal facilities:

No litter should be allowed to accumulate, except for that stored in bins provided in adequate numbers for the requirements of the occupiers. Arrangements need to be made for regular disposal of litter and refuse having regard to the Council's collection service.

Duty to inform the Council about occupancy of the HMO:

If required to do so, the manager shall provide details of individuals and households accommodated in the HMO.

The Regulations require that the specified standards of management are achieved and maintained. If a manager fails to meet those standards, the Council may prosecute immediately (maximum fine £5000 for breach of each Regulation) or serve a notice requiring that the manager comply with the Regulations. If the manager were not to comply with such a notice, the Council again may prosecute (maximum fine £5000) and/or they may carry out the necessary works themselves and recharge the manager for the cost of works, plus the Council's costs and interest.

Please note: This guide is not an authoritative interpretation of the Regulations. You should refer to the Regulations themselves for a full statement of the requirements. ISBN 011 074074 2, or you may view/download the Regulations at www.opsi.gov.uk where there is also a frequently asked questions section.

For advice and more information:

write to us at:

Public Health and Housing Team, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire DE4 3NN

phone us on 01629 761212

email : envhealth@derbyshiredales.gov.uk



The Management of Houses in Multiple Occupation (England) Regulations 2006

Duties of occupiers of HMO'S

These Regulations place a number of duties upon the occupiers of a house in multiple occupation, HMO. These duties include:

Occupiers duties:

Not to obstruct the manager in performance of his or her duties.

Allow the manager access at all reasonable times to the accommodation for the purpose of carrying out his or her duties.

Provide information to the manager which would be reasonably expected to enable him or her to carry out their duties.

Act reasonably to avoid causing damage to anything the manager is under a duty to supply, maintain or repair.

Store and dispose of litter/refuse as directed.

Comply with reasonable instructions of the manager as regards any fire escape, fire prevention measures and fire equipment.

The Regulations require that the specified duties are met and maintained. If an occupier breaches their duties under the Regulations it is likely to put their tenancy at risk, and may result in legal action being taken against him or her.

Please note: This guide is not an authoritative interpretation of the Regulations. You should refer to the Regulations themselves for a full statement of the requirements ISBN 011 074074 2 or you may view/download the Regulations at www.opsi.gov.uk where there is also a frequently asked questions section.

The Regulations also place duties on the Manager of your HMO. If your landlord or manager has not provided you with a summary copy of his or her duties, you can obtain a copy from Derby City Council's Housing Standards Team.

For advice and more information:

write to us at:

Public Health and Housing Team, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire DE4 3NN

phone us on 01629 761212

email : envhealth@derbyshiredales.gov.uk

SHARED HOUSE GUIDANCE

Shared houses will generally be occupied on a single whole-house tenancy. For individual room-lets see bedsit guidance.

The accommodation shall have adequate means of space heating.

Each kitchen area shall be fitted with:

- mechanical extract fan;
- adequate refuse disposal facilities;
- suitably sited fire blanket;
- adequate provision of fire doors and fire detection.

Each bathroom shall be adequately heated and ventilated. Ventilation should include humidistat-controlled extraction.

Communal areas, including hallways, landings, shared kitchen and living/dining rooms shall be fitted with appropriate fire detection and fire precaution equipment.

Item	Size or Number	
Cooker	4 hot rings and grill and oven for each 5 occupants	<p>For 6-10 people adjust the ratio to be provided appropriately.</p> <p>If you have more than 10 people living in the HMO, contact the Public Health and Housing Team.</p>
Microwave oven - optional	Allows sharing of cooking facilities by extra people at the Council's discretion	
Sink	Bowl and drainer and constant hot and cold water supply for each kitchen/5 occupants	
Worktop	Minimum 500mm depth and at a ratio of 0.5m plus 0.5m for each of the first 3 occupants and then 0.25m for each additional occupant	
Electrical sockets, over worktop	At least 4 sockets for each 5 occupants, excluding those for refrigerator, washing machine and so on	
Dry food storage	Single wall unit for each occupant	
Refrigerator, with freezer compartment	Standard size refrigerator for each 5 occupants	
Bath/shower *	1 for each 5 occupants. With constant hot & cold water supply	
Separate toilet and wash-basin *	1 for each 5 occupants. With constant hot & cold water supply	

A suitable equipped communal dining room should be provided next to each shared kitchen facility.

* Where less than 5 occupants share – it may be acceptable for the bath/shower and toilet/wash basin provision to be contained within the one bathroom, although the separation of toilet/wash basin from the bath/shower room is always preferred. Contact the Public Health and Housing Team

For advice and more information:

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GUIDANCE ON SPACE PROVISION FOR HMOS

1. Bedsits	
One person units of accommodation	
One room units	13 sqm with kitchen facilities
	10 sqm with separate shared kitchen or meals provided
Shared kitchens shall provide	3 sqm per person using kitchen, but in no case being less than 5.5 sqm
Two or more room units	6.5 sqm each bedroom so long as the total floor area of the letting exceeds
	15.0 sqm
	Each kitchen 5.5 sqm
	Each living/kitchen 11 sqm
	Each living room 9 sqm
Each living/bedroom	10 sqm
Two or more person units of accommodation - Living together as a single household	
	No habitable room shall be occupied by more than two persons, irrespective of age
One room units	18.5 sqm with kitchen facilities
	16 sqm with separate exclusive kitchen on same floor, or meals provided
Two or more room units	6.5 sqm for each single bedroom
	10 sqm for each double bedroom
	but, only if total floor area of the letting exceeds 18.5 sqm or 16 sqm according to kitchen facilities
	Each kitchen 7 sqm
	Each living/kitchen 15 sqm
	Each living room 10 sqm
	Each living/bedroom 14 sqm
	Each single person bedroom 6.5 sqm
Each double bedroom 10 sqm	
	The unavoidable sharing of rooms by persons of the opposite sex over the age of twelve and who do not live as partners shall not be permitted

2. Shared houses

One person room

Each bedroom/study 10 sqm
 Where there is a shared living room 8 sqm

Two person room

Each bedroom/study 15 sqm
 Where there is a shared living room 12 sqm

Common Rooms

Kitchens

Used by 1-5 persons 7 sqm
 For more than 5 persons an additional 3 sqm per person using

Dining Kitchens	kitchen Used by 1-5 persons 11.5 sqm Used by 6-10 persons 16.5 sqm - but dependent on kitchen facilities provided - contact Housing Standards Team to discuss
Living Rooms and Dining Rooms	Used by 1-5 persons 11.5 sqm Used by 6-10 people 16.5 sqm The unavoidable sharing of rooms by persons of the opposite sex over the age of twelve and who do not live as partners shall not be permitted
3. Bed & Breakfast accommodation/Hostels/Guest Houses	
Bedrooms	Premises providing meals or where cooking facilities are provided in a different room
One Person	8.5 sqm
Two Persons	11 sqm
Three Persons	17 sqm
Four Persons	22 sqm
	Where cooking facilities are provided in the same room
One Person	14 sqm
Two Persons	18 sqm
Three Persons	23 sqm
Four Persons	28 sqm
Lounge	A minimum provision of 3 sqm per person will be required, which will include one area of at least 15 sqm
Dining	A minimum provision of 2 sqm per person will be required
Combined Lounge/Dining Areas	A provision of 3.5 sqm per person may be adequate if the floor area of lounge and dining rooms are combined
Kitchens used for the preparation of communal foods	To be in accordance with the requirements of the current Food Hygiene Regulations. The unavoidable sharing of rooms by persons of the opposite sex over the age of twelve and who do not live as partners shall not be permitted

For advice and more information:

write to us at:

Public Health and Housing Team, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire DE4 3NN

phone us on 01629 761212

email : envhealth@derbyshiredales.gov.uk

Derbyshire Dales District Council Equality Impact Assessment

Brief guidance notes shown in italics

Title of policy, practice, service or function being assessed	HMO Licensing Standards
Officers conducting assessment	Tim Braund Simon Bell
Date of assessment	December 2014
Reason for assessment	Review and updating of Standards
Equalities Lead Officer	Mike Hase

Purpose, aims and objectives of the policy, practice, service or function under impact assessment

Brief summary

- *To ensure occupants of HMOs benefit from decent living conditions*
- *To ensure compliance with Housing Act 2004*

Are there any other organisations involved in its implementation?

Other partners\contractors\agencies involved in delivery

None – the HMO licensing function is delivered in house by Environmental Health, along with Housing Act 2004 enforcement

Main customer groups (beneficiaries) / stakeholders	
Customer Groups: <ul style="list-style-type: none"> • Tenants of HMOs • Owners of HMOs • • • • • • 	Other stakeholders: <ul style="list-style-type: none"> • HMO neighbours • Police • Fire and Rescue Service • Building Control • Development Management • •
Which other District Council departments are affected by the policy, practice, service or function? Do any of the objectives directly support or hinder another activity?	
<p>Building Control and Development Management</p> <p>Both consulted on amendments to Standards – supportive of changes</p>	

Assessing relevance to the public sector Equality Duty	
<p>The general Equality Duty has three aims which require the District Council to have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination (both direct or indirect), harassment and victimisation; • advance equality of opportunity between all persons i.e. removing or minimising disadvantages suffered by protected groups; taking steps to meet the needs of people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or other activities where participation is disproportionately low; • foster good relations between all persons i.e. tackling prejudice and promoting understanding between people from different groups. <p>Which aims of the Equality Duty is the policy, practice, service or function relevant to?</p>	<p><i>Please state:</i></p> <p>The Standards are aimed at setting out the expected quality of accommodation to be achieved in licensable houses in multiple occupation in accordance with the legal requirements of the Housing Act 2004. They are not specifically intended to deal with issues of discrimination but this type of accommodation is often occupied by those on low or no income and so are intended to ensure that these people who might be considered vulnerable, enjoy at least a reasonable standard of safety and comfort.</p>

What evidence is already available or needed to help establish the impact of the policy, practice, service or function on protected groups? (Include consideration of relevant data and research available locally and nationally; monitoring information; performance information; previous consultation and engagement e.g. residents' surveys, satisfaction surveys, focus groups; access to services data; complements and complaints; previous equality assessments. When considering gaps, think about any additional monitoring arrangements needed and the need for further consultation).

Information / Data	When and how collected	Source	What it tells you	Gaps
Complaints	Various – via users, owners and neighbours	Users, owners and neighbours	Standards may need strengthening, although no data about protected groups	Small number of properties, therefore data limited
Consultation	At various times and as part of exercise	Fire and Rescue, Building Control, Police	Standards may need strengthening although no data about protected groups	As above
Observations	Various times through officer inspection	Environmental Health	Management standards can lapse, although no data about protected groups	As above

NB: At the present time there is no data about impacts on protected groups. The number of properties involved is small (currently 2) and no complaints or reports have been received about any form of discrimination. Officers will monitor and log any issues that arise in relation to discrimination and will consider any corrective action that could be taken.

