



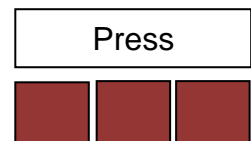
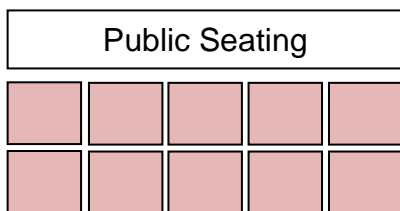
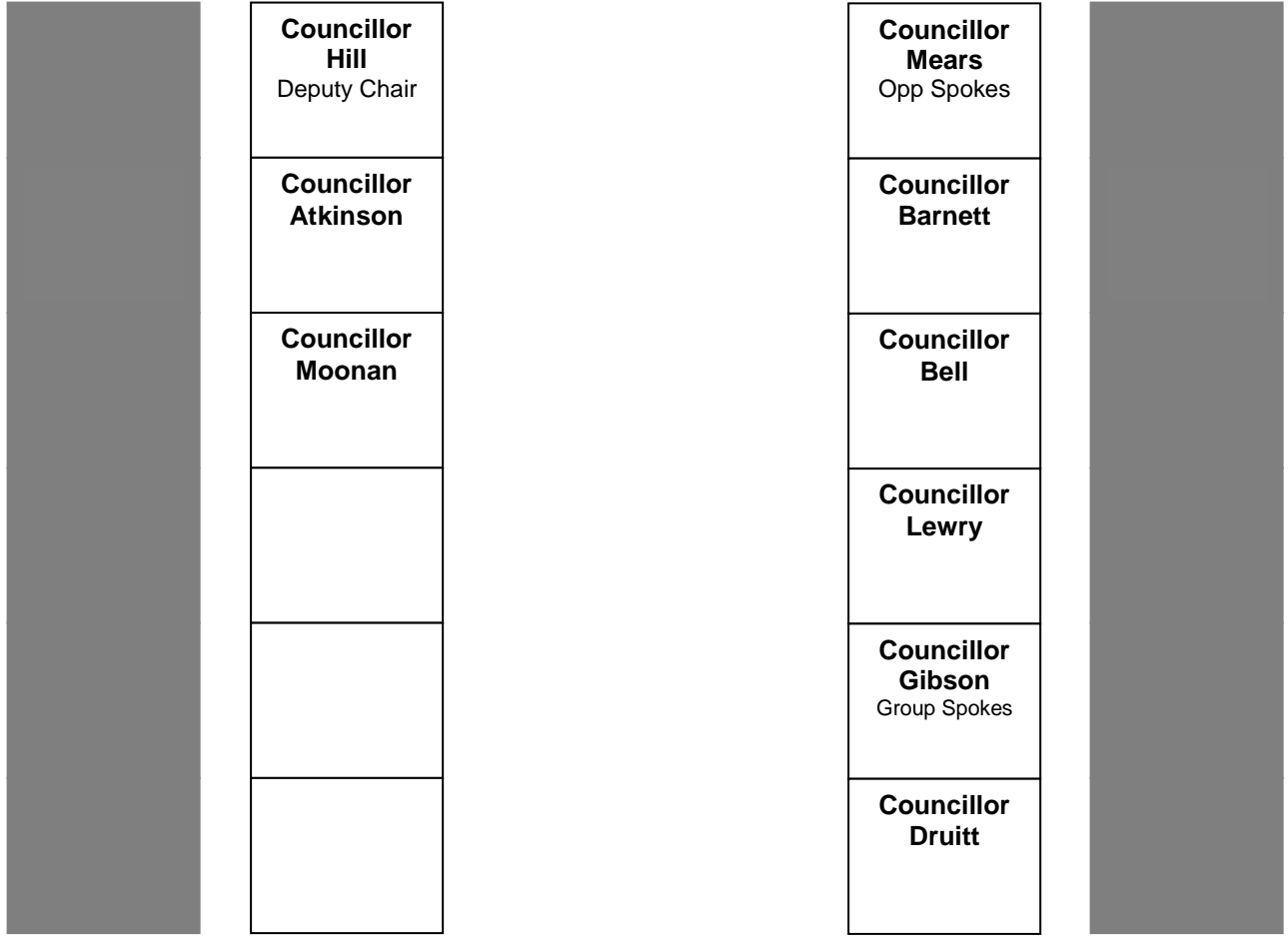
**Brighton & Hove
City Council**

Housing & New Homes Committee

Title:	Housing & New Homes Committee
Date:	21 September 2016
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 4AH
Councillors:	Meadows (Chair), Hill (Deputy Chair), Mears (Opposition Spokesperson), Gibson (Group Spokesperson), Atkinson, Barnett, Bell, DrUITT, Lewry and Moonan
Contact:	Caroline De Marco Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk
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Housing & New Homes Committee

Head of Housing	Acting Executive Director Economy Environment & Culture	Councillor Meadows Chair	Lawyer	Democratic Services Officer
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AGENDA

PART ONE

Page

14 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.

15 MINUTES OF THE PREVIOUS MEETING

1 - 18

To consider the minutes of the meeting held on 15 June 2016 (copy attached).

16 CHAIRS COMMUNICATIONS

17 CALL OVER

HOUSING & NEW HOMES COMMITTEE

- (a) Items 20 to 27, and Item 29 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.

18 PUBLIC INVOLVEMENT

19 - 28

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 (copy attached);
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 14 September 2016;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 14 September 2016.

19 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.

20 RENT SMART PARTNERSHIP AGREEMENT

29 - 34

Presentation and report of Acting Executive Director, Economy, Environment & Culture (copy attached).

Contact Officer: Martin Reid

Tel: 01273 93321

Ward Affected: All Wards

21 UPDATE ON PRIVATE RENTED SECTOR SCRUTINY PANEL RECOMMENDATIONS

35 - 86

Report of Acting Executive Director, Economy, Environment & Culture (copy attached).

Contact Officer: Andy Staniford, Martin Reid

Tel: 01273 293159, Tel: 01273 93321

Ward Affected: All Wards

HOUSING & NEW HOMES COMMITTEE

- 22 HOMELESSNESS POLICY PETITION RECOMMENDATIONS 87 - 94**
- Report of Acting Executive Director, Economy, Environment & Culture (copy attached).
- Contact Officer: Sylvia Peckham Tel: 01273 293318*
Ward Affected: All Wards
- 23 SINGLE HOMELESS AND ROUGH SLEEPER ACCOMMODATION & SUPPORT SERVICES REMODELLING & TENDER 95 - 116**
- Report of Acting Executive Director, Adult Services (copy attached).
- Contact Officer: Jenny Knight, Sue Forrest Tel: 01273 293081, Tel: 01273 292960*
Ward Affected: All Wards
- 24 HOUSING DELIVERY OPTIONS 117 - 154**
- Report of Acting Executive Director Economy, Environment & Culture (copy attached).
- Contact Officer: Sam Smith, Martin Reid Tel: 01273 291383, Tel: 01273 93321*
Ward Affected: All Wards
- 25 DRAFT HOUSING ALLOCATIONS POLICY 155 - 280**
- Report of Acting Executive Director, Economy, Environment & Culture (copy attached).
- Contact Officer: James Crane Tel: 01273 293316*
Ward Affected: All Wards
- 26 REPAIRS & IMPROVEMENTS PARTNERSHIP UPDATE 281 - 286**
- Report of Acting Executive Director, Economy, Environment & Culture (copy attached).
- Contact Officer: Glyn Huelin Tel: 01273 293306*
Ward Affected: All Wards
- 27 HOUSING MANAGEMENT PERFORMANCE REPORT QUARTER 1 2016/17 287 - 310**
- Report of Acting Executive Director, Economy, Environment & Culture (copy attached).
- Contact Officer: Ododo Dafe Tel: 01273 293201*
Ward Affected: All Wards
- 28 ITEMS REFERRED FOR FULL COUNCIL**
- To consider items to be submitted to the 20 October 2016 Council meeting for information.

HOUSING & NEW HOMES COMMITTEE

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

PART TWO

29 HOUSING DELIVERY OPTIONS - EXEMPT CATEGORY 3

311 - 316

Part Two appendix to the Housing Delivery Options report (Item 24 on part One of the agenda). (circulated to Members only).

Contact Officer: *Martin Reid*
Ward Affected: *All Wards*

Tel: 01273 93321

30 PART TWO PROCEEDINGS

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

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. 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.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Caroline De Marco, (01273 291063, email caroline.demarco@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Tuesday, 13 September 2016

BRIGHTON & HOVE CITY COUNCIL

HOUSING & NEW HOMES COMMITTEE

4.00pm 15 JUNE 2016

FRIENDS MEETING HOUSE, SHIP STREET, BRIGHTON

MINUTES

Present: Councillor Meadows (Chair), Councillor Hill (Deputy Chair), Mears (Opposition Spokesperson), Gibson (Group Spokesperson), Atkinson, Barnett, Bell, Deane, Lewry and Moonan

PART ONE

1 PROCEDURAL BUSINESS

1a) Declarations of Substitutes

1.1 Councillor Deane declared that she was attending as a substitute for Councillor Druitt.

1b) Declarations of Interests

1.2 There were none.

1c) Exclusion of the Press and Public

1.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

1.4 **RESOLVED** - That the press and public not be excluded from the meeting.

2 MINUTES OF THE PREVIOUS MEETING

2.1 Councillor Moonan referred to paragraph 67.8 with regard to the SWEP protocol. She asked this paragraph to be amended. The SWEP was not about emergency accommodation. The SWEP would enable a number of hostels to be kept open in bad weather. Normally, the criteria was if there were three days of successive cold the SWEP was put into operation.

- 2.2 Councillor Mears referred to paragraph 64.2 with regard to the review of the future use of the former Oxford Street Housing Office. She stressed that she had been informed that the report was to be submitted to the Committee on 2 March 2016. This was then changed to 15 June 2016 but it had not appeared on the agenda. Councillor Mears asked when the report would be brought to the committee. The Head of Housing apologised for the delay and stated that the council was in further negotiations with the HCA about the funding of this work. There was still further work required to formalise the costings which officers would bring to the committee as soon as possible, hopefully in September 2016.
- 2.3 Councillor Gibson referred to paragraph 70.19 with regard to the Selsfield Drive scheme. He asked for the last line to read "There was a need for living rents/social rents as well as local *housing allowance* rents".
- 2.4 Councillor Mears referred to paragraph 64.4 with regard to the overspend on the Mears Contract. Page 106 of the Policy, Resources & Growth Committee agenda of 9 June (Targeted Budget Management report) had quoted that £513,000 had been recovered from overcharging on the partnership contract. Councillor Mears asked for confirmation that this was the final figure. The Head of Housing confirmed that the figure presented to the Policy, Resources and Growth Committee was the figure received.
- 2.5 Councillor Mears referred to paragraph 74.8 and 74.9 relating to her questions about homelessness and bed spaces. With the closing of certain hostels there was a shortfall of 14 beds. Councillor Mears asked how these beds would be made up and asked for an update on the current situation. The Assistant Director, Adult Social Care agreed he was happy to provide a response for Councillor Mears on the future hostel provision in the city.
- 2.6 **RESOLVED** - That the minutes of the Housing and New Homes Committee held on 2 March 2016 be agreed and signed as a correct record subject to the amendments set out in paragraphs 67.8 and 70.19 above.

3 CHAIRS COMMUNICATIONS

Welcome and Congratulations to Councillor Steve Bell

- 3.1 The Chair welcomed Councillor Steve Bell as a new member of the Committee, and congratulated him on being awarded the CBE in the Queen's Birthday Honours List.

New Gas Heating Servicing, Maintenance and Installations Partnership Contract

- 3.2 The Chair was pleased to inform Members that from the 1st April 2016, Brighton & Hove City Council and K&T Heating had successfully launched the new Gas Heating Servicing, Maintenance and Installations partnership contract.
- 3.3 The contract would run for 5 years and covered all gas work in the council's housing stock. The mobilisation team began planning for the transition in late 2015 and after an intense period of preparation, addressing risk and process implementation across the service, the Chair was happy to report that the council had achieved 100% gas compliance for the first 2 months of the contract across the city.

- 3.4 Councillor Bell asked what steps would be taken if the contractors found a CO2 battery was not working or had not been hard wired. He expressed concern that in the winter boilers would be shut off until that problem had been resolved, leaving people without heating or hot water. The Business and Performance Manager replied that he would answer that question in a written briefing.

Joint Review of the current Repairs and Maintenance Partnership

- 3.5 The Chair reported that work was underway to carry out a joint review of the current Repairs and Maintenance Partnership, with support from an independent facilitator to help improve and strengthen the partnership and ensure it is fit for the future.

Annual Citywide Tenant Conference

- 3.6 The Chair was pleased to note that this year's annual citywide tenant conference was held on 11 June with over 40 tenants attending the event, which was designed and co-produced by tenants representatives with Housing staff. The key theme of the day was how to continue to improve resident engagement and broaden involvement across the tenant movement, producing many positive contributions and new ideas to take forward into the tenant involvement review.

Neighbourhood Initiative – cookery course

- 3.7 The Chair highlighted a recent highly successful neighbourhood initiative which brought together different generations through a passion for food. Residents at Hazelholt seniors scheme, welcomed students from nearby Portslade Aldridge Community Academy to join them in an eight week cookery course held in Hazelholt's kitchen.
- 3.8 The cookery course was run by Caroline Henderson of Cooking & Company, a Hove based not-for-profit organisation promoting healthy cooking on a budget, and a celebration lunch with local councillors and the Head teacher was held on the completion of the course.

4 CALL OVER

- 4.1 It was agreed that all items be reserved for discussion.

5 PUBLIC INVOLVEMENT

- 5.1 The Committee considered an extract of the proceedings of the meeting of full Council held on 24 March 2016, and the following petition submitted by Daniel Harris.

Homelessness Emergency Accommodation

"We, the undersigned request the council to consider the 10 point action plan listed below to address this matter:

1. Homemove Allocations for vulnerable persons in priority need with a duty of care should be awarded a higher banding than band C (the general band) when placed in Emergency Housing. I am looking for a band A priority.
 2. More inspections of Emergency Accommodation to ensure the living standards meets the needs of the people occupying them.
 3. The council to adopt a plan to bring emergency housing into public ownership by 2020. They MUST pledge to stop funding private landlords who only have an interest in profit.
 4. I want the council to ask all applicants to complete surveys with all emergency housed people to ensure they have a voice.
 5. The right to food, is a human right protecting the right for people to feed themselves in dignity, The council must ensure that emergency housing adequately meets the individual's dietary needs. The current conditions do not allow for a healthy diet which can be a huge issue for vulnerable people.
 6. I want the council to be radical and rather than spend millions of tax payers money in private sector emergency and temporary housing, they should build more storage container homes after the success of the BHT scheme in Brighton.
 7. I want the council to ensure that all persons in emergency accommodation have access to the internet for free.
 8. To revoke the rules on no visitors. Vulnerable people are isolated enough and this in my opinion is discrimination. Even Prisoners are allowed visitors.
 9. For persons who are vulnerable the council MUST provide them with secure social housing to ensure they are able to live life free from FEAR and outside the Private Sector Property Scam.
 10. Ensure hot water is available in emergency housing for persons to wash in comfort.
- 5.2 Council on 24 March 2016 recommended that the Housing & New Homes Committee give due consideration to the following:-
- **An increase in the frequency of inspections of emergency accommodation and report on the outcome of these inspections at regular intervals to Housing & New Homes Committee;**
 - **That satisfaction surveys are undertaken with residents moving into emergency accommodation and the results reported back;**
 - **Exploring along with other relevant committees as a matter of priority the identification of sites and explore the development of council owned low-cost emergency accommodation, either through a council owned company or directly owned by the council. That this exploration focuses on non-traditional, quick to build, construction such as the Y cube and containers be considered for these sites;**
 - **Undertaking a review of the no visitor rules and consider the outcome at a future meeting;**
 - **Adopting a policy of only using emergency accommodation in which hot water supply is guaranteed.**

5.3 The Chair responded to the further recommendations as follows:

- **Increase frequency of inspections to emergency accommodation and report outcomes to H&NH committee**

Monthly inspections of the blocks of B&B style accommodation are already undertaken, and any issues are raised with the landlord in line with the contract specifications.

Whilst there is a current good track record of repairs being completed in timescale, if issues are not addressed within the timeframes they are dealt with under the contract management arrangements.

An annual performance report will be included in the committee papers regarding the number of inspections; actions raised and actions resolved.

- **Satisfaction surveys undertaken with residents moving into TA and results reported back**

Exit surveys will be completed with residents and the information will be included in the annual performance report.

- **Review no visitor rule and consider outcome at future meeting**

A risk assessment was completed for residents placed in temporary accommodation, to ensure the accommodation will be a safe and secure place for them and other residents; taking into account some residents may be very vulnerable and at risk of predatory behaviour.

As the council is unable to carry out risk assessments on visitors, officers can continue to manage the risk and provide a safe environment for all residents by preventing visitors to the accommodation.

- **Adopt policy of using TA which hot water supply is guaranteed.**

Hot water is required and provided in all accommodation provided by the council.

5.4 The Chair reported that she had received two amendments to the recommendations from Full Council. One from the Green Group and the other from the Conservative Group. She had agreed under Chair's discretion to allow consideration of the amendments even though they had been received after the 10.00am deadline.

5.5 Councillor Gibson proposed the following amendment which was seconded by Councillor Deane:

“That the Housing & New Homes committee agrees to undertake:-

- An increase in the frequency of inspections of emergency accommodation and report on the outcome of these inspections at regular intervals to Housing & New Homes Committee;

- That satisfaction surveys are undertaken with residents moving into emergency accommodation and the results reported back;
- A review of the no visitor rules and consider the outcome at a future meeting; **with a brief to devise workable systems that enable residents to have visitors**
- **To acknowledge the Emergency & Temporary Housing Residents Action Group (ETHRAG) and work in partnership with the group and landlords to improve housing standards and quality of life for residents in emergency accommodation**
- **To immediately establish an emergency accommodation board comprised of representatives from the Emergency & Temporary Housing Residents Action Group (ETHRAG), service providers, residents, landlords and elected members and council officers. The board will meet regularly to review conditions, complaints, evictions and to develop a strategic plan for recommendation to the Housing & New Homes Committee.”**

5.6 Councillor Mears proposed the following amendment which was seconded by Councillor Lewry:

“That the Housing & New Homes committee agrees to:-

- ~~Exploring along with other relevant committees~~ **As a matter of priority the identification of sites exploration of options for the development of council-owned low cost emergency accommodation, either through a council-owned company or directly owned by the council. That this exploration focuses on non-traditional, quick to build, construction such as the Y cube and containers be considered for these sites;**
- Adopting a policy of only using emergency accommodation **which satisfies the Brighton & Hove Standard[1], including guaranteed hot water** ~~in which hot water supply is guaranteed.”~~

5.7 Councillor Gibson thanked the Chair for allowing the amendments to be heard under Chair’s discretion. He was proposing to firm up the hastily composed recommendations of Full Council. It was clear that the first two recommendations of full council were being addressed so they had not been altered. With regard to no visitor rules, it was suggested that workable ways of allowing visitors should be investigated. Councillor Gibson stressed the emotional importance of having visitors.

5.8 Councillor Gibson mentioned that he had attended the launch of the Emergency & Temporary Housing Residents Action Group (ETHRAG) the previous week. He had found it a very moving meeting where people had spoken of their experience of poor living conditions and unfair treatment. Some people had reached rock bottom and were vulnerable. Councillor Gibson stressed the need to acknowledge the group and work with landlords.

- 5.9 Councillor Bell stated that he hoped some of the above issues could be resolved straight away. He considered that it was time to act rather than go away and write reports.
- 5.10 Councillor Mears referred to the no visitor rule. She stressed the need to accept that support from close family and friends was important. She accepted that there would be a need for an officer report at the next meeting of the Committee due to the financial implications. The Conservative Group supported both amendments, and considered that it was necessary to look at the bigger picture particularly in regard to emergency accommodation.
- 5.11 Councillor Deane congratulated those people who had formed the Emergency & Temporary Housing Residents Action Group. These people now had a voice.
- 5.12 Councillor Hill asked for clarification on which recommendations could be agreed at this meeting. The Senior Lawyer replied that some of the recommendations had financial implications and the setting up of the Board might need the sanction of the Policy, Resources and Growth Committee.
- 5.13 Councillor Moonan welcomed the petition and agreed that the people involved were very vulnerable. Councillor Moonan felt that the no visitor rule should be reviewed. There were important suggestions to consider and she looked forward to a report to the next meeting.
- 5.14 The Chair agreed that there needed to be an officer report. She asked for the words 'give due consideration to:' to be added to the amendments.
- 5.15 Councillor Mears stated that the Conservative amendment was to firm up the recommendations. She needed to be satisfied that emergency accommodation was suitable. Councillor Mears stated that she would support a report back to the next committee meeting.
- 5.16 At this point members voted on both amendments which were unanimously agreed with the words "That officers prepare a report for the next meeting of the Committee giving due consideration to the following" added to the resolution.
- 5.17 **RESOLVED-** That officers prepare a report for the next meeting of the Committee giving due consideration to the following:-
- An increase in the frequency of inspections of emergency accommodation and report on the outcome of these inspections at regular intervals to Housing & New Homes Committee;
 - That satisfaction surveys are undertaken with residents moving into emergency accommodation and the results reported back;
 - As a matter of priority the identification of sites exploration of options for the development of council-owned low cost emergency accommodation, either through a

council-owned company or directly owned by the council. That this exploration focuses on non-traditional, quick to build, construction such as the Y cube and containers for these sites;

- A review of the no visitor rules and consider the outcome at a future meeting; with a brief to devise workable systems that enable residents to have visitors.
- Adopting a policy of only using emergency accommodation which satisfies the Brighton & Hove Standard[1], including guaranteed hot water.
- To acknowledge the Emergency and Temporary Housing Residents Action Group (ETHRAG), and work in partnership with the group and landlords to improve housing standards and quality of life for residents in emergency accommodation.
- To immediately establish an emergency accommodation board comprised of representatives from the Emergency and Temporary Housing Residents Action Group (ETHRAG), service providers, residents, landlords and elected members and council officers. The board will meet regularly to review conditions, complaints, evictions and to develop a strategic plan for recommendation to the Housing & New Homes Committee.

5.18 There were no written questions or deputations.

6 ISSUES RAISED BY COUNCILLORS

6.1 There were no Petitions, Written Questions, Letters or Notices of Motion from Councillors.

7 ROUGH SLEEPING STRATEGY 2016

7.1 The Committee considered the report of the Interim Executive Director Health & Adult Social Care and Acting Executive Director Economy Environment & Culture which presented the Rough Sleeping Strategy 2016 for approval. The city's current approach to rough sleeping had been re-assessed to ensure that the city's commissioners, service providers and those supporting people sleeping rough are working in partnership to a clear strategic plan. This plan would reduce rough sleeping in the city and improve outcomes for people sleeping rough and those at risk of rough sleeping. The report was presented by the Housing Strategy Manager and the Assistant Director, Adult Social Care.

7.2 Members were informed that there had been extensive consultation on the strategy. This was set out in paragraphs 5.1 to 5.12 of the report. Paragraph 5.11 set out the five priority areas

- Preventing homelessness and rough sleeping
- Rapid assessment and reconnection
- Improving health
- A safe city

- Pathways to independence

- 7.3 Councillor Atkinson thanked officers for the work they had carried out. He stressed that prevention was key to the success of the strategy. He referred to page 68 of the agenda in relation to the Street Outreach Service run by St Mungo's. Councillor Atkinson saw this as an integral part of the strategy and asked for an update on the street outreach service. He also asked how easy it was for St. Mungo's to see if someone was a new rough sleeper.
- 7.4 Councillor Atkinson stressed that discouraging begging should not be linked to homelessness and it should not be assumed that rough sleepers and street drinkers were one and the same.
- 7.5 Councillor Mears thanked officers for the report. She referred to paragraph 3.3 on page 32 of the agenda. Supported accommodation needed to be delivered as soon as possible. Councillor Mears referred to page 33 with regard to assessment centres and noted that there was no detail. She considered that more detail was needed on the priorities listed on page 34 and she would be interested to know how St Mungo's were operating. Councillor Mears questioned the benefits of a sit up bed. Councillor Mears referred to the section in the strategy on Housing Related Support Commissioning Strategy 2015. She asked if Housing Services were paying for this rather than Adult Social Care. Councillor Mears referred to the financial benefits of the strategy as set out on page 58. She considered that these benefits had all been carried out through Supporting People. Finally, Councillor Mears stressed the strategy was important to the city and timescales were urgent.
- 7.6 The Housing Strategy Manager assured members that a monitoring report would be brought back to the committee each year. The waiting list was increasing and some actions were already in place. No decision had yet been made on the Assessment Centre and this would come back to the Committee for approval. Sit up beds did not take up so much room and were now widely used, for example with blood donors.
- 7.7 The Assistant Director, Adult Social Care explained that he would be happy to bring a report back to the committee on the findings with regard to St Mungo's. Housing Related Support was managed by a team in Adult Social Care and he was happy to bring housing related matters to the committee.
- 7.8 Councillor Gibson gave credit to Councillor Moonan in assuring a wider consultation. He was pleased to see the well written strategy. Councillor Gibson stressed that the strategy had to be seen in the context of national policy. Rents were becoming more unaffordable and people were faced with unaffordable housing along with a shortage of accommodation. The council had to implement austerity and had to cut back on homeless prevention work. Councillor Gibson welcomed the inclusion of Housing First in the partnership. He was not able to see information on potential cost savings to other services.
- 7.9 Councillor Gibson did not support the idea of sit up beds and considered that there should be an attempt to find more space. Councillor Gibson referred to pages 80 and 81. He considered that the Strategic Action Plan: Priority 4: A Safe City was more orientated to the safety of the public rather than to homeless people. He asked what could be done to stop people picking on people sleeping in the street. Talk about

begging needed to be tactfully dealt with as too much stress on this issue could fuel negative stereotypes. Meanwhile, Councillor Gibson welcomed aspects of quick build, low cost accommodation such as the Y Cube.

7.10 The Housing Strategy Manager referred to Housing First. Housing First support costs were around £10,000 to £11,000 per client each year (excluding accommodation charges beyond housing benefit rates). An evaluation of the pilot programmes suggested Housing First can deliver savings of up to £15,000 a year per client.

7.11 Councillor Moonan had led on the strategy over the last year and added thanks to the Housing Strategy Manager, the Assistant Director, Adult Social Care and to a significant number of other officers at the council. She considered that this was a good example of breaking down silos. She also thanked all the partners who had worked together on the strategy. It was an ambitious target and involved a very vulnerable group. There needed to be action now and a great deal of work around that action had already commenced. Councillor Moonan agreed that there was probably need for a members' briefing. She would suggest this to the Members Development Working Group.

7.12 **RESOLVED:-**

- (1) That the Rough Sleeping Strategy 2016 (Appendix 1) be approved.
- (2) That the Interim Executive Director Health & Adult Social Care and Acting Executive Director Economy Environment & Culture be authorised to carry out any actions necessary to implement the strategy and respond appropriately to related Fairness Commission recommendations (see section 5.12).

8 FUEL POVERTY AND AFFORDABLE WARMTH STRATEGY

8.1 The Committee considered the report of the Acting Executive Director Economy Environment & Culture which informed members that a Fuel Poverty and Affordable Warmth Strategy for Brighton & Hove had been developed by the Housing and Public Health departments, in consultation with key partners in the city. The strategy had been developed in response to National Institute for Health and Care Excellence (NICE) guidance released in March 2015 entitled 'Excess winter deaths and morbidity and the health risks associated with cold homes' and the national fuel poverty strategy for England, 'Cutting the cost of keeping warm'.

8.2 The NICE guidelines proposed that year round planning and action by multiple sectors was needed to reduce these risks and that Health & Wellbeing Boards are best placed to develop a 'strategy to address the health consequences of cold homes'. The strategy (attached as Appendix 3) would also be presented to the Health & Wellbeing Board on the 20 September 2016 for approval. The report was presented by the Housing Sustainability & Affordable Warmth Manager.

8.3 Councillor Atkinson was pleased to see the report. He was concerned to read on page 155 that Brighton & Hove had higher figures of fuel poverty than other authorities in the south east. Councillor Atkinson referred to objective 1 on page 170 and stressed that he wanted to see residents encouraged and supported to access advice and support. He highlighted 1.4 of objective 1 in relation to working with private landlords, letting agents

and tenants. He asked for more detail with regard to 2.2 and 2.5 – Objective 2 (supporting residents struggling with their energy bills) on page 171.

- 8.4 The Housing Sustainability & Affordable Warmth Manager explained that officers were working with landlords and a private landlords associations, and the report had been discussed with them. Officers would continue to look at different models to enable tenants to see energy improvements to their homes, although it was acknowledged that this was a significant challenge. The Housing Sustainability & Affordable Warmth Manager referred to 2.2 on page 171 (support the provision of tailored solutions via the single point of contact. Affordable Warmth Referral System for people living in cold homes.) He explained that this was a phrase taken from NICE; there would be a single point where people could receive help. This was seen as key to the success of the strategy.
- 8.5 Councillor Mears thought the report made interesting reading. She referred to paragraph 3.7 on page 122 of the agenda. This highlighted the housing stock in the city and the difference with other parts of the country. Councillor Mears asked if there was anything that could be done to provide information to people to ensure they knew what help was available.
- 8.6 The Housing Sustainability & Affordable Warmth Manager agreed that it was important to refer people for assistance. People were often surprised that there was support for changing a new boiler. The council was a partner of 'Your Energy Sussex' and could refer people to the scheme, which provided funds towards the cost of a new boiler.
- 8.7 Councillor Gibson referred to objective 4.5 on page 172 (Explore through the Strategic Housing Partnership how the housing sector can work in partnership with health, social care and voluntary sector providers to tackle fuel poverty). He stated that it would be helpful to see the minutes of those meetings. The Chair stated that officers would look at ways of making the minutes available to Councillor Gibson.
- 8.8 Councillor Gibson referred to the question of energy efficiency in the private sector. He asked if officers thought that the licensing scheme for HMOs was now a proven way of improving fuel efficiency.
- 8.9 The Housing Sustainability & Affordable Warmth Manager replied that he was aware that licensing schemes set standards around thermal efficiency of the home. They were not necessarily set at a level to meet all expectations, and they might not be able to specify the ability to heat the home affordably.
- 8.10 The Housing Sustainability & Affordable Warmth Manager stated that he worked closely with the Private Sector Housing Team to ensure those standards in HMO's are kept and aligned to the objectives in the report. There was also some national legislation that came into effect in April 2016 which was significant for both HMO's and non HMO private accommodation in terms of setting a minimum energy efficiency standard of EPC. Following a soft launch, from 2018 onwards there would be a requirement on landlords to achieve EPC in properties they rent out.
- 8.11 Councillor Gibson recommended that the suggestion that the licencing scheme could be expanded to areas of poor energy efficiency be added to objective one.

8.12 Councillor Hill was pleased to see the support for the report. She was surprised to see how many winter deaths there were. More work was required with regard to landlords and the private rented sector. Licensing helped HMOs but did not deal with the affordability issue. The more important thing was to provide tools or incentives for landlords.

8.13 **RESOLVED:-**

- (1) That the content of the report be noted.
- (2) That the draft strategy attached at appendix 1, and the objectives as they relate to housing in the city, be approved.
- (3) That it is recommended that the strategy is adopted by the Health & Wellbeing Board at its meeting of the 20th September 2016.

9 NEW HOMES FOR NEIGHBOURHOOD - SMALL SITE DESIGN COMPETITION

9.1 The Committee considered the report of the Acting Executive Director Economy Environment & Culture which focused on the results of the recent Royal Institute of British Architects (RIBA) Design Competition targeted at four of the council's smaller, more challenging sites included within the Small Site Strategy. These were Hinton Close, Natal Road, Frederick Street and Rotherfield Crescent. The design competition was one of a number of innovative pilot projects identified in the Strategy to deliver housing units on the smaller sites within the New Homes for Neighbourhood Programme. The report recommended that all four winning designs be taken forward for further design development work. Members were shown a presentation showing visuals of the four winning schemes. The report was presented by the Project Manager and Programme Manager City Regeneration Unit.

9.2 The Chair stated that it was exciting to see that small garage sites could be developed in this way.

9.3 Councillor Moonan stated that she was now a member of the Planning Committee and was aware that there were issues involving planning in the process. She asked if Housing tenants would be housed in these properties.

9.4 The Project Manager explained that all the Regeneration Team's schemes were 100% social rented schemes. In terms of planning, there had been early engagement and a planning map had been formulated. The architects were aware of the planning constraints. All 20 shortlisted designs had been sent to planning colleagues.

9.5 The Senior Lawyer advised Councillor Moonan that if she voted in favour of the design at this committee she may be seen to have pre-judged the principle of development of the site and design at the Planning Committee. She advised Councillor Moonan it might be safer to abstain from voting at this committee.

9.6 Councillor Bell welcomed any form of new building in the city but raised some concerns. He wanted to know how the architects intended to design plans for the solar gain by the amount of glass that could be seen. There did not appear to be much financial

engineering or cost effectiveness in the design in what could be achieved for the square foot for the amount of people who moved in. He would like to know what the cost per metre square was in the budget and details of the long term management and the replacement for the items the council had responsibility for.

- 9.7 The Programme Manager City Regeneration Unit explained that the designs were at an early stage. The detailed costings would be reported at the next stage. During the process the architects would be asked to value engineer. An independent quantity surveyor had been employed, and worked up plans would ensure value for money.
- 9.8 Councillor Bell asked about long term maintenance costs. The Programme Manager City Regeneration replied that the architects were being asked to work to the council's long term design specifications. The next stage would look at the procurement contract.
- 9.9 Councillor Bell stated that the budget should be brought forward at the design stage. He considered that the committee were not in a position to say if the schemes could go forward at this stage. The Programme Manager City Regeneration replied that officers were asking for initial approval, not detailed approval. All the more detailed costings would be brought to the committee for approval. Officers would try and answer all Councillor Bell's questions and would arrange a briefing for members.
- 9.10 Councillor Mears thanked officers for the report and presentation. Councillor Mears referred to paragraph 2.3 and asked about the Frederick Street and Rotherfield Crescent schemes. She also asked about timescales. The Project Manager replied that a meeting with both architectural practices would take place in June/July. Rotherfield Crescent and Frederick Street were more challenging sites with constraints that needed to be considered. For example, there was a proposal to build a basement at Frederick Street. The architects would be asked to undertake a survey to provide cost certainty and ensure that the schemes were viable and deliverable. There would be a further report to committee on both schemes.
- 9.11 The Project Manager stated that she believed that the designs were deliverable and in terms of long term maintenance the schemes were brick built, rather than rendered. The cost of brick could initially be high but there were long-term savings with regard to maintenance.
- 9.12 **RESOLVED:-**
- (1) That the winning designs for the four sites included within the RIBA Design Competition, namely: Hinton Close, Natal Road, Frederick Street and Rotherfield Crescent (see Appendix 1), be noted.
 - (2) That the two highest scoring designs (Hinton Close and Natal Road) are taken forward to detailed design stage and undergo further financial appraisal before coming back to Committee for final scheme approval.
 - (3) That further site investigation and surveys are undertaken in relation to the two remaining schemes (Frederick Street and Rotherfield Crescent), in order to achieve greater cost certainty to support the detailed design development work.

Note: Councillor Moonan abstained from voting on the above recommendations as she is a member of the Planning Committee.

10 RETENDER OF WHOLE SYSTEMS ICT PLATFORM FOR HOMELESSNESS, THE HOUSING REGISTER AND SOCIAL HOUSING LETTING

- 10.1 The Committee considered the report of the Acting Executive Director Economy Environment & Culture which explained that Brighton & Hove City Council and most of East and West Sussex district and borough councils had a shared ICT platform, Sussex Homemove Partnership, to support and manage their respective Housing Register and homeless lettings, including bidding for homes. The current ICT contract, which sits with BHCC as the lead partner, was set up in 2005 and now required renewal.
- 10.2 A Value for Money exercise had been completed that concluded that it would be advantageous for Brighton & Hove City Council to remain in the partnership and benefit from the savings generated from sharing costs. In accordance with Contract Standing Orders, a waiver was agreed to extend the current contract to 31 March 2018 to allow a retender exercise to be carried out. The report sought formal permission for Brighton & Hove City Council to tender for a new ICT supplier on behalf of Sussex Homemove Partnership. The report was presented by the Project Manager and the Housing Strategy Manager.
- 10.3 Councillor Mears referred to paragraph 1.4. She asked if the waiver had been agreed at the Members Advisory Procurement Board on 23 May. Councillor Mears referred to paragraph 3.16 which stated that based on soft market testing, the new system would cost Brighton & Hove City Council in the region of £30,000 to £220,000 over 5 years. The range of figures was vast and she would like to see a final report with costings.
- 10.4 The Housing Strategy Manager confirmed that authority had been given by the Executive Director after consultation with the Chair to grant the waiver last year. A contract discount had been received. The Housing Strategy Manager agreed to update the committee on costings once the preferred provider had been selected. Councillor Mears replied that the waiver should have been reported to an earlier meeting of the committee. In future she would like the committee to be kept properly informed. The Housing Strategy Manager apologised for not providing a report earlier.
- 10.5 Councillor Atkinson referred to paragraphs 4.3 and 4.5 which related to financial risk to the council. He asked if there would be a possibility of partners reneging on the contract. The Project Manager replied that all partners had been working with Brighton & Hove City Council for 10 years. There had been no incidents with any of the partners. An agreement would be tied to the contract.
- 10.6 **RESOLVED:-**
- (1) That the Housing & New Homes Committee recommends to Policy, Resources & Growth Committee to:
- (a) Authorise the Acting Executive Director Economy, Environment & Culture to carry out a procurement of a whole systems ICT platform for homelessness, the housing register and social housing lettings.

- (b) Grant delegated authority to the Acting Executive Director Economy, Environment & Culture and the Executive Director Neighbourhoods, Communities & Housing to award and let a contract with the preferred supplier for a period of 5 years with an option to extend by 2 years.
- (c) Note that Brighton & Hove City Council will lead the procurement on behalf of the Sussex Homemove Partnership.

11 ANNUAL REPORT 2016

- 11.1 The Committee considered the report of the Acting Executive Director Economy Environment & Culture which presented the draft Annual Report 2016 to council tenants and leaseholders. The Annual Report had been provided to council tenants and leaseholders since 2010. The regulatory framework for social housing in England from the Homes and Communities Agency set out the requirements for the areas that must be covered in the report, including information on repairs and maintenance budget, timely and relevant information, and support for tenants to build capacity and be more effectively involved. The report was presented by the Head of Income, Involvement & Improvement and the Head of Tenancy Services.
- 11.2 Councillor Mears asked for more information about the production of a video which would provide the information in an easy to view format. The Head of Income, Involvement & Improvement explained that the video was expected to be produced in time for the report being published. She could offer advanced viewing of the video which would last for 2 minutes and was similar in style and format to past council videos, with animation and bullet points. A link would be sent to councillors to the relevant part of the council website where the video would be published.
- 11.3 Councillor Gibson referred to a sentence on the last page of the Annual Report which read 'The difference in income of £2,037,000 has been added to reserves in the Housing Revenue Account to fund future capital investment.' He asked if this could be reworded to make it more understandable. The Head of Income, Involvement & Improvement replied that the Draft Annual Report had already been presented to the reading panel and the area panels for comment. Tenants had not asked for this sentence to be amended. However, she could go back to tenants and ask them if they wanted to make a change to the wording.
- 11.4 Councillor Barnett expressed concern about the section on anti-social behaviour. She felt the report should have highlighted that people had been the victim of anti-social behaviour. There had been problems in Hangleton and Councillor Barnett considered that more should be done to resolve cases more quickly.
- 11.5 The Head of Tenancy Services replied that she was sorry to hear about individual cases where the council had not been able to evict people. However, early intervention had been working very successfully and she hoped that the new approach would ensure that there were not long entrenched cases. Mandatory powers meant that the council was expected to demonstrate that it had helped tenants to sustain tenancies. However, it was now easier for local authorities to evict someone.

- 11.6 Councillor Barnett stated that problems sometimes arose because families were placed too close to the elderly. More thought should be given to where tenants were housed. For example, it was not suitable to house a family with of three children above an elderly person. The Head of Tenancy Services appreciated the point but stressed that there were limits on what could be done with the Choice Based Lettings Scheme. There was also equalities legislation to consider. Mediation was a good solution.
- 11.7 The Chair referred to the positive aspects of the Annual Report such as regaining 26 properties that had provided much needed housing for applicants on the waiting list (Tenancy Fraud Update) and more tenants signed up to direct debit (Value for Money). She thought the Annual Report was very good and easy to read.
- 11.8 **RESOLVED:-**
- (1) That the draft Annual Report 2016 to council tenants and leaseholders (attached as appendix 1) be approved. It is noted that the report will be sent to all residents with the summer edition of Homing In and will also be available to view on the council's website.
 - (2) That the production of a video be approved to provide an additional and alternative method for the report information to be presented.

