

Housing & New Homes Committee

Date: **24 January 2024**

Time: **4.00pm**

Venue: **Council Chamber, Hove Town Hall**

Members: **Councillors:** Williams (Chair), Czolak (Deputy Chair), McLeay (Opposition Spokesperson), Baghoth, Fowler, Grimshaw, Meadows, Nann, De Oliveira and Sheard

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43 Procedural Business

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

***NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

44 Minutes of the previous meeting**7 - 16**

To consider the minutes of the meeting held on 15 November 2023 (copy attached).

45 Chairs Communications

46 Call Over

- (a) All agenda items will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

47 Public Involvement

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 18 January 2024;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 18 January 2024.

48 Issues Raised by Members

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

49 Housing Allocations Policy Review: Consultation

17 - 108

Contact Officer: Luke Harris, Project Manager

50 Housing Revenue Account Budget & Capital Investment Programme 2024/25 and Medium-Term Financial Strategy

109 - 148

Contact Officer: Martin Reid, Assistant Director, Housing Management *Tel: 01273 293321*

51 Housing, Health & Safety Update 149 - 166

Contact Officer: Martin Reid, Assistant Director, Housing Management Tel: 01273 293321

52 Housing Adaptations Framework Re-Let 167 - 186

Contact Officer: Alex Dickie, Housing Adaptations Technical Team Leader Tel: 01273 293293

53 Items referred for Full Council

To consider items to be submitted to the next Full Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting.

54 Part Two Proceedings

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

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Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings. The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes (email: shaun.hughes@brighton-hove.gov.uk) or email: democratic.services@brighton-hove.gov.uk

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Date of Publication: Tuesday 16 January 2024

BRIGHTON & HOVE CITY COUNCIL
HOUSING & NEW HOMES COMMITTEE
4.00pm 15 NOVEMBER 2023
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES

Present: Councillor Czolak (Deputy Chair), McLeay (Opposition Spokesperson), Baghoth, Fowler, Grimshaw, Meadows, Nann, Oliveira, Sheard and Cattell (Substitute)

PART ONE

30 PROCEDURAL BUSINESS

30.1 **a) Declaration of Substitutes:** Councillor Cattell substituted for Councillor Williams.

b) Declarations of Interest: None for this meeting.

c) Exclusion of Press and Public: As there were no Part Two items on the agenda, it was agreed that the press and public would not be excluded from the meeting when any of the agenda items were under consideration.

31 MINUTES OF THE PREVIOUS MEETING

31.1 The Minutes of the 20 September 2023 committee meeting were agreed.

32 CHAIRS COMMUNICATIONS

32.1 The chair, Councillor Czolak, addressed the committee: Welcome the November housing committee. We begin on a sombre note as Brighton and Hove, as well as many other local authorities is contending with housing crisis like no other. According to the latest government published figures, there are now more households in temporary accommodation in England than there has ever been.

Our homeless prevention services are seeing more and more people who are homeless or at risk of homelessness, and while the number of households in temporary accommodation is relatively stable, compared to the national trend, we really want, and need, this number to be coming down. Living in temporary or emergency accommodation has been described as 'living in limbo' and we want to reduce the number of people often facing many years living in this insecure and unsettled provision. The Private Rented Sector Offer Policy, on today's agenda, is one of the ways we propose to do this.

We are also delivering more new social housing. We are about to complete the purchase of the Kubic Apartments at the end of this week, and the first of the new council homes in Coldean Lane will be advertised for letting in January. This will create 79 new council homes. With other schemes being completed later in the year, and our continuing success with buybacks, we're predicting the new number homes we would have developed in 2023/24 as 316 – a real stepping up on last year's results of 111.

Earlier this year at the official opening of the Victoria Rd Social Housing - I was afforded the opportunity of being shown around one of the properties by a resident living with a disability. It was an eye-opening experience seeing just how transformational adapted properties can be to disabled residents, allowing them an unrestricted enjoyment of their home, which they otherwise may not have elsewhere. We are committed to ensuring that the joy and pride with which the resident at Victoria Rd had in her property, is available to as many of our disabled residents as possible. Our plan for mobility classified properties will take us a step closer to achieving that outcome.

We are wanting to make it easier and more transparent for disabled households who require an adapted property to access this by removing the queuing criteria currently applied to 'mobility categorised homes'. This will bolster our equality commitment to ensure there is no disadvantage to disabled people.

Recently, the city was hit by Storm Ciaran. In response to this, the council triggered its Severe Weather Emergency Protocol, commonly known as SWEP, for the first time since April. As a City we apply a lower threshold than many parts of the country. As such we were in a position to activate our response, unlike Local Authorities elsewhere, ensuring provision was made for rough sleepers.

As a City we apply a lower threshold than many parts of the country, as such we were in a position to activate our response, unlike Local Authorities elsewhere, ensuring provision was made for rough sleepers.

This also enabled us to trial our new site for SWEP, which will enable more people to be served from a single site, as well as some additional capacity should there be a surge in demand. Additionally, we recently secured funding to support people being discharged from hospital when they are likely to be rough sleeping. This post is currently being advertised and is part of a wider package of support and accommodation we offer to people sleeping rough, including the approval of three grant funded schemes on today's agenda.

Services for rough sleepers are absolutely essential. We are committed to providing a safe place to sleep and to support rough sleepers to stay off the streets wherever possible. Despite the awful rhetoric we've witnessed in recent weeks, nobody deserves to be without a roof over their heads. It is utterly tragic that these numbers are rising across the country. We are continuing to do everything within our power to alleviate this. As such, we aim to continue with grant agreement for three services funded through the Department of Levelling Up, Housing and Communities (DLUHC) 'Rough Sleepers Initiative' to ensure that there are places to stay and help at hand. Service One is part of BHCC's Off Street Offer for rough sleepers. The service provides 30 bed spaces direct for people sleeping on our streets. Service Two is part of the longer-term pathway for Single Homeless and Rough Sleepers in the city. The Seagulls Project provides 36 rooms in HMOs across the city. Service And Service Three then provides floating

support for adults or young people moving into independent accommodation and manage their tenancy. These services are not only in place to assist in getting people off the streets, but also to help them remain off the streets.

The Housing Management landlord waste collection, service provides tenancy sustainment support to highly vulnerable residents to enable them to live safely in their homes as well as managing waste arising from the operation of our Housing Repairs & Maintenance and Estates services. This is currently delivered under two waivers that end on 31 March 2024 and by spot purchase arrangements. We seek to combine the separate arrangements into new contract/s for the Housing Management service. This will streamline the service and make it more efficient and cost effective.

The health and safety of our residents and those who visit and work on our council homes is a key housing service priority. We as a council owe a duty to approximately 11,900 rented properties and approximately 2,300 leasehold properties. With regard to compliance with legislation and regulation related to buildings maintenance and fire safety investment. This investment is to make sure we continue to provide safe, good quality council homes in line with the legislative and regulatory changes impacting council housing. Hence, we aim to procure contractor to ensure that we fulfil our duty as quickly and as effectively as possible.

And finally... I want to remind you that we are about halfway through our consultation on selective licensing in the private sector. We have one more in-person consultation event at the Brighthelm Centre this Saturday at 10am but will also be arranging one final on-line event for people who have not been able to attend the other consultation session.

If you can't make either of these, and want to express your views on the proposals, there is still time as consultation is open until midnight on 3 January. If you want more details, please visit the council's website.

33 CALL OVER

33.1 All the items on the agenda were called for discussion by the committee Members.

34 PUBLIC INVOLVEMENT

34.1 **a) Petitions:** There were none for this meeting.

b) Written Questions from Members of the Public: There were 3 for this agenda:

1. From: Daniel Harris

Question: This is in relation to agenda item 37 Lettings Plan: Mobility classified properties.

In light of the absence of consultation on the significant changes proposed for Social Housing Allocations, which we deem as not minor but rather major, driven by a discriminatory policy highlighted as early as January publicly, we ask: Can the council provide a firm commitment to collaborate with and actively consult both services and members of the Homemove Brighton Action Group moving forward?

Every action has a reaction, and it's crucial to recognise that these changes may potentially leave those in Band B & C Transfers with no meaningful alteration to their circumstances and longer waits.

Response: Thank you for your question. The recommended changes regarding mobility classified properties do not reflect a major change in policy.

The proposals will have a positive impact for applicants on the Housing Register who require mobility classified accommodation. These households form a minority of applicants on the Housing Register. They will have no noticeable disproportionate adverse impact on other households on the Housing Register because they will not be eligible to bid for mobility classified accommodation. The recommended changes will in effect will remove the 'queuing system' applied to mobility classified accommodation, meaning allocation to these properties will only be determined by banding and waiting time. Those households impacted will have the same single protective characteristic. Because of this, the proposals would be a minor amendment to the Allocations Policy.

The recommended changes would not adversely impact Band B and C Transfer applicants. The changes will allow people with a mobility coding to access a wider pool of properties, as they would be able to bid on properties from every queue.

This would have a positive impact for those with a Band B and C Transfer banding who require mobility classified properties. Band B and C Transfer applicants who do not require mobility classified properties will be competing for different properties and will not be disproportionately adversely affected by the recommended changes.

There is no requirement for the Council to consult when making a minor change to the Allocations Policy.

In January 2023, the Committee agreed to review the Allocations Policy, with a view to making substantial changes to the scheme. This review is underway. Options for substantially changing the Allocations Policy will be proposed in 2024. The Homemove Brighton Action Group will have the opportunity to respond to a consultation which will be undertaken as part of that review.

Supplementary question: Please look across all bandings and monitor for information regarding ques and waiting lists.

Response: The council are looking at accessibility and note the comments.

2. From: Paul Norman

Question: Given that the Annual Report of the 20230 Carbon Neutral Programme 2021-22 sets out the corporate carbon footprint of the Council Housing comprises 24% of the carbon corporate footprint (18% Housing Heating, 6% Housing Electricity) please can you confirm the number of Council housing units by EPC Rating (or equivalent) for each Band from A to G?

Paul Norman (Hanover Action: towards a sustainable community)

Response: Thank you for your question. A buildings level of energy efficiency is established through the Standard Assessment Procedure (SAP) this methodology is a list of detailed calculations that determines a property's Energy Performance Certificate (EPC) band. The EPC bands run from A to G, with A being the most energy efficient and G being the least.

Based on a combination of lodged EPC's, our own asset data and modelling provided through specialist software the calculated average SAP rating for HRA tenanted properties is 74.1 equivalent to an average EPC C. In terms of the total number of properties in each band, the majority of our homes, 8,845 are EPC C, we have 1283 homes in band A or B. 1298 homes are in Band D, and 88 homes are band E or below.

Supplementary question: what are the targeted measures being taken in the next 4 years to improve housing units' ratings for those currently in Band G, Band F, Band E, and Band D?

Response: Targeted support measures in support of our tenants and the energy efficiency of our homes are outlined below.

- Solar PV - Technical surveys have been carried out on the first tranche of our new solar PV programme with the first installs to begin before Christmas. This programme of 800-1000 homes is targeted at homes with an EPC D and below, the surveys on properties will also include checking for loft installation which may be installed or topped up as a part of the programme.
- Planned and responsive works - Opportunities for both cavity wall insulation and loft insulation are identified and installed as part of our day-to-day repairs and maintenance, planned and major works programmes.
- Window replacement programme – will replace old single and double glazing that will have a positive impact on property energy efficiency and EPC ratings.
- Low carbon heating and hot water – we have been targeting energy inefficient electrically heated properties for upgrades for Air Source Heat Pumps, High Heat retention heaters and solar thermal batteries, to date the programme has focussed on properties with lower EPC ratings.
- Where feasible we look to combine the above works to multiply the benefits for residents in terms of energy efficiency and thermal comfort.

Targeted programmes and projects will continue to be developed and delivered with a focus on the worst performing properties, this will be supported through initial piloting of new technology and external funding where possible. An example of this will be producing a 5 year plan in 2024 specifically for the decarbonization of Seniors Housing communal gas fired systems.

This and wider work will be reflected in a revised Housing Revenue Account Energy Plan as part of our wider HRA Asset Management Strategy.

3. From: David Gibson

Question: The policy proposed by November's committee which now deems the private rented option as "suitable" and potentially forces people to accept less secure, more expensive and often poorer quality private rented accommodation (and out of our area accommodation) under the threat of losing housing support is a step backwards for homeless people. Surely it is better that private rented is a choice rather than a compulsion. Having previously opposed forcing homeless people into insecure private rented housing against their will, please can the new administration explain what has changed their view and why this new approach is preferable now?

Response: Thank you for your question. Private rented accommodation has long been 'suitable' accommodation and a well-established means to resolve homelessness. Instead of facing many years in temporary accommodation, which can be insecure, unsettled and more expensive, the private rented sector can, and does, provide suitable accommodation to numerous people and is frequently the best option for those who are very unlikely to be allocated Council properties. As the questioner knows, almost a third of people in the city live in such homes. In fact, during 2022/23 – a period which covers a time when he himself was joint Chair of Housing Committee, 275 households had their homelessness resolved through assistance provided by the local authority to secure private rented accommodation.

The questioner appears to be focused on accommodation being offered outside the area under this policy. I would like to assure him, that this would only be the case as a last resort. There may be households already living outside the city for good reasons, for example it may be unsafe for them to be in Brighton & Hove. In many of these situations, those households could be settled in the area they live – their children may be settled in the local school; they may be engaging with support services in that area. However, even in those circumstances, we will ensure the household are presented with an option that enables them to return to Brighton. It would be their choice if this was the option they wanted to be pursued.

Supplementary question: There are serious concerns that private rented accommodation is the first option when there are 10,000 empty homes in the city. Landlords should open up properties.

Response: The comments are noted.

c) Deputations: There were none for this meeting.

35 ISSUES RAISED BY MEMBERS

35.1 **(a) Petitions:** None for this meeting.

(b) Written Questions: None for this meeting.

(c) **Letters:** None for this meeting.

(d) **Notices of Motion:** None for this meeting.

36 PRIVATE RENTED SECTOR OFFER POLICY

36.1 The Assistant Director Housing Needs & Supply introduced the report to the committee.

36.2 Following questions the Committee Members were informed of the following: there is no consultation as this was not a policy change, which has been adopted by other authorities across the country; all decision letters contain information on how to access legal advice; suitability reviews need to be carried out promptly; if the private rented tenancy fails in the subsequent two years, that household will still have the opportunity to reactivate their homelessness duty, from the point at which this was previously accepted; an offer under this policy would only be made if it was first assessed as being suitable. Approving the policy will also provide a clear means to challenge the offer, where the household believes it is not suitable; when placed in temporary accommodation outside the area, households will be prioritised to move into B&H, however it may be appropriate for private rented accommodation, under this policy, to be offered outside the city; all cases are dealt with individually; properties are chosen by council knowledge of landlord, and residents self-finding, all supported by the council; tenancies are checked by the council; the council have tools to look at suitability of landlords; carers and travel arrangements are taken into consideration; a safety net supports tenants for the first two years; if tenants are placed outside of the BHCC area the local connection is not broken and the local authority continues its responsibility.

36.3 Councillor Fowler proposed amendments to the recommendations, which was seconded by Councillor Nann.

Vote

36.4 A vote was taken on the proposed amendments, and they were agreed by the committee.

36.5 A vote was taken, the committee agreed the recommendations as amended.

RESOLVED: That Housing Committee:

1. Agree to insert into the policy that any out of city placement would only be undertaken as a last resort and in consultation with each household.
2. This will be inserted as an amendment therefore point 3.26 will be amended to state:

The policy allows the Council to also offer accommodation outside of the city to someone accepted as homeless by Brighton & Hove City Council. Any out of city placements would only be undertaken as a last resort and in consultation with each household. This means we will always present an option which would enable the household to be accommodated within Brighton & Hove. It would be that household's choice whether they wanted to pursue the offer within Brighton & Hove. Examples where they may not want to consider this could be it is unsafe for them to live in the

city; or they are already settled outside the city and feel moving back would cause disruption. This will be based on individual circumstances, but where a household choose the option within Brighton & Hove, this will be the option we prioritise.

37 LETTINGS PLAN: MOBILITY CLASSIFIED PROPERTIES

37.1 The Head of Homelessness & Housing Options introduced the report to the committee.

37.2 Following questions the committee Members were informed of the following: private rented accommodation is not covered by the policy; a list of properties with adaptations will be provided; there is a mobility register; adaptations are not removed from properties and are used again; mental health issues are to be included in the review of service.

37.3 The Chair presented the recommendations to the committee.

Vote

37.4 A vote was taken, and the committee agreed the recommendations unanimously.

RESOLVED:

2.1 That Committee notes the requirement for compliance with the public sector equality duty in respect of the needs of disabled persons.

2.2 That Committee agrees Option 1 as minor amendments to the Lettings Plan and Allocations Policy, set out at paragraph 4.2 in the report, to be effective from 20 November 2023.

38 ROUGH SLEEPERS' INITIATIVE 5 GRANTS

38.1 The Head of Temporary & Supported Accommodation presented the report to the committee.

38.2 Following questions the committee Members were informed of the following: regarding grant funds, the service is under constant review; provision includes men, women and those with no access to public funds; 121 reconnections were carried out from August 2022 to August 2023, information for previous years will be provided.

38.3 The Chair presented the recommendations.

Vote

38.4 A vote was taken, and the committee agreed the recommendations unanimously.

RESOLVED:

2.1 That Committee agree the continuation of the three services through the grant funding from Department of Levelling Up, Housing and Communities (DLUHC).

39 PROCUREMENT OF WASTE CONTRACTORS FOR HOUSING REPAIRS & MAINTENANCE AND TENANCY SERVICES

- 39.1 The Senior Programme Manager introduced the report to the committee.
- 39.2 Following questions the committee Members were informed of the following: the social value of free skips for communities will be looked at; local businesses, near the city centre, are encouraged to bid for contracts; local charities are used for recycling materials such as wood; progress will be reported back to councillors at future meetings; delegation of smaller contracts is over seen by procurement and internal audit; determination of procurement can not be delegated to an individual; vulnerable tenants receive safeguarding; contractors will not be using resident bins for electrical items.
- 39.3 The Chair presented the recommendations.

Vote

- 39.4 A vote was taken, and by 9 to 1 abstention the committee agreed the recommendations. (Councillor Meadows abstained)

RESOLVED: That Housing Committee grants delegated authority to the Executive Director of Housing, Neighbourhoods and Communities to:

- 2.1 Procure and award waste management contract/s for the provision of collection and disposal of waste from the three separate service areas within the Housing Management service, Repairs & Maintenance, Estates and Tenancy Sustainment, with an initial term of three years with the option to extend for up to a further two years;
- 2.2 Grant the optional extension of the contract referred to in 2.1 subject to satisfactory performance of the contractor.

40 BUILDING AND FIRE SAFETY ACT COMPLIANCE, PROCUREMENT OF CONTRACTORS

- 40.1 The Assistant Director Housing Management introduced the report to the committee.
- 40.2 Following questions the committee Members were informed of the following: there is a significant budget, however, the committee will be informed should more be required; there is a value for money check; Members always have oversight; a review will be coming to committee in early 2024; previous committees have received reports on safety in tower blocks; lessons have been learnt from the authority in Bristol; the Members will receive more updates.
- 40.3 The Chair presented the recommendations.

Vote

- 40.4 A vote was taken, and by 9 to 1 abstention the committee agreed the recommendations. (Councillor Meadows abstained).

RESOLVED:

- 2.1 That Housing & New Homes Committee delegates authority to the Executive Director of Housing, Neighbourhoods & Communities to procure and award contracts exceeding £500,000 for works and services related to compliance with the Building Safety Act and relevant fire safety regulations including Fire Safety (England) Regulations 2022.

41 ITEMS REFERRED FOR FULL COUNCIL

- 41.1 There were no items from the agenda referred to Full Council.

42 PART TWO PROCEEDINGS

- 42.1 There were no Part Two items on the agenda.

The meeting concluded at 6.24pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 49

Subject: Housing Allocations Policy Review: Consultation

Date of meeting: 24 January 2024

Report of: Rachel Sharpe – Executive Director for Housing,
Neighbourhoods & Communities

Contact Officer: Name: Luke Harris, Project Manager
Email: luke.harris@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 In January 2023, Committee agreed for a review of the Council's Housing Allocations Policy to begin. A review of the Council's Allocations Policy is in progress and changes are proposed to the policy. This report sets out the proposed changes to the Council's Allocations Policy in Appendix 1.
- 1.2 This report provides more information and seeks approval to start consultation on the proposed changes to the Council's Allocations Policy. The consultation plan and timetable are set out in Appendix 2.

2. Recommendations

- 2.1 That Committee agrees for consultation to begin on the proposed changes to the Council's Allocations Policy (set out in Appendix 1).

3. Context and background information

- 3.1 Section 166A of the Housing Act 1996 places a duty on local authorities to have an allocation policy for determining priorities, and for defining the procedures to be followed, in allocating social housing accommodation. All allocations of social housing by the local authority must be made in accordance with a publicly published Allocations Policy. The Allocations Policy must include all aspects of the allocation process, including the people by whom decisions are taken.
- 3.2 This authority's current Allocations Policy was adopted in 2016. Minor amendments to the Allocations Policy were made in 2018 and 2023. Substantial changes to the Allocations Policy are now necessary.
- 3.3 The Homelessness Reduction Act 2017 has come into force since the Allocations Policy was last substantially updated. The Homelessness Reduction Act places duties on local authorities to take steps prevent their

residents from becoming homeless. It is proposed to consult on changing the Allocations Policy to award priority to households who have worked with the Council to prevent homelessness. Such a change would meet the objective in our Homelessness Strategy of developing our preventative work to reduce the number households experiencing homelessness and would reflect that preventing the homelessness of vulnerable households is a strategic priority.

- 3.4 Changes to the Allocations Policy will simplify processes and improve outcomes for existing council and housing association tenants in the city who need to transfer homes. The changes proposed will help to achieve the goal in the Tenancy Strategy to promote stable communities where residents can develop a stake in their neighbourhood to help our city thrive.
- 3.5 The Council's existing policy only awards priority to homeless households if they are owed the main housing duty by Brighton & Hove City Council. In July 2023, the Local Government Ombudsman noted that section 166A (3) of the Housing Act 1996 states that a reasonable level of priority must be awarded to all people who are homeless and all people who are owed a local authority homelessness duty, such as the duty to prevent a household from becoming homeless. The Local Government Ombudsman has determined that the Council needs to change its policy to reflect legal requirements. Approval of a revised policy by the Housing & New Homes Committee is needed by December 2024. The Council risks financial and reputational harm if this substantial change is not made to the Allocations Policy.
- 3.6 Section 166A (13) of the Housing Act 1996 states that, before changing an Allocations Policy reflecting a major change of policy, a local authority must send a copy of any proposed changes to every social housing provider with which they have a nomination agreement, and ensure they have a reasonable opportunity to comment on the proposed changes. In January 2023, Committee were informed that consultation on proposed changes to the Allocations Policy would go above and beyond this duty, by undertaking community engagement and consultation before making a substantial change to our Allocations Policy. The proposed policy changes for consultation are set out in Appendix 1.
- 3.7 The changes proposed in Appendix 1 are at a formative stage. An open mind is being kept about the full extent of the changes which will be made to the Allocations Policy. Accordingly, any changes sought to the Allocations Policy will be subject to change based on the feedback received if consultation is approved by Committee. If consultation is approved, permission will be sought from Committee before making any final changes to the Allocations Policy.

4. Analysis and consideration of alternative options

- 4.1 The option to keep the existing Allocations Policy the same and therefore avoid the need for consultation on any changes is **not recommended**. A

failure to begin consultation on the proposed changes considered in Appendix 1 would risk the Council failing to comply with the determination by the Local Government Ombudsman and would miss an opportunity for the Council to achieve the wider strategic objectives set out in section 3 of this report.

- 4.2 The proposals set out in the Appendix are not fixed and there may be changes in accordance with a review of the consultation results.

5. Community engagement and consultation

- 5.1 Before making a major change to our Allocations Policy, there is a statutory duty to consult every registered provider of social housing with which the Council has nomination agreements - under section 166A(13) of the Housing Act 1996. Consultation with the registered providers of social housing with which the Council has nomination agreements will use email marketing with a link to an online consultation survey. The survey on our public online consultation portal will give the option to confirm where replies are made on behalf of a registered provider of social housing. Registered providers of social housing will be emailed a copy of the changes proposed to be made to the Allocations Policy (set out in Appendix 1.) A reasonable opportunity will be given to comment on the proposed changes.
- 5.2 After making a change to our Allocations Policy, section 168(3) of the Housing Act 1996 places a duty on us to take reasonable steps to bring those changes to the attention of those likely to be affected by it. Those most likely to be affected by changes to the Allocations Policy are those applicant households who are currently qualifying persons on the Council's Housing Register.
- 5.3 There is no statutory duty to consult wider than is outlined in paragraphs 5.1 and 5.2. However, engagement with communities and stakeholders in the city will occur before changes to the Allocations Policy. Engagement will include, but not be limited to, a survey on our online consultation portal, which any member of the public can respond to. The changes proposed to the Allocations Policy will accompany the survey, to enable intelligent consideration of the proposals. All households on the Housing Register will be written to, electronically and/or by letter, asking them to respond to the survey. Community engagement groups will be held with tenants of Brighton & Hove City Council. A press release will publicise the consultation survey. All responses to the consultation will be taken into account. When formulating the policy in response to the consultation, more weight will be given to the responses of statutory stakeholders than non-statutory stakeholders.
- 5.4 The 12-week consultation period will include (but not be limited to):
- Direct communication by email and letter to applicants on the Housing Register, homeless applicants and existing council tenants.
 - Wider publicity for all interested parties, such as posters, website, links in email signatures.

- An online portal for all interested parties to respond.
- Consultation events targeted at council tenants, homeless applicants, housing register applicants and other interested stakeholders.
- Wider consultation event for all interested parties.

5.5 Events will be a combination of in-person, online, hybrid, bespoke events and presentations to existing services, groups and partnerships.

6. Conclusion

6.1 The proposed changes to the Allocations Policy set out in Appendix 1 are necessary to improve the operation of the Allocations Policy and will provide a better service for the city's residents. Consultation is required before enacting any changes. The consultation plan is outlined in Appendix 2.

6.2 Removing the queue divisions for applicants will allow applicants to bid on a larger pool of properties, increasing the choice and availability of properties to applicants. Removing the queue divisions is also necessary to reduce the likelihood of unintended indirect discrimination by simplifying the scheme.

6.3 Removing management transfers from the Housing Register banding system - except where required by law - will mean that Brighton & Hove City Council secure tenants with an urgent need to move who do not fall into the reasonable preference categories defined under Part 6 of the Housing Act 1996, will not have to complete an application form for the Housing Register. This change will enable these households to be moved internally by Tenancy Services. This will reduce the bureaucracy currently faced by this limited group of transfer applicants. An example of a household likely to benefit from this change is a sheltered housing resident who needs to move within the same block of flats.

6.4 Implementing a direct offer policy operated on a discretionary basis will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently. Direct offers can be used to sensitively meet the needs of households, such as former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

6.5 Making changes to the priority band reasons in the Allocations Policy will enable us to provide an incentive to those households who work with us to prevent their homelessness and avoid going into our temporary accommodation under a homelessness duty, while recognising that these households are vulnerable in the private rented sector.

6.6 Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the housing register provide greater flexibility for applicants, as it would give them the choice to temporarily move out of the city, without being penalised for that choice. This reflects the reality that personal circumstances may mean that

applicants who are close to bidding successfully on social housing may move out of Brighton & Hove for a short while.

- 6.7 Awarding priority Band C to all households who are homeless and/or owed a local authority homelessness duty will bring the Council's Allocation Policy in line with the statutory requirements of section 166A (3) of the Housing Act 1996.
- 6.8 Agreeing for consultation to begin on the proposed changes to the Allocations Policy in Appendix 1 will enable the Council to comply with the order by the Local Government Ombudsman and to achieve the wider strategic objectives set out in section 3 of this report.

7. Financial implications

- 7.1 This report recommends that the council commences consultation on the proposed changes to the allocation policy. The costs of the consultation process will be met from the Homelessness Transformation budget for 2023/24 and 2024/25.

Name of finance officer consulted: Monica Brooks Date consulted
(19/12/23):

8. Legal implications

- 8.1 The law is set out above. There is a requirement to keep the allocations policy under review and the proposals in this report are part of that process. The duty to consult is important when significant changes are being indicated. The results of the consultation work will need to be considered.

Name of lawyers consulted: Simon Court and Liz Woodley Date consulted
(11/12/2023 and 08/01/2024):

9. Equalities implications

- 9.1 An Equality Impact Assessment on the policy proposals is set out in Appendix 3. The Equality Impact Assessment considers whether the proposed policy changes are likely to have an adverse impact on any groups who share a protected characteristic. Where a possible adverse impact is identified, the Equality Impact Assessment considers whether the policy proposal is the proportionate means of meeting a legitimate aim. This is necessary to ensure that the proposed policy changes will not cause unintended indirect discrimination. A further Equality Impact Assessment will be undertaken once the policy proposals are finalised, following the outcome of the consultation.