Protected Groups	Positive effects	Negative effects	No effect	Don't know	Improvement actions
	<i>Identify effects, both service and outcome based (think about sub groups too e.g. older men, disabled women etc.)</i>	<i>Identify effects, both service and outcome based</i>	<i>If no effect identified enter 'None'</i>	<i>If so then what needs to be done (if anything)?</i>	<i>What improvements are needed (or actions should be continued) to remove or minimise negative impacts?</i>
Does the policy, practice, service or function have a positive or negative impact on people of a particular age such as children, young people, older people? Describe how and which	Ensures that those young people over 12 are not obliged to share a room and therefore have privacy				N/A
Does the policy, practice, service or function have a positive or negative impact on people with disabilities including people with physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health difficulties? Describe how and which			None		The standards cannot be used to require adaptations for disabled people. Any adaptations required may be eligible for disabled facilities grant funding and should be addressed through that system.
Does the policy, practice, service or function have a positive or negative impact on any racial / minority ethnic groups ? Describe how and which. Please note the Equality Act now also includes protection against caste discrimination			None		N/A
Does the policy, practice, service or function have a positive or negative impact on women or men including those living in particular communities? Describe how and which	Tends to deal with accommodation that is usually occupied by single men, although not limited to that group – provides decent accommodation	None			Standards contain provision to ensure that people who are not partners do not have to share units of accommodation
Does the policy, practice,	The standards allow privacy				

Protected Groups	Positive effects	Negative effects	No effect	Don't know	Improvement actions
service or function have a positive or negative impact on pregnant women or people on maternity or paternity leave ? Please also consider any impacts on breastfeeding mothers . Describe how and which	for breast feeding mothers to enable this to occur				
Does the policy, practice, service or function have a positive or negative impact because of a person's marital status including civil partnership ? Describe how and which			None		
Does the policy, practice, service or function have a positive or negative impact on people with a particular sexual orientation ? Describe how and which			None		
Does the policy, practice, service or function have a positive or negative impact on people with particular religion or belief ? Describe how and which			None		
Does the policy, practice, service or function have a positive or negative impact on trans people or people planning to or going through gender reassignment ? Describe how and which	The standards allow for anyone in this category to be respected privacy and security				

Protected Groups	Positive effects	Negative effects	No effect	Don't know	Improvement actions
Does the policy, practice, service or function have a positive or negative impact on access for people in rural areas ? Describe how and which	Provides decent low cost accommodation – tends to be in our market towns rather than villages – determined by market				None
Does the policy, practice, service or function have a positive or negative impact on other groups e.g. those experiencing deprivation or health inequalities ?	HMOs tend to be occupied by people with low income and associated inequalities – ensures decent standards for this group				None

<i>Outsourced services</i>	
If your policy, practice, service or function is partly or wholly provided by external organisations/agencies, please list any arrangements to ensure that they promote equality and diversity (Include this in your improvement plan)	<i>Are council policies built into contractual or service agreements?</i> N/A
<i>Relations between different protected groups</i>	
Does your assessment show that a policy, practice, service or function may amount to potential adverse impact between different protected groups? If yes please explain how the improvement plan is going to tackle this issue	<i>Any adverse differential impacts should be addressed</i> None

<i>If an existing policy, practice, service or function, has it achieved its intended outcomes for the customer groups / stakeholders identified? If not, are there any equalities issues for protected groups?</i>
<i>New Standards will improve the quality of accommodation in this type of housing.</i>

If a new policy, practice, service or function, what factors could effect its intended outcomes from being achieved and are there any equalities issues for protected groups?

N/A

Can you think of any intentional or unintentional factors that could contribute to negative or differential impact?

Increased standards could lead to some units of accommodation becoming unavailable – working with HMO owners to avoid this. This does not specifically affect any of the protected groups, but could result in housing shortages for low income groups.

Summarise the key issues resulting from this equality impact assessment and the measures identified to mitigate any adverse impact and promote equality of opportunity

<u>Protected</u>	<u>Potential impacts / effects:</u>	<u>Mitigating actions:</u>	<u>By whom:</u>	<u>By when:</u>
<u>Group:</u> <i>(delete as appropriate)</i>				
Age	a)	a)		
Disability	b)	b)		
Race	c)	c)		
Gender	d)	d)		
Pregnancy & Maternity	e)	e)		
Marriage & Civil Partnership				
Sexual orientation				
Religion or Belief				
Gender reassignment				
Other Groups e.g. People in rural areas or experiencing deprivation or health inequalities	<p>Key Issues:</p> <ul style="list-style-type: none"> Standards will improve Occupiers should enjoy better accommodation – could have knock on positive effect Could result in fewer problems for neighbours Should result in less resource input from Environmental Health 	<p>Actions:</p> <ul style="list-style-type: none"> Ensure units improved in time for new licences 		

From the information gathered above, does the policy, practice, service or function discriminate (either directly or indirectly) against any protected groups? Please explain your answer

No discrimination

Do you think this policy, practice, service or function should proceed to full EIA? Please explain your answer

The full EIA process includes a stakeholder day to gain views on any key issues and the preparation of an action plan to address them.

No – issues covered in existing consultation

PLEASE FORWARD THE COMPLETED FORM TO THE DISTRICT COUNCIL'S LEAD EQUALITIES OFFICER

Signed: _____ (Completing Officers) Signed: _____ (Equalities Lead Officer)

COMMUNITY COMMITTEE
22 JANUARY 2015

Report of the Head of Environmental Services

FIRST YEAR REVIEW OF CLEAN & GREEN SERVICES

SUMMARY

This report seeks to update members on the approach taken to review the Clean and Green Service a year after the APSE review was implemented and following consultation suggests areas for future improvement.

RECOMMENDATION

1. That the first year review of the Clean and Green Service be noted.
2. That the outcome of the consultation be noted.
3. That a further report is made to an appropriate future Committee to consider how future improvements that are needed within the service might be funded.

WARDS AFFECTED

All

STRATEGIC LINK

The Clean and Green Service contributes towards the Council's priority of providing a "clean green and prosperous Dales" and the corporate aims to "improve the quality of life" and to protect and "enhance the environment".

1 BACKGROUND

- 1.1 The recommendations of the ASPE review following approval by the Environment Committee in November 2013 were implemented in January 2014. Many policy and operational changes have taken place to develop a much more efficient, economical and effective service.
- 1.2 Following implementation of the recommendations of the APSE review it was agreed that a further review would be undertaken within the first year of the new service to determine the effectiveness of these changes on a major front line service and if necessary further changes be reported.

2 REPORT

- 2.1 The ASPE review concluded a number of recommendations for improved working methods and a restructure which lead to recurring service savings.

- 2.2 Many of the recommendations have been implemented and the service transformed. Work is continuing to develop others, such as dog fouling enforcement with a view to implementing this before the end of March 2015. The Core Standards were set and have been implemented. These have given the service a good baseline to work from and where necessary been reviewed.
- 2.3 Consultation
- 2.4 During the year, discussions have taken place with staff to assess the implications of changing working practices. More recently, structured consultation sessions have taken place where staff, have had an opportunity to raise issues and comments on the changes. In November 2014, a member's workshop was held to seek member's views on how the changes have been viewed and areas that they consider a priority.
- 2.5 Members who attended the workshop were asked to prioritise the Clean and Green services. The highest priorities were street cleansing, litter bin emptying, gully emptying and verge mowing whilst maintenance of sports pitches and bowling greens were least of a priority.
- 2.6 Recommendations of ASPE review

The main principles of the recommendations were to;

- Improve the standards of certain basic but critical functions, particularly mowing of grass and litter collection, leading to higher public satisfaction with the service. Although, improvements have been achieved in verge mowing across the District, both staff and members felt that a reduction in resources of closed churchyard was unacceptable. The staff comments received also supported the need to have further and more detailed street cleansing schedules and better co-ordination between mechanical and manual sweeping. Following the consultation with members, having clean streets was considered to be the number one priority.
- Ensure consistency of standards right across the District. This recommendation has been developed effectively by introducing a number of schedules for verge mowing and gully cleansing. Parish and Town Councils are able to see when scheduled gully cleansing and verge mowing is likely to take place and the frequency of these operations. These schedules provide consistency across the District rather than the service reactively responding to requests. More work is needed to design scheduling and frequencies for mechanical sweeping. Consideration will also be given to how this information can be shared more easily with the public.
- Commence a programme of education, engagement and enforcement, to ensure that the Street Scene is protected from littering and dog fouling. Work on developing this recommendation is progressing well and due to be implemented by March 2015. The proposed Public Space Protection Orders have been out for consultation, comments received are currently being considered and proposals will be reported to the Environment Committee in February 2015. Training was held in November 2014 for a number of staff involved in this work.

- The agreement of a set of Core Standards that define what the Clean and Green Service will do. These standards were developed following consultation and in-line with good practice. The consultation carried out helped to shape the standards. These have enabled resources to be targeted in areas where most people benefit and for fewer resources to be directed at areas where only a few people benefit. This has enabled a more frequent mowing regime to be established for the verges in villages and town centres whilst sports pitches and closed churchyards have been reduced.
- 2.7 The schedules developed for grass cutting have been highly successful and noticeable improvements around the district can be visibly seen. Whilst more resources have been targeted at verge mowing at the price of some of the others, adverse comments have been received in relation to the reduction in maintenance of closed churchyards.
- 2.8 The resources to deliver these recommendations were funded through more flexible working methods and the development of core standards developed based on good practice to introduce reasonable limitations on what the Council does.
- 2.9 In order to deliver the principals a number of operational changes were implemented including merging the Street Cleaning and Grounds Maintenance services to form a single homogenous service (Clean and Green). Introduction of seasonal hours with a longer working week in the summer and a corresponding shorter week in the winter and area based working starting the working day on site. These changes allowed a number of efficiencies to be recognised and a more productive workforce.

Service Improvements

- 2.10 Following consultation with staff and members a number of areas have been highlighted for future development.
- 2.11 Winter Maintenance – pruning hedges, tidying up, tree maintenance and memorial safety. The seasonal hour's has depleted time available over the winter and greater discipline is required to deal with this. A useable winter maintenance schedule will be developed to ensure the top priority horticultural work is addressed over the winter. Memorial safety has not been effectively addressed in recent years and a more thorough programme to deal with unsafe headstones etc has been commenced and should address all historic risks within five years.
- 2.12 Litter Bin Cleansing – 7 day service: Currently three full time post holder's empty litter bins Monday to Friday and at the weekends litter bins are emptied on overtime. A new arrangement will be introduced from April 2015 with staff contracted to work weekends within their normal terms and conditions. It will involve having an additional employee to cover some of the permanent staff time off. But there will be a net saving as they will work the weekends at plain time rather than overtime rates. This saving will pay for the additional post.
- 2.13 Street Cleansing – Co-ordinating manual and mechanical sweeping crews, litter picking in town centre and clearing leaf fall in winter. There are additional benefits of multidisciplinary teams tackling an area. Hand teams can sweep out from corners into the path of a large road sweeper and lift the heavy leaf from pavements with a

pavement sweeper quickly cleaning the residue. A village schedule has been devised and is being refined to incorporate the specific needs of each village. At times such as the autumn leaf fall the schedule allows a more systematic and efficient means of addressing the area than simply reacting to complaints.