12 HOUSING MANAGEMENT PERFORMANCE REPORT QUARTER 4 AND END OF YEAR 2015/16

- 12.1 The Committee considered a performance report of the Acting Executive Director Economy Environment & Culture which covered quarter four of the financial year 2015/16, alongside end year results. The report was presented by the Head of Income, Involvement & Improvement who explained that additional information had been provided on benchmarking data (appendix 3). This compared the cost and performance of Brighton & Hove as a social landlord with other local authorities and housing associations. The benchmarking data was for the year 2014/15.
- 12.2 Councillor Gibson referred to the section on major works and cyclical maintenance (appendix 3) and asked why this was so undesirably high. Councillor Gibson referred to the table in paragraph 4.0 (page 215). No. 5 - Rent loss due to empty dwellings showed that the council did well last year. He questioned whether the council should be setting a target which was lower this year than already achieved. Councillor Gibson noted that £42,000 had been lost in rent over the year. Whereas No 6 – Former tenants arrears had received a red status yet had only lost £40,000. Councillor Gibson welcomed the appendices with benchmarking information. It was helpful to note the direction of travel. Benchmarking costs had been taken back to the previous year. He requested to see the results from the 2011 Star Survey.
- 12.3 The Head of Income, Involvement & Improvement answered these questions as follows.
- Major works (appendix 3) - The higher costs reflected the money spent on meeting decent homes standards by December 2013 and maintaining those standards in 2014/15. Meanwhile there were various reasons why costs could vary between local authorities and between housing associations and local authorities. A big factor was the regional differences across the country. In areas

of higher deprivation there were a higher number of households with greater vulnerability.

- Table in paragraph 4.0 (page 215) - No. 5 - Rent loss due to empty dwellings – Officers tried to set targets that were better than the previous one. However, sometimes setting an improvement target could be counterproductive as they needed to be achievable. The slightly lower target this year was due to welfare reform and changes in benefits. Officers factored in the possibility of having to move approximately 900 people who would be impacted by the spare room rules. It was known that when people were moved by transfer that there would generally be a period of 4 weeks between tenancies.
- Rent loss of £42,000. Officers were committed to report on all targets that were amber and red.
- Request for further information - The results of the 2011 Star Survey had been reported to the Committee. The council was just about to conduct the next Star Survey.

12.4 Councillor Gibson stated that he would like to be sent a link to the previous Star Survey. He stressed that Decent Homes Standards was achieved in 2013 and the figure he was referring to was 2014/15. The comparisons with all local authorities were not good and there was a need to scrutinise this. He wanted to see the total cost per property for the year before and the year before that.

12.5 In response to the Chair, the Head of Income, Involvement & Improvement confirmed that previous performance reports are on the website. The Business and Performance Manager stated that the major works figure purely reflected money spent on capital improvements, and does not have a value judgement as to whether that is or is not a good thing.

12.6 Councillor Mears referred to page 215 in relation to No 5 - rent loss due to empty dwellings. This had shown a housemark last time but was under benchmarking this time. Councillor Mears asked if there was a difference between the two. Page 218 talked about not being able to present HCSTs using the same indicators as the repairs helpdesk. Councillor Mears asked if anything was being done about that. Councillor Mears referred to page 222 in relation to lift performance. She was aware of significant issues in the city around lift breakdown.

12.7 The Head of Income, Involvement & Improvement answered these questions as follows.

- Benchmark/housemark question – Rent loss – Councillor Mears would receive a written reply.
- Page 218 – repairs helpdesk. The council and Mears Ltd used different telephone systems. Until they used the same system there would be two separate information reports on this subject.
- Lift breakdown – Residents' concerns were recognised with regard to the distress caused when lifts were not fixed quickly enough. There was a lift replacement programme. As lifts were replaced, officers would ensure spares of obsolete parts were kept.

12.8 Councillor Lewry asked for clarification regarding the figures in the far left column of pages 234 and 235. He asked if these related to days properties were left empty.

Some of these figures were quite high and the property in Woodingdean had been empty for 18 months.

12.9 The Head of Income, Involvement & Improvement explained that the figures did relate to the time properties were left empty. Sometimes this was due to difficulties experienced in carrying out necessary works and in some cases it was due to properties being set aside to be transferred to Seaside Homes. Until they were transferred they had to be counted as empty properties.

12.10 RESOLVED:-

(1) That the report which went to the Special Area Panel on 18 May 2016 be noted along with the comments of the Committee.

13 ITEMS REFERRED FOR FULL COUNCIL

13.1 RESOLVED:-

(1) No items were referred to the next Council meeting.

The meeting concluded at 6.45pm

Signed

Chair

Dated this

day of

Subject:	Petition – Justice for Leaseholders		
Date of Meeting:	21 September 2016		
Report of:	Executive Head for Strategy, Governance and Law (& Monitoring Officer)		
Contact Officer:	Name:	Caroline De Marco	Tel: 29-1063
	E-mail:	Caroline.demarco@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the ePetition from Mr David Green as set out in paragraph 3.1.

2. RECOMMENDATIONS:

2.1 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum

3. PETITION

3.1 Justice for Leaseholders

"We the undersigned petition Brighton & Hove Council to - review the contractual relationship, and implementation of contracts, between BHCC and those who have leased property from the council under right to buy legislation. In particular we request that a comprehensive and public investigation be held into• The accuracy and validity of Annual Service Charges, cyclical repairs and redecoration• The charges for Major Works, in particular the recent city wide cladding programme ,wholesale roof and window replacement ,and the repair, refurbishment and replacement of lifts. We request that any investigatory body includes experts independent of BHCC and that the terms of reference include;• The necessity of work

carried out• The validity of the consultation process, particularly with but not confined to leaseholders• Value for Money, the tendering process, and actual costs• The standard of the work carried out.”

BHCC Response:

Thank you for your petition. The council understands the implications to leaseholders when high cost major works are proposed. We do not undertake these lightly, but we have legal obligations to keep our buildings in repair.

To help leaseholders who have difficulty with payment, we offer a number of options we believe are helpful to resident leaseholders.

The petition asks the council to review the contracts and contractual relationship it has with leaseholders. Each leaseholder has a contract with the council through their lease. The leases are agreed by both parties on purchase of the property and we are confident that we are acting in line with our obligations under those leases. We do take into consideration the financial impact on leaseholders before authorising work whilst ensuring our properties are maintained.

With regard to high cost major works such as cladding, roof and window replacement carried out at some properties, leaseholders are protected in law that:

- The costs have been reasonably incurred
- The works are carried out to a reasonable standard
- The consultation regulations are complied with
- The lease allows the costs to be passed on in the service charge

The council has a 3-stage Leaseholders Disputes Procedure in order to try to resolve matters between the two parties in the first instance.

In addition, leaseholders have the legal right to seek a determination at the First-tier tribunal if they believe any of these protections apply to particular service charge costs that have been demanded.

In relation to the request that experts independent of the council are instructed, we would very much recommend that it is in the interests of any leaseholders who challenge service charges to take their own legal and professional structural surveying advice in order to evidence their case. This is a matter for leaseholders themselves, as the council already takes its own legal and structural surveying advice in managing our buildings, and is confident that we are managing our buildings, our tenancies and leases properly and in line with our various obligations.

The council's Internal Audit team provides independent, objective assurance of the Council's risk management, internal controls and governance processes. Each year, the internal audit team designs and delivers a programme of work focused on the key risks for the council. In 2015 Internal Audit assessed the leasehold service charge administration as giving substantial assurance. Internal Audit concluded that::

- There are effective controls in place to ensure service charges are accurately and promptly processed.
- There is compliance with major works legislation in relation to consulting leaseholders.

- There are appropriate procedure notes to enable staff to undertake their tasks in a consistent manner and there are also adequate guidance notes available to leaseholders.

Subject:	Petition – Homelessness from an Assured Shorthold Tenancy		
Date of Meeting:	21 September 2016		
Report of:	Executive Head for Strategy, Governance and Law (& Monitoring Officer)		
Contact Officer:	Name:	Caroline De Marco	Tel: 29-1063
	E-mail:	Caroline.demarco@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the ePetition from Mr Steve Parry as set out in paragraph 3.1.

2. RECOMMENDATIONS:

2.1 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum

3. PETITION

3.1 Homelessness from an Assured Shorthold Tenancy

"We the undersigned petition Brighton & Hove Council to adopt a policy that when citizens apply as homeless from an assured shorthold tenancy that BHCC implement the guidelines "that authorities should note that the fact that a tenant has a right to remain in occupation does not necessarily mean that he or she is not homeless" as prescribed by the "HOMELESSNESS CODE OF GUIDANCE" (Under Part 7 of the Housing Act 1996) BHCC should assist citizens that are faced with the certainty of homelessness in the same way as if they are homeless and not wait for the time when Court action is taken, costs incurred, and families are on the street. This is unjust, results in additional costs to BHCC and the family involved, and is socially damaging."

Title: HOMELESSNESS FROM AN ASSURED SHORTHOLD TENANCY

Statement:

We the undersigned petition Brighton & Hove Council to adopt a policy that when citizens apply as homeless from an assured shorthold tenancy that BHCC implement the guidelines "that authorities should note that the fact that a tenant has a right to remain in occupation does not necessarily mean that he or she is not homeless" as prescribed by the "HOMELESSNESS CODE OF GUIDANCE" (Under Part 7 of the Housing Act 1996) BHCC should assist citizens that are faced with the certainty of homelessness in the same way as if they are homeless and not wait for the time when Court action is taken, costs incurred, and families are on the street. This is unjust, results in additional costs to BHCC and the family involved, and is socially damaging.

Justification:

At the present time BHCC follows the practice of a number of English local authorities (although not recommendations of national government) requiring assured shorthold tenants, who have been served with a notice of the landlord's intention to seek possession under section 21 of the Housing Act 1988, to remain in situ until a court order/bailiff's warrant has been obtained before accepting a statutory duty under the homelessness provisions of Part 7 of the Housing Act 1996 (as amended).

It should be noted that the ending of an assured shorthold tenancy (AST) has been the most frequently occurring reason for loss of a settled home in the last 15 consecutive quarters. 31% of all homeless acceptances in England between October and December 2015 arose from the termination of an AST. ([Show truncated justification text](#))

Submitted by: STEVE PARRY, 1 KEBBELL LODGE, HIGH STREET, BRIGHTON, EAST SUSSEX, BN2 1SU

Status: Requested

Date submitted: 26/05/2016

Response

Thank you for your petition about homelessness and the ending of private sector tenancies in Brighton & Hove.

Tackling homelessness is a priority for this administration and the council is working hard to maintain and develop its work in assisting households facing homelessness and housing difficulties in an increasingly difficult housing market.

Practice of Housing services with respect to homelessness from PRS

The Council is increasingly trying to become involved earlier and earlier in situations that are likely to result in homelessness, in order to try and prevent it. To avoid homelessness by either resolving the issues to sustain the accommodation or to work with the household to find alternative accommodation and hence avoid homelessness is a better option for all parties and is at the core of our Homelessness strategy.

In terms of actual homelessness or when households are legally threatened with homelessness, the council has not adopted a policy about the timing of assistance when a private sector tenancy is ending, as we want to be involved at an early stage.

However the council does have various roles in such circumstances. We must advise tenants about the legal process of a tenancy ending and this must, necessarily, include advice about the process after a section 21 notice is served by the landlord.

It would be to neglect the council's legal obligations as the statutory provider of good quality, professional, lawful, accurate and free housing advice to do otherwise. The council must necessarily operate within a fine balance of acting to provide advice about rights to occupy and acting on the differing interests of its customers who are both tenants and landlords and the Council itself and this is why each case is considered on its individual merits as per the Code of Guidance.

The statutory homelessness Code of Guidance, which local authorities are required by law to have regard to contains guidance on how authorities should treat homelessness applications in circumstances where a tenant has received a valid s.21 notice. It says that housing authorities should not, in every case, insist upon a court order for possession and that no local authority should adopt a blanket policy in this respect. The Guidance states that if the landlord intends to seek possession and there would be no defence to an application for a possession order then it is unlikely that it would be reasonable for the applicant to continue to occupy the accommodation, *however each case needs to be considered on a case by case basis and balanced against the general cost to the authority*. The relevant sections of the Homelessness Code of Guidance are as follows:

“8.31. In determining whether it would be reasonable for an applicant to continue to occupy accommodation, the housing authority will need to consider all the factors relevant to the case and decide the weight that individual factors should attract. As well as the factors set out elsewhere in this chapter, other factors which may be relevant include the general cost to the housing authority, the position of the tenant, the position of the landlord, the likelihood that the landlord will actually proceed with possession proceedings, **and the burden on the courts of unnecessary proceedings where there is no defence to a possession claim.**

8.32. Each case must be decided on its facts, so **housing authorities should not adopt a general policy of accepting – or refusing to accept – applicants as homeless or threatened with homelessness when they are threatened with eviction but a court has not yet made an order for possession or issued a warrant of execution.** In any case where a housing authority decides that it would be reasonable for an applicant to continue to occupy their accommodation after a valid notice has expired – and therefore decides that he or she is not yet homeless or threatened with homelessness – **that decision will need to be based on sound reasons which should be made clear to the applicant in writing.** The Secretary of State considers that where a person applies for accommodation or assistance in obtaining accommodation, and:

(a) the person is an assured shorthold tenant who has received proper notice in accordance with s.21 of the *Housing Act 1988*;

(b) the housing authority is satisfied that the landlord intends to seek possession; and

(c) there would be no defence to an application for a possession order;

then it is unlikely to be reasonable for the applicant to continue to occupy the accommodation beyond the date given in the s.21 notice, unless the housing authority is taking steps to persuade the landlord to withdraw the notice or allow the tenant to continue to occupy the accommodation for a reasonable period to provide an opportunity for alternative accommodation to be found.”

The costs of private rented accommodation in this area plus the requirements and additional fees charged by letting agents means it is increasingly difficult for households on low and medium income to obtain alternative accommodation and hence it can take longer to find alternative accommodation. It is generally this that causes a household to remain in their home after the expiry of the Notice.

When the council is able to assist, or when a family being helped finds accommodation before this, the council will always advise that the new tenancy starts at the same time as the Notice expires. Sometimes some extra time is requested because of the issues associated with moving that may come up unexpectedly.

What is more difficult is when a family that the council is assisting has not found another home to move to and has no alternatives. In this case the family does become homeless and the council's statutory duties to provide accommodation come into play.

In these cases the council will always consider cases on an individual basis and we have agreed, when necessary and pragmatic to do so, to provide statutory temporary accommodation earlier than a possession order.

The cost, to local tax payers (which include landlords) will be considerable if a policy were adopted to always guarantee to provide statutory temporary accommodation on expiry of the s21 Notice and this also would be contrary to the Code of Guidance which says in 8.32 not to have a blanket policy.

With respect to Mr Parry's specific petition, the council position is as follows:

- The council does assist before the court date, and in many cases it has helped families move before court action is needed.
- It is a fact of law that vacant possession is obtained by order of the court. It is also a fact of law that a homeless duty – to provide statutory temporary accommodation – is only triggered at the time that a household becomes

homeless. However the Code of Guidance sets out considerations to be taken into account when reaching a decision as to when to provide accommodation which the council complies with.

- Families we are assisting do not end up on the street. The council provides statutory temporary accommodation where homelessness cannot be avoided, the time to be determined on a case by case basis.
- Fulfilling the lawful way of ending a tenancy does not result in additional costs to BHCC. To provide temporary accommodation does incur costs and this is taken into consideration when determining at what stage to provide temporary accommodation, as per the Code of guidance.

Subject:	Cover Sheet: Rent Smart Partnership Agreement		
Date of Meeting:	21 September 2016		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
	Email:	martin.reid@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF THE REPORT AND POLICY CONTEXT**

- 1.1 The Council's formal response to the Private Rented Sector Scrutiny Panel was approved by Housing & New Homes Committee on 11 November 2015 in relation to matters within the remit of the Committee.
- 1.2 While non-housing matters were to be reported to the relevant policy committee for consideration some Scrutiny Panel recommendations were outside the remit of the council as a whole. This included recommendations related to a city wide 'rate my landlord' scheme for all private rented housing, promoting the development of university endorsed landlords and lettings agents and joint working outside of our existing formal council partnership arrangements.
- 1.3 Following the Housing & New Homes Committee approval of recommendations relating to matters within their remit, Cllr Hill convened a private rented sector workshop to consider responses to the PRS scrutiny report that are outside the remit of the Council. This has led to the Rent Smart initiative.
- 1.4 Rent Smart Brighton and Hove is a new citywide partnership of organisations committed to supporting tenants in the private rented sector. Rent Smart aims to:
 - Increase awareness of rights and responsibilities amongst private renting tenants and people looking for a place to live in the private rented sector
 - Give tenants/potential tenants more confidence in dealing with agencies and landlords
 - Signpost tenants to up to date information and advice about privately renting
 - Promote use of a ratings system for letting agencies
- 1.5 Rent Smart has been invited to September 2016 Housing & New Homes Committee to present their work. The attached Partnership Agreement outlines the scope of the partnership to help inform the presentation and discussion in Committee.

2. RECOMMENDATIONS

- 2.1 That the Housing & New Homes Committee note the attached Rent Smart Partnership Agreement as background information to the Rent Smart presentation and discussion.

3. FINANCIAL & OTHER IMPLICATIONS

- 3.1 Rent Smart Brighton and Hove is a new citywide partnership of organisations and the purpose of this report is to note their Partnership Agreement and presentation.
- 3.2 Brighton and Hove have not committed any resources to this project, therefore there are no direct financial implications to the council.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: Rent Smart Partnership Agreement

Rent Smart Brighton and Hove Partnership Agreement

Rent Smart Brighton and Hove is a citywide partnership of organisations committed to supporting tenants in the private rented sector.

To achieve this aim, Rent Smart will work as a partnership between organisations. This Partnership Agreement is to outline the scope of the partnership and clarify the relationship between partners to ensure everyone is supported and together we utilise our experience, networks and resources to bring about the most positive change for tenants in the city.

Rent Smart aims to:

- Increase awareness of rights and responsibilities amongst private renting tenants and people looking for a place to live in the private rented sector
- Give tenants/potential tenants more confidence in dealing with agencies and landlords
- Signpost tenants to up to date information and advice about privately renting
- Promote use of a ratings system for letting agencies

Objects of Rent Smart:

- To run a website with basic information about renting and links to multiple other websites where tenants can go for detailed information and advice
- To provide hard copy information which can be handed out to people who need advice about renting in the city, which includes information for those who do not have online access
- To encourage tenants to leave agency ratings on the preferred ratings site (www.allagents.co.uk) and use the site to evaluate agents
- To run periodic campaigns to raise awareness amongst tenants, for example annual reviews of agency fees or information campaigns about changes in the law
- To maintain a blog page and comment on good and bad practice in the industry in relation to codes of conduct and tenants' rights
- To agree annual objectives which members can make time available to complete either with staff or volunteers, according to an agreed work plan
- The Group can raise funds for the sole purpose of furthering the objects and aims of the group, as defined by these terms of reference. The partnership/group will record all income and expenditure and operate within the law and with due care and diligence when managing funds and resources
- Funding would be applied for via a designated member which would take responsibility for holding the money and in whose name bids would be submitted, although all members will work on and take responsibility for the bid and use of the funds

Reporting system for Rent Smart:

- The success of the group will be evaluated against the relevant recommendations of the March 2015 Scrutiny Panel report produced by Brighton and Hove City Council following widespread consultation throughout the city. The relevant recommendations are 13, 14, 16, 18 and 20. The exact recommendations may not be followed if the group feels that another approach would be more appropriate and effective.
- We will produce regular updates of our activities (at least annually) to be reported back to the Strategic Housing Partnership and the Housing and New Homes Committee of Brighton and Hove City Council
- Other metrics will also be used to evaluate success such as website page views and number of reviews on allagents.co.uk.
- Minutes can be made available and copies emailed to interested parties

Meetings:

- Meetings of the membership will be held approximately once a quarter, usually at the Housing Centre on Moulsecoomb Way.

- The group may wish to invite other representatives from organisations or interested parties and this will be agreed within the group.
- Notes will be written up of meetings, to include attendance and details of decisions agreed.
- Decisions will be by consensus and task allocation will be clearly minuted and agreed.
- New members to the group will have access to the partnership agreement, previous meeting notes and reports.

Partners will:

- Complete and sign a Rent Smart Partnership Agreement stating what they can commit to in terms of meeting Rent Smart's Aims.
- Keep Rent Smart informed of any initiatives or activities carried out as part of their Partnership Agreement or in the name of Rent Smart.
- Endeavour to attend meetings and events hosted by Rent Smart for Partners.
- Provide relevant information about services and activities for Rent Smart to advertise on the Rent Smart website.

Rent Smart Partnership Agreement

I agree to commit to being part of the Rent Smart collaboration, committed to supporting tenants in the private rented sector in Brighton and Hove by:

Please tick the activities that you can get involved with (specifying any further details in the box below)

- | | | | |
|---|--------------------------|---|--------------------------|
| Follow & promote Rent Smart Via social media | <input type="checkbox"/> | Promote Rent Smart through promotional material | <input type="checkbox"/> |
| Encourage my workplace/organisation to engage with Rent Smart | <input type="checkbox"/> | Spread the word about Rent Smart to your client group | <input type="checkbox"/> |
| Provide resources – printing, funding, equipment or venues for events (specify details below) | <input type="checkbox"/> | Share skills – e.g. communication, PR, web development, design (specify details below) | <input type="checkbox"/> |
| Contribute written content for use on the blog page | <input type="checkbox"/> | Help in the production of regular updates of our activities to be presented at various groups | <input type="checkbox"/> |

Please specify further details ticked above

To help me carry out my above commitment I would like the following support from the Rent Smart Partnership:
(eg. Supply Rent Smart literature, information on other similar activities, advice and support)

Signed:	
Name & Position:	
Name of organisation (if applicable):	
Contact details:	<i>Email address:</i> <i>Telephone number:</i> <i>Address:</i>
Date:	
<i>Partners who sign this Agreement are not legally constituted in anyway. This Agreement is about a commitment to work collaboratively to achieve the goals of Rent Smart outlined above.</i>	

Subject:	Update on Private Rented Sector Scrutiny Panel Recommendations		
Date of Meeting:	21 September 2016		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
		Andy Staniford	29-3159
	Email:	martin.reid@brighton-hove.gov.uk	
		andy.staniford@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT AND POLICY CONTEXT

- 1.1 In 2014, a request was received from the Citizen's Advice Bureau to look at the private rented sector using a scrutiny panel, because of the '...worrying increase in the number of people seeking advice from CAB' in relation to the private rented sector and letting agents.
- 1.2 The Scrutiny Panel's report and recommendations were published in 2015 and the council's formal response was approved by Housing & New Homes Committee on 11 November 2015. A commitment was made to produce an annual update for committee on progress implementing the agreed recommendations.
- 1.3 This is the first annual update to Housing & New Homes Committee.

2. RECOMMENDATIONS

















- 2.1 That the Housing & New Homes Committee notes the progress made in implementing the Scrutiny Panel recommendations (Summarised in 3.5 and 3.6, and detailed in Appendix 1).

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In 2014 a request was received from the Citizen's Advice Bureau to look at the private rented sector using a scrutiny panel, because of the '*...worrying increase in the number of people seeking advice from CAB*' in relation to the private rented sector and letting agents.
- 3.2 The request to set up a Panel was approved at the council's Overview and Scrutiny Committee on 20th October 2014. The Panel members were Professor Darren Smith, Professor of Geography, Loughborough University (Chair); Councillor Chaun Wilson and Councillor Phélim MacCafferty. The panel set their terms of reference to:

- Understand the current private sector housing market in the city, and how it has changed since 2011;
 - Consider the best ways of managing private sector housing and improving standards in this sector;
 - Determine whether the relevant actions identified for private sector housing in the Draft Housing Strategy 2015 tie up to the evidence gathered by the panel. Where possible the panel will suggest how these actions could be practically implemented.
- 3.3 The Panel’s formal report and recommendations were published in 2015. Members recognise that there is a lot of good practice in the city, particularly in terms of organisations joining forces in new and innovative ways.
- 3.4 A formal response was presented to the Housing & New Homes Committee on 11 November 2015 and officers committed to providing an annual update to Members.
- 3.5 Over the last year, our key achievements have included:
- **Improving Standards in the Private Rented Sector:** A new additional HMO (houses in multiple occupation) licensing scheme affecting 7 further central and coastal wards began as planned on 2 November 2015, with over 250 applications received to date in addition to the existing Lewes Road scheme. In total around 3,200 HMOs across the city are now licensed. HMO licensing enforcement work is ongoing. Research is being undertaken into whether or not further discretionary licensing would be appropriate anywhere in the city and the results will be reported to a future Housing & New Homes Committee.
 - **Improving the supply of affordable housing:** City Plan Part One is now adopted (March 2016) with Policy CP20 for Affordable Housing. CP20 introduces a sliding scale approach to affordable housing contributions with commuted sums required on smaller development sites (5-14 units). The use of the collected commuted sums will assist with delivery of affordable rented housing. In order to further increase the supply of new affordable homes additional funding options are being actively investigated including buying new homes off plan and Special Purpose Vehicle / Joint Venture options.
 - **Bringing empty private sector homes back into use:** In 2015/16, 158 empty homes were brought back into use with the support of the council. A further 40 empty homes were brought back into use in Quarter 1 of 2016/17. The empty property team is also in constructive dialogue with the owners of 257 properties.
 - **Improving letting agency practices:** Brighton and Hove Trading Standards have been working closely with Home Sweet Home campaign group to make sure that lettings agencies display their fees in accordance with the Consumer Rights Act 2015. When the project began in August 2015 of the 116 agents identified, fewer than 10% were displaying their fees and several were not members of an approved redress scheme. Now at least 99% are compliant.
- 3.6 The following table highlights the current status of implementing the recommendations:

1	Support a strong and buoyant local private sector housing market	Complete
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2	Understand the city's changing housing market and evidence the influence of additional purpose –built student accommodation	 GREEN
3	Conduct regular reviews of the Housing Strategy's evidence-base	Complete
4	More effectively regulate the conversion properties to HMOs	 GREEN
5	Consider the effects of the Article 4 Direction on the city's HMOs, and the use of licensing schemes and other legislative powers	 GREEN
6	Increase the supply of affordable owner-occupied housing	 GREEN
7	Improve the identification of empty private sector homes and voids, and maximise the use of these properties	 GREEN
8	Joint working with neighbouring local authorities to strategically plan housing supply and demand in a regional context	 GREEN
9	Allow the universities to continue to grow their student populations across the Greater Brighton area	 GREEN
10	Consider the effects of the densification student accommodation on university campuses and the Lewes Road corridor	 AMBER
11	Identify/develop sites for affordable student housing developments in other parts of the Greater Brighton area	 AMBER
12	Promote the development of student union and/or university letting agencies	 AMBER
13	Promote the development of university-endorsed landlords and letting agents, and encourage these to be championed	 AMBER
14	Promote the use of a city-wide rate-my-landlord scheme	 AMBER
15	Develop ethical models for letting agents, estate agents and landlords, and publish these organisation on a website	 AMBER
16	Development and promote the uptake and benefits to landlords of registration to PRS accreditation schemes	No longer appropriate
17	Create a register of landlords proven to have undertaken retaliatory evictions	National Government
18	Increase the supply of private sector housing with rental costs that are affordable	 GREEN
19	Increase the supply of affordable 'social housing' for key workers and vulnerable people	 GREEN
20	Foster joined-up working between city council departments and other relevant organisations	 GREEN
21	Set up a living rent commission	National Government
22	Set up a register of all private rented sector landlords	National Government
23	Petition government to allow a rent cap to be introduced	National Government

- **Red** – Off target and not likely to come back to on target without intervention.
- **Amber** – Currently off target but officers are confident that performance should reach target with current improvements in place
- **Green** – On or above target

- 3.7 Recommendations 21-23 were not from the Scrutiny Panel but were requests made direct to Housing & New Homes Committee by residents. The Fairness Commission report, published in June 2016 contained similar requests and in recognising these issues are beyond the power of the council to bring about, the Commission has recommended these to national government:
- 21. Set up a living rent commission
 - 22. Set up a register of all private rented sector landlords
 - 23. Petition government to allow a rent cap to be introduced
- 3.8 Over the next year, our action is focussing on:
- Acting on the findings of research into the evidence that may support the extension of discretionary licensing
 - Exploring the potential for public and third sector partnerships (such as Rent Smart) to help raise quality and standards in the private rented sector aligned to scrutiny recommendations falling outside the remit of the Housing & New Homes Committee and Council.
 - Development of a new Student Housing Strategy
 - Supporting the development of the City Plan Part 2
 - Continuing to develop options for the delivery of new affordable homes including (subject to Committee approval) Living Wage Joint Venture and wholly owned Special Purpose Vehicle to help increase the supply of housing in the City
 - Continuing development of proposals within the Greater Brighton area for increasing the supply of housing

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It is important to note that not all Private Sector Housing Scrutiny recommendations fall within the remit of the Housing & New Homes Committee with a number linked to the City Plan, the Universities and national government.
- 4.2 The 11 November 2015 report to Housing & New Homes Committee identified and recommended acceptance of Scrutiny Panel recommendations that align with Housing Strategy 2015 agreed at Housing Committee (14 January 2015), Council (29 March 2015), Brighton & Hove Connected (Sept 2015).

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Panel held three public evidence-gathering sessions in January 2015 and also attended the Strategic Housing Partnership. The Panel also received some verbal and written evidence submitted in confidence from people in the city living in the private sector housing. Further discussions and Task and Finish groups have been held with the Strategic Housing Partnership, Planning, University of Sussex and University of Sussex Student Union and Brighton University.
- 5.2 The Housing Strategy 2015 was developed through extensive consultation with commissioners, service providers, community groups and residents over 2014. Consultation was divided into 2 phases, an extensive scoping exercise to gather the housing experiences of a wide range of residents and organisations which was used to develop the draft strategy and a second phase to test the priorities

and actions in our draft strategy. The final strategy is the outcome of both phases of consultation. The main findings are summarised in 2 consultation reports (1: Initial Scoping Consultation and 2: Draft Strategy Consultation) as part of our evidence base available on the Council's website at www.brighton.hove.gov.uk/housingstrategy

6. CONCLUSION

- 6.1 Scrutiny Panel investigations provide a useful independent insight into areas of concern. It is appropriate that the findings of these investigations are considered to assess their appropriateness in determining the future strategic direction.
- 6.2 Our response to the Scrutiny Recommendations align to the Housing Strategy 2015 which takes a pragmatic approach within our resources and the capacity of our partners to help mitigate the impact the city's housing needs has on local people by promoting development where viable, taking steps to improve housing quality, and by offering support to those in need.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of the work carried out to date and the on-going work required to implement the recommendations of the Scrutiny Panel are being managed within current Housing budgets.

Finance Officer Consulted: Monica Brooks

Date:23/08/16

Legal Implications:

- 7.2 There are no significant legal implications to draw to the Committee's attention. The effect of new relevant legislation, such as the Housing and Planning Act 2016, is set out in the Appendix.

Lawyer Consulted: Liz Woodley

Date: 24.08.16

Equalities Implications:

- 7.3 The Scrutiny Panel was held as a result of inequalities in the Private Rented Sector with recommendations developed to address these inequalities. Where an accepted recommendation leads to a significant change in strategy, policy or service delivery that has wider impacts, the specific equalities implications of this will be assessed as part of the change.

Sustainability Implications:

- 7.4 A well managed affordable high quality private rented sector is essential to support the households living in the city's 34,000 private rented homes.

Crime & Disorder Implications:

- 7.5 A number of recommendations relate to taking a more proactive stance against rogue landlords to help ensure that private rented tenants live in good quality well managed homes.

- Risk and Opportunity Management Implications:
- 7.6 The private rented sector is essential to provide housing solutions and reduce homelessness pressures.
- Public Health Implications:
- 7.7 The Housing Strategy 2015 recognises that poor quality and badly managed homes are detrimental to health and wellbeing.
- Corporate / Citywide Implications:
- 7.8 A well managed affordable high quality private rented sector is essential to support the wellbeing of those living in the city's 34,000 private rented homes to maintain health, sustain a workforce and support children's education.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Documents in Members' Rooms

















None

Background Documents

1. Response to Scrutiny Panel Report on Private Sector Housing & New Homes Committee, 11 November 2015 and Appendix
<http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=884&MId=5930&Ver=4>
2. Scrutiny Panel Report on Private Sector Housing, Housing & New Homes Committee, 17 June 2015
<http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=884&MId=5928&Ver=4>

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Summary

1	Support a strong and buoyant local private sector housing market	Complete
2	Understand the city's changing housing market and evidence the influence of additional purpose –built student accommodation	 GREEN
3	Conduct regular reviews of the Housing Strategy's evidence-base	Complete
4	More effectively regulate the conversion properties to HMOs	 GREEN
5	Consider the effects of the Article 4 Direction on the city's HMOs, and the use of licensing schemes and other legislative powers	 GREEN
6	Increase the supply of affordable owner-occupied housing	 GREEN
7	Improve the identification of empty private sector homes and voids, and maximise the use of these properties	 GREEN
8	Joint working with neighbouring local authorities to strategically plan housing supply and demand in a regional context	 GREEN
9	Allow the universities to continue to grow their student populations across the Greater Brighton area	 GREEN
10	Consider the effects of the densification student accommodation on university campuses and the Lewes Road corridor	 AMBER
11	Identify/develop sites for affordable student housing developments in other parts of the Greater Brighton are	 AMBER
12	Promote the development of student union and/or university letting agencies	 AMBER
13	Promote the development of university-endorsed landlords and letting agents, and encourage these to be championed	 AMBER
14	Promote the use of a city-wide rate-my-landlord scheme	 AMBER
15	Develop ethical models for letting agents, estate agents and landlords, and publish these organisation on a website	 AMBER
16	Development and promote the uptake and benefits to landlords of registration to PRS accreditation schemes	No longer appropriate
17	Create a register of landlords proven to have undertaken retaliatory evictions	National Government
18	Increase the supply of private sector housing with rental costs that are affordable	 GREEN
19	Increase the supply of affordable 'social housing' for key workers and vulnerable people	 GREEN
20	Foster joined-up working between city council departments and other relevant organisations	 GREEN
21	Set up a living rent commission	National Government
22	Set up a register of all private rented sector landlords	National Government
23	Petition government to allow a rent cap to be introduced	National Government

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 1	Council Service Lead(s)	Executive Leadership Team (ELT) Lead
To have a commitment to support a strong and buoyant local private sector housing market in the city	Martin Reid (Housing & Strategic Housing Partnership) Sandra Rogers(Planning)	Nick Hibberd
Council Response October 2015		
<p>Recommendation Accepted (Achieved by the publication of the Housing Strategy 2015 and the City Plan Part 1)</p> <p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>The findings from the consultation undertaken during the development of the Housing Strategy 2015 saw clear feedback that <i>we had a thriving private rented sector that generally delivered good quality vital housing but there were ongoing concerns around rising costs and affordability.</i></p> <p>It is the private sector that will deliver the majority of new homes being planned for over the city plan period and the Plan recognizes that this will contribute to a strong and prosperous city.</p> <p>The Private Rented Sector and Houses in Multiple Occupation are priority themes in the Housing Strategy 2015. To ensure we have a strong private rented sector, our strategic actions focus on improving management and housing quality in the sector.</p> <p>The Greater Brighton Devolution Prospectus includes raising standards in the Private Rented Sector in the Living Wage Housing ambition and offer. In particular, interventions to improve the management of the existing private rented stock, combined with the opportunity to bring significant investment into the sector for new private rented homes could transform the tenure into one which fully delivers for the local communities of Greater Brighton, providing high quality, easy-access housing for those working in a growing economy.</p> <p>We have met with the National Landlords Association and they are positive about working with us both in improving quality and management of the city's private rented sector with a track record in work strategically and with government including looking at ways of investing in home energy efficiency. Our Strategic Housing Partnership includes representatives from the local private sector housing market including Southern Landlords Association, Brighton & Hove Estate Agents Association and Brighton & Hove Economic Partnership.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the</p>		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

following strategic actions:

- 7. Work with the local business sector to maximise housing on mixed use developments incorporating homes, offices and retail.
- 9. Where compatible with local and national planning policy, increase housing supply through the conversion of unused and unneeded properties.
- 11. In accordance with City Plan policy, support taller buildings and higher density development in appropriate locations of the city.
- 40. Support a register of landlords in the city.
- 41. Support for landlords to better manage properties.
- 42. Develop an ethical standard for letting agents including a commitment to equalities and diversity, a 'living rent' scheme where rents are linked to wage inflation, and longer tenancies to support family stability.
- 43. Up skill small and accidental landlords to improve tenancy management.
- 46. Promote the HMO licensing scheme so that we can ensure that unlicensed HMO's are reported and licensed properties are of standard.
- 47. Consult on extending HMO licensing to other areas where there is an identified need.

In addition the City Plan Part 1, together with its evidence base, recognises that the Private Sector plays an important role in the city's housing market and is likely to continue to do so.

Current position – short commentary by service lead(s):

2016 Update:

This is an ongoing commitment and all actions listed above remain relevant.

The City Plan Part One was adopted by Council March 2016. The Private sector will deliver the majority of additional housing being planned for over the Plan period to 2030.

Greater Brighton Devolution Housing & Growth Working Group continues to take forward work arising from the GB Devolution Prospectus. Strategic actions from 2015 Housing Strategy are ongoing.

Status (Sept 2016)

*Red – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target*

Complete

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 2	Council Service Lead(s)	ELT Lead
To more fully understand how the local private sector housing market has changed in Brighton and Hove since 2011, and to evidence the impacts of new purpose-built student accommodation on the wider private sector housing market	Andy Staniford (Housing) Steve Tremlett (Planning)	Nick Hibberd
Council Response October 2015		
<p>Recommendation Accepted (Part 1 achieved by the publication of the Housing Strategy 2015)</p> <p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <ol style="list-style-type: none"> 1. Housing Market Understanding: the new Housing Strategy 2015 was supported by an extensive analysis of housing data: http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/2%20HS2015%20Supporting%20Data%20Analysis.pdf 2. It is useful to look at the changes since the Census in 2001 and that in 2011. Owner occupation in the city fell by 8% between the 2001 and 2011 Census from 61% to 53%. Households in the private rented sector increased from 20% (2001) to 29.6% (2011). The private rented sector plays a wider role than just the accommodation of the city's students. This sector is also important for many working people and families unable to purchase owner-occupied housing and for those choosing not to purchase owner-occupied housing. 3. The Planning Policy and Housing Strategy teams have just commissioned new research to investigate more fully the supply and demand for student accommodation in the city including the needs from the Universities, the Music School and from Language Schools. This work will include looking at the impacts of new purpose built student housing on the wider private sector housing market. This work is expected to be completed in November 2015. 4. The University of Sussex has worked collaboratively with the researcher commissioned to complete the study into supply and demand for student accommodation and will continue to support the project to its completion. <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Continue to support the development of new affordable purpose built student accommodation in a range of locations within the city in accordance with City Plan policies. 		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Current position – short commentary by service lead(s):

2016 Update:

The Student Housing Study, expected to be completed in autumn 2016, will consider the demand for and supply of purpose built student accommodation (PBSA), and how this could impact on the need for other private rented homes in the city to house students.

The findings of this research will be used to inform the City Plan Part 2 which will consider potential locations for new PBSA in the context of demand for other housing, and also a new Student Housing Strategy.