Supporting Documentation

1. Appendices

- 1. Indicative Proposed Changes to the Allocations Policy
- 2. Consultation Plan
- 3. Equality Impact Assessment

Appendix 1: Indicative Proposed Changes to the Council's Housing Allocations Policy for Consultation

1. The queue policy

- 1.1 Remove the queue divisions set out in page 36 of the current policy.
- 1.2 Allow applicants to bid on all properties, excluding mobility classified properties and those properties subject to a local lettings plan or direct offer.
- 1.3 Priority for each property to be decided by band, and then by priority date within the band.
- 1.4 The exception to this approach is for mobility classified properties, such as ground floor level-access accommodation which will meet the needs of applicants with a disability which means they cannot manage the stairs or steep gradients. Where a property is advertised to give preference to a mobility group, bids from the mobility-coded applicants will be prioritised in band order above bids from applicants who do not have a need for mobility-classified accommodation.
- 1.5 Removing the queue divisions for applicants will allow applicants to bid on a larger pool of properties, increasing the choice and availability of properties to applicants. Removing the queue divisions is also necessary to reduce the likelihood of unintended indirect discrimination by simplifying the scheme.

2. Management transfers

- 2.1 Management transfers of individual households from one property to another are occasionally required in very specific circumstances. These will normally no longer be required to occur via the Allocations Scheme, except where required by law.
- 2.2 Management transfers which occur via the Allocations Scheme are normally to be made via one direct offer with a view to resolve the tenancy issue - taking account of the household's preferred location, where reasonably practicable, and subject to suitability assessments.
- 2.3 Removing some management transfers from the Housing Register banding system - except where required by law - will mean that Brighton & Hove City Council secure tenants with a need to move who do not fall into the reasonable preference categories defined under Part 6 of the Housing Act 1996, will not normally have to complete an application form for the Housing Register. This change will enable these households to be moved internally by Tenancy Services. This will reduce the bureaucracy currently faced by these transfer applicants.

3. Direct offers

- 3.1 Introduce a direct offer policy operated on a discretionary basis.
- 3.2 Not all properties becoming available for letting will be offered through choice-based lettings. The Council will reserve the right to make a direct offer at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims.
- 3.3 Properties which are directly offered under this part of the policy will not be publicly advertised for bidding.

- 3.4 Implementing a direct offer policy operated on a discretionary basis will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently. Direct offers can be used to sensitively meet the needs of households, such as former rough sleepers, households with health or social care needs, homeless households in temporary accommodation, move-on from Council-commissioned supported housing, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

4. Homelessness prevention

- 4.1 Add the following Band B reasons for households who have worked with us to prevent their homelessness:
- 4.2 *'Households who were threatened with homelessness who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996, but where the Council negotiated for the household to remain in their accommodation for at least 6 months.'*
- 4.3 *'Applications for sheltered accommodation where the household is threatened with homelessness and who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996. Allocations to general needs accommodation will not be accepted under this band reason.'*
- 4.4 *'Households who were threatened with homelessness or were homeless and to whom the full housing duty under Part 7 of the Housing Act 1996 would likely be owed after the prevention/relief duty came to an end, or to whom the Council previously owed a full housing duty under Part 7 of the Housing Act 1996, but who have voluntarily agreed to the prevention/relief/main duty being brought to an end by the provision of private rented accommodation.'*
- 4.5 *'Households to whom the Council previously owed a full housing duty under Part 7 of the Housing Act 1996 who, with the advance agreement of the Council, have voluntarily left temporary accommodation to make alternative housing arrangements including staying with friends or relatives. This does not apply to those who have been given notice to leave by the Council, or who leave without giving the Council advance notice.'*
- 4.6 Making these changes to the priority band reasons in the Allocations Policy will enable us to provide an incentive to those households who work with us to prevent their homelessness and avoid going into our temporary accommodation under a homelessness duty, while recognising that these households are vulnerable in the private rented sector.

5. Residency criteria

- 5.1 Change the residency criteria in part (d) of page 10 of the current policy, so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register.
- 5.2 Amend the saving clause in part (i) of page 10 of the current policy, so that applicants qualify to join the Housing Register if:
- a. they are homeless (within the meaning of Part 7 of the Housing Act 1996,) or
 - b. are owed a duty by a local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985,) or

c. who are occupying accommodation secured by any such authority under section 192(3) of the Housing Act 1996.

- 5.3 Remove the '*exemptions for temporary absence from the local authority area*' on page 11 of the current policy, as the new requirement of 5 out of the last 7 years residency provides a sufficient safety valve.
- 5.4 Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the housing register provide greater flexibility for applicants, as it would give them the choice to temporarily move out of the city, without being penalised for that choice. This reflects the reality that personal circumstances may mean that applicants who are close to bidding successfully on social housing may move out of Brighton & Hove for a short while.
- 5.5 Awarding priority Band C to all households who are homeless and/or owed a local authority homelessness duty will bring the Council's Allocation Policy in line with the statutory requirements of section 166A (3) of the Housing Act 1996.

6. Domestic abuse

- 6.1 Update references to 'Domestic violence' to reflect the definition of domestic abuse in the Domestic Abuse Act 2021.
- 6.2 Making these changes will broaden the definition of domestic abuse in the policy, to reflect the statutory definitions provided in the Domestic Abuse Act 2021. This will improve outcomes for households who are victims of domestic abuse.

7. Joint tenants

- 7.1 Change the principle regarding joint tenants on page 16 of the current policy from, '*Applications for transfers can only be considered from joint tenants where both tenants are moving*' to, '*When considering a request for a transfer from a joint tenant, the Council will consider the relevant circumstances of the joint tenant and may accept an application for a sole tenancy where appropriate.*'
- 7.2 This change will improve outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status.

8. Detailed changes to band criteria

- 8.1 These changes to the band reasons will enable the most urgent and highest priority cases to receive an offer of accommodation more quickly, by narrowing the criteria for highest bands. We want to reduce examples of Brighton & Hove City Council tenants who wish to downsize from a 3-bed to a 1-bed, who would be freeing up scarce family-sized accommodation, but are prevented from doing so because many other households are coming higher on shortlists for social housing in the city.

8.2 The changes to the current Band C are necessary for the Council to meet its statutory obligations under section 166A of the Housing Act and will allow all persons who are homeless to join our Housing Register, rather than simply those households who occupy the Council's temporary accommodation under a homelessness duty.

Band A	Overriding (severe and immediate) priority awarded by the Homemove assessor after seeking advice from the Medical Advisor – where a person needs to move as the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or a member of the applicant's current household as to warrant emergency priority.
	<p>Where the applicant is:</p> <ul style="list-style-type: none"> • A current or former member of the regular armed forces or reserves, who is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, as assessed by the Council's Medical Adviser, or • Bereaved spouses or civil partners of those serving in the regular forces where, <ul style="list-style-type: none"> (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service. <p>And at least one of the following applies:</p> <ul style="list-style-type: none"> • Households with a less urgent medical need as assessed by the Council's Medical Adviser • Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant's household, or not having any access to bathroom or cooking facilities) • Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed) • Any other applicant who would otherwise be placed in Band C by virtue of a statutory reasonable preference
	Social Services nominations under the quota arrangements. This includes applicants owed duties under the Care Act and the Children Act, as well as applicants leaving care. This band reason will not apply if other rehousing options are available, or if the applicant has applied for assistance under Part 7 of the Housing Act 1996.
	Witness protection nominations under a quota arrangement agreed by the National Witness Mobility Service.
	Transfer applicants under-occupying family sized accommodation.
	Priority Transfers, agreed in exceptional circumstances, at the discretion of the Homemove Manager, due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic, ableist, faith or migrant-related abuse, victimization, or harassment. This may also include, but not be limited to, households which are existing tenants of Brighton & Hove City Council or registered providers in the city with a nomination agreement with the Council whose accommodation would be likely to be assessed as being unreasonable to continue to

	occupy if they made an application for homelessness assistance under Part 7 of the Housing Act 1996. Priority transfers will be made one direct offer to resolve the tenancy issue.
	Supported accommodation move-on from Brighton & Hove City Council commissioned accommodation where, if homeless, the household would likely be owed the main housing duty under Part 7 of the Housing Act 1996 by Brighton & Hove City Council.
	Statutory successors who are under occupying the tenancy where the council has grounds for seeking possession by offering suitable alternative accommodation. (This category will not be considered under the TIS scheme). This group will be made one direct offer to resolve the tenancy issue.
	Retiring council employees, eg Sheltered Scheme Managers, Residential Estate Wardens where the council or Housing Association has a contractual obligation to house the applicant. This group will be made one direct offer to resolve the tenancy issue.

Band B	Where the property is deemed to be statutorily overcrowded by the Private Sector Housing Team or Housing Needs Team under Part X Housing Act 1985 and there is no practicable means to make the property suitable for the number of occupants within a reasonable time. This band reason will not apply where the applicant or a member of their household has intentionally overcrowded a property.
	Transfer applicants who have a reasonable preference under section 166A of the Housing Act 1996.
	High (Major) priority awarded by the Homemove assessor after seeking advice from the Medical Advisor – where a person needs to move where the housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the applicant’s current household and there is no practicable means to make the property suitable for the household within a reasonable time.
	Where the applicant is: <ul style="list-style-type: none"> • A former member of the regular armed forces And at least one of the following applies: <ul style="list-style-type: none"> • Households with a less urgent medical need as assessed by the Council’s Medical Adviser • Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant’s household, or not having any access to bathroom or cooking facilities) • Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed) • Any other applicant who would otherwise be placed in Band C by virtue of a statutory reasonable preference
	Ex-tenants returning from institutions e.g., rehabilitation, hospital – where a prior commitment has been made in writing in order to secure the relinquishment of a council or HA tenancy on entering the institution (this may also be considered for a person admitted under section in an emergency situation that would otherwise have been agreed on notice).

	To enable fostering or adoption – where agreement is reached to provide permanent accommodation or foster care arrangements on the recommendation from Brighton & Hove City Council Children and Families Service.
	Social Services nominations under the quota arrangements into Band B used as a preventative measure but does not warrant an emergency move under Band A above.
	Unsatisfactory housing conditions as confirmed after a visit from the Private Sector Housing Team and classed as a priority 1 hazard(s) that cannot be rectified within six months (as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 Housing Act 2004)), for the period that hazard remains. Applicants will no longer be eligible for this banding once the hazard(s) has been resolved.
	Accepted Homeless households owed the main duty by B&HCC making their own temporary arrangements or suffering family split due to a genuine lack of accommodation. These temporary arrangements cannot be from the property that a person is considered homeless from.
	Multiple needs that warrant high priority – applicants whose needs match more than three of the priority reasons from the Band C considered cumulatively - by the Service Manager with responsibility for the Housing Register - which are deemed to be so severe as to warrant being placed in a higher priority band.
	An applicant where a household is living in support accommodation funded by Brighton & Hove City Council and has been assessed as ready to leave supported accommodation.

Band C

There are two levels of priority within Band C: Level 1 and Level 2 (Level 1 is higher.)

Households who are homeless and have been accepted as statutory homeless and owed a full housing duty by Brighton & Hove City Council under s193(2) or s192(3) of Part 7 of the Housing Act 1996 will be placed in Level 1 of this Band. All other applicants, including homeless households not owed a full housing duty, will be placed in the lower Level 2.

	Households lacking one separate bedroom
	Council and housing association tenants under-occupying that do not qualify for the Transfer Incentive or Tenants Support Schemes.
	Accepted homeless households owed the main duty by Brighton & Hove City Council placed in temporary accommodation.
	Households that are homeless (within the meaning of Part 7 of the Housing Act 1996.)
	Households that are owed a duty by a local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985.)
	Households who are occupying accommodation secured by any such authority under section 192(3) of the Housing Act 1996.
	Applications for Seniors accommodation. Allocation to general needs accommodation will not be accepted under this band reason.
	Households who need to move to a particular area in the city where failure to meet that need would cause hardship, e.g. to give or receive support.
	Council and Housing Association tenants who are seeking to transfer and who need to move from another local authority district to be closer to work, or to take up an offer of work and the council is satisfied that the relevant person has a genuine intention of taking up the offer of work.
	Minor need to move (mobility.)

References

1. Brighton & Hove City Council Housing Allocation Scheme 2016. Available at: <https://www.brighton-hove.gov.uk/sites/default/files/2023-11/Allocations%20policy%20Nov%202023.pdf>

Consultation Plan – Allocations Policy Review

Name of consultation	Allocations Policy Review
Why do you need to consult? (Brief Summary)	<p>Firstly, to meet the statutory requirement of section 166A (13) of the Housing Act 1996 to give social housing providers an opportunity to comment on a change of the Council’s Allocations Policy.</p> <p>Secondly, to meet the common law legitimate expectation doctrine to consult where a change in policy by a public authority may result in a withdrawal of benefits to members of the public, with potential significant impacts to be considered.</p>
What are the main aims and objectives?	<p>To put the proposed changes to the Council’s Allocations Policy to potentially affected stakeholders and give them the opportunity to respond to the proposed changes.</p>
What do you need to find out? (Essential)	<p>Before making a major change to our Allocations Policy, we have a statutory duty to consult every registered provider of social housing with which we have nomination agreements - under section 166A(13) of the Housing Act 1996. We will consult with the registered providers of social housing with which we have nomination agreements using email marketing with a link to an online consultation survey. The survey on our public online consultation portal will give the option to confirm where replies are made on behalf of a registered provider of social housing. We will email the registered providers of social housing a copy of the changes we propose to make to the Allocations Policy, and we will give them a reasonable opportunity to comment on the proposed changes.</p> <p>After making a change to our Allocations Policy, section 168(3) of the Housing Act 1996 places a duty on us to take reasonable steps to bring those changes to the attention of those likely to be affected by it. Those most likely to be affected by changes to the Allocations Policy are those households who are currently qualifying persons on the Council’s Housing Register. However, there is no statutory duty to consult with anyone other than registered providers of social housing, before making changes to the policy.</p>
What do you need to find out? (Desirable)	<p>We have no statutory duty to consult wider than is outlined above. However, we will engage with communities and stakeholders in the city before making changes to our Allocations Policy. We will make the proposed changes to the Allocations Policy publicly available with an accompanying survey to find out whether consultees agree with the proposed changes. We will allow answers to be made on a sliding scale, such as from ‘Strongly agree’ to ‘Strongly disagree’, and a free text box will be given for more open responses.</p>
What do you already know? (from previous consultation, knowledge or experience)	<p>Stakeholders to consult are identified in the Allocations Policy Change Project Plan</p> <p>A potential structure for questions to ask in the consultation can be found in the report on the consultation from the 2016 Allocations Policy review here: https://democracy.brighton-hove.gov.uk/documents/s102156/Draft%20Housing%20Allocations%20Policy.pdf</p>

Name of consultation	Allocations Policy Review
Who will you consult with?	We have a statutory duty to consult with the registered providers of social housing in Brighton & Hove. Although we have no statutory duty to consult other groups, before making a change to the Allocations Policy, we will consult the applicant households who are currently qualifying persons on the Council's Housing Register, as well as Council tenants, members of the public and third sector organisations, via engagement group sessions and the Council's online consultation portal.
When will you consult?	14 February 2024 – 9 May 2024
How will you consult?	Using the consultation portal on the Council's website and in-person engagement groups. We will produce a survey on our online consultation portal, which any member of the public can respond to. The changes we propose to make to the Allocations Policy will accompany the survey, to enable consideration of the proposals. We will write to all households registered on our Housing Register, asking them to respond to the survey and promote online links to the survey to increase awareness particularly in groups affected by the changes. We will hold community engagement groups with tenants of Brighton & Hove City Council. We will also hold virtual engagement groups. We will publish a press release to publicise the consultation survey. We will take all responses to the consultation into account. However, when formulating the policy in response to the consultation, more weight will be given to the responses of statutory stakeholders than non-statutory stakeholders.
How long will it take to set up the consultation portal?	1 week
How long will it take to arrange the community engagement groups?	4 weeks
How will the consultation be communicated/ publicised?	On the Council's public website, on the Homemove website for those who bid on properties advertised via the Homemove Partnership and by email and/or letter to the registered providers of social housing in Brighton & Hove.
Who will the results be reported to and when?	Housing & New Homes Committee – 13 November 2024
How will you provide feedback to respondents and when?	By email – 18 July 2024

Consultation Timetable Outline

Action	Deadline
Proposals incorporated into consultation document Consultation questions and materials assembled	31 January 2024
Set up consultation portal	7 February 2024
Community engagement groups begin	28 February 2024
Statutory Consultation will include: <input type="checkbox"/> On-line survey <input type="checkbox"/> Community Events <input type="checkbox"/> Engagement with stakeholders	Start: 14 February 2024 End: 9 May 2024
Consultation responses analysed and considered	5 July 2024

Stakeholders to include:

Internal

Housing & New Homes Committee, Elected Members, relevant Council services

External

Existing Housing Register applicants, Council tenants

Registered Providers: Anchor Trust; Brighton Housing Trust; Brighton Lions Housing Society Ltd; Brighton YMCA; Brighton & Hove Almshouse Charity; Brighton & Hove Jewish Housing Association Ltd; Clarion Housing; Hanover Housing Association; Hyde Housing; Moat Homes Ltd; Optivo; Orbit South Housing Association; Places For People; Sanctuary Housing; Saxon Weald Homes Ltd; Stonewater; Sussex Housing and Care; The Guinness Partnership; Worthing Homes

Local Third Sector Organisations: JustLife; Brighton Women's Centre; RISE; Change Grow Live; The Clocktower Sanctuary; Off The Fence; Knight Support; Sussex Nightstop; Emmaus; Street Support; Friends, Families and Travellers; Sussex Homeless Support; St Mungo's; Arch Healthcare; St Peter's; ONE CIC Housing & Support; Voices In Exile; Refugee Radio; Brighton & Hove LGBT Switchboard; MindOut; The Rainbow Hub; Speak Out Brighton & Hove; Possability People; Amaze Sussex; Grace Eyre; Carousel; SSAFA Sussex; Royal British Legion; Service Champions

HM Probation Service

Equality Impact and Outcome Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

1. Equality Impact and Outcomes Assessment (EIA)

Title of EIA⁴	Indicative proposed changes to the Housing Allocation Scheme	ID No.⁵	HNC-24-Jan-24-Housing-Allocation-Scheme
Team/Department⁶	Housing Needs – Housing, Neighbourhoods and Communities Directorate		
Focus of EIA⁷	<p>Indicative proposed changes to the Council's Housing Allocation Scheme (i.e., the policy on which persons qualify, and get priority, for social housing in Brighton & Hove.) The proposed changes are set out in Appendix 1 to the Housing Committee Report by Luke Harris dated 24 January 2024.</p> <p>The proposed changes include:</p> <ul style="list-style-type: none"> • Permitting direct offers. • Amendments to how management transfers are to be dealt with and prioritised. • Awarding priority where households in certain circumstances work with us to prevent their homelessness. • Removing the queue divisions set out in page 36 of the current policy. • Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021. • Broadening when a transfer request from a joint social housing tenant will be considered. • Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register. 		

2.0 Review of information, equality analysis and potential actions

Background

Under the current policy, applicants are placed into one of these four queues. When a property becomes available to let through the Housing Register, it is given to one of the four queues for applicants from that queue to bid on. Each queue receives a different proportion of the available lettings each year. When a property is advertised for applicants to bid on, the advert will state that applicants in a particular queue will receive priority for the property. The bids for each property are placed in priority order. Priority is decided first on the advertised queue, and then by the priority band, and, thirdly, by priority date within the band. The exception to this approach is for mobility classified properties, such as ground floor level-access accommodation which will meet the needs of applicants with a disability which means they cannot manage the stairs. Mobility classified properties are available for applicants from any queue to bid on. Where a property has been advertised to give preference to a mobility group, bids from mobility-coded applicants will be prioritised in band order above bids from members who do not have a need for mobility-classified accommodation.

The four queues are:

1. Homeless (50% of properties go to this queue)
2. Transfer (30% of properties go to this queue)
3. Homeseeker (10% of properties go to this queue)
4. Council's Interest (care leavers and other quotas with Children's Services and Adult Social Care) (10% of properties go to this queue)

The breakdown of applicants by queue is:

Row Labels	No. of live applicants	% of live applicants
Council Interest	109	2.24%
Homeless	1,536	31.59%
Homeseeker	2,060	42.37%
Transfer	1,138	23.41%
(blank)	19	0.39%
Total	4,862	100.00%

The data gathered for this Equality Impact Assessment is broken down by the protected characteristics of the applicants that make up each queue. This aids an assessment of how the proposal to remove the queue divisions and merge all four queues into one single queue will likely impact different groups that share a protected characteristic.

2.1 Group to assess: Age

What do you know⁸?

Summary of data about our service-users

Age Group	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
<0 or (blank)		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
15-19	4	3.67%	5	0.33%	1	0.05%		0.00%	10	0.21%
20-24	35	32.11%	97	6.32%	57	2.77%	11	0.97%	200	4.13%
25-29	12	11.01%	174	11.33%	230	11.17%	52	4.57%	468	9.66%
30-34	5	4.59%	259	16.86%	317	15.39%	114	10.02%	695	14.35%
35-39	12	11.01%	242	15.76%	323	15.68%	187	16.43%	764	15.78%
40-44	7	6.42%	225	14.65%	287	13.93%	170	14.94%	689	14.23%
45-49	3	2.75%	167	10.87%	219	10.63%	112	9.84%	501	10.34%
50-54	10	9.17%	135	8.79%	147	7.14%	99	8.70%	391	8.07%
55-59	5	4.59%	88	5.73%	136	6.60%	119	10.46%	348	7.19%
60-64	4	3.67%	73	4.75%	115	5.58%	76	6.68%	268	5.53%
65-69	4	3.67%	21	1.37%	79	3.83%	67	5.89%	171	3.53%
70-74	4	3.67%	24	1.56%	65	3.16%	52	4.57%	145	2.99%
75-79	1	0.92%	12	0.78%	37	1.80%	30	2.64%	80	1.65%
80-84	1	0.92%	10	0.65%	22	1.07%	31	2.72%	64	1.32%
85-89	1	0.92%	4	0.26%	11	0.53%	10	0.88%	26	0.54%
90-94		0.00%		0.00%	7	0.34%	4	0.35%	11	0.23%
95-99	1	0.92%		0.00%	4	0.19%	4	0.35%	9	0.19%
100-104		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
105-109		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
Total	109	100.00%	1,536	100.00%	2,060	100.00%	1,138	100.00%	4,843	100.00%

Table: Age of main applicants on the Council's Housing Register, by priority queue

Age Group	% of Brighton & Hove Population
0-15	15
16-19	5.4
20-24	10.1
25-34	15

35-49	21.3
50-64	19.1
65-74	7.6
75-84	4.4
85+	2

Table: Office for National Statistics 2021 Census Data on Age of Brighton & Hove Population

The majority of the main applicants in all queues are aged 20–49: Homeless (75.79%); Transfer (56.77%); Homeseeker (69.57%); Council’s Interest (67.89%).

In Brighton & Hove, people aged 20–49 are disproportionately in housing need and are therefore more likely to be impacted by these policy proposals. Children are most likely to be part of households where the main applicant is aged 20–49.

2.1.1 Policy proposal: Permitting direct offers

2.1.1.1 What does the policy proposal mean for this group⁹?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently.

Direct offers can be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

A potential example of where a household with the protected characteristic of age may be impacted by this policy could be where Children's Services make a direct offer of accommodation to a household subject to a child protection plan, where Children’s Services have a need to observe the ability of parents to care for their child, and the household is too large to live in a mother and baby unit. A direct offer would be appropriate in such a case where Children’s Services assess that affordable, stable accommodation is required for the household for Children’s Services to appropriately observe the parenting ability, and to safeguard and promote the welfare the children, and where no alternative accommodation options are reasonably practicable to secure, and where there is an immediate need

for the household to be rehoused and where the immediacy of that need overrides the general principle of the Allocations Scheme that applicants should be able to bid on properties of their choice.

The positive impacts of a direct offer include that households will tend to receive an offer of accommodation more quickly via a direct offer than via bidding, which can meet need more efficiently. Direct offers can promote tenancy stability and community cohesion. For example, a direct offer may be made to a household such as a young care leaver or a former rough sleeper who has a history of losing accommodation through their actions, to ensure that the likelihood of the applicant's tenancy stability is promoted, such as by accommodating them in a location where they may be best placed to access support, or be less likely to receive complaints from neighbours. For example, a former rough sleeper aged 55+ with active alcohol or substance addiction may be made a direct offer so that they are not housed in a sheltered housing scheme, where professional(s) in the Housing Directorate are of the view that living in a sheltered housing scheme would be likely to generate complaints about the applicant from other residents.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

2.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts¹⁰?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on

the Housing Register may come higher on a shortlist. Or an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example, where an applicant with a history of being evicted from accommodation for their own actions bids on a property in a block, where, for example, housing management staff know that the residents of the block are elderly and/or are sensitive to behaviours which fall short of antisocial behaviour but may be loud or busy.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

2.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

2.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

41 The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

The policy proposal to reduce the groups of social housing tenants in the city wishing to transfer who will be required to complete an application to be put on the Housing Register and prove that they are a qualifying person is likely to be of most benefit to those applicants who are not digital natives by virtue of their age and are therefore more likely to find the Housing Register application process to be onerous. For example, under the current policy, an applicant aged 55+ seeking to move from one block of sheltered housing to another, who does not have any other housing need under the Allocations Policy or section 166A (3) of the Housing Act 1996, would need to complete an application form and provide proof that they are a qualifying person. These applicants who may struggle to use digital technology to apply to the Housing Register are likely to find the process of registering for a mutual exchange to be just as difficult. Under the new policy, an applicant aged 55+ in these circumstances would no longer need to go through the bureaucratic process of applying via the allocations scheme, and their landlord would instead have the power to simply exercise a discretion to move the applicant in line with their wishes.

2.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme but have difficulty completing the application form by virtue of their age, they can get help from the Homemove team in completing an online application form by ringing 01273 294400 Option 1. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

2.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

2.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

75.79% of the main applicants in the Homeless queue are aged 20 – 49, so applicants of this age are likely to benefit from this policy. Children in the Homeless queue are also most likely to benefit because they are most likely to be part of households where the main applicant is aged 20–49.

Applicants on the Housing Register of all ages in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

2.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation.

Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council’s temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

2.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

2.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, ‘Background’, for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council’s Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

Applicants in the Homeseeker queue form the largest proportion of the Housing Register, with 42.37% of applicants being in the Homeseeker queue. However, Homeseekers can currently only bid on 10% of available properties. 69.57% of the main applicants in the Homeseeker queue are aged 20 – 49, so applicants of this age are likely to benefit from this policy change. Children are also most likely to benefit because they are most likely to be part of households where the main applicant is aged 20–49.

Applicants in the Homeless queue will be adversely affected by this change. At present, applicants in the Homeless queue make up 31.59% of the Housing Register and can bid on 50% of properties that are advertised. 75.79% of the main applicants in the Homeless queue are aged 20 – 49, so applicants of this age are likely to be noticeably adversely affected by this policy change. Children in the Homeless queue will also be affected because they are most likely to be part of households where the main applicant is aged 20–49.

2.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The adverse impacts that will arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

Furthermore, the likely potential adverse effects of the proposed policy change on those aged 20-49 and their children in the Homeless queue are outweighed by the likely potential benefits the policy change offers for those aged 20-49 and their children in the Homeseeker queue, as these are a bigger group.

2.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

2.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to ‘domestic violence’ to the broader definition of ‘domestic abuse’ adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence. National data shows that, in the year ending March 2022, a significantly higher proportion of adults aged 20 to 24 years were victims of any domestic abuse than any other age group¹¹, and in the year ending March 2023, a significantly higher proportion of people aged 16 to 19 years were victims of any domestic abuse¹² so, primarily women, of these age groups are most likely to benefit from this broadened definition of domestic abuse. Applicants on the Housing Register of all ages are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

2.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council's Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

2.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

2.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

Older applicants are likely to benefit from this change, as some joint social housing tenants are likely to experience a relationship breakdown over time and will therefore apply to transfer. This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Applicants on the Housing Register of all ages are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

2.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality opportunity and foster community cohesion.

2.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

2.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden. 69.57% of the main applicants in the Homeseeker queue are aged 20 – 49, so applicants of this age are likely to benefit from this policy change. Children are also most likely to benefit because they are most likely to be part of households where the main applicant is aged 20–49.

Applicants on the Housing Register of all ages are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

Applicants which currently form part of the Transfer queue under the current policy are the least likely to benefit from this policy proposal as, by their nature of being secure tenants in the city, applicants in this group will reside in the city long-term nearly without exception.

2.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

3.1 Group to assess: Disability

What do you know?

Summary of data about our service-users

Our computerised record system does not record whether applicants on the Housing Register are disabled.