- 2.14 Staff and members considered improvements in regular cleansing of town centre streets and occasional scheduled cleaning and clearance of footpaths in the more rural areas as requiring improvement. The schedules exist but it is currently being considered how resources can be increased to address this need.
- 2.15 Grass Cutting – Further consistency in mowing schedules and clubs carrying out own maintenance: The major impact of the new methods was to provide regular and reliable mowing across the district, however, there were a limited number of areas that did not get a less regular service due to peculiarities of the scheduling and staffing assumptions including Bakewell cemetery and churchyard. This will be addressed by a revised schedule bringing highways, churchyards and play areas into a single schedule and revised team practices. The naturalising of certain areas of closed church yards (allowing grass to grow uncut) was a change in service that has met with a lot of resistance and has caused a degree of genuine distress amongst a number of residents and elected members. A review to free up sufficient resources to return to mowing all closed churchyards on a three weekly cycle is underway and the resources required are being assessed. The staffing savings envisaged by APSE were based on reductions in the extensive work put into fine turf treatment for small clubs such as bowls and cricket clubs. This has only been partly achieved and more joint working is needed with the Community Development section to explore the scope for clubs to be more independent of the Council.
- 2.16 Gully Cleansing – increased traffic management: Defined standards of safe practice have emerged over the last decade and in recent times have become the industry standard to the extent they are effectively law. This Council's operation has had to increase its expenditure on training and the staff time it commits to safe traffic management substantially and that requires additional staffing resource compared with the past. This has been committed this year but more will be required in the future.
- 2.17 Schedule Publication: - It was highlighted by members that the public and members need to know when services will be delivered locally. Schedules will be developed further into user friendly formats for a range of services and both the schedule and progress against the schedule and we will attempt to publish these on line for the year beginning April 2015.
- 2.18 Whilst these areas have been highlighted for improvement it is not possible for these areas to be improved within existing resources without changes being made to existing service delivery within other parts of the Clean and Green Service or the structure. Committee are asked to acknowledge this and approve a future report being brought to an appropriate committee outlining options that are available to deliver these improvements.

3 RISK ASSESSMENT

Legal

The report has highlighted a number of service improvements which now need to be considered and proposals brought forward in the future to deliver a more efficient and effective service. Until these changes are identified the legal risk is low.

Financial

This report has not highlighted any cost implications. These will be reported in a future report to committee and therefore the risk at this stage is low.

Corporate

Clean and Green services are both high spending, high profile, customer facing services in which past performance has been extremely high. The outcome from this review will help to ensure that both continue to operate as efficiently and effectively as possible.

If for any reason the level of performance was to fall there is the potential for it to impact negatively on the Council's reputation and customer satisfaction ratings. The Corporate risk is therefore high and this will be mitigated by future proposals.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Heidi McDougall, Tel: 01629 761372, Email:
Heidi.mcdougall@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

ASPE report and recommendations

COMMUNITY COMMITTEE
22ND JANUARY 2015

Report of the Head of Environmental Services

PLAY DEVELOPMENT FUND

SUMMARY

This report considers applications for grant assistance from Marston Montgomery Parish Council and Biggin Community Project.

RECOMMENDATION

1. That a grant of £2,250 to Marston Montgomery Parish Council be approved, subject to its scheme being undertaken within the next 12 months; and
2. That a maximum grant of £3,000 to Biggin Community Project be approved, subject to its scheme being undertaken within the next 12 months.

WARDS AFFECTED

Norbury and Roston, and Hartington Nether Quarter

STRATEGIC LINK

The Play Development Fund supports the Council's aim to "improve the quality of life" by supporting the efforts of rural communities in providing local play provision.

1 BACKGROUND

- 1.1** The District Council has, for a number of years, set aside a sum within the capital programme to assist with the development of play sites in rural areas that are owned or managed by Parish or Town Councils and Parish Meetings. The policy adopted in the allocation of grant assistance has previously been determined as being 50% of the cost of the scheme submitted, up to a maximum of £3,000, subject to the scheme going ahead.
- 1.2** At a meeting of this Committee on 10th April 2014, it was resolved that the Play Development Fund, along with the Village Parking Scheme and Village Hall Grant Fund, be combined to form a single Capital Grant Fund, with an overall budget of £30,000 being set for 2014/15.
- 1.3** It was further resolved that negotiations be opened with DDCVS with the intention of them administering the new capital grant fund and work is now progressing towards the establishment of a formal agreement. In the interim, however, two applications for assistance have been submitted and are presented within this report for Members' consideration.

2 CURRENT REQUESTS FOR GRANT ASSISTANCE

- 2.1 Marston Montgomery Parish Council manage a small play area within the village and seek funding to assist in the purchase of an additional piece of toddler equipment, in the form of a play tower and slide. The cost of the item, including installation, is £4,500 and the Parish Council seek a grant of £2,250. The remaining funds have already been secured by the Parish Council.
- 2.2 Biggin Community Project has embarked on an ambitious scheme to refurbish the village's existing play area, at a cost of over £42,000. To date, the Group have raised £25,000 and the first phase of their project was undertaken during the summer of this year, at a cost of £17,952. They intend to begin phase 2, at a cost of £24,366 in Spring 2015 and seek a maximum grant of £3,000 from the Play Development Fund to supplement their existing project fund.

3 RISK ASSESSMENT

3.1 Legal

The applications fall within the remit of the scheme and are enabled through the well being power contained in Section 3 of the Local Government Act 2000. The risk is therefore low.

3.2 Financial

The overall sum set aside in the capital programme 2014/15 for grant funding is £30,000 of which £6,994.50 remains uncommitted. There are adequate funds available to meet these requests and the risk is therefore low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5. CONTACT INFORMATION

Heidi McDougall, Head of Environmental Services
Tel. 01629 761372
Email heidi.mcdougall@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

VPS Application forms:

COMMUNITY COMMITTEE
22nd JANUARY 2015

Report of the Head of Environmental Services

CAR PARK MANAGEMENT: REPLACEMENT OF PAY AND DISPLAY TICKET MACHINES

SUMMARY

This report provides an update on recent pay and display machine trials and recommends the most appropriate course of action in implementing the planned replacement programme.

RECOMMENDATION

1. That the Metric Group be awarded the contract for the replacement of pay and display machines, as detailed within the body of the report;
2. That all pay and display machines be renewed within 2 years; and
3. That a programme of modifications to pay stations identified in DDA assessments be carried out and phased over 2 years

WARDS AFFECTED

All Wards

STRATEGIC LINK

Pay and display car parks generate significant income which helps to support the District Council's Corporate Plan priority for a *Clean, Green and Prosperous Derbyshire Dales*.

1 BACKGROUND

- 1.1 A report was presented to the Environment Committee on 15 May 2014 which provided a suggested programme for the replacement of pay and display machines throughout the district. In adopting the suggested programme, Members further resolved that the procurement route be via an established framework agreement, facilitated by Eastern Shires Procurement Organisation (ESPO: framework 509).
- 1.2 Following on from that meeting, two suppliers of suitable pay and display machines were identified from the ESPO framework agreement and each were invited to give a demonstration of their products at the Town Hall in June 2014. Following on from the demonstrations, both suppliers agreed to provide trial machines, which were installed on Shawcroft car park in September 2014 and which have been in daily public use since that time. In addition, each supplier provided web links to their back office systems, in order that 'live' machine reporting systems could be assessed.

- 1.3 During the trial period, officers within Environmental Services have had direct access to each machine, to carry out first line maintenance, ticket replenishment and cash collection, as well as having access to the web-based reporting systems.
- 1.4 Motorists using the trial machines have been invited to give feedback, both through email/text and by questionnaires, which were undertaken by officers in conjunction with their planned cash collection visits. Very few comments were received through the email/text link, but a number of motorists were prepared to share their views with officers, when approached on site. The number of ticket transactions and cash taken through each machine has been recorded for the purpose of determining which machine, over the period of the trial, has attracted the most users.

2 REPORT

- 2.1 Officers have had opportunity to deal with first line maintenance and cash collection from each of the trial machines. In each case, there has been little, in respect of machine down-time, with no reports of coin jams. Issues were identified with coin acceptance in the Parkeon machine during the early stages of the trial, which were resolved by the company's engineer and attributed to damage during transit from its previous trial location in Craven. The re-stocking of tickets in each has proved simple, although cash collection has proved to be more straightforward from the Metric machine. Difficulties have arisen with the cash transfer system employed by Parkeon, both in the time taken routinely in the transfer process and more specifically in mechanical failure of the cash vault on two occasions. A transfer system similar to the one employed by Metric is available for the Parkeon machine, but not as a standard option.
- 2.2 Whilst each trial machine received good feedback at initial demonstrations and in the subsequent trial period, there has been a noticeable preference for the Metric Group's model, over Parkeon's, evidenced both by the volume of public use and by the comments of those who completed questionnaires. Both are reported to be simple to use, though the Metric Machine is the one to which people claim to be drawn by its appearance. Both have been assessed in respect of ease of use for those with disabilities and are generally DDA compliant, with minor criticism in each case relating to ease of use by those with poor manual dexterity. A summary of comparable usage during the 12 week trial period is given at appendix 2.
- 2.3 With regard to the ESPO framework through which we seek to obtain new machines, the Metric 'Elite' has clearly emerged as the cheapest option. A summary of the proposed machine specification and comparable costs is given in Appendix 1. There will be additional costs (applicable to either supplier) in setting up a GPRS communication network and in establishing high level security protocols associated with credit/debit card transactions. In each case, these will be determined by the choice of network and the requirements of our bank, but which will be contained in the sum set aside within the capital programme for machine replacement.

- 2.4 DDA assessments have been carried out on the first tranche of car parks identified as high priority within the previous report of 15th May 2014 and arrangements are currently in hand to continue the exercise at all remaining locations. It was originally envisaged that a total of 13 machines be purchased each year, over a rolling programme of 4 years, and that groundworks associated with DDA compliance be undertaken in conjunction with the installations of each batch of new machines. As funding has been included in the capital programme over two years, it will be our aim to complete the works within that timescale, provided that the remaining 3 phases of DDA assessments are undertaken within the next 12 months.
- 2.5 Whilst it is not possible to provide detailed estimates of DDA compliance works at this time, it is considered that the funding set aside within the capital programme will enable the Council to make such modifications as may be reasonably required to allow for the subsequent introduction of charges for Blue Badge holders. New machines will also be pre-programmed to provide badge holders with an additional hour over and above the purchased time, as previously highlighted within the parking review, at such time as Blue Badge charging is introduced.
- 2.6 In addition to capital costs relating the machine replacement programme, there will be a requirement to include items within the revenue budget, to meet ongoing the costs associated with: GPRS communications, card merchanting fees, data software licence and annual service contract. A summary of estimated costs has been included in appendix 1.