**Status
(Sept 2016)**

***Red** – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target*



Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 3	Council Service Lead(s)	ELT Lead
To provide more regular systematic reviews of the evidence-base underpinning the Housing Strategy	Andy Staniford (Housing)	Nick Hibberd
Council Response October 2015		
<p>Recommendation Accepted</p> <p>Regular reviews are already undertaken with provision for additional reviews to be commissioned to meet identified needs and / or specific requirements, for example research into student accommodation supply and demand.</p> <p>This work is already in place:</p> <ul style="list-style-type: none"> • Housing Joint Strategic Needs Assessment updated annually • Housing Statistics Bulletin updated quarterly • Housing Market Report updated quarterly • Rent & Local Housing Allowance Report updated monthly • HMO data (from all sources) for the 5 wards covered by the Article 4 Direction are monitored and mapped by Planning. • From 2014/15 the number of applications for HMO's approved and refused in the five wards will be monitored and reported in the Authority Monitoring report produced by planning <p>These reports are available at:</p> <ul style="list-style-type: none"> • http://www.bhconnected.org.uk/content/local-intelligence • http://www.brighton-hove.gov.uk/content/housing/general-housing/housing-strategy-statistical-bulletins • http://www.brighton-hove.gov.uk/content/housing/general-housing/housing-market-reports <p>In addition, housing supply and demand issues are regularly reviewed to support the development of the city plan:</p> <ul style="list-style-type: none"> • Objectively Assessed Need for Housing Report June 2015: http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/GL%20Hearn%20HSG%20OAN%20Rprt%20%20Jun%202015.pdf <p>It is considered that the data collection and analysis carried out at present is the most appropriate given the resources available.</p> <p>The Planning Policy team already provides a significant amount of evidence that can also be used to help monitor and inform the Housing Strategy. This includes residential development monitoring, including for affordable housing; regular reviews of the Strategic Housing Land Availability Assessment, which indicates how much new housing is likely to be built in the city, the types and tenures of housing; updates to the need for affordable housing, monitoring student HMOs etc. Much of the ongoing monitoring is reported through the Authority Monitoring Report.</p>		


Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Current position – short commentary by service lead(s):		
<p>2016 Update: Action already achieved as per original response above.</p>		
Status (Sept 2016)	<p><i>Red – Off target and not likely to come back to on target without intervention.</i></p> <p><i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i></p> <p><i>Green – On or above target</i></p>	Complete

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 4	Council Service Lead(s)	ELT Lead
To more effectively regulate the conversion of owner-occupied, family dwellings into shared private rented housing in relevant areas of the city, using licensing schemes and other legislative powers, to assess and improve the management and standards in HMOs	Mike Slagter (Housing) Steve Tremlett (Planning)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>The Article 4 Direction Order introduced in 2013 which brought into control changes of use from family homes to small HMO's (normally permitted development not requiring consent) will have some impact on the number of family dwellings being used for shared private sector housing. Policy CP21 in the City Plan Part 1 sets out the thresholds for HMO's where controls apply and as the plan approaches adoption the policy has gained greater weight and is now being used more successfully at appeal. As of October 2015 about 45-50 properties were under investigation. It is anticipated that notices will continue to need to be served over the next few months. In the past notices gave 6 month compliance this is now being reduced to 3 months. As notices take one month to come into effect this gives 4 months from the date the notice is served to find alternative accommodation.</p> <p>Policies in the currently adopted 2005 Brighton & Hove Local Plan resist the loss of smaller sized family homes where sub-division is of such properties are proposed. This is in recognition of the city's need for family housing. These policies will be reviewed under Part 4 of the City Plan.</p> <p>HMO licensing cannot regulate or prevent conversion of family dwellings to HMOs. It does, however, impact on how properties are managed, especially in terms of recommended levels of safety and amenities. It also places licence holder details in the public domain so people can see who is responsible for running any licensed HMO. Though mainly intended for the benefit of occupiers, there are Management Regulations that apply to all HMOs and these contain provisions, for example in terms of keeping shared areas tidy, that can impact on neighbourhoods as a whole.</p> <p>Following the introduction of additional licensing for smaller HMOs in 5 wards identified as having high levels of the smaller HMO in November 2012, the scheme will be extended to 7 other wards in the city on 2 November 2015. Discretionary licensing will be kept under review and subject to proliferation of smaller HMOs and any issues arising with management and standards.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> Promote the HMO licensing scheme so that we can ensure that un-licensed 		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

<p>HMO's are reported and licensed properties are of standard. Respond to issues where legal standards are not being met.</p> <ul style="list-style-type: none"> • Consult on extending HMO licensing to other areas where there is an identified need. 		
<p>Current position – short commentary by service lead(s):</p>		
<p>2016 Update:</p> <p>The new additional licensing scheme affecting 7 further central and coastal wards began as planned on 2 November 2015, with over 250 applications received to date. In total around 3,000 HMOs across the city are now licensed. HMO licensing enforcement work is ongoing.</p> <p>Research is being undertaken into whether or not further discretionary licensing would be appropriate anywhere in the city and the results will be reported to a future Housing & New Homes Committee.</p> <p>The council is engaging much more closely with community groups via the HMO Forum, which is improving communications and empowering local residents to take action themselves to identify potential unauthorised HMOs. The Article 4 Direction continues to be enforced and the Council has been successful in a number of recent appeal decisions which will now require HMOs to revert to family homes.</p> <p>Monitoring of Article 4 requests to convert homes into HMO shows that between April 2013 and March 2016, 97 applications were received for a change of use from 'C3 – dwelling house' to 'C4 – small House in Multiple Occupation'. Of these:</p> <ul style="list-style-type: none"> • 57 applications were approved (4 on appeal) • 40 applications refused (4 on appeal). <p>Resourcing of the planning enforcement team has improved and as of August 2016, an additional 90+ properties which may be unauthorised HMOs were under investigation.</p>		
<p>Status (Sept 2016)</p>	<p><i>Red – Off target and not likely to come back to on target without intervention.</i></p> <p><i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i></p> <p><i>Green – On or above target</i></p>	 <p>GREEN</p>

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 5	Council Service Lead(s)	ELT Lead
To consider the effects of the Article 4 Direction on the proliferation of HMOs in the city, and the use of licensing schemes and other legislative powers	Mike Slagter (Housing) Steve Tremlett (Planning)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>Monitoring is already in place within the planning team which will help consider the effects of Article 4 Direction. The results of monitoring will be reported annually in the Authority Monitoring Report. The Authority Monitoring report produced by planning monitors development retrospectively. From 2014/15 the number of applications for HMO's approved and refused in the five wards will be monitored. HMO data (from all sources) for the 5 wards covered by the Article 4 Direction is monitored and mapped by the planning team and is updated monthly.</p> <p>The Article 4 Direction covers only the 5 wards along the Lewes Road corridor and not the additional 7 city centre wards where additional HMO licensing is to be extended.</p> <p>HMO licensing does not impact on the upward proliferation of HMOs as it is not a tool that can be used to control HMO numbers. There is no evidence to suggest that HMO licensing has affected the numbers of HMOs in the city, either upwards or downwards. It has brought about many safety and amenity improvements, as reported to Housing Committee on a number of occasions. Though licence holders are not directly responsible for the behaviour of their tenants, licensing can have an impact in requiring licence holders to engage in terms of possible breach of licence conditions or tenancy agreements if their tenants' behaviour causes problems for neighbouring residents.</p> <p>New research commissioned by the Planning Policy and Housing Strategy teams will help identify student demographics, the impact of projected changes to student population and housing supply. This work will be completed in November 2015.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • 46. Promote the HMO licensing scheme so that we can ensure that unlicensed HMO's are reported and licensed properties are of standard. • 47. Consult on extending HMO licensing to other areas where there is an identified need. • 48. Respond to issues where legal standards are not being met. 		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Current position – short commentary by service lead(s):

2016 Update:

The new additional HMO licensing scheme affecting 7 further central and coastal wards began as planned on 2 November 2015, with over 250 applications received to date in addition to the Lewes Road scheme and mandatory licensing of all larger HMOs across the city. In total around 3,000 HMOs across the city are now licensed. HMO licensing enforcement work is ongoing.

Research has been undertaken into whether or not further discretionary licensing would be appropriate anywhere in the city and the results will be reported to the soonest possible Housing and New Homes Committee.

The Student Housing Study (expected to be completed in autumn 2016) will consider the effects of a growing student population and different future levels of Purpose Built Student Accommodation provision on the demand for HMOs from the student population.

The council is engaging much more closely with community groups via the HMO Forum, which is improving communications and empowering local residents to take action themselves to identify potential unauthorised HMOs. The Article 4 Direction continues to be enforced and the Council has been successful in a number of recent appeal decisions which will now require HMOs to revert to family homes.

Monitoring of Article 4 requests to convert homes into HMO shows that between April 2013 and March 2016, 97 applications were received for a change of use from 'C3 – dwelling house' to 'C4 – small House in Multiple Occupation'. Of these:

- 57 applications were approved (4 on appeal)
- 40 applications refused (4 on appeal).

Resourcing of the planning enforcement team has improved and as of August 2016, an additional 90+ properties which may be unauthorised HMOs were under investigation.

Status (Sept 2016)

Red – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target



GREEN

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 6	Service Lead(s)	ELT Lead
To explore ways to increase the supply of affordable owner-occupied housing for first-time-buyers and key workers in the city	Martin Reid (Housing) Sandra Rogers (Planning)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & new Homes Committee.</p> <p>Recommendation Accepted</p> <p>Planning policy is currently to secure up to 40% affordable housing in new developments and to secure citywide a split of 55:45 affordable rent to intermediate (e.g. shared ownership) – this will assist getting people on the housing ladder including key workers. We are also looking at more innovative ways to increase supply of affordable housing e.g. incorporating a ‘review mechanism’ in S106 agreements where viability is an issue and also in City Plan Part 1 there will be sliding scale of affordable housing requirements so that we can ask for affordable housing contributions on smaller sites.</p> <p>There is also a need to continue to explore and support innovative affordable housing products e.g. ‘Pocket Housing’ in London which secures a significant first time buyer discount on housing for local people who must be on or below the average income of a London Borough and the scheme retains the housing in perpetuity (residents have to sell to someone in a similar position).</p> <p>The recently developed Greater Brighton Devolution Prospectus seeks to pursue models for housing delivery that delivers greater numbers of new and more Living Wage homes through a pilot Joint Venture to deliver 1000 affordable homes with a local housing association, the proposal would be to establish a new Greater Brighton Living Wage housing model. This would involve innovative approaches to providing more affordable housing to working people in Greater Brighton through a new Living Wage Rent Model and a Living Wage Homes Ownership Model.</p> <p>We are reviewing options for the local authority to intervene in the housing market as a potential purchaser / lessee of new accommodation being brought forward on development sites in the City or sub-region in order to meet identified housing needs. This is in addition to affordable housing deemed to be viable for the developer to deliver on site through the Planning process.</p> <p>This includes the procurement off-plan of residential accommodation on private sector housing developments with developers entering into arrangements with us to offer residential units for sale and/or lease at discounted rates on the basis of potential leaseback arrangements. This discounted sale option has previously been explored on the most recent Anston House Planning application and we have also submitted a letter reserving our option to buy off-plan on the forthcoming Preston</p>		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Barracks scheme.

The delivery of Major Project / Strategic Development Sites which achieve citywide regeneration provides additional affordable housing within the development brief, for example Circus Street, Brighton Marina, Preston Barracks, Pelham Street etc.

If enacted, the Housing and Planning Bill 2015 will create a new duty on all local authority planning departments to promote the supply of starter homes in their area. The Bill also proposes allowing the government to set regulations requiring starter homes to be included on residential sites as a condition of securing planning permission. If agreed these regulations will be issued at a later date. In terms of starter homes, it is not yet clear whether this will be in addition to or as a replacement for affordable homes. The Bill still has to be debated. There will need to be a change in National Planning Policy framework for starter homes to be counted as affordable housing. Starter homes do not currently fit the formal definition of affordable housing for planning purposes.

This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:

- 1. Prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family, Affordable Rent and where feasible, Social Rented housing.
- 2. Continue work with a range of partners including Homes Communities Agency, housing associations and the community housing sector to develop more affordable housing.
- 3. Directly provide more council housing, such as by developing ourselves through our New Homes for Neighbourhoods programme, buying new homes off-plan or by supporting others to build and manage on our behalf.
- 4. Use Right To Buy receipts and developer contributions to fund new housing.
- 5. Maximise housing provided from best use of the Council's Housing Revenue Account (HRA) investment, land and buildings.
- 6. Support housing associations and community housing organisations with their proposals to deliver affordable homes.
- 7. Work with the local business sector to maximise housing on mixed use developments incorporating homes, offices and retail.
- 8. Continue to look at alternative use of public assets including land, with a focus on maximising the social value of opportunities where appropriate.
- 9. Where compatible with local and national planning policy, increase housing supply through the conversion of unused and unneeded properties.
- 10. Continue to work with adjacent local authorities in the Greater Brighton and Coastal West Sussex area to address unmet housing need across a sub-regional area.
- 11. In accordance with City Plan policy, support taller buildings and higher density development in appropriate locations of the city.

Current position – short commentary by service lead(s):

2016 Update:

All actions are ongoing as detailed and listed above.


Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

The Housing and Planning Bill is now the 2016 Act. Once the government publishes relevant regulations to implement the Act, Local Planning Authorities will be required to promote Starter Homes (lower cost home ownership) in new housing delivery has not yet been published by government.


City Plan Part One is now adopted (March 2016) with Policy CP20 for Affordable Housing. CP20 introduces a sliding scale approach to affordable housing contributions with commuted sums required on smaller development sites (5-14 units). The use of the collected commuted sums will assist with delivery of affordable rented housing.

In order to further increase the supply of new affordable homes additional funding options are being actively investigated including buying new homes off plan and Special Purpose Vehicle / Joint Venture options.

There are still a number of risk factors with this work due to the limited development opportunities and high property development costs in Brighton & Hove.

Status (Sept 2016)	<p>Red – Off target and not likely to come back to on target without intervention. Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary). Green – On or above target</p>	
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Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 7	Council Service Lead(s)	ELT Lead
To further improve the identification of empty homes and voids within private sector housing, and to maximise the use of private sector housing in more efficient ways	Martin Reid (Housing)	Nick Hibberd
Council Response October 2015		
<p>Recommendation Accepted</p> <p>Identification and contact system in relation to empty homes within private sector housing is fully in place, as reflected in Performance Indicators around bringing empty private sector homes into use and New Homes Bonus income for past years.</p> <p>Our Empty Property Enforcement Protocol is in development during 2015/16 to further clarify and strengthen use of enforcement action in bringing private sector empty homes back into use.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • 35. Continue successful system of making and maintaining contact with all owners of empty property. • 36. Update the Empty Property Enforcement Protocol to encourage an increase in the number of properties being returned to use. • 39. Consider empty commercial property as a potential source of new housing. 		
Current position – short commentary by service lead(s):		
<p>2016 Update:</p> <p>In 2015/16, 158 empty homes were brought back into use with the support of the council. A further 40 empty homes were brought back into use in Quarter 1 of 2016/17. The empty property team is also in constructive dialogue with the owners of a further 257 properties.</p> <p>A well-established and systematic approach has lead to this sustained year on year performance. A refreshed enforcement protocol is in development as a disincentive for owners that will assist in improving performance.</p>		
Status (Sept 2016)	<p><i>Red – Off target and not likely to come back to on target without intervention.</i></p> <p><i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i></p> <p><i>Green – On or above target</i></p>	 GREEN

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 8	Council Service Lead(s)	ELT Lead
To work in a more joined-up way with neighbouring local authorities to strategically plan housing supply and demand in a regional context	Sandra Rogers (Planning)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>The Duty to Cooperate has brought us together with neighbouring local authorities and other organisations to develop strategic planning policies for the area that will meet existing and future needs of the residents and workforce in the area.</p> <p>Greater Brighton is a partnership made up of the local authority areas of Brighton & Hove, Adur, Worthing, Lewes and Mid Sussex. The recently published Greater Brighton Devolution Prospectus - Platforms for Productivity, forms the bases of a longer dialogue with government and partners. This document focuses on three areas that include increasing economic productivity through the provision of infrastructure, housing and employment land and enterprise support. To accelerate housing delivery to meet and surpass our planned housing supply of 22,500 homes it proposes to create a Greater Brighton Housing Company. Alongside this it is proposed to create a Joint Property Board with the HCA and develop a Greater Brighton Housing & Property Investment Plan – in conjunction with the Coast to Capital LEP and 3SC – to provide a strategic delivery plan to deliver more housing across the region.</p> <p>Any building developments will balance the need for general needs housing against student housing need to ensure the right mix for housing on any new development. The University of Brighton already works closely with the local authorities and other local stakeholders in their 3 campus areas. This includes close collaborative work with housing strategies and engaging with local community groups and initiatives through the work of the Community Liaison team.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • 10. Continue to work with adjacent local authorities in the Greater Brighton and Coastal West Sussex area to address unmet housing need across a sub-regional area. • 22. Continue to support the development of new affordable purpose built student accommodation in a range of locations within the city in accordance with City Plan policies. 		
Current position – short commentary by service lead(s):		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)


2016 Update:

This is an ongoing process largely reflecting the Duty to Co-Operate responsibilities of the local planning authorities across the Greater Brighton and Coastal West Sussex planning areas. For Brighton & Hove, actions over the last year include exploring measures to help unlock housing supply and accelerate the rate of housing delivery against the city's housing delivery target set out in City Plan Part One (13,200 homes to 2030) which was adopted March 2016.

An update to the Local Strategic Statement was agreed March 2016 for the Coastal West Sussex and Greater Brighton area. This sets out strategic objectives and spatial priorities for housing and employment and for key development sites for the 10 member authorities (Brighton & Hove, Lewes, Adur/Worthing, Arun, Chichester, Mid Sussex, Horsham and West Sussex).

The council is also working with the HCA in relation to 'Starter Homes Expressions of Interest' programme.

Greater Brighton Housing and Growth Working Group are seeking to overcoming barriers to delivering existing housing targets, accelerating delivery of additional housing numbers as well as making best use of available land / identification of new sites. Devolution Deal 'asks' include raising the HRA borrowing cap, flexibility in the use of Right to Buy Receipts, better access to surplus sites from national public bodies and certainty over HCA funding.

Status (Sept 2016)	<p>Red – Off target and not likely to come back to on target without intervention. Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary). Green – On or above target</p>	 GREEN
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Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 9	Council Service Lead(s)	ELT Lead
<p>To have a commitment to allow the universities to continue to grow their student populations across the Greater Brighton area, in recognition that they operate in a context of uncertainty and a more competitive (inter)national environment within higher education.</p>	<p>Martin Reid (Housing & Strategic Housing Partnership)</p> <p>Steve Tremlett (Planning)</p> <p>Universities</p>	<p>Nick Hibberd</p>
<p>Council Response October 2015</p>		
<p>This recommendation is not within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>Subject to the universities continuing to acknowledge and work in partnership with the Council and other parties to mitigate the impact of their growth on the local housing market, in particular in areas of high concentrations of student populations.</p> <p>The City Plan allows the Universities to grow in a managed way through site allocations and through a criteria based policy that seeks new purpose built accommodation for students and academic space subject to assessment.</p> <p>Growth in student numbers has been significant e.g. estimated that between 2001 to 2013 student numbers increased by 37% for Brighton University and 50% for University of Sussex. Clearly this will have impact on the city’s housing market if there is insufficient purpose built student housing. City Plan seeks to ensure there is sufficient purpose built accommodation and Part 2 (Site Allocations and Development Management Policies) will consider the allocation of further sites and the need to align more closely the University’s growth plans and student accommodation strategies. It is recognised that the growth of the Universities across Greater Brighton area has many benefits for city and wider sub-region and is to be supported. A duty to cooperate would be triggered if a local authority is unable to meet its housing demand within its own area.</p> <p>The University of Brighton already has campuses located in Brighton, Eastbourne and Hastings. The Greater Brighton Devolution Prospectus acknowledges the contribution made by the universities, supporting around 12,000 jobs, contributing nearly £1bn to the South East economy, and providing opportunities and expertise to support and grow local businesses. The prospectus outlines its commitment to extend the presence of the universities and further education colleges throughout the region, northwards into Burgess Hill and along the coast to Newhaven and Worthing.</p> <p>Additional information on how universities manage their PRS accommodation needs.</p>		

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University of Sussex advised that all 1st year undergraduates who require it are being accommodated in University managed housing as well as all 1st year overseas Postgraduates. University of Sussex currently own and manage 5000 bed spaces. Although additional purpose- built student accommodation is being developed, we are advised that this will not meet all the future demand.

The University of Sussex also runs a successful head-leasing scheme. All the properties, which are directly managed by the university, are located in the city. It is a requirement of the university that all new head-leased properties have HMO licences. The university is seeking to increase the number of head-leased properties and identifying where the pressure points are in the city and focusing on these areas. At present the head-leasing schemes provides 271 bed-spaces and the university is looking to increase this figure by a further 100 minimum. The university will work with the council to make sure it does not compete for the same properties in the city and mitigate any detrimental effect their head-leasing scheme has on the council's potential supply of private rented sector family housing.

The availability and cost of public transport is key to the location of student housing especially when looking to increase accommodation to the east and west of the city. Work would need to be undertaken with the council's Transport team, Brighton & Hove Bus Company etc. to see if transport links could be extended and improved to make locations away from the Lewes Road corridor more viable and attractive for students to live in.

In addition to concerns regarding transport, the Students' Union at the University of Sussex raised a concern around whether the University were adequately prepared for the arrival of increased number of students, including housing as one example of this.

Students are finding it more difficult to acquire affordable housing in the city's private rented sector, which highlights the citywide problem of capacity in the private rented sector. The problem of affordability may result in students looking for accommodation outside the city-centre area, although students are attracted to the nightlife, cafes, retail, etc. in the city which is lacking in other more affordable areas.

The University of Brighton accommodates a significant number of their first year students in halls accommodation, and the ongoing redevelopment of the University's Varley Park hall site will have created an additional 300 beds by the end of the current building phase.

The University has operated a successful head lease scheme in Brighton and Eastbourne for over 13 years, and more recently, the head lease scheme has grown significantly in Hastings providing quality and affordable accommodation to students.

The University recognises that affordability is key and therefore do not charge any fees to students, do not require a guarantor and do not require a damage deposit to be paid up front. The properties are well maintained, checked regularly and comply with all necessary legislation (including Article 4 and all relevant planning permission surrounding appropriate use of the property).

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

The university have established strong working relationships with property owners and neighbours.

Currently, there are over 230 head lease bedspaces in Brighton, Eastbourne and Hastings.

With such a diverse student population to support, the University of Brighton are keen to expand and manage a range of properties, from 1 bedroom flats up to 6 bedroom homes. They are also keen to explore the use of head-lease accommodation for students with families. In addition, the University has successfully expanded their Homestay scheme in Brighton and there are now over 100 bedspaces available for students either for a short term or long term stay.

The impact of Article 4 has seen a loss of some student accommodation in the 5 wards where it is in operation. The council and universities will make sure that students do not move into properties that do not have an HMO licence by making it easier for information on whether HMOs do have planning permission to be shared.

The reality is that universities will be competing with each other, with the local authority and others including BIMM and City College, over family sized housing in the private rented sector.

The University of Brighton is exploring any viable opportunities to increase the number of purpose built student accommodation in addition to the Preston Barracks site. It is looking at the possibility of further increasing capacity at Varley Park, and looking at sites owned by the university to identify any opportunities to build.

The University of Brighton academic profile review is now due to be completed in the Spring 2016.

This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:

- 26. Work with bordering authorities to support satellite campuses.
- 10. Continue to work with adjacent local authorities in the Greater Brighton and Coastal West Sussex area to address unmet housing need across a sub-regional area.

Current position – short commentary by service lead(s):

2016 Update:

The Student Housing Study, expected to be completed in autumn 2016 will examine options for locating new Purpose Built student Accommodation including locations outside of the city's administrative boundaries.

Status (Sept 2016)

Red – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target



GREEN

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 10	Council Service Lead(s)	ELT Lead
To consider the effects of the densification of affordable, purpose-built, student accommodation on university campuses within the city, and outside the Lewes Road corridor	Steve Tremlett (Planning) Martin Reid (Housing)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>Student Housing is a priority theme in the Housing Strategy 2015, which recognises that:</p> <p style="text-align: center;"><i>We need a wider range of affordable accommodation options for students to take pressure off the existing housing stock and we need to work with landlords to improve the quality of accommodation and ensure student housing does not cause disruption in our neighbourhoods.</i></p> <p>In a city with a very constrained land supply there is a need to ensure that the best use is made of limited site opportunities but also that developments are of a high quality. Any potential adverse impacts need to be mitigated through good design and also through effective management agreements.</p> <p>The Planning Policy and Housing Strategy teams have just commissioned new research to investigate more fully the need for student accommodation in the city including the needs from the Universities, the Music School and from Language Schools. This work will include looking at the impacts of new purpose built student housing on the wider private sector housing market. This work is expected to be completed in November 2015. The projected student housing need and the cumulative impacts of purpose-built student accommodation including concentrations will inform the Student Housing Strategy refresh and City Plan.</p> <p>In addition, one of the key recommendations of the previous Student Housing Strategy was support for expansion of head leasing schemes where the Universities have responsibility for management of private sector homes leased from landlords and agents on behalf of students.</p> <p>As outlined in the response to Recommendation 9, University of Sussex is seeking to increase the number of head-leased properties and identifying where the pressure points are in the city and focusing on these areas. University of Sussex also commit to work with the council to make sure it does not compete for the same properties in the city.</p> <p>The University of Brighton is also actively seeking to develop their head lease</p>		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

portfolio to assist students secure private sector accommodation without having to face expensive upfront costs, such as fees, deposits and providing a guarantor.

In addition, and also reflecting one of the key priorities of the original Student Housing Strategy, we have in the past entered into a joint head-leased property agreement with the universities in order to avoid competition for the same dwellings and to attempt to manage acquisition of family and shared occupancy homes in areas of high concentrations of student housing. Properties were shared 50/50 under the scheme.

While this scheme is no longer in operation we propose to review options for this being re-considered, subject to any future joint head leasing initiative being financially viable and beneficial for the council to participate in.

This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:

- Reduce the impact of student lets on neighbourhoods through managing the concentration of student lets (City Plan policy) and other measures such as requiring safe bicycle storage, communal bins and working with letting agents to reduce signage.

Current position – short commentary by service lead(s):

2016 Update:

The City Plan has been adopted and therefore Policy CP21 can be given full weight in determining planning applications. Work has started on Part 2 of the City Plan which provides the opportunity to further strengthen planning policy.

Completion of the study has been delayed but is expected in autumn 2016. The Student Housing study will consider the extent to which additional Purpose Built Student Accommodation can be accommodated on or near university campuses within the city, as well as outside the Lewes Road corridor (including outside of the city's administrative area).

Status

(Sept 2016)

Red – Off target and not likely to come back to on target without intervention.

Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).

Green – On or above target



Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 11	Council Service Lead(s)	ELT Lead
To explore the potential to identify/develop sites of opportunity for affordable student housing developments in other parts of the Greater Brighton area, which will appeal to students alongside the development of student-oriented infrastructures (i.e. transport, services)	Steve Tremlett (Planning) Universities	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not within the remit of the Housing & New Homes Committee</p> <p>Recommendation Accepted</p> <p>This is an issue that could be explored further through sub-regional planning and economic development forums – Coastal West Sussex and Greater Brighton Strategic Planning Board and Economic Board. Growth Plans of both Universities may lead to additional premises in wider Greater Brighton area e.g. University of Brighton had plans to locate additional accommodation outside the city. Part 2, City Plan will also look for additional sites within the City.</p> <p>The Greater Brighton Devolution Prospectus outlines its commitment to extend the presence of the universities and further education colleges throughout the region, northwards into Burgess Hill and along the coast to Newhaven and Worthing. Alongside this, is the commitment to deliver an intelligent transport network across the region that supports the business and tourist economy and people travelling to work and learn.</p> <p>This strategic action to work with bordering authorities to support satellite campuses is included in the Housing Strategy 2015.</p> <p>The commitment to work with bordering authorities in the development of satellite campuses is welcomed by the University of Brighton (should there be any). Proximity to academic site remains a key priority for both the university and its students.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Work with bordering authorities to support satellite campuses. • Continue to work with adjacent local authorities in the Greater Brighton and Coastal West Sussex area to address unmet housing need across a sub-regional area. 		
Current position – short commentary by service lead(s):		
2016 Update:		

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Cross authority working is ongoing through the Coastal West Sussex and Greater Brighton Strategic Planning Board.

Preparation of the City Park Part 2 has commenced. This will include examining the potential for identifying further site allocations for Purpose Built Student Accommodation.

The Student Housing Study is expected in autumn 2016, and includes consideration of the potential for locating new PBSA to serve the city's universities outside of the City Council administrative area.


**Status
(Sept 2016)**

Red – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target



AMBER

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Private Sector Housing Scrutiny Recommendation 12	Council Service Lead(s)	ELT Lead
To promote the development of student union and/or university letting agencies	Martin Reid (Housing & SHP) Universities	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>The Housing Strategy 2015 supports improvements in the letting and management of student accommodation both for the benefit of students and local communities.</p> <p>The Students' Union at the University of Sussex, run a letting agency for student accommodation. At present the agency has approximately 50 properties, 35 of which are fully managed. There is huge demand for these properties and the scheme is very popular with students and rated very highly. It is an aspiration of the Students Union to expand this scheme but funding, staffing and other resources such as a lack of an alternative location in the centre of Brighton, is a barrier to this. The current location is limited by lack of walk by traffic of landlords, who may not aware that Sussex Student Lettings exists.</p> <p>Students from the University of Brighton use Sussex Student Lettings and feedback from students has been very positive.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Develop an ethical standard for letting agents including a commitment to equalities and diversity, a 'living rent' scheme where rents are linked to wage inflation, and longer tenancies to support family stability. 		
Current position – short commentary by service lead(s):		
<p>2016 Update:</p> <p>The work will be explored in more detail through the development of the Student Housing Strategy. Additional work is being carried out by community groups and other partners to look at how these options could be taken forward such as Rent Smart which will be fed into future policy considerations.</p>		
Status (Sept 2016)	<p><i>Red – Off target and not likely to come back to on target without intervention.</i></p> <p><i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i></p> <p><i>Green – On or above target</i></p>	 AMBER

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing Scrutiny Recommendation 13	Council Service Lead(s)	ELT Lead
To promote the development of university-endorsed landlords and letting agents, and encourage the universities and student unions to champion these landlords to students	Martin Reid (Housing & SHP) Universities	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>We have met with the National Landlords Association and they are positive about working with us both in improving quality and management of the city’s private rented sector with a track record in work strategically and with government including looking at ways of investing in home energy efficiency.</p> <p>New legislation makes it a legal requirement for all lettings agents and property managers in England to join one of three Government approved redress schemes; Ombudsman Services Property, Property Redress and the Property Ombudsman. In Brighton & Hove the requirement is enforced by our Trading Standards team.</p> <p>One of the strategic actions in the Housing Strategy 2015 is to promote the Student’s Union “Rate Your Landlord” report across the city and the idea of rented accommodation that is ‘fit for study’.</p> <p>The introduction of additional licensing for smaller HMOs in 5 wards identified as having high levels of the smaller HMO in November 2012 and the extension of the scheme to 7 other wards in the city on 2 November 2015 will improve the conditions and management of these types of properties.</p> <p>Article 4 – See Recommendations 4 and 5</p> <p>Research into the need for student accommodation in the city commissioned by Planning and Housing will provide evidence on projected student housing need, the cumulative impacts of purpose-built student accommodation and privately rented accommodation.</p> <p>Head-leasing schemes – see Recommendation 10</p> <p>The University of Sussex has a Sussex Studentpad website providing information on private rented sector accommodation to let and guidance for students. There are around 600 landlords advertising properties on the website who have agreed to abide by the UK Accommodation Code and all new properties are inspected by the university.</p> <p>The University of Brighton has an accommodation service in Brighton, Eastbourne</p>		

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and Hastings. There are over 1600 places in halls in Brighton, 230 university-managed rooms in shared homes across Brighton, Eastbourne and Hastings and about 100 rooms in homestays. The University has a dedicated website for students to search for accommodation that must conform to a Code of Standards before it is registered with the University. The website also includes student message boards and lots of helpful information about house hunting, www.brightonstudentpad.co.uk. New and existing properties registered on the website are inspected by the Accommodation Service team.

The University of Brighton also has a dedicated Housing Advice Officer who supports and advises students the about private rent sector accommodation.

This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:

- Develop an ethical standard for letting agents including a commitment to equalities and diversity, a 'living rent' scheme where rents are linked to wage inflation, and longer tenancies to support family stability.
- Promote the Student's Union "Rate Your Landlord" report across the city and the idea of rented accommodation that is 'fit for study'.

Current position – short commentary by service lead(s):

2016 Update:

The work will be explored in more detail through the development of the Student Housing Strategy. Additional work is being carried out by community groups and other partners to look at how these options could be taken forward such as Rent Smart which will be fed into future policy considerations.

Status (Sept 2016)

Red – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target



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Private Sector Housing Scrutiny Recommendation 14	Council Service Lead(s)	ELT Lead
To promote the use of a city-wide rate-my-landlord scheme for all private sector housing	Martin Reid (Housing & SHP)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>One of the strategic actions in the Housing Strategy 2015 is to promote the Student's Union "Rate Your Landlord" report across the city and the idea of rented accommodation that is 'fit for study'.</p> <p>A rate-my-landlord scheme could only be run externally and not as a council function.</p> <p>The University of Sussex Students' Union run a successful rate-my-landlord scheme.</p> <p>Rate Your Landlord is an annual online survey conducted by the University of Sussex Students' Union. First launched in 2009, the survey looks at the experience of students living in private rented property in and around Brighton and Hove, and is used to create a better understanding of the issues that face students who rent privately. This includes identifying problems where they exist, recognising good practice when it occurs and informing recommendations that seek to drive up standards in the sector and improve the experience for students.</p> <p>Rate Your Landlord Survey is a way of encouraging students to express their views and participate in the University of Sussex Students' Union. This survey, however, is not based on a scientific, representative sample and the results are vulnerable to manipulation by individuals with an interest in the outcome. All information is independently collated from student responses to the Rate Your Landlord Survey and is in no way the opinion of the University of Sussex or the University of Sussex Students' Union.</p> <p>One element of the survey involves students being asked to rate letting agents on a 5 point scale ranging from strongly agree to strongly disagree against 5 questions:</p> <ul style="list-style-type: none"> ● Provides a good level of customer service (i.e. helpful, polite, easy to get hold of etc) ● Has low upfront fees (e.g. admin fees) ● Provides clear information about costs and the terms of the tenancy agreement ● Acts in a timely and reasonable way to resolve any problems that are reported (e.g. repairs, complaints etc) ● Provides a property that is comfortable and safe (e.g. free from mould & damp, well insulated & draught-free, has a smoke alarm fitted, has a current gas safety 		

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certificate etc.).

Finally students are asked to give their opinion of their overall experience, again on a 5 point scale ranging from very good to very poor. Each response was allocated and scored. Due to the variability in the numbers of responses across letting agents, a Bayesian average is taken to avoid unfairly advantaging or disadvantaging letting agents with fewer responses. An example formula for the Bayesian average is: $\frac{\text{mean number of responses across letting agents} \times \text{mean score across letting agents} + (\text{individual letting agent response count} \times \text{individual letting agent score})}{(\text{mean number of responses across letting agents} + \text{individual letting agent response count})}$.

Full details can be found in the full report.

<http://www.sussexstudent.com/asset/News/6412/RYL2014.pdf>

These scores then translated into a key rating score which is available to students. The key ratings ranged from 0 keys, representing poorly performing letting agents based on student survey responses, and 5 keys representing well performing letting agents based on student survey responses.

The data we gather in the survey is used for a variety of different purposes, this includes being used as the basis of our guarantor scheme proposal and to inform our responses to consultations.

The Rate my Landlord scheme also includes feedback from University of Brighton students and has proven to be a useful source of information for students when looking for a property via letting agents.

There are two websites that are also popular with students for accommodation reviews/feedback; Whichpad, www.whichpad.com and Move'm, www.movem.co.uk

This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:

- Promote the Student's Union "Rate Your Landlord" report across the city and the idea of rented accommodation that is 'fit for study'.

Current position – short commentary by service lead(s):

2016 Update:

The work will be explored in more detail through the development of the Student Housing Strategy. Additional work is being carried out by community groups and other partners to look at how these options could be taken forward such as Rent Smart which will be fed into future policy considerations.

Status

(Sept 2016)

Red – Off target and not likely to come back to on target without intervention.

Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).

Green – On or above target



AMBER

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Private Sector Housing Scrutiny Recommendation 15	Council Service Lead(s)	ELT Lead
To develop ethical models for letting agents, estate agents and landlords, and create a website with a list of these ethical organisations	Martin Reid (Housing & SHP). Sylvia Peckham (Housing)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>The Housing Strategy 2015 supports the development of an ethical standard for letting agents including a commitment to equalities and diversity, a 'living rent' scheme where rents are linked to wage inflation, and longer tenancies to support family stability.</p> <p>We are at the early stages of engaging in research to inform potential options for review of models of arms length letting agents that will be fair and transparent. In our research to identify how to take this forward examples we will be looking at include the <u>Haringey</u> and Westminster models.</p> <p>The Students' Union at the University of Sussex has its own letting agency. It is no longer managed under the commercial services arm but instead is run as a social enterprise. As a social enterprise all profits after operating costs are spent on providing a range of advice & support services for students.</p> <p>Being part of the Students' Union means that the students already have an on-going relationship with the letting agency through using the range of services the Union provides, which creates an element of trust and familiarity that they are unlikely to have with other agencies. They also don't charge any administration fees to the students, making Sussex Student Lettings their financial preference also.</p> <p>Sussex Student Lettings are able to provide four services to landlords; 'Room Only' 'Let Only' 'Rent Collection' and 'Full Management'.</p> <p>The staff are employed on a fixed salary rather than commission on, it is believed that this supports the kind of culture the agency wish to promote. The agency is staffed by people who genuinely want to provide good customer service throughout the whole process of searching for a property, moving in, and during the tenancy itself.</p> <p>We propose to support exploration of options as to whether the scope of this model</p>		

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can be widened to expand beyond student housing and encompass a greater range of private rented housing.

The University of Brighton supports the development of a city-wide ethical standard for letting agents.

This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:

- Support for landlords to better manage properties.
- Up skill small and accidental landlords to improve tenancy management.
- Develop an ethical standard for letting agents including a commitment to equalities and diversity, a 'living rent' scheme where rents are linked to wage inflation, and longer tenancies to support family stability.

Current position – short commentary by service lead(s):

2016 Update:

The work will be explored in more detail through the development of the Student Housing Strategy. Additional work is being carried out by community groups and other partners to look at how these options could be taken forward such as Rent Smart which will be fed into future policy considerations.

Status

(Sept 2016)

Red – Off target and not likely to come back to on target without intervention.

Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).

Green – On or above target



AMBER

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Private Sector Housing Scrutiny Recommendation 16	Council Service Lead(s)	ELT Lead
To consider the development, and promote the uptake and benefits to landlords of registration to PRS accreditation schemes	<p>Martin Reid (Housing & SHP)</p> <p>Alan Davis (Housing Acquisitions Team)</p>	Nick Hibberd
Council Response October 2015		
<p>Recommendation Accepted</p> <p>In a high demand housing market developing voluntary landlord accreditation schemes can be challenging. Our existing private rented sector accreditation scheme is not currently active as in a buoyant housing market and with the end of private sector housing renewal funding there are limited incentives for landlords to join a voluntary accreditation process.</p> <p>Following extensive consultation our Housing Strategy 2015 commits us to a number of strategic actions aligned to improve tenancy management and support landlords to better manage their homes. We therefore propose to review accreditation options and / or options for agreeing standards / codes of conduct for agents and landlords to be developed on a partnership basis in the city.</p> <p>This is distinct from consideration of often time limited regulatory responses such as discretionary licensing schemes that may be applied to private rented homes subject to Housing & New Homes Committee approval aligned to Housing Act requirements concerning evidence, consultation and resources.</p> <p>The council is exploring the viability of introducing selective licensing and the introduction of any type of accreditation scheme needs to be balanced against this work. It is important to identify how an accreditation scheme would be different and what it would achieve compared to selective licensing e.g. the benefits and limitations.</p> <p>University managed properties have to be operated under an externally audited code.</p> <p>University of Brighton - standards are defined by the Student Accommodation Code (Universities UK) and a Code of Standards that we have developed for owners, resident landlords, head lease and homestay accommodation.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Support for landlords to better manage properties. • Up skill small and accidental landlords to improve tenancy management. 		

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Current position – short commentary by service lead(s):		
<p>2016 Update: The Landlord Accreditation scheme is not being progressed as we continue to operate in a very robust housing market. Landlord Accreditation is effective in low demand areas to help prospective tenants shop around and identify good landlords. However, in a high demand market such as Brighton & Hove, tenants have very little choice and there is little incentive for landlords to voluntarily join such a scheme. A voluntary scheme is only likely to attract good landlords and push up the already oversubscribed demand for their homes which risks increasing costs rather than improving conditions in the wider private rented sector.</p> <p>In place of this we are looking to see if there is evidence to support expanding our licensing across the wider private rented sector to improve standards.</p>		
Status (Sept 2016)	<p><i>Red – Off target and not likely to come back to on target without intervention.</i> <i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i> <i>Green – On or above target</i></p>	Action no longer appropriate


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Private Sector Housing Scrutiny Recommendation 17	Council Service Lead(s)	ELT Lead
To create a register of landlords who have been proven to have undertaken retaliatory evictions	Mike Slagter (Housing)	Nick Hibberd
Council Response October 2015		
<p>Recommendation Partially Accept (subject to Housing & Planning Bill 2015)</p> <p>The Government's new Housing and Planning Bill 2015 includes a proposal to create a national database of rogue landlords/letting agents, which will be maintained by local authorities.</p> <p>The Housing & Planning Bill includes the measure to set up of a national database of rogue landlords which will be maintained, updated and edited by local authorities and every local authority will have access to it. In addition there are measures allowing local authorities to apply for banning orders which will ban a person from letting or managing property or acting as a letting where they have committed housing offences. A person subject to a banning order will not be able to hold an HMO licence and not be able to dispose of any properties to family or friends. Councils will be able to grant management orders for these properties.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> Review evictions from the private rented sector to analyse the underlying reasons behind homelessness. 		
Current position – short commentary by service lead(s):		
<p>2016 Update:</p> <p>The Housing and Planning Act 2016 received Royal Assent in May. Commencement Orders, Regulations and operational guidance are necessary before the relevant parts come into force allowing the national database to be set up. This is currently expected to be some time during 2017.</p>		
Status (Sept 2016)	<p><i>Red – Off target and not likely to come back to on target without intervention.</i></p> <p><i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i></p> <p><i>Green – On or above target</i></p>	N/A (National Government Lead)

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Private Sector Housing Scrutiny Recommendation 18	Council Service Lead(s)	ELT Lead
To explore ways to increase the supply of private sector housing with rental costs that are affordable (e.g. for key workers in the city) and in line with representative household incomes in the city	Martin Reid (Housing) Sandra Rogers(Planning)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>Planning policy for housing seeks a mix of housing tenures and types/sizes of residential units that helps to respond to different local needs. Affordable housing supply can come forward as a mix of affordable housing tenure types (e.g. affordable rented, shared ownership, intermediate rents). We will continue to explore more innovative housing products that might be able to help address this issue.</p> <p>The Housing Acquisitions Team runs schemes where it takes on privately own properties and leases them to local families in need of accommodation. Under the scheme the council is responsible for managing the property and guarantees rental income to the property owner.</p> <p>Although the Acquisitions team has successfully taken on a significant number of properties, the city's a buoyant market and market forces make it difficult to negotiate rents within affordable levels. Schemes like the accreditation scheme are no longer in existence as they proved not to be an incentive for landlords to engage but we could consult with landlords and review whether this scheme would again be viable.</p> <p>Housing Market intervention – see Recommendation 6 In order to further increase the supply of new affordable homes additional funding options are being actively investigated with Savills & Trowers and Hamblins funded by DCLG, including buying new homes off plan and other SPV / Joint Venture options.</p> <p>Within the Greater Brighton Devolution Prospectus there is the proposal for a pilot Joint Venture to deliver 1000 homes with a local housing association, the proposal would be to establish a new Greater Brighton Living Wage house model.</p> <p>There has also been an increase in development including Build-to-Rent coming through Planning.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family, Affordable Rent and where feasible, Social Rented housing. • Continue work with a range of partners including Homes & Communities Agency, 		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

<p>housing associations and the community housing sector to develop more affordable housing.</p> <ul style="list-style-type: none"> • Continue to work with adjacent local authorities in the Greater Brighton and Coastal West Sussex area to address unmet housing need across a sub-regional area. 		
<p>Current position – short commentary by service lead(s):</p>		
<p>2016 Update: We continue our work in the City and through our Greater Brighton Housing and Growth Working Group on seeking to overcoming barriers to delivering existing housing targets, accelerating delivery of additional housing numbers as well as making best use of available land / identification of new sites.</p> <p>In order to further increase the supply of new affordable homes additional funding options are being actively investigated including buying new homes off plan and other Special Purpose Vehicle / Joint Venture options. This includes proposals to deliver new homes on a living wage rent and ownership basis both to meet housing need and in support of the local economy.</p> <p>City Plan Part One is now adopted (March 2016) and forms part of the Development Plan for decision making purposes.</p>		
<p>Status (Sept 2016)</p>	<p><i>Red – Off target and not likely to come back to on target without intervention.</i> <i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i> <i>Green – On or above target</i></p>	 GREEN

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Private Sector Housing Scrutiny Recommendation 19	Council Service Lead(s)	ELT Lead
To explore ways to increase the supply of affordable 'social housing' for key workers and vulnerable people (i.e. older people living in PRS housing which is not suitable for them and not readily adaptable, and/or people with mental health conditions who might previously have been accommodated in social housing)	Martin Reid (Housing) Sandra Rogers(Planning)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>There is an opportunity to explore this through the preparation of and consultation on Part 2 of City Plan with regard to looking at policies to promote housing for particular needs groups. Planning officers work closely with the Housing officers of the Council and those in the 'New Homes for Neighbourhoods' team. Teams are exploring whether development of some council owned sites would be suitable for particular needs groups.</p> <p>Under the New Homes for Neighbourhoods Programme over 500 additional council homes are projected to be built over the next 5 years. A range of homes will be built from larger family homes to 1-bed room flats, they will be accessible and adaptable, with some built for wheelchair uses. The specification will meet high standards that will reduce fuel bills and carbon emissions. The proposal that some homes will be to Passivhaus principles which potentially reduce construction time and costs whilst delivering a super insulated homes that reduces energy use and lowers emissions. The rent levels for the new homes will be 80% Market Rents capped at Local Housing Allowance. In addition to general needs homes, the programme will be delivering an extra care scheme providing 45 flats for older people that will be built to a high standard (BREEAM) standard 'Good' and be appropriate for people suffering with dementia</p> <p>Housing Market Intervention – see Recommendation 6</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family, Affordable Rent and where feasible, Social Rented housing. • Continue work with a range of partners including Homes & Communities Agency, housing associations and the community housing sector to develop more affordable housing. • Directly provide more council housing, such as by developing ourselves through our New Homes for Neighbourhoods programme, buying new homes off-plan or by supporting others to build and manage on our behalf. 		