However, our computerised record system records whether applicants on the Housing Register have a 'mobility category'. Applicants are awarded a mobility category when a housing officer is satisfied that they are unable to traverse more than 3 stairs due to a long-term impairment. Any applicant with a mobility code would, by the above definition, also be disabled according to the definition set out in the Equality Act 2010. The mobility code group data is used a proxy for disability in this case. However, it is acknowledged that this approach is lacking, as it would be unlikely to include those applicants who are disabled because of a mental impairment and will exclude those applicants who can traverse the stairs but who are nonetheless disabled by a physical impairment.

The proportion of applicants with a mobility category in each priority queue tends to be lower than the average number of households in Brighton & Hove who are disabled. This is evidence that using the mobility category as a proxy for disability is lacking as, we believe, disabled households are disproportionately more likely to be in housing need than non-disabled households. For example, the 2021 Census showed that 44.1% of people identified as homeless were disabled¹³.

8.8% of applicants on the Housing Register have a mobility code. The Transfer queue has the highest proportion of applicants with a mobility code (21.87%). The second highest is the Council Interest queue (16.60%).

Mobility Category	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
1	5	4.59%	7	0.46%	8	0.39%	36	3.16%	56	1.16%
2	4	3.67%	21	1.37%	18	0.87%	73	6.41%	116	2.40%
3	8	7.34%	41	2.67%	67	3.25%	140	12.30%	256	5.29%
None	92	84.40%	1465	95.38%	1956	94.95%	883	77.59%	4396	90.77%
(blank)		0.00%	2	0.13%	11	0.53%	6	0.53%	19	0.39%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

Table: Mobility Category of households on the Council's Housing Register, by priority queue

Disability status	% of Brighton & Hove Population
--------------------------	--------------------------------------------

Disabled under the Equality Act: Day-to-day activities limited a lot	8.0
Disabled under the Equality Act: Day-to-day activities limited a little	11.5
Not disabled under the Equality Act	80.5

Table: Office for National Statistics 2021 Census Data on Disability status of Brighton & Hove Population

3.1.1 Policy proposal: Permitting direct offers

3.1.1.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where it is assessed that choice-based lettings have not occurred or would not be likely to meet a need efficiently.

Direct offers can also be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

One potential example of where a household with the protected characteristic of disability may be impacted by this policy could be where an applicant with a learning disability, with a history of being exploited by others due to their learning disability, is made a direct offer of accommodation to ensure that they do not successfully bid on a property in a block where Tenancy Services have received reports that vulnerable tenants have been subjected to exploitation or cuckooing in the past, and there is a real possibility this could recur.

Another potential example of where a household with the protected characteristic of disability may be impacted by this policy could be where a household with a need for a scarce type of accommodation due to multiple needs arising from a disability - such as the combined need for a property with 4 bedrooms to accommodate a family, and a property where the ground floor is level-access throughout with a level-access bathroom to meet the needs of a household member who is wheelchair dependent – and where it is likely that meeting this need will require a 4-bed property to be adapted to meet this need, and where, under choice-based lettings, the household would normally be overlooked for a 4-bed property, because the property would not be suitable for the household without adaptations first being made. In such a case, a direct offer could be made of a property which could be adapted to meet the household's needs.

The positive impacts of a direct offer include that households will tend to receive an offer of accommodation more quickly via a direct offer than via bidding, which can meet need more efficiently. Direct offers can promote tenancy stability and community cohesion.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

3.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts¹⁴?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on the Housing Register may come higher on a shortlist, or because the household would normally be likely to be overlooked for the property because the property would not be suitable for the household without adaptations first being made. Alternatively, an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example, where an applicant with a history of being evicted due to behaviours arising because of a disability of personality disorder, bids on a property in a block, where housing management staff know that the residents of the block are elderly and/or are sensitive to behaviours which fall short of antisocial behaviour but may be loud or busy.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

3.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

3.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

The policy proposal to reduce the groups of social housing tenants in the city wishing to transfer who will be required to complete an application to be put on the Housing Register and prove that they are a qualifying person is likely to be of most benefit to those applicants who have difficulty bidding online regularly, or at all, by virtue of a disability, such as a learning disability or mental health impairment, and are therefore more likely to experience a significant impairment in applying to join the Housing Register and/or to bid regularly. For example, under the current policy, an applicant, whose learning disability is associated with a significant impairment in using digital technology, who seeks to move from one block of sheltered housing to another, and does not have any other housing need under the Allocations Policy or section 166A (3) of the Housing Act 1996, would need to complete an application form and provide proof that they are a qualifying person. Such an applicant may struggle to use digital technology to apply to the Housing Register are likely to find the process of registering for a mutual exchange to be just as difficult. Under the new policy, a disabled applicant in these circumstances would no longer need to go through the bureaucratic process of applying via the allocations scheme, and their landlord would instead have the power to simply exercise a discretion to move the applicant in line with their wishes.

3.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme but have difficulty completing the application form by virtue of disability, they can get help from the Homemove team in completing an online application form by ringing 01273 294400 Option 1. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

3.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

3.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference (Band B) to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

Disabled applicants on the Housing Register in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

3.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation. Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council’s temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

3.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

3.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, ‘Background’, for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

5 The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council’s Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

The data shows that applicants from the Transfer queue are more likely to be disabled than the average population of Brighton & Hove. However, Transfers can currently only able to bid on 30% of available properties. Accordingly, disabled applicants are likely to benefit from this policy change.

Applicants in the Homeless queue will be adversely affected by this change. At present, applicants in the Homeless queue make up 31.59% of the Housing Register and can bid on 50% of properties that are advertised. The current system disproportionately benefits applicants in the Homeless queue, when compared with applicants in other queues. Applicants from the Homeless queue will likely be noticeably adversely affected by this policy change.

3.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The adverse impacts that will arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

Furthermore, the likely potential adverse effects of the proposed policy change on those disabled in the Homeless queue are outweighed by the likely potential benefits the policy change offers for those disabled applicants in the Transfer queue, as these are a bigger group.

3.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

3.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to 'domestic violence' to the broader definition of 'domestic abuse' adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence. National data shows that, in the year ending March 2019, disabled women were more than twice as likely to have experienced domestic abuse than non-disabled women¹⁵, so disabled women are most likely to benefit from this broadened definition of domestic abuse. Disabled applicants who have not experienced domestic abuse are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

3.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council's Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will

advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

3.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

3.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Disabled applicants on the Housing Register to whom this policy change does not apply are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

3.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality opportunity and foster community cohesion. National data shows that, in the year ending March 2019, disabled women were more than twice as likely to have experienced domestic abuse than non-disabled women¹⁶, so disabled women are most likely to benefit from this policy proposal.

3.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

3.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden.

Disabled applicants who do not benefit from this change of policy are likely to be minimally adversely affected, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

Applicants which currently form part of the Transfer queue under the current policy are the least likely to benefit from this policy proposal as, by their nature of being secure tenants in the city, applicants in this group will reside in the city long-term nearly without exception. The data shows that applicants in the Transfer queue are more likely to be disabled, compared to other queues.

3.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

4.1 Group to assess: Gender reassignment

What do you know?

Summary of data about our service-users

Our computerised record system does not hold data on whether applicants on the Housing Register have undergone, or proposed to undergo, gender reassignment.

Gender identity	% of Brighton & Hove Population
Gender identity the same as sex registered at birth	92.97
Gender identity different from sex registered at birth	0.99
Not answered	6.21

Table: Office for National Statistics 2021 Census Data on Gender identity of Brighton & Hove Population

4.1.1 Policy proposal: Permitting direct offers

4.1.1.1 What does the policy proposal mean for this group¹⁷?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently.

Direct offers can be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

A potential example of where a household with the protected characteristic of gender reassignment may be impacted by this policy could be where a direct offer of accommodation is made to an applicant who has undergone gender reassignment so that they do not bid successfully on a property in a block where Tenancy Services have identified that transphobic harassment has occurred and is likely to recur.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

4.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts¹⁸?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on the Housing Register may come higher on a shortlist. Or an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example, where an applicant with the protected characteristic of gender reassignment has bid on a property in a block where Tenancy Services have identified that transphobic harassment has occurred and is likely to recur, and that bid is likely to result in them coming top of the shortlist for the property.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

4.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

4.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

No actual or potential disproportionate impacts are predicted to occur to any gender reassignment groups as a result of this policy proposal.

4.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

Any impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme, but have difficulty completing the application form, they can get help from the Homemove team in completing an online application form by ringing 01273 294400 Option 1. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

4.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

4.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

Applicants on the Housing Register with the protected characteristic of gender reassignment in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

4.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation. Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council's temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

4.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

4.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, 'Background', for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council's Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

No actual or potential disproportionate impacts are predicted to occur to any gender reassignment groups as a result of this policy proposal.

4.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

Any adverse impacts that may arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

4.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

4.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to 'domestic violence' to the broader definition of 'domestic abuse' adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence. Data from third sector organisations has found that up to 80% of people who have undergone gender reassignment have been victims of domestic abuse¹⁹. This group will likely benefit from this policy proposal. Disabled applicants who have not experienced domestic abuse are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

4.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council's Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

4.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

4.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Applicants with the protected characteristic of gender reassignment on the Housing Register to whom this policy change does not apply are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

4.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality opportunity and foster community cohesion. Data from third sector organisations has found that up to 80% of people who have undergone gender reassignment have been victims of domestic abuse²⁰, so this group will likely benefit from this policy proposal.

4.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

4.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden.

Applicants with the protected characteristic of gender reassignment who do not benefit from this change of policy are likely to be minimally adversely affected, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

4.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the

city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

5.1 Group to assess: Pregnancy/maternity

What do you know?

Summary of data about our service-users

Our computerised record system does not record whether applicants on the Housing Register are pregnant. Applicants are typically on the Housing Register for years while waiting to bid successfully for accommodation. Pregnancy status will be very unlikely to remain constant between when an applicant first registers on the Housing Register and the point they are offered a property. Maternity is therefore the more pertinent characteristic. Data on the proportion of households in each priority queue which contain children is presented below. The likely impact and proportionality of the policy proposals on households who contain children is outlined under 'Age' above.

Priority Queue	No. of live applicants whose household contains children	Queue % of live applicants whose household contains children
Council Interest	22	20.18%
Homeless	890	57.94%
Homeseeker	862	41.84%
Transfer	561	49.3%
All four queues (Total)	2335	48.21%

Table: Households on the Council's Housing Register which contain children, by priority queue

Household composition	% of Brighton & Hove Population
Single family household	53.0
One-person household	34.7

Table: Office for National Statistics 2021 Census Data on Household composition of Brighton & Hove Population

5.2: Policy proposals, likely impacts, justification and mitigation options.

Refer to section 2 ('Age') for the likely impact and proportionality of the policy proposals on households who contain children.

6.1 Group to assess: Race/ethnicity

What do you know?

Summary of data about our service-users

Data on the proportion of main applicants by ethnic group in each priority queue on the Housing Register is set out below.

Ethnic Group	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
Arabic	3	2.75%	18	1.17%	5	0.24%	2	0.18%	28	0.58%
Asian or Asian British - Bangladeshi	1	0.92%	14	0.91%	22	1.07%	18	1.58%	55	1.14%
Asian or Asian British - Indian		0.00%	2	0.13%	12	0.58%	2	0.18%	16	0.33%
Asian or Asian British - Other	8	7.34%	26	1.69%	21	1.02%	9	0.79%	64	1.32%
Asian or Asian British - Pakistani		0.00%	2	0.13%	4	0.19%	2	0.18%	8	0.17%
Black or Black British - African	6	5.50%	47	3.06%	42	2.04%	21	1.85%	116	2.40%
Black or Black British - Caribbean	1	0.92%	9	0.59%	10	0.49%	5	0.44%	25	0.52%
Black or Black British - other	1	0.92%	7	0.46%	3	0.15%	5	0.44%	16	0.33%
Chinese		0.00%	5	0.33%	11	0.53%		0.00%	16	0.33%
Gypsy or Traveller		0.00%	2	0.13%		0.00%		0.00%	2	0.04%
Mixed - other	2	1.83%	13	0.85%	28	1.36%	5	0.44%	48	0.99%
Mixed - White and Asian		0.00%	4	0.26%	10	0.49%	4	0.35%	18	0.37%
Mixed - White and Black African	1	0.92%	19	1.24%	23	1.12%	9	0.79%	52	1.07%
Mixed - White and Black Caribbean	1	0.92%	16	1.04%	18	0.87%	6	0.53%	41	0.85%
Not Known	15	13.76%	423	27.54%	286	13.88%	258	22.67%	982	20.28%
Other	6	5.50%	40	2.60%	48	2.33%	24	2.11%	118	2.44%
White - British	59	54.13%	706	45.96%	1286	62.43%	724	63.62%	2775	57.30%
White - Irish	2	1.83%	6	0.39%	16	0.78%	10	0.88%	34	0.70%
White - other	1	0.92%	88	5.73%	209	10.15%	22	1.93%	320	6.61%
(blank)	2	1.83%	89	5.79%	6	0.29%	12	1.05%	109	2.25%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

Table: Ethnic group of households on the Council's Housing Register, by priority queue

Ethnic group	% of Brighton &
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	Hove Population
Asian, Asian British or Asian Welsh	4.8
Black, Black British, Black Welsh, Caribbean or African	2.0
Mixed or multiple ethnic groups	4.8
White	85.4
Other ethnic group	3.1

Table: Office for National Statistics 2021 Census Data on Household composition of Brighton & Hove Population

6.1.1 Policy proposal: Permitting direct offers

6.1.1.1 What does the policy proposal mean for this group²¹?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently.

Direct offers can be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

A potential example of where a household with the protected characteristic of race may be impacted by this policy could be where a direct offer of accommodation is made to an ethnically minoritised applicant so that they do not bid successfully on a property in a block where Tenancy Services have identified that racist harassment has occurred and is likely to recur.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

6.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts²²?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on the Housing Register may come higher on a shortlist. Or an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example, where an applicant has bid on a property in a block, where, for example, housing management staff know that a resident of the block has subjected neighbours to racist harassment and the risk of further racist harassment remains.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

6.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

6.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

The policy proposal to reduce the groups of social housing tenants in the city wishing to transfer who will be required to complete an application to be put on the Housing Register and prove that they are a qualifying person is likely to be of most benefit to those applicants for whom English is not their first language and are therefore more likely to find the Housing Register application process to be onerous. For example, under the current policy, an ethnically minoritized applicant, for whom English is not their first language, seeking to move from one block of sheltered housing to another, who does not have any other housing need under the Allocations Policy or section 166A (3) of the Housing Act 1996, would need to complete an application form and provide proof that they are a qualifying person. These applicants who may struggle to apply to the Housing Register due to a language barrier are likely to find the process of registering for a mutual exchange to be just as difficult. Under the new policy, an ethnically minoritized applicant in these circumstances would no longer need to go through the bureaucratic process of applying via the allocations scheme, and their landlord would instead have the power to simply exercise a discretion to move the applicant in line with their wishes.

6.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme but have difficulty completing the application form by virtue of not speaking, reading or writing in English fluently, they can get help from the Homemove team in completing an online application form by ringing 01273 294400 Option 1. We have the facilities to arrange interpreters to assist applicants. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

6.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

6.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

At least 14.59% of the main applicants in the Homeless queue are not white. Applicants in the Homeless queue are most likely to benefit from this policy. The Homeless queue has the greatest number of ethnically minoritised applicants.

Applicants on the Housing Register of all races/ethnic groups in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

6.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

8 The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation. Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council's temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

6.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

6.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, 'Background', for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council's Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

Applicants in the Council's Interest queue can currently only bid on 10% of available properties. 22.03% of the main applicants in the Council's Interest queue are ethnically minoritised, so ethnically minoritised applicants are likely to benefit from this policy change in this respect.

Applicants in the Homeless queue will be adversely affected by this change. At present, applicants in the Homeless queue make up 31.59% of the Housing Register and can bid on 50% of properties that are advertised. The Homeless queue has the greatest number of ethnically minoritised applicants – ethnically minoritised in this queue are likely to be noticeably adversely affected by this policy change.

6.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The adverse impacts that will arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination against disabled applicants in the Transfer queue.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

6.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

6.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to 'domestic violence' to the broader definition of 'domestic abuse' adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence. National data shows²³ that, for successive years²⁴, almost twice as many in the Mixed and White ethnic groups were recorded to have experienced domestic abuse when compared with Black, Black British, Asian and Asian British groups. Applicants on the Housing Register of all ages are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

6.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council's Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

6.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

6.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Applicants on the Housing Register of all ethnic groups are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

6.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality opportunity and foster community cohesion.

6.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

6.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden.

Households where the main applicant is African or Mixed: White and Black African appear in the Homeseeker queue in greater proportions than the average for Brighton & Hove, so this policy change is disproportionately likely to benefit these groups in the Homeseeker queue.

Applicants on the Housing Register of all ethnic groups are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

Applicants which currently form part of the Transfer queue under the current policy are the least likely to benefit from this policy proposal as, by their nature of being secure tenants in the city, applicants in this group will reside in the city long-term nearly without exception.

6.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

7.1 Group to assess: Religion or belief

What do you know?

Summary of data about our service-users

Data on the proportion of main applicants by religion or belief in each priority queue on the Housing Register is set out below.

Religion	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
Agnostic		0.00%	1	0.07%		0.00%		0.00%	1	0.02%
Buddhist		0.00%	6	0.39%	20	0.97%	6	0.53%	32	0.66%
Christian	6	5.50%	79	5.14%	352	17.09%	125	10.98%	562	11.60%
Hindu		0.00%		0.00%	5	0.24%		0.00%	5	0.10%
Jewish		0.00%	2	0.13%	7	0.34%	1	0.09%	10	0.21%
Muslim	3	2.75%	27	1.76%	63	3.06%	34	2.99%	127	2.62%
No Religion	38	34.86%	360	23.44%	846	41.07%	363	31.90%	1607	33.18%
NOT CAPTURED	14	12.84%	521	33.92%	380	18.45%	305	26.80%	1220	25.19%
OTHER	3	2.75%	8	0.52%	51	2.48%	16	1.41%	78	1.61%
Prefer not to say	8	7.34%	155	10.09%	236	11.46%	172	15.11%	571	11.79%
Sikh		0.00%		0.00%	2	0.10%	1	0.09%	3	0.06%
(blank)	37	33.94%	377	24.54%	98	4.76%	115	10.11%	627	12.95%
Grand Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

Table: Religion or belief of households on the Council's Housing Register, by priority queue

Ethnic group	% of Brighton & Hove Population
No religion	55.2
Christian	30.9
Buddhist	0.9
Hindu	0.8
Jewish	0.9
Muslim	3.1
Sikh	0.1
Other religion	1.0
Not answered	7.1

Table: Office for National Statistics 2021 Census Data on Religion of Brighton & Hove Population

7.1.1 Policy proposal: Permitting direct offers

7.1.1.1 What does the policy proposal mean for this group²⁵?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad

discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently.

Direct offers can be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

A potential example of where a household with the protected characteristic of race may be impacted by this policy could be where a direct offer of accommodation is made to a religious applicant so that they do not bid successfully on a property in a block where Tenancy Services have identified that acts of hatred against their religion has occurred and is likely to recur.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

7.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts²⁶?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is

direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on the Housing Register may come higher on a shortlist. Or an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example, where an applicant has bid on a property in a block, where, for example, housing management staff know that a resident of the block has subjected neighbours to acts of religious hatred and the risk of further religious hate crime remains.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

7.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

7.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

No disproportionate adverse actual or potential impacts are anticipated against any religious group due to this policy.

7.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme but have difficulty completing the application form by virtue of not speaking, reading or writing in English fluently, they can get help from the Homemove team in completing an online application form by ringing 01273 294400 Option 1. We have the facilities to arrange interpreters to assist applicants. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

7.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

7.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

Applicants on the Housing Register of all religions in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

7.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation. Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of

providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council’s temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

7.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

7.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, ‘Background’, for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council’s Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

Applicants in the Council’s Interest queue can currently only able to bid on 10% of available properties.

Applicants in the Homeless queue will be adversely affected by this change. At present, applicants in the Homeless queue make up 31.59% of the Housing Register and can bid on 50% of properties that are advertised.

No disproportionate adverse actual or potential impacts are anticipated against any religious group due to this policy.

7.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The adverse impacts that will arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination against disabled applicants in the Transfer queue.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

7.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

7.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to ‘domestic violence’ to the broader definition of ‘domestic abuse’ adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence.

No disproportionate adverse actual or potential impacts are anticipated against any religious group due to this policy.

7.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council’s Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

7.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

7.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Applicants on the Housing Register of all religions are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

7.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality of opportunity and foster community cohesion.

7.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

7.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden.

Applicants on the Housing Register of all religions are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

Applicants which currently form part of the Transfer queue under the current policy are the least likely to benefit from this policy proposal as, by their nature of being secure tenants in the city, applicants in this group will reside in the city long-term nearly without exception.

7.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

8.1 Group to assess: Sex

What do you know?

Summary of data about our service-users

Our computerised record system was not able to produce a report on the sex of the applicants on the Housing Register. While far from ideal, data on the title of main applicants in each priority queue on the Housing Register has been used as a proxy for sex and is set out below.

Title	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
Miss	30	27.52%	298	19.40%	650	31.55%	413	36.29%	1391	28.72%
Mr	49	44.95%	286	18.62%	783	38.01%	302	26.54%	1420	29.32%
Mrs	6	5.50%	66	4.30%	187	9.08%	226	19.86%	485	10.01%
Ms	12	11.01%	191	12.43%	168	8.16%	150	13.18%	521	10.76%
Mx		0.00%	5	0.33%		0.00%		0.00%	5	0.10%
Other	1	0.92%	9	0.59%	9	0.44%	2	0.18%	21	0.43%
(blank)	11	10.09%	681	44.34%	263	12.77%	45	3.95%	1000	20.65%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

Table: Title of main applicant on the Council's Housing Register, by priority queue

Sex	% of Brighton & Hove Population
Female	51.1
Male	48.9

Table: Office for National Statistics 2021 Census Data on sex of the Brighton & Hove resident completing the census

8.1.1 Policy proposal: Permitting direct offers

8.1.1.1 What does the policy proposal mean for this group²⁷?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently.

Direct offers can be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

A potential example of where a household with the protected characteristic of sex may be impacted by this policy could be where a direct offer of accommodation is made to an applicant that has previously been a victim of domestic abuse so that they do not bid successfully on a property in a block where Tenancy Services have identified that an individual who has previously perpetrated domestic abuse against the applicant lives, unbeknownst to the applicant.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

8.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts²⁸?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on the Housing Register may come higher on a shortlist. Or an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example, where an applicant that has previously been a victim of domestic abuse bids on a property in a block where Tenancy Services have identified that an individual who has previously perpetrated domestic abuse against the applicant lives, unbeknownst to the applicant.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

8.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

8.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

No disproportionate actual or potential adverse impacts are predicted to occur as a result of this policy on a group which shares the protected characteristic of sex.

8.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme, but have difficulty completing the application form, they can get help from the Homemove team in completing an online application form by ringing 01273 294400 Option 1. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

8.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

8.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

The data shows that, in the Homeless queue, there are nearly twice the number of households where women are the main applicant compared with men. Women are therefore disproportionately likely to benefit from this policy proposal.

Applicants on the Housing Register of all sexes in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

8.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation. Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council's temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation

provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

8.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

8.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, 'Background', for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council's Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

Applicants in the Homeseeker queue form the largest proportion of the Housing Register, with 42.37% of applicants being in the Homeseeker queue. However, Homeseekers can currently only bid on 10% of available properties. The data shows that there are 10.78% more households where women are the main applicant compared with men in the Homeseeker queue, so women are more likely to benefit from this policy change.

Applicants in the Homeless queue will be adversely affected by this change. At present, applicants in the Homeless queue make up 31.59% of the Housing Register and can bid on 50% of properties that are advertised. The data shows that, in the Homeless queue, there are nearly twice the number of households where women are the main applicant compared with men, so women in this queue are likely to be noticeably adversely affected by this policy change.

8.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The adverse impacts that will arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination against disabled applicants in the Transfer queue.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in

council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

Furthermore, the likely potential adverse effects of the proposed policy change on households where women are the main applicant in the Homeless queue are outweighed by the likely potential benefits the policy change offers for households where women are the main applicant in the Homeseeker queue, as these are a bigger group.

8.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

8.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to 'domestic violence' to the broader definition of 'domestic abuse' adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence. National data shows that, in the year ending March 2023, women are about twice as likely to be the victims of domestic abuse as men²⁹ so, women are most likely to benefit from this broadened definition of domestic abuse. Applicants on the Housing Register of all sexes who do not benefit from this policy change are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

8.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council's Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

8.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

8.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

Women are more likely to benefit from this change, as women are more likely to be victims of domestic abuse and will therefore be more likely to need to flee their home following a relationship breakdown and will therefore apply to transfer. This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Applicants on the Housing Register of all sexes are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

8.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality of opportunity and foster community cohesion.

8.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

8.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden. The data shows that there are 10.78% more households where women are the main applicant compared with men in the Homeseeker queue, so women are more likely to benefit from this policy change.

Applicants on the Housing Register of all sexes who do not benefit from this change are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

Applicants which currently form part of the Transfer queue under the current policy are the least likely to benefit from this policy proposal as, by their nature of being secure tenants in the city, applicants in this group will reside in the city long-term nearly without exception.

8.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

9.1 Group to assess: Sexual orientation

What do you know?

Summary of data about our service-users

Data on the sexual orientation of main applicants in each priority queue on the Housing Register is set out below.

Sexual Orientation	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
Bisexual	4	3.67%	56	3.65%	80	3.88%	30	2.64%	170	3.51%
Gay	1	0.92%	10	0.65%	73	3.54%	23	2.02%	107	2.21%
Heterosexual	71	65.14%	509	33.14%	1162	56.41%	511	44.90%	2253	46.52%
Lesbian		0.00%	6	0.39%	29	1.41%	5	0.44%	40	0.83%
Not Declared	18	16.51%	665	43.29%	300	14.56%	286	25.13%	1269	26.20%
Other		0.00%	4	0.26%	2	0.10%	3	0.26%	9	0.19%
Prefer not to say	10	9.17%	72	4.69%	194	9.42%	112	9.84%	388	8.01%
(blank)	5	4.59%	214	13.93%	220	10.68%	168	14.76%	607	12.53%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

Table: Sexual orientation of main applicant on the Council's Housing Register, by priority queue

Sexual orientation	% of Brighton & Hove Population
Heterosexual	80.62
Lesbian, Gay, Bisexual, or Other (LGB+)	10.73
Not answered	8.66

Table: Office for National Statistics 2021 Census Data on sexual orientation of the Brighton & Hove resident completing the census

9.1.1 Policy proposal: Permitting direct offers

9.1.1.1 What does the policy proposal mean for this group³⁰?

Impacts identified from data (actual and potential)

The current Allocations Policy does not permit the Council to use its discretion to make direct offers of socially rented accommodation, except in very limited circumstances for mobility classified properties. The policy proposal seeks to give the Council the broad discretionary power to make a direct offer of a property at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims. Properties that are to be made as a direct offer will not normally be available for applicants to bid on via the Council's choice-based lettings approach. Similar to the current policy, applicants who refuse a suitable offer of accommodation will have their application closed.

The broad power to make direct offers of socially rented accommodation will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently.

Direct offers can be used to sensitively meet the needs of households including, but not limited to, former rough sleepers, households with health or social care needs, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

A potential example of where a household with the protected characteristic of sexual orientation may be impacted by this policy could be where a direct offer of accommodation is made to an applicant who is a lesbian so that they do not bid successfully on a property in a block where Tenancy Services have identified that homophobic abuse has previously been committed by a resident in the block and is likely to recur.

The negative impacts of a direct offer include an applicant not being able to exercise choice over where the offer of accommodation is made. Reduced choice by applicants could lead to a higher rate of refusals. It is envisaged that direct offers are most likely to be made to applicants who would previously have been in the Homeless queue, Council's Interest queue or the Transfer queue, although this will not always be the case.

9.1.1.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts³¹?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

A direct offer policy will allow the Council to achieve multiple legitimate aims. The aims that will be achieved by this policy include, but are not limited to:

- Helping to manage numbers of households owed a homelessness or social care duty in expensive temporary accommodation.
- Ensuring that households with specific accommodation needs are efficiently matched to a property where there is likely to be a very limited amount stock that would be likely to become available to meet that need.
- Promoting community cohesion.
- Promoting tenancy stability.
- Safeguarding and promoting the welfare of children.