3 RISK ASSESSMENT

Legal

The proposals in the report aim to improve the service and pay due regard to the relevant equalities legislation. The procurement route satisfies the requirements set out in the Council's Contract Standing Orders. The legal risk is therefore low.

Financial

The additional income from charging for parking in disabled spaces, based on achieving 50% of the average income per space, has previously been estimated as:

Year 2	£39,800
Year 3	£52,000
Year 4	£60,500
Year 5	£62,750

The revisions to the programme of replacement of machines, identified within the report, will allow full charges to be introduced earlier than year 5.

The Council has, in addition to the machine replacement costs, set aside sufficient funding within the capital programme to enable car parks and associated pay points to be modified, as may reasonably be expected, to enable charging for Blue badge holders. The risk, therefore, is assessed as 'low'.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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Email: Heidi.mcdougall@derbsyhiredales.gov.uk

6 BACKGROUND PAPERS

Car Parking Review 2013 and associated papers

Equalities Impact Assessment – Environment Committee Report 10th October 2013

Car Park Management: Replacement of Pay and Display Machines – Environment Committee Report 15th May 2014

ESPO Framework No.509, Issue 14

7 ATTACHMENTS

Appendix 1 – Metric Group ‘Elite LS’ P&D Ticket Machine

Appendix 2 – Pay & Display Ticket Machine Trials – Shawcroft Car Park, Ashbourne

METRIC GROUP 'Elite LS' P&D TICKET MACHINE

GENERAL SPECIFICATION

Mains Powered (240V) Standard. £2,550 per machine (13-50 units per order)

Dual power (mains + solar) optional extra £225 each

Included:

4,000 Ticket Roll Capacity Single Printer (2,000 transactions per roll - double ticket/voucher)

2.5mm Steel casework with reinforced armour plated vault protection. 9mm reinforced vault door with no external key. KABA locking mechanisms with electronic locking vault and keys

Black Paint finish with anti-Graffiti Coating

6 Litre capacity cash boxes, configured to match existing DDDC key patterns (currently used by Kings Armoured Services Ltd). Spare cashbox provided.

5" Monochrome Display Panel and full illumination of customer interface zones

Software configuration for DDDC Pay and Display tariffs

Additional Items (per machine):

Chip & Pin card Terminal:	Standard PCI level 1 Security	£925
	<i>or: PCI level 3 Security (Recommended)</i>	<i>£1,095</i>

GPRS – WebASLAN Connectivity (Client to supply SIM card)	£320
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8,000 Ticket Roll Capacity Dual Printer (high volume sites only)	£395
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WebASLAN Initial Configuration of hosted Environment + Training	£825 (one-off cost)
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First Line Ticket Machine Maintenance Training (5 people)	£665
---	------

Support Services (Revenue Expenditure):

WebASLAN Back Office Reporting & Monitoring System	£9 per machine per month
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Annual Maintenance Agreement (including callout and parts)	£360 per machine (<i>FOC in first year</i>)
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GPRS Communications SIM contract (Estimated)	£8 per machine per month
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ESPO FRAMEWORK 509 - PAY & DISPLAY SOLUTIONS

SUMMARY COSTS OF APPROVED PAY & DISPLAY MACHINES (Based on supply of 52 machines)

MAINS MODELS

Machine/Model	Metric	Parkeon	Cale Briparc	Newpark	Parkare
Basic Coin Machine	2,550.00	2,811.00	2,884.00	2,915.00	2,495.00
Card Reader	925.00	1,162.00	875.00	1,150.00	948.00
Antenna GSM/GPRS #	320.00	288.00	331.00	190.00	87.00
RCBO	0.00	0.00	140.00	0.00	0.00
Client Software	0.00	0.00	0.00	0.00	875.00
	3,795.00	4,261.00	4,230.00	4,255.00	4,405.00
Installation	354.00	385.00	not specified	520.00	850.00

SOLAR POWERED MODELS

Machine Model	Metric	Parkeon	Cale Briparc	Newpark	Parkare
Solar (51 No.) each	2,475.00	2,606.00	2,985.00	3,065.00	2,495.00
Card Reader	925.00	1,162.00	875.00	1,150.00	948.00
Antenna GSM/GPRS #	320.00	288.00	331.00	190.00	87.00
RCBO	0.00	0.00	140.00	0.00	0.00
Client Software	0.00	0.00	0.00	0.00	875.00
	3,795.00	4,056.00	4,331.00	4,405.00	4,405.00
Installation	354.00	385.00	not specified	520.00	850.00

Training (5 people)	665.00	606.00	not specified	400.00	500.00
1st Year Maintenance	0.00	330.50	152.00	350.00	525.00
Annual Maintenance	*360	**330.5	not specified	350.00	525.00
Card reader annual Service fee	60.00	not specified	not specified	not specified	not specified

*Reduces by 1% for each extended year of service contract (eg 5% discount for 5 year contract)

**Based on 2011 rate. RPI to be applied for each subsequent year since submission of rates

Communications SIMs to be provided by Council in each case.

PAY & DISPLAY TICKET MACHINE TRIALS**SHAWCROFT CAR PARK, ASHBOURNE**TRIAL COMMENCEMENT DATE: 19TH SEPTEMBER 2014Reference:

T1 - METRIC Elite LS (Coin only option) Mains 240V Supply

T2 – PARKEON Strada (Coin only option) Solar Power

w/c	No. Tickets Purchased	Purchase by Machine		Percentage by Machine	
		T1	T2	T1 %	T2 %
19/09/14	1445	928	517	64.2	35.8
26/09/14	1430	946	484	66.2	33.8
03/10/14	1505	1049	456	69.7	30.3
10/10/14	1600	942	658	58.9	41.1
17/10/14	1275	822	453	64.5	35.5
24/10/14	1682	857	825	51.0	49.0
31/10/14	1429	918	511	64.2	35.8
07/11/14	1274	875	399	68.7	31.3
14/11/14	1434	1009	425	70.4	29.6
21/11/14	1419	1005	414	70.8	29.2
28/11/14	1299	864	435	66.5	33.5
05/12/14	1121	784	337	69.9	30.1
Total	16913	10999	5914	65.0	35.0
Income	£33,740.30	£22,067.60	£11,672.70	65.4	34.6

COMMUNITY COMMITTEE
15th January 2014

Report of the Head of Policy & Regeneration

WIRKSWORTH NEIGHBOURHOOD PLAN

SUMMARY

This report sets out the responses received during the statutory publicity period on the Wirksworth Neighbourhood Plan. The report also sets out Officers recommendations in respect of the contents of the Wirksworth Neighbourhood Plan, and its general conformity to the District Council's strategic policies.

RECOMMENDATION

1. That the representations received during the statutory publicity period for the Wirksworth Neighbourhood Plan, as set out in Section 2 of this report be noted, and forwarded to the examiner appointed to undertake the Examination of the Wirksworth Neighbourhood Plan.
2. That the comments made in respect of the policies and proposals contained within the Wirksworth Neighbourhood Plan set out in Section 3 be endorsed and that they be forwarded to the examiner appointed to undertake the Examination of the Wirksworth Neighbourhood Plan.
3. That a further report be presented to the Corporate Committee that sets out the outcomes of the Examination in Public of the Wirksworth Neighbourhood Plan.

WARDS AFFECTED

Wirksworth

STRATEGIC LINK

The implementation of the Wirksworth Neighbourhood Plan will assist with all 4 of the District Council's aims as stated in the Council's Corporate Plan, these being to lead the communities of the Derbyshire Dales, improve quality of life, protect and enhance the environment and provide excellent services.

1 BACKGROUND

- 1.1** This report is being presented to this Committee as an urgent item, instead of being presented to Corporate Committee, because of the need for the Wirksworth Neighbourhood Plan to proceed to the examination stage, and if successful at that stage for it to proceed to referendum on 7th May 2015.
- 1.2** Corporate Committee at its meeting on 13th December 2012 resolved to designate the whole of the Parish of Wirksworth as a Neighbourhood Area in accordance with the Section 61G of Town and Country Planning Act 1990 (As amended by the

Localism Act 2011). The designation of a Neighbourhood Area is one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted, and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.

- 1.3** Since that time the Wirksworth Neighbourhood Plan Steering Group (on behalf of Wirksworth Town Council) has been undertaking consultation amongst the local community to determine the issues facing Wirksworth, and preparing the Wirksworth Neighbourhood Plan.
- 1.4** The draft Wirksworth Neighbourhood Plan was subject to local consultation from 4th June to 22nd July 2014, and was submitted to the District Council for its formal publicity stage on 26th September 2014. Following discussion with Wirksworth Town Council, in respect of the supporting documentation, the formal statutory publicity on the Wirksworth Neighbourhood Plan commenced on 30th October 2014 and finished on 11th December 2014.
- 1.5** The documents were available for public inspection at the following locations:
- Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN
 - Wirksworth Town Council, Wirksworth Town Hall, Wirksworth, Derbyshire DE4 4EU
 - Wirksworth Library, Town Hall, Wirksworth Derbyshire DE4 4EU
 - Wirksworth Leisure Centre, Hannage Way, Off Water Lane, Wirksworth, Derbyshire, DE4 4JG
- 1.6** The documents were also made available on the District Council's website on the following page: www.derbyshiredales.gov.uk/wirksworthnp.

2 CONSULTATION RESPONSES TO WIRKSWORTH NEIGHBOURHOOD PLAN

- 2.1** During the statutory publicity period for the Wirksworth Neighbourhood Plan a total of 22 representations were received from 16 individual and organisations. The representations made set out the following comments:
- Support for land identified for housing in the Wirksworth Neighbourhood Plan, ie land at Haarlem Mill; Stafford House; Chequers Farm, Millers Green.
 - Proposals contained within the Wirksworth Neighbourhood Plan should ensure that they have fulfilled the obligations under the Public Sector Equalities Duty as set out in the Equality Act 2010
 - It is important that the Neighbourhood Plan reflects national policy for sport and ensures that proposals comply with National Planning Policy.
 - Reference to viability and open book provisions should be deleted from Policy NP5, and the phasing of Zero Carbon made mandatory
 - Policy NP4 – Not convinced that second homes are a bad thing – in older properties they can retain architectural detail rather than having inappropriate extensions; concern also about manipulation of the system where second homes become primary residences.
 - The support for shared spaces is a significant concern for those with visual impairments particularly because of the unique design features they incorporate. These design features are considered to significantly increase risk to those with visual impairments of pedestrian vehicular conflict.