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- Use Right To Buy receipts and developer contributions to fund new housing.
- Maximise housing provided from best use of the Council's Housing Revenue Account (HRA) investment, land and buildings.
- Support housing associations and community housing organisations with their proposals to deliver affordable homes.
- Reinvigorate the Home Ownership for People with Long-term Disabilities scheme.
- Prioritise family housing in our housing investment plan and in enabling work with Homes & Communities Agency, Registered Providers and other partners.
- Look to new developments to deliver family housing as part of the affordable housing requirement.

Current position – short commentary by service lead(s):

2016 Update:

City Plan Part One adopted by Council March 2016. Preparation of City Plan Part Two has now commenced with initial Scoping Document consulted upon June – September 23 2016. Issues identified include housing mix considerations and whether specific planning policy required to support housing for older persons, for families and for specialist housing.

The New Homes for Neighbourhoods programme continues to promote affordable homes for rent on council-owned land with more than 250 homes in the pipeline and a target to deliver 500 new council homes by 2020. More information in the programme is available at <http://www.brighton-hove.gov.uk/content/housing/council-housing/new-homes-neighbourhoods>

In order to further increase the supply of new affordable homes additional funding options are being actively investigated including buying new homes off plan and other Special Purpose Vehicle / Joint Venture options.

In 2015/16, 13% of new affordable housing delivered met the wheelchair standard against a target of 10%. We are projecting that 12% of new affordable homes will meet the standard in 2016/17.

Status (Sept 2016)

Red – Off target and not likely to come back to on target without intervention.
Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).
Green – On or above target



GREEN


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Private Sector Housing Scrutiny Recommendation 20	Council Service Lead(s)	ELT Lead
To further foster joined-up working between city council departments (e.g. housing, public health) and other relevant organisations (e.g. Southern Landlords' Association, CAB, Community Housing Network, Brighton Housing Trust, city universities)	Martin Reid (Housing)	Nick Hibberd
Council Response October 2015		
<p>This recommendation is not wholly within the remit of the Housing & New Homes Committee.</p> <p>Recommendation Accepted</p> <p>There is already good partnership working with stakeholders in the city, e.g. the city's Strategic Housing Partnership (SHP) and also the Affordable Housing Delivery Partnership in the city. Membership of the SHP includes representatives from the health sector, landlords associations, universities and Brighton Housing Trust). Consultation on Part 2 of the City Plan will review and explore whether planning could build better planning relationships with some of the city's stakeholders.</p> <p>We will keep the composition of existing partnerships under review and encourage more integrated partnership working across the city, in particular with a review to implementation of some of the recommendations in this report.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Continue work with a range of partners including Homes & Communities Agency, housing associations and the community housing sector to develop more affordable housing. • Promote the concept of Community Housing. • Explore the viability of Community Land Trust and wider community housing development options when land is available with a focus on maximising the social value of new developments where appropriate. • Explore the use of commercial properties for co-operatives where compatible with City Plan policies. 		
Current position – short commentary by service lead(s):		
<p>2016 Update:</p> <p>The Strategic Housing Partnership continues to review the way it operates and engages with housing stakeholders. As part of this process, the SHP will shortly begin to publish the minutes of its meetings. More information on the SHP can be found on the Brighton & Hove Connected website at http://www.bhconnected.org.uk/content/strategic-housing-partnership</p> <p>Brighton and Hove Trading Standards have been working closely with Home Sweet</p>		

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Home campaign group to make sure that lettings agencies display their fees in accordance with the Consumer Rights Act 2015. When the project began in August 2015 of the 116 agents identified, fewer than 10% were displaying their fees and several were not members of an approved redress scheme. Now at least 99% are compliant.

Additional work is being carried out by community groups and other partners to look at how these options could be taken forward such as Rent Smart which will be fed into future policy considerations.

Status (Sept 2016)	<p>Red – Off target and not likely to come back to on target without intervention. Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary). Green – On or above target</p>	 GREEN
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Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing PRS Deputation to Housing Committee – June 2015: Request 1	Council Service Lead(s)	ELT Lead
To set up a living rent commission	Martin Reid (Housing)	Nick Hibberd
Council Response October 2015		
<p>Given the Living Rent report has been submitted to the Fairness Commission there is no need for a separate commission on the Living Rent.</p> <p>The findings on research into living rents were presented to the Housing & New Homs Committee in September 2015. The Committee agreed to refer living rents to the Fairness Commission with a recommendation that the Commission looks into this further.</p> <p>The Greater Brighton Devolution Prospectus seeks to address the need for ‘living wage housing’ through developing a mechanism to re-establish the crucial links between housing and the labour market, rents and ownership and the ability of people on low incomes to afford them and the creation of a Greater Brighton Housing Company that will deliver greater numbers of new and more affordable homes. The offer within the prospectus is:</p> <ul style="list-style-type: none"> • A pilot Joint Venture to deliver 1,000 homes with a local housing association, the proposal would be to establish a new Greater Brighton Living Wage house model. • Raising standards in the private rented sector. Interventions to improve the management of existing private rented stock, combined with the opportunity to bring investment into the sector for new private rented homes could transform the tenure into one which fully delivers for the local communities of Greater Brighton. <p>The prospectus will also pursue innovative models for housing delivery, for example rapid-build programmes that will deliver housing at reduced costs.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Develop an ethical standard for letting agents including a commitment to equalities and diversity, a ‘living rent’ scheme where rents are linked to wage inflation, and longer tenancies to support family stability. 		
Current position – short commentary by service lead(s):		
<p>2016 Update: The Fairness Commission has considered this option and recognised that it is beyond the remit of the council and recommended (Rec 7.5) that national government “Set up a Living Rent Commission, along the lines of the Living Wage Commission, to establish what a Living Rent should be in different regions of the country.”</p>		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Status (Sept 2016)	<i>Red – Off target and not likely to come back to on target without intervention.</i> <i>Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary).</i> <i>Green – On or above target</i>	N/A (National Government Lead)
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Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing PRS Deputation to Housing Committee – June 2015: Request 2	Council Service Lead(s)	ELT Lead
To set up a register of all private rented sector landlords	Martin Reid (Housing)	Nick Hibberd
Council Response October 2015		
<p>Request subject to review of options</p> <p>The consultation for the Housing Strategy 2015 identified that a large majority of respondents wanted us to introduce a register of all private sector landlords to help support efforts to maintain and improve standards. In response to this one of the strategic actions in the strategy is to support a register of landlords in the city</p> <p>The 3 main options have been identified:</p> <p>Selective Licensing: To adopt selective licensing a local authority has to demonstrate not only that an area has larger than average private rented sector but is also experiencing a number of issues (low housing demand, anti-social behaviour, poor property conditions, an influx of migration, a high level of deprivation, high levels of crime.) Although we do have a large private rented sector market, evidence will be required prior to any consultation on options for any selective licensing. It is proposed that research will be undertaken to explore options.</p> <p>Additional Licensing: Following the introduction of additional licensing for smaller HMOs in 5 wards identified as having high levels of the smaller HMO in November 2012, the scheme will be extended to 7 other wards in the city on 2 November 2015. Discretionary licensing will be kept under review and subject to proliferation of smaller HMOs and any issues arising with management and standards.</p> <p>Voluntary Accreditation: Also see response to Recommendation 16 above. This scheme recognises and rewards good landlords / agents. As the city has a very buoyant, high demand private rental market an accreditation scheme is unlikely to be attractive to landlords / agents unless high level incentives could be offered. We propose to consult with landlords and other interested parties and review whether this scheme would be viable.</p> <p>These 3 main options and any further will be considered as part of review into the city's private rented sector.</p> <p>This recommendation is supported in the Housing Strategy 2015 through the following strategic actions:</p> <ul style="list-style-type: none"> • Support a register of landlords in the city. 		
Current position – short commentary by service lead(s):		
2016 Update:		

Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

The new additional licensing scheme affecting 7 further central and coastal wards began as planned on 2 November 2015, with over 250 applications received to date. In total around 3,000 HMOs across the city are now licensed. HMO licensing enforcement work is ongoing.

Research is being undertaken into whether or not further discretionary licensing would be appropriate anywhere in the city and the results will be reported to a future Housing & New Homes Committee.

The Fairness Commission has recognised that this is beyond the remit of the council without a citywide licensing scheme and has recommended (Rec 7.3) to national government “*Introduce a national register of landlords and letting agents. Entry to the register would be available only to those landlords who maintain good standards of accommodation and management to be set under a national scheme.*”

Status (Sept 2016)	<i>Red – Off target and not likely to come back to on target without intervention. Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary). Green – On or above target</i>	N/A (National Government Lead)
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Appendix 1: One Year On Update to Private Rented Sector Scrutiny Panel Recommendations (September 2016)

Private Sector Housing PRS Deputation to Housing Committee – June 2015: Request 3	Council Service Lead(s)	ELT Lead
To petition government to allow a rent cap to be introduced	Martin Reid (Housing)	Nick Hibberd
Council Response October 2015		
Full Council would have to make such a recommendation.		
Current position – short commentary by service lead(s):		
<p>2016 Update: The Fairness Commission has recognised that this is beyond the remit of the council without a citywide licensing scheme and has recommended (Rec 7.3) to national government to “<i>Introduce rent controls in the private rented sector through three-year standard tenancies with rent increases in that period pegged to inflation. Rents would be reset after the three-year period. This would give tenants more security of tenure and protect them from spiralling rent increases.</i>”</p>		
Status (Sept 2016)	<p>Red – Off target and not likely to come back to on target without intervention. Amber – Currently off target but officers are confident that performance should reach target with current improvements in place (detail these in the commentary). Green – On or above target</p>	N/A (National Government Lead)

Subject:	Homelessness Policy Petition Recommendations		
Date of Meeting:	21st September 2016		
Report of:	Acting Director, Economy, Environment and Culture		
Contact Officer:	Name:	Sylvia Peckham	Tel: 293318
	Email:	Sylvia.peckham@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Following a petition submitted to full Council by Daniel Harris, the Council and Housing and New Homes Committee were requested to consider a range of recommendations regarding emergency accommodation.
- 1.2 Those recommendations have been considered and the findings set out below.

2. RECOMMENDATIONS:

- 2.1 That Housing and New Homes Committee agree that inspection outcomes and satisfaction surveys are reported to Committee twice a year.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In March 2016 Council recommended that Housing & New Homes Committee consider a range of options which was reported at Housing & New Homes Committee in June 2016 regarding emergency accommodation. In addition Housing and New Homes Committee made some amendments to request further recommendations. Following due consideration of those recommendations this report sets out the findings as follows :-

a) An increase in the frequency of inspections of emergency accommodation and report on the outcome of these inspections at regular intervals to Housing & New Homes Committee

Inspections take place at monthly intervals. For the larger blocks of emergency accommodation which have in excess of 50 units, these inspections take 2 days for each block. Every room is inspected as well as the common ways. Due to the number of units this is resource intensive and can be quite invasive for the residents.

In addition to the council's inspections the proprietors are required to check on each room on a weekly basis. There are also various support agencies regularly visiting the premises.

Based on the current inspection programme; increasing the frequency of inspections over current provisions is unlikely to provide any added value and would be invasive for residents.

However, to provide greater transparency it is recommended that the outcome of the inspections which forms part of the contract monitoring are reported in October and April.

- b) *That satisfaction surveys are undertaken with residents moving into emergency accommodation and the results reported back.*

The council is keen to understand the customer experience for those requiring emergency accommodation and does carry out feedback surveys to help monitor the service provision against the contract. However, as residents requiring emergency accommodation are dealing with a great deal of urgent issues and are very focused on resolving their immediate housing situation; we have found previous feedback surveys have resulted in very low returns;. Therefore we will offer satisfaction feedback at various stages of a household's stay at emergency accommodation and feedback forms will also be made available at the accommodation. The results will be collated and reported to Housing & New Homes Committee on a biannual basis alongside the inspection reports.

- c) *As a matter of priority the identification of sites exploration of options for the development of council-owned low cost emergency accommodation, either through a council-owned company or directly owned by the council. That this exploration focuses on non-traditional, quick to build, construction such as the Y cube and containers for these sites.*

The Council has a strong track record of improving housing supply in the City making best use of assets and investment opportunities to deliver more affordable homes.

As reported to March 2016 Housing & New Homes and Policy, Resources & Growth committees, we are reviewing options for the Council to intervene in the local housing market as a potential purchaser (or lessee) of housing being brought forward on development sites in the City to meet housing needs, including delivery of homes let at LHA rates to households to whom the Council owes a statutory duty to accommodate.

In addition to the potential for wholly owned Special Purpose Vehicle for these purposes the Council has also been investigating options to work with a Registered Provider partner to deliver new homes, potentially through Joint Venture companies.

Housing & New Homes Committee and Policy, Resources & Growth approved recommendations to procure specialist legal advice in order to evaluate and progress the proposals for the delivery of alternative models for the supply of affordable housing. This will be reported back to Committee for review / agreement.

Housing & New Homes Committee (September 2015) agreed a pilot to review system and modular build options. System and modular build methods and prototypes which have potential to offer lower capital and development costs have been developed recently. A pilot has been agreed to test these construction methods for small, challenging sites on which initial assessment indicates that traditional forms of construction would not achieve viable development of affordable new homes. This pilot is currently underway and the outcome will be reported back to a future Housing & New Homes Committee.

- d) *A review of the no visitor rule and consider the outcome at a future meeting; with a brief to devise workable systems that enable residents to have visitors.*

Emergency accommodation is accessed by a wide variety of households who are in priority need. This means there can be a broad mix of household types at any one time within the accommodation blocks; many of whom will have dependent children; or a pregnant member of the household or they have a mental or physical health issue such that they are considered less able to manage than the average person.

Some households may be fleeing domestic abuse or substance misuse problems; been subject to or at risk of sexual exploitation and /or other exploitation.

The council has reviewed the no visitor rule; including consultation with providers.

The outcome of the review is that prior to providers introducing the no visitor rule, providers found it difficult to keep residents safe as there were regular attempts by unwelcome "visitors" to gain access to the building and individual resident's rooms. These "unwelcome" visitors included people who maybe exploiting some of the very vulnerable residents; including perpetrators of domestic abuse; drug dealers, loan sharks and people trying to sexually exploit residents.

Some residents who invited such visitors into the blocks were not easily able to refuse entry and could not be reasonably held responsible for the behaviour of these "visitors" as they were often at risk of exploitation from these visitors themselves. It was exceptionally difficult for the providers to know who should or shouldn't be in the building and hence to manage it.

The list of anti-social behaviour the providers have reported they were dealing with due to visitors covered the following: noise, violence, theft, intimidation, drugs and neighbour complaints. NB this information is anecdotal as the providers did not collate formal statistics at the time.

However independently from each other the providers requested to introduce a no visitor rule to try and better manage the accommodation and ensure all residents were safe.

Providers report that since the no visitor rule, they are much better able to manage the accommodation and keep it a relatively safe and pleasant environment for residents. As most properties are located in residential areas, they are also better able to maintain a good relationship with the neighbours.

It should be noted that the no visitor rule does not apply to support agencies or where a resident makes a specific request e.g. for a supportive parent/relative to visit.

Following the recommendation of Housing & New Homes Committee we have explored the possibility of whether visitors could be permitted and how this could be managed. Providers have offered solutions as to how this could be facilitated as follows:

- The council to inform the provider if a particular visitor is authorised to attend and schedule in a time for the visit so the caretaker can permit entry and also ensure there are no issues. As this would be in addition to current requirements and as the visitor is not risk assessed it would require additional resources to manage the risk of potential abuse to residents and staff which is not covered under current contract. Assuming two additional staff for each building and to cover outside office hours and for holidays/ sickness this would cost in the region of £120k pa per building. (Assumes an average £30k with on-costs per employee including out of hours allowance x 4). There are 3 large emergency accommodation blocks that would equate to £360k pa additional funding and likely lesser amounts for the smaller blocks. The Housing general fund does not have a current budget to cover this additional work.

Alternative options currently available:

- residents can visit their guests at their guest's homes
- There is provision in the city for people to meet which would also have the benefit of reducing social isolation
- The voluntary sector may be able to provide a safe meeting place. We are currently approaching the third sector to see if this can be facilitated
- It is therefore recommended no change to the current no visitor rule, with the continuation of the exceptions for agency workers and supportive relatives planned visits.

e) *Adopting a policy of only using emergency accommodation which satisfies the Brighton & Hove Standard including guaranteed hot water.*

Emergency accommodation is procured through Framework agreements which have specified standards; including the provision of hot water.

The standards ensure a reasonable standard of accommodation but cannot achieve B&H decent homes standards set out for council properties due to their nature i.e. whilst a lot of emergency

accommodation is self-contained some of the B&B style blocks do not have separate kitchens.

NB There has been a specific issue at one block following the installation of showers in each unit to provide individual facilities. The water pumps were not powerful enough to pump the hot water quickly and so it was taking a long time for the hot water to arrive at some units. This is being rectified by the provider and managed under the contract.

- f) *To acknowledge the Emergency and Temporary Housing Residents Action Group (ETHRAG), and work in partnership with the group and landlords to improve housing standards and quality of life for residents in emergency accommodation.*

We are happy to work with residents in emergency and temporary accommodation to improve standards.

- g) *To immediately establish an emergency accommodation board comprised of representatives from the Emergency and Temporary Housing Residents Action Group (ETHRAG), service providers, residents, landlords and elected members and council officers. The board will meet regularly to review conditions, complaints, evictions and to develop a strategic plan for recommendation to the Housing & New Homes Committee.*

The council already has existing governance in place to manage the current contracts and consult with services users, providers and partners.

Emergency and temporary accommodation is procured through a stringent process for which detailed specifications set out the standards and obligations. Qualified providers are awarded contracts which are then managed by the Council. Where standards are not adhered to by the provider, which will be identified through the regular inspections in addition to that which is reported by residents and visiting support providers, action is pursued by the council through contract management. The council is accountable for its contract management through audit oversight.

In addition, the council has adopted strategies relating to temporary accommodation in particular the Homelessness Strategy which sits under the Citywide Housing Strategy; which are as a result of a public consultation process to ensure the council's strategies reflect local needs and priorities. These strategies are monitored through the council's existing governance structures and consultation structures including a diverse range of representative groups ranging from local providers, third sector groups, the Clinical commissioning group and the police. With regard to individual matters relating to homeless households; these matters are confidential and subject to the council's existing processes and governance including the council's complaints process and are subject to data protection.

Any additional/duplicate structures will have a financial implication for the council and there are no identified funds to cover this.

It is therefore not recommended to further investigate and cost additional governance structures, which would conflict with existing arrangements. However, the council will continue to improve outcomes for service users through existing strategies and consultation arrangements.

h) Separately the council has been asked to also consider the following:-

a) To ask providers to fit spyholes in doors to improve security.

Some accommodation does have spyholes but they are not currently retro fitted to double glazed doors which would necessitate the replacement of the whole door.

With regards to wooden doors this would approx. cost £15.48 +vat to supply and fit spyholes. Therefore the cost for larger providers (90 units) would be £1671.84. We are currently working with our providers to fit spyholes as part of the void process where feasible.

This is not a requirement of the current contract and will be reviewed as part of any future re-procurement process.

b) To ask providers how much it would cost to provide Wi fi within the blocks.

The average installation cost for wifi is estimated at £700 to £1080 with monthly costs of between £350 to £500. This would equate to around £10 per month per resident.

However, the Council provides free wi fi access in all its buildings including libraries and in addition there are many other venues in the city and on buses which provide free wi fi.

For residents wishing to access the internet in their accommodation there are two options:

- i) They could use the mobile data component as part of a phone contract which is typically around £8 pm (Virgin) for a rolling 30 day contract giving 1GB of data. This is a sim only contract but users would need to have a smartphone already. This would be cheaper than the provider installing wifi for their use.
- ii) Residents could buy a broadband “dongle” for use with a laptop and costs around £10 pcm but the dongle costs about £25 up front cost. This is not a requirement of the current contract and could be reviewed as part of any future re-procurement process but may increase the cost for residents who may or may not require the provision.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Not applicable

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None.

6. CONCLUSION

- 6.1 Due consideration has been given to the Council recommendations as amended by Housing & New Homes Committee as requested. The report is to note the findings and to agree the recommendations as set out in 2.1.

7. FINANCIAL & OTHER IMPLICATIONS:

- 7.1 The current housing general fund budget monitoring 2016/17 shows a forecast overspend of £0.152m (at month 2) and Housing is trying to find ways to mitigate this. Therefore it will be necessary to minimise costs when implementing any of these recommendations in order to manage within the current housing general fund budgets for 2016/17 and beyond.

Finance Officer Consulted: Monica Brooks

Date: 22/08/16

Legal Implications:

- 7.2 As noted in the report, there are legal and practical difficulties associated with implementing the proposed measures. New tenancy/licence conditions requiring residents to give access on a more frequent basis for inspection purposes may fall foul of Office of Fair Trading guidance on “Unfair Terms in Tenancy Agreements” which states, “We would object to a provision giving the landlord an excessive right to enter the rented property.” There are significant penalties under the Data Protection Act for the inappropriate sharing of personal data, which would be necessary for any group reviewing complaints and evictions. Under the council’s constitution, the setting up of any permanent task groups, consultation forums and commissions is the responsibility of the Policy, Resources and Growth Committee. That Committee’s authority may be necessary if an emergency accommodation board is established, but that will be dependent on the Terms of Reference of the Board.

Lawyer Consulted: Liz Woodley

Date: 24/08/16

Equalities Implications:

- 7.3 None

Sustainability Implications:

- 7.4 None

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

None

Subject:	Single Homeless & Rough Sleeper Accommodation & Support Remodelling & Tender		
Date of Meeting:	Housing & New Homes Committee 21st September 2016 Policy, Resources & Growth Committee 13th October 2016		
Report of:	Executive Director Adult Services		
Contact Officer:	Name:	Jenny Knight	Tel: 293081
	Email:	Jenny.knight@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Given the changing demand for services and the increased complexity of need, it has now become essential to have a new model of accommodation and support for single homeless people and rough sleepers.

A new model would respond to this changing need by seeking to provide improved outcomes for individuals and better value for money. It would also provide an opportunity for experienced service providers to bring new ideas and ways of working to the city.

The current accommodation and support model for homeless people and rough sleepers has been in place since 2007. The needs of homeless people in the city have changed over the past 9 years and the city is seeing increased numbers of rough sleepers, an increase in demand for supported accommodation services and increasing numbers of homeless people with multiple and complex support needs. This paper details the proposed remodelling and retendering of services to meet the changing needs of homeless people, target resources and improve the outcomes for this section of the population.

- 1.2 This remodelling proposal includes

- Commissioned accommodation and support services for homeless people and rough sleepers.
- Hostel accommodation and support services which are directly provided by Brighton & Hove City Council.

2. RECOMMENDATIONS:

That the Housing & New Homes Committee agrees to the following:

- 2.1. That the information provided within the report to remodel and procure accommodation and support services for single homeless people and rough sleepers be noted;
- 2.2. That the commissioning and procurement plans from October 2016 should be aligned with priorities within the Rough Sleeping Strategy 2016, the Council's Housing Strategy 2015, the Homelessness Strategy 2014-19, and the Council's priorities for the integration of social care and health through Better care;
- 2.3. That ASC Commissioning be delegated authority to review the infrastructure, including the working groups that support services for single homeless people and related strategies;

That the Policy, Resources & Growth Committee agree the following:

- 2.4. That the commissioning and procurement plans from October 2016 should be aligned with priorities within the Rough Sleeping Strategy 2016, the Council's Housing Strategy 2015, the Homelessness Strategy 2014-19, and the Council's priorities for the integration of social care and health through Better care;
- 2.5. That the procurement and remodelling process outlined in the report for 2016-17 and 2017-18 be agreed;
- 2.6. That the directly provided (in-house) services which are identified in Section 4 of this report be included within the tender for the new accommodation and support model;
- 2.7. That Policy, Resources and Growth Committee agree to the extension of existing contracts that are included in the service re-model to ensure continuity of service whilst procurement activity is being completed;
- 2.8. That authority be delegated to the Executive Director for Health, Adult & Social Care to procure and enter into any contract to secure effective delivery of support services for vulnerable people as outlined in Section 3 of the report, having consulted with the Executive Directors for Economy, Environment & Culture, Neighbourhoods, Communities & Housing, Families, Children & Learning and the Monitoring Officer.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Background

Housing Related Support Services (previously Supporting People) are commissioned to provide accommodation and support to vulnerable people. This report deals solely with the procurement of services designed for single homeless adults and rough sleepers.

The majority of accommodation and support services for people who are homeless are provided in the independent sector. The services currently provided as part of the pathway are included in **Appendix 1**.

The current accommodation and support service for single homeless people and rough sleepers is referred to as the Integrated Support Pathway. The services within the pathway include outreach services, hostels and supported accommodation and were designed to move individuals from rough sleeping and homelessness towards independent living. This group of people tend to be non-statutory homeless.

The contracts for the majority of single homeless and rough sleeper services come to an end on the 31st March 2017. Some services such as the Rough Sleeper Outreach Service, Housing First Service and the Floating Support Service for those in independent accommodation have already been re-procured.

3.2 Significant work has been undertaken to ensure that the new model will address the changing needs and demographics of people who are homeless. This has been based on analysis of needs, national good practice and consultation with partners and stakeholders. This includes the:

- Rough Sleeper & Single Homeless Needs Assessment 2013
- Homeless Health Audit 2014
- Homelessness Strategy 2014-19
- Overview & Scrutiny Report on Homelessness & Rough Sleeping 2014
- Rough Sleeping Strategy 2016

3.3 The work identified a number of gaps in service delivery and indicated the following areas for development:

Need Identified	Development Required
Lack of appropriate facilities to assess the needs of rough sleepers	Develop a Safe space for people to have an assessment within 72 hours to ensure their needs are met in a timely way, and individuals can be supported to reconnect to areas where they can access accommodation and support.
Lack of flexibility in the pathway meaning service user needs are not met	Develop a more flexible referral and hostel allocations system to make sure people are supported in the right accommodation that meets their needs
Difficulty for service users moving from high 24 hour support services to low support services.	The introduction of medium support accommodation. This will ensure that provision for people with higher needs is appropriately targeted.
The needs and safety concerns of women could be better met in women only accommodation.	Women only accommodation
Cohort of older long term residents whose needs could be better met in a more appropriate accommodation service.	Development of a specialist service for older individuals with physical health and substance misuse needs
The need for peer support for vulnerable women and those with	Develop a new model of peer support.

complex needs.	
High levels of unmet physical and mental health needs	Ensure the new services are integrated with the Better Care model to reduce health inequalities for single homeless people.
High levels of substance misuse	To ensure that services support people in their recovery from substance misuse
High levels of trauma and other mental health needs in the homeless population.	People get access to Psychologically Informed Environments (see 5.(c))

3.4 Aims

It is important to address the gaps in the services above to ensure that:

- Rough sleeping in the city is reduced.
- Single homeless people receive personalised multi agency support.
- Outcomes for homeless people are improved and that they are supported to develop the skills for independent living.
- Health outcomes are improved, and deaths are prevented.
- People are supported to recover from homelessness, substance misuse, ill health and mental ill health.
- The number of people experiencing revolving door (repeat) homelessness will reduce.
- The efficiency of accommodation and support services is improved.
- Services are aligned with the Better Care Integrated Homeless Health Model.

3.5 Proposal for Retendering Services

As contracts for current services for single homeless people are coming to an end and gaps in our current provision have been identified it is the right time to address these issues through the procurement of new services.

Timetable for Retendering

A procurement plan including three distinct procurement projects has been designed and is recommended to minimise the disruption to service users and support the move to the new way of working as follows:

- Stage 1: tender assessment and high and medium supported accommodation. These services are integral to the success of the model and involve large accommodation services which may have complex mobilisation arrangements.
- Stage 2: tender women's service and low support accommodation. Potential providers may wish to apply as a consortium or a partnership and will need time to develop and explore the options available to them.
- Stage 3: tender for support services including the provision of education, peer support and lifeskills as well as the service for those with long term physical health needs. These services have been placed in stage 3 to

enable time to develop the models of support for these services in consultation with partners.

- It is proposed Stage 1 will be tendered at the end of October 2016 subject to committee approval; Stage 2 in February 2017 and Stage 3 in May 2017 with a view to all new services being in place and operational by November 2017. These stages are detailed in the table at 3.6.



3.6 Accommodation & Support Services Tender Timetable

The following table is an outline of the services due to be tendered. An overview of the full model of accommodation and support including existing services is attached as **Appendix 2**. The Services related to in house provision and with properties will be tendered for 5 years with an extension of up to 2 years. Other services will be 4 years with an extension of up to 2 years.

Tender	Description	Units / Beds
Tender Stage 1		
Assessment Beds	<p>Assessment Beds:</p> <ul style="list-style-type: none"> Assessment Beds will enable people to access short term accommodation for up to 6 weeks. The service will provide level access for those with disabilities or health needs, facilitating hospital discharges where appropriate. The service will be scaled up from around 12 beds initially as the model is mobilised and developed to a possible 24 beds dependent on evaluation of the model. <p>The Assessment service will also provide up to 5 safe spaces (nightly emergency sleeping facilities in the form of a sit up chair or fold out bed) either within the hostels common area or a separate building as emergency provision for rough sleepers. This safe space acts as a place of safety for up to 72 hours to enable the assessment of rough sleepers and facilitate reconnections for non locally</p>	12 assessment & 12 hostel beds + 5 safe space places

	connected rough sleepers.	
High & Medium Support Accommodation	<ul style="list-style-type: none"> • Services will provide accommodation for people who have a mixture of high and medium support needs, allowing service users to move through an internal pathway which reduces the levels of support they require. • The services will provide personalised asset based key work support and day time activities. • The services will operate Psychologically Informed Environments. The services will make space available and encourage external services (e.g. community groups/ counselling/ food projects) to come in and offer groups and activities to improve health and wellbeing, lifeskills and education and training opportunities. • Services will focus on recovery from substance misuse, mental and physical ill health and homelessness. 	160-200 (80 high / 80 – 100 medium)
Tender Stage 2		
Women's Service	<ul style="list-style-type: none"> • Trauma informed specialist accommodation service for women with multiple and complex needs. • Offering strength based and personalised key work support and case coordination. • Accommodation that allows women to move on as independence grows and their support needs reduce. 	20-25 (approx 10 high / 10 -15 med)
Low Support Accommodation	<ul style="list-style-type: none"> • Short term accommodation for those with low support needs who are reaching readinesses to move on to independent accommodation. • The service will offer low level floating support in independent or shared accommodation. • The Accommodation will offer support to move on and sustain independence, including work, learning and employment, resilience and building links within the community. 	80-100
Tender Stage 3		
Substance Misuse & Physical Health	<ul style="list-style-type: none"> • Specialist support for older people with alcohol issues and long term physical health needs. • The service will operate from a council owned HCA funded building subject to committee approval. • The service will allow a longer term stay than other hostel accommodation but will have a focus on recovery from substance misuse and reintegration into the wider community. 	12 TBC

Peer Support / Work & Learning / Lifeskills / Education	<ul style="list-style-type: none"> • Model still being developed through evaluation of service needs and gaps and feedback from Stakeholders. • We will commission a peer support model to work with individuals with multiple and complex needs to look at recovery and reintegration within the community, accessing services as well as community groups and activities. • We intend to procure services which offer personalised education, lifeskills and employment service to support people to live independently and move away from homelessness. 	TBC
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4. Internally Provided Council Services

4.1 Brighton & Hove City Council currently provides a number of accommodation and support services within the Integrated Support Pathway. These services are included in the remodelling proposal.

It is proposed that external providers are sought for New Steine Mews Hostel, The West Pier Project (which is part of the Mental Health Pathway), Lifeskills and Business Action on Homelessness as part of the tender process. The market for providing accommodation and support services for homeless people both within the city and nationally is diverse. There are a range of services currently operating within the voluntary sector which specialise in training, development and innovation in the delivery of homeless services and have a proven track record of running specialist assessment services, hostels for people with multiple and complex needs and support services for the homeless. These organisations have infrastructures which focus on developing expertise, innovation and improving services for homeless people. They have a knowledge and skills base in homelessness which the local authority cannot match within its current resources.

4.2 Specialist providers in the independent sector can offer added value which includes opportunities to explore and expand funding sources. They can provide a quality service based on a clear service specification, supported by a robust contract management function through the Adult Social Care Commissioning team.

4.3 The remodelling proposal detailed in this paper includes the provision of services for homeless people which are directly provided by Brighton & Hove City Council. These services are detailed below:

Service	Service Description	Staffing (July 16)
New Steine Mews Hostel	24 beds of 24 hour supported hostel accommodation	10.2 FTE (full time equivalent)
Glenwood Lodge Hostel	47 beds of 24 hour supported male only hostel accommodation.	13 FTE

West Pier Project	25 beds of 24 hour supported accommodation with those with mental health & substance misuse needs within the mental health pathway.	12.3 FTE
Lifeskills Project	Offering one to one and small group work with hostels residents to develop the skills needed for independent living	2 FTE
Behaviour Support Service	Psychology service offering case work support to individuals, and support to staff within adult and youth homeless services.	2 FTE
Business Action on Homelessness	Support into work service – currently not staffed.	0 FTE

4.4 The proposals for the services are as followings:

New Steine Mews Hostel

It is proposed that New Steine Mews is subject to an external tender as part of Stage 1. The building is owned by the council can provide mobility accessible rooms, food and has an additional building suitable for the safe space places and its use by the successful Provider will form part of the tender package.

West Pier Project

It is proposed that the West Pier Project is subject to a joint external tender with the CCG who joint fund the service. The service would remain part of the mental health pathway as a service for those with severe and enduring mental health needs and substance misuse issues. It is proposed that the West Pier Project be tendered as part of Stage 2.

Lifeskills & Business Action on Homelessness

It is proposed that these services are included as part of a wider education and work and learning tender which is still in development. The tender for this service would be included in phase 3 of the tender process.

It is proposed that **Glenwood Lodge Hostel and the Behaviour Support Service** remain as council provided services pending further work on the future model of these services.

Staff and Managers within these services have been made aware of the proposals and will be kept up to date with ongoing developments.

We are commissioning outcome focused services, so only the minimum requirements are set out in the specification. The detail of the model will be developed as part of the quality evaluation of the tenders, based on the proposals submitted by bidders. This means that the required staffing structure, roles and numbers to deliver the new model of support have yet to be determined and the impact and implications for existing employees delivering current services are not yet known. At this stage existing employees may see their employment and role either TUPE transfer to a new provider and/or be retained & reviewed by their current employer and/or ended as existing services cease. The

implications for existing staff will be communicated in due course as they emerge in the procurement process.

4.5 Feedback from Staff & Trade Unions

Unison and the GMB are being consulted on the proposed changes to in house homeless services provision.

5. The new model will require changes in 3 key areas:

5.1 Change of approach to providing accommodation

The new model of accommodation and support will require a significant shift in working practices for all providers as we move towards a psychologically informed, personalised, asset based model of support which minimises evictions and reduces the number of 'revolving door' clients (people who move between services without reaching a positive sustainable outcome), increases multi agency and integrated working. The Commissioning Team intends to work closely with providers as part of the transition and on an ongoing basis to create flexible services which are able to change and adapt based on needs and emerging good practice.

The new accommodation services are being developed in order to increase flow and enable more individuals to be helped away from rough sleeping and homelessness towards independent living or to access services that best meet their needs. This means that more people will be able to access accommodation. The total number of beds in the new model will be dependent on the winning tenders; however a minimum number of beds will be specified for each tender to ensure value for money.

Current model:

Service	Beds in Current Model	Beds in New Model (pending award of new contracts)
24 Hour Supported Accommodation	273	161
Medium Support Accommodation	0	102-127
Low Support Accommodation	157	80-100
Other High Risk Offenders & Housing First	13	13
Total:	443	356 – 403

In addition to this a further 53 beds of low support accommodation was commissioned in June 2016 which supports move on from single homeless accommodation and the mental health pathway.

5.2 Infrastructure that supports Homeless people in the city

As the Integrated Support Pathway is being remodelled, a review of the working groups and infrastructure which has supported the Integrated Support Pathway will be undertaken. This will enhance the integration of services and expand multi agency working in line with new models of working in homeless services, new strategies and the Homeless Better Care programme.

5.3 Innovation in Service Delivery

As part of the new service model a number of developments are already taking place in line with national good practice and locally identified need these include:

- A bespoke IT system to support referrals and client data collection is in development. Subject to data and information governance legislation. This will enable Commissioners to closely monitor services, trends, client journeys and identify gaps. It will also enable services to quickly share information and prevent service users having to repeatedly tell their stories to different services.
- Working with staff to embed Psychologically Informed Environments (PIES); PIES were developed as a way of working with individuals who have experienced trauma to give them a route out of homelessness. PIES concentrates on staff support and training, personal relationships, the physical environment and the psychological needs of both staff and service users. Further information on PIES can be found at <https://www.mentalhealth.org.uk/sites/default/files/pies-literature-review.pdf>
- Working with Housing and Voluntary Sector partners to support access into private rented sector accommodation.
- To pilot the safe space 72 hour assessment service within a current accommodation service with the St Mungo's rough sleeper outreach service. This pilot will take place over 4 weeks in two, two week periods.
- Embed service user consultation and involvement through work with the Fulfilling Lives service user action group and the CGL Peer Mentors. Fulfilling Lives is a lottery funded project to work with homeless people with multiple and complex needs. The service works with Commissioners around whole system change and has a service user group available to support commissioning and service development. CGL provides a group of Peer Mentors who work across the city including in hostel accommodation. The aim of this work is to consult with service users on the development of services and the assessment and referral process.
- To develop partnerships and support integrated working and 'in reach models' which will expand the services which are on offer in supported accommodation such as leisure activities, staff training, health care, health promotion, healthy eating and substance misuse services. This work will be aligned with the Better Care Model.

6. Links to Better Care

- 6.1 ASC and local health services have been working together since 2014 to integrate and align services for homeless people with health needs. A new

model of service provision is in development and will be in place from 2017. This will be a healthcare hub with co location of services. The aim is for these services to deliver an integrated and specialist health and care service for the city's homeless population to address health inequalities and reduce unplanned admissions to hospital and attendance at A&E.

Central to the model is a specialist primary care led multidisciplinary team (MDT) including:

- Specialist Homeless General Practice
- Community health services (nursing, OT, physiotherapy, mental health)

The community health services have been 'in reaching' into hostels since 2014 delivering health care, Occupational Therapy and physio services to residents. They have uncovered a large amount of unmet health needs and work with hostel staff to ensure people access their GP and other mainstream services.