I have considered whether a less intrusive measure could be adopted to meet these legitimate aims. I cannot identify a less intrusive measure that will reliably succeed in achieving the above objectives. The closest measure that exists in the current Allocations Policy is direct bidding – where the Council bids on behalf of applicants who have not placed a bid, or where the applicant has failed to bid successfully within a time limit. However, the direct bidding policy has the effect of restricting choice to a comparable degree as direct offers, but the direct bidding policy fails to achieve the above legitimate aims from time to time, because direct bidding does not guarantee that an applicant will be made an offer of a particular unit of accommodation at a particular time, because other applicants on the Housing Register may come higher on a shortlist. Or an applicant who has become subject to direct bidding, may then begin bidding of their own volition, and may themselves bid successfully on a property which undermines the legitimate aim above – for example,

where an applicant who is a lesbian bids on a property in a block where Tenancy Services have identified that homophobic abuse has previously been committed by a resident in the block and is likely to recur.

As the policy proposal is no more than is necessary for achieving the legitimate objective(s), I am satisfied that the direct offers would be the proportionate means of meeting a legitimate aim.

Lastly, the impact of direct offers on restricting the choice by applicants can be mitigated by the positive benefits of fostering good relations between those groups who share a protected characteristic and those who do not, such as the community cohesion and tenancy sustainment benefits outlined above.

9.1.2 Policy proposal: Amendments to how management transfers are to be dealt with and prioritised

9.1.2.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires all tenants of socially rented homes in the city who request to be transferred to alternative social housing to complete an application to be put on the Housing Register, at page 18 of the policy. The proposed change to the policy is to only require social housing tenants in the city who wish to transfer homes to do so via the Council's allocations scheme where the move is required by the tenant and where the tenant, or a member of their household, has a reasonable preference as defined by section 166A (3) of the Housing Act 1996. This will bring the Council's Allocations Policy in line with the statutory requirements of Part 6 of the Housing Act 1996. All other transfers of social housing tenants in the city will be able to occur via the landlord's internal processes. Accordingly, it is proposed that the only reasons a social housing transfer applicant will be entitled to priority under the scheme will be where the applicant's circumstances meet one or more of the criteria in section 166A (3) of the Housing Act 1996.

No disproportionate actual or potential adverse impacts are predicted to occur as a result of this policy on a group which shares the protected characteristic of sexual orientation.

9.1.2.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

Under this policy, the applicants who are still required to undertake the bureaucratic process of applying via the allocations scheme will be those households where the operation of section 166A (3) of the Housing Act 1996 requires that the allocation of housing to these groups occurs in line with the Council's published allocations scheme. Compliance with the law is necessary in a democratic society.

For those households who must apply to transfer their social housing tenancies via the allocations scheme, but have difficulty completing the application form, they can get help from the Homemove team in completing an online application form by ringing 01273 294400

Option 1. If an applicant is housebound, they may request that a member of staff assists them to make a telephone application and in exceptional circumstances a member of the Tenancy Services, Housing Options or Homemove team will undertake a home visit to help the applicant to apply.

9.1.3 Policy proposal: Awarding priority where households in certain circumstances work with us to prevent their homelessness

9.1.3.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy proposal will give additional preference to households who were owed, or would be likely to be owed, the main housing duty under Part 7 of the Housing Act 1996 and worked with us to prevent or resolve their homelessness.

Applicants on the Housing Register of all sexual orientations in the same band or a lower band are likely to be adversely affected by this policy, because the policy will likely increase waiting times for rehousing for these groups.

9.1.3.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The impacts of this policy proposal are justified.

The aim of this policy proposal is to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation, rather than the local authority owing the applicants a duty to provide the applicants with accommodation. Households who will benefit from this proposal will overwhelmingly occupy accommodation which will be of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996.

It costs the Council an average of £9,200 per household per year for each household owed an accommodation duty by the local authority. In 2022/23 the Council expenditure on this accommodation to meet homelessness duties was £15.9m. The duty to provide accommodation to households who are homeless is contributing towards significant financial pressures on the Council and the department (Housing Needs & Supply) is forecasting an overspend of £1.6m for this financial year. The high cost to the Council of providing accommodation to homeless households is predicted to continue, in line with long-term and national trends. It is therefore a legitimate aim to incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.

The policy proposal is the proportionate means of meeting this aim. Many households who are homeless or faced with homelessness seek the stability associated with social housing tenure. Accordingly, giving additional preference – Band B - for social housing to households who resolve their homelessness problem is likely to be a powerful incentive to meet this aim. Giving a lower priority – Band C – would not achieve the aim, because it would result in these households getting the same priority banding as if they would achieve if they were homeless and in the Council's temporary accommodation under section 193 (2) of the Housing Act 1996 – also Band C. This

would therefore fail to produce an incentive for these households to accept accommodation of a less secure tenure than accommodation provided by the Council pursuant to section 193 (2) of the Housing Act 1996. There is therefore no other effective measure which can be adopted which will produce fewer adverse impacts on other groups.

9.1.4 Policy proposal: Removing the queue divisions set out in page 36 of the current policy

9.1.4.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

See section 2.0, 'Background', for information on how the queue system works under the current policy. Removing the queue divisions will mean that all applicants will be able to bid on any property which matches their bedroom size need and mobility.

The positive impact of this policy change will be that applicants from all groups will have a greater pool of properties to bid on (except mobility-coded applicants, who can already bid on all properties which match their bedroom and mobility need.) Households from the Homeseeker and Council's Interest queues are very likely to benefit from these changes, as they currently are only able to bid on 10% of properties which become available.

No disproportionate actual or potential adverse impacts are predicted on any group which shares the protected characteristic of sexual orientation as a result of this policy proposal.

9.1.4.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

The adverse impacts that may arise because of this policy change are justified.

The current policy requires applicants to be placed in four separate queues, and applicants can only bid for properties which have been assigned to their queue. This reduces the number of properties that are available to each queue. There have been times when a property most needed by a household in one queue has been given to a different queue for bidding. The current system has resulted in unintended indirect discrimination against disabled applicants in the Transfer queue.

It has not been possible to devise a scheme with multiple queues which will ensure that the properties available for bidding will always be matched to the queue with the household who is most in need of that property. We have taken advice from a barrister who specialises in council housing allocations, who has, accordingly advised us to remove the queue divisions entirely. Removing the queue divisions will improve the transparency of the operation of our allocations scheme.

The policy change will achieve the legitimate aims of eliminating indirect discrimination and improving the transparency of the operation of the scheme. As it has not been possible to devise a scheme with multiple queues which will avoid indirect discrimination from

occurring, the proposed policy change is no more than is necessary to achieve the legitimate aim. Accordingly, the proposed policy change is the proportionate means of meeting a legitimate aim.

9.1.5 Policy proposal: Updating the policy to reflect the definition of domestic abuse in the Domestic Abuse Act 2021

9.1.5.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The policy will be updated to change references to 'domestic violence' to the broader definition of 'domestic abuse' adopted by Part 1 of the Domestic Abuse Act 2021.

This policy will increase the potential for applicants to qualify to join the Housing Register, where they have been a victim of domestic abuse that falls short of violence. In the UK, there are no official figures on the prevalence of domestic abuse in those identifying themselves as LGB+. Applicants on the Housing Register of all sexual orientations who do not benefit from this policy change are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

9.1.5.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This policy change will achieve the legitimate aim of aligning the Council's Allocations Policy with the definition of domestic abuse set by Parliament in the Domestic Abuse Act 2021. This policy change is no more than is necessary to achieve this aim. This proposal will advance equality of opportunity by making sure that decision makers will not apply a narrow definition of domestic violence when assessing whether applicants qualify to join the Housing Register.

9.1.6 Policy proposal: Broadening when a transfer request from a joint social housing tenant will be considered

9.1.6.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy only allows applications from transferring social housing tenants who are joint tenants where both tenants are moving. The current policy requires a joint tenancy to be determined before a transfer applicant who is a joint social housing tenant can bid successfully.

The proposed policy change will consider applications from joint social housing tenants without requiring all joint tenancies to be determined before permitting an applicant to qualify to join the Housing Register.

This change will benefit those households where one member of the joint tenancy cannot or will not move from the home subject to the joint tenancy following the relationship breakdown.

Applicants on the Housing Register of all sexual orientations are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a very small number of extra applicants qualifying to join the Housing Register.

9.1.6.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will achieve the legitimate aim of improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status. This policy change is no more than is necessary to achieve this aim. Accordingly, any adverse impacts that may arise because of this policy change are justified.

Improving outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status, will advance equality opportunity and foster community cohesion.

9.1.7 Policy proposal: Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register

9.1.7.1 What does the policy proposal mean for this group?

Impacts identified from data (actual and potential)

The current Allocations Policy requires that, to be a qualifying person, applicants must currently reside in Brighton & Hove, and must have done so continuously for the last 5 years. There are some extremely limited exceptions to this rule.

The proposed policy change will allow applicants to qualify to join the Housing Register on the basis that they have resided in Brighton & Hove for 5 out of the last 7 years.

The knowledge we have from our staff is that this policy proposal is most likely to benefit applicants who currently form the Homeseeker group. Applicants in the Homeseeker group may spend years as a qualifying person on the Council's Housing Register, but may lose their qualifying status before they are able to bid successfully when changes in their personal circumstances cause them to leave Brighton & Hove for a short amount of time – such as being evicted from a private rented sector tenancy and being unable to find affordable alternative accommodation in the city, or moving out of the city to take up an offer of work or to rent a home with a garden. The data shows that applicants who identify as LGB+ appear in the Homeseeker queue more than any other queue, so LGB+ applicants are more likely to benefit from this policy change.

Applicants on the Housing Register of all sexual orientations who do not benefit from this change are likely to be minimally adversely affected by this policy, because the policy change will likely increase waiting times for rehousing by resulting in a relatively small number of extra applicants qualifying to join or remain on the Housing Register.

Applicants which currently form part of the Transfer queue under the current policy are the least likely to benefit from this policy proposal as, by their nature of being secure tenants in the city, applicants in this group will reside in the city long-term nearly without exception.

9.1.7.2 Are the impacts of this policy proposal justified? What can we do to mitigate impacts?

All potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations

This change will strike a balance between promoting localism, in retaining a 5-year residency criterion, while recognising that very high rents and the urban, densely populated nature of Brighton & Hove will mean that some applicants on the Housing Register will leave the city for a short period of time. Promoting localism and providing flexibility in the operation of the Council's allocations scheme are both legitimate aims which this policy proposal will achieve. This policy proposal strikes a balance in achieving these two competing aims. Accordingly, any adverse impacts caused by this policy proposal are justified.

10.1 Group to assess: Married/In a civil partnership

What do you know?

Summary of data about our service-users

Our computerised record system does not record whether applicants on the Housing Register are married or in a civil partnership.

Marital or civil partnership status	% of Brighton & Hove Population
Married or in a registered civil partnership	32.8
Other marital or civil partnership status	67.2

Table: Office for National Statistics 2021 Census Data on Marital or Civil Partnership Status of Brighton & Hove Population

10.2: Policy proposals, likely impacts, justification and mitigation options.

No disproportionate and unjustified actual or potential adverse impacts on any group who shares a marital or civil partnership status is anticipated as a result of these policy proposals.

11. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Characteristics of households on the Brighton & Hove City Council Housing Register, by priority queue.	October 2023	No data on pregnancy or marital or civil partnership status. Partial data on disability and sex.	A process is underway to procure a new computerised record system. The ability to capture data on the disability, sex, pregnancy and marital or civil partnership status of applicants will be included in the procurement requirements. The new computerised record system should be procured by December 2025.
Office for National Statistics Census 2021	2021	None known	N/A

12. Prioritised Action Plan³²

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Direct offers will lead to a higher rate of refusals for all groups.	Monitor refusal rates for all groups.	No disproportionate change for any group.	No disproportionate change for any group.	October 2029
Applicants of all groups in Band B or lower on the Housing Register will likely experience increased waiting times for rehousing as a result of awarding additional priority where households in certain circumstances work with us to prevent their homelessness.	<p>Monitor whether waiting times increase for applicants in Band B or lower.</p> <p>Monitor whether the policy of awarding additional priority where households in certain circumstances work with us to prevent their homelessness achieves the aim of incentivise applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation.</p>	The aim of incentivising applicants to whom the Council is likely to owe an accommodation duty to secure their own accommodation will be achieved by the policy of awarding additional priority where households in certain circumstances work with us to prevent their homelessness. If so, the policy will likely be the proportionate means of meeting the legitimate aim.	An increase in applicants to whom the Council is likely to owe an accommodation duty to securing their own accommodation using the additional priority as a result of the policy change.	October 2029
Removing the queue divisions is aimed to increase transparency in the operation of the scheme and ensure that the properties available for bidding will always be matched to a queue with a household who is in	Monitor whether removing the queue divisions increases transparency in the operation of the scheme and ensures that properties available for bidding are always matched to a household	Increases transparency in the operation of the scheme and ensures that properties available for bidding are always matched to a household who is in great need of that property. If so, the policy will likely be the	Increases transparency in the operation of the scheme and ensures that properties available for bidding are always matched to a household who is in great need of that property.	October 2029

<p>great need of that property but is likely to increase waiting times for applicants who would have been in the Homeless queue.</p>	<p>who is in great need of that property.</p> <p>Monitor whether waiting times increase for applicants who would have been in the Homeless queue.</p>	<p>proportionate means of meeting the legitimate aim.</p>		
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EIA sign-off:

Staff member completing Equality Impact Assessment: Luke Harris

Date: 08/01/2024

Guidance endnotes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

⁴ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁵ **ID no:** The unique reference for this EIA. If in doubt, contact your CCG or BHCC equality lead (see page 1)

⁶ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁷ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁸ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?⁸
- What further evidence is needed and how can you get it? (E.g.: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. E.g.: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?

- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (e.g.: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

⁹ Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so, the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹⁰ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts, you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹¹ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2022#age>

¹² <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2023#age>

¹³

[https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/peopleexperiencinghomelessnessenglandandwales/census2021#:~:text=This%20figure%20shows%20that%2044.1,who%20were%20disabled%20\(17.5%25\).](https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/peopleexperiencinghomelessnessenglandandwales/census2021#:~:text=This%20figure%20shows%20that%2044.1,who%20were%20disabled%20(17.5%25).)

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¹⁵ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandcrimeuk/2019>

¹⁶ Ibid.

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 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so, the plan must be modified.
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- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹⁹ Scottish Transgender Alliance (2010). Out of Sight, Out of Mind? Transgender People's Experiences of Domestic Abuse. Available at:

https://www.scottishtrans.org/wp-content/uploads/2013/03/trans_domestic_abuse.pdf; Stonewall (2018). Supporting trans women in domestic and sexual violence services: Interviews with professionals in the sector. Available at https://www.stonewall.org.uk/system/files/stonewall_and_nfpsynergy_report.pdf

²⁰ Ibid.

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 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

²² Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

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- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

²³

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2023#ethnicity>

²⁴

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020#ethnicity>

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- The equality duty does not stop decisions or changes but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so, the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

²⁶ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts, you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

²⁷ Your EIA must get to grips fully and properly with actual and potential impacts.

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²⁹ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2023#sex>

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³² **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 50

Subject: Housing Revenue Account Budget & Capital Investment Programme 2024/25 and Medium-Term Financial Strategy

Date of meeting: 24 January 2024 Housing & New Homes Committee
8 February 2024 Strategy, Finance & City Regeneration Committee
22 February 2024 Full Council

Report of: Chief Finance Officer
Executive Director for Housing, Neighbourhoods & Communities

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report presents the proposed Housing Revenue Account (HRA) revenue and capital budget for 2024/25 as required by the Local Government & Housing Act 1989. Members are required to consider the revenue budget proposals, including provision for service pressures, changes to rents, fees and charges, together with the HRA capital programme. This report also sets out a forecast Medium-Term Financial Strategy and a 30-year financial projection.
- 1.2 The HRA contains the income and expenditure relating to the council's social landlord duties covering approximately 12,000 rented properties and approximately 2,700 leasehold properties. The HRA is a ring-fenced account within the General Fund that covers the management and maintenance of council-owned housing stock. This must be in balance, meaning that the authority must show in its financial planning that HRA income meets expenditure and that the HRA is consequently viable.
- 1.3 The HRA budget proposals reflect significant legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy. This includes substantial investment being undertaken in relation to building, health and fire safety compliance and in anticipation of the strengthened role of Regulator of Social Housing, ensuring adherence to their Consumer Standards. The proposed budget also continues to support

investment in new housing supply and sustainable homes as well as in the work of our Tenancy, Repairs & Maintenance and Housing Investment and Asset Management services on behalf of our tenants and residents.

- 1.4 Although the HRA is not subject to the same funding constraints as the General Fund, it is a ring-fenced account within the General Fund and still follows the principles of value for money and equally seeks to improve efficiency and achieve cost economies wherever possible. Benchmarking of both service quality and costs with comparator organisations is used to identify opportunities for better economy, efficiency, and service delivery.
- 1.5 Included as part of this report are the proposed fees and charges for 2024/25 relating to the Travellers site in the city. The council's Travellers site has 12 permanent pitches and 21 transit site pitches. This site does not form part of the HRA and so needs to be considered separately to the proposals for the HRA. Paragraphs 3.32 to 3.34 and Appendix 5 to the report outline the proposals for the Travellers sites.

2. Recommendations

That the Housing & New Homes Committee:

- 2.1 Approves a rent increase of up to 7.7% in line with government legislation as detailed in paragraph 3.14 of the report.
- 2.2 Approves the service charges and fees as detailed in Appendix 2 to the report.
- 2.3 Notes the Medium-Term Financial Strategy and 30-year financial projections shown in Appendix 4 to the report.
- 2.4 Approves the Travellers fees and Charges set out in Appendix 5 to the report.

That the Housing & New Homes Committee approves and recommends to Strategy, Finance & City Regeneration Committee:

- 2.5 The updated HRA Revenue Budget for 2024/25 as shown in Table 1 of the main report and Appendix 1 to the report be agreed and recommended to Full Council for approval.
- 2.6 That the un-ringfencing of reserves is approved as set out in paragraphs 3.20 to 3.23 of the main report and Appendix 1 to the report.
- 2.7 That the new Capital Programme Budget of £57.955m for 2024/25 be agreed as part of the revised capital budget of £87.623m (which includes reprofiles of £29.668m from 2023/24), and recommended to Full Council for approval; and
- 2.8 That the 5-year capital programme as set out in Appendix 3 to the report is noted, and recommended to Full Council for approval.

That Full Council:

- 2.9 Approves the updated HRA Revenue Budget for 2024/25 as shown in Table 1 of the main report and Appendix 1 to the report.
- 2.10 Approves the new Capital Programme Budget of £57.955m for 2024/25 as part of the revised capital budget of £87.623m (which includes reprofiles of £29.668m from 2023/24); and
- 2.11 Notes the 5-year capital programme as set out in Appendix 3 to the report.

3. Context and background information

HRA Budget Strategy

- 3.1 The council's Corporate Plan contains priorities that aim for a fairer, inclusive city where everyone thrives and contains four outcomes that are supported by a range of commitments and actions. Full details are in the published plan and the four outcomes supported are.

- Outcome 1: A city to be proud of
- Outcome 2: A fair and inclusive city – including 'Homes for Everyone'.
- Outcome 3: A healthy city where people thrive
- Outcome 4: A responsive council with well-run services

'Homes for Everyone'

The HRA budget proposals support investment in the following priorities:

Improve housing quality:

- Invest in building and fire safety to meet new duties under the Building Safety Act.
- Ensure the council complies with anticipated new social housing regulations.
- Complete post pandemic recovery including reducing backlog of housing repairs and the number of empty properties.
- Improve the energy performance of council homes through our capital works programme.
- Improve the sustainability of our housing stock.

Increase housing supply:

- Increase the number of new affordable homes delivered by the council and other registered providers.
- Buy back council homes sold through the right to buy policy.

Improve housing support for residents:

- Optimise the local benefits and social value of our in-house repairs and maintenance service.

- 3.2 The HRA Budget and Medium-Term Financial Strategy (MTFS) aim to support the priorities within the context of the council's Housing Strategy.

- 3.3 Understanding the demands on resources over the coming years remains key to ensuring the financial viability for the HRA. Close monitoring of the in-year financial position will ensure early identification of any emerging financial pressures, allowing for mitigation strategies to be implemented. All budget holders responsible for spending in the HRA were consulted in the Summer of 2023 to identify service pressures and efficiencies for the 2024/25 budget; these are outlined in table 1 and Appendix 1 to the report.
- 3.4 Several areas remain difficult to quantify, in some cases requiring further due diligence, thus creating a level of risk and uncertainty for the HRA over the medium term. These risks and uncertainties include but are not limited to:

i. Building Safety and Fire Safety Regulations:

The investment required as a result of the implementation of the Building Safety Act and Fire Safety (England) Regulations is anticipated to be very significant, including in relation to works requirements expected to arise from compliance surveys currently being undertaken on Large Panel System (LPS) and some other blocks, and will impact on both revenue and capital budgets. Provision has been allowed for in the budget proposals and this will be kept under review during the year. In line with Building Safety Act compliance requirements, structural investigation surveys are being completed on the following 8 LPS blocks in the HRA: St James House; Nettleton Court; Dudeney Lodge; Swallow Court; Kestrel Court; Kingfisher Court; Heron Court; and Falcon Court.

ii. Health and Safety:

Housing & New Homes Committee (21 June and 20 September 2023) considered and noted a Housing Health & Safety Update report on the key outcomes and actions to date, including resourcing plans arising from our Housing Health & Safety Review. This review was completed against the following six areas of compliance and assurance: fire safety; asbestos; electrical safety; gas / fuel safety; lifts and lifting equipment; water safety. Prudently, the 2023/24 budget allowed for c.70% of the investment required, prioritising resources to meet these requirements and minimising the cumulative impact of service pressures in the 2024/25 budget proposals.

iii. Social Housing (Regulation) Act 2023:

The Social Housing (Regulation) Act 2023 received Royal Assent on 20th July 2023. Provisions relating to the powers of the Regulator of Social Housing come into force in April 2024. Following the Grenfell Tower tragedy and more recent issues such as the death of a child in Rochdale due to poor living conditions, and Housing Ombudsman findings of severe maladministration against some social housing providers, there is a focus on a new, improved and more proactive approach towards regulating social housing, ensuring standards are met and taking action against

landlords who fail to meet them. The purpose of the Act is to 'reform the regulatory regime to drive significant change in landlord behaviour'.

The budget proposals for 2024/25 look to address the implications of the Act coming into force, however, there remains uncertainty about what level of resource will be required. Any future cost implications will be reviewed with the first mitigation being to utilise resources already approved and report this through the council's financial management process.

iv. Sustainability Investment:

It is recognised that Housing can play a significant part in reducing the City's carbon footprint and therefore contribute to carbon net zero. Improved energy performance of homes is addressed through investment in planned and major works programmes, including improvements to roofing, windows, doors, external works, heating systems and solar PV's. The total proposed investment programme over 5 years including all the areas for investment listed is estimated to be £30.800m with the 2024/25 programme being £6.390m.

v. Backlog Recovery works:

Additional capacity to address the outstanding backlog of routine repairs work was approved by Housing & New Homes Committee in September 2023. The current high level of older routine backlog repairs remains a detriment to our residents and service capacity to optimise the opportunities offered by the in-house repairs & maintenance service moving forward. In particular the intention of the service to move from a largely responsive to a more proactive, planned and preventative model of maintaining council homes. The purpose of this report was to procure a specialist contractor to supplement the in-house service to complete older routine repairs within the backlog to enable the service to focus on putting in place planned preventative schedules and bridge gaps between the day to day service and the planned and major capital works programmes undertaken by Housing Investment & Asset Management service. Clearing the backlog of routine repairs remains a priority and in doing so will have benefits on other areas of the HRA budget, such as reducing rent loss and Disrepair Claims amongst others.

The estimated costs of the additional contractor resources to tackle the backlog are estimated to be in the region of £1.600m. Given the specific nature of this resource, it is best funded through the use of the earmarked reserve balance of £0.940m in the first instance. Additional funding for the remaining £0.660m would need to be identified from the possible capitalisation of any eligible works and the utilisation of any in-year revenue underspends across the service or other areas of the HRA identified through the TBM budget monitoring process in 2024/25. The last point of call would need to be from the HRA general reserve.

vi. Disrepair Claims:

In common with other social housing providers, the issue of formal Disrepair Claims being raised by tenants via solicitors, often working on a 'no win no fee' basis, is a growing pressure on the service. Over the last two years there has been a significant increase in the number of disrepair claims being made. This is creating a burden on the HRA budget which is difficult to quantify due to the uncertainty and timing of potential claims. The budget includes an increase in Legal Services' resources to deal with these with the aim of reducing the overall cost burden in addition to a service pressure in recognition of the increased settlement costs. However, this remains an estimate and will be closely monitored to ensure costs are managed as far as possible.

We have commenced working on a Disrepair Improvement Plan working across Housing, Finance & Legal services to review our approach to Disrepair claims, to include:

- greater analysis of Housing disrepair cases, for example the nature and types of disrepair;
- understanding where claims arise from and how this may interrelate with the current backlog in routine repairs;
- how we can become more proactive in our understanding and management of claims;
- identifying positive action that has the potential to head off claims when we know there are issues that may give rise to tenants approaching lawyers about disrepair, and;
- peer review of best practice in other local authorities.

vii. Rent setting policy:

2024/25 is the final year of the current rent-setting policy which has supported permissible rent uplifts of CPI+1% based on the previous September CPI rate. The only exception to this being the 2023/24 rents where an uplift was capped at 7% to limit further impact on the cost of living situation. Looking ahead to the future rent setting policy, this is currently uncertain with no government announcements or steer on what future uplifts may look like. The medium-term financial strategy therefore assumes a CPI only uplift from 2025/26.

The Rent Standard 2023 does state that from 2024/25 formula rents could be uplifted by CPI+1%, there is therefore the chance that the approach to rent setting could change, however, to remain prudent the budget paper, in particular the MTFs, only uplifts rents by CPI. This is subject to review and will be updated accordingly when confirmation around future rent setting is received.

viii. Rent Arrears:

Since the pandemic there has been a steady decline in the rent collection rate. At the end of the financial year 2019/20 the collection rate was

96.8% but it is estimated that at the end of March 2024 it will be 93.8% equivalent to 1 in 16 tenants not paying rent for the year. There is a combination of factors that have resulted in this reduction including the move to universal credit for some tenants, the economic after-effects of the pandemic and wider cost of living concerns. The total Bad debt provision is forecast to be £2.113m by 31st March 2024, equivalent to 34.9% of the total arrears balance. This is a significant risk for the HRA that will be monitored closely to ensure that rent collection improves as inflation and the cost of living situation eases. The HRA budget includes a budget of £0.565m for the provision of bad debts in 2024/25, which is considered reasonable at this time.

A recovery plan is being implemented by the Housing Income Management Team in order to reduce arrears, this includes: recruiting to remaining staff vacancies; changes to arrears collection procedures which place greater emphasis on personal contact with tenants and early intervention; a revised arrears escalation policy; and, tenant access to the offer of the money advice and debt provider (Money Advice Plus) services.

ix. Long Term Financial Outlook for the HRA:

The short-term position for the HRA is forecast to be manageable without any further provision for service pressures, aside from inflation being identified. This is achievable by using surpluses generated in years 1 and 2 in addition to efficiency savings being identified to fund any future deficits estimated in years 3 to 5. For the longer term however, this is unlikely to be sustainable. This maintains the reserve levels at their current levels.

The 30-year financial forecast demonstrates that after five years the HRA would move into a greater deficit position based on current assumptions. This position is not sustainable and needs to be managed early in the MTFs period, ideally identifying savings, efficiencies and/or economies that will benefit the HRA's finances in later years.

- 3.5 The MTFs has, where possible, allowed for investment across priority areas without compromising the known investments that are needed in the next twelve months. However, budgets remain under increasing pressure making the medium-term planning process challenging.
- 3.6 The 2023/24 forecast outturn is for services to overspend by £0.935m at month 7. The cost of inflation, housing repairs, disrepair claims and support for vulnerable communities and tenants with increasingly complex needs are the main contributory factors to this financial pressure. Officers are looking to mitigate this overspend and will continue to review spending, attempting to bring net expenditure back in line. If this is not possible then it will be necessary to utilise the Direct Revenue Funding available. The impact of this would mean a higher level of borrowing to fund the 2023/24 capital programme.