- Support from Natural England for Policies NP1 & NP2 which aim to protect and improve the character of the settlement and the surrounding landscape and natural assets.
- Suggested that an additional sentence should be added to Policy NP16 to ensure that development proposals relating to renewable energy should not result in significant harm to landscape character, biodiversity or geodiversity interests.
- Account should be taken of the potential that the Wellspring Church project could have in terms of providing additional community facilities in the town.
- Proposals in the Neighbourhood Plan unlikely to have any impact upon the Strategic Road Network.
- Support the mixed use allocation for the land at Middleton Road however the vision for the site from the landowner not the same as set out in the Neighbourhood Plan – objection raised to Appendix 2 on the basis that it is overly restrictive by setting in essence a design code for the site – a preference is given for the submission of a comprehensive master plan at the appropriate time, rather than adherence to the requirements in the Neighbourhood Plan.
- Concerns about impact on viability as a result of Policy NP4, and would not be acceptable to any bank or other lending institution.
- Objection to designation of land as Community Open Space at Middleton Road – land still in operational use by the landowner, and therefore premature to designate land in advance of knowing its future status.
- Strategic Land Use and Access plan submitted to illustrate development potential for Middleton Road site to be redeveloped – which runs contrary to the design guidance set out in the plan.
- Suggested amendment to Para4.3.5 to ensure that recent provision of hockey pitches is taken into account.
- Need for cycle route from Old Lane car park to Eco Centre to be shown on proposals map to assist with funding opportunities to implementation by DCC
- Plan supported – team has got as near as possible to what the town wants
- Welcome the intention to provide more homes that can be afforded and with good standards of insulation.

3 DERBYSHIRE DALES RESPONSE TO WIRKSWORTH NEIGHBOURHOOD PLAN

- 3.1** A detailed review of the policies and proposals contained within the Wirksworth Neighbourhood Plan (a copy of which is attached to this report in Appendix 1) has been undertaken and it is recommended that the following comments are endorsed as the District Council's formal response to the plan:

Vision for Wirksworth

It is considered that the Vision for Wirksworth for the period up to 2028 includes some laudable aims and as such sets the appropriate context for the policies and proposals within the Wirksworth Neighbourhood Plan.

Chapter 2 - Quality and Character of Development

This chapter seeks to ensure that new development in Wirksworth contributes to the growth required across the Derbyshire Dales and in such a manner that takes account of, and enhances the distinct townscape and landscape characteristics of the town and the surrounding area. The chapter includes a detailed and accurate assessment of the characteristics of the town and its relationship to the surrounding landscape, as

well as referring to detailed Character Guidance which has been prepared to help support the implementation of the plan. It advocates the mandatory use of the Building for Life 12 standards as a means of ensuring high quality new residential development for Wirksworth, as well as the use of contemporary design for new development in appropriate circumstances.

Policy NP1 – This policy seeks to ensure that new development is only acceptable where it effectively enhances its relationship with the existing townscape and surrounding landscape, taking account of the detailed Character Guidance. Whilst a laudable objective it is considered that this requirement is more onerous than which would be required by the District Council, and could result in unnecessary delays and extra cost being incurred by developers seeking to bring forward new development required to meet the growth needs of the area. The effect of which could be to undermine the efforts to meet the growth aspirations and needs of the area.

Policy NP2 – As phrased the first part of the policy does not set out any criteria that could be used in the determination of planning applications – rather it seeks information that would normally be required to be submitted at the time a planning application is validated as part of the Design and Access Statement. Whilst the second part of the policy does set out criteria for when planning permission will be granted it includes the requirement for residential development to score 12 greens under the Building for Life scheme. Whilst it is considered that the Building for Life Scheme provides the opportunity to improve the quality of new build residential development having to achieve it by mandate, and achieving a maximum score will have an impact upon the viability of development, and the achievement of other objectives such as the deliverability of affordable housing. As such it is considered inappropriate to make it mandatory for a score of 12 greens to be achieved under the Building for Life scheme to be identified as a requirement for granting planning permission. Furthermore under ‘B’ the use of the phrase “where the immediate environment of the site does not have a local distinctiveness” is unclear - every place has its own distinct character and as such this element of the policy should be rephrased to ensure that the distinct characteristics of a place are taken into account in the determination of planning applications.

Chapter 3 - Social Sustainability and Housing

This chapter acknowledges that growth is required in the future to ensure the continued sustainability of the town. It sets local concerns about an ageing population, and that this needs to be reversed in order to achieve a good social mix and a vibrant town where a large proportion of the population comprises families with children. The approach advocated is one of policies encouraging family homes, starter homes and sheltered housing, and minimising the increase in second homes. It supports the levels of affordable housing requirements set out in the Derbyshire Dales Local Plan Pre Submission Draft and that in order to achieve family housing that development should meet the Greater London Authority space standards.

Policy NP3 – The use of a threshold of 3 dwellings or more is supported to ensure that viability is not prejudiced by the policy – however it is considered that in light of government guidance on site size thresholds that this should be increased to five units or more. Furthermore, whilst it is acknowledged that the Greater London Space standards may be the best available benchmark, it is considered that a more appropriate approach would be to set a local derived standard rather than use one which may not be wholly appropriate for the locality. The need for 65% of dwellings to

have three bedrooms is not evidenced, however the District Council's Objectively Assessed Needs Study (January 2014) indicates that 60% of open market properties should be 3 bedrooms or more. Part B of the policy does not set out any criteria that could be used in the determination of planning applications – rather it seeks information that would normally be required to be submitted at the time a planning application is validated as part of the Design and Access Statement. In regards to Part C - A condition requiring the publication of marketing material cannot be used in this way - there are statutory tests for the use of a condition which indicate that they should be used to make a planning application acceptable, where otherwise in their absence it would not have been acceptable – this fails that test.

Policy NP4 – This policy seeks to restrict the occupation of newly built dwellings to use as principal homes, and not for use as second homes. The justification for this policy is that by restricting the use of new homes as second homes it will provide opportunities for people to live in the area and to support the continued sustainability of the town. In normal circumstances planning permission for new open market residential development would not be restricted and as such this policy seeks to limit occupancy to those using them as their main home. Although this policy restricts occupancy to principal residence it does not introduce a requirement for new development to meet any local needs. As such it is not necessarily going to provide any significant benefit to local people in need of residential accommodation. However those locals in need of housing may be provided for by the provision of affordable housing on sites brought forward in the area. This approach was, however, included in the Lynton and Lynmouth Neighbourhood Plan, and the Examiner considering that plan concluded that such an approach was acceptable in that location. The Neighbourhood Plan does not present any official figures for second homes in the plan area but suggest that it would be in the region of 4-5%. If this assumption is correct it would indicate that approximately 90 properties could be in second home use in Wirksworth. The issue therefore is whether the relatively low level of second home ownership, is sufficient to warrant the introduction of this restrictive policy. The operation of this policy would be by the use of a condition applied to a planning permission, which in itself can be modified or removed at some point in the future where the circumstances suggest that it is appropriate to do so. Taking all these factors into account on balance it is considered that no concerns be raised in respect of this policy.

Policy NP5 - This policy seeks to encourage new build development of a higher energy efficiency by specifying what levels within the Code for Sustainable Homes should be achieved throughout the lifetime of the plan. Although the costs of achieving these levels may place additional burden on developers if these levels are to be achieved, as well having the potential to delay development it is considered that such a step change in energy efficiency should be supported.

Chapter 4 - Community Well-Being

This chapter seeks to improve the health and well-being of residents living in Wirksworth. It seeks to support the provision of a youth centre, new sports and play facilities, as well as protect existing open spaces and sports and recreation facilities.

Policy NP6 – This policy seeks to ensure that developers make appropriate provision for community facilities, including the provision of a youth centre/facility. Whilst the sentiment of the policy is to be supported it does not set out any criteria for use in the

determination of any planning applications and as such should be redrafted to ensure that it can be used appropriately.

Policy NP7 – Policy considered to be acceptable.

Policy NP8 – Many of the improvements to play areas throughout the plan could be undertaken without the benefit of any planning permission being required on the basis that it is permitted development. As such in most instances this policy will not be used in the determination of planning applications. However, it is considered that for those instances where planning permission is required it is sufficient to deal with such proposals.

Policy NP9 – This policy seeks to safeguard existing community buildings and open spaces from inappropriate development, unless all options have been explored to maintain the identified community use. As such it is considered sufficient to protect those facilities to continued use within the community.

Policy NP10 – This policy essentially supports the provision of ancillary development associated with allotments not for the provision of allotments themselves. The preamble to the policy suggests that there is a need for allotments in the plan area, and as such it is considered that the plan should seek to identify and allocate land for such a use.

Chapter 5 - Economy, Tourism and Energy

This chapter seeks to encourage the growth of the local economy building on its current strengths in the creative industries, and heritage and tourism; and at the same time transforming itself into a low-carbon economy.

Policy NP11 – This policy is split into two sections. Section A indicates support for proposals that would provide additional visitor accommodation subject to no adverse impacts. As such it is considered that this is sufficient for use in the determination of relevant planning applications. Section B indicates support for other new buildings for other tourism development subject to their main purpose is to inform and interpret the plan area and the Peak District and their being no adverse harm. Whilst the second assessment criteria provides a basis for the determination of relevant planning applications it is considered that the first criteria is likely to be too restrictive as there may be forms of acceptable tourism development which enhances the visitor experience to the area, but does not inform and interpret the plan area and the Peak District. As such it is considered this criteria of the policy should be either deleted or amended to be more supportive of other buildings that may enhance the visitor experience of the area.

Policy NP12 – This policy seeks to support the provision of employment opportunities on sites across the plan area, and as such it is considered should be supported.

Policy NP13 – This policy indicates its support for the provision of a work hub at the Parish Rooms. Whilst the provision of such a facility is supported as a means of providing support for new micro businesses it is considered that further consideration should be given to the inclusion of this policy, taking account of the likely prospects of this project being brought forward over the lifetime of the plan.

Policy NP14 - This policy seeks to encourage new build commercial development of a higher energy efficiency by specifying what levels of the BREEAM standard should be achieved throughout the lifetime of the plan. Although the costs of achieving these levels may place additional burden on developers if these levels are to be achieved as well as having the potential to delay development it is considered that such a step change in energy efficiency should be supported.

Policy NP15 – Although this policy supports the provision of retrofitting of energy conservation measures where planning permission is required it does not set out any criteria that such development would be assessed against.

Policy NP16 – The policy supports renewable development, primarily where it provides power for use in the plan area. However, as currently drafted it does not provide a basis for renewable energy developments that do not provide power for use in the plan area. It is considered that the policy should be modified to include criteria for use in the determination of applications for renewable energy developments more generally.

Chapter 6 - Transport and Movement

This chapter seeks to address the transportation matters arising across the plan area. It sets out as its objective to change the balance between pedestrians and vehicles to significantly favour pedestrians, to provide additional parking space, and to improve facilities for pedestrians and cyclists, as a means of reducing reliance upon car borne journeys.