7. Referral and Assessment

- 7.1 Placements into supported accommodation are currently managed through the Allocations Team within Housing. This team assess an individual's needs through a matrix system and makes placements via a weekly panel meeting. The proposed new model of accommodation will require a review of the referral & assessment process in line with the Rough Sleeping Strategy to ensure the delivery of effective support planning for individuals.

8. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 8.1 The development of the new model has been consulted on with stakeholders and consideration has been given to a number of options of types of accommodation and support. Through this process the model most suitable for the needs and demographics of Brighton & Hove has been developed. The aim of the newly tendered services is that they will be flexible and adaptable to changing demands, good practice and new innovations so they can continue to develop as the city changes.
- 8.2 Consideration has been given to developing the directly provided council services proposed to go out to tender in this paper in house, however as explained in section 4 this was discounted as an option. External providers of accommodation services for single homeless people nationally have been building their expertise in this area over many years. It is becoming increasingly difficult for local authorities to secure resources and develop the expertise to develop more specialist homeless services.

9. COMMUNITY ENGAGEMENT & CONSULTATION

- 9.1 Full consultation was undertaken as part of the development of the Housing, Homelessness and Rough Sleeper Strategies which included service users and stakeholders.
- 9.2 Consultation was undertaken with partners, stakeholders and providers prior to the development of the model to identify service demand, gaps and barriers.

This consultation has continued through working groups and with individuals on the new model and on the proposed tender process.

- 9.3 Consultation and engagement is part of an ongoing process and will continue after the tender process as services mobilise and develop.
- 9.4 We are working with the Fulfilling Lives Service User Group and CGL (formerly CRI) well established Peer Mentors to ensure we have ongoing structures in place to consult with service users on the development of the new services. The Fulfilling Lives group is part of the group developing referral and assessment forms and will be providing support with the tender evaluations.

10 CONCLUSION

- 10.1 The remodelling of current accommodation and support services is integral to improving outcomes for single homeless people, reducing rough sleeping and meeting changing needs.
- 10.2 The contracts for the externally provided services contained in the remodelling proposals terminate with effect from the 31st March 2017 and retendering is required under procurement regulations and in order to comply with the Council's Contract Standing Orders.
- 10.3 It is imperative that single homeless accommodation and support services are aligned with key strategies within the city including the Better Care integrated model for Homeless People and the recently approved Rough Sleepers Strategy.
- 10.4 In order to develop a new model of accommodation and support the infrastructure surrounding these services needs to be reviewed including the working groups and the referrals and allocations processes. These structures are integral to the success of the proposed new model.
- 10.5 This report proposes the external tender of a number of current directly provided council services. Specialist providers in the independent sector can offer added value. This includes opportunities to explore and expand funding sources that are not available to services that are directly provided by the council.
- 10.6 This report recommends that authority be delegated to the Executive Director for Health, Adult & Social Care to procure and enter into any contract to secure effective delivery of support services for vulnerable people as outlined in Section 3 of the report, having consulted with the Executive Directors for Economy, Environment & Culture, Neighbourhoods, Communities & Housing, Families, Children & Learning and the Monitoring Officer.

11. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

11.1 *The external contracts for providing Single Homeless and Rough Sleepers Accommodation Support Services noted within this report are included within the Housing Related Support budgets. The revenue targeted budget management (TBM) net budget for the Integrated Support Pathway contracts is £2.678m in 2016/17 and £7.945m across 2016-2019 which includes savings identified in the 4 year Integrated Service Financial Plan and a 2% inflation year on year.*

The revenue TBM net budget for the in-house service identified for external tenders noted in this report is £0.758m in 2016/17. The potential financial implications of the re-model will develop in line with the procurement process making sure that we provide value for money across the services.

Where the contracting-out of a service to another provider involves a transfer of staff covered by the Transfer of Undertakings (Protection of Employment) (TUPE) regulations (as may be the case here for some / all staff), there are likely to be pension-related costs of transfer. Consideration will need to be given to:

- i) An assessment of the current pension liabilities for any transferring staff and any pension deficit on the fund (this information is provided by the pension fund) – any pension deficit is normally payable by the awarding authority and will be taken into account in assessing savings potential and value for money;*
- ii) Whether or not a 'bond' will be required from the provider – this is normally the case to insure against outstanding pension liabilities in the case of business failure/insolvency. Tender invitations can therefore ask for prices with or without a bond;*
- iii) Whether or not the council will act as a 'guarantor'. This can be considered in addition to a provider bond to offer additional assurance to the pension fund. There is no direct financial implication.;*

Given the uncertainty as to whether the TUPE Regulations will apply to some / all of the staff involved in this service (as the commissioning is for outcome focused services rather than replicating the current model), and the potential impact for the tender process, the considerations identified above will need to be made clear to potential bidders at the outset as an integral part of the overall procurement exercise. The procurement process will therefore obtain the necessary confirmation from potential bidders that they are willing to comply with the council's requirements

Finance Officer Consulted: Neil J Smith Date: 31/08/16

Legal Implications:

11.2

The purchase of services by a public body is subject to the Public Contracts Regulations 2015 (PCR) where they meet the applicable threshold and unless they are expressly excluded from the regulations. Certain services are excluded from the full procurement regime and those services, which include health and social care, are listed in Schedule 3 to the PCR. The services described in this report fall with Schedule 3 and are therefore subject to a "light touch" process. This requires the services to be procured transparently and without discrimination and where their value exceeds the threshold of Euros 750,000 or the sterling

equivalent of £589,148.00 the opportunity must be advertised by the placing of a Prior Information Notice calling for competition or a Contract Notice in the Official Journal of the European Union. The award of a contract without prior advertisement will render the contract open to challenge by an economic operator which as a result suffers or risks suffering, loss or damage.

Contracts below the threshold must be awarded in accordance with the Council's Contract Standing Orders. Contracts valued in excess of £250,000 to comply with Contract Standing Orders must be in a form approved by the Head of Law and shall be given under the Common Seal of the Council.

Lawyer Consulted: *Name Judith Fisher* *Date: 12/08/16*

12. Equalities Implications:

An Equalities Impact Assessment has been completed and is under regular review in relation to the tender and remodelling process. The tender and remodelling of services aims to tackle a number of equalities issues including the lack of women only accommodation and specialist services for those with physical health issues.

The client group for these services tends to experience multiple exclusions, and have multiple and complex needs and the aim of the newly commissioned services is to improve service models and ensure they provide better outcomes for the most vulnerable.

The full Equalities Impact Assessment is available as additional information.

13 Sustainability Implications:

Procurement processes are taking into account the sustainability of housing stock and the principles of social value in order to achieve best value for money and sustainability of services.

14 Any Other Significant Implications:

14.1 With the retendering of single homeless and rough sleeper accommodation comes the risk that a large number of individuals will need to move between accommodation services. The potential impact of this risk is being mitigated by additional time being given to the mobilisation of new services and by continued communication with service providers and partners as the process continues.

14.2 Single homeless people are subject to multiple disadvantages in terms of mental and physical health, substance misuse and worklessness. As part of the new assessment model we will be working with partners to ensure health, substance misuse, mental health and social care assessments are undertaken at an early stage so that service users are provided with the support that they need to recover and move towards independence. Some of this work is already in

progress with the development of the Homeless Better Care programme. In the short term this process of assessment may increase the demands on health, substance misuse and social care services through increased assessment, identification of needs, and engagement in services. However in the long term it will prevent the worsening of physical and mental health conditions, reduce the demand of crisis intervention services and prevent deaths.

Other implications include

- The possible loss of current accommodation within the integrated support pathway.
- The possible loss of employment for staff members through the remodelling of services and TUPE process.
- The risk of the loss of bed spaces and decanting of people in services. This risk is mitigated longer term through the remodelling of services to ensure better outcomes for services users.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Current Service Provision
2. Appendix 2 – Model Graphic

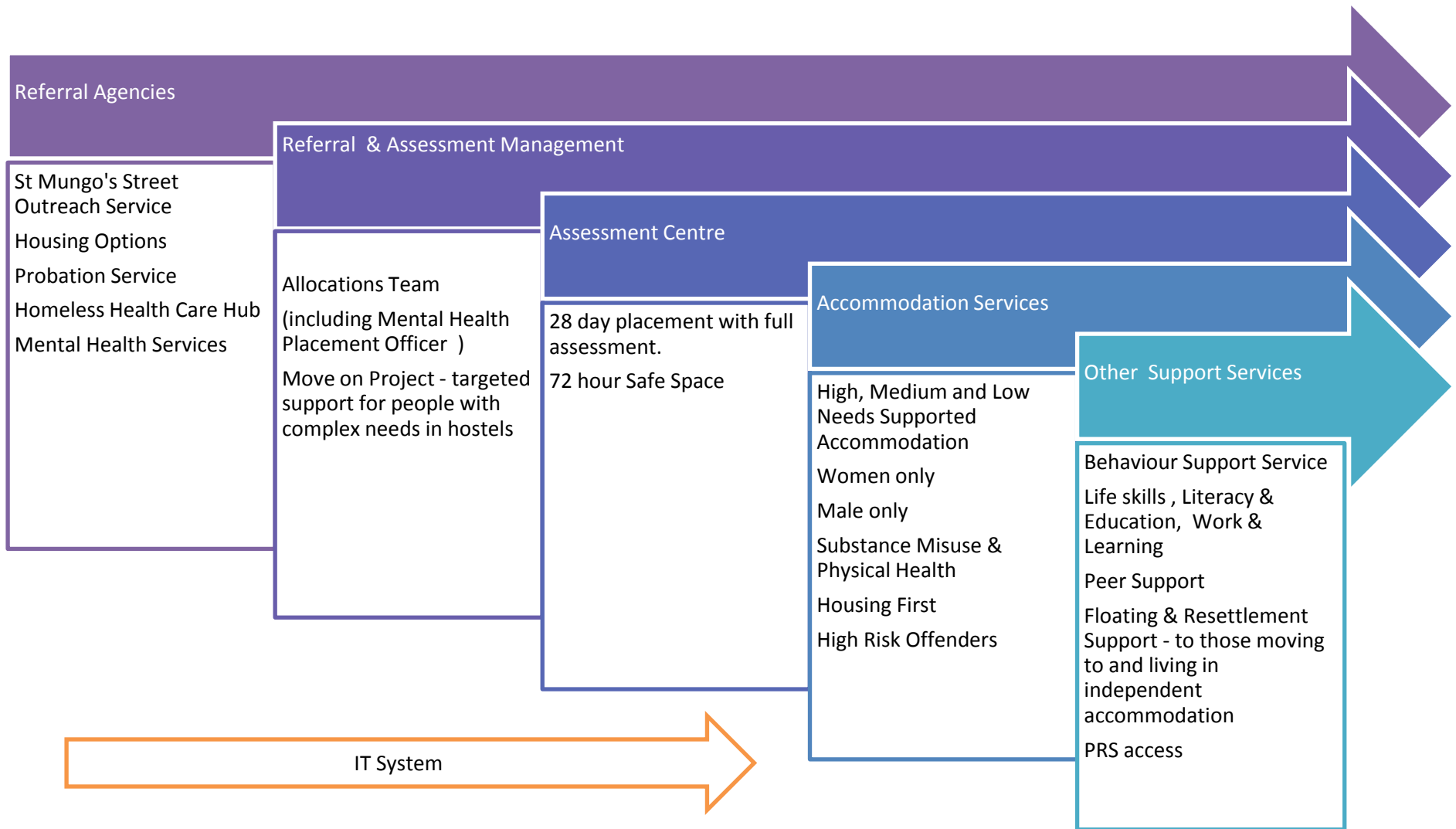
Documents in Members' Rooms

1. Equalities Impact Assessment

Background Documents

- Rough Sleeper & Single Homeless Needs Assessment 2013
- Homeless Health Audit 2014
- Homelessness Strategy 2014-19
- Overview & Scrutiny Report on Homelessness & Rough Sleeping 2014
- Rough Sleeping Strategy 2016

Appendix 2 - Single Homeless Accommodation & Support Model



Appendix I – Current Service Provision September 2016

Those services highlighted in the table will remain in place as part of the new model of accommodation and support.

Current Services	Provider	No of Beds	Provision
24 Hour Supported Hostels:			
Phase One	Brighton Housing Trust	52	24hr Supported Hostel
St Patricks	Riverside	29	24hr Supported Hostel
George Williams Mews	Brighton YMCA	25	24hr Supported Hostel
William Collier House	Brighton YMCA	96	24hr Supported Hostel
New Steine Mews	Brighton & Hove City Council	24	24hr Supported Hostel
BHCC Glenwood Lodge	Brighton & Hove City Council	47	Directly provided in house 24 hour hostel service taking a large number of probation referrals. To be remodelled into a specialist psychologically informed environment for male offenders in consultation with the Probation Service. Offering day time activities and specialist key work support Harm reduction approach
Low Support Accommodation:			
George Williams Mews	Brighton YMCA	37	Low support accommodation
Fred Emery Court	Brighton YMCA	32	Low support accommodation
Stanley Court	Brighton YMCA	31	Low support accommodation
Leslie Best	Brighton YMCA	11	Low support accommodation
BHT Low Support	Brighton Housing Trust	17	Low support accommodation.
Sanctuary Low Support	Sanctuary Housing	11	Low support accommodation
Southdown Low Support	Southdown	18	Low support accommodation
Community Moves	Southdown	53	Successfully tendered and awarded in June 2016 this service offers short term low support accommodation for those from single homeless or mental health supported accommodation. This

			service supports individuals through courses and one to one work to accessing work and learning opportunities and private rented sector accommodation.
Other Accommodation Services:			
High Risk Offenders	CGL	5	This is an existing therapeutic high risk ex-offenders service supported by the probation service and specialist staff. This service is under contract until the 31 st March 2018.
Housing First	St Mungo's	8	This service provides intensive support to people who have multiple and complex needs and a history of homelessness who live in independent accommodation. This was tendered in 2015 and commenced in January 2016.
Floating Support Services:			
Street Outreach Service	St Mungo's		Outreach service for Rough Sleepers successfully tendered and awarded in September 2015. This service works on the streets with rough sleepers assessing needs and supporting individuals into accommodation or to reconnect outside of the city.
Community Connections	Southdown		Floating Support Service successfully tendered and awarded in October 2015. The service offers short term resettlement support to those exiting supported accommodation services, flexible support to those struggling to maintain tenancies and crisis response to those at risk of eviction from private rented sector accommodation.
Life Skills	Brighton & Hove City Council		Support with developing life skills for those in hostels
Literacy & Numeracy	Friends Centre		Literacy, Numeracy and IT courses - 1:1 and group work
Behaviour Support Service	Brighton & Hove City Council		Existing service offering trauma informed interventions to individuals within both adults and young people's services. The service also provides training and support to staff within

		homeless services to work with people with complex needs who may have experienced severe trauma.
Business Action on Homelessness	Brighton & Hove City Council	Supporting people into work and learning opportunities.
Other Ongoing Contracts:		
First Base	Brighton Housing Trust	Day Centre for Rough Sleepers offering case work support, health care and work and learning.
SWEP	Brighton Housing Trust	Severe Weather Provision for Rough Sleepers.

HOUSING & NEW HOMES COMMITTEE	Agenda Item 24 Brighton & Hove City Council
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Subject:	Housing Delivery Options		
Date of Meeting:	21 September 2016 – Housing & New Homes Committee 13 October 2016 – Policy, Resources & Growth Committee		
Report of:	Acting Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Martin Reid	Tel: 01273293321
		Sam Smith	01273291383
	Email:	martin.reid@brighton-hove.gov.uk	
		sam.smith@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 Brighton & Hove City Council’s Housing & New Homes and Policy & Resources Committees approved a Housing Delivery Options report in March 2016 which outlined options for the delivery of new affordable homes in the city and agreed to the procurement of legal and other specialist advisers to pursue this work. The opportunities considered are:

- **Living Wage Joint Venture** - with Hyde Housing Association to acquire land and develop new homes for lower cost rental and sale to meet identified housing need in the city. The company would deliver a significant number of lower cost rented homes, which the market is not currently delivering at sufficient rates to keep pace with local needs.
- **Housing Market Intervention (wholly owned Special Purpose Vehicle)** - options for the council to develop a housing company to deliver additional homes in a range of ways: including intervening in the housing market as a potential purchaser / lessee of new accommodation being brought forward on development sites in the city or sub-region in order to meet identified housing needs; and, the direct development of new homes.

1.2 The key aim of these projects is the provision of lower cost rented housing. Supply of new lower cost rented homes is not keeping pace with demand and there is limited evidence of market appetite from developers and Registered Providers to deliver this product. There is also potential to generate a long term income for the council through funding returns and/or a margin through lending from the council.

1.3 The council has appointed Bevan Brittan LLP as its legal advisors. This report provides an overview of an offer to develop a Joint Venture (JV) for the development of new affordable homes and regeneration from Hyde Housing Association and a proposal to establish a wholly owned Special Purpose Vehicle to provide a range of options to increase the supply of homes. Appendix 1 provides an overview of legal advice to date that has been provided by Bevan Brittan in

relation to this opportunity. Appendix 2 provides an overview of governance considerations. Appendix 3 provides an overview of legal advice to date on the establishment of a wholly owned Special Purpose Vehicle or Housing Company. Appendix 4 provides a copy of the high level Heads of Terms document. Appendix 5 in Part 2 of the report provides a summary of Strategic Financial Viability Model and sensitivity analysis.

2. RECOMMENDATIONS:

2.1 That Housing & New Homes Committee:

- i) Recommends the report to Policy, Resources & Growth Committee as out at paragraph 2.2

2.2 That Policy, Resources & Growth Committee:

- i) Support in principle the living wage joint venture proposal; and
- ii) give delegated authority to the Executive Director of Economy, Environment & Culture following consultation with the Executive Lead Officer for Strategy Governance & Law, the Executive Director of Finance & Resources, the Estate Regeneration Board and the Strategic Delivery Board to:
 - a. develop and negotiate the deal with Hyde;
 - b. agree and authorise execution of the Heads of Terms and subsequently the documentation required to implement the proposed Joint Venture;
 - c. make the appointments from the Council to the management board;
- iii) Give delegated authority to the Executive Director of Economy, Environment & Culture in consultation with the Executive Lead Officer for Strategy Governance & Law and Executive Director of Finance & Resources to:
 - a. progress a wholly owned Special Purpose Vehicle or Housing Company to support the provision of additional homes in the city;
 - b. agree and authorise execution of documentation required to implement the model;
 - c. make the appointments to the management board;
- iv) Note that reserved matters will come back to committee for approval including any business plans which are to be delivered through either the Joint Venture or SPV , and the disposal of land/sites to either vehicle.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Brighton & Hove is a growing city with high housing prices, low incomes, an ageing population and a significant proportion of households with support needs. There are over 23,000 households on the joint housing register, 1,800 households in temporary accommodation and rising homelessness. Social housing makes up only a small proportion of the overall housing in the city with 9.8% of homes owned by the local authority and 5.1% by Registered Providers (RPs).

3.2 Housing demand, growth in the private rented sector and rising rents has an adverse effect on affordability of housing in the City. This has contributed to a decline in owner occupation as those seeking to buy their own home are

increasingly unable to take advantage of housing for sale either through cost or as a result of sales of residential accommodation meeting demand from buy to let or other landlord investors rather than prospective home owners.

- 3.3 This increasing housing demand, reduced public subsidy for affordable homes (in particular no funding for lower cost general needs rented homes) and a shift away from development of rented and family homes remain key challenges identified by the council's Housing Strategy and Budget. This has an adverse impact upon the council's ability to respond to the needs of a growing more diverse population and the council's capacity to maintain mixed and balanced communities and retention of lower income working households and employment in the city.
- 3.4 For stock holding authorities such as Brighton & Hove, the Housing Revenue Account debt cap, reduction in rental income of 1% per annum over the next four years and the potential impact of Housing & Planning Act (in particular proposed High Value Void tariff) will restrict resources available for new build and regeneration.
- 3.5 The HRA medium term and 30 year financial forecast was reported to Housing & New Homes Committee (13 January 2016) which showed that the council is nearing its self-financing cap (or limit) on the amount of HRA borrowing permissible for capital investment. For Brighton & Hove this limit is currently set at £156.8m and the outstanding debt reaches its peak in 2023/24 where the borrowing level is £147.4m leaving headroom of only £9.4m.
- 3.6 This position means that the council needs to look at alternative funding and delivery mechanisms if it is to deliver the new affordable homes the city needs. The council has also been looking at larger scale opportunities including those related to the structures researched in the Housing Market Intervention project in order to deliver a large number of new homes financed from outside the HRA.
- 3.7 Options to mitigate reduced public subsidy for affordable rented homes and Registered Provider shift away from development of this type of accommodation have been subject to regular discussion and review at our Affordable Housing Delivery Partnership (RPs, Homes & Community Agency (HCA) and council) meetings. In particular, as addressing the acute shortage of affordable rented homes and in particular family housing has been identified as a key priority in our Housing Strategy.

Joint Venture with Hyde Housing

- 3.8 Hyde Housing Association (Hyde), a long standing member of our Affordable Housing Delivery Partnership, has approached the council with a proposal which could deliver 1,000 plus new lower cost rental and sale homes for low income working households in the city whilst generating a long term return for the council and Hyde.

The Hyde Living Wage Housing proposal

- 3.9 This is a proposal for a JV partnership between Hyde and the council to be established as a 50:50 Limited Liability Partnership (LLP). The concept behind the Joint Venture is that the sum of the whole is greater than the value of the individual parts. By combining resources, funding, technical expertise and supply chain, the council and Hyde could deliver more together than individually.

- 3.10 There are risks and opportunities entering into any joint venture and there are a number of important considerations for the council. The first is selecting the right partner with the same objectives. The objectives of Hyde as a charitable housing association whose core purpose is as a housing charity providing low cost homes is a good fit with the council's aspirations to deliver a supply of good quality low cost homes for local people in housing need.
- 3.11 The joint venture model also enables the council to access Hyde's commercial developer skills, expertise and resources, in particular the volume buying power of their framework agreements for both consultancy and construction services which would deliver commercial savings, reducing the cost of delivery. Hyde also has substantial experience delivering major regeneration projects as part of its house building programme of circa 1,500 homes per annum. Hyde have an excellent track record of delivery of new homes within the city and the council is confident that the joint venture will deliver the new homes that are so needed in Brighton & Hove.
- 3.12 The cost and risk of developing the homes would be shared equally between the project partners as would the commercial returns.
- 3.13 The JV would deliver 1,000 new homes let and sold on sub-market terms as well as regeneration projects detailed elsewhere in this report:
- 500 homes at sub market prices which are affordable to rent for working Brighton & Hove residents earning the new National Living Wage (assumed delivery from 2019 onwards); and
 - 500 shared ownership homes affordable to buy for Brighton & Hove residents on average incomes.
- 3.14 Living Wage housing in this context is defined as a home provided at a cost which is at 40% of gross pay to a household earning the new national Living Wage. Current estimates are that this would require an average 40% discount on the market rent. This compares to a 20% discount for the Government's Affordable Rent product.
- 3.15 The Housing Strategy approved at Council in March 2015 highlighted key themes including the availability of affordable family homes, in particular rented homes, and the economic impact of this lack of housing supply on our ability to retain lower income working households and employment in the City. In our Housing Strategy we are committed work collaboratively with Adult Social Care, Children's Services and Health colleagues to meet our shared objectives including the availability of homes in the city to meet the needs of their workforce and those of other employers for whom the recruitment and retention of lower income workers in Brighton & Hove has increasingly become an issue. The proposed Living Wage joint venture would align to our strategic aim of contributing to addressing this issue.
- 3.16 The nature of the joint venture would provide the flexibility to sell homes from developments if it was in the JV's best interests. This is not currently envisaged, however the model would allow this flexibility subject to agreement from both LLP Members and within legal constraints on commercial activity.
- 3.17 The LLP will operate within the parameters of a Business Plan approved by both parties and subject to reserved matters. The initial Business Plan would be annexed to the shareholder agreement for the LLP (known as a Member's Agreement) which would be signed by the Council and Hyde. This is an important

document that sets out, how the LLP will be run, including amongst other things: how profits are shared, who needs to agree decisions, members' responsibilities, dispute resolution and how members can join or leave the LLP.

- 3.18 It is proposed that the joint venture would have no direct staff, with services contracted in from the partners or from external contractors as necessary. The proposal from Hyde which is currently under consideration and is subject to negotiation is that they would provide development, sales and marketing and letting services to the JV with the council providing financial and corporate services (the council will need to ensure that full costs of providing the service are met). A services agreement would be put in place with each of the partners at the point of forming the joint venture. It is yet to be agreed which party will provide the property management services.
- 3.19 The business case is supported by a Strategic Financial Viability Model (SFVM) to demonstrate a viable financial model and the scale of development that could be supported by an approximate level of investment. The council's finance team have reviewed the financial model, carrying out due diligence on the business case and SFVM.
- 3.20 The initial proposal is for £105.47M total investment and Hyde propose that the council and Hyde both provide £52.7M funding to achieve this.
- 3.21 It will also be possible for the council to invest commuted sums it is able to raise from developers in lieu of onsite s106 affordable housing into the JV and therefore reduce the level of cash that the Council has to source from PWLB or existing resources. The council agreed how commuted sums should be calculated in relation to planning applications at the June 2016 meeting of Economic Development and Culture Committee and they are likely to continue to accumulate in the future. However it should be noted that the level of commuted sums collected is only likely to constitute a small percentage of the overall investment requirement. In addition, this is likely to be affected by the introduction of the requirement of Starter Home on all major planning applications.
- 3.22 Value would be returned to the council and Hyde through profit distributions and / or repayment of debt in respect of loans made, with the balance depending on the final agreed approach to funding. Sensitivities and scenarios have been modelled evidencing the impact of various events including rising construction costs, changes to property prices, changes in rental amounts, interest rate increases, different ratios of equity and debt funding and different accommodation sizes and standards. Profit generated from the JV will be an ongoing revenue income to the council as detailed in the Financial Implications section of this report and associated appendices.
- 3.23 An advantage of the proposed Limited Liability Partnership corporate structure is that the LLP Members retain their own tax profile. In other words the corporate structure is tax transparent and the profits would be subject to tax based on the corporate tax status and affairs of each individual LLP member.
- 3.24 Investment into the joint venture will be on State Aid compliant terms at a market rate. In the longer term the JV may opt to retain the portfolio but seek an external funder to invest.
- 3.25 The initial estimate of the investment requirement taken from the SFVM is detailed on the table below. The table details the anticipated development costs for each of

the five years of the project. The BHCC contribution is based on half of these costs minus the anticipated annual shared ownership sales.

Year	Costs £M	BHCC £M	Sales £M	JV Debt £M
1	17.13	8.57	0	17.13
2	17.32	7.95	-1.41	33.04
3	45.50	14.28	-16.95	61.59
4	48.60	15.75	-16.95	93.10
5	35.92	9.48	-16.95	112.02
6	7.54	-3.30	-14.13	105.47

Governance of the Joint venture

3.26 Governance of the JV will be key to ensuring it is able to operate effectively and meet the best interests of the council and key considerations are outlined in more detail in Appendix 2. The Council will interact with, and be able to exercise control over, the joint ventures activities in three principal ways:

- as a landowner, with contractual rights governing what sites the Council wants to transfer and on what terms;
- as a member of the LLP, which in broad terms is equivalent to being a shareholder of a company (i.e. an owner of the vehicle);
- through appointees to the management board, which is comparable to a company's board of directors.

3.27 The Council, and Hyde, will retain strategic control over the LLP's operation through their rights as members of the LLP. This will be achieved through the Council having the right to approve the LLP's annual Business Plan and the requirement that certain listed decisions, referred to as reserved matters, will have to be referred back to it rather than being within the discretion of the management board. It is proposed that this level of strategic control, i.e. the right to make decisions as member of the LLP, is retained by councillors. This will reflect the role of councillors within the Council – i.e. a role focused on leadership and strategic control rather than the task of operational delivery.

3.28 The Council and Hyde will have the right to appoint a management board. The board will be given a role equivalent to a company's board of directors meaning the individuals will have duties to manage the activity of the LLP acting in the best commercial interests of the LLP for the benefit of the Council and Hyde as its members and will have the task and remit of implementing the Business Plan set by the Council and Hyde and subject to those matters / decisions reserved to the members.

3.29 The level of discretion given to the management board will depend on the precise framing of the Business Plan – i.e. how prescriptive or flexible it is – and what the reserved matters are. By way of example, these could include approving transactions above a specified value and subjecting the LLP's assets to security. Matters within the remit of the Business Plan would not need to be referred back as reserved matters as well.

3.30 The proposal is for a board of six, three to be appointed by Hyde and three by the Council. The Council proposes to appoint senior officers as this will focus on the

operational delivery of the new homes. The relatively low number of management board members should ensure that the LLP is focussed and operationally flexible, enabling it to deliver the objectives of the Living Wage proposal faster and in a more streamlined way. Potential conflicts of interest will need to be managed and these are outlined in more detail in Appendix 2

Allocations and nominations:

- 3.31 The Living Wage proposal concurs with our draft Allocation policy which proposes an income cap against size of accommodation needed so that those high earners who can resolve their housing in the private rented sector are no longer on the Housing register whilst retaining those on lower incomes who would benefit from the Living Wage housing. The income caps have been set such that households who could expect to pay more than half of their income on average market rents would be retained on the Register whilst those who would expect to pay a lesser percentage would no longer be on the Register and hence would ensure they do not benefit from Living Wage homes. We can also develop a Local Letting Policy for these properties to give priority to those on the Housing Register who are working

Land disposal to the Joint Venture

- 3.32 The council may dispose of land to the JV on the basis of open market valuation assessed in line with legal obligations in respect of land disposals by councils to secure 'best consideration'. Any land disposal by the council would follow the usual processes and procedures within the council prior to transacting any disposal including committee approval in the normal way.
- 3.33 The joint venture would complete the transaction to purchase the land once it is satisfied that any scheme is viable as evidenced by the individual Scheme Financial Viability Appraisal (SFVA). Any land purchase by the JV would follow agreed corporate governance procedures within the JV as set out in the initial Business Plan.
- 3.34 For any disposal of land by the council to the JV, the council would follow all normal and prudent commercial practices, including obtaining the opinion of a professionally qualified independent valuer, in order to comply with the required legal process for any disposal of an interest in land.

Using a JV for regeneration projects

- 3.35 The establishment of joint ventures may also be an effective way of delivering specific regeneration projects which could potentially involve the regeneration of existing estates or buildings that are coming to the end of their life and where additional homes could be delivered by increasing the capacity of the site.
- 3.36 This type of regeneration activity would involve working with local communities to develop proposals for the regeneration of estates in greatest need of investment and where there are development opportunities. This would involve liaising with colleagues across the council to make sure that our estate regeneration activities

join up with other initiatives and major projects and that we maximise the opportunities available for residents.

Wholly owned Council Housing Company

- 3.37 As well as the joint venture opportunity the council would also like to take forward the establishment of a wholly owned special purpose vehicle or housing company. This has become common practice amongst local authorities and will provide the council with flexibility to look at a wide range of housing delivery options including those identified in the previous Housing Market Intervention report and continuing to develop new homes directly.
- 3.38 As reported to March 2016 Housing & New Homes and Policy & Resources Committees Savills and Trowers & Hamlins were procured by the council to review options for the council to intervene in the local housing market as a potential purchaser (or lessee) of new housing being brought forward on development sites in the city. The aim would be to meet housing needs, including delivery of homes let at Local Housing Allowance (LHA) rates to households to whom the council owes a statutory duty to accommodate.
- 3.39 The principal assumption in the case studies is that the council would be able to use its position of influence and financial strength to acquire a number of properties off-plan, at a discount to full market value based on the property acquisition assumptions. The financial modelling then uses market information and reasonably standard assumptions in terms of rental yields and operating costs, to show if/how such a proposition could be financially deliverable. Case study financial modelling shows a proposition which could be viable from the perspective of the company and council.
- 3.40 The report sets out the options which are likely to be available in funding and structuring a new council vehicle to support the objectives of this project and outlines the principal funding options. Whilst there is a wide range of options in terms of structuring (including third party involvement through a JV), and in funding (including third party or internal funding arrangements), the likelihood is that the objectives of this project could be most effectively delivered through a wholly owned and funded company. This is a relatively straightforward route which is being followed by a number of local authorities for similar projects.
- 3.41 Bevan Brittan LLP has advised that establishing a wholly owned company is now common and relatively straightforward to achieve. As well as exploring the opportunities to purchase 'off-plan', the company would give the council more flexibility in developing a range of ways of delivering additional housing in the city and managing properties in the current New Homes for Neighbourhoods programme. Bevan Brittan LLP advise that the company structure could be used for continuing the management and financing of homes built directly by the council.
- 3.42 Should the council take forward a new council owned and funded company, in terms of funding, the Savills and Trowers & Hamlins report assumes that the council provides the company with finance to allow it to acquire the properties. The financial arrangements between the council and company are then set up so that:
- They are fully compliant with the regulatory environment (tax, state aid and other government regulation);
 - The company can afford to meet its financial commitment (interest payment to the council) from the retained net rental income – i.e. it has a viable and deliverable Business Plan;

- The council receives sufficient payment from the company to allow it to cover the additional interest cost it will incur in raising the finance provided to the company.
- Take into consideration the risks identified in paragraph 4.1 in this report.

4. RISK AND OPPORTUNITIES

4.1 A number of risks have been identified by the project team and the council's legal advisors:

- **Consents and Best Consideration:** Failure to structure arrangements to meet general consents could mean needing to go to the Secretary of State which would create uncertainty over timing and ultimately whether or on what terms consent would be given. Legal advice has been taken to ensure regulations are met.
- **State Aid:** An issue if contribution of land for no consideration or additional rights. Legal advice is being taken to ensure that the project is compliant.
- **Site identification:** Not able to identify suitable sites to transfer to the JV. Sites are being reviewed and any council sites will be brought to future committees once identified.
- **Project financing:** Understanding of financial risks and mitigation. Commuted sums may not be realised. Financial due diligence work is has been undertaken to mitigate this risk, for example modelling the councils investment using 100% borrowing and sensitivity analysis of the SFVM.
- **Governance:** The governance structure needs to be fit for purpose in managing delivery of development and does not cause inappropriate conflict issues that affect ability of the Council to manage the JV or the JV to manage its business. Legal team are working to develop as structure that best meets the council interests.
- **Planning:** Changes to national and / or local Planning policy framework. Including potential impact of Housing & Planning Act, in particular in relation to Starter Homes. Not able to gain planning permission for specific schemes or maximise capacity of sites. Early planning advice will be taken on individual schemes.
- **Community opposition:** Potential opposition to schemes. Communities will be engaged in a similar way to they have been for the New Homes for Neighbourhoods programme, for example using Planning for Real techniques.
- **Tax:** Tax implication and liabilities such as SDLT and VAT need to be reviewed in relation to the proposed structure. Tax advice has been sought on the proposed suture and will be reviewed with any relevant changes.
- **Policies and standards:** The current proposals do not fully meet the council's Affordable Housing Brief standards in terms of unit size, mix, Life Time Homes and percent of wheelchair accessible units. However the proposal do address issues of housing supply and in particular the provision of lower cost rented homes.

- **Housing Market:** Impact of any future economic uncertainty on the housing market and construction costs will be monitored. A significant fall in the housing market may require additional borrowing or increased percentage of sales. Any modifications identified in the annual Business Plan to be reviewed by committee.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The council has been investigating a number of delivery options in order to find a range of mechanisms to increase the supply of affordable housing in the city. This includes the work undertaken in the recent Housing Market Intervention report by Trowers & Hamblins and Savills, as well as recent JV proposals from Hyde Housing.
- 5.2 Alternative options that have been considered are provided in the list below. It is likely that a range of delivery options will be progressed in the longer term in order to maximise the delivery of new homes. Individual proposals would need to be agreed by relevant committees.
- Wholly owned council vehicle e.g. Housing Company
 - JV with a Registered Provider
 - OJEU procured joint venture
 - Disposal of sites to private developers
 - Do nothing

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 General consultation on our approach to stimulating new house building, making best use of our Housing Revenue Account (HRA) assets and estate regeneration through the New Homes for Neighbourhoods programme has been undertaken with councillors, council tenants and leaseholders through reports and presentations to Housing & New Homes Committee. The cross party Estate Regeneration Members Board oversees development and delivery of our estate regeneration activities.
- 6.2 Consultation with residents and ward councillors on specific schemes and sites will require a similar level of community engagement as with the existing New Homes for Neighbourhoods Programme, for example Planning for Real techniques. This has followed a comprehensive process with ward councillors, residents and other stakeholders engaged and consulted at all key stages of individual projects. Consultation will also be undertaken via the Planning process.

7. CONCLUSION

- 7.1 The offer from Hyde to establish a Joint Venture company provides an excellent opportunity to combine resources and expertise to make a significant contribution to tackling the city's housing crisis by delivering additional affordable homes. It is considered that Hyde's track record of delivery, along with their scale and experience will enable the council to deliver new homes that represent value for money and that are of good quality.

7.2 The establishment of a wholly owned housing company will give the council the flexibility to provide additional housing in a range of ways including purchasing off plan as outlined in the Housing Market Intervention report and continuing to directly develop new homes. Establishing this type of Housing company is now 'tried and tested' by other local authorities and relatively straightforward way to increase options and opportunities for the council to deliver new homes.

8. FINANCIAL & OTHER IMPLICATIONS:

8.1 The report sets out two options for the council to increase affordable housing in the city which supports the council's strategic objectives.

Joint Venture Proposal

8.2 The recommendation in 2.2.i) is to agree the Heads of Terms and other principle documentation in order to develop and implement the proposed Joint Venture, the Strategic Financial Viability Model (SFVM) supports the business case for this recommendation. If this recommendation is approved, finance officers, as part of the JV project team, will ensure financial due diligence is followed to ensure financial risk exposure to the council is kept to a minimum and benefits of the proposal are achieved.

8.3 Officers have reviewed the SFVM for the Hyde Joint Venture proposal, which includes review and testing of the assumptions, and various sensitivity analysis of the SFVM. Part 2 of this report (Appendix 5), includes a summary of the financial model results, main assumptions used and sensitivity analysis that has been carried out.

8.4 The JV proposal requires £105.47 million total investment to develop 1000 new homes over a 5 year period. The proposal is that Hyde and the council provide 50/50 funding of £52.7 million each to fund the investment requirements.

8.5 The council's investment of £52.7 million will be financed mainly from borrowing and some commuted sums. The financial modelling shows that the returns on investment will achieve surpluses to the council after financing costs of borrowing (both interest and capital repayments). The financial modelling shows that the council's share of surpluses are forecast to total £221.4 million over 64 years with a net present value (NPV) £37.6 m (i.e. the return at today's values).

8.6 The table in paragraph 3.24 provides the forecast investment requirement for the JV profiled over the first 5 years. Any borrowing undertaken by the council to fund the council's share of investment will need to be included councils capital borrowing limits which are approved Policy, Resources and Growth Committee.

8.7 The council will need consider how it is going to cover the financing costs of borrowing during the construction stage and include in its medium term financial plans. This will be required to be funded through the General Fund and the best economic option for this interest cover will need to be considered as part of the councils Treasury management decisions. Initial estimates of the cost to the General Fund could be in the range of £0.023 - £0.045 million over a 4 year period.

- 8.8 The reserved matters will include any Business Plans and disposal of land/sites to either vehicle and will be reported to appropriate committees for approval

Wholly owned Special Purpose Vehicle or Housing Company

- 8.9 The recommendation in paragraph 2.2.ii) is for delegated authority to progress and implement the establishment of a wholly owned Special Purpose Vehicle or Housing Company to support the provision of additional homes in the city. If this recommendation is approved, finance officers will assess the financial implications upon development of the proposals to ensure financial due diligence is followed, minimising financial risk to the council and achieve the benefits this proposal sets out to achieve. The Business Plan to support this and the financial implications will be required to be reported back to the appropriate committee.
- 8.10 It is anticipated that the cost of the appointed legal consultants to provide expert legal advice will be met within the total capital budget allocation of £0.151m for these Housing Delivery Options. If there are any significant variations to these costs, this would be reported and approval sort through the council's budget management process.

Finance Officer consulted: Susie Allen Date: 12/09/16

Legal Implications:

- 8.11 As set out in the body of the report, the Council has appointed Bevan Brittan LLP as its legal advisor. The legal advice so far is set out in the body of the report as well as in Appendix 1, 2, 3 and 4 attached to this report.

Lawyer consulted: Isabella Sidoli Date: 12/09/16

Equalities Implications:

- 8.12 An increase in housing supply will extend opportunities to provide new, well designed homes to accommodate households on the Housing Register who are in housing need.

Sustainability Implications:

- 8.13 Attaining high sustainability standards is an important in delivering homes that are energy efficient, minimise carbon emissions and reduce water usage. Addressing fuel poverty and reducing total costs of rental or ownership is also an important consideration.

SUPPORTING DOCUMENTATION

Appendices:

1. Bevan Brittan advice to BHCC on the Joint Venture proposal
2. Bevan Brittan advice to BHCC on Governance considerations in relation to the JV proposal
3. Bevan Brittan advice to BHCC on the establishment of a wholly owned Housing Company or Special Purpose Vehicle
4. Illustrative draft Heads of Terms
5. Part 2 Summary of Strategic Financial Viability Model and sensitivity analysis

Documents in Members' Rooms

None

Background Documents

1. Housing Delivery Options - Housing & New Homes Committee Report 2 March 16
2. Housing Delivery Options – Policy & Resources Committee Report 17 March 16

Crime & Disorder Implications:

- 9.1 The development of Special Purpose Vehicle and / or Joint Venture partnerships offers the opportunity to provide new, well-designed homes which link to the council's wider regeneration aspirations for the city, including the council's economic development and sustainability objectives. Well-designed urban housing has been shown to influence the rate of crime and disorder as well as the quality of life for future occupants.
- 9.2 Vacant sites can sometimes attract anti-social behaviour. With careful planning, the future development of these sites is likely to improve the safety of existing neighbourhoods by reducing crime and the fear of crime.