HRA Revenue Budget Proposals 2024/25

- 3.7 When setting the revenue budgets for 2024/25, consideration of all known and quantifiable changes has been given. In some instances this has been managed by reallocating resources to reflect the changes in service need and demand.
- 3.8 Table 1 below sets out the movement from the adjusted 2023/24 budget to the proposed 2024/25 budget. This takes into consideration the impact of inflationary uplifts across all areas of the budget as well as the identified service pressures and efficiencies that were put forward as part of the budget holder review undertaken during 2023, which included addressing ongoing pressures from 2023/24.
- 3.9 Pressures arising from inflation are starting to ease and have reduced since last year's proposals, which was anticipated during the budget setting process for 2023/24. However, what could not be anticipated at that time were the additional resources required to deal with risks outlined under paragraph 3.4, many of which have been allowed for in the identified service pressures. Appendix 1 to the report provides a detailed reconciliation of the movement between the two financial years.
- 3.10 The total revenue expenditure budget, including capital financing costs to be approved, is £73.204m, whilst revenue income is £76.470m providing a planned surplus in year of £3.266m. The proposal is to contribute to general reserves an amount that equals this surplus and by doing so help to safeguard the HRA's financial viability and sustainability over the medium term. An alternative to this would be to use the surplus to fund the capital programme in 2024/25, reducing the borrowing costs in future years. Whilst this reduces borrowing costs, a greater benefit will be derived by using the reserves in future years for revenue purposes.
- 3.11 The table below includes a high-level summary of recurrent cost assumptions offset by the increase in income predominantly from rental income for dwellings. For the 2024/25 budget proposals a budget provision for the estimated cost of depreciation is included; this figure is based upon the current charge uplifted by 5%. Under the Local Government & Housing Act 1989 the depreciation charge is required to be set aside in a Major Repairs Reserve to fund the HRA capital programme. This approach is a change in strategy to previous years where the contribution to capital was the balance after all expenditure excluding the depreciation charge that was earmarked to fund the capital programme. The previous approach has a short-term focus and therefore this change will further contribute to longer term viability and sustainability of the HRA.

Table 1 - Revenue Budget	Adjusted budget 2023/24	Movement Between Years			Original Budget 2024/25	24/25 FTE
		Inflation	Service Pressures	Other Changes		
Service Expenditure	£'000	£'000	£'000	£'000	£'000	
Housing Investment & Asset Management	5,424	320	156	(236)	5,664	69.6
Housing Management & Support	6,398	158	300	336	7,192	15.1
Housing Strategy & Supply	1,490	42	0	(37)	1,495	35.6
Repairs & Maintenance	16,307	817	1,647	(123)	18,648	205.5
Tenancy Services	13,989	475	300	100	14,864	216.3
Total Expenditure	43,608	1,812	2,403	40	47,863	542.1
Capital Financing						
Depreciation	19,076	0	0	(2,560)	16,516	
Capital Financing Costs	6,514	0	2,311	0	8,825	
Total Capital Financing Costs	25,590	0	2,311	(2,560)	25,341	
Total Expenditure	69,198	1,812	4,714	(2,520)	73,204	
Income	£'000	£'000	£'000	£'000	£'000	
Rents Dwellings	(60,709)	(4,705)	0	(1,698)	(67,112)	
Rents Car Parking / Garages	(1,118)	(108)	0	(41)	(1,267)	
Commercial Rents	(618)	0	0	0	(618)	
Service Charges	(6,305)	(403)	0	(137)	(6,845)	
Other Income	(448)	(10)	0	(170)	(628)	
Total Income	(69,198)	(5,226)	0	(2,046)	(76,470)	
DEFICIT / (SURPLUS)	0	(3,414)	4,714	(4,566)	(3,266)	
Contribution to / (from) reserves					3,266	

Rents and Service Charges

- 3.12 Social rents for council homes are calculated in accordance with government guidelines. Rent restructuring rules still apply and Target Rents for each property are calculated based on relative property values, bedroom sizes and local earnings. The Target Rents will apply to all new social rent tenancies.
- 3.13 Affordable rents, which include the council's Living Wage rents, Local Housing Allowance (LHA) TA rents and full LHA rents, are calculated differently to social rents. For Living Wage rents this means that for any new tenancies and re-lets, rents are set using the new National Living Wage

hourly rate due to be introduced from 1st April 2024. LHA rents are however capped at the lower of the LHA rate or 80% of the market value. For new tenancies and re-lets an assessment of the market value is undertaken at the time of letting to ensure the overall charge including service charges does not exceed those limits. For 2024/25, LHA rates have been uplifted to the 30th percentile as announced in the Autumn Statement 2023, however, unless this falls within 80% of the market rent, this is unlikely to have any beneficial impacts for the HRA. Further information on these rates can be found on the council's website. LHA TA rates are applied to temporary accommodation tenancies, rents are capped at 90% of the 2011 LHA rates.

3.14 The cap on uplifting rents was imposed for one year and so the assumed increase in rents for 2024/25 is proposed to be 7.7% which is the allowable increase according to the government's rent setting policy. Any reduction in this percentage uplift will have a negative impact on the MTFs, with the reduction in income being lost from the HRA indefinitely. In turn this reduces the available resources to invest in tenants' homes and creates pressures on the HRA finances in order to achieve balance.

3.15 Table 2 below sets out the Average weekly rent increases across the different rent types.

Table 2 Rent Type	No. of tenancies	23/24 Average weekly rent £	24/25 Average weekly rent £	% increase
Social	11,329	95.98	103.42	7.7%
27.5% LW	55	143.75	156.02	7.7%
37.5% LW	179	191.36	206.27	7.7%
LHA	247	199.56	213.12	6.8%
Affordable at LHA TACC	178	157.73	143.89	-8.8%

3.16 It is important that when comparing the average rent levels above consideration is given to the mix of units within the specific rent categories. Table 3 below provides a summary of the mix of units within each category.

Table 3 - Average weekly rent and Ratio of the number of bedrooms per rent type.						
Rent Type	0 Bed	1 Bed	2 bed	3 Bed	4 Bed	5 bed+
Social	£74.38	£85.01	£96.09	£110.19	£121.30	£139.06
	5%	32%	38%	23%	1%	1%
Affordable at 27.5% Living Wage	£111.91	£123.11	£142.09	£164.10	n/a	n/a
	2%	7%	70%	21%	0%	0%
Affordable at 37.5% Living Wage	n/a	£164.06	£191.20	£219.67	£237.17	£258.44
	0%	19%	66%	10%	4%	1%

Table 3 - Average weekly rent and Ratio of the number of bedrooms per rent type.						
Rent Type	0 Bed	1 Bed	2 bed	3 Bed	4 Bed	5 bed+
Affordable at LHA	£0.00	£157.70	£217.77	£260.76	n/a	n/a
	0%	44%	38%	18%	0%	0%
Affordable at LHA TA	£135.00	£150.70	£159.98	£219.71	£299.98	n/a
	7%	70%	15%	7%	1%	0%

- 3.17 When setting the Affordable rents and Living Wage rents for current tenancies, consideration is given to the prevailing rates for Local Housing Allowance (LHA) - both TA and full rates - and the national living wage for the new financial year. This is compared against the 7.7% increase to ensure they do not exceed the permitted uplift.
- 3.18 Rents are not calculated to include any service charges and only include charges associated with the occupation of a dwelling, such as maintenance of the building and general housing management services. Service charges are therefore calculated to reflect additional services which may not be provided to every tenant, or which may relate to communal facilities rather than to a specific occupation of a house or flat. Different tenants may receive different types of services reflecting their housing circumstances. All current service charges are reviewed annually to identify any service efficiencies which can be offset against inflationary increases to keep increases to a minimum, the maximum that will be charged is a full cost recovery however there are some which are currently not fully recovering the costs. A Full review of the costs being incurred and how they are charged will be undertaken to ensure the HRA recovers costs as far as is reasonable. It will not be financially sustainable for this position of under-recovery to continue over the longer term.
- 3.19 The proposed fees and service charges for 2024/25 are set out in Appendix 2.

HRA Reserve position

- 3.20 The projected level of HRA reserves as at 1st April 2024 and 31 March 2025 are shown in Appendix 1. A minimum reserve of £3.000m is recommended to meet general legal and financial risks including higher than expected inflationary pressures, cost overruns, potential legal challenges or claims, and other contingencies.
- 3.21 Earmarking reserves is permitted, however, it does not provide for the necessary flexibility that will be required over the coming years, considering the risks outlined earlier in the report. The proposal is therefore to un-ringfence earmarked reserves where there is not a specific or live project they were originally set aside to fund; these predominantly being for potential sustainability and retrofit purposes. The rationale for doing this is that the capital programme over the next five years already includes provision for estimated investments of £30.800m specifically for

sustainability projects (see Appendix 3 for detail). This is in addition to the sustainability benefits received from undertaking much needed investment in the stock through other programmes, for example, replacement windows and doors. This releases £4.800m that can be used across the whole of the HRA to help manage the financial position more holistically and enable greater flexibility to address emerging and priority pressures.

- 3.22 After accounting for this change of treatment, current estimates mean that the level of usable reserves are estimated to be £10.838m as at 1st April 2024, of which £1.869m remains earmarked for specific uses.
- 3.23 The council's Section 151 Chief Finance Officer has reviewed the level of reserves and provisions in accordance with the requirements of Section 25 of the Local Government Act 2003 and considers them to be adequate and reasonable for their purpose in the context of the HRA's overall financial position.

HRA Capital Programme 2024/25

- 3.24 The Housing Capital Programme seeks to provide substantial investment in the council's housing stock and improve the quality of homes for 2024/25 for which the total budget to be approved is £57.955m; the total programme is estimated to be £87.623m including budget refiled from 2023/24 due to timing delays. The implementation of the proposed programme will take account of all relevant best practice guidelines. The Programme reflects the delivery of planned maintenance, improvement programmes and major capital projects to council housing informed by a recent stock condition survey and ongoing surveys of the council's housing stock. An updated Asset Management Strategy is currently being developed for Housing & New Homes Committee consideration and approval.
- 3.25 The level of funding required for the HRA capital programme exceeds the major repairs contribution as can be seen in table 4. Therefore, borrowing will be required to meet this level of investment. The resources available to fund the capital programme will be kept under review during the financial year and any borrowing decision will be made in line with treasury management advice and within approved prudential limits. A review of the HRA's reserves and borrowing position will be carried out on a regular basis and reported in accordance with the council's financial regulations and procedures.
- 3.26 Appendix 3 to the report sets out the five-year capital programme with full strategy and detail for each programme provided.

Table 4 Capital Programme	Proposed 2024/25 budget for approval £'000	Profiled budget from 2023/24 £'000	Total Budget 2024/25 £'000
Expenditure			
New Supply	13,040	22,969	36,009
Health & Safety	11,814	482	12,296
Major Works	13,398	5,972	19,370
Planned Works	10,353	80	10,433
Sustainability	6,390	-	6,390
Other	2,960	165	3,125
Total Capital Investment	57,955	29,668	87,623
Funding			
Major Repairs Reserve	16,516		16,516
HRA Reserves		410	410
Capital Receipts	700	2,088	2,788
Right to Buy Receipts	1,856	1,306	3,162
Energy Grants	180		180
Land Release Funding	1,797		1,797
Commuted Sums	1,425		1,425
Leaseholder Income	500		500
HRA Borrowing	34,981	25,864	60,845
Total Funding	57,955	29,668	87,623

HRA Medium Term Strategy & 30 Year Financial Forecasts

- 3.27 The introduction of self-financing in 2012 provided additional resources from the retention of all rental income and, through greater control locally, enabled longer term planning to improve the management and maintenance of council homes. The medium term and 30-year financial forecasts are provided in Appendix 4, along with the assumptions and risks identified for income and expenditure.
- 3.28 The trend over the medium term is that it is forecast for the HRA to be in a surplus position for the next two financial years (subject to economic changes), but it will then move into a deficit position resulting in a five year deficit of £1.236m. This deficit position is a trend that continues into year 6 and beyond of the 30-year plan, with further details being provided in Appendix 4 to the report. This is clearly unsustainable over the longer term and therefore needs effective changes in financial strategy starting in the next financial year to ensure that the HRA's long term financial health and viability can be safeguarded.
- 3.29 This will require a review of expenditure to ensure value for money is being achieved and to closely manage the impact of service pressures, using existing resources to meet these wherever possible. This is a position that the HRA has not experienced in recent times, however the economic environment has changed significantly in the last two years resulting in a

significant rise in costs, inflation and interest rates being two key factors. This, coupled with a freeze on rent uplifts in 2023/24 which removed c.£2m from the rental income base means the increase in expenditure has outstripped income uplifts.

- 3.30 It is increasingly important that, where possible, risks are quantified early, allowing decisions to be made in light of the potential financial strain facing the HRA. However, there is a balance to be struck as there is a significant amount of investment that will be required over the coming years relating to the Health & Safety of tenants and the requirements of the Building Safety Act and Fire Safety (England) Regulations as highlighted earlier in the report.
- 3.31 Appendix 4 provides further details on the MTFs and 30-year financial projections.

Travellers Fees and Charges

- 3.32 The council's Travellers site has 12 permanent pitches and 21 transit site pitches. As part of the budget setting process Executive Directors are required to agree changes to fees and charges through relevant Committee Meetings. The management of fees and charges is fundamental both to the financial performance of the City Council and the achievement of the Council's corporate priorities. The council's Corporate Fees & Charges Policy requires that all fees and charges are reviewed at least annually and should normally be increased in line with the cost of providing the service to maintain income in proportion to the net cost of service. The Corporate Fees & Charges Policy also stipulates that increases above or below an agreed 'corporate rate of inflation' should be approved by committee. However, it should be noted that the corporate rate of inflation (3.5% for 2024/25) is not a default rate of increase and is a financial planning assumption only, set early in the financial year, and should not therefore determine actual increases which should normally reflect current and projected inflationary cost pressures to ensure that income is maintained in proportion to expenditure.
- 3.33 The proposed increases to fees and charges increases for the Travellers Service are shown in Appendix 5. The maximum increase that can be applied to Traveller pitch fees is based on September RPI as per the Mobile Homes Act 1983. Therefore, the proposed pitch increases for 2024/25 are 8.9%. This increase reflects the current cost of providing the service. There will be a review of service costs during the next financial year. The proposed increase to Travellers service charges is 6.7% in line with September CPI, in order to recover the costs of providing these services, recognising the inflationary impact.
- 3.34 The committee are advised that if the proposed fees & charges recommended in this report for the Travellers Service (a General Fund service) are not agreed, or if the committee wishes to amend the recommendations, then the item will normally need to be referred to the Strategy, Finance & City Regeneration Committee meeting on 8 February

2024 to be considered as part of the overall 2024/25 budget proposals. This is because the 2024/25 final budget proposals will have been developed on the assumption that fees and charges are agreed as recommended and therefore any rejection or amendment of the proposed fees and charges may have an impact on the overall budget proposals, which means it would need to be dealt with by Strategy, Finance & City Regeneration Committee as per the requirements of the constitution. However, this does not fetter the committee's ability to make alternative recommendations to Strategy, Finance & City Regeneration Committee.

4. Analysis and consideration of alternative options

- 4.1 The budget process allows all parties to engage in the scrutiny of budget proposals and put forward viable alternative budget proposals to Full Council on 22 February 2024. Full Council can debate both the proposals recommended by Strategy, Finance & City Regeneration Committee at the same time as any viable alternative proposals.

5. Community engagement and consultation

- 5.1 The Council is committed to ensuring tenants and leaseholders are engaged in the HRA budget setting process ahead of Committee decision making on the budget. In particular, that changes in financial strategy and decisions on priority capital and revenue (service pressure) are communicated and understood alongside the rationale for rent and service charge uplifts.
- 5.2 Presentations were shared at the four Housing Area Panels from the week commencing 4th December 2023. This included information on the proposed rent increases, service charge increases and the proposed increases in the HRA Capital Programme.

6. Conclusion

- 6.1 The Local Government and Housing Act 1989 requires each local authority to formulate proposals relating to income from rent and charges, expenditure on repairs, maintenance, supervision and management, capital expenditure and any other prescribed matters in respect of the HRA. In formulating these proposals using best estimates and assumptions, the Authority must set a balanced account. This budget report provides a capital programme and break-even revenue budget and recommends rent proposals in line with current government guidance.
- 6.2 This report also provides the latest medium and long-term forecasts for the HRA. However, there are several uncertainties due to impending government legislation, which means that the current forecasts should be treated with caution.

7. Financial implications

- 7.1 The financial implications are contained within the main body of the report.

Finance officer consulted: Craig Garoghan Date consulted: 10/01/2024

8. Legal implications

- 8.1 Under the Local Government and Housing Act 1989, the Council is obliged to maintain a separate HRA (Section 74) and by Section 76 must prevent a debit balance on that account. Rents and other charges must therefore be set to avoid such a debit. Section 24 of the Housing Act 1985 provides that a local authority may make such reasonable charges as they determine for the tenancy or occupation of their houses. The Council must review rents from time to time and make such charges as circumstances require. The council's standard secure tenancy agreement provides for tenants to be given "at least four weeks' notice in writing" of any increase in rents and other charges before any increases are implemented. Approval of the 7.7% increase in rents at January's Housing Committee will allow sufficient time for notice of any increase in rent and other charges to be given.
- 8.2 In its role as landlord, the council has contractual obligations to its tenants and leaseholders to maintain the structure of its housing stock. These obligations are complemented by statutory duties in the Landlord and Tenant Act 1985 as amended. The council must also comply with other statutory regimes, including those relating to health and safety, legionella and fire safety. The measures outlined in the report will assist the council in discharging those duties.
- 8.3 The Housing Committee has delegated powers in relation to authorised sites and encampments, so is the appropriate committee to agree increased Traveller fees and charges set out in Appendix 5.

Lawyer consulted: Liz Woodley

Date consulted: 08/01/24

9. Equalities implications

- 9.1 The HRA budget funds services for people with a range of needs including those related to age, vulnerability or health. All capital programme projects undertaken include full consideration of various equality issues and specifically the implications of the Equality Act. To ensure that the equality impact of budget proposals is fully considered as part of the decision-making process, equality impact assessments have been developed on specific areas where required.

10. Sustainability implications

- 10.1 The sustainability implications are contained within the main body of the report.

Supporting Documentation

Appendices

1. HRA Revenue Budget 2024/25
2. HRA Service Charges 2024/25
3. HRA Capital Programme 2024/25 – 2028/29
4. HRA Medium Term Financial Strategy & 30 Year Financial Projections
5. Travellers Service Fees & Charges

Appendix 1 – HRA Revenue 2024/25

The table below provides details of the budget changes between the 2023/24 adjusted budget and the proposed 2024/25 budget.

Budget Reconciliation		
Inflation	£'000	£'000
Expenditure		
Inflation related to salary costs	651	
Inflation related to the cost of utilities	185	
Inflation related to the cost of Repairs & Maintenance for works and materials	678	
Inflation related to the cost of Housing Investment for works and materials	103	
Corporate inflation rates applied to other expenditure (including SSC's)	195	
Total Expenditure Inflation		1,812
Income		
Rent inflation	(4,813)	
Service Charge inflation as per appendix 3	(403)	
Corporate inflation rates applied to other income	(10)	
Total Income Inflation		(5,226)
Total Inflation		(3,414)
Service Pressures		
Expenditure		
Tenancy Services - increased costs to support more vulnerable / complex clients and communities; increased council housing stock; move to more proactive tenancy management an increase in decant costs for temporary moves.	526	
Waste – increased costs of waste collection and disposal for our Housing Repairs & Maintenance Service, Estates service and Tenancy Sustainment service. Housing & New Homes Committee (15th November 2023) approved procurement and award of new waste management contract/s and an increase in waste charges is anticipated.	180	
Disrepair costs - the number of formal Disrepair claims requires additional funding in the short term to deal with the increase in the number of claims being received from solicitors on behalf of tenants they have contacted. This additional resource will fund two lawyers in order to address claims more proactively with the remaining a recognition of the increased costs related the settlement of claims based upon the TBM overspend for 2023/24.	380	
Financing - Estimated increase in interest charge based on latest capital programme outturn for 2023/24.	2,311	
Repairs & Maintenance - increase in costs reflecting the current market condition relating to construction.	950	
Health & Safety - Recognition of the revenue investment required to ensure Health & Safety compliance requirements are met. This was outlined in the June 2023 Housing & New Homes Committee paper.	367	
Total Service Pressures		4,714
Other Changes		
Expenditure		

Appendix 1 – HRA Revenue 2024/25

Following the review of the full establishment there is a net reduction in costs. This includes an increase in the capitalisation of salaries lower cost base.	(77)	
Adjustment charge to reflect the estimated depreciation charge for 2024/25	(2,560)	
Net reduction in Repairs & Maintenance budgets to recognise some efficiencies across the service	(227)	
Increase in Support Services due to an increase in salary and insurance costs	344	
Total Expenditure Other Changes		(2,520)
Income		
Increase in rental income due to a 53 week rent period and an increase in new supply	(1,739)	
Increase in Service Charge income due to a 53 week rent period	(137)	
Net increase in investment income for 2024/25	(170)	
		(2,046)
Total Other Changes		(4,566)
Deficit / (Surplus)		(3,266)

A second table is also supplied which outlines the Inflation rate assumptions providing further context to the budget proposals.

Spend Category	2024/25
Rent	7.7%
Salary	3%
Premises repairs	10%
Gas	24%
Electricity	21%
Water	9%
Other Income*	6%
Other Expenditure**	1%

*Including service charges

** average rate

Appendix 1 – HRA Revenue 2024/25

Item	Balance as at 1/4/2023 £'000	Use during 2023/24	Estimated Balance as at 31/3/2024 £'000	Contribution to / (from) Reserves £'000	Forecast use during 2024/25 £'000	Estimated Balance as at 31/3/2025 £'000	Conclusion
HRA Reserves							
HRA Working Balance	(3,000)		(3,000)			(3,000)	A minimum working balance of £3m is recommended by the Chief Finance Officer in accordance with the requirements of Section 25 of the Local Government Act 2003.
HRA General Reserves	(1,169)		(1,169)	(8,066)		(9,235)	£3.266m is held to support estimated MTFS deficits.
Capital Reserves (HRA)	(680)	680					Timing reserve.
Repairs & Maintenance	(940)		(940)		940		Earmarked to clear the backlog of responsive repairs and empty property (voids) works.
Rent Reduction Reserve	(889)	370	(519)		519		Earmarked to fund acquisitions in order to lower rents on eligible properties approved during 2022/23 and 2023/24.
EDB Reserves	(300)	300					Earmarked to support the revenue budget of £0.247m bringing the total available for Estate Development Budget to £0.487m.
HRA - Renewable Energy Projects	(119)	119					
Sustainability and retrofit reserve	(5,210)		(5,210)	4,800	410		Earmarked for cost of sustainability work at Palace Place and for future years for sustainability measures and retrofit works required on Housing stock.
Total Reserves	(12,307)	1,469	(10,838)	(3,266)	1,869	(12,235)	

Appendix 1 – HRA Revenue 2024/25

Support Service Charges & other recharges

The table below provides a breakdown of the support service charges and other charges for 2024/25 and compares this to 2023/24. These are subject to change following a review and finalisation of charges as part of the General Fund Budget proposals. Any change will impact the bottom line revenue surplus and will impact the contribution to reserves, a reduction in revenue surplus will increase the borrowing requirement for 2024/25.

Charging Service	Adjusted Budget 2023/24 £'000	Budget 2024/25 £'000
Support Functions:		
Insurance Costs*	1,096	1,347
ICT	936	1,013
Finance	277	303
Legal & Democratic	753	807
Human Resources	401	421
Property	237	240
Procurement	230	237
Business Operations	107	121
Support Functions Total	4,037	4,489
Other charges:		
Director	108	112
Tenancy Fraud	133	137
Youth Service	255	258
Discretionary Community Grants	145	145
Disabled Adaptations	122	126
Apprenticeship Levy	32	32
Homing in and Area Panels	30	31
Other Charges Total	825	841
Total	4,862	5,330

* Subject to surveys undertaken on Large Panel System blocks.

Appendix 2 – HRA Service Charges 2024/25

All fees and service charges are reviewed annually to ensure full cost recovery (where appropriate) and also to identify any service efficiencies that can be offset against inflationary increases to keep increases to a minimum. Proposed fees and service charges for 2024/25 are detailed below. Please note that for the comparable 2023/24 figures, the average weekly charge may differ from the previous year's budget report as a result of stock changes (for example new builds, home purchases and Right to Buy Sales).

	Tenants Charged (No.)	Approx. not eligible for Housing Benefit (No.)	2023/24 Average Weekly Charge £	Proposed 2024/25 Average Weekly Charge £	Average Increase/Decrease £	Average Increase/Decrease %	Comments
Service Charges Eligible for Housing Benefit							
Seniors Housing - Common Ways	894	221	£11.01	£12.24	£1.23	11%	Increase reflects pay and price inflation.
Communal Cleaning	5,577	3,232	£3.62	£3.94	£0.32	9%	Increase reflects pay and price inflation.
Seniors Housing - Laundry	868	213	£3.20	£3.40	£0.20	6%	Increase reflects the net cost incurred in providing the service including the required increase for electricity costs.
Seniors Housing - Intensive Management	891	219	£24.67	£25.08	£0.41	2%	Increase reflects the net cost incurred in providing the Intensive Management service.
Grounds Maintenance	5,829	3,114	£0.93	£0.99	£0.06	6%	The increase reflects the increased costs of the service due to recent revisions to the City Parks costings and charges to reflect actual costs.
TV Aerials	5,972	3,208	£0.91	£0.44	-£0.47	-52%	Charge reduced as it is now for just on-going maintenance after

Appendix 2 – HRA Service Charges 2024/25

							initial investment has been repaid.
Door Entry Servicing and Maintenance	4,692	2,662	£0.62	£0.65	£0.03	6%	The increase reflects contract inflation.
Electricity - Communal Ways	5,599	3,250	£1.17	£1.31	£0.14	12%	The increase reflects the latest cost estimates for the increase in utility costs, including an adjustment for the phasing on of the 2023/24 increase.
Lift Servicing and Maintenance	2,702	1254	£1.20	£1.32	£0.12	10%	The increase reflects contract inflation.

	Tenants Charged (No.)	Approx. not eligible for Housing	2023/24 Average Weekly Charge £	2024/25 Average Weekly Charge £	Average Increase/Decrease £	Average Increase/Decrease %	Comments
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Appendix 2 – HRA Service Charges 2024/25

		Benefit (No.)					
Service Charges NOT Eligible for Housing Benefit							
Water Charges	242	N/A	£5.61	£5.96	£0.35	6%	The increase is due to forecast inflation increase for water charges.
Communal Heating – Electricity	126	N/A	£13.59	£14.04	£0.45	3%	The increase reflects the latest cost estimates for the increase in utility costs, including an adjustment for the phasing on of the 2023/24 increase, in addition to a rationalising of costs against communal electric heating.
Communal Heating – Gas	1,199	N/A	£9.39	£10.88	£1.49	16%	The increase reflects the latest cost estimates for the increase in utility costs, including an adjustment for the phasing on of the 2023/24 increase.
Garages and Car Parking	2,129	N/A	£10.91	£11.75	£0.84	7.7%	CPI +1% inflationary increase.
Mobility Scooter and Cycle Storage	34	N/A	£2.86	£3.08	£0.22	7.7%	CPI+1% inflationary increase.

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Introduction

To supplement the main report this appendix provides the detailed breakdown of the capital programme for 2024/25 and the following four financial years. Only the 2024/25 budget requires approval. A high level summary is provided by programme with a strategy statement and detailed table for each programme provided.

High Level Capital Budget Proposals

	Proposed 2024/25 budget for approval £'000	Profiled budget from 2023/24 £'000	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Expenditure							
New Supply	13,040	22,969	36,009	13,081	5,000	3,634	*-
Health & Safety	11,814	482	12,296	12,116	10,096	8,011	8,450
Major Works	13,398	5,972	19,370	26,595	26,740	30,309	34,900
Planned Works	10,353	80	10,433	9,656	9,939	10,206	10,507
Sustainability	6,390	-	6,390	6,390	5,680	5,950	6,390
Other	2,960	165	3,125	2,968	2,826	2,835	2,844
Total Capital Investment	57,955	29,668	87,623	70,806	60,281	60,945	63,091
Funding							
Major Repairs Reserve	16,516		16,516	17,345	18,255	19,098	20,017
HRA Reserves		410	410				
Capital Receipts	700	2,088	2,788				
Right to Buy Receipts	1,856	1,306	3,162	2,923	1,500	1,090	
Energy Grants	180		180	180	180	180	180
Land Release Funding	1,797		1,797				
Commutated Sums	1,425		1,425				
Leaseholder Income	500		500	500	500	500	500
HRA Borrowing	34,891	25,864	60,845	49,858	39,846	40,077	42,394
Total Funding	57,955	29,668	87,623	70,806	60,281	60,945	63,091

*subject to the approval of new projects

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Detailed Capital Budgets breakdown

New Supply

Delivering new affordable housing remains a key investment priority for the HRA and is supported in the capital programme during 2023/24 and beyond. Dedicated staffing resources to continue to deliver on this priority are included in the revenue budget. The council takes a blended approach to delivery ensuring that new supply is provided through new build, acquisitions and refurbishment programmes.

Construction costs are estimated at the early design stage for new build projects (based on benchmark data and other tender returns) and then updated as the projects progress. New Build projects face significant challenges such as rising construction costs and will need to achieve key milestones e.g. achieving planning permission, to progress to the anticipated programme.

The forecast includes the council's commitment to a further 154 homes over the 5-year period in total; this is in addition to the 769 homes that have been delivered since 2019 up to March 2024. The policies and budgets for the projects listed below have received formal committee approval. New projects are subject to an individual business case being approved, where possible the current strategy is for the new schemes to break even, they will be presented to committee separately and included in future budget reports where applicable.