Policy NP17 – This policy has five sections. Section A is not policy as it defines the term “pedestrian friendly route” – this should be included in the preamble not the policy. Section B seeks to encourage development to improve pedestrian links across the town, particularly to schools and other community facilities. As written, this element of the policy does not provide any indication of the criteria to be used in the determination of planning applications. Furthermore a developer can only implement schemes on land over which they control; or where they have the agreement of the landowner to do so. Consequentially all that a developer is likely to be able to do is show how it links in with the existing public footpaths – the requirement to link beyond that is not something that could be reasonably required and should be deleted from the policy. Although Section C and Section D indicate that planning permission will be granted for development that improves pedestrian and cyclist facilities it does not set out what criteria are to be used to assess such proposals. Section E of the policy seeks to ensure that new development provides, but does not hinder the provision of footpath and cycle links. However, as currently drafted it does not set out criteria against which development proposals would be assessed, and should be revised accordingly.

Chapter 7 - Retail and Wirksworth Town Centre

Wirksworth has an ambition to be a town with a distinctive independent retail offer which will meet the day to day needs of local people, as well as contributing to the prosperity of the local economy.

Policy NP18 – This policy seeks to ensure that any new retail development does not have an adverse impact upon the retail offer within the town centre. It requires that all retail floorspace of 200sq. metres should be accompanied by a retail impact assessment that demonstrates the extent of capacity within the town to accommodate additional retail floorspace and the degree of impact on the existing traders. The requirement for a retail assessment on proposals of 200sq metres and above is significantly below the requirement set out in the NPPF, which has a default threshold of 2,500 sq. metres unless a proportionate, locally set floorspace threshold has been set. The justification for this approach is that the figure of 200 sq. metres is equivalent to the largest existing shop in the town centre. However, in the context of seeking to support the retail offer in the town centre it is considered that this is a reasonable threshold to adopt. It is however considered that the test included within the policy that development proposals should be able to demonstrate it enables existing retailers selling similar goods to continue trading when the new retail floorspace opens does not reflect the guidance in the NPPF which indicates that consideration should be given to the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. As such the policy does not consider the town centre as a whole; only competitor operations – the effect of which would be restricting the potential for consumer choice within the town. It is therefore considered that Part 2 of the policy should be amended to reflect the guidance in the NPPF.

Policy NP19 – This policy seeks to define the Primary Shopping frontage for Wirksworth wider than has previously identified by the District Council – the justification being that there are properties that have been shops outside the defined Primary Shopping Frontage and could be returned to shops, rather than other uses, including residential. The NPPF sets out that plans should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations. A wider primary shopping frontage brings with it a risk that on the periphery that vacancies will arise as retail uses are not seen to viable in the longer term, which would be to the detriment of the town centre as whole. The Neighbourhood Plan acknowledges this is a risk but suggests that it is risk worth taking. It is considered that in the interests of minimising risk to the town centre that the Primary Shopping Frontage should remain as defined by the District Council. The second part of the policy allows for the temporary change of use for up to six months within the primary for use by small businesses or community groups, as a means of ensuring that shops do not remain empty for long periods of time. It is considered that the implementation of this policy will for those occasions when it occurs have a beneficial impact upon the town centre in the short term while a permanent occupier is found.

Policy NP20 – This policy seeks to protect and if possible enhance the Tuesday Market by supporting proposals to expand it on the current site and supporting proposals for any potential relocation to an alternative location, subject to it improving or expanding it. It is considered that there is no necessity for the first part of the policy as the use of the Market Place as a market is long established, and as it involves the temporary erection of market stalls any expansion would not require the benefit of planning permission. Whilst the second part of the policy seeks to support the provision elsewhere in the town of the market it does not set out any relevant criteria for use in the determination of any application for planning permission. The provision for improvement or expansion, whilst laudable aims, do not provide sufficient clarity for determining planning applications.

Policy NP21 – This policy seeks to allow development in the town centre which improves pedestrian/traffic relationships, as well enhancing the special character of the area. Whilst reducing pedestrian vehicular conflict within the town centre is an overall objective of the plan this policy does not provide any clarity on how it will be implemented – it is not clear whether this is development which will have an impact upon the highways network or that development will be required to contribute fully or in part towards a highways improvement scheme. Furthermore any requirement for highways improvement would need to be reasonably related to the scale and extent of the development and its impact upon the highways network. It is considered that this policy needs to be re-drafted to improve its clarity for use in the determination of planning applications. This policy (although not clear) could be interpreted as being aimed at providing the basis for the shared surface arrangement suggested in the plan.

Policy NP22 – This policy seeks to protect existing car parks within the town centre from inappropriate redevelopment, unless there are mitigating measures in place that would allow redevelopment to occur. It is considered that this policy provides sufficient clarity for use in the determination of any planning application.

Policy NP23 – This policy seeks to protect land on Canterbury Road for a town centre car park. The plan explains that this is in private ownership and not immediately available for car parking, but should be protected so that it can be provided for parking over the plan period. Although additional town centre car parking would provide benefits the plan does not however give any indication that there are any on-going discussions between the landowners and the Town Council that would suggest there was the certainty that this proposal was likely to come forward over the plan period. In the absence of such evidence that suggests that the car park will be implemented over the plan period it is considered that the policy should be deleted from the plan.

4. NEXT STEPS

4.1 To enable the Wirksworth Neighbourhood Plan to come into force they must meet the following ‘basic conditions’ as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.:

1. Have regard to national policies and advice contained in guidance issued by the Secretary of State.
2. The making of the neighbourhood plan contributes to the achievement of sustainable development.
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

4.2 The next step is for the Wirksworth Neighbourhood Plan to be subject to an Examination, when an independent examiner will consider whether the basic conditions have been met. Subject to the Examiner being satisfied that the Wirksworth Neighbourhood Plan has met basic conditions the step after that is to proceed to

referendum, which in the interests of expediency, at this time, is being programmed to be held on 7th May 2015 at the same time as the general and local elections.

4.3 Although the District Council has provided advice and support to Wirksworth Town Council throughout the preparation of the plan to ensure that the basic conditions are being met the policies and proposals contained within the plan are an expression of how Wirksworth Town Council envisage the issues identified through their consultation should be addressed in the determination of planning applications. The comments set out above in Section 3 should therefore be submitted to the examiner for his/her further consideration.

4.4 In addition to the detailed comments on each of the policies it is considered that it is wholly appropriate for the District Council to comment on whether each of the basic conditions have been met. The recommended response for each is set out below:

1. *Have regard to national policies and advice contained in guidance issued by the Secretary of State* – The plan makes reference to various elements of the National Planning Policy Framework, and subject to modifications suggested in Section 3 above to ensure the plan is in accordance with the NPPF, rather than having just taken account of, it is considered that plan has adequately taken account of the NPPF.
2. *The making of the neighbourhood plan contributes to the achievement of sustainable development.* – It is considered that the plan demonstrates a good understanding of what is required to deliver sustainable development in the future, and as such the overall direction of the plans policies and proposals aim to contribute towards the achievement of sustainable development.
3. *The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)* – The Wirksworth Neighbourhood Plan has been prepared in the assumption that the Derbyshire Dales Local Plan would be adopted in the near future, and as such makes numerous references to polices and proposals in the Derbyshire Dales Local Plan Pre Submission Draft which as Members will be aware has now been withdrawn by the District Council. As such the only adopted strategic policies sit within the Derbyshire Dales Local Plan adopted in 2005. This plan is however considered to be out of date, and not wholly compliant with polices advocated in the NPPF, and it will be some time before the Derbyshire Dales Local Plan is adopted. In such circumstances the issue for consideration is what strategic policies should the Wirksworth Neighbourhood Plan be considered against. The Planning Practice Guidance, in relation to Neighbourhood Planning answers the question "Can a Neighbourhood Plan come forward before an up to date Local Plan is in place?" as follows:

"Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence

informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested."

Therefore the Wirksworth Neighbourhood Plan should be assessed against the adopted Development Plan not the emerging plan but consideration can be given to the reasoning/evidence of the emerging plan which may be relevant. It is considered that, subject to modifications suggested in Section 3 above, that in general terms the Wirksworth Neighbourhood Plan is consistent with the adopted Derbyshire Dales Local Plan and the direction of travel for the emerging Derbyshire Dales Local Plan.

4. *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.* – the two key considerations in respect of this requirement are the extent to which the plan has taken into account the need for a Strategic Environmental Assessment to be undertaken and the extent to which the plan is compatible with the Human Rights legislation. In regards to the former a scoping report was prepared on behalf of the Town Council and concluded that the assessment shows, that in the view of the Council, the impacts of the Wirksworth Neighbour Plan will not result in significant environmental effects and therefore there is no need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC. In respect of the Human Rights legislation the only minor concern would be in respect of Policy NP4 where the policy could be seen to have the potential to conflict with the Human Rights legislation such as the right to peaceful possession/enjoyment of their home. However, in this instance the Council considers the approach proportionate to a legitimate aim to preserve affordable dwellings to local residents. This policy approach has also been tested elsewhere by an examiner who found the approach was capable of being brought forward in compliance with the Human Rights legislation as such it is considered there are no incompatibilities in this regard with the Wirksworth Neighbourhood Plan.

- 4.5 Wirksworth Town Council as a public body is subject to the Equality Duty. As such it will need to demonstrate they have given 'due regard' to equalities issues i.e. eliminating discrimination, promoting equality of opportunity and fostering good relations. The Town Council will therefore need to evidence they have given due regard to this duty in the preparation of the policies and proposals in the Wirksworth Neighbourhood Plan.

5 RISK ASSESSMENT

5.1 Legal

In compliance with paragraph 6(2) of the Schedule, the local authority designated Wirksworth as a Neighbourhood Area and since this designation the Wirksworth Neighbourhood Plan Steering Group has prepared a neighbourhood plan for consideration. The Council has followed the consultation requirements set out within The Neighbourhood Planning (General) Regulations 2012 and before submitting the Neighbourhood Plan to an independent examiner the Local Authority must be satisfied that the conditions set out in Schedule 4B of the Town and Country Planning Act have been met. These conditions are set out above and have been considered in depth within the contents of this report.

The recommendation is to refer the neighbourhood plan for an independent examination; if the examiner is satisfied the criteria is met the neighbourhood plan will then be referred for consideration at a final referendum therefore at this stage the legal risk is considered low.

5.2 Financial

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination) will be reclaimed through a government grant. The financial risk is, therefore, assessed as low.

6 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7 CONTACT INFORMATION

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8 BACKGROUND PAPERS

Description	Date	File
Representations received on Wirksworth Neighbourhood Plan	11 th December 2014	

ENVIRONMENT COMMITTEE
22nd JANUARY 2015

Report of the Head of Regulatory Services, Head of Environmental Services and Head of Community Development

FEES AND CHARGES 2014-2015

SUMMARY

This report provides details of existing and recommended fees and charges for services provided by the Leisure, Parks and Environmental Health Services

RECOMMENDATION

That the fees and charges recommended in Appendices 1, 2 and 3 attached are approved and implemented with effect from 1 April 2015 until 31 March 2016.