Public Health Implications:

- 9.3 There are strong links between improving housing, providing new affordable homes and reducing health inequalities. Energy efficient homes which are easier and cheaper to heat are likely to have a positive influence on the health of occupants of the new homes.

Corporate / Citywide Implications:

- 9.4 Increasing Housing Supply is a City Plan and Housing Strategy priority. In particular, meeting our housing target of 13,200 new homes in the City by 2030.
- 9.5 In addition, in our Housing Strategy (2015) priority of increasing housing supply to meet identified needs, we are committed work collaboratively with Adult Social Care, Children's Services and Health to reduce long term social care cost pressures and address issues arising with recruitment and retention of lower income staff in the City essential to the operation of these services.
- 9.6 In exploring Housing Delivery Options we are also working in support of the following Corporate priorities:
 - **Increasing Equality**- Coordinate services and spending better between public services to improve equality.
 - **Economy, Jobs and Homes** - Enable development of new, affordable homes, working with government, Registered Providers and other partners to maximize investment.
 - **Health & Wellbeing** - support for key worker housing to meet Health and Social Care employee requirements.
 - **Contributing to the Medium Term Financial Strategy** - Maximising New Homes Bonus and Council Tax revenue resources through improving housing supply; Ensuring Housing investment aligns with the Corporate Plan priorities.
 - **Greater Brighton** – Accelerating housing delivery through exploring housing market intervention / housing company models at a Greater Brighton level. Delivering activity alongside other initiatives and ensuring that the

strength of the housing market is captured to meet local needs including housing type and tenure

9.7 The JV will bring a number of benefits to the city and council including:

- 1000 new affordable homes
- Potential long term revenue income from surpluses
- Regeneration of key sites and public realm improvements
- Each new home has potential to generate new Council Tax and New Homes Bonus
- Any business and retail units will generate additional Business Rates
- Potential £3 of economic output for every £1 of public investment based on national calculations
- Apprenticeships and training
- Potential regeneration of existing council stock that is in need of investment or coming to the end of its life

BRIGHTON & HOVE CITY COUNCIL

ADVICE ON JOINT VENTURE WITH HYDE HOUSING

1 OVERVIEW

- 1.1 Brighton & Hove City Council (**Council**) is considering a proposal by Hyde Housing (**Hyde**) to enter into a corporate joint venture for the purposes of acquiring and developing property for the provision of sub-market rent products linked to living wage and shared ownership housing (**Living Wage Proposal**).
- 1.2 This is a summary paper providing headline advice on the legal viability of the proposal highlighting key areas that will require further advice if the proposal is developed further.
- 1.3 The Living Wage Proposal is a legally viable structure. The joint venture could be structured so that the Council could enter into the arrangements with Hyde without a competitive procurement process. Whilst there is no legal requirement to undertake a competitive procurement process the Council should satisfy itself as to the appropriateness of Hyde as a partner and the commercial terms being proposed.
- 1.4 It is likely to be preferable for the Living Wage Proposal to be in a specific vehicle rather than as part of a vehicle also undertaking other regeneration developments. This is to provide ring-fencing of risk and greater flexibility for alternative investment and exit options in the future.

2 LIVING WAGE PROPOSAL

- 2.1 The proposal is:
 - 2.1.1 a 50 / 50 corporate joint venture between the Council and Hyde established as a limited liability partnership (**LLP**);
 - 2.1.2 that a joint venture is established for the Living Wage Proposal with potential for other regeneration schemes;
 - 2.1.3 that the Council and Hyde each contribute 50 per cent of the LLP's required capital (estimated by Hyde to be £54m each);
 - 2.1.4 the LLP purchases identified sites from the Council for 500 homes at market value or potentially at an undervalue of up to £2,000,000 per site;
 - 2.1.5 that the LLP appoints:
 - (a) contractors and professional team for development, from Hyde's frameworks where possible;
 - (b) Hyde's trading company (**HNB**) as development manager on a costs incurred basis;
 - (c) Hyde as housing and asset management services on a costs incurred basis;
 - (d) the Council to provide corporate and financial services.

3 CORPORATE STRUCTURE

- 3.1 The Council has the power to enter into the proposed structure, but would not necessarily need to set up a Council-owned intermediary trading company to do so.
- 3.2 A company is required where the Council is relying on the general power of competence (s.1 Localism Act 2011), as is proposed here, and is doing something for a commercial purpose. There is

a question as to whether the purpose of the joint venture is commercial. If an activity's primary purpose is to make profit, either immediately or in the longer term, then it is reasonable to conclude that it is being performed for a commercial purpose. If the primary purpose is something else, but profit may be realised as an ancillary or incidental benefit, then that should not require the use of a company.

- 3.3 The Council has a strategic objective to increase affordable housing both within the housing revenue account (**HRA**) and also outside of it by using housing delivery vehicles. The Living Wage project is being established for the purposes of achieving this. It is reasonable to conclude that a company is not required and an LLP would not breach the requirement to use a company where something is done for a commercial purpose. There will be a residual risk of a court concluding otherwise as there does not seem to be any case law on the point even though the LLP model has been used this way before, for example, see [Matrix Homes](#) in Manchester, which was incorporated as an LLP.
- 3.4 If the joint venture is established for a commercial purpose, for example increased elements of private sale then the use of a company would be a lower risk approach. If a company is used, the company could be used for other purposes as well as holding the Council's LLP membership, for example being the vehicle for the separate wholly owned housing vehicle project.
- 3.5 An LLP would be a viable vehicle for the joint venture and would offer tax transparency meaning tax is assessed in the hand of the members. This would be particularly advantageous if the Council enters into the LLP directly as the Council's share of revenue would be assessed for tax within the hands of the Council which would then be able to benefit from its advantageous tax position, e.g. exemption from corporation tax.
- 3.6 The proposal is for a single joint venture to deliver the Living Wage Proposal as well as potentially other future regeneration schemes. We recommend that separate commercial projects are kept in separate vehicles, either separate joint ventures or separate subsidiaries under a single overarching joint venture vehicle, which could be the LLP proposed for the Living Wage Proposal. This will allow for more effective "packaging" of risks and obligations, and in particular:
 - 3.6.1 provide greater flexibility to the Council to realise a return and an exit route in relation to the assets associated with an individual scheme through sale of the interest in the vehicle;
 - 3.6.2 provide greater flexibility to obtain third party investment against some of the assets without subjecting all of the assets within what could be a wide programme of activity to security and obligations associated with funding;
 - 3.6.3 provide scope for parties to have different levels of control over the different proposals, both as between the two parties and as between the parties as owners and the joint venture vehicle.
- 3.7 For these reasons having separate vehicles would de-risk the position for the Council. It is unlikely to cause material additional cost as if there was one vehicle it is likely the parties would need to try and construct more complicated contractual arrangements to try and achieve the objectives above (paragraph 3.6) within a single vehicle. It is intended that the vehicles would not be substantive entities with significant employees so the presence of an additional company would not represent the presence of an additional organisation; the vehicles are being used as a legal and financial tool for sharing in the control of a programme of activity and ring-fencing assets and liabilities.

4 PROCUREMENT / SELECTION OF HYDE

- 4.1 The Council is subject to procurement legislation that requires it to run competitive tenders when awarding contracts for goods, works or services. The Living Wage Proposal involves the Council selecting Hyde without a tender. There are a number of grounds that could justify the Council doing so and present a low risk procurement position, namely:
 - 4.1.1 there is no public contract in place between the Council and Hyde – entering into the joint venture itself need not involve the awarding of a contract for goods, works or services;

- 4.1.2 this is public sector co-operation that is permitted under the procurement rules – both parties are public bodies for procurement purposes and could make use of inter-public body exemptions;
- 4.1.3 public contracts that do exist can be awarded without a procurement process in light of what is known as the Teckal exemption – this allows entities controlled by and delivering activity for public bodies to be awarded contracts without a competitive procurement process.

Contracting authority status and contracting between the entities

- 4.2 The LLP is likely to be classified as a contracting authority under the Regulations. This is because it will fall within the definition of "bodies governed by public law". Corporate bodies set up by local authorities or other contracting authorities are often classified this way even though there is the potential to structure them so that they do not do so. The Regulations permit a controlling authority to contract directly (without a tender) with a controlled person and vice versa.¹
- 4.3 In order to meet the requirements in respect of the LLP any intermediate companies should also be structured to be contracting authorities. This point, and HNB's contracting authority status, will need to be considered further with Hyde. It would not be an issue if a joint venture model involving direct ownership by Hyde and the Council is taken forward.
- 4.4 Although there are no plans in the current proposed structure for either the Council or Hyde to purchase goods, works or services from any of the other parties in the arrangement, the potential for them to do so will therefore exist.
- 4.5 Where there is only one controlling authority, the Regulations also explicitly permit the controlled person to award contracts directly to the controlling authority, known as "reverse" Teckal after the case the exemption was originally based on. However, the Regulations do not explicitly permit or prohibit an award by a controlled person where there is more than one controlling authority, as will be the case here. This may be relevant as the LLP may contract with the Council for corporate, finance and lending services, and with Hyde and HNB for housing management and development management services.
- 4.6 In our view it would be difficult to challenge successfully the award of such contracts on these grounds, particularly as they will be related to the wider Living Wage project, and will enable the LLP to meet the objectives for which it was established rather than to pursue alternative aims, perhaps competing with others on the market. The use of competitive procurement routes to appoint providers of services and works relating to the development, such as the frameworks as considered below, would mitigate risk as the market would still be engaged with the opportunity.
- 4.7 The appointment of Hyde for development and management services is to be done on a costs incurred basis rather than for profit which supports the applicability of the procurement exemptions outlined above.

5 STATE AID

- 5.1 The state aid rules prohibit the Council from transferring its resources to a third party in a way that could distort competition and affect cross-border trade in the European Union. This will need to be considered in relation to the selection of Hyde and the transfer of assets (e.g. land and funding) to the LLP or Hyde.
- 5.2 Where an advantage is being given to the LLP or Hyde the Council's best approach to mitigate state aid risk is likely to be relying on the market economy investor principle. This provides that if the Council can demonstrate that it is acting as a rational private sector investor in similar circumstances would, then the activity is not a breach of the state aid rules. To rely on this the Council should provide funding and any other resources transferred to the Living Wage LLP on market terms. This is what is being proposed in the Living Wage Proposal save for the potential, but not obligation, for the

¹ Regulation 12.

Council to provide general fund land at a discount of up to £2m in line with the general consent that allows below market disposition where the Council considers it promotes economic, social or environmental well-being (see section 6.5 below). This would be at the Council's discretion as is the case with any land disposition.

- 5.3 There is also an exemption in the state aid rules for support given to services of general economic interest, which include social housing. This is potentially relevant if any resources will be transferred by either the Council or Hyde at below market value, and will require additional terms to be included in the transfer documents to ensure that the requirements of the exemption are met. Structuring the transaction to comply with the SGEI exemption could be the best way of mitigating state aid risk in relation to any transfers of land at undervalue.

6 LAND TRANSFERS – MARKET VALUE, CONSENTS AND SDLT

- 6.1 The Council will transfer land to the LLP as part of the Living Wage Proposal. In addition the LLP could purchase land from the market. The proposal for Council land to be transferred needs to be considered in light of the consent framework that exist for:

6.1.1 disposal of HRA property;

6.1.2 disposal general fund property; and

6.1.3 financial assistance, which could include both the funding of the vehicle and any gratuitous benefit such as transfer of land at undervalue.

HRA Land

- 6.2 Any disposal of HRA land will need to either have prior consent of the Secretary of State or compliance with one of the more general consents issued under s.32 Housing Act 1985. There is a general consent available in respect of disposal of vacant land which could be used.
- 6.3 Disposal of vacant land at less than market value is likely to constitute a financial assistance for the purposes of s.24 Local Government Act 1988 (**1988 Act**) requiring specific consent from the Secretary of State or compliance with one of the general consents under s.25 1988 Act. There is a general consent for disposal of vacant land which would require transfer of the freehold or leasehold of over 99 years and would prohibit the Council from maintaining or managing the housing.

General fund land

- 6.4 The Council has a broad power to dispose of property held in the general fund in any manner it wishes subject to an obligation to do so for the best consideration reasonable obtainable (s.123 Local Government Act 1972).
- 6.5 The Council can dispose of property held in the general fund for less than market value provided that consent is obtained from the Secretary of State. The Local Government Act 1972 General Disposal Consent (England) 2003 (**General Consent 2003**) is a wide reaching consent that allows disposal at an undervalue to promote economic, social or environment wellbeing. The difference between the market value and the consideration must not exceed £2 million, and a "professionally qualified valuer" must give a view as to the likely amount of the undervalue. If open space will be disposed of then there are additional publicity requirements.
- 6.6 In determining what the value of the land is for this purpose it is the unrestricted value that is considered, i.e. the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt. Voluntary restrictions imposed by the Council, such as a restriction in the proposed lease to use the land for social housing, would not be taken into account.
- 6.7 If one of the general consents is not applicable then the Council would need to approach the Department for Communities and Local Government to obtain Secretary of State consent to the

disposal on the proposed terms. There is not a statutory framework for this process so it would be uncertain as to how long it would take and whether it would be given.

- 6.8 Where land is appropriated to planning purposes then it would need to be disposed of for market value unless the Council obtained SoS consent to an undervalue disposal. This requirement overrides the General Consent that allows a disposal at an undervalue of up to £2m (as considered in paragraphs 6.5 to 6.7).
- 6.9 This has the potential to be a significant factor given the Council would need to appropriate to planning to benefit from s.237 Town and Country Planning Act 1990 which allows for override of easements or interests annexed to land, such as right to light or support which is common with developments.

SDLT

- 6.10 The entity/entities will be subject to Stamp Duty Land Tax (**SDLT**) on land purchases, including the acquisition of land from the Council as the transaction.
- 6.11 The deemed market value rules for SDLT purposes apply on a transfer to a connected company or on a transfer by a partner to a partnership so, regardless of whether the joint venture entity is a company or an LLP, the market value rules could apply. The mechanism for determining market value follows the capital gains tax mechanism, which considers (in effect) what the consideration would be in a hypothetical sale at arms length (there are more details in the RICS Valuation Professional Standards).
- 6.12 The valuation would take any covenant imposed by the Council on the use of the land, e.g. restriction for social housing, into account – assuming that it affected the property at the transfer date. However, HMRC are unlikely to accept that there is *no* market value, although they may be prepared to agree that the market value is *de minimis* and potentially below the threshold, if a valuation following the RICS standards would determine that the market value was below threshold.
- 6.13 In *IRC v Gray (Executor of Lady Fox decd.)* it was held that valuation must be based on the assumption that the property *could* be sold in the open market, even if it was in fact inherently unassignable or held subject to restrictions on sale. The relevant question to value the property is what a purchaser would have paid to enjoy whatever rights were attached to the property at the relevant date, assuming such a hypothetical sale.
- 6.14 The SDLT payable is based on a formula which - effectively - means that the market value of the share that is allocable to the other partners (i.e.: other than the one contributing) is subject to SDLT. So, in a 50/50 partnership, a contribution of land by one partner to the partnership would result in an SDLT charge on 50% of the market value of the property.
- 6.15 Group relief will not be available for acquisitions from the Council as the Council's interest in the joint venture will be below that required for SDLT group relief to be available and, in the case of an LLP, an LLP cannot be a qualifying subsidiary for SDLT group relief in any case as it has no share capital and so cannot meet the definition.

7 GOVERNANCE

- 7.1 The governance structure for the joint venture will be framed by the Council's role and rights as a member of the LLP, even if this is indirectly through a company. There would also be a board charged with management of the LLP.
- 7.2 The members of the joint venture will retain strategic control over the operation of the vehicle through the right to approve, and monitor delivery of, a business plan and the requirement that certain listed decisions, referred to as "reserved matters", must be referred back to the owners rather than being within the discretion of the board. The principle is that the joint venture partners approve the business plan and the board then have the remit and discretion to implement it subject to the reserved matters. The level of discretion given to the board depends on the framing of the business case – i.e. how prescriptive or flexible it is – and what the reserved matters are.

- 7.3 The board of the LLP would be given a role equivalent to role of a board of directors on a company. Although a board member of an LLP is not the same as the director of a company, it is common in the governance documents to treat the position as the same meaning the individual will have duties to act in the best commercial interests of the LLP for the benefit of both parties. The Living Wage Proposal suggests a board of six, three to be appointed by Hyde and three by the Council with the preference being for senior officers to be appointed. It would be possible for members or officers of the Council to be board members. On a joint venture of this nature focused on delivery of operational matters an officer board would typically be recommended with strategic and significant control retained to members via the shareholder or LLP member rights.
- 7.4 It is generally easier to manage conflicts of interests issues for an "officer board member" than for an elected member as the Council can agree to the officer continuing to act as an officer despite potential conflicts and agree not to take action against the individual where the individual is required to act contrary to the interests of the Council due to the person's role as a board member.
- 7.5 Where a board member is a councillor, the person must disclose any potential conflicts of interests and observe the requirements of the Code of Conduct of the Council. The board member must also be careful (when undertaking their Council role) to behave in ways which avoids suggestions of bias or predetermination.
- 7.6 Whilst the Council could grant a dispensation under the Code of Conduct to allow a councillor to continue to take decisions relating to the joint venture within the Council, it is not possible for the Council to avoid accusations of bias or predetermination, especially if the councillor is particularly senior. Participation on the board of the joint venture could therefore preclude a councillor from being involved in decisions within the Council relating to the joint venture.
- 7.7 The risks around conflicts for officer board members are hard to manage where officer directors are responsible within the Council for decisions materially affecting the vehicle. This risk is best mitigated by not putting Council officers who are directors of Council vehicles or joint ventures in roles where they have to make decisions relating to those vehicles. For this reason we would advise against statutory officers (monitoring officer, s.151 officer and the head of paid service) being appointed as board members as they may be required to undertake their statutory roles in relation to the vehicle at some point which would raise difficult conflicts. If this is a requirement we advise careful thought and further advice is taken on how to mitigate the impacts.

12th September 2016

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE AND THE LLP MODEL

1 OVERVIEW

- 1.1 Brighton & Hove City Council (**Council**) is considering a proposal by Hyde Housing (**Hyde**) to increase the amount of sub-market housing in Brighton and Hove. To implement the proposal, the Council and Hyde are considering establishing a joint venture formed as limited liability partnership (**LLP**) to acquire and develop property, which will then be used for the provision of sub-market rent products linked to living wage and shared ownership housing (**Living Wage Proposal**).
- 1.2 The purpose of this note is to explain the proposed governance model and why it has been chosen. We have included in Schedule 1 a diagram that summarises the governance framework of the LLP.

2 GOVERNANCE FRAMEWORK

- 2.1 The Council will interact with, and be able to exercise control over, the LLP's activities in three principal ways:
- 2.1.1 as a landowner, with contractual rights governing what sites the Council wants to transfer to the LLP and on what terms;
 - 2.1.2 as a member of the LLP, which in broad terms is equivalent to being a shareholder of a company (i.e. an owner of the vehicle);
 - 2.1.3 through appointees to the management board, which is comparable to a company's board of directors.
- 2.2 In addition to the LLP the parties may establish subsidiaries for risk management and commercial purposes. These subsidiaries would be controlled by and within the governance arrangements for the LLP.

3 LANDOWNER FUNCTION

- 3.1 The Council will enter into a contract with Hyde and the LLP to set out the rights of the Council as landowner (referred to in the heads of terms as an Overarching Strategic Land Agreement (**OSLA**)). The OSLA, or equivalent, will provide the Council as landowner with control over what property is put into the LLP and in what circumstances property is released to the LLP.
- 3.2 The OSLA will have a set of conditions that will need to satisfy in order for identified land to be drawdown. Usual conditions would include: land assembly; vacant possession; third party consents; site conditions; supply chain approval; satisfactory planning permission; funding availability; and viability. Only when all of these conditions have been satisfied would the LLP be able to trigger land draw down and then only in respect of land that the Council had agreed to put into the joint venture. This approach is usual as a landowner often wants to establish the disposal value for its land and the satisfaction of all of these conditions will be important in achieving a maximum independent valuation using the RICS Red Book.
- 3.3 The initial decision to enter the OSLA including allocating identified sites would be a matter for councillors in the relevant Council committees. Thereafter the committee(s) would need to agree on the level of delegation from the committee to officers to make decisions on behalf of the Council in relation to the OSPA.

4 LLP MEMBER – STRATEGIC CONTROL

- 4.1 The Council, and Hyde, will retain strategic control over the LLP's operation through their rights as members of the LLP. This will be achieved through the Council having the right to approve the LLP's annual business plan and the requirement that certain listed decisions, referred to as reserved matters, will have to be referred back to it rather than being within the discretion of the management

board. For example, this would typically include any change of business, creating security over the LLP's assets or transactions over a specified value.

- 4.2 The business plan would include a list of sites that the LLP expects to use for development which could include drawdown of identified sites from the Council or purchase of sites from the market. Approval and adoption of the business plan would be a reserved matter and therefore would need the consent of both the Council and Hyde. Where either the Council or Hyde wished to bring forward a new site not listed in the approved business plan this activity would be a reserved matter and therefore require the consent of the Council and Hyde.
- 4.3 It is proposed that this level of strategic control, i.e. the right to make decisions as member of the LLP, is retained by councillors. This will reflect the role of councillors within the Council – i.e. a role focused on leadership and strategic control rather than the task of operational delivery.
- 4.4 The Council's role and rights as member will be set out in a members' agreement, a contract between the Council, Hyde (by way of its trading subsidiary) and the LLP. This is the LLP's constitution and performs similar functions to a company's articles of association and shareholders' agreement.

5 OPERATIONAL CONTROL – LLP MANAGEMENT BOARD

- 5.1 The Council and Hyde will, as the members of the LLP, have the right to appoint a management board. The board will be given a role equivalent to a company's board of directors meaning the individuals will have duties to manage the activity of the LLP acting in the best commercial interests of the LLP for the benefit of the Council and Hyde as its members.
- 5.2 The management board will have the task and remit of implementing the business plan set by the Council and Hyde and subject to those matters / decisions reserved to the members (as considered in section 4).
- 5.3 The level of discretion given to the management board will depend on the precise framing of the business plan – i.e. how prescriptive or flexible it is – and what the reserved matters are. By way of example, these could include approving transactions above a specified value and subjecting the LLP's assets to security. Matters within the remit of the business plan would not need to be referred back as reserved matters as well.
- 5.4 The Council and Hyde will also need to agree on any staff resources required within the LLP to deliver its activities, which could be secondment of staff from Hyde and / or the Council.
- 5.5 The proposal is for a board of six, three to be appointed by Hyde and three by the Council. The Council will appoint senior officers. The relatively low number of management board members should ensure that the LLP is focussed and operationally flexible, enabling it to deliver the objectives of the Living Wage Proposal faster and in a more streamlined way.

6 CONFLICTS AND THE MANAGEMENT BOARD

- 6.1 The governance structure of the management board has been developed to minimise conflicts of interests issues both for decisions made within the LLP and decisions made within the Council. This is being achieved through:
 - 6.1.1 councillors exercising control and influence through the Council's role as a member (owner) of the LLP; and
 - 6.1.2 officers appointed as board members not being statutory officers and / or the officer with ultimate responsibility for matters directly relating to the LLP.
- 6.2 This approach is a sensible and commonly-used approach for local authorities seeking to minimise conflicts of interests in respect of wholly owned or joint venture entities. Given the role of the proposed joint venture - operating as a developer in the city including applying for planning

permission – the potential for conflicts of interests is significant which places additional emphasis on the need for a robust governance structure.

- 6.3 The proposed approach to board composition, however, is not the only way and there are also examples of councillors being appointed to housing joint venture boards. Schedule 2 provides some different examples of approaches taken.
- 6.4 The principal reasons for the proposed approach are:
- 6.4.1 If the Council were to appoint a councillor as a management board member, the individual would have to disclose any potential conflicts of interests and observe the requirements of the Code of Conduct of the Council. The councillor would also need to be careful (when undertaking their Council role) to avoid acting in a way that suggested bias or predetermination. This can be difficult to achieve in practice.
- 6.4.2 Whilst the Council could grant a dispensation under the Members' Code of Conduct to allow a councillor to continue to take decisions relating to the LLP within the Council, it is not possible for the Council to avoid accusations of bias or predetermination. This is particularly the case if the councillor is senior. Participation on the board of the LLP could therefore preclude a councillor from being involved in discussions and decisions within the Council relating to it.
- 6.4.3 The risks around conflicts for officer board members are hard to manage where officer directors are also responsible within the Council for decisions materially affecting the vehicle. This risk is best mitigated by not putting Council officers who are responsible for decisions relating to vehicles as directors of those vehicles. For this reason, we generally advise against the most senior officers including statutory officers (monitoring officer, s.151 officer and the head of paid service) being appointed as board members as they may be required to undertake their statutory roles in relation to the vehicle at some point which would raise difficult conflicts.
- 6.4.4 The Council can consent to the officer continuing to act as an officer despite potential conflicts, and can agree not to take action if the officer acts contrary to the Council's interests as a result of their appointment as board member.
- 6.4.5 It is Hyde's preference for the LLP board to be operationally focused without the need to manage the added complexities that would come with a structuring including councillor board members. Hyde are adopting a mirror approach to their appointments.

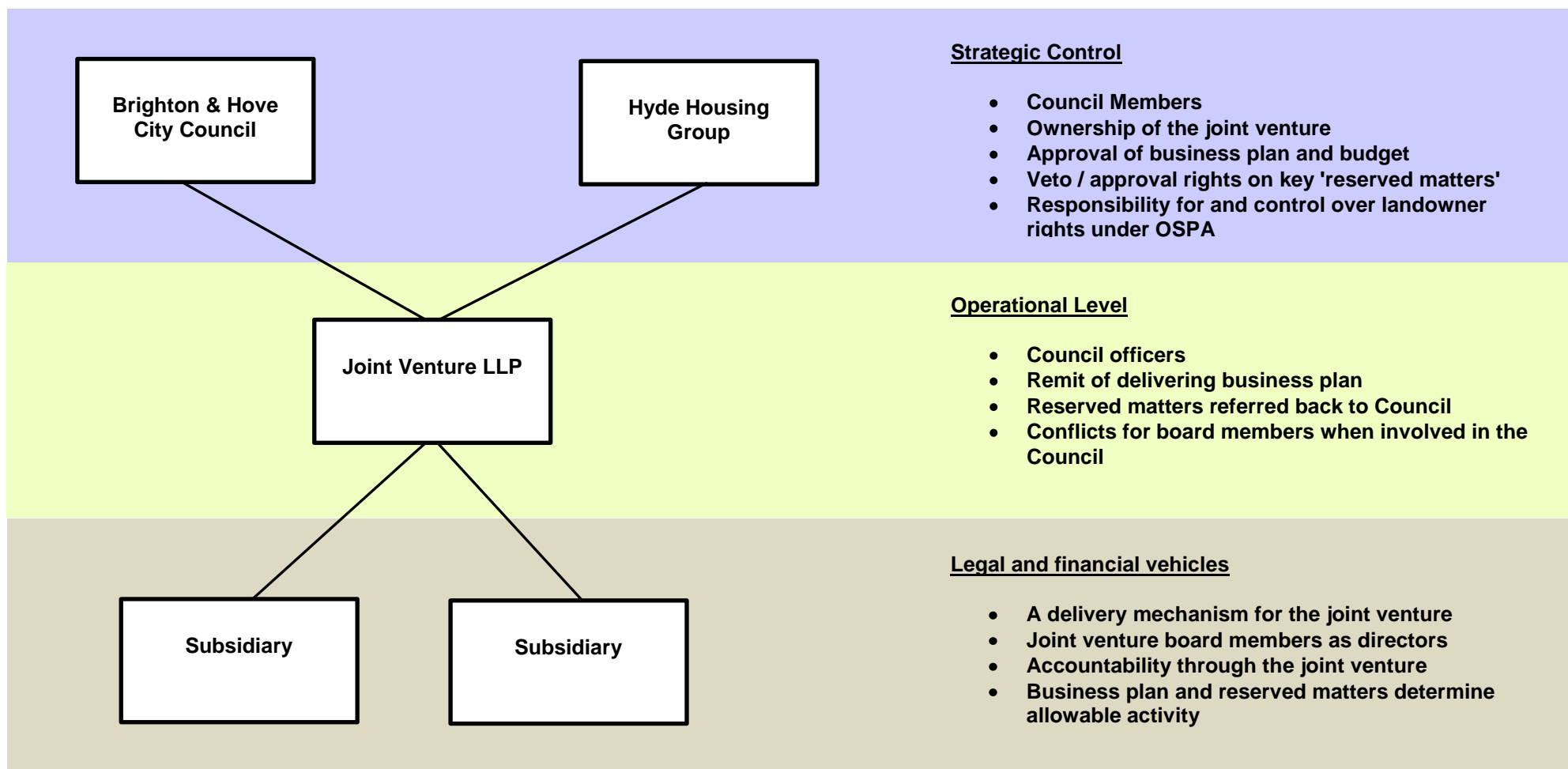
7 OBSERVERS AND THE MANAGEMENT BOARD

- 7.1 It would be possible for the members (i.e. Hyde and the Council) to agree that they have a right to appoint a specified number of observers to the management board, i.e. individuals who are not board members but who are entitled to attend board meetings for the purposes of sharing information and contributing where invited to do so. This is an approach sometimes used in joint ventures by minority partners who do not have full board appointees. It would not be typical for a joint venture partner who does have board appointees but would still be possible.
- 7.2 Care would need to be taken in respect of any such observer that the person did not become treated as a shadow or de facto board member. This could happen if in practice the individual acted and was treated in the same way as the appointed board members. In such cases the individual could have the duties and liability associated with board membership, for example potential liability associated with insolvency, without the indemnities and insurance that protect the duly appointed board members. This would be a risk for both the individual and the appointing member, i.e. Council and / or Hyde. The risk could be mitigated through very clear protocol, documentation and practice around the role, rights and limitations of the observer role.
- 7.3 The Council and Hyde would need to work through and be satisfied that the practical implications of such appointments were satisfactory, for example whether such presence would inhibit discussions /

operations of the board in any way, whether issues of confidentiality may arise and the size of the group meeting.

12th September 2016

SCHEDULE 1 – DIAGRAM OF LIVING WAGE GOVERNANCE STRUCTURE



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SCHEDULE 2 – EXAMPLES OF LOCAL AUTHORITY HOUSING / PROPERTY JOINT VENTURE GOVERNANCE ARRANGEMENTS

Local Authority	Housing Association / Developer JV Partner	Joint Venture Remit	Governance Arrangements
Slough Council	Morgan Sindall Investments Ltd	Property Regeneration and housing	Board of 6 Council 3 (1 councillor, 2 officers)
Sheffield City Council	Keepmoat Great Places Housing Group	Housing	Board of 6 Council 3 (3 officers)
Birmingham City Council	Places for People Canal and River Trust	Housing and regeneration	Board 6 Council 2 (2 officers)

BRIGHTON & HOVE CITY COUNCIL

ADVICE ON WHOLLY OWNED HOUSING VEHICLE

1 OVERVIEW

- 1.1 Brighton & Hove City Council (**Council**) is considering establishing a vehicle wholly owned and funded by the Council to fund and provide housing in a range of ways including acquiring developed housing off-plan for rent at local housing allowance levels (**Housing Market Intervention (HMI) Proposal**).
- 1.2 The HMI Proposal follows a reasonably established legal model for local authorities wanting to provide housing outside of the traditional social housing framework. The Council has the power to implement the proposal as envisaged in the HMI Proposal. The structure would provide the Council with the legal framework to fund and provide housing in a range of ways and would provide commercial flexibility for future operation, ownership and funding.
- 1.3 This is a summary paper providing headline advice on the legal viability of the proposal highlighting key areas that will require further advice if either proposal is developed further. This is an updated version of an initial draft issued 3rd June.

2 HMI MODEL

- 2.1 The Council is also considering a proposal for a wholly owned vehicle to fund and provide housing in a range of ways including purchasing new developed properties from the market to provide tenancies at local housing allowance (**LHA**) levels, to households to whom the Council owes a duty to accommodate. This is a reasonably common model. The outline proposal is:
 - 2.1.1 a company limited by shares wholly owned by the Council;
 - 2.1.2 funded by the Council through a mix of debt and equity;
 - 2.1.3 potential for housing to be funded and provided by a range of ways, including the vehicle using the funds to directly purchase the properties off-plan and letting to tenants at LHA rent levels;
 - 2.1.4 the vehicle would contract out management to either the Council or an agent on the market.
- 2.2 It would be possible for the Council to carry out the proposed activity directly without use of a vehicle – i.e. purchase the properties directly and provide tenancies to households to whom it owes a duty to accommodate. Such activity would be outside of the HRA.
- 2.3 The use of a vehicle would provide greater flexibility around future funding / investment, would be required if there was an element of providing housing for commercial purposes, would provide more options around tenancies including ability to enter into assured shorthold tenancies and would provide greater clarity that the housing is not being held within the HRA.

3 CORPORATE STRUCTURE

- 3.1 The Council has the power to establish the proposed structure and fund the company. It is expected that the funding to the vehicle would be on market terms to mitigate state aid risk.
- 3.2 It is likely that given the function of the vehicle is facilitating the Council meeting its statutory duties that the vehicle would be subject to the procurement legislation in the same way that the Council is. The vehicle could be structured to comply with the Teckal exemption, meaning the Council and the company could contract with each other without any need for competitive procurement processes.

- 3.3 There is flexibility as to the exact level of control that the Council would have over the company's operation. The framework and typical levers for authority control are through the governance arrangements (see section 4 below) and the funding and associated security documentation.
- 3.4 The company will be subject to corporation tax on profits earned from its activities. The company is to be partly funded by debt from the Council. Interest payment on the debt should be deductible for corporation tax purposes provided that the interest paid (and the level of debt) is market rate, on an arm's length basis.
- 3.5 The supplies to be made by the company are all supplies of residential property, which is generally exempt from VAT. As such, the company is unlikely to be able to recover VAT incurred on costs, particularly any VAT charged by the Council or agent for management services and ongoing costs of maintenance etc. The acquisition of the properties is likely to be either zero-rated or exempt from VAT, so that there should not be substantial VAT involved in acquiring the housing stock. The company will be subject to SDLT on property purchases from the market.

4 FLEXIBILITY OF MODEL

- 4.1 The proposed model would have flexibility to be used for a range of purposes including other housing activity, for example development of new units, as well as non-housing activity such as owning other general fund property / assets.
- 4.2 The vehicle would be established with unrestricted objects meaning from the company's perspective it could undertake any lawful activity. The shareholder agreement with the Council would restrict the company's activity to what was approved by the Council in the business plan. Therefore it would be for the Council to set the remit of the company's activity and the Council could set this as broadly or narrowly as it would like and would be able to change the approved remit over time as it wished. It would be normal for any substantive alteration of the company's business to be referred back to councillors either through the business plan or, if in year, as a reserved matter (see paragraph 5.2 and 5.3).
- 4.3 Whilst the company would be capable of taking on a very wide range of activity the Council will need to consider in respect of each new activity whether the company would be the most appropriate vehicle. For example, if the Council was looking at bringing in third party investment the Council may want to limit the third party's security to specific assets rather than subjecting a broader range of assets to the security.
- 4.4 Where the vehicle is to be used the most effective way of using it will vary depending on the particular circumstances of activity being considered. For example, on new developments of residential property it is often more VAT efficient for the Council to undertake the development and to then transfer or lease the property to the vehicle. It will therefore be important that the Council retains a flexible view as to how the vehicle could be used and assess that on a case by case basis.
- 4.5 Appendix 1 provides some examples of the different ways in which local authorities are using wholly owned housing / property development vehicles.

5 GOVERNANCE

- 5.1 The governance of the vehicle will be based around the two roles of shareholders and directors.
- 5.2 The Council would be the sole shareholder, and retain overall control over the company through:
 - 5.2.1 its statutory rights as shareholder;
 - 5.2.2 right to appoint and remove the board of directors;
 - 5.2.3 rights created under the shareholders' agreement, importantly the right to approve a business plan and the requirement that certain listed decisions, referred to as "reserved matters", must be referred back to the Council.

- 5.3 The shareholder function is normally undertaken by members. The board of directors then have the remit and discretion to implement the business plan subject to the reserved matters. The level of discretion given to the board depends on the framing of the business case – i.e. how prescriptive or flexible it is – and what the reserved matters are.
- 5.4 It is generally easier to manage conflicts of interests issues for an "officer board member" than for an elected member as the Council can agree to the officer continuing to act as an officer despite potential conflicts and agree not to take action against the individual where the individual is required to act contrary to the interests of the Council due to the person's role as a board member.
- 5.5 Where a board member is a councillor, the person must disclose any potential conflicts of interests and observe the requirements of the Code of Conduct of the Council. The board member must also be careful (when undertaking their Council role) to behave in ways which avoids suggestions of bias or predetermination.
- 5.6 Whilst the Council could grant a dispensation under the Code of Conduct to allow a councillor to continue to take decisions relating to the company within the Council, it is not possible for the Council to avoid accusations of bias or predetermination, especially if the councillor is particularly senior. Participation on the board of the vehicle could therefore preclude a councillor from being involved in decisions within the Council relating to the joint venture.
- 5.7 The risks around conflicts for officer board members are hard to manage where officer directors are responsible within the Council for decisions materially affecting the vehicle. This risk is best mitigated by not putting Council officers who are directors of Council vehicles or joint ventures in roles where they have to make decisions relating to those vehicles. For this reason we would advise against statutory officers (monitoring officer, s.151 officer and the head of paid service) being appointed as board members as they may be required to undertake their statutory roles in relation to the vehicle at some point which would raise difficult conflicts. If this is a requirement we advise careful thought and further advice is taken on how to mitigate the impacts.
- 5.8 For these reasons the Council's proposal is that the board of directors are officers of the Council. This reflects the proposed position on the corporate joint venture with Hyde for the Living Wage project.

6 IMPLEMENTATION

- 6.1 The steps for establishing the HMI vehicle as a company limited by shares are quite straightforward. The following documentation would be required.

Document	Summary
Articles of association and shareholder's agreement	Governance documentation setting out the governance arrangements for the company and the control of the Council as well as terms of equity investment. Areas covered include board composition, basis of funding, reporting obligations, business plan process and reserved matters
Resourcing contract	Contract for the provision of support services and resources to the vehicle in order for it to operate, for example, secondment of staff, assets (including premises from which to operate) and back office services (HR and ICT);
Capital funding agreement including security	Loan for capital required to make purchases / developments as well as security over the vehicle and its assets. Likely to be on a draw-down basis.
Working capital funding	Facility to provide cash flow resource for the vehicle.

- 6.2 Key issues that will need to be worked through in order to feed into these documents include:
 - 6.2.1 level of independence for the vehicle / level of control by the Council;
 - 6.2.2 governance arrangements for the vehicle's board;
 - 6.2.3 basis of funding, including mix of debt and equity;
 - 6.2.4 approach to security for funding documents;
 - 6.2.5 resourcing of the vehicle.
- 6.3 The above documents would establish the vehicle as an entity capable of operating. The more substantive task is determining and agreeing the business plan for the vehicle and the detail of what activity it will undertake. In relation to specific activity, there will be a further phase of documents and considerations, including:
 - 6.3.1 property documentation – e.g. leases and / or transfers;
 - 6.3.2 tax advice on most appropriate approach.
- 6.4 In practice these two phases can be progressed in parallel. To take forward the establishment of the vehicle we could prepare draft documentation for the vehicle together with key issues papers to provide a platform for more detailed consideration of the structure and discussion within the Council. This could then form the basis of a workshop or meeting with the Council to work through the issues and develop an agreed approach to the structure and finalising the documentation. We can of course be flexible as to how the Council would like to take this forward.

2nd September 2016

APPENDIX 1 – EXAMPLES OF LOCAL AUTHORITY WHOLLY OWNED HOUSING / PROPERTY VEHICLES

Local Authority	Activity / Purpose of Vehicles	Governance Arrangements
London Borough of Harrow	<ul style="list-style-type: none"> • Flexible remit • Purchase of Properties from market for rent to meet temporary accommodation demand. • Ownership of newly developed affordable housing • Ownership of newly developed units for private rent as investment activity 	Board of three, all officers
Runnymede Council	<ul style="list-style-type: none"> • Ownership of private rent stock as investment activity 	Board of three, all officers
Portsmouth City Council	<ul style="list-style-type: none"> • Ownership of general fund assets for development • Ownership of units for private rent 	To be determined
Bournemouth Council	<ul style="list-style-type: none"> • Purchase of units from the market for rent to meet temporary accommodation demand • Purchase of units for private rent to generate return to general fund • Potential for development 	One councillor with remaining officers
London Borough of Hounslow	<ul style="list-style-type: none"> • Ownership of units for private rent for return to general fund • Wide range of broader commercial activity for purpose of generating return to Council 	Two officers and executive director (i.e. chief executive of company)
Teignbridge Council	<ul style="list-style-type: none"> • Direct development of new sites • Route for facilitating self-build • Potential for private rent units 	To be determined

Living Wage Joint Venture

Illustrative Heads of Terms v.3 12.09.16

1 BACKGROUND

- 1.1 Hyde Housing Group (**Hyde**) and Brighton & Hove Council (**Council**) wish to work together in partnership. They intend to establish a limited liability partnership (**LLP**) to act as a joint venture vehicle for the construction of 1000 (and up to 2000) homes in the Greater Brighton area. These will include a new Living Wage rent housing model for low income working households and shared ownership homes. The activity will generate an annual surplus to be distributed to the partnership members.
- 1.2 These heads of terms are not exhaustive or intended to be legally binding¹.