New Supply	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Acquisitions					
Home Purchase Policy	17,674	5,000	5,000	3,634	
Joint Venture Purchases	337	2,123			
Housing Led					
Palace Place	1,495				
Hidden Homes	3,700	2,200			
New Homes for Neighbourhoods					
Feasibility Studies	200	200			
Rotherfield Crescent & Frederick Street	1,423				
Windlesham	2,690	3,558			
Moulsecoomb Hub	8,423				
Eastergate Road	67				
Total New Supply	36,009	13,081	5,000	3,634	

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Health & Safety Works

The health & safety of our residents and those who visit and work on our homes is our key priority. Legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy, require the Housing service continue to review our approach to health & safety compliance and assurance for council homes. Housing & New Homes Committee on 21st June 2023 and 20th September 2023 considered reports on key outcomes, resourcing, Action Plan and progress arising from the Housing, Health & Safety Compliance Review undertaken to ensure resources and action in the service were aligned to compliance with new legislation and regulations. This includes the Building Safety Act, Fire Safety Regulations and Social Housing (Regulation) Act. The Capital Investment Programme supports programmes of work that are necessary to meet the new regulations now coming into force and the requirements of these. These works are essential for the safety of all our residents and will be programmes over the coming years.

Health & Safety Works	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Fire Safety & Asbestos Management	4,120	4,120	4,120	4,120	4,120
Fire Doors	830	860	891	924	967
Electrical Compliance Testing Programme*	3,154	3,280	1,640		
Rewiring - Domestic/ Communal	1,530	1,586	1,654	1,723	1,786
Condensation & Damp Works	830	860	891	924	967
Lifts	1,722	1,350	840	260	550
Water Tanks	110	60	60	60	60
Total Health & Safety Works	12,296	12,116	10,096	8,011	8,450

*Electrical compliance programme is expected to be for a 3 year period after this investment will be an ongoing revenue cost to ensure 100% compliance.

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Major Works

Major works meet our landlord obligations through maintaining the structural, general external integrity and fabric of our properties. A major works project will be either a combination of multiple work streams (new roof, windows and external repairs), or a single piece of work such as a new roof covering to a high-rise block of flats which typically has increased costs due to the complexity of the project. Other major works may include essential repairs to concrete, brickwork and other areas. Such works will enhance the thermal comfort and living conditions of our residents through improved thermal efficiency and improved wall insulation to the external fabric.

The investment required as a result of the implementation of the Building Safety Act and Fire Safety (England) Regulations is anticipated to be very significant, including in relation to works requirements expected to arise from compliance surveys currently being undertaken on Large Panel System (LPS). Some provision has been allowed for in the capital budget proposals. This will be kept under review during the financial year. In line with Building Safety Act compliance requirements, structural investigation surveys are being completed on the following 8 LPS blocks in the HRA: St James House; Nettleton Court; Dudeney Lodge; Swallow Court; Kestrel Court; Kingfisher Court; Heron Court; and Falcon Court.

Major Works	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Albion Hill - (Low Rise)		2,970	3,160	3,370	
Albion Hill - Richmond Heights	3,000	1,700			
Albion Hill -Other High Rise	3,000	6,300	6,830	6,413	7,055
Grand Parade	1,300				
Hampshire Court car park structural repairs		1,925			
Hampshire Court Main Works			5,000		
Kite Place	800				
Leach Court		5,700			
Loft Conversions & Extensions	675	750	750	750	750
Large Panel System Blocks	1,500	4,000	7,500	8,500	8,500
Manoj House	320				
Mayflower Square Externals				3,456	
Milner Flats (Fire Escape) & works	2,440				

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Major Works	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Milner Flats External Works				3,820	
Philip Court	300				
Stanmer Heights					14,095
Sylvan Hall			3,500	4,000	4,500
Theobald House (including concourse)	5,000	2,450			
Westmount, Crown, Highden (roof)		800			
Wiltshire House	1,035				
Total Major Works	19,370	26,595	26,740	30,309	34,900

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Planned Works

Planned works programmes are formulated for five years. Planned works will typically consist of a single work stream made up of single element works such as replacement of windows or a roof to street properties, low or medium rise blocks of flats. Planned works also include external repairs and decorations, internal decorations to communal areas and replacement of entrance doors. The programmes are developed from stock condition information following our stock surveys. Where possible we will combine external repairs and windows programmes as a project to make joint use of scaffold for value for money purpose.

Planned Works	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Main Door Entry Systems & CCTV	801	725	734	733	753
Ventilation, Lighting & Lightning Protection & Fire Alarms	302	252	279	339	329
Cyclical Repairs & Decorations	1,734	1,588	1,754	1,840	1,907
Seniors Housing Improvements	155	112	159	165	172
Kitchens & Bathrooms	2,040	2,124	2,201	2,291	2,384
Windows	1,629	1,545	1,454	1,586	1,654
Roofing	1,772	1,310	1,358	1,252	1,308
Gutter Clearance	1,000	1,000	1,000	1,000	1,000
Service Risers	1,000	1,000	1,000	1,000	1,000
Total Planned Works	10,433	9,656	9,939	10,206	10,507

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Sustainability Works

Helping residents to live in well-insulated, efficiently heated, healthy homes addressing fuel poverty issues remains a key long-term objective, which is supported through the capital programme. The five year programme sets out resources of £30.800m; an average investment of £6.160m per annum. This includes investment in making improvements to communal and domestic heating systems as well as identifying opportunities to install energy efficient & low carbon heating systems. The council's solar PV programme is also being taken forward.

Sustainability Works	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Domestic/Communal Heating Improvements	2,200	2,200	2,200	2,200	2,200
Energy Efficiency & Low Carbon Heating	1,650	1,650	1,650	1,650	1,650
Solar PV	1,540	1,540	830	1,100	1,540
Cavity Wall Insulation	1,000	1,000	1,000	1,000	1,000
Total Sustainability Works	6,390	6,390	5,680	5,950	6,390

Appendix 3 – HRA Capital Investment Programme 2024/25 - 2028/29

Other Works

The capital programme allows for investment in supporting people to live independently in their homes for longer through housing adaptations. The programme also supports environmental and communal area improvement work based on resident priorities. Environmental improvements are projects that are guided by communities for improvements to benefit the community on an estate.

There is an identified need for the council to have up to date Housing ICT systems required to support and develop our investment programmes, regulatory compliance, works and contractor management and customer service. The capital programme allows for this continued investment.

Other Works	Total Budget 2024/25 £'000	Provisional Budget 2025/26 £'000	Provisional Budget 2026/27 £'000	Provisional Budget 2027/28 £'000	Provisional Budget 2028/29 £'000
Disabled Aids & Adaptations	1,600	1,600	1,600	1,600	1,600
Housing ICT Systems	250	250	100	100	100
Minor Capital Works	660	660	660	660	660
Major Empty Property works	200	208	216	225	234
Environmental Improvements	415	250	250	250	250
Total Other Works	3,125	2,968	2,826	2,835	2,844

Appendix 4 – HRA MTFS and 30 Year financial plan

Medium Term Financial Strategy (MTFS) 2024/25 to 2028/29

- 1.1 The Medium Term Financial revenue position provides a net deficit after allocation of revenue and capital budgets of £1.236m. There are mitigations that can be actioned to address this these being; efficiency savings that can be identified across service expenditure (this would represent a 0.3% saving on expenditure), rent policy updates i.e. confirmation of CPI+1 continuing, which could remove this deficit entirely or at the last resort any deficit could be funded from the reserve balance of £10.838m.
- 2.1 Current trends indicate a growing underlying deficit in the HRA over the medium term, demonstrated by the fact that there is a £3.266m surplus in year 1, falling to a £3.183m deficit by year 5. This is an unsustainable position and needs addressing as outlined above.
- 3.1 The focus for the Medium Term will remain on delivering the key priorities outlined in the main report but to ensure that, wherever possible, this is met from within the existing budget envelope.
- 4.1 A review of all income streams during 2024/25 will be conducted to ensure the HRA maximises all of its income, for example a review of the commercial income and garages and car parks.

Table 1 MTFS	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Expenditure						
Management & Service Costs	25,685	26,384	26,911	27,692	28,220	134,892
Repairs and Maintenance	20,814	21,255	21,670	22,276	22,666	108,681
Other Costs	1,362	1,411	1,440	1,483	1,528	7,224
Borrowing costs	8,825	10,568	12,604	14,206	15,774	61,977
Depreciation	16,516	17,345	18,255	19,098	20,017	91,231
Total Expenditure	73,202	76,963	80,880	84,755	88,205	404,005
Income						-
Rental Income	(67,110)	(68,787)	(70,349)	(72,457)	(74,510)	(353,213)
Service Charges (Tenants)	(5,014)	(5,091)	(5,188)	(5,335)	(5,487)	(26,115)
Other Income	(4,344)	(4,517)	(4,680)	(4,875)	(5,025)	(23,441)
Total Income	(76,468)	(78,395)	(80,217)	(82,667)	(85,022)	(402,769)
Net Revenue Income	(3,266)	(1,432)	663	2,088	3,183	1,236

Appendix 4 – HRA MTFs and 30 Year financial plan

30 Year financial forecast

- 5.1 The introduction of self-financing provided local authorities with the opportunity to develop longer term planning to improve the management and maintenance of council homes. From April 2016, the Welfare Reform and Work Act 2016 required that rents should be reduced by 1% per annum for four years commencing in 2016/17; the final year of this decrease was 2019/20. The government then announced in 2018 that social rents could be increased by a maximum of CPI+1% over a 5-year period commencing in 2020/21. As outlined in the main report, rents were capped to a 7% uplift in 2023/24 which removed c.£2m from the rental income base. Over a 30-year period this has removed c£60m (excluding inflation) from the income stream, reducing the resources available to support investment in homes over that time.
- 6.1 The current financial plan projections shown below indicate that over the medium term the HRA remains in a manageable but more pressurised financial position however, this changes after year 5 where the HRA is anticipated to move into a revenue deficit position, which cannot be maintained. Current estimates indicate a total deficit over 30 years of £79.543m as shown in table 2 below. Therefore it is imperative that the HRA finances are kept under close review to ensure it remains financially stable in the long term. The deficit shown is 2.48% of the expenditure outlined which, with sound financial planning, could be managed but does rely on savings and efficiencies being identified and agreed early in the process.
- 7.1 Table 3 provides a long term view of the HRA capital programme totalling £1,101,740m, it clearly shows that there is a heavy reliance on external borrowing to fund it. This level of borrowing at the interest rates assumed is having an impact on the revenue costs within 30 year revenue projection.
- 8.1 The investments are based on a view of all known projects in the first five years and then an assumed level of investment determined by the councils asset management system thereafter. Any future asset management strategy will determine the level of investment in future iterations of the plan.
- 9.1 Table 4 outlines the HRA reserves projections on the basis that over the 30 year period the reserves will remain at the balance of £10.838m, albeit using some of the reserves in the middle years of the plan to manage borrowing costs. Use of reserves need to be considered carefully as they are a finite resource.
- 10.1 This is a snapshot based on the 2024/25 budget proposals and estimates and is subject to change year-on-year. For example, the position could very easily change if the economic environment improves significantly. The overriding assumption is that a projection of costs and income are only included where projects and programmes have received formal Budget Council or Strategy, Finance & City Regeneration Committee approval. The plan is designed to give an overview of the financial health of the HRA based on broad assumptions for the long term and current approvals. It is not a detailed plan and therefore surpluses or deficits indicated by the 30-year plan cannot be relied on and only

Appendix 4 – HRA MTFS and 30 Year financial plan

provide a guide as to overall financial sustainability. Many factors can change including the funding and financing regime of the HRA itself and government rent policy. However, the movement in the 30 Year Plan year-on-year can provide a guide as to the direction of travel of HRA finances, particularly when looked at over a period of years.

Table 2 – Revenue 30 Year finance forecast	Years 1-5	Years 6-10	Years 11-20	Years 21-30	Total
	£'000	£'000	£'000	£'000	£'000
Revenue Expenditure					
Management & Service Costs	134,892	148,960	338,371	401,242	1,023,465
Repairs and Maintenance	108,681	119,139	268,188	314,881	810,889
Other Costs	7,224	8,109	18,838	22,963	57,134
Borrowing costs	61,977	91,107	212,699	242,393	608,176
Depreciation	91,231	104,679	234,254	271,861	702,025
Total Revenue Expenditure	404,005	471,994	1,072,350	1,253,340	3,201,689
Income					
Rental Income	(353,213)	(393,958)	(900,522)	(1,078,351)	(2,726,044)
Service Charges (Tenants)	(26,115)	(29,110)	(67,023)	(80,902)	(203,150)
Other Income	(23,441)	(26,813)	(63,570)	(79,128)	(192,952)
Total Income	(402,769)	(449,881)	(1,031,115)	(1,238,381)	(3,122,146)
Net Revenue (surplus) / deficit	1,236	22,113	41,235	14,959	79,543

Table 3 – Capital 30 year Finance Forecast	Years 1-5	Years 6-10	Years 11-20	Years 21-30	Total
	£'000	£'000	£'000	£'000	£'000
Capital Expenditure					
Capital Investment programme	285,022	166,358	300,777	291,860	1,044,017
Development	57,724	-	-	-	57,724
Total Expenditure	342,746	166,358	300,777	291,860	1,101,741
Funded By:					
Other Capital Income	(18,495)	(3,610)	(8,385)	(10,222)	(40,712)
New Capital Borrowing	(231,878)	(58,069)	(58,138)	(23,046)	(371,131)
Major Repairs Reserve	(92,373)	(104,679)	(234,254)	(258,592)	(689,898)
Total Capital Funding	(342,746)	(166,358)	(300,777)	(291,860)	(1,101,741)

Table 4 – Reserves 30 year finance forecast	Years 1-5	Years 6-10	Years 11-20	Years 21-30	Total
	£'000	£'000	£'000	£'000	£'000
Reserves					
Opening HRA reserves	(10,838)	(10,838)	(4,968)	(4,973)	(10,838)
(To) / From Reserves	(0)	5,870	(5)	(5,865)	(0)
Cash surplus carried forward	(10,838)	(4,968)	(4,973)	(10,838)	(10,838)

Appendix 4 – HRA MTF5 and 30 Year financial plan

11.1 The 30-year financial forecast has been developed based on the following assumptions:

- General inflation (CPI) is assumed at an average of 2.1% for years 1 to 30.
- Rents are assumed to increase by CPI+1% in 2024/25 and revert to CPI increases thereafter.
- For 2024/25 management and repairs & maintenance are inflated by 10% to reflect the uncertainty in the economic environment currently. Thereafter, management costs are inflated by CPI.

12.1 The forecast includes the council's commitment to a further 154 homes over the 5-year period in total; this is in addition to the 769 homes that have been delivered since 2019 up to March 2024. The policies around these homes have received formal committee approval, regarding the budget and rent to be set for the new homes. These include the following programmes:

1. Home Purchase Policy
2. Other acquisitions
3. Hidden Homes
4. Palace Place
5. Belgrave Day Centre, Portslade
6. Coldean Lane
7. Design Competition (Rotherfield Crescent & Frederick Street)
8. Windlesham Close

No assumptions beyond formally approved programmes have been made, there is a pipeline of new homes that are being worked upon, but they remain uncertain at this time to be included, see below.

Items not included.

There are a number of items which have not been included in the financial plan; this is due to the risks and uncertainties around the costs and income associated with them. At this stage the financial landscape is changing significantly for the HRA and so careful consideration of what can be reasonably included has been taken.

- Any new supply of homes that is yet to receive full committee approval is not included. Over the last two years the construction landscape has continued to provide significant challenges, creating a high degree of uncertainty around the cost of investment. As well as this, there is uncertainty with the associated rent levels that can be included in the plan as these have not yet been approved. This could result in a significant difference in the long term financial forecast depending on the rents assumed. The overriding assumption is, normally, that new projects would be self-funding but until this is analysed alongside the strategic housing needs assessment the financial

Appendix 4 – HRA MTFS and 30 Year financial plan

projections remain uncertain. Even small differences between assumptions and final costs can substantially skew long term forecasts. Therefore, at this stage the most prudent approach is to recognise there is a pipeline to deliver new homes but there is insufficient financial certainty for them to be included in the long-term forecast. As budgets and rent levels are approved, schemes will be included within the financial forecast.

- Sustainability and retrofit works: currently, over the 30 years there is investment included of £233m within the capital investment programme. This is based on the information provided by the Asset Management System which is subject to review and change following the development of the Asset Management Plan. However, over the next 6 years of the plan there is uncertainty over the level of investment required to reach the council's priority of being a carbon neutral city by 2030.
- The current investment in existing stock is based on the latest information provided by the council's Asset Management System and informs the cyclical programmes over the 30 years. This is though, subject to review and change based on the outcomes from the Building Safety Act, Fire Safety (England) Regulations, Social Housing (Regulation) Act and the further development of the Asset Management Plan. These are considered high risk and high-cost items of which the outcome will be included in future iterations of the financial forecast. Consideration will be given to current budget provision to ascertain if there is already provision that is being made to deal with investment required.
- The investment required as a result of the implementation of the Building Safety Act and Fire Safety (England) Regulations is anticipated to be very significant, including in relation to works requirements expected to arise from compliance surveys currently being undertaken on Large Panel System and some other blocks, and will impact on both revenue and capital budgets.

Appendix 5 - Proposed Travellers Sites Fees and Charges 2024/25

	2023/24	2024/25		
	Charge	8.9%		
		Proposed Charge	Change £	Change %
Travellers Transit Site				
Weekly Rent per pitch	£80.35	£87.50	£7.15	8.9%
Weekly Service Charges				
Litter Picking	£10.93	£11.66	£0.73	6.7%
Grounds Maintenance	£2.13	£2.28	£0.15	6.7%
Facilities Charges (including toilet/shower block)	£7.13	£7.61	£0.48	6.7%
Water Charges	£10.88	£11.61	£0.73	6.7%
Electricity Charges	£19.55	£20.86	£1.31	6.7%
Total Weekly Service Charges	£50.62	£54.02	£3.40	6.7%
Total Weekly Costs per Pitch	£130.97	£141.52	£10.55	8.1%
Travellers Permanent Site				
Average Weekly Rent per pitch (Average across 12 pitches)	£104.07	£113.33	£9.26	8.9%
- Pitch 1 - Size M	£101.22	£110.23	£9.01	8.9%
- Pitch 2 - Size M	£101.22	£110.23	£9.01	8.9%
- Pitch 3 - Size L	£108.37	£118.01	£9.64	8.9%
- Pitch 4 - Size L	£108.50	£118.15	£9.65	8.9%
- Pitch 5 - Size L	£108.50	£118.15	£9.65	8.9%
- Pitch 6 - Size X/L	£116.21	£126.55	£10.34	8.9%
- Pitch 7 - Size X/L	£116.21	£126.55	£10.34	8.9%
- Pitch 8 - Size S	£96.85	£105.47	£8.62	8.9%
- Pitch 9 - Size S	£96.85	£105.47	£8.62	8.9%
- Pitch 10 - Size M	£101.22	£110.23	£9.01	8.9%
- Pitch 11 - Size S	£96.85	£105.47	£8.62	8.9%
- Pitch 12 - Size S	£96.85	£105.47	£8.62	8.9%
Weekly Service Charges				
Litter Picking	£11.12	£11.87	£0.75	6.7%
Grounds Maintenance	£2.08	£2.22	£0.14	6.7%
Facilities Charges	£0.73	£0.78	£0.05	6.7%
Total Weekly Service Charges	£13.93	£14.87	£0.94	6.7%
Total Weekly Costs per Pitch (average)	£118.00	£128.20	£10.20	8.6%

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 51

Subject: Housing, Health & Safety Update Report.

Date of meeting: 24 January 2024

Report of: Executive Director for Housing, Neighbourhoods & Communities

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The health & safety of our residents and those who visit and work on our homes is our key priority. In light of significant changes in management and maintenance of council housing and in anticipation of legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy, the Housing service continue to review our approach to health & safety compliance and assurance for council homes. This is part of our long-term service improvement plan.
- 1.2 Housing & New Homes Committee on 21st June 2023 and 20th September 2023 considered reports on key outcomes, resourcing, Action Plan and progress arising from the Housing, Health & Safety Compliance Review undertaken to ensure resources and action in the service were aligned to compliance with new legislation and regulations. This includes the Building Safety Act, Fire Safety Regulations and Social Housing (Regulation) Act.
- 1.3 This report provides a further update on progress toward health & safety compliance and on current engagement between the Housing service and the Regulator of Social Housing (RSH) with whom we have shared information on our backlog of routine repairs and our Housing, Health & Safety Compliance Review. The Regulator is currently considering the council's repairs backlog and landlord health and safety compliance in line with their consumer regulation process.

2. Recommendations

- 2.1 That Committee notes the Housing, Health & Safety Update Report and current engagement with the Regulator of Social Housing.

3. Context and background information

- 3.1 The Council's teams responsible for the management of housing assets have been through a period of significant change over the past three years.

Undertaking the Housing Health & Safety Compliance Review was aligned to a number of factors previously shared with Committee. In particular, to enable the service to respond to new duties under building and fire safety regulations and the Social Housing (Regulation) Act, including strengthening of Regulator of Social Housing powers.

- 3.2 The core health & safety compliance areas for review were as follows: asbestos; water safety; fire risk, including fire risk assessments; electrical; gas & fuel safety; and lifts and lifting equipment. The Review also considered overarching areas for compliance and assurance, including: data and ICT systems; policies and procedures; and risk management.
- 3.3 The key priority actions arising from the Review, with an update on progress to date and resource plan aligned to these, were outlined in our Housing, Health & Safety Update report presented to Housing & New Homes Committee on 21st June 2023. Housing Health & Safety Update presentations have been shared with tenants and residents at September 2023 Housing Area Panels and the Council Tenant Annual Conference. We have also engaged with council tenants through a range of relevant resident engagement groups and included updates in our tenant publication Homing In.
- 3.4 A further Housing Health & Safety Update, Report & Action Plan was taken to Housing & New Homes Committee on 20th September 2023. This included our Health & Safety Review Action Plan, Key Priority Actions 2023/24. This Action Plan is aligned to the Review, prioritising agreed actions, responsibilities and timelines for completion.
- 3.5 A Housing Health & Safety Compliance Governance Board, chaired by Assistant Director, Housing Management, and including senior officers from Housing, Legal and Corporate Health & Safety, has been established and meets monthly to oversee and report on progress on meeting Target Completion Dates in the Action Plan and against wider compliance priorities arising from our Housing Health & Safety Review.
- 3.6 We have also incorporated tracking and reporting of progress against actions arising from our wider Housing Health & Safety Review, including fire safety actions, into our Corporate Strategic Risk SR 32 – ‘Challenges in ensuring robust and effective H&S measures leading to personal injury, prosecution, financial losses or reputational damage’. This Strategic Risk is subject to regular reporting and Committee review.

Regulator of Social Housing.

- 3.7 The Social Housing (Regulation) Act 2023 received Royal Assent on 20th July 2023. Provisions relating to the powers of the Regulator of Social Housing come into force in April 2024. Following the Grenfell Tower tragedy and more recent issues such as the death of Awaab Ishak in Rochdale and Housing Ombudsman findings of severe maladministration against some social housing providers, there is a focus on a new, improved and more proactive approach towards regulating social housing, ensuring standards are met and action taken against landlords who fail to do so. The purpose of

the Act is to '*reform the regulatory regime to drive significant change in landlord behaviour*'. The legal implications of regulatory non-compliance are set out in paragraph 8.1 of this report.

- 3.8 Housing & New Homes Committee agreed that the Housing Health & Safety Update report would be shared with the Regulator of Social Housing (RSH) in order to seek assurance on the steps being taken by the Council in preparation for the new regulatory framework becoming law, expected in April 2024.
- 3.9 Following an article in Inside Housing (published on 2 October 2023) reporting on Housing & New Homes Committee (20th September 2023) agreement to procure an additional specialist contractor resource to support the Housing Repairs & Maintenance Service recovery plan, the RSH requested information from the Council on the outstanding repairs aligned to consideration of a referral in line with their consumer regulation process.
- 3.10 In responding to RSH on their request for information on the backlog of routine repairs. and as agreed by Housing & New Homes Committee, the Council also brought our Housing, Health & Safety Compliance Review to the attention of the Regulator and shared comprehensive information on the latest compliance data and concerns covering the council's housing stock.
- 3.11 An update on progress and our latest compliance data based on information we have shared with RSH, with some further updates, is outlined below. We continue to share information with the RSH and will update Committee on the outcome of their consideration of the council's repairs backlog and landlord health and safety compliance in line with their consumer regulation process.
- 3.12 Housing, Health & Safety Update reports to June and September 2023 Housing & New Homes Committees provided a comprehensive information on the legislative and regulatory context of each area of health & safety compliance outlined in this report. The aim of the service is to achieve 100% compliance with legislative and regulatory requirements. As outlined above, the Health & Safety Review Action Plan, Key Priority Actions 2023/24 sets out Target Completion Dates for meeting key compliance priorities with progress being overseen by the officer Housing Health & Safety Compliance Governance Board.

**Latest compliance data covering all the council's social housing stock.
Gas safety**

- 3.13 '*Council properties with a valid Landlord's Gas Safety Record*'; is a Corporate Key Performance Indicator (KPI) reported quarterly to Housing Area Panels and Housing & New Homes Committee members. Our most recent performance on compliance is as follows:
- As of January 10th 2024, 99.99%, 10,075 of 10,076 council domestic dwellings with gas supply and 100% of the 34 council blocks with communal boilers, had a valid Landlord Gas Safety Record.
 - For Quarter 2 (July, August & September) 2023/24, 99.92% council properties, 10,069 of 10,077, had a valid Landlord Gas Safety Record.

- For Quarter 1 (April, May June) 2023/24, 99.95% (10,092 of 10,097) council homes had a valid Landlord Gas Safety Record.
 - The 2022/23 out-turn was 99.98% (10,108 of 10,110) council homes with a valid Landlord Gas Safety Record.
- 3.14 In order to meet legislative and regulatory requirements our KPI target is 100%. Performance has been impacted by a period of change as we have mobilised our new heating & hot water contractor providing this service. Issues can also arise with access, which we address robustly, and high vulnerability and other concerns with tenants which can require a more tailored approach to gain access.
- 3.15 Dwellings out of compliance are closely monitored by our Gas Contracts & Compliance Manager. In addition, and in the interest of minimising the number of cases of 'no-access', we have recently instituted a process through which properties that have historically been difficult to access for gas safety checks receive earlier engagement than would normally be the case.

Electrical safety
Domestic electrical supplies.

- 3.16 In June 2022 Government consulted on extending the requirement of testing electrical installations, including seeking comments on proposals for mandatory checks on electrical installations for social housing at least every 5 years. The Regulator's Home Standard requires that homes be free of high risk (Category 1) electrical and fire hazards (as defined by the Housing Health & Safety Rating System). As previously reported to Committee, in light of the Housing Health & Safety Compliance Review, including consideration of the RSH Home Standard and anticipated changes in legislative and regulatory requirements, the Council has implemented a 5 yearly inspection cycle for domestic council dwellings.
- 3.17 We have made a significant investment in setting up a dedicated Electrical Testing and Compliance Team within the Housing Repairs & Maintenance service, consisting of 15 staff. This team has been set up in addition to existing electrical team resources within the service, with the specific aim of managing a full cyclical electrical reinspection programme. The aim of the Electrical Testing and Compliance Team is to fully re-test the housing stock, domestic and communal, within 3 years, by December 2026, and permanently maintain a 5-year testing cycle.
- 3.18 In addition, procurement and mobilisation of an additional electrical contractor resource to renew recently expired electrical certificates (between 800-850 per annum) has also been completed.
- 3.19 As of 10th January 2024 we have 12,010 properties on this domestic electrical certification programme. This includes all HRA owned properties, including HRA owned temporary accommodation. Of this number, our records show that:
- 42% (4988 of 12,010) of properties have a satisfactory electrical certification issued within 5 years.

- 66%, (7900 of 12,010) of properties have satisfactory electrical certification issued within 10 years.
- 86%, (10,369 of 12,010) of properties have satisfactory electrical certification issued since records commenced in 2007.
- 13% (1611 of 12,010) of properties have no electrical certification record.
- 0.25% (30 of 12,010) of properties have an unsatisfactory certificate. Properties with an unsatisfactory certificate either have works or an inspection booked, or work is underway with Tenancy Services to support vulnerable tenants or to follow the formal no access procedure to gain entry.

3.20 As of 10th January 2024, a total of 1,576 electrical certificates have been issued by the Housing Repairs & Maintenance service since April 2023. This is across all work programmes, including, domestic testing programme, domestic rewire, voids, mutual exchanges. These figures are broken down in the table below.