WARDS AFFECTED

All

STRATEGIC LINK

The Council charges reasonable fees to cover the cost of services that are provided to make progress in delivering its Aims and Priorities.

1.0 BACKGROUND

Schedules of existing and recommended charges for the following services are produced in Appendices 1 - 3, to assist the Committee in reviewing them.

It is proposed that fees and charges for all services are subject to an inflationary increase of approximately 2.3% with VAT applied as appropriate, (current rate 20%).

The recommended fees are shown exclusive of VAT, with VAT where applicable, and rounded up or down as appropriate.

2.0 REPORT

Environmental Health

2.1 Appendix 1 details the existing fees and charges and, those recommended for approval with effect from 1st April 2015 in respect of food hygiene, private sector housing and private water supplies.

Parks/Recreation Grounds

2.2 Appendix 2 details the existing fees and charges and, those recommended for approval with effect from 1st April 2015 in respect of parks/recreation ground services.

Leisure Services

- 2.3 Appendix 3 details the existing fees and charges together with those recommended by the Leisure Review Team for approval with effect from 1st April 2015.
- 2.4 Due to contractual amendments made by the Public Health Service, it is required that District Councils and other providers enable customers to access the Active Health Referral scheme for free. A fee of £1.00 per person per session was previously offered, however as from the 1 December 2014 this service will be free of charge to the end user. Costs will be recovered, to some extent from Public Health. This currently affects 83 members.

3.0 RISK ASSESSMENT

3.1 Legal

The Council has the power to charge reasonable fees in accordance with the report. The risk is therefore low.

3.2 Financial

The income resulting from the recommended revised fees and charges will be included in the draft revenue budget for the financial year 2015/16 to be considered at the 5 March meeting of the full Council. The financial risk is therefore low.

4.0 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental health, climate change, legal and human rights, financial personal and property considerations.

5.0 CONTACT INFORMATION

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2 BACKGROUND PAPERS

None.

3 ATTACHMENTS

Appendix 1	Environmental Health Service	Schedule of Fees
Appendix 2	Parks/Recreation Ground Services	Schedule of Fees
Appendix 3	Leisure Services	Schedule of Fees

ENVIRONMENTAL HEALTH				
FOOD HYGIENE	Existing Charge 2014-2015 inclusive VAT	Proposed Charge 2015-2016 exclusive of 20% VAT	Proposed Charge 2015-2016 inclusive of 20% VAT (where applicable) and rounded	
	£	£	+ %age	Rounded
FOOD HYGIENE COURSES	81.50	69.50	83.37	83.40
Basic Food Hygiene Course - Charge per Candidate				
FOOD PREMISES REGISTER				
Photocopying of Register				
Per entry	3.60	3.08	3.68	3.70
Whole Register	883.75	753.42	904.08	904.10
HEALTH CERTIFICATES	39.00	N/A	39.90	40.00
Standard Charge (VAT not applicable)				
HOUSING (VAT not applicable)				
HOUSES IN MULTIPLE OCCUPATION	420.00	N/A	429.66	429.70
HMO Licensing				
HOUSING ENFORCEMENT NOTICES				
Housing Act 2004 sections 11 & 12				
Improvement Notice	233.00	N/A	238.36	238.40

HOUSING	Existing Charge 2014-2015 inclusive VAT	Proposed Charge 2015-2016 exclusive of 20% VAT	Proposed Charge 2015-2016 inclusive of 20% VAT (where applicable) and rounded	
HOUSING ENFORCEMENT NOTICES (VAT not applicable)	£	£	+ %age	Rounded
Housing Act 2004 sections 20 & 21 Prohibition Order	233.00	N/A	238.36	238.40
Housing Act 2004 sections 28 & 29 Hazard Awareness Notice	233.00	N/A	238.36	238.40
Housing Act 2004 section 40 Emergency Remedial Action	233.00	N/A	238.36	238.40
Housing Act 2004 section 43 Emergency Prohibition Order	233.00	N/A	238.36	238.40
Housing Act 1985 section 265 Demolition Order	233.00	N/A	238.36	238.40
PRIVATE WATER SUPPLIES				
VAT not applicable	£	£	+ %age	Rounded
Risk Assessment	348.00	N/A	356.00	356.00
Sampling Visit	47.00	N/A	48.08	48.10
Investigation	76.00	N/A	77.75	77.80
Granting an authorisation	35.50	N/A	36.32	36.40
Analysing a sample under Regulation 10	Lab Charge	Lab Charge	-	Lab Charge
Analysing a check monitoring sample	Lab Charge	Lab Charge	-	Lab Charge
Analysing an audit monitoring sample	Lab Charge	Lab Charge	-	Lab Charge

Parks Fees 2015-16			
ACTIVITY	Existing Charge 2014/15 (including VAT where applicable)	Proposed Charge 2015/16 (exc VAT)	Actual Charge 2015/16 (rounded and includes 20% VAT where applicable)
Putting Greens per person [VAT applicable]			
Full	£2.85	£2.46	£2.95
Concession	£1.50	£1.29	£1.55
Tennis/Hard Court Area [VAT applicable]			
Hire per tennis court per hour			
Full	£6.60	£5.67	£6.80
Concession	£3.30	£2.83	£3.40
Hire of hard court area per hour			
Full	£13.20	£11.33	£13.60
Concession	£6.60	£5.67	£6.80
Bowling Greens [VAT applicable]			
Per person per hour			
Full	£3.30	£2.83	£3.40
Concession	£1.70	£1.46	£1.75
Reservation for exclusive use of green per match			
Full	£25.55	£21.92	£26.30
Concession	£12.75	£10.96	£13.15
Reservation per club per match			
Full	£5.85	£5.00	£6.00
Full Concession	£2.95	£2.50	£3.00
Season Ticket			
Full	£41.20	£35.38	£42.45
Full Concession	£20.60	£17.67	£21.20
Lease per season of Bakewell Bowling Green			
Special	£80.20	Exempt from VAT	£82.60
Sports Pitches and Pavilions [VAT applicable]			
Hire of pitch per session (inc marking out, preparation and use of pavilion – Football and Rugby)			
Full	£38.25	£32.83	£39.40
Concession	£19.15	£16.42	£19.70
Hire of pitch per session (inc marking out, preparation and use of pavilion) – Cricket			
Full	£39.90	£34.25	£41.10
Concession	£20.00	£17.17	£20.60
Hire of pitch for training only			
Full	£30.00	£25.75	£30.90
Concession	£15.00	£12.88	£15.45
Hire of changing facilities			
Full	£13.10	£11.25	£13.50
Concession	£6.60	£5.67	£6.80
Hire of Croquet Lawn			
Full	£20.25	£17.38	£20.85
Concession	£10.15	£8.71	£10.45
Hire of Artificial Cricket wicket (inc hire of changing facilities)			
Full	£29.65	£25.46	£30.55
Concession	£14.75	£12.67	£15.20
Use of Recreation Grounds for Highland Gathering, Carnivals etc			
Special	FREE	FREE	FREE

LEISURE SERVICES			
ACTIVITY	Existing Charge 2014/15 (including VAT where applicable)	Proposed Charge 2015/16 (exc VAT)	Actual Charge 2015/16 (rounded and includes 20% VAT where applicable)
Swimming			
Use of pool			
Full	£3.55	£3.04	£3.65
Concession	£2.40	£2.04	£2.45
Spectator			
All	FREE	FREE	FREE
Family (2 Fulls and up to 2 children)			
Special	£9.80	£8.42	£10.10
Additional children	£1.00	£0.85	£1.05
Under 3 years	FREE	FREE	FREE
Splash-Out			
Full	£3.55	£3.04	£3.65
Concession	£2.40	£2.04	£2.45
Discounts			
12 Month Membership			
Full	£180.00	£154.17	£185.00
Concession	£120.00	£103.33	£124.00
12 for the price of 10 swims			
Full	£35.50	£30.42	£36.50
Concession	£24.00	£20.42	£24.50
12 Month Membership Couple			
Full	£305.00	£262.50	£315.00
Concession	£205.00	£176.67	£212.00
12 Month Membership Family			
	£480.00	£412.50	£495.00
Swimming Lessons			
Per lesson			
Full	£5.75	Exempt from VAT	£5.90
Concession	£4.70	Exempt from VAT	£4.85
One to One			
	£18.95	Exempt from VAT	£19.50
Fitness Class			
Full	£4.55	Exempt from VAT	£4.70
Concession	£3.00	Exempt from VAT	£3.10
Fitness Suite			
Joining Fee			
Full	£25.00	£21.46	£25.75
Concession	£25.00	£21.46	£25.75
Use of Fitness Suite			
Full	£6.00	£5.17	£6.20
Concession	£4.00	£3.42	£4.10

ACTIVITY	Existing Charge 2014/15 (including VAT where applicable)	Proposed Charge 2015/16 (exc VAT)	Actual Charge 2015/16 (rounded and includes 20% VAT where applicable)
Fitness Suite			
12 Month Membership			
Full	£280.00	£240.00	£288.00
Concession	£190.00	£162.50	£195.00
12 Month Membership Couple			
Full	£475.00	£408.33	£490.00
Concession	£320.00	£275.00	£330.00
One Month Membership			
Full	£38.00	£32.63	£39.15
Concession	£25.50	£21.88	£26.25
One to One Tuition			
	£18.95	Exempt from VAT	£19.50
Exercise Referral Scheme			
Session Full	£1.00	Exempt from VAT	Free
Sports			
Badminton/Short Tennis/Short Mat Bowling			
Full	£9.35	£8.04	£9.65
Concession	£6.30	£5.42	£6.50
Table Tennis			
Full	£7.20	£6.17	£7.40
Concession	£4.80	£4.13	£4.95
Shower and Change			
Full	£1.30	£1.13	£1.35
Squash			
Full	£8.45	£7.25	£8.70
Concession	£5.65	£4.83	£5.80
Club Affiliation			
6 Month			
	£33.75	£29.17	£35.00
Sporting Hire of Rooms/Areas (All Centres) [VAT applicable]			
Main Hall			
Full	£41.20	£35.33	£42.40
Concession	£27.60	£23.67	£28.40
Minor Hall			
Full	£20.80	£17.83	£21.40
Concession	£13.95	£12.00	£14.40
Meeting Rooms / Community Room/ Viewing Area			
Full	£34.00	£29.17	£35.00
Concession	£22.80	£19.58	£23.50
Non-Sporting Hire of Rooms/Areas (All Centres) [Exempt from VAT]			
Main Hall			
Special	£65.60	Exempt from VAT	£67.60
Minor Hall			
Special	£38.60	Exempt from VAT	£39.80
Meeting Rooms / Community Room/ Viewing Area			
Full	£34.00	Exempt from VAT	£35.00