2 DOCUMENTATION

- 2.1 The joint venture will be based around the following principal documentation:
- 2.1.1 overarching strategic land agreement (**OSLA**)
 - 2.1.2 limited liability partnership members' agreement (**Members' Agreement**)
 - 2.1.3 [funding agreements]
 - 2.1.4 development management agreement (**DMA**)
 - 2.1.5 asset management agreement (**AMA**)
 - 2.1.6 residential management agreement (**RMA**)
 - 2.1.7 corporate and financial services agreement (**CFSA**)

3 OSLA

- 3.1 Parties:
- 3.1.1 Council;
 - 3.1.2 [Hyde]; and
 - 3.1.3 LLP.
- 3.2 The OSLA will govern the arrangements between the Council [and Hyde] as landowners and the LLP. This will allow the Council [and Hyde] to establish a clear separation of duties and responsibilities when dealing with the LLP in their capacity as a landowner.
- 3.3 The Council owned sites by set out in Appendix [] have been identified as being suitable for the joint venture and will be transferred subject to satisfactory conditions precedents being met.
- 3.4 The OSLA will provide appropriate controls, protections and mechanisms for the timing of the drawdown of land from the Council and/or Hyde into the LLP. The following such controls, protections and mechanisms are envisaged:
- 3.4.1 the circumstances under which properties will be transferred into the LLP;

¹ Confidentiality and exclusivity are normally elements that are sometimes made legally binding. It is assumed that there are no legally binding elements given the NDA that has been signed and no proposal for exclusivity.

- 3.4.2 an option for the LLP to call down identified properties once the relevant property is vacant;
- 3.4.3 The OSLA will set out the obligations to be performed by each of the Council or Hyde and the LLP in order to prepare and enable properties to be drawn down.
- (a) When a property is ready to be drawn down, the LLP will have a period of [] months within which to exercise a drawdown option and if the option is not exercised within this period it will lapse and the property will cease to be included in the OSLA.
- (b) All properties will be drawn down on the basis of a [[] year lease] [freehold transfer] which will be granted by the landowner to the LLP. Properties may not be drawn down for land banking but must be developed in accordance with the agreed Business Plan. The option preconditions will be framed so that at the time of draw down, a property must be ready for development in accordance with the Business Plan for that Property.
- 3.5 The price to be paid for a property will be established (or verified) upon draw down on the basis of a pre-agreed appraisal methodology [including circumstances where less than market value consideration is to be provided].
- 3.6 Preconditions for exercise of draw down option – any option to draw down a property will become exercisable by the LLP when the following have been achieved:
- 3.6.1 the LLP has adopted a Business Plan for the relevant property (which is consistent with the overarching LLP Business Plan) and includes a development programme with milestones for the property;
- 3.6.2 the proposed development scheme satisfies a viability test in accordance with the overarching LLP Business Plan and there is a development appraisal adequately costed and verified in sufficient detail to support the viability test;
- 3.6.3 [construction costs have been market-tested in sufficient detail to support the viability test and demonstrate "value for money"];
- 3.6.4 there is an independent professional report (addressed to the LLP and the landowner) on likely values and costs within specified parameters to support the development appraisal;
- 3.6.5 vacant possession can be obtained when needed (and/or arrangements for further decant are in place);
- 3.6.6 planning consent has where relevant been obtained by the LLP for the development (or first phase if a multi phased scheme);
- 3.6.7 funding has been agreed for the development (or first phase);
- 3.6.8 any required amendments to the pro forma lease or transfer documentation for the relevant property have been approved by the landowner (acting reasonably); and
- 3.6.9 any consents for disposal which have not already been obtained have been given (e.g. Secretary of State consent for disposal of HRA land).
- 3.7 Viability test – prior to exercising any draw down option, the LLP must be satisfied that development in accordance with the Business Plan is viable. Viability testing (and market analysis) will be on the basis of pre-agreed required levels for [IRR/ROCE] for development so that the viability test (and the resulting residual land value), is determined by external or objective market criteria. Elements such as construction costs and anticipated values must have been costed and verified in sufficient detail

to ensure that the viability test is robust and that the resulting land value and "value for money" analysis, meets the landowner's regulatory requirements for land disposals.

3.8 The OSLA will include Proforma Agreement for Sale between the [Council/Hyde] and the LLP (**AFS**);

4 MEMBERS' AGREEMENT

4.1 Parties:

4.1.1 Council;

4.1.2 [Hyde] [Hyde New Build]; and

4.1.3 LLP.

4.2 The parties will make the following funding by way of [capital contributions] [debt] to the LLP:

4.2.1 Council: £[] on the timetable provided at Schedule [];

4.2.2 [Hyde] [HNB]: £[] on the timetable provided at Schedule [];

on the following principal terms:

4.2.3 [].

4.3 The parties will hold the following interests and voting rights in the LLP:

4.3.1 Council: [50]%

4.3.2 [Hyde] [HNB]: [50]%

4.4 The Members' Agreement will govern the commercial terms of the joint venture and how the two parties will jointly run and fund the LLP.

4.5 The stated business of the LLP will be: [].

4.6 The parties will establish an LLP management board comprising of [six] individuals:

4.6.1 Hyde appointees: [];

4.6.2 Council appointees: [].

4.7 Strategic control over the operation of the LLP will be retained by the members through the right to:

4.7.1 Approve the LLP business plan;

4.7.2 Make reserved decisions [as included at Schedule []] on a unanimous basis.

4.8 The management board will have the task of delivering the business plan.

5 DEVELOPMENT MANAGEMENT AGREEMENT

5.1 Development Management Agreement between the LLP and HNB for the management of all development services (**DMA**).

5.2 The LLP will appoint HNB pursuant to the DMA in a form to be agreed, but which will include the following key items:

Subject:	Draft Housing Allocations Policy		
Date of Meeting:	21ST September 2016		
Report of:	Acting Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	James Crane	Tel: 29-3316
	Email:	James.crane@brighton.hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Last September the Housing & New Homes Committee approved a review and consultation of the council's Housing Allocations scheme, with a new Allocation policy to be brought back to committee for approval. We have now completed this work as follows:
- City wide consultation was carried out from 1st December 2015 to 29th February 2016.
 - Based on all the feedback we developed the new draft Allocation Policy.
- 1.2 Over the past 5 years the Housing Register has continued to grow and now stands at over 24,000 applicants. In the last financial year just over 800 properties were let to people on the Housing Register. Figures of the growth over the last 10 years are contained in table 1 below. The number of applications remained static for the period April 2007 to April 2010. From this point on there is an increase year on year to the end of the last financial year to 23,419.
- 1.3 In table 2 the data is shown by the current allocation bands. Bands A & B show that the numbers in these bands are relatively static over the period. This would be expected as these bands have a higher priority over others on the housing register. The increase in numbers is within Bands C & D on the register. This will reflect the lower priority given.

Table 1

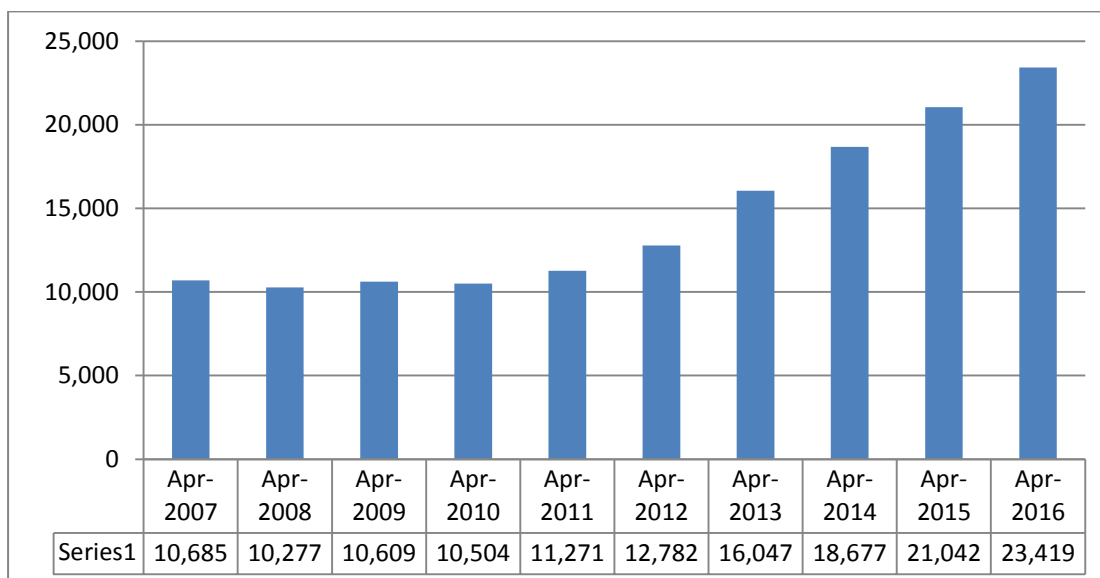
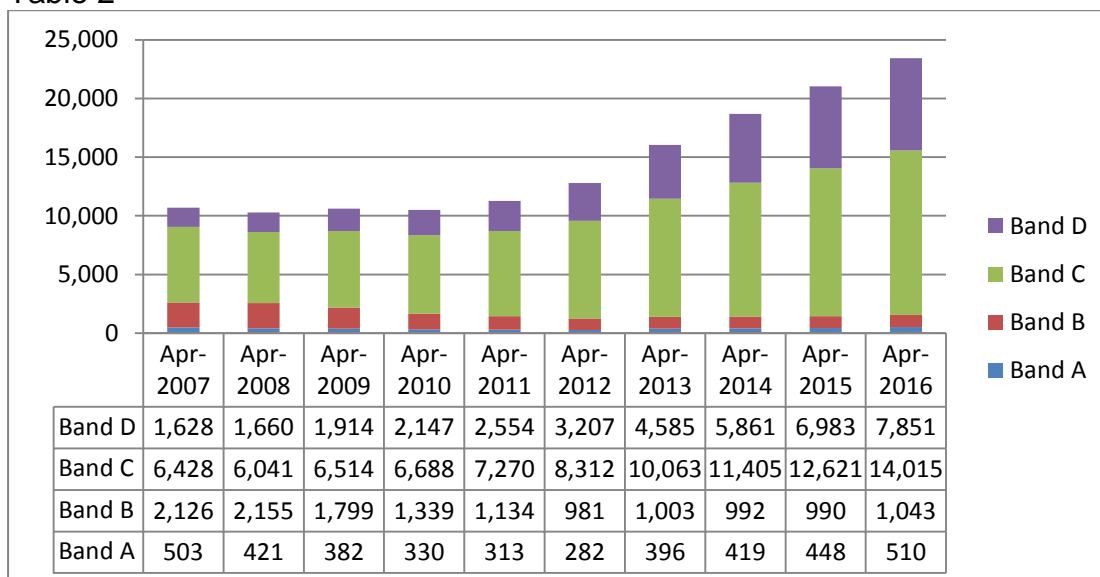


Table 2



- 1.4 This means that there are a significant number of people that the council will never be in a position to assist with social housing and therefore it is not a realistic housing option for many people in the city. In addition, as the majority of households will not obtain housing, the amount of staff needed to manage such a large Housing register is not the best use of resources.
- 1.5 The Council is obliged to have an allocations scheme to determine who it will allocate social housing to (allocations to council tenancies and nominations to its registered housing partners).
- 1.6 In framing the allocations scheme the Council has to take account of the Housing Act 1996 Part VI (as amended by the Homelessness Act 2002) and the accompanying Code of Guidance which sets out who is eligible for social

housing and which groups should be given “reasonable or additional preference” . In addition There are freedoms and flexibilities set out in the Localism Act 2011 to determine who is a qualifying person, which have been taken into account along with statutory instruments regarding housing for forces and ex-forces personnel, which grant reasonable preference to ex-forces personnel who have left military service for longer than five year and additional preference for those that have left within the last years.

- 1.7 The draft allocations scheme also takes account of new provisions of the rights of social tenants who have the right to move from another local authority area under the right to move scheme introduce in 2015.

2. RECOMMENDATIONS:

- 2.1 That the Housing & New Homes Committee approves the draft Housing Allocation policy

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Councils are legally obliged, under the Housing Act 1996 Part 6, to have a policy that must be followed when they allocate social housing both within its own stock or where they nominate to a housing association. In 2011 the Government introduced further legislation that, subject to certain groups having a “reasonable preference” in any allocations policy, the council would be free to make local decisions on how best to allocate housing resources that meets the need of local people.
- 3.2 The Government issued a Code of Guidance to which the council must have due regard to when formulating its Allocation Policy. A Code of Guidance was issued by the Secretary of State for Communities and Local Government in June 2012. This guidance was updated in December 2013 and 2015 to give further guidance on residency and local connection.
- 3.3 The Allocation scheme must also have procedures that include details of who makes decisions under the policy.
- 3.4 Members agreed in September 2015 that there was a need to carry out a fundamental review of the current Allocations Policy. It is recognised that the current scheme at it stands is not necessarily housing our residents in the greatest housing need. It is also important to note that as demand far out weighs supply in this area that by including vast numbers of applicants onto the housing register the council are building up unrealistic expectation that the council is unlikely to be able to assist most households unless they are in very high need. The growth in the numbers of applicants leads to an increase in administration as people seek to increase their banding on the system. This in turn leads to higher levels of complaints, enquires and bureaucracy that does not lead to any higher number of households being offered housing solutions.
- 3.5 The draft Allocations Policy looks to reduce the numbers of people on the housing register and in doing so looks to exclude those with resources that can therefore resolve their own housing situation. It is also based on assisting those

that the council has a statutory duty to provide accommodation such as the homeless, care leavers and other applicants with high housing needs

- 3.6 Although the council has some control over the allocation of accommodation there are a number of factors that the council has to include in order for the allocations scheme to be considered lawful, i.e. the legislation sets out who we have to give reasonable preference and additional preference to. For anyone to be allocated accommodation they will have to be considered eligible under the Act.
- 3.7 The current allocations policy was written at a time when housing in the city was in lower demand and supply was also higher. Over time the housing stock has reduced and the council as landlords; have increasing success in supporting existing tenants to sustain their tenancies and therefore the number of properties that have become available for letting have reduced.
- 3.8 This policy will be applied immediately following approval at Housing & New Homes Committee. . All new applications to join the housing register will be assessed against the new policy in addition to all allocations (or offers) of accommodation immediately after approval of the policy. Running concurrently there will be a reassessment process carried out on all current applications that is expected to take until March 2017
- 3.9 The anticipated result of this process is that the Housing Register will reduce in size from the current 24,000 applications to a more manageable register where those who are included will have a more realistic chance of being offered accommodation. Those that have very low or no housing need will not be able to join the housing register but will be offered housing options advice on alternative options that can help them resolve their housing situation
- 3.10 The housing register currently contains very high numbers of applicants that have applied to join the register and then have not gone on to make any bids for accommodation or have failed to make any bids within the past twelve months. There are also a high proportion of applicants who have not made any bids for over five years or more. The proposed policy will remove those households unless there are extenuating circumstances
- 3.11 The new draft allocations policy has made a number of key changes that were consulted on widely with residents, community group, service providers and applicants. The key changes are:
- Change to local connection : increased to five years residency from the current two, with a number of exemptions required
 - Exclude people with no housing need under the allocations policy
 - Exclude home owners
 - Introduce an income cap based on bedroom size
 - Exclude people with rent arrears or other related debt to the council, with some exceptions?
 - Exclude people who have disposed of a property purchased from the council under the right to buy
 - Remove applicants if they have not made a bid within 12 months
 - Remove applicants who refuse one offer of suitable accommodation

- Remove band C Minor Medical and Band C sharing facilities & Minor disrepair
- Introduce anti fraud checks prior to offering a tenancy
- Introduce a digital service for applications and other processes
- Introduce an allocation plan
- Introduce reciprocal agreements with other local authorities to allow increase social mobility.
- Removal of working positive contribution due to a recent judicial review against another local authority.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The draft policy has taken account of new provisions introduced such as the right to move scheme for people needing to move to undertake a permanent job and has also taken account of recent court judgements that have ruled that other local authority scheme were unlawful as they were breaching the Equality Act 2010 and section 11 Children's Act 2004.
- 4.2 Alternative options to reduce the number of applicants are limited due to the need for the council to have a lawful policy that includes those with a reasonable preference under the Housing Act. The policy does however take advantage of the flexibilities in the Localism Act 2011 to ensure that homes are allocated to those with a strong local residential connection and at the same time allow potential working arrangements with other local authorities to ensure that we maximise the potential to help people to move.
- 4.3 We have considered a range of alternative approaches to allocation such as a points based system or mixture of point points and band but these were disregarded because of the need to introduce a scheme that would be simple and transparent and easily understood.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Allocations Policy was developed following a consultation process on the major changes. The council conducted a three month consultation from 1st December 2015 to 29th February 2016. A total of 443 responses were received using the council's on-line consultation portal. A total of 88% of respondents live in the city with 11% responding from elsewhere in the country. The consultation responses were not just from individual respondents but a number of statutory and community & voluntary group's views were captured.
- 5.2 The consultation was widely publicised using the on-line Sussex Homemove website to inform applicants of the consultation. The Council also used it's own partnership contacts to promote the consultation with stakeholder across the statutory, voluntary & community sectors. A list of organisational respondents can be found in the consultation report.
- 5.3 A consultation report has been produced. This report shows that the changes that have been proposed are supported by residents, non residents, organisations, applicants and service providers.

- 5.4 Briefing sessions have taken place across the three main political parties both at the consultation phase and the development of the draft policy. Member of the Housing and New Homes Committee have also held a briefing on the draft policy to assist them with the process.

6. CONCLUSION

- 6.1 The council has a statutory obligation to have a scheme in order to allocate social housing in the city. The draft Housing Allocation Scheme has been reviewed in order to make the housing register into a manageable number of applicants who have a realistic chance of being offered social housing in the city and to ensure we make the best use of the available social housing. This policy needs to acknowledge the high levels of needs within certain groups and to offer better housing options to those that do not qualify for social housing in the City.
- 6.2 The proposed draft Housing Allocation Policy balances housing those most in need with the Councils statutory duties to provide accommodation for certain categories of household in the city and hence seeks to make best use of the available Housing stock.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The Housing Allocations Policy is operated within the Neighbourhoods, Communities and Housing Directorate and is joint-funded by the Housing Revenue Account (HRA) and the general fund. The new policy proposes to reduce the number of people on the housing register thereby reducing the administration required to operate it. This will lead to efficiencies in this service. Also, the proposed changes to the bidding process should reduce the time that council properties are empty and therefore should increase rent collection for the HRA. The Council is required to make budget savings for 2017/18 and beyond and these efficiencies could lead to budget savings both for the HRA and the general fund in 2018/19 although it is difficult to quantify these until the new policy is up and running.
- 7.2 Another implication of the new policy is the implementation of the Allocation Plan, included within the policy document. If implemented, this plan will be agreed by officers on an annual basis with targets for allocations to four client groups namely: transfers, home seekers, homeless households and those where the council has an interest (which includes Adult Social Care and Children's Services clients). The draft policy states that targets will be set taking into account the council's statutory obligations, financial considerations and the housing situation across the city. This should reduce costs for these services, thereby alleviating some of the existing budget pressures for 2017/18 and beyond.

Finance Officer Consulted: Monica Brooks

Date: 23/08/16

Legal Implications:

- 7.3 The Housing Act 1996 as amended by the Homelessness Act 2002 requires Local Authorities' to have a Housing Allocation Scheme. Subject to reasonable preference criteria, and the ability to designate qualifying groups Local Authorities 's can set up their own local policies to recognise the different types of need for an allocation. They must have regard to the statutory guidance in making these decisions. The Localism Act 2011 introduced a significant amount of flexibility in to the decision making. I am satisfied that the proposals in the report are lawful in this regard.
- 7.4 This includes the qualifying person criteria for admission on to the scheme. This is subject as always to questions of reasonableness and proportionality is at the discretion of the local authority and can take in to account a range of factors in its formulation. This covers matters such as determining what constitutes a local connection and any associated timeframes. It is of note that the current formulation of Brighton and Hove is substantially more generous than schemes in many other local authorities.
- 7.5 It may also be of assistance to note that there is in existence the Housing and Planning Act 2016. The regulations relating to this are far from complete and so there is a lack of clarity around the impact it will have, but it will have to be taken into account with regards to some part of the scheme. The pay to stay financial thresholds are reflected within the scheme in relation to eligibility criteria.
- 7.6 Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in England must send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements and afford those persons a reasonable opportunity to comment on the proposals. Whilst there is no statutory requirement to consult more widely, it is good practice to do so. In preparing a new scheme the council must have regard to their current homelessness strategy and their current tenancy strategy. Consultation has been more widespread than the statutory requirement. If further changes to the scheme are proposed then there would need to be a period of further consultation. The policy was subject to consultation with relevant partners from 1 December 2015 until 29 February 2016 in respect of the suggested changes put forward by the Council. The Council has taken into account the results of this consultation and has made some amendments to reflect the comments made.
- 7.7 A concern which has prompted the review and this proposed document was the potential unlawfulness of elements of the previous scheme and the ever changing legislative and judicial interpretation of obligations on the local authority in regards to its housing provision. Recently in " the Ealing Case" a comparable "working positive contribution" preference element was deemed to be unlawful for discrimination. The view of Legal then and now is that while Brighton and Hove would not breach equalities issues in terms of disability sexual orientation etc, there is a strong likelihood that without change that the scheme would be a breach of the equalities duty in relation to gender and specifically single parent women. There may also be an issue in relation to age based on information just obtained. The rationale in the case highlighted this group (single parent women and others which we do not believe apply) as being disadvantaged and therefore

discriminated against because there was less chance of a proportion of that group being able to find work due to child care responsibilities. In order to avoid the current policy falling foul of this ruling significant changes would be required to introduce exemptions.

- 7.8 It is noted that there is a proposal to reduce the number of offers to certain groups from 3 to 1. This would then bring more consistency to the policy as certain groups are already limited to 1 offer. Again the amount of offers is at the discretion of the authority. It is a legitimate purpose to reduce administrative cost and burden on the authority as long as it is reasonable and does not breach equalities issues. Care should be taken with vulnerable groups to ensure that they understand that they will have one offer and the consequences of refusal.
- 7.9 Financial limits are introduced for eligibility. This is a legitimate inclusion and the figures are approximately similar to those indicated to be applicable in the pay to say legislation. There must as in all cases be the ability to vary this in exceptional circumstances.

Name *Lawyer Consulted: Simon Court*

Date: 08.09.16

7.10 Equalities Implications:

The Council is obliged to have full regard to the Equalities Act 2010 is exercising its functions and has to have special regard to s149 the Public Sector Equality Duty. This policy has been developed to take account of Equalities and has specifically designed the policy when considering when people have a need to move based on social welfare consideration such as health and disability. The policy has specific regard to ensure that properties that are designed for people with mobility issues are those that will be allocated accommodation that meets their needs. The Development of the policy as been carried out with an Equalities Impact Assessment. Members are referred to the full text of s149 of the Equality Act 2010 – included at the end of this document as appendix X – which must be considered when making a decision on the matters set out in this report. A full Equality Impact Assessment has been completed and will be available in the Members' rooms prior to Housing & New Homes Committee.

7.11 Sustainability Implications:

Having a housing register with over 24,000 is not sustainable. The Council allocates approximately 800 units of accommodation each year and although there is a new house building programme this will not meet the current demand for all of those on the housing register. There is a structural deficient in the number of people who approach the council for accommodation under the Homelessness provisions of the Housing Act 1996 Part VII

Applicants have many reasons to apply to the housing register for social housing. Any allocations policy needs to have regard to a person's ability to be ready to hold and maintain a social tenancy. The impact on granting someone a tenancy if they are not ready to do so can be felt by the individual who may face rent arrears and eviction proceeding. Communities can also be majorly affected if people are not ready to hold a tenancy and cause anti social behaviour that can blight people lives.

7.12 Any Other Significant Implications:

None

SUPPORTING DOCUMENTATION

Appendices:

1. Consultation Report
2. Draft Allocations Policy

Documents in Members' Rooms

1. Draft Equality Impact Assessment
2. Allocations Policy Equality Impact Assessment Supporting Document

Background Documents

1. None

Crime & Disorder Implications:

- 1.1 None

Risk and Opportunity Management Implications:

- 1.2 None

Public Health Implications:

- 1.3 None

Corporate / Citywide Implications:

- 1.4 None

APPENDIX 1

149 Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;

- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

- (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

Housing Allocation Review & Consultation
April 2016

Consultation Report:

Review of the Allocations Policy 2015-16

Contents

Contents page will be added when agreed by the Housing and New Homes Committee

1. About this Consultation Report

This report outlines the out come of the consultation that was held between 1st December 2015 to 29th February 2016.

This policy is being developed in 3 key stages. The first stage was to obtain permission to consult on changes to the allocations policy. This was agreed by the Housing & New Homes Committee in September 2015. The second stage was to produce a consultation paper and hold a three month public consultation. This paper included our priorities and what we are proposing to change. The consultation lasted for three months.

- Stage 1: Permission from Member to review the current policy
September 2015
- Stage 2: Consultation with the community and stakeholders November
2015 – February 2016
- Consultation report and Draft Strategy to Members for Approval
September 2016

This report is made up of two parts. Part one looks at who responded to the consultation including where people live and how long they have lived their, if they were responding as an individual or organisation, type of accommodation occupied, whether on the current housing register or not and equalities information.

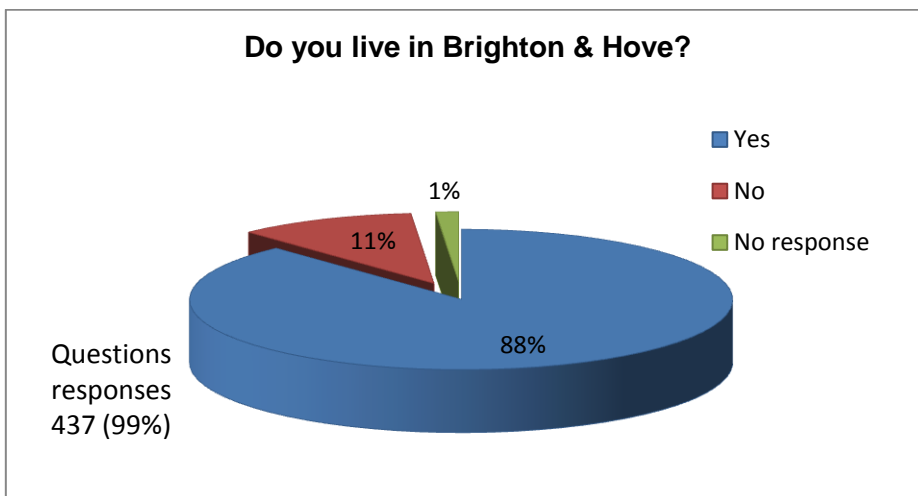
The second part of this report then looks at the actual consultation questions that were asked. In order to inform the decision making process the report will look at the responses received as a whole and for some questions these will be broken down in to sub sets of information such as people who are actually on the housing register or respondents who do not live in the city.

Each of the questions allowed respondents to make specific comments against the question being asked. This report does not contain every single comment but groups them around topics both

positive and negative. The reason not to include every comment in this report is that to do so would make the report extremely long and difficult to digest.

2. Part One

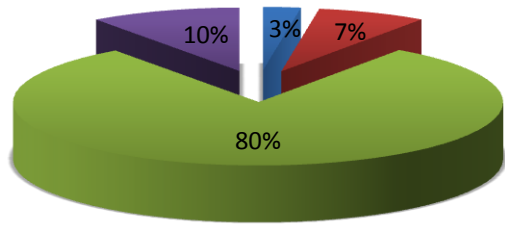
The council carried out a three month consultation on the proposal to comprehensively review the way that it allocates social housing in the city. In part one of this report we will look at who responded to this consultation in terms of where they live and some other personal attributes.



Yes	390
No	47
No response	6

A high percentage of respondents to the questionnaire live in Brighton and Hove with just under 11% of respondents living outside of the city.

How long have you lived in Brighton & Hove?



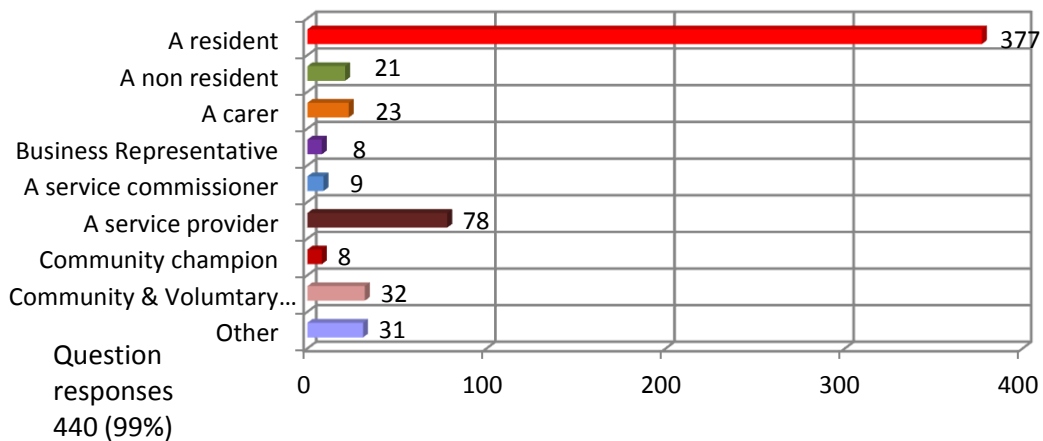
Questions responses
339 (90%)

- Under 2 years
- Two to five years
- Over five years
- No response

Under 2 years	11
Two to five years	32
Over five years	356
No response	44

The highest proportions of respondents have lived in the city for a minimum period of five years with 7% having lived here for between two and five years and 3% of respondents having lived in the city less than two years.

Are you replying as?

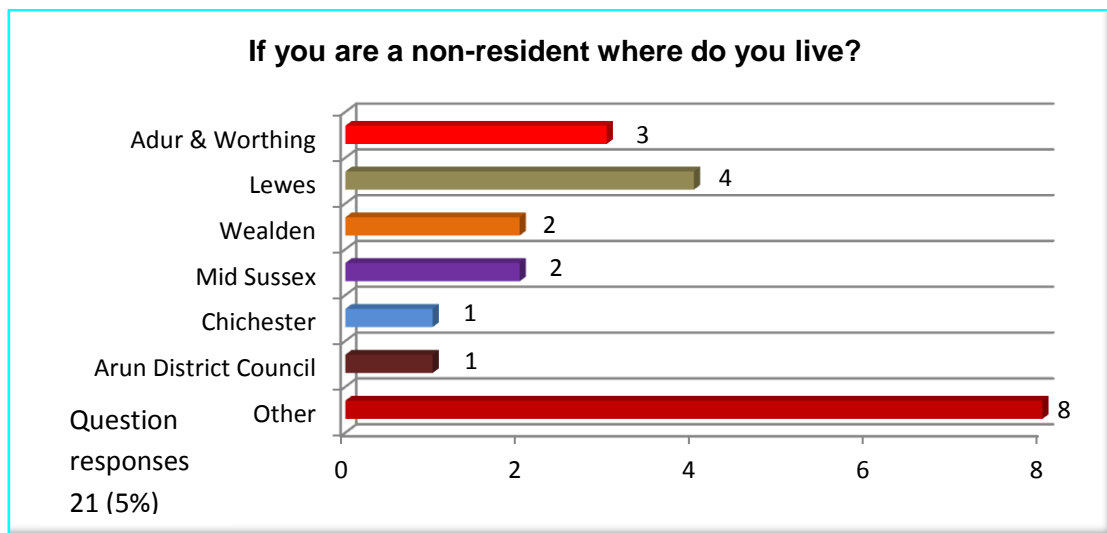


Question responses
440 (99%)

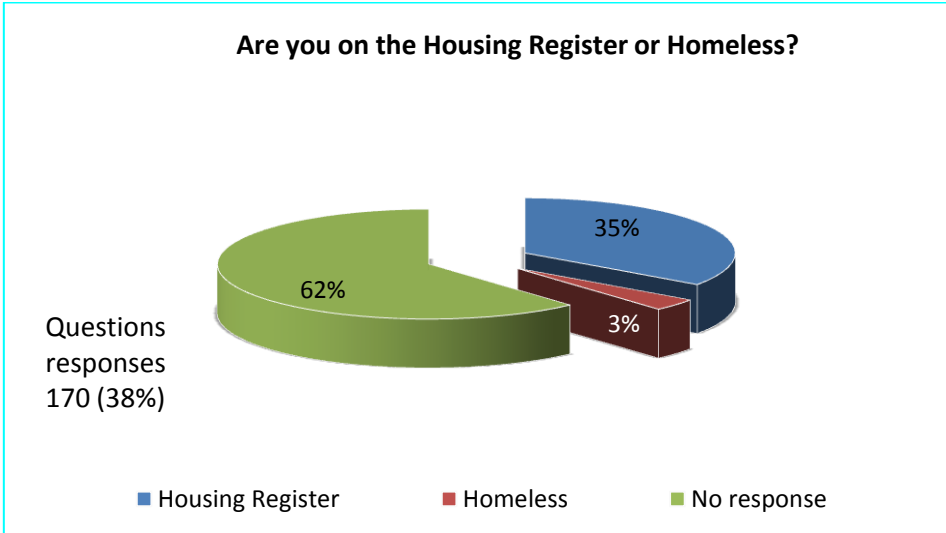
A resident	377
A non resident	21
A carer	23

Business Representative	8
A service commissioner	9
A service provider	78
Community champion	8
Community & Voluntary Sector Org	32
Other	31

The table above looks if the respondents are resident or have responded from an alternative view point such as service providers in the community and voluntary sector or a community champion. The highest proportion of respondents were residents of the city and there was also a good return from organisations that work with people facing housing difficulties.

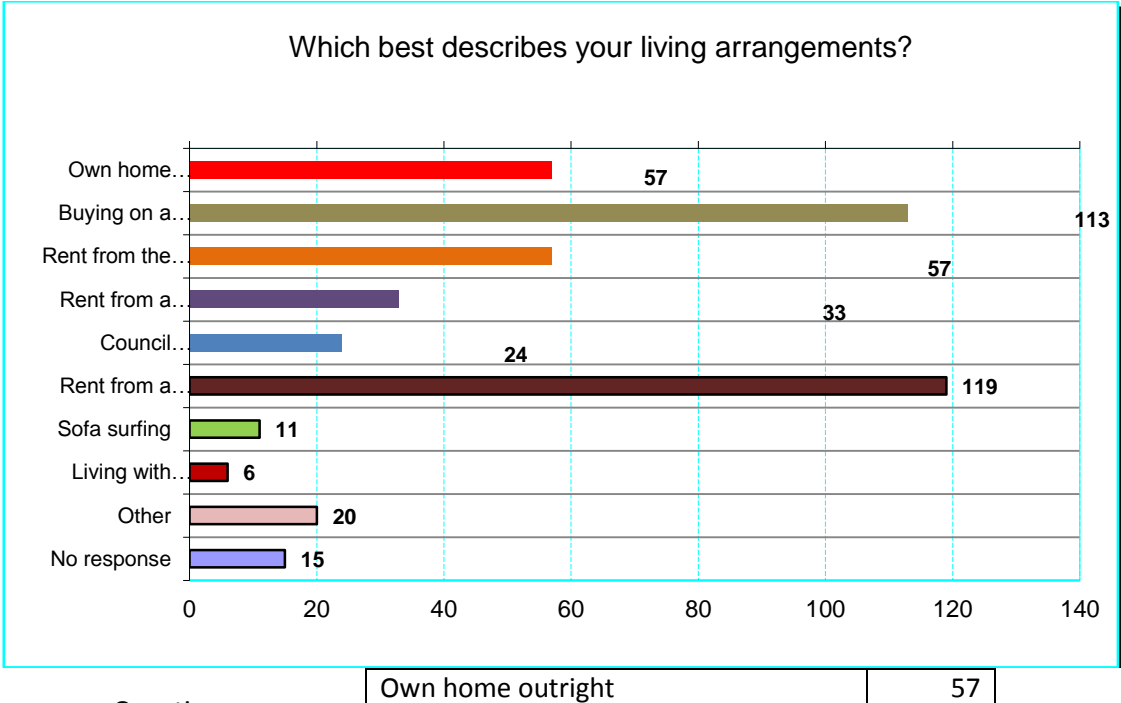


Adur & Worthing	3
Lewes	4
Wealden	2
Mid Sussex	2
Chichester	1
Arun District Council	1
Other	8



Housing Register	154
Homeless	16
No response	273

35% of respondents were from people who are on the housing register. The consultation was advertised on the Sussex Homemove system where people have to log onto to place their bids. The consultation was open for 3 months and therefore covered 13 bidding cycles. There was a 3% response from people that stated that they were homeless, although some people that responded as being on the housing register may also be homeless at the same time.

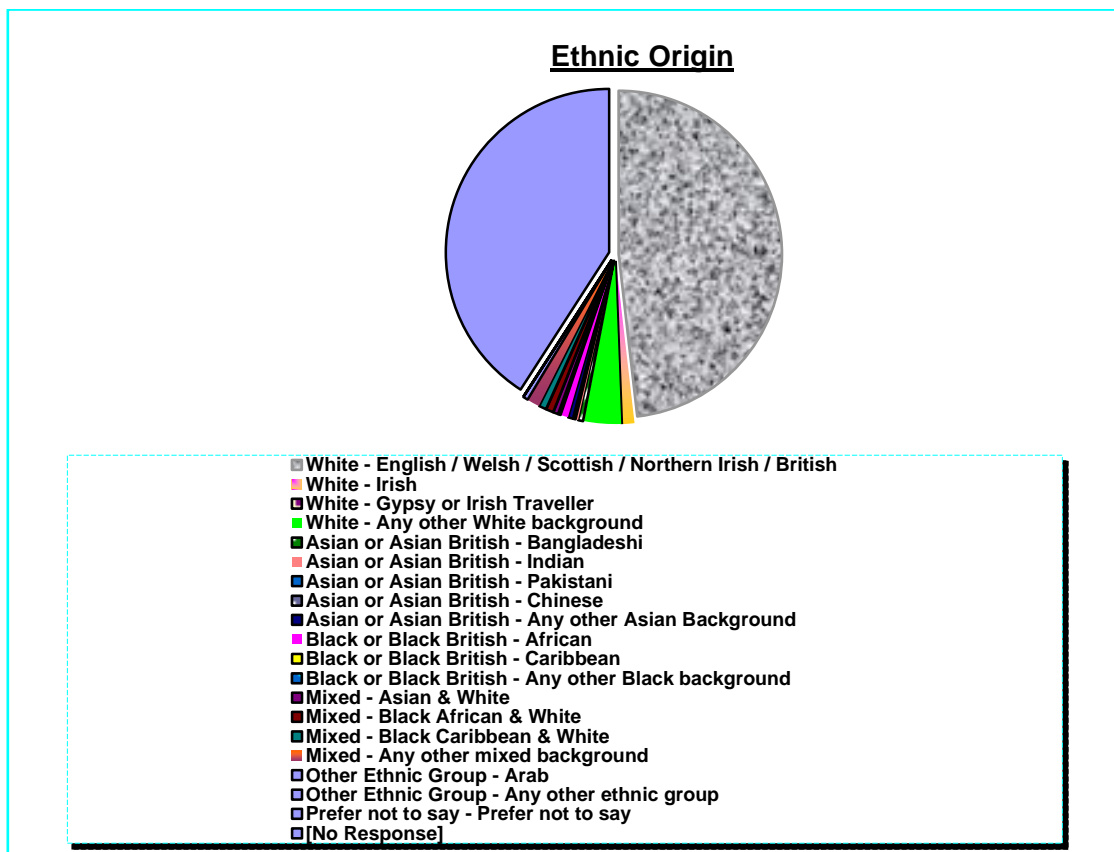


Question responses
428 (97%)

Own home outright	57
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Buying on a mortgage	113
Rent from the Council	57
Rent from a Housing Association or trust	33
Council provided temporary accommodation	24
Rent from a private landlord or agent	119
Sofa surfing	11
Living with relatives	6
Other	20
No response	15

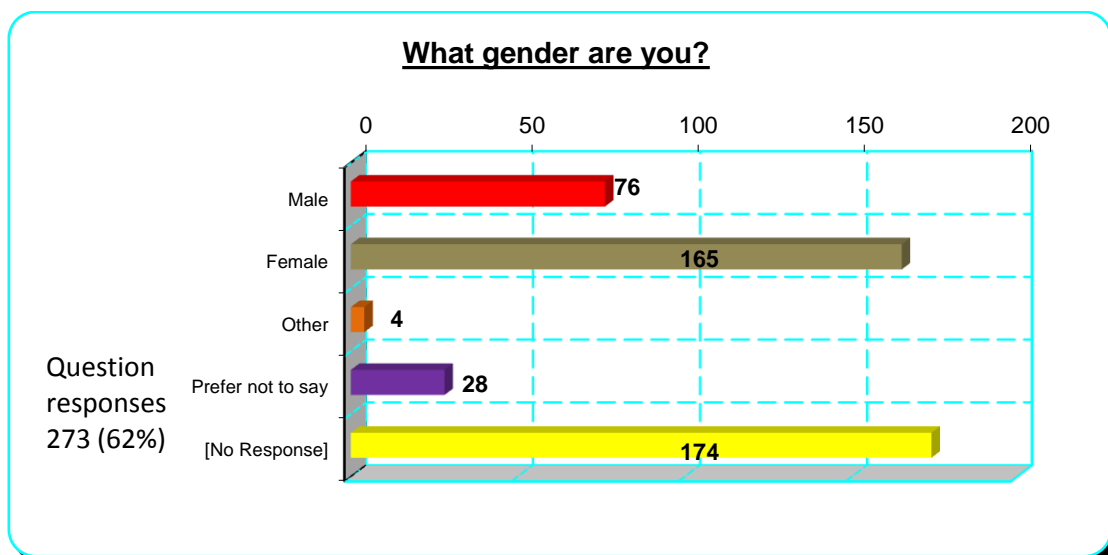
The council carried out an open consultation and table above indicates a respondents current living arrangements. The highest response rate was from people living in the private rented sector followed by people who own their own home with a mortgage on the property.