Electrical certification per quarter	Number of certs issued
Quarter 1 (April, May, June)	404
Quarter 2 (July, August, September)	487
Quarter 3 (October, November, December)	666
Quarter 4 so far	19

3.21 Between 1 April 2022 and 31 March 2023 the Housing Repairs & Maintenance Service undertook 1377 electrical tests (EICRs) on domestic dwellings.

3.22 By way of risk mitigation, the priorities for the domestic electrical testing programme are:

- **Priority 1** – Properties with unsatisfactory certification.
- **Priority 2** – Properties with no certification.
- **Priority 3** – All properties based on age of certification, starting with the oldest first.

3.23 As a service we are working to maximise the number of full satisfactory certificates generated. We are doing this by:

- Focusing the domestic rewire programme on properties with unsatisfactory certification or no certification on file.
- Ensuring that when a new kitchen is installed, that requires the installation of a new consumer unit, that the whole property is upgraded, and a full test is issued.
- Working with colleagues to maximise the number of full satisfactory electrical certificates issued as part of our Sustainability and Energy planned works programmes, including solar photovoltaic programmes.

Communal areas with electrical supplies

3.24 Upon commencing the Electrical Testing and Compliance Programme the team collated all electrical certification held on our communal areas. In relation to 732 common areas that we had identified as having electrical

supplies the team identified 514 electrical certificates, of these 287 were issued within the last 5 years. Based on this initial information we have electrical certification on 70% of communal areas with electrical supplies with 39% issued in the last 5 years.

- 3.25 However, as part of our review we have committed to checking data to ensure accuracy for compliance, assurance and reporting purposes. In line with this and in order to mobilise our Electrical Testing and Compliance Programme, we have been undertaking a comprehensive review of the information we hold on communal areas with electrical supplies.
- 3.26 The actual number of certificates needed to establish compliance is subject to a more in-depth piece of work as individual blocks may have more than one electrical supply, equally some addresses have been split into address units that do not have separate electrical intakes and are therefore covered by one electrical test certificate. Due to this the service has decided to completely retest all communal ways over the next three years, by December 2026. It is our intention to finalise this address list whilst testing the communal areas.
- 3.27 The communal retesting programme is now underway. As of 10th January 2024 the team have fully tested, carried out any necessary remedial works and issued satisfactory electrical certification for 35 communal areas consisting of 13 high rise blocks, 1 seniors housing scheme and 21 medium/low rise buildings. This is out of the 796 listed assets that have a communal electrical supply.
- 3.28 In line with the Housing Health & Safety Action Plan, an Electrical Testing and Compliance Strategic Management Plan has been established with a commitment to improving compliance in this area. The strategy to reach compliance is regularly reviewed with input from Ridge (Housing's Compliance Consultants).
- 3.29 The programme is being prioritised as follows:
- **Priority 1** - Communal supplies in high rise blocks. This priority has been assigned due to the number of residents living within the building.
 - **Priority 2** - Communal supplies in converted houses/non purpose-built flats. This priority has been assigned due to potential issues with fire compartmentation between homes.
 - **Priority 2** - Communal supplies in seniors housing schemes. This priority has been assigned due to the fact that many of the residents may have increased needs and higher levels of mobility issues.
 - **Priority 3** - Communal supplies in larger lower rise blocks. This priority has been assigned due to the fact there are generally more residents living in these blocks compared to the smaller blocks.
 - **Priority 4** - All other communal supplies.
- 3.30 The team remain on target to completely retest all communal ways over the next three years, by December 2026. This progress is overseen, and resource reviewed via the Housing Health & Safety Compliance Governance Board.

Fire safety

- 3.31 Comprehensive information previously shared with Housing & New Homes Committee on legislative and regulatory compliance and assurance work completed or underway by the Council for all our 45 high rise residential blocks under the Building Safety Act and Fire Safety (England) Regulations 2022 has also now been shared with RSH. An update on recent areas of action is included below.

Communal

- 3.32 For 635 communal areas requiring a fire risk assessment (FRA), as of January 10th 2024, 100%, 635 out of 635 properties, were covered by a current Type 1 FRA.
- 3.33 For fire detection alarm systems, we have 171 assets on our asset list. 94.14% of these properties have a fully operational fire detection alarm system installed. The remaining 5.85% of assets have partially operational fire detection systems installed. The 10 properties (5.85%) referred to as partially working are currently subject to review. Temporary detection has been fitted to these properties until we can implement a permanent solution to the issues arising in these homes.
- 3.34 Testing of communal fire detection alarm systems is conducted quarterly with every detector tested within each 12-month period. Recommendations raised during these tests help us build an upgrade or replacement programme.
- 3.35 We continue to keep our common ways clear by removing items daily and using appropriate (Section 41) Notices. Our Estates Team are removing approximately 120 items per week and in addition, around 40 incidences a month of removing items dumped in electrical cupboards.
- 3.36 With regard to actions arising from fire risk assessment, our newly appointed Fire Safety Manager has commenced their employment with the Council and a new contractor to undertake works arising from fire risk assessments will be mobilised imminently. We are also recruiting to two Fire Safety Surveyor posts. In line with this we are currently checking and validating information on outstanding fire safety remedial actions and ensuring correct ordering by theme, risk and priority to make sure that this is accurate for both contractor and reporting purposes. We have advised the RSH that we anticipate being able to share validated data in January 2024.

Domestic

- 3.37 The council maintain a clear focus on prevention, 'life safety', particularly for those we recognise as more vulnerable. One example is our investment in an additional care link support provisions in our Seniors Housing blocks. With this focus in mind, we are proposing to establish how many flats have had a recent Home Fire Safety Visit by East Sussex Fire & Rescue Service (within the last 2 years) and invite further collaboration with ESFRS to achieve a proactive approach to preventing fires in the homes of all our residents.

- 3.38 Working with ESFRS we are considering how we might adopt a shared 'safety in the home' campaign, beyond just letters and communications and actively involve the fire service's experienced Community Fire Safety Teams and staff. We are also liaising with ESFRS on the provision of information on vulnerable residents.
- 3.39 Communications to tenants regarding fire doors and what to do in the event of a fire have been sent to residents across our high rise blocks and updated on our website <http://www.brighton-hove.gov.uk/fire-safety-in-flats>. Resident engagement has and will continue to be taken forward through a range of relevant resident engagement groups and has included updates in our tenant publication Homing In. We will also reach out to residents and communities as part of our wider proposals to expand resident engagement. We continue to work with ESFRS to promote home safety visits and targeted joint case work with vulnerable households.

Asbestos safety Communal

- 3.40 The Control of Asbestos Regulations require that we hold a register of asbestos containing material in common parts of blocks of flats. We have management re inspection surveys for our common ways. These surveys form the basis of an asbestos register which holds data on the asbestos containing material located in the common ways of 544 properties.
- 3.41 The re inspection programme is undertaken by UKAS accredited Asbestos Survey contractors on an annual cycle. There was a delay in the procurement of the current contractor so the time between the last re inspection and the current programme is greater than 12 months, the oldest survey from the previous contractor being the 19th July 2021.
- 3.42 However, the annual re-inspection programme has now re-commenced under the new contractor (Gully Howard Technical) who have been issued with 544 works orders for re-inspections. As of 13th December 2023, our contractors have completed 78 of the 544 required asbestos re-inspections. We are aiming for this programme to be completed by April 2024, with a 100% re-inspection rate. The remaining 466 properties currently overdue a re-inspection can be banded as follows (based on length of time overdue).

Time Overdue	Number of Properties
<1 year	46
1 – 2 years	407

In addition, there are 13 properties we have identified which will be surveyed to validate the data.

Domestic

- 3.43 In addition to the 544 common way surveys already referred to, we have 14780 pieces of asbestos information for tenant's homes which include 9023 unique pieces of information, against a stock of c 11,900 properties. This information is currently available in a written report format which allows

information to be shared with tenants, our staff and contractors but does not allow analysis at an estate level which impacts our ability to programme planned asbestos works.

- 3.44 Currently all asbestos works outside of the re inspection works to common ways is reactive either to the outcome of surveys or the need to undertake other work impacted by the presence of asbestos. Following the Housing Health & Safety Compliance Review it was agreed that it would be prudent to have a cyclical asbestos survey programme for domestic properties so that all properties have a management survey. This is allowed for in our resource plan and is being developed.
- 3.45 Housing & New Homes Committee have previously been advised that our communal asbestos surveys and domestic asbestos surveys are currently stored on different ICT systems and that following the Housing Health & Safety Compliance Review it has been recommended that we combine this information to form a more comprehensive record of asbestos materials and ensure regulatory and legislative compliance. Implementation of the first phase of the NECH Asset Management System which will have the required functionality is on track for March 2024.
- 3.46 We have in place robust management systems to minimise the risks to staff and tenants whilst works are being undertaken. Our processes set out to ensure that no work is commenced without either an existing survey being reviewed or a new survey being undertaken. The vast majority of asbestos found in our properties is either considered low or very low risk. We have a 'don't touch' policy when working with asbestos and only use registered asbestos companies for working with or removing asbestos containing materials. Asbestos information is made available to contractors working on our properties and to tenants on request. We have also included asbestos reports in our fire document boxes in our high-rise buildings and can make reports available to the emergency services on request.
- 3.47 Whilst good progress is being made bringing together the existing data and managing surveying and removals, following the Review we have agreed to and are currently seeking to appoint an Asbestos Manager to bring these work strands together and provide a focus for this activity.

Lift safety

- 3.48 100% of the 127 lifts the Housing service have under management and the relevant items of lifting equipment have received all necessary LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspections. Lifting equipment is subject to a robust inspection scheme, with in-house, contractor, and insurance provider inspections undertaken. As with other areas of compliance this will be subject to oversight and monitoring via the Housing, Health & Safety Compliance Board.

Water safety

- 3.49 Our contractor, HSL, undertakes water risk assessments for Council housing stock including properties with water tanks and all Seniors Housing schemes which includes flushing for legionella purposes. HSL also undertake any

remedial works required. Our contractor stores information in relation to their contract with the Council on a proprietary system. All related documents and information are retained on the contractor database and are not currently held on council systems. As reported to Housing & New Homes Committee on 21st June 2023, our Housing Health & Safety Compliance Review identified a need to clarify the structure of BHCC assets held on the HSL portal to categories, asset types and responsibilities aligned to management responsibilities.

- 3.50 Our Health & Safety Review Action Plan, Key Priority Actions 2023/24 reported to Committee on 20th September 2023, includes a key action in relation to Water Risk Assessment & Site Monitoring, to '*Review assets held in the contractor portal*'. This is aligned to enabling development of a suite of Key and Operational Performance metrics to demonstrate the effective management of water safety. Also, to support the Council to design and implement requirements for retaining water safety data and information on council systems. From April 2024 we anticipate that water safety assets and data will be held on the Housing service Asset Management System.
- 3.51 In progressing this action, we are currently in discussion with HSL on provision of an agreed form of monthly reporting of compliance figures, including information on outstanding remedial actions, from January 2024. HSL have assured the Council that our high priority properties are compliant. We have also implemented a plan of action to raise water safety compliance levels across our entire estate. An update on progress and a new risk-assessed asset list is to be provided to the RSH and will also be shared in future Housing, Health & Safety Update reports to Committee.

Smoke & carbon monoxide detection

- 3.52 Installation of hard-wired smoke detection and carbon monoxide detection in accordance with the requirements of Smoke and Carbon Monoxide Regulations is being taken forward by the new Electrical Testing and Compliance Team within the same 3-year timescale as electrical testing programme, by December 2026. Regular review of progress and resource requirements to support meeting the target will be overseen by the Housing, Health & Safety Governance Board.
- 3.53 The team will be installing AICO smoke/carbon monoxide detection systems. To date, since July 2023, the team have installed gateways and appropriate detection in 283 properties.
- 3.54 The amount of hardwired detection being installed will increase significantly in the new year once the Electrical Testing and Compliance Team operatives complete their UKATA non-Licensed Asbestos Operative course. Currently our operatives are only installing full LD2 systems when carrying out electrical certification where there is no textured coating (containing chrysotile asbestos) ceiling. These installations will follow the same priority order as the electrical testing programme, starting with properties that have unsatisfactory certification, then moving on to properties with no full

electrical certification on file, finally we will be attending to properties in order of age of electrical certification.

- 3.55 The contractor we have engaged to carry out testing as part of the Electrical Testing and Compliance programme has the ability/training to fix into textured coating (containing chrysotile asbestos) and has been instructed to install LD” systems in all properties tested, excluding houses in multiple occupation and Seniors Housing which is covered by the Sure Serve contract.

Smoke detection

- 3.56 As part of our Review, we identified that the information on installation of smoke detection in our c 11,900 council homes has not been consistently or well recorded.
- 3.57 The Council have smoke detection installed in our higher risk homes, including all 23 of our Seniors Housing schemes, our Extra Care scheme, two high rise blocks (St James House & Dudeney Lodge), all house in multiple occupation conversion style blocks and any property subject to a recent electrical re-wire. These systems are serviced by our contractor Sure Serve who currently cover 1720 flats and 366 HMOs.
- 3.58 In addition to the above, since 2011, LD3 smoke detection systems have been installed in all Council owned HRA properties when properties went through the void process. There is no register of this smoke detection but there is a record of properties that have been completed by the Empty Homes team since January 2015 which totals 3952 properties. Excluding Seniors Housing this gives a figure of 3380 properties with smoke detection. Also, as of 22 November 2023, the Housing Repairs & Maintenance service hold 2214 certificates for properties with smoke detection fitted.
- 3.59 Further analysis of certification held in our current works management system (MCM) is being undertaken in order more accurately and confidently report on compliance in this area.

Carbon Monoxide detection.

- 3.60 As with smoke detection, albeit carbon monoxide detection is only installed within 10,076 council homes with a gas supply, some installation had been undertaken in our council homes, including as part of domestic electrical rewires, however this has not been consistent or well recorded. Carbon monoxide detector (battery powered) installation is currently being undertaken by our Heating & Hot Water contractor. Since the new regulations came into force on 1st October 2022 our contractor (K&T Heating then PH Jones under the new contract) has fitted 7,224 carbon monoxide detectors as of January 9th 2024, a compliance rate of 71.7%
- 3.61 Notwithstanding the programme to install hard-wired smoke and carbon monoxide detection, our Heating & Hot Water contractor will continue to install battery powered carbon monoxide detectors. In order that we reach a compliant position with regard to carbon monoxide detection as soon as

possible we have been liaising with the contractor to increase the pace of installation of battery powered detectors in order to ensure all of our homes with a gas supply have these by the end of April 2024.

Damp & Condensation

- 3.62 The RSH also requested an update on the council's approach and activity in relation to reports of damp & condensation. The response provided to RSH, as of November 2023 is outlined in Appendix 1.

4. Analysis and consideration of alternative options

- 4.1 The Housing Health & Safety Review and engagement with the RSH has been taken forward in anticipation of and in order to ensure that we are prepared for and compliant with recent and forthcoming legislative and regulatory changes impacting social housing landlords following the Grenfell Tower tragedy.
- 4.2 Progress against actions arising from the Review and any changes to the Action Plan, including those arising following completion of current Government and RSH consultation, will be overseen by the officer Housing Health & Safety Compliance Governance Board. Further updates will be brought back to Housing & New Homes Committee for consideration as required.

5. Community engagement and consultation

- 5.1 Engagement with our tenants and residents is essential to enable the Housing service to progress key elements of the Review. This will include residents being engaged within our Fire Risk Assessment process, incorporating sharing information on fire safety assessments in high-rise blocks, and also communication with tenants and residents to enable access to homes for essential inspections.
- 5.2 Resident engagement has and will continue to be taken forward via established communication routes such as Homing In and resident consultation meetings. This includes Housing Area Panels, Council Tenant Annual Conference, Home Group, Involvement & Empowerment Service Improvement Group and Tenant Disability Network. We will also reach out to residents and communities as part of our wider proposals to expand resident engagement.
- 5.3 Housing Health & Safety Update and RSH Consumer Standards presentations were shared with September Housing Area Panels as well as Housing & New Homes Committee. We currently await the outcome of the RSH Consumer Standard consultation.
- 5.4 East Sussex Fire & Rescue Service are a key stakeholder and regulator with whom we continue to work closely on legislative and regulatory matters.

6. Conclusion

- 6.1 Housing & New Homes Committee members are asked to note the Housing Health & Safety update and current engagement with the Regulator of Social Housing and that further updates will be brought back to Committee following the outcome of the RSH consideration of the council's compliance with their current consumer regulation process.
- 6.2 This review into our approach to Housing health & safety compliance and assurance in council homes has been undertaken in anticipation of a new legislative and regulatory framework for social housing arising from the Social Housing (Regulation) Act becoming law in Spring 2024.

7. Financial implications

- 7.1 The update provided by this paper has not impacted on the required investment outlined in that report and as such there are no direct financial implications from this paper.
- 7.2 The June 2023 Housing & New Homes Committee paper, Housing, Health & Safety Update outlined in detail the investment required for the financial year 2023/24 and over the medium term for the Housing Revenue Account. The capital and revenue investments for 2023/24 continue to be met from within existing budget resources and are monitored through the councils Targeted Budget Monitoring (TBM) process.
- 7.3 The 2024/25 budget paper has addressed the gap in investment to ensure compliance and now includes provision of £14.905m across capital and revenue, this is an increase of 44% from the 2023/24 investment. The HRA budget paper is also being presented to the 24 January 2024 Housing and New Homes Committee.

Name of finance officer consulted: Craig Garoghan Date consulted:
09/01/2024

8. Legal implications

- 8.1 The June 2023 report set out the legal implications of regulatory non-compliance at length. This report indicates that whilst the council is making progress in meeting its health and safety obligations towards tenants and leaseholders, there is still some way to go. Compliance with these obligations is part of the Regulator of Social Housing's Consumer Standards. The current 2019 'Guidance on the regulator's approach to intervention, enforcement and use of powers' confirms the regulator expects registered providers to identify problems and take effective action to resolve them. The regulator will only consider the use of regulatory, enforcement and general powers if that approach has failed. However, as indicated in the report, the Regulator's enhanced powers under the Housing and Regeneration Act 2008 as amended by the Social Housing (Regulation) Act 2023 are expected to come into force in April of this year. The Regulator has issued draft guidance on the new enforcement powers, which include service of an enforcement notice on a registered provider. Such a notice can

be served for a number of reasons, including where the provider has failed to meet the section 193 Consumer Standard, or where the affairs of the provider have been mismanaged in relation to social housing. Mismanagement has a specific meaning in the Act. Section 275 defines it as 'Mismanagement in relation to the affairs of a registered provider' means managed in breach of any legal requirements (imposed by or under an Act or otherwise). An enforcement notice will specify grounds on which it is being given, specify the actions the registered provider is required to take and specify the timescales for the completion of those actions.

Name of lawyer consulted: Liz Woodley Date consulted 11/01/24:

9. Equalities implications

- 9.1 The HRA budget funds services for people with a range of needs, including those related to age, vulnerability or health. All capital programme projects undertaken include full consideration of various equality issues and specifically the implications of the Equality Act. To ensure that the equality impact of proposals included in this report are fully considered, equality impact assessments will be developed on specific areas as required.
- 9.2 In terms of engagement with our residents. It is clear from the current equality monitoring of participation, that there is under representation from minoritised communities. The Housing service continue to work with Community Engagement Team colleagues on proactively seeking the voice of under-represented groups in line with the Public Sector Equality Duties placed on the council to advance the equality of opportunity, to foster good relations and eliminate discrimination for marginalised communities.

10. Sustainability implications

- 10.1 Helping residents to live in well-insulated, efficiently heated, healthy homes addressing fuel poverty issues remains a key long-term objective, which is supported through the work of our Housing health & safety review.

Supporting Documentation

1. Appendices

1. Appendix 1 - Damp & Condensation update, Response to Regulator of Social Housing. 23rd November 2023.

2. Background documents

1. Housing & New Homes Committee, 20th September 2023. Agenda Item 24 – Housing, Health & Safety Update, Report and Action Plan.
2. Housing & New Homes Committee, 21st June 2023. Agenda Item 10 – Housing, Health & Safety Update.
3. Housing Health & Safety Compliance Review, Brighton & Hove City Council, Ridge, March 2023.

Appendix 1

Damp & Condensation update, Response to Regulator of Social Housing. 23rd November 2023

The Council are committed to working with our tenants and residents to address the issues of damp and mould and ensure the health and safety of those living in our homes.

Our approach is to work with tenants to understand the cause of the damp and mould issues they may face and work together to find a solution. While there are some measures a tenant can take to reduce damp and mould problems, we recognise that there may be other factors outside of a tenant's control. This may be linked to issues such as: vulnerability; low income; overcrowding in some of our homes; increases in heating costs; a lack of clothes drying facilities in flats.

Unfortunately, condensation dampness issues do occur in our housing stock. Different properties have different challenges, for example lack of adequate insulation or adequate ventilation, insufficient heating system, or the condition of the external fabric (brickwork, pointing etc).

There may be barriers to resident reporting problems. We try to work with tenants and other stakeholders to remove barriers to ensure tenants are able to engage with our services, and to report issues, including damp and mould.

We are working hard to maintain our continuous improvement of the standard of our council housing stock. Helping residents live in well insulated, efficiently heated, healthy homes is a key investment objective, supported through our Housing Revenue Account (HRA) capital programme. In terms of asset management there will be particular emphasis on improvements in property insulation, window installation and mechanical ventilation.

Our 23/24 HRA budget includes investment of over £34m in existing council homes, including increasing our investment in damp and condensation measures as well as our overall investment in planned and major works.

In October 2021, the Housing Ombudsman released a spotlight report on damp and mould issues. This produced a 26-point list of recommended improvements for landlord to consider how their current and future approach can be modified/improved to better manage this serious issue. We have used these recommendations as guidance when shaping our response to damp and mould concerns and particularly when selecting the specialist contractors to support us with this work.

The number of current open damp and mould cases.

The total number of individual tasks (Work in Progress – WIP) associated to damp and mould cases open currently is 850. This is split across 797 unique addresses.

Of these open cases 748 tasks are related to permanent council homes, split across 701 unique addresses.

The type of works can broadly be split down into 6 categories, see below, figures are included for permanent council homes only:

Housing Repairs & Maintenance service damp washdown jobs – currently sitting at 286 tasks (38%), these are raised across 278 unique addresses. (please note that this is the first place a new damp job is raised to – a number of these jobs will likely be assigned to contractors when they are reviewed).

Contractor washdown jobs - currently sitting at 248 tasks (33%) these are raised across 241 unique addresses.

Housing Repairs & Maintenance service damp remedial works – currently sitting at 153 tasks (20%), these are raised across 148 unique addresses. 105 of these jobs are raised to the electrical team to install extractor fans.

Contractor cavity wall insulation & associated works – currently sitting at 36 tasks (5%), these are raised across 34 unique addresses.

Contractor damp remedial works – currently sitting at 14 tasks (2%), these are raised across 13 unique addresses.

Specialist external surveyor works - currently sitting at 11 tasks (1%), these are raised across 11 unique addresses.

We are currently undertaking further analysis, including with our contractors, on current timescales for completion of these jobs.

Whether any category 1 or 2 hazards have been identified.

None identified.

The Council's plan to remedy the damp and mould.

- The Council have a proactive approach to managing damp works. We have a dedicated team to manage reported damp concerns. To support this team and extend the scope of our works we have appointed specialist contractors. This gives us additional resource to respond to damp problems and be more proactive in dealing with the route cause.
- We are working with colleagues in other council services, including Families, Children and Learning and Public Health, to identify families and vulnerable individuals particularly at risk. We are also working to identify properties with damp and mould and raise awareness to the risks and the need to report cases.
- We are prioritising cases following a risk-based approach to ensure an effective and timely response to families and vulnerable residents potentially most at risk. When attending to new damp and mould jobs, contractors complete a survey and risk assess the situation, identifying any vulnerabilities or underlying health concerns which could exacerbate the

effect of the damp problem on tenant's health. This is reported back to the Damp team at the council for proactive action to be taken.

- If an issue is identified where a property has a significant damp and mould issue that may cause concern for tenant's health, then we would consider options to either decant or install a temporary air scrubber until works could be completed. We have access to air scrubbers through a contractor that can be installed at short notice (same day).
- The responsive Damp team has been identifying properties where cavity wall insulation would improve or resolve damp and mould issues and currently has two contractors which are being instructed on an ad-hoc basis. To the end of Q2 '23/24 the service had spent £202,390.00 across 23 jobs (average. £9453.91 per job) with a further 38 jobs identified, and orders placed to be completed this year. The plan is to extend this work in '24/25 to achieve £1m spend.
- Aico Environmental Sensors have been installed in two properties to date. Visiting inspectors have these systems in their vehicles to install if they come across any properties that we are concerned about and feel the need to monitor. This will allow us to track the environmental causes leading to cases of damp and mould and better diagnose repairs and alterations required to properties. The rollout of the Aico HomeHub in properties where we are carrying out periodic electrical testing. and in all voids, means that the infrastructure to support environmental sensors is already in place if the need arises.
- The periodic electrical testing programme has been highlighting properties where damp and mould issues are being discovered but have not been reported by tenants, these jobs can then be picked up and potential health risks to tenants who would not normally contact us (for a number of reasons) are being dealt with.
- We have reached out to colleagues across Housing services and provided information through Homing In (which is delivered to all tenants) to highlight the issue of damp and condensation and the importance of reporting.
- We are working with contractors to ensure we have adequate resource and skill to tackle damp and condensation and the resulting repair works.
- Information is also being made available to help tenants who are worried about fuel bills and the general pressure on the cost of living. Information has been included on our web site, other information leaflets and we would encourage anyone worried by these issues to contact us.
- For general advice, our '[Condensation, damp and mould in your home](https://www.brighton-hove.gov.uk/housing/council-housing/condensation-damp-and-mould-your-home)' webpage <https://www.brighton-hove.gov.uk/housing/council-housing/condensation-damp-and-mould-your-home> is live and linked with an extra line on our main [Ask for a repair to your council home webpage](https://www.brighton-hove.gov.uk/housing/council-housing/ask-repair-your-council-home) - <https://www.brighton-hove.gov.uk/housing/council-housing/ask-repair-your-council-home>. We also have a leaflet that we share with tenants which gives practical advice on prevention and early treatment of condensation and mould.

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 52

Subject: Housing Adaptations Framework Re-let

Date of meeting: 24 January 2024

Report of: Executive Director of Housing, Neighbourhoods and
Communities

Contact Officer: Name: Diane Hughes

Email: diane.hughes@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report seeks approval to re-tender the Adaptation Framework Agreement for adaptations in council properties and private sector dwellings.

1.2 The proposed framework agreement has the following benefits:

- Delivers best value for money by allowing good economies of scale
- Six specialist adaptations contractors allow for a responsive service and provide good capacity
- Contractors are assessed on quality as well as cost to ensure a high standard of work and customer service
- Adaptations can be provided in the shortest possible time, avoiding lengthy individual tenders.

2. Recommendations

2.1 That Committee approve the procurement of the Adaptations Framework Agreement for three years from October 2024 with the option to extend for a further 12 months.

2.2 That Committee authorise the Executive Director for Housing, Neighbourhoods and Communities to enter into a Framework Agreement with contractors following a compliant procurement process.

3. Context and background information

3.1 The Council has duties arising under the Care Act and 1996 Housing Grants, Construction & Regeneration Act to assess a disabled person's need for adaptations and, where both "necessary and appropriate" and

“reasonable and practicable”, to make funding available for housing adaptations for specific purposes promoting independent living and wellbeing.

- 3.2 The council has allocated £1.6m from the Housing Revenue Account for the provision of Adaptations in 2023/24. For those who are not council tenants adaptations are funded through Disabled Facilities Grants....
- 3.3 Major adaptations in council homes are delivered through the framework of specialist contractors and managed directly by Home Improvement Officers (HIOs) in the Housing Adaptations Service. The current framework agreement is set to expire in early 2025. There is no inflationary uplift in the current framework and for this reason the aim is to let the new framework by October 2024 to ensure prices are commercially viable and services can continue to be provided.
- 3.4 Disabled Facilities Grant (DFG) applicants have 3rd party access to the framework prices. DFGs are available in the private sector, including housing associations, for major adaptations (those costing over £1,000). This access resulted in a saving of approximately 15% over individual tendering, has helped expedite grant approvals and facilitates access to reputable specialist contractors. DFGs are allocated via the Housing Service’s Adaptations Team...
- 3.5 DFG funding has risen nationally from £505m 2019/20 to £573m in the current financial year. This equates to a local allocation of £2.313m to the Better Care Fund in the current financial year of which £2.217m was transferred to Housing for adaptations. In addition to the mandatory DFG, the council offers a discretionary DFG grant programme: [Disabled Facilities Grant Housing Policy](#). These grants allow a wider range of assistance funded by DFG for older and disabled adults and children, targeted at accident prevention, tackling fuel poverty and assisting hospital discharge.
- 3.6 Demand for adaptations remain high with the spend and number of adaptations completed in recent years detailed in the table below:

Year	2019/20	2020/21	2021/22	2022/23	2023/24 (to 14/12/23)
Council adaptations	265	197	242	193	140
Council Spend	£1,449,718	£1,451,868	£1,126,996	£965,300	£908,154
Mandatory DFGs completed	144	141	150	172	107
Discretionary DFG completed	117	94	91	86	90
DFG spend	£1,749,479	£1,676,819	£2,066,077	£2,091,098	£1,238,678

- 3.7 Despite an expected dip in provision relating to the pandemic, the framework continues to perform well. Many compliments are received about

the completed adaptations and tradespeople carrying them out (12 in 21/22 and 22 in 22/23). Where problems occur the ongoing nature of the framework means they are addressed and resolved promptly in the interest of maintaining future work. The six place framework ensures adequate capacity to manage in the event of persistent quality issues with a particular contractor or if they became insolvent. Local specialist SMEs providers will be encouraged in the procurement process.