Appendix 3

Concession	£22.80	Exempt from VAT	£23.50
ACTIVITY	Existing Charge 2014/15 (including VAT where applicable)	Proposed Charge 2015/16 (exc VAT)	Actual Charge 2015/16 (rounded and includes 20% VAT where applicable)
Climbing Room (Wirksworth Leisure Centre)			
Use of Walls (Inc Bouldering)			
Full	£7.45	£6.42	£7.70
Concession	£5.00	£4.29	£5.15
12 for the price of 10 Climb			
Full	£62.08	£64.17	£77.00
Concession	£41.67	£42.92	£51.50
Basic Tuition			
Full	£19.05	Exempt from VAT	£19.60
Concession	£12.75	Exempt from VAT	£13.15
Full and child (Full belay only)			
Special	£7.85	£6.75	£8.10
6 Month Membership			
Full	£177.00	£151.67	£182.00
Concession	£119.00	£102.50	£123.00
Climbing Lesson			
Full	£5.75	Exempt from VAT	£5.90
Concession	£4.70	Exempt from VAT	£4.85
One to One Instruction			
	£18.95	Exempt from VAT	£19.50
Hire of Staff per hour (not eligible for concessions)			
Leisure Attendant/Lifeguard			
Full	£21.90	VAT to be applied	£22.60
Level 1 Sports Coach	£24.45	Exempt from VAT	£25.20
Level 2 Sports Coach	£27.80	Exempt from VAT	£28.70
Hire Areas/Equipment [VAT applicable]			
Pool Party (includes lifeguards, pool & viewing area)			
Inc. Inflatable	£200.85	£170.83	£205.00
Exc. Inflatable	£123.35	£105.83	£127.00
Sports Hall Inflatable (inc 1 attendant)			
Special	£43.25	£37.08	£44.50
Racket/Bat / Kwik Cricket / Belay Device			
Special	£1.80	£1.54	£1.85
Hire of Cricket Nets			
Per booking	£12.05	£10.33	£12.40
Sports Coaching per hour			
Full	£5.75	Exempt from VAT	£5.90
Concession	£4.70	Exempt from VAT	£4.85
Fitness Freedom [VAT applicable]			
Fitness Freedom Membership 12 Month			
Full	£385.00	£330.00	£396.00
Concession	£260.00	£223.33	£268.00

ACTIVITY	Existing Charge 2014/15 (including VAT where applicable)	Proposed Charge 2015/16 (exc VAT)	Actual Charge 2015/16 (rounded and includes 20% VAT where applicable)
Fitness Freedom Membership Couple 12 Month			
Full	£645.00	£554.17	£665
Concession	£435.00	£373.33	£448.00
Active Leisure			
Special	£5.90	£5.00	£6.00
Non-membership			
Special	£0.50	£0.42	£0.50
Replacement card			
Special	£2.70	£2.33	£2.80
Holiday Leisure Pass [VAT applicable]			
3-day Fitness Suite	£10.70	£9.17	£11.00
7-day Fitness Suite	£21.65	£18.33	£22.00
3-day Fitness Suite & Swim	£13.40	£11.50	£13.80
7-day Fitness Suite & Swim	£26.80	£23.00	£27.60
3-day Swim	£5.35	£4.58	£5.50
7-day Swim	£10.70	£9.17	£11.00
Holiday Leisure Pass [VAT applicable]			
3-day Family	£16.05	£13.75	£16.50
7-day Family	£32.15	£27.58	£33.10
Hire of Swimming Pools [VAT applicable]			
Main Pool per Lane			
Private Hire	£24.10	£20.75	£24.90
Full Club	£18.85	£16.17	£19.40
Concession Club	£12.65	£10.83	£13.00
Main Pool			
Private Hire	£85.00	£73.33	£88.00
Full Club	£58.20	£50.00	£60.00
Concession Club	£39.00	£33.50	£40.20
Arc - Teaching Pool			
Private Hire	£32.15	£27.58	£33.10
Full Club	£21.65	£18.58	£22.30
Concession Club	£14.50	£12.46	£14.95

COMMUNITY COMMITTEE
22 JANUARY 2015

Report of the Head of Resources

LAND AND PROPERTY MATTERS – PROPOSED TRANSFER OF LAND FOR COMMUNITY PLAY AREA, WIRKSWORTH

SUMMARY

This report recommends the freehold transfer of an area of District Council owned land at Wash Green, Wirksworth to Wirksworth Town Council for use as a Children’s Play Area to be funded by grant aid and managed by Wirksworth Town Council.

RECOMMENDATION

1. That the terms outlined in paragraph 3.1 of this report for transferring the freehold of a site at Wash Green, Wirksworth as shown on the plan at Appendix 1 to Wirksworth Town Council for use as a Children’s Play Area are agreed.
2. That each party will be responsible for their own legal costs.
3. That members note that this transfer comprises an undervalue transaction as permitted by the General Disposal Consent 2003.

WARDS AFFECTED

Wirksworth

STRATEGIC LINK

The transfer of the site accords with the core values of “Working with Partners” and “Safe and Healthy Communities” as expressed in the Corporate Plan 2014/15.

1.0 BACKGROUND

- 1.1 The subject site off Wash Green, Wirksworth as shown on the plan attached at Appendix 1 comprises a slightly sloping rough grass and scrubland site of approximate area 541 sq.m. with an open culvert to the southern boundary. It was retained by the District Council at the time of the Housing Stock Transfer in 2002 as part of a larger area of land because of its affordable housing development potential.
- 1.2 The only part of the larger area of land which was considered to have affordable housing potential comprising the site on the other side of King Edward Street immediately to the West of the subject site was transferred in 2009 to Dales Housing Ltd. to enable the development of 22 affordable homes.

1.3 The subject site is unused and is considered by the Head of Housing to be unsuitable for future affordable housing development due to its size and topography. It is currently a maintenance liability for the District Council.

2.0 CURRENT SITUATION

2.1 A request has been received from Wirksworth Town Council that the site is transferred freehold to the Town Council to enable the development of a Children's Play Area on the site.

2.2 The Town Council have secured £5,000 grant funding from Dales Housing Ltd. towards the development costs of the Play Area. Once developed, The Town Council would assume ongoing maintenance liability for the play area and the wider site including the culvert.

3.0 PROPOSED RECOMMENDATIONS

3.1 It is proposed that the site shown edged in heavy black on the plan at Appendix 1 be transferred freehold to Wirksworth Town Council subject to the payment of a consideration of £1 if demanded with each party being responsible for their own legal costs.

4.0 VALUATION

4.1 The proposed terms for the transfer of land at Wash Green Wirksworth constitute an undervalue transaction as permitted under the General Disposal Consent 2003.

4.2 It is considered by the Council's Valuer that the value of the transfer equates to £5,000.

4.3 Under the General Disposal Consent 2003, Local Authorities are permitted to dispose of any interest in land held under the Local Government Act 1972 which they consider to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the area at less than best consideration subject to various conditions.

4.4 It is considered that the proposed terms for the transfer of land at Wash Green, Wirksworth would comply with this legislation.

5.0 Consultation

5.1 The relevant Ward Members have been consulted on the proposed transfer and any comments received will be reported verbally at the meeting.

6.0 Other expressions of interest

6.1 Other than various general expressions of interest in development sites/opportunities across the District, no specific expressions of interest have been received in relation to the subject site.

7.0 RISK ASSESSMENT

7.1 Legal

The Council has a duty under S123 of the Local Government Act 1972 to dispose of assets for the best price reasonably obtainable.

The purchasers would be responsible for the District Council's reasonable legal costs.

The duty to consult on the disposals accords with the Council's policy on the disposal of land and property. The legal risk in that respect is low.

7.2 Financial

Disposal of the property removes a potential future financial liability for the District Council, and therefore the financial risk is low.

8.0 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

9.0 CONTACT INFORMATION

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10.0 BACKGROUND PAPERS

None

APPENDIX 1



COMMUNITY COMMITTEE
22 JANUARY 2015

Report of the Head of Corporate Services

DERBYSHIRE LAW CENTRE

SUMMARY

This report sets out a request for funding by the Derbyshire Law Centre to support their operation within the Derbyshire Dales.

RECOMMENDATION

That a one off grant of £10,000 be awarded to the Derbyshire Law Centre in 2015/16.

WARDS AFFECTED

All

STRATEGIC LINK

The Law Centre's work in supporting the residents of the Derbyshire Dales has links to the District Council's top priority of providing decent, affordable housing.

1 REQUEST FOR FUNDING

- 1.1 Derbyshire Law Centre Limited (DLC) is a registered charity operating as a company limited by guarantee. The aim of DLC is to increase access to justice for disadvantaged communities by the provision of free legal advice, information and representation to individuals and groups within a specified area. Volunteers are a crucial part of the team and provide a front of house assessment service which directs clients to the appropriate service.
- 1.2 Currently DLC is working alongside the Citizens Advice Bureau (CAB) and has an active client base within the Derbyshire Dales, working primarily on employment, housing and debt services. Advice has been provided to 175 Derbyshire Dales residents and 40 clients have been formally assisted and represented. Approximately 12 families have been saved from eviction in the Derbyshire Dales this year, at a cost to the company of some £5,000 per case. Mortgage repossession prevention work is also undertaken in liaison with our housing team.
- 1.3 The current economic climate is increasing the demand for DLC's services at the same time as national funding is decreasing and specific funding for debt advice almost deplete.
- 1.4 Locally DLC is funded by Derbyshire County Council, Bolsover and North East Derbyshire District Councils. A request for funding has recently been made to the District Council and to Amber Valley Borough Council, both in the sum of £15,000.

Amber Valley has agreed to offer grant funding, but the actual amount is not yet known. Other local authority funders include Derbyshire County Council, Bolsover, North East and High Peak. If successful in their application for funding, the Company hope to use the District Council's contribution to lever in additional funding from the larger funders for example the Big Lottery Fund

- 1.4 The Head of Housing has been consulted on the merit of the application who has confirmed the working relationship between DLC and the Community Housing Team. Whilst the CAB offers a similar service in relation to debt and housing related services, DLC is able to specialise in repossession cases involving self-employed residents. A focus on this area of work together with general support in employment issues would be welcomed. However, we would not want to see duplication of general debt work which the CAB appears to be able to deliver more cost effectively
- 1.4 Whilst the District Council does not operate a specific grant scheme which may be directed to this cause, should the Committee wish to fund the organisation, grant aid may be possible from the General Reserve. In view of the comments above a grant of £10,000 is recommended to be awarded in 2015/16. This would be on the basis of a one off commitment.

2 RISK ASSESSMENT

2.1 Legal

The provision of grant aid is entirely discretionary and in this case may be seen to indirectly support the Council's objectives and the residents of the Derbyshire Dales. The legal risk is therefore low.

2.2 Financial

As the report states, there is no budgetary provision available to fund this request and, if approved, it would have to be funded from the general reserve. The grant requested is £10,000, which is assessed as a low financial risk.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

None