- 3.8 Please note some works completed by the Housing Adaptations Service will fall outside of the scope of this framework. Examples include lifts (separate framework) or extension projects (individually tendered). Estimated framework spend through the framework for the coming years are £1.4m per year for HRA and £1.9m from DFG coming to £3.3m per year
- 3.9 The anticipated value of the contract over the period of 3 years plus optional one year extension is £13.2m

4. Analysis and consideration of alternative options

4.1 Access central purchasing body frameworks

At this time there is no accessible framework available to the council. The council is therefore unable to run a mini competition from the framework to let projects as they are defined and required.

4.2 Tender for each discrete adaptations project

Continued provision of adaptations in council properties would still be necessary while complying with Contract Standing Orders for each discrete adaptation project. This route is not the preferred option for this particular requirement as:

- it is a repetitive, time-consuming process for each project (3-6 months dependent on value and award sign-off)
- it is resource intensive (around 500 tenders per year) for the council and the contractors – which could lead to fatigue by all parties
- the council would lose the ability to engage quickly with contractors resulting in a slower process
- it would add complexity with potentially different contractors for the council to manage on each project with no overarching contract terms
- quality could be put at risk due to numerous contractors completing work
- the council could lose the benefits of economies of scale.

However, there would be limited advantages to the council if this route was progressed:

- potential pricing competitiveness may be achieved as each project will be tested in the marketplace
- smaller more local contractors may be interested in the discrete projects which may in turn benefit the local economy
- new entrants to the market could be accommodated.

4.3 **Provision of this contract in-house**

With the number of jobs exceeding 500 per year, the additional resources required to bring this contract in house would represent a significant growth in establishment posts.

We are aware that the current contractors' employees are unlikely to TUPE to the council as they have specialist skills and would be redeployed elsewhere within the contractor's portfolio. This would mean that we would need to employ specialist staff to provide the framework in-house which would be difficult due to attracting the staff with the right specialisms. For these reasons it is not recommended to bring this framework in-house.

5. **Community engagement and consultation**

5.1 The Operations Manager – Housing Adaptations attends the Tenant's Disability Network (TDN) and the team are therefore able to continually respond to feedback and concerns raised in relation to council homes.

5.2 Regular review meetings for the Hospital Discharge Grant Partnership keep the Housing Adaptations Service in touch with Possability People with open feedback through this route.

5.3 Representatives from both the above groups will be invited to participate in elements of quality scoring of submitted tenders.

6. **Conclusion**

6.1 Current arrangements are providing adaptations to a high standard and competitive cost and have improved delivery times for the client. While some minor refinements to the terms are planned, the success of the current Adaptations Framework suggests that a re-let of a revised and updated BHCC Framework Agreement is the most appropriate course of action.

7. **Financial implications**

7.1 For 2023/24, the council has adaptations budgets of £1.600m in the HRA capital programme (funded through tenants' rents) and £2.217m in the General Fund Capital Programme. The general fund budget is funded through the Better Care Fund (BCF) - Disabled Facilities Grant allocation.

7.2 22024/25 Budgets for both the HRA and General Fund will be set in February 2024. For 2024/25, the DFG allocation from Government remains the same as 2023/24 at £2.313m.

Name of finance officer consulted: Monica Brooks Date
consulted:09/01/24

8. Legal implications

- 8.1 The council is required to comply with the Public Contract Regulations in relation to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works. The council's Contract Standing Orders will also apply.

Name of lawyer consulted: Liz Woodley Date consulted 11/01/24:

9. Equalities implications

- 9.1 The nature of the framework is to promote equality for disabled people in Brighton & Hove. In addition to this, Equality and Inclusion statements from the tenderers will be considered during quality scoring. Monitoring of equality performance will be carried out during regular contract review meetings. Provision will be made in the specification to ensure communication with residents is appropriate to their needs. An Equality Impact Assessment has been completed and is attached at Appendix 1. The framework will complement the Accessible City Strategy's approach in the public realm, providing safe and independent access in domestic settings.

10. Sustainability implications

- 10.1 Points will be awarded during quality scoring on measures taken by contractors to promote sustainability, reduce single-use plastic and minimise fossil fuel consumption. Eco-friendly products will be specified, where available.

11. Other Implications

Social Value and procurement implications

- 11.1 The current framework has 6 appointed contractors, 2 of which have been largely unable to undertake works. Under the new framework terminology will be included to manage this issue and general performance above our standard forms of contract to include:
- The ability to remove contractors from the framework and appoint lower ranked providers at any time during the framework's life. This could be for poor performance or failure to accept a minimum number of jobs through the framework.
 - Performance measures that limit the ability for contractors to accept work where they are delivering repeated poor quality of works.
- 11.2 The new framework will incorporate a pricing model based on the National Housing Federation Framework rates plus a % adjustment for local conditions. This will ensure we have a benchmark for value against the national picture. We will also include a model for pricing ad hoc items that do not / are not easily covered within the framework rates due to the specialist nature of some adaptation works.

- 11.3 The evaluation of the bidder's quality submission will be evaluated for Social Value with up to 10% of the overall score being attributed to their responses.
- 11.4 Within the framework model bidders will be asked to offer a specific amount of labour hours and materials contributed to local community organisations / schools for every £100,000 of work completed under the framework.
- 11.5 Bidders will also be asked to detail specifics around their local employment and training offer to upskill the local workforce.

Crime & disorder implications:

- 11.6 There are none anticipated.

Public health implications:

- 11.7 The provision of adaptations can not only reduce care costs but also costs to the NHS by preventing hospital admission for falls-related injuries, in addition to the benefits of maintaining the health, dignity and independence of recipients.

General Equality Impact Assessment (EIA) Form

Support:

An [EIA toolkit](#), [workshop content](#), and guidance for completing an [Equality Impact Assessment \(EIA\) form](#) are available on the [EIA page](#) of the [EDI Internal Hub](#). Please read these before completing this form.

For enquiries and further support if the toolkit and guidance do not answer your questions, contact your Equality, Diversity, and Inclusion (EDI) Business Partner as follows:

- Economy, Environment and Culture (EEC) – [Chris Brown](#),
- Families, Children, and Learning (FCL) – [Jamarl Billy](#),
- Governance, People, and Resources (GPR) – [Eric Page](#).
- Health and Adult Social Care (HASC) – [Zofia Danin](#),
- Housing, Neighbourhoods, and Communities (HNC) – [Jamarl Billy](#)

Processing Time:

- EIAs can take up to 10 business days to approve after a completed EIA of a good standard is submitted to the EDI Business Partner. This is not considering unknown and unplanned impacts of capacity, resource constraints, and work pressures on the EDI team at the time your EIA is submitted.
- If your request is urgent, we can explore support exceptionally on request.
- We encourage improved planning and thinking around EIAs to avoid urgent turnarounds as these make EIAs riskier, limiting, and blind spots may remain unaddressed for the 'activity' you are assessing.

Process:

- Once fully completed, submit your EIA to your EDI Business Partner, copying in your Head of Service, Business Improvement Manager (if one exists in your directorate), Equalities inbox, and any other relevant service colleagues to enable EIA communication, tracking and saving.
- When your EIA is reviewed, discussed, and then approved, the EDI Business Partner will assign a reference to it and send the approved EIA form back to you with the EDI Manager or Head of Communities, Equality, and Third Sector (CETS) Service's approval as appropriate.
- Only approved EIAs are to be attached to Committee reports. Unapproved EIAs are invalid.

1. Assessment details

Throughout this form, 'activity' is used to refer to many different types of proposals being assessed.

Read the [EIA toolkit](#) for more information.

Name of activity or proposal being assessed:	New Housing Adaptations Framework Contract (2024)
Directorate:	Housing
Service:	Adaptations
Team:	Housing Adaptations

Is this a new or existing activity?	It is a renewal of an existing contract
Are there related EIAs that could help inform this EIA? Yes or No (If Yes, please use this to inform this assessment)	Yes. There should be an EIA on file for the existing framework

2. Contributors to the assessment (Name and Job title)

Responsible Lead Officer:	Spencer Ede – Project Manager
Accountable Manager:	Alex Dickie – Operations Manager
Additional stakeholders collaborating or contributing to this assessment:	Procurement, Data Protection and the Contract Legal Team.

3. About the activity

Briefly describe the purpose of the activity being assessed:

Housing adaptations for people with an assessed long-term and substantial disability. This EIA presented here focuses solely on the building works activity and its building contract.

What are the desired outcomes of the activity?

To provide fair and considerate adaptations for independent living and to improve quality of life.

Which key groups of people do you think are likely to be affected by the activity?

All disabled adults and children, intersectionally

4. Consultation and engagement

What consultations or engagement activities have already happened that you can use to inform this assessment?

- For example, relevant stakeholders, groups, people from within the council and externally consulted and engaged on this assessment. **If no consultation** has been done or it is not enough or in process – state this and describe your plans to address any gaps.

Constant contact with our client base and various Housing groups and Associations, Occupational Therapists in our team and in Children's Services.

We have developed links with Possibility People who helped write and improve our guide to 'Adapting your home' for private sector residents, and we continue work with groups aligned with them through the Keeping People Well programme on befriending and community navigators projects, tackling/preventing social isolation. We are in contact with the Community Safety team to review our role and response to incidents of disability hate crime, plus Age UK & other voluntary organisations for older people e.g. the 'Older People's Council'

Our Occupational Therapists (OTs) have promoted awareness of our service with a presentation to the Older People's Council and have developed links internally with diverse groups including Black & Racially Minoritised & LGBT groups to promote awareness of the adapts service. Plus, promoted awareness of our service by contacting the BME Community Partnership, LGBT Health & inclusion Project, LGBT switchboard, LGBT Workers Forum, Disabled Workers & Carers Partnership & BME Workers Forum. We have also reached out to the Carers centre & also young carers group with a

presentation to Carers forum and improved information about the assessment of Carer's needs in our published guides and on the Adaptations pages on the council website.

5. Current data and impact monitoring

Do you currently collect and analyse the following data to enable monitoring of the impact of this activity? Consider all possible intersections.

(Delete and indicate as applicable from the options Yes, No, Not Applicable)

Age	YES
Disability and inclusive adjustments, coverage under equality act and not	YES
Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers)	NO
Religion, Belief, Spirituality, Faith, or Atheism	NO
Gender Identity and Sex (including non-binary and Intersex people)	NO
Gender Reassignment	NO
Sexual Orientation	NO
Marriage and Civil Partnership	NO
Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)	NO
Armed Forces Personnel, their families, and Veterans	NO
Expatriates, Migrants, Asylum Seekers, and Refugees	NO
Carers	NO
Looked after children, Care Leavers, Care and fostering experienced people	NO
Domestic and/or Sexual Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)	NO
Socio-economic Disadvantage	NO
Homelessness and associated risk and vulnerability	NO
Human Rights	NO
Another relevant group (please specify here and add additional rows as needed)	Not applicable

Additional relevant groups that may be widely disadvantaged and have intersecting experiences that create exclusion and systemic barriers may include:

- Ex-offenders and people with unrelated convictions
- Lone parents
- People experiencing homelessness
- People facing literacy and numeracy barriers
- People on a low income and people living in the most deprived areas
- People who have experienced female genital mutilation (FGM)

- People who have experienced human trafficking or modern slavery
- People with experience of or living with addiction and/ or a substance use disorder (SUD)
- Sex workers

If you answered “NO” to any of the above, how will you gather this data to enable improved monitoring of impact for this activity?

As a wider team (including our Occupational Therapists) we gather knowledge of individuals within the categories above, but this EIA is limited to the instruction of building work following those detailed, medical assessments. However, housing adaptations require sensitivity and awareness of these issues, but we do not gather this data directly for this purpose.

This EIA focuses only on the delivery of repairs to specific groups of people that have already been determined by the time of delivery. All data relevant for this EIA is taken from information received from OTs. However, we likely need to improve our awareness of intersectionality and barriers due to layers of identities around which today we do not gather or analyse data. Data gathering needs improvement and some of these gaps may be addressed in an updated Allocations Framework EIA, a wider Housing Strategy and EIA actions that result when this strategy is created.

What are the arrangements you and your service have for monitoring, and reviewing the impact of this activity?

We gather feedback from clients after work is complete and give contact details on all correspondence so they might inform us at any time, with clear routes to complaints including easy methods for taking complaints higher, before and during the adaptation process. We will also make sure Key Performance Indicators (KPIs) are met including 95%+ customer satisfied with the service & delivery.

6. Impacts

Advisory Note:

- **Impact:**
 - Assessing disproportionate impact means understanding potential negative impact (that may cause direct or indirect discrimination), and then assessing the relevance (that is: the potential effect of your activity on people with protected characteristics) and proportionality (that is: how strong the effect is).
 - These impacts should be identified in the EIA and then re-visited regularly as you review the EIA every 12 to 18 months as applicable to the duration of your activity.
- **SMART Actions mean:** Actions that are (SMART = Specific, Measurable, Achievable, Realistic, T = Time-bound)
- **Cumulative Assessment:** If there is impact on all groups equally, complete **only** the cumulative assessment section.
- **Data analysis and Insights:**
 - In each protected characteristic or group, in answer to the question ‘If “YES”, what are the positive and negative disproportionate impacts?’, describe what you have learnt from your data analysis about disproportionate impacts, stating relevant insights and data sources.
 - Find and use contextual and wide ranges of data analysis (including community feedback) to describe what the disproportionate positive and negative impacts are on different, and intersecting populations impacted by your activity, especially considering for [Health inequalities](#), review guidance and inter-related impacts, and the impact of various identities.
 - For example: If you are doing road works or closures in a particular street or ward – look at a variety of data and do so from various protected characteristic lenses. Understand and

analyse what that means for your project and its impact on different types of people, residents, family types and so on. State your understanding of impact in both effect of impact and strength of that effect on those impacted.

- **Data Sources:**

- **Consider a wide range (including but not limited to):**

- [Census](#) and [local intelligence data](#)
 - Service specific data
 - Community consultations
 - Insights from customer feedback including complaints and survey results
 - Lived experiences and qualitative data
 - [Joint Strategic Needs Assessment \(JSNA\) data](#)
 - [Health Inequalities data](#)
 - Good practice research
 - National data and reports relevant to the service
 - Workforce, leaver, and recruitment data, surveys, insights
 - Feedback from internal 'staff as residents' consultations
 - Insights, gaps, and data analyses on intersectionality, accessibility, sustainability requirements, and impacts.
 - Insights, gaps, and data analyses on 'who' the most intersectionally marginalised and excluded under-represented people and communities are in the context of this EIA.

- Learn more about the [Equality Act 2010](#) and about our [Public Sector Equality Duty](#).

5.1 Age

Does your analysis indicate a disproportionate impact relating to any particular Age group? For example: those under 16, young adults, with other intersections.	Yes
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>53% of service users are aged over 64. There is a strong link between older age and disability. Disabled Facilities Grant (DFG) equalities monitoring returns:</p> <p>13% < 45 31% 45 – 64 28% 65 – 74 18% 75 – 84</p>

5.2 Disability:

Does your analysis indicate a disproportionate impact relating to Disability, considering our anticipatory duty?	Yes, as all clients of our service are disabled. Impact expected to be positive.
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

100% of our clients have a long-term & substantial disability. Any changes to the property are likely to have an overall positive impact on disabled customers. This is because every single person has a tailored, in-depth assessment of their clinical need. Occupational Therapists do this assessment.

What [inclusive adjustments](#) are you making for diverse disabled people impacted? For example: D/deaf, deafened, hard of hearing, blind, neurodivergent people, those with non-visible disabilities, and with access requirements that may not identify as disabled or meet the legal definition of disability, and have various intersections (Black and disabled, LGBTQIA+ and disabled).

We approach our caseloads on an individual basis, which involves assessing the individual requirements of disabled residents to improve their living conditions by adapting their home - we consider all the adjustments mentioned above for that reason. This approach should and does include considerations for the people carrying out those assessments and the work itself, either directly or indirectly working for BHCC.

5.3 Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers):

Does your analysis indicate a disproportionate impact relating to ethnicity?	NO
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

5.4 Religion, Belief, Spirituality, Faith, or Atheism:

Does your analysis indicate a disproportionate impact relating to Religion, Belief, Spirituality, Faith, or Atheism?	YES
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Cultural considerations might arise such as dates of significance limiting customer's availability or conservative household systems that need culturally sensitive engagement and management. Contractors to seek customers availability and enquire about any culturally specific requirements and support.

5.5 Gender Identity and Sex:

Does your analysis indicate a disproportionate impact relating to Gender Identity and Sex (including non-binary and intersex people)?	NO
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.6 Gender Reassignment:

Does your analysis indicate a disproportionate impact relating to Gender Reassignment ?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.7 Sexual Orientation:

Does your analysis indicate a disproportionate impact relating to Sexual Orientation ?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.8 Marriage and Civil Partnership:

Does your analysis indicate a disproportionate impact relating to Marriage and Civil Partnership ?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.9 Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum):

Does your analysis indicate a disproportionate impact relating to Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum) ?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.10 Armed Forces Personnel, their families, and Veterans:

Does your analysis indicate a disproportionate impact relating to Armed Forces Members and Veterans?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.11 Expatriates, Migrants, Asylum Seekers, and Refugees:

Does your analysis indicate a disproportionate impact relating to Expatriates, Migrants, Asylum seekers, Refugees, those New to the UK, and UK visa or assigned legal status? (Especially considering for age, ethnicity, language, and various intersections)	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.12 [Carers](#):

Does your analysis indicate a disproportionate impact relating to Carers (Especially considering for age, ethnicity, language, and various intersections).	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

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5.13 Looked after children, Care Leavers, Care and fostering experienced people:

Does your analysis indicate a disproportionate impact relating to Looked after children, Care Leavers, Care and fostering experienced children and adults (Especially considering for age, ethnicity, language, and various intersections).	NO
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Also consider our [Corporate Parenting Responsibility](#) in connection to your activity.

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

5.14 Homelessness:

Does your analysis indicate a disproportionate impact relating to people experiencing homelessness, and associated risk and vulnerability? (Especially considering for age, veteran, ethnicity, language, and various intersections)

NO

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

5.15 Domestic and/or Sexual Abuse and Violence Survivors, people in vulnerable situations:

Does your analysis indicate a disproportionate impact relating to Domestic Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)?

NO

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

5.16 Socio-economic Disadvantage:

Does your analysis indicate a disproportionate impact relating to Socio-economic Disadvantage? (Especially considering for age, disability, D/deaf/ blind, ethnicity, expatriate background, and various intersections)

NO

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

5.17 Human Rights:

Will your activity have a disproportionate impact relating to Human Rights?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

5.17 Cumulative, multiple [intersectional](#), and complex impacts (including on additional relevant groups):

What cumulative or complex impacts might the activity have on people who are members of multiple Minoritised groups?

- For example: people belonging to the Gypsy, Roma, and/or Traveller community who are also disabled, LGBTQIA+, older disabled trans and non-binary people, older Black and Racially Minoritised disabled people of faith, young autistic people.
- Also consider wider disadvantaged and intersecting experiences that create exclusion and systemic barriers:
 - People experiencing homelessness
 - People on a low income and people living in the most deprived areas
 - People facing literacy and numeracy barriers
 - Lone parents
 - People with experience of or living with addiction and/ or a substance use disorder (SUD)
 - Sex workers
 - Ex-offenders and people with unrelated convictions
 - People who have experienced female genital mutilation (FGM)
 - People who have experienced human trafficking or modern slavery

There is a particular need to consider the complex issues and life-conditions of our clients and it is how they arrive at our services in the first place. Our OTs carry out in-depth assessments of each person based on physical and mental health barriers, and opportunities. The scope of the contractual work that ensues is informed by that initial work. However, this EIA is concentrated on how we deliver that work in their homes. This would include considerations for members of the household with anxiety or breathing issues, or who are disturbed by loud noises such as waste pumps etc, including culturally sensitive and specific requirements.

It is important we develop strong accountability with contractors chosen, ensuring they abide by the high standards set by the legal equality duty BHCC is bound to. This will include the consideration of ways to report hate-crime and discrimination that may occur during the engagement and installations. This will also include the communication style of suppliers, their equalities training and equality expertise across all protected characteristics, how they handle circumstances of miscommunication, language barriers or accent difference, faith/religion, belief based cultural differences, same sex families and any other equality related differences that could hinder communication.

We do not fully understand any disproportionate intersectional impacts of age with disability, ethnicity, single or same-sex households, migrant and expatriate households, or households in deprived areas. We anticipate there will be some impact intersectionally that the repairs being made to the properties should

have an overall positive impact on. Further intersectional impacts will be addressed in the update of the Housing Adaptions EIA.

We are developing our consideration of repercussions and consequences for future suppliers that fall below the equality standard. All this can be embedded into the KPIs of the contract at time of procurement, which we will take care to do.

We will provide a clear contact route for our suppliers if/when customers disclose discrimination to contractors, e.g. – domestic violence, sexual abuse, FGM, racism, homophobia. We will also signpost customers to the appropriate resources and support on a case-by-case basis.

Overall, the activity proposed will have a positive impact because they are being carried out as instructed by OTs who have made assessment. Considerations will be made for all customers on a case by case basis.

7. Action planning

Which action plans have the actions identified in the previous section been transferred to?

- For example: FIAP (Fair and Inclusive Action Plan) – mandatory noting of the EIA on the Directorate EIA Tracker to enable monitoring of all equalities related actions identified in this EIA. This is done as part of FIAP performance reporting and auditing. Speak to your Directorate's Business Improvement Manager (if one exists for your Directorate) or to the Head of Service/ lead who enters actions and performance updates on FIAP and seek support from your Directorate's EDI Business Partner.

FIAP, relevant team plans and project management/ implementation monitoring plans as appropriate.

What SMART actions will be taken to address the disproportionate and cumulative impacts you have identified?

- Summarise relevant SMART actions from your data insights and disproportionate impacts below for this assessment, listing appropriate activities per action as bullets. (This will help your Business Manager or Fair and Inclusive Action Plan (FIAP) Service representative to add these to the Directorate FIAP, discuss success measures and timelines with you, and monitor this EIA's progress as part of quarterly and regular internal and external auditing and monitoring)

1. Contract monitoring – KPIs & Procurement process

- Monitoring timely contact & completion of inclusive and necessary intersectionally and culturally sensitive individualised adaptations – for each protected characteristic
- Rights of complaint offered to customer with open & anonymous methods to feedback.
- Monitoring progress of staffing among contractors throughout the contract-term as per KPIs noted within the contract.
- Screening of contractors at pre-tender stage and stating equalities and inclusion expectations and penalties for failure, support and guidance available, reporting mechanisms for contractors to adhere to in procurement and contract
- Power BI reports from different-controlled datasets (To be confirmed)

2. Project staff training

- The use of CPDs and training for our Occupational Therapists to ensure intersectional, inclusive, accessibility-informed, culturally sensitive, and anti-racist assessment and service provision
- Training on equality and equity issues to be included in essential training for our Technical Officers who oversee adaptation projects.
- Offer free training to our contractors on EDI and intersectionality, among other appropriate provisions to ensure accessible, inclusive and equitable service delivery and experiences.

8. Outcome of your assessment

What decision have you reached upon completing this Equality Impact Assessment? (Mark 'X' for any ONE option below)

Stop or pause the activity due to unmitigable disproportionate impacts because the evidence shows bias towards one or more groups.	
Adapt or change the activity to eliminate or mitigate disproportionate impacts and/or bias.	
Proceed with the activity as currently planned – no disproportionate impacts have been identified, or impacts will be mitigated by specified SMART actions.	X
Proceed with caution – disproportionate impacts have been identified but having considered all available options there are no other or proportionate ways to achieve the aim of the activity (for example, in extreme cases or where positive action is taken). Therefore, you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	

If your decision is to "Proceed with caution", please provide a reasoning for this:

Summarise your overall equality impact assessment recommendations to include in any committee papers to help guide and support councillor decision-making:

We effectively screen and carefully assess each client's needs case-by-case, possibility in more depth than other ways to consider these characteristics, culminating in a plan of action guided by lawful execution of these works. The delivery of the building work itself follows that holistic approach to clients and their household. The instructions for the work itself (through this renewed Adaptations Framework contract) will be managed by internal Technical Staff trained in equality, diversity, and inclusion considerations and issues and will follow our corporate policies regarding this.

9. Publication

All Equality Impact Assessments will be published. If you are recommending, and choosing not to publish your EIA, please provide a reason:

Not applicable – ok to publish.

10. Directorate and Service Approval

Signatory:	Name and Job Title:	Date: DD-MMM-YY
Responsible Lead Officer:	Spencer Ede – Project Manager	17-Nov-23
Accountable Manager:	Alex Dickie – Operations Manager	17-Nov-23

Notes, relevant information, and requests (if any) from Responsible Lead Officer and Accountable Manager submitting this assessment:

Spencer.Ede@brighton-hove.gov.uk Alex.Dickie@brighton-hove.gov.uk

EDI Review, Actions, and Approval:

Equality Impact Assessment checklist and sign-off

EDI Business Partner to cross-check and indicate which aims of the equality duty, public sector duty and our civic responsibilities the EIA activity meets (enter Y for all applicable options):

Y	Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act . (i.e., the activity removes or minimises disadvantages suffered by different people due to their protected characteristics under the Act and beyond)
Y	Advance equality of access, opportunity, and representation of voice between those who share a protected characteristic and those who do not. (i.e., the activity takes steps to meet the needs of different people from protected groups under the Equality Act (and beyond) where these are different from the needs of other people)
Y	Creating community cohesion - Foster good relations between people who share a protected characteristic and those who do not. (i.e., the activity encourages different people from protected groups under the Equality Act (and beyond) to participate in public life or in other activities where their participation is disproportionately low)
N/A	Sustainability checklist elements and supporting pragmatic achievement of Carbon Neutral goals. Refer to the sustainability checklist .
Y	Addressing and providing inclusive and reasonable adjustments, and/ or meeting our anticipatory duties as a public sector provider, employer, and local authority.
Y	Addressing and removing health inequalities . Meeting the BHCC Joint Health and Wellbeing Strategy .
N/A	Consider if any corporate parental responsibilities are impacted, for example for care experienced people.
Y	Creating social value and community wealth .
Y	Creates and proactively considers for more inclusive and diverse suppliers, commissioned providers, procured service providers and/ or another procurement and commissioning outcome. Refer to our social value framework guidance and guidance around procurement and commissioning .
Y	Meeting our core priority actions, strategic themes of engagement, data, policy, and procedure and workstream activities in the Fair & Inclusive Action Plan (FIAP) , Our council plan , Our strategic approach , Workforce Equality reports , Performance Management Framework , and Council-wide Equality Strategies such as Anti-Racism, Accessible City, Gender and more. Also refer to the EDI Internal Hub .
N/A	Creates efficiencies, savings, improves public spending, and has other positive budgetary outcomes or impacts in the public interest and/ or for our people.

Y	Improves our people and/ or user experience, creating equity of access, opportunity, experiential, and wellbeing outcomes.
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EIA Reference number assigned: HNC-101-Dec-23-HousingAdaptationsFramework24

Once the EDI Business Partner has checked the above have been considered for by those submitting the EIA for approval, they will get the EIA signed off and send to the requester copying the Head of Service, Business Improvement Manager, [Equalities inbox](#), any other service colleagues as appropriate to enable EIA tracking and saving.

Signatory:	Name:	Date: DD-MMM-YY
EDI Business Partner:	Jamarl Billy	12-Dec-23
EDI Manager:	Sabah Holmes	15-Dec-23
Head of Communities, Equality, and Third Sector (CETS) Service: <i>(For Budget EIAs/ in absence of EDI Manager/ as final approver)</i>	N/A (Emma McDermott)	N/A

Notes and recommendations from EDI Business Partner reviewing this assessment:

Recommend conducting a fresh EIA on the Housing Adaptations Policy as the last EIA was in 2017.

Notes and recommendations (if any) from EDI Manager reviewing this assessment:

FIAP action to be added and assigned to appropriate Head of Service for monitoring and reporting on.

Notes and recommendations (if any) from Head of CETS Service reviewing this assessment:

N/A