White - English / Welsh / Scottish / Northern Irish / British	198
White - Irish	5
White - Gypsy or Irish Traveller	0
White - Any other White background	15
Asian or Asian British - Bangladeshi	2

Asian or Asian British - Indian	1
Asian or Asian British - Pakistani	1
Asian or Asian British - Chinese	0
Asian or Asian British - Any other Asian Background	2
Black or Black British - African	3
Black or Black British - Caribbean	1
Black or Black British - Any other Black background	0
Mixed - Asian & White	2
Mixed - Black African & White	3
Mixed - Black Caribbean & White	3
Mixed - Any other mixed background	5
Other Ethnic Group - Arab	2
Other Ethnic Group - Any other ethnic group	0
Prefer not to say - Prefer not to say	0
[No Response]	168

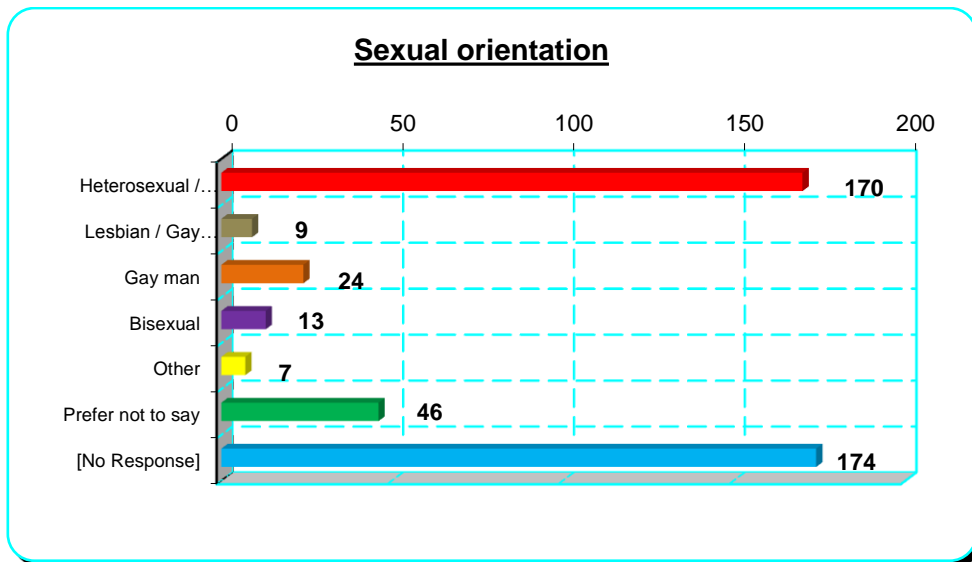
The table above looks at the respondent's ethnicity. The highest response rate received was from white British respondents. There were low or no responses from a number of BME groups. There was also a very high percentage of people who preferred not to answer this question. This could be in part due to the fact that respondents from organisations did not reply to this question as they were providing a community response and not an individual response.



Male	76
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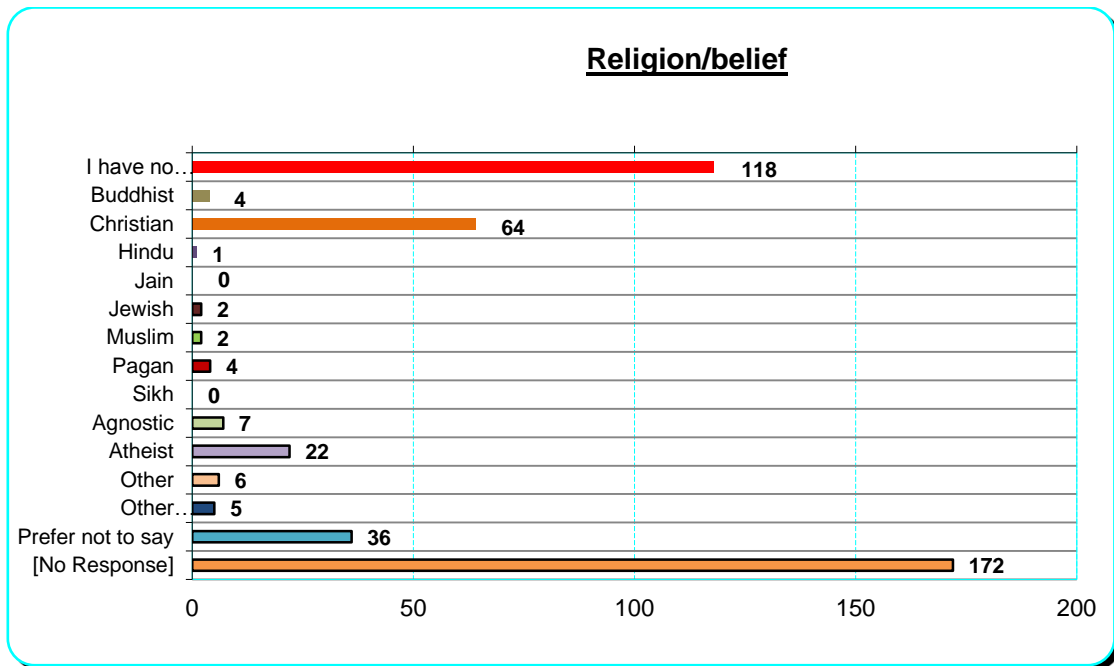
Female	165
Other	4
Prefer not to say	28
[No Response]	174

There was a high response rate from Women to the consultation and again a high rate of respondents not answering this question.



Heterosexual / Straight	170
Lesbian / Gay woman	9
Gay man	24
Bisexual	13
Other	7
Prefer not to say	46
[No Response]	174

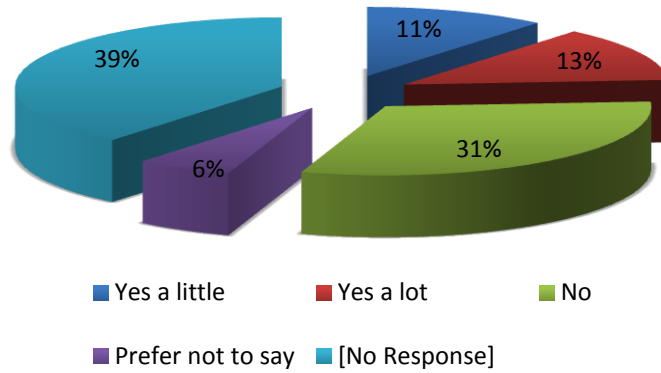
There was a high rate of responses from people who identify as being Heterosexual but a lower than could be expected rate from people who identify as being from the LGB community. We do know however that there were a number of group response from LGBT community & voluntary groups.



A high number of respondents did not have any religious belief and did not respond to the question at all.

I have no particular religion	118
Buddhist	4
Christian	64
Hindu	1
Jain	0
Jewish	2
Muslim	2
Pagan	4
Sikh	0
Agnostic	7
Atheist	22
Other	6
Other philosophical belief	5
Prefer not to say	36
[No Response]	172

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

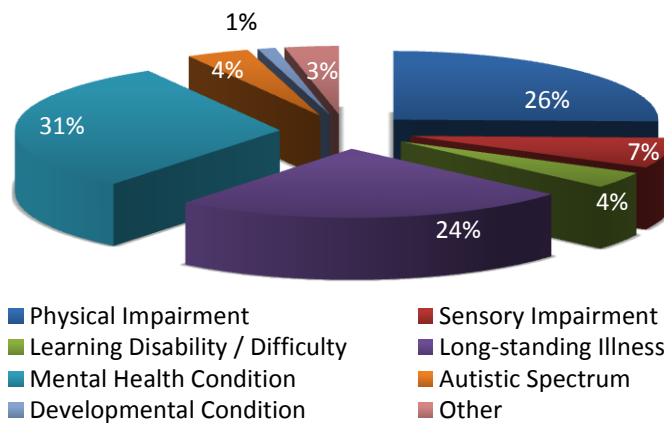


Questions responses
270 (61%)

Yes a little	49
Yes a lot	57
No	138
Prefer not to say	26
[No Response]	173

24% of respondents had a health or disability issue with 31% not having any issues and 39% not answering the question.

Type of impairment?



Questions responses
104 (23%)

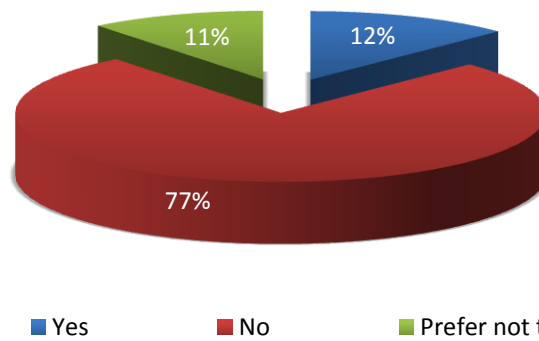
The Table above looks at the type of health or impairments that the respondent reported. The highest response rate was from those with a physical impairment, mental health or long standing illness and the lowest response rate was from people with a learning disability or those on the Autistic Spectrum.

Physical Impairment	46
Sensory Impairment	13

Learning Disability / Difficulty	7
Long-standing Illness	44
Mental Health Condition	56
Autistic Spectrum	7
Developmental Condition	2
Other	6
[No Response]	339

Are you a carer - a carer provides unpaid support to family or friends who are ill, frial, disabled or have mental health or substance misuse probelms

Questions responses
271 (61%)

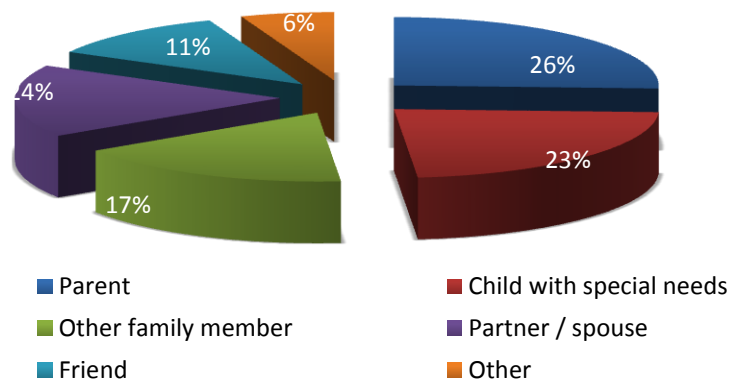


Yes	34
No	208
Prefer not to say	29
[No Response]	172

There was a 12% response from those who care for someone else, either a family member or friend across a range of issues. 77% of respondents do not have any caring responsibility.

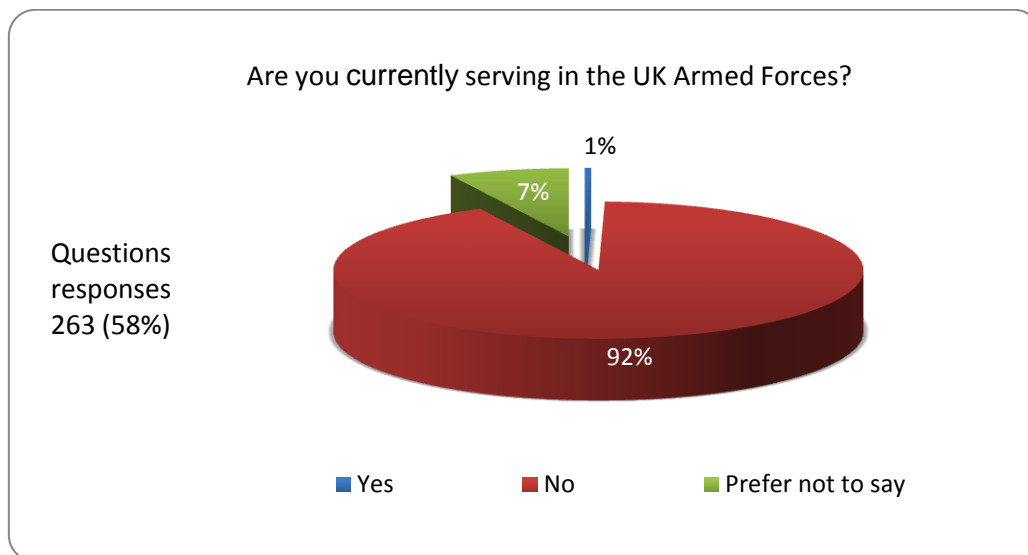
Who do you care for?

Questions responses
34 (8%)



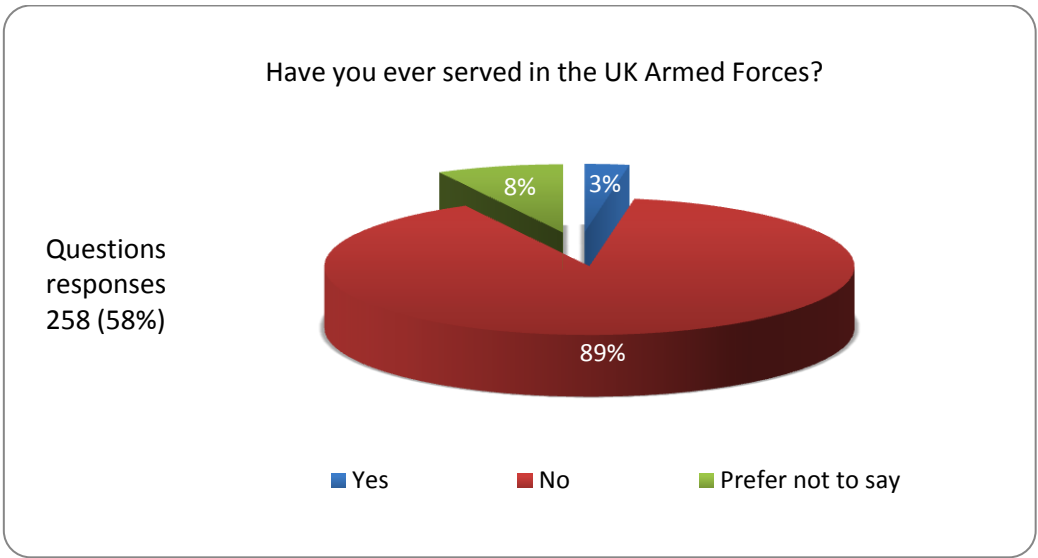
For those with a caring responsibility the highest response rate was from those looking after a child with special needs or those looking after a parent.

Parent	9
Child with special needs	8
Other family member	6
Partner / spouse	6
Friend	4
Other	2
[No Response]	409



	1
No	238
Prefer not to say	19
[No Response]	185

There was a 1% response rate from those currently serving in the UK armed Services. The consultation was advertised through the council's Military Covenant Partnership board to organisations including the Royal British Legion. 7% of respondents preferred not to say if they were currently serving personnel. It is not uncommon for serving personnel not to answer this question.



Yes	7
No	231
Prefer not to say	20
[No Response]	185

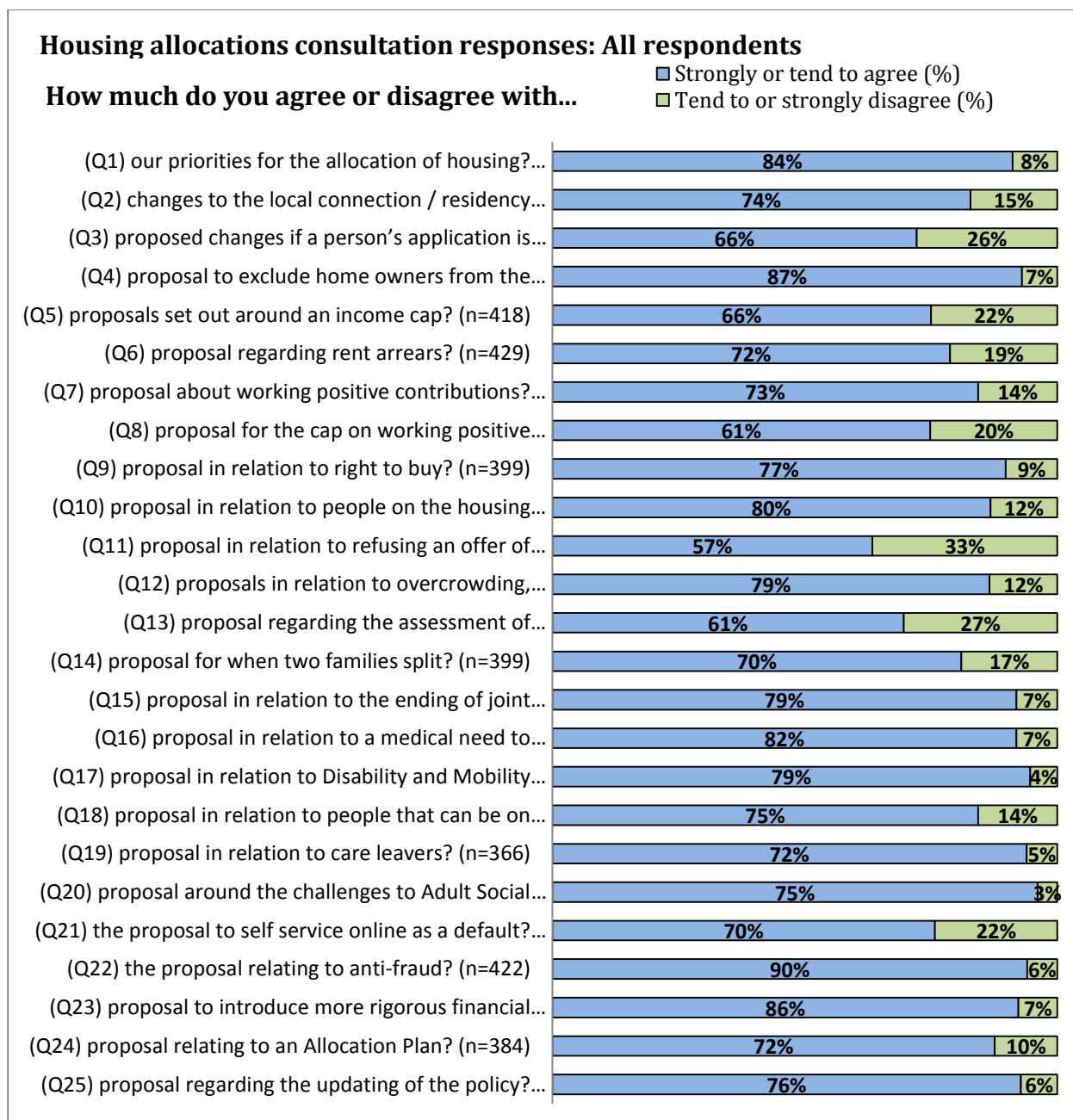
There were also a higher response rate from former serving members of the armed forces (3%) and again an 8% of respondents not responding to this question.

3. Part 2

This part of the consultation report looks at the response to the questions that were asked in relation to changes to the allocations policy. The tables show the number of respondent who with agree or strongly agree to a proposal (in blue or to the left of graph) and those that disagree or strongly disagree (in green or to the right of graph). Respondents that neither agreed of disagreed and those that did not respond to a particular question were removed. This gives an overall picture for those and against a proposed measure.

The data was also broken down to show how particular classes of respondent replied to the questions asked. This is to ensure that there is an analysis on particular areas of the policy that will affect a particular group. The breakdown includes people on the Housing Register as they are more likely to be affected than any other group but it also includes the responses of residents and non resident who may be affected.

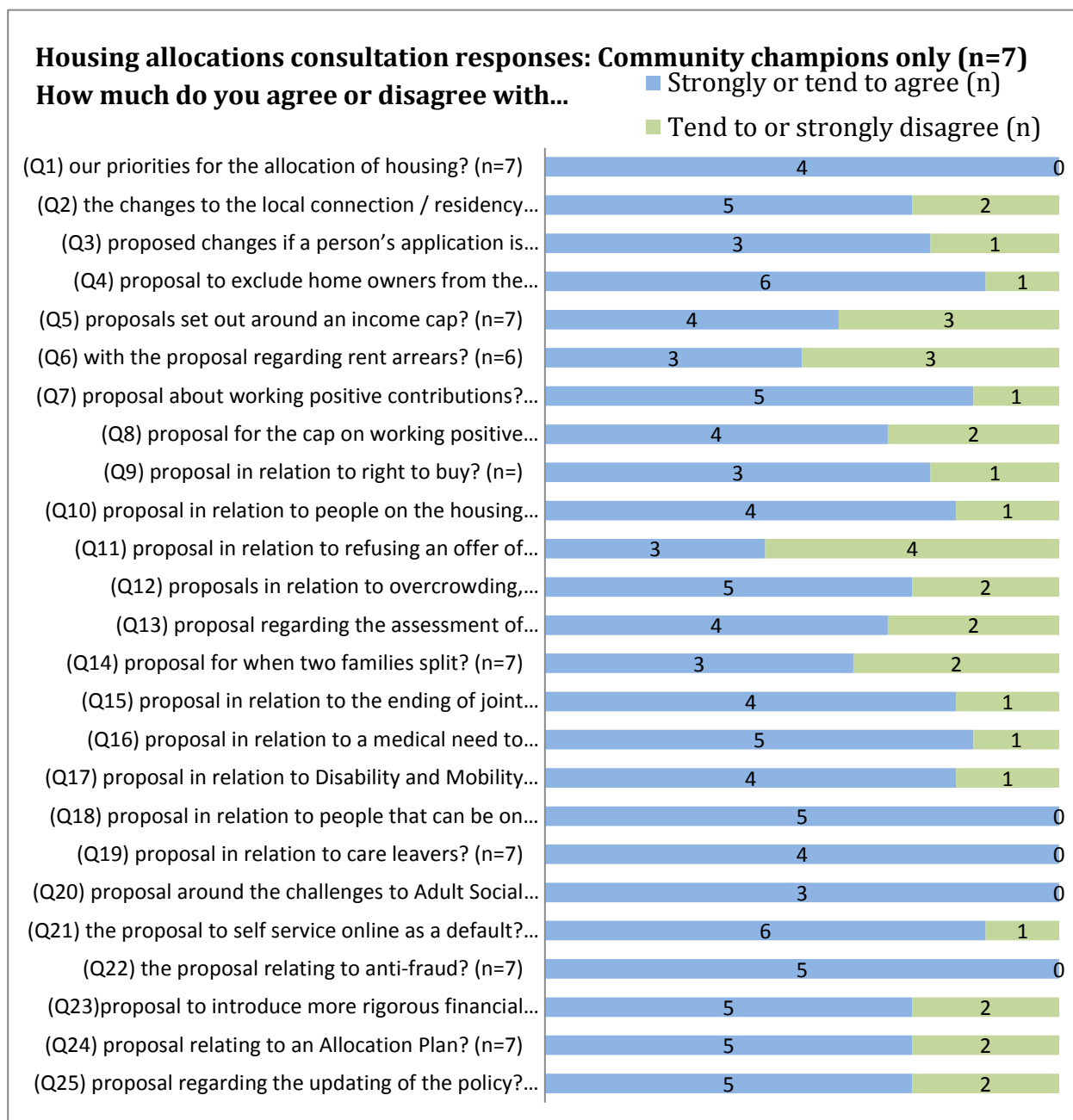
Housing allocations consultation responses: All respondents



The table above contains responses to the consultation questions asked during the three month consultation period on the council's consultation portal. The total number of respondents was 439. In general there was a high level of support for the proposals with many proposals obtaining 70% in favour of the proposals.

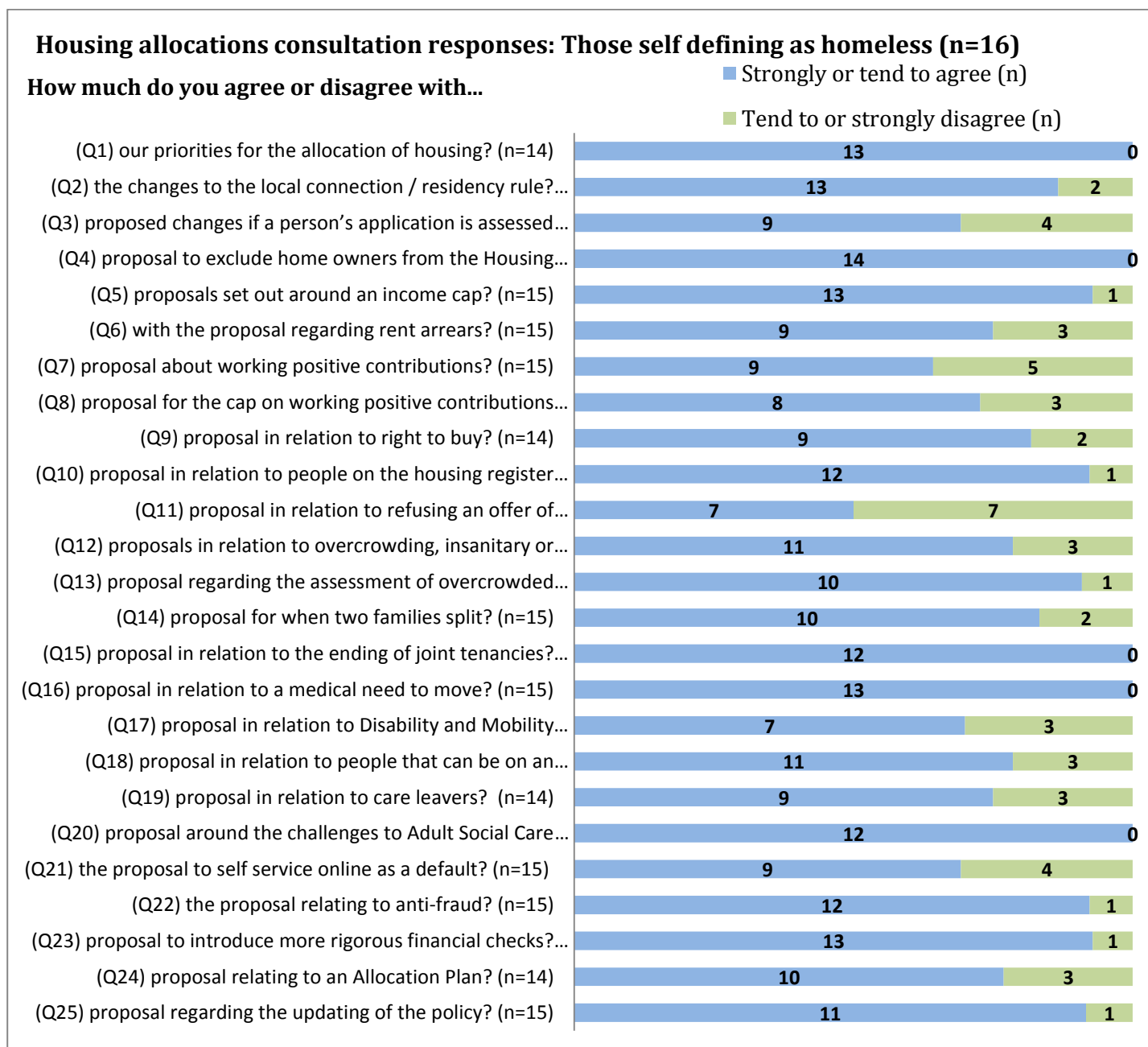
The lowest favourable responses were in relation to offering applicants one offer of suitable accommodation which received 57% in favour and 33% not in favour.

Housing allocations consultation responses: Community champions



Respondents who replied as community champions shared many of the same views as other groups. Statistically this is a very small group. Community champions have a significant amount of contact with resident with housing issues and they showed strong support for the council's priorities, fraud initiatives, local connections criteria, self service on-line and excluding homeowners but showed less support for refusal of offers and exclusion for rent arrears.

Those self defining as homeless

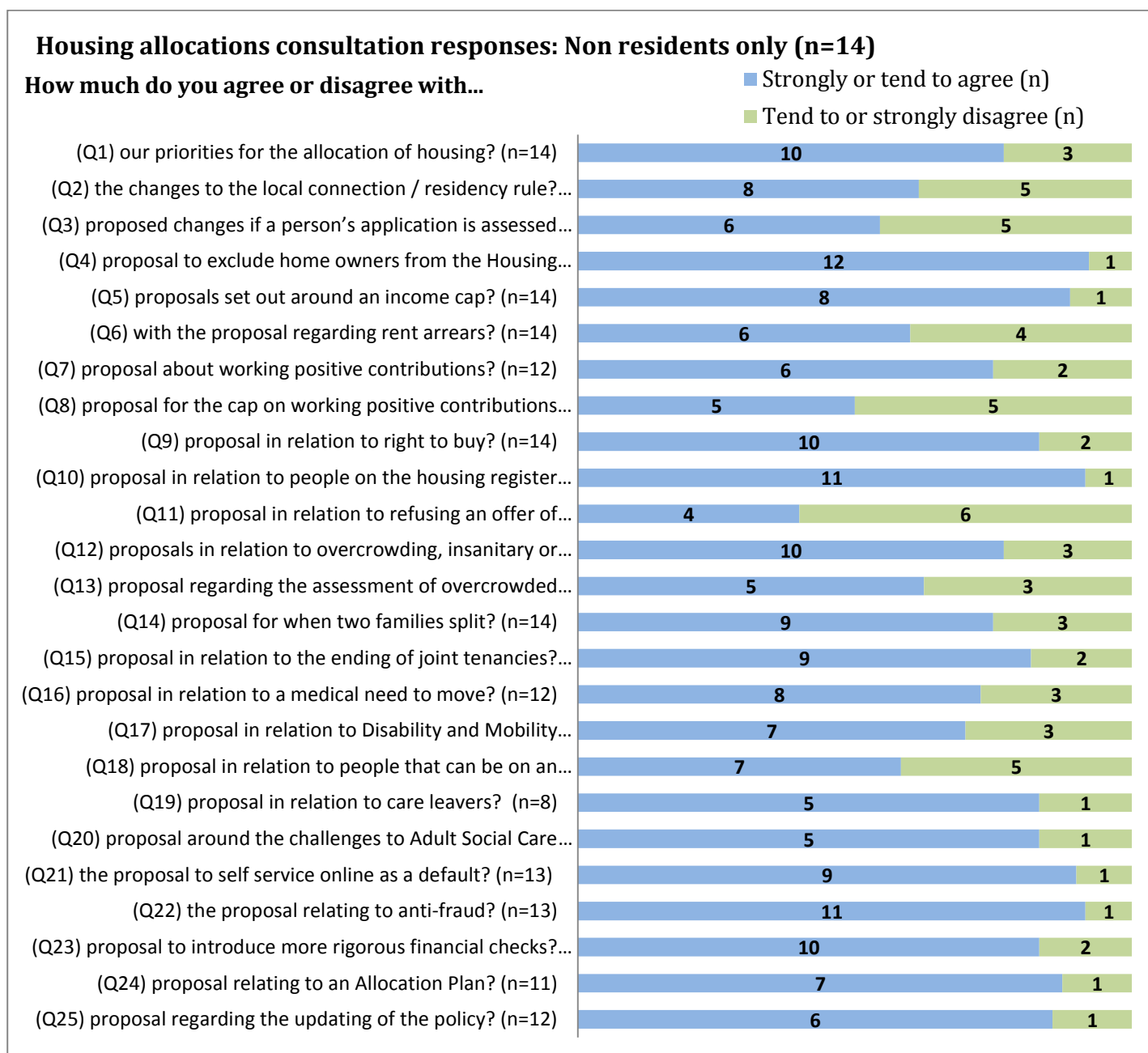


A small number of respondents identified that they were current homeless. It is not known if the respondents were accepted homeless by the council or identified as homeless but not accepted. It is possible that people who are homeless may have only identified as a respondent being on the housing register or both.

Statistically the number of people in the category is small and therefore the data cannot be relied on say that this generally is what homeless household would

agree with. It is however noted that although small in number there is still general agreement with the proposals in the category.

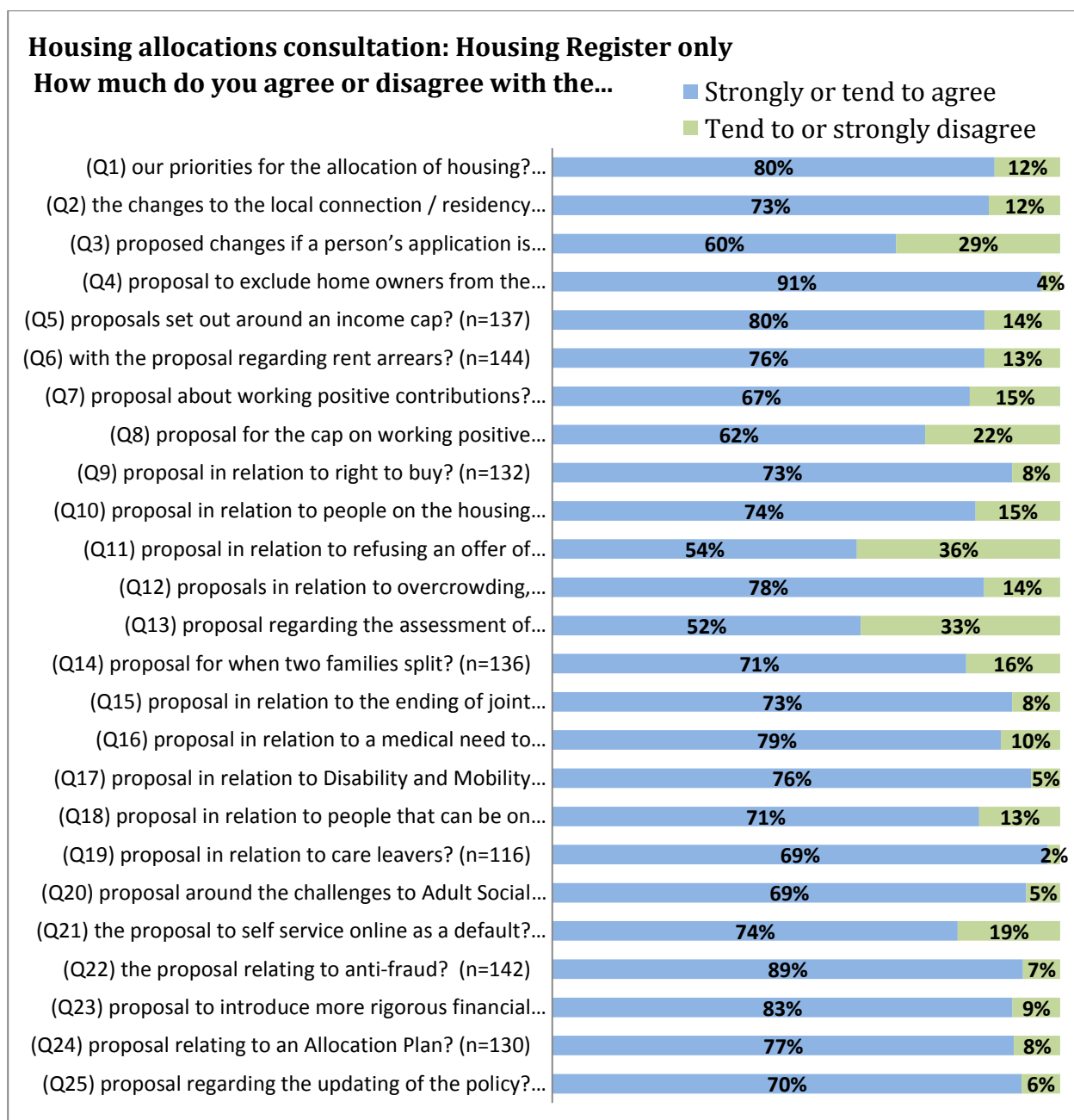
Non residents only



This category of respondents identified as not currently being resident in Brighton & Hove. The numbers are statistically small but have been included as there are

proposals to make changes to the local connection criteria that would directly affect this group. Generally there is agreement with the overall proposals in the consultation and even the local connection changes are supported albeit by a small margin.

Housing Register only



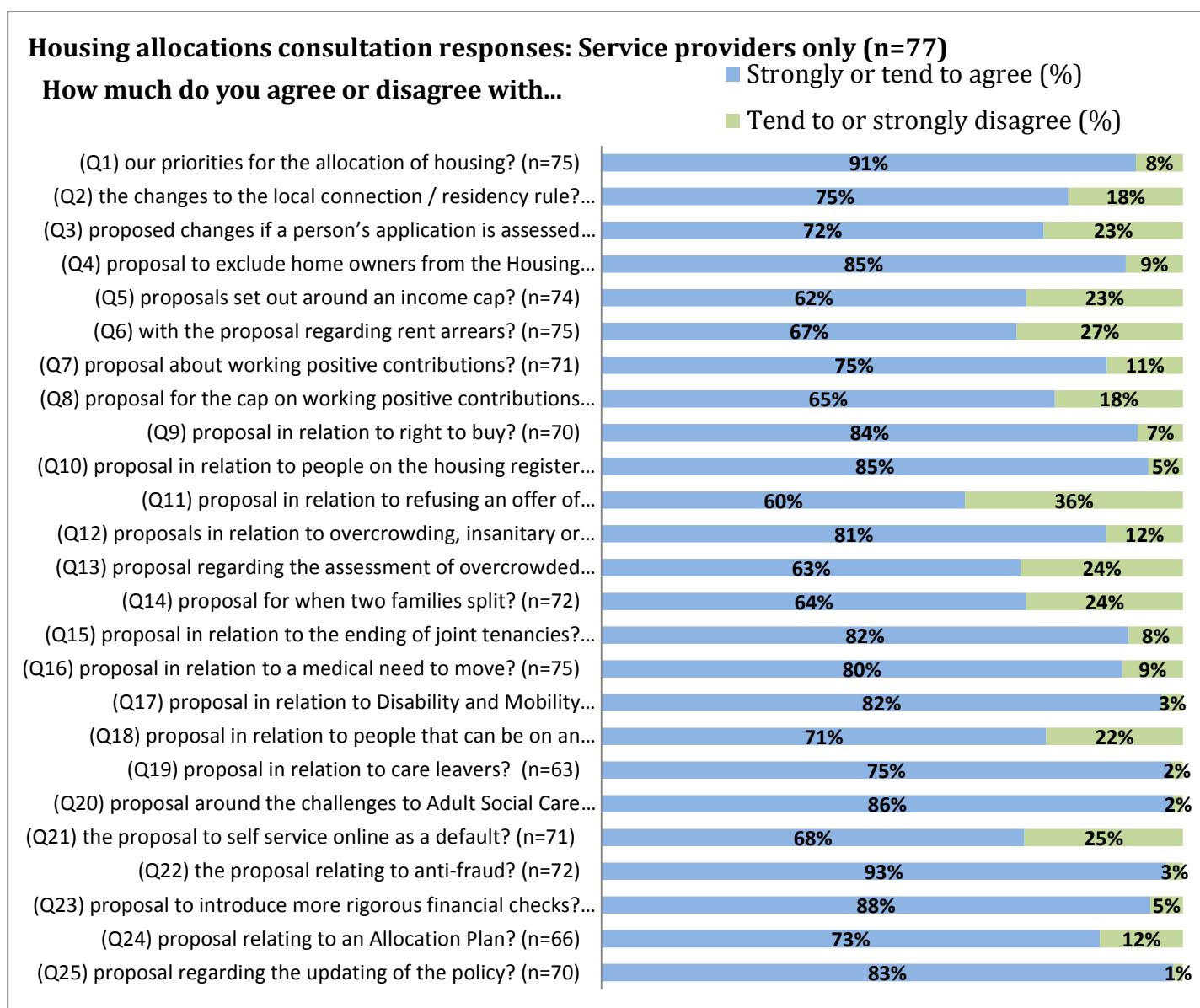
A higher proportion of respondents indicated that they were currently on the council's housing register and therefore are the most affected by the changes that are being proposed.

Some respondents in this group did not answer all of the questions and the results are shown as a percentage of those approving and disapproving the proposals.

The graph above indicated a strong approval rating with the majority of the proposals. There was a high approval rating for the local connection criteria of 73% and 80% of respondents approving the priorities within the proposals.

Two areas with lower approval ratings are in the proposed one suitable offer category and in the ability to lower priority for people who intentionally overcrowd properties. Even with this lower approval rating there are more in favour of the proposals than against with a 20% having no view on these proposals.

Service providers only



There is a large community and voluntary sector in the city and we also know that a high number of City Council employees also responded to the consultation. There are some very high approval ratings within this group who deal with applicants' in housing need.

4. Raw data sheets

Raw data information also showing those that neither agreed or disagreed with a proposal.

Q1. Do you agree or disagree with our priorities for the allocation of housing?									
		Are you replying as:							responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		309	17	8	68	4	27	28	359
		83.7%	77.3%	88.9%	90.7%	57.1%	93.1%	90.3%	84.1%
Neither agree nor disagree		30	2	1	1	3	1	1	33
		8.1%	9.1%	11.1%	1.3%	42.9%	3.4%	3.2%	7.7%
Tend to or strongly disagree		30	3	0	6	0	1	2	35
		8.1%	13.6%	0.0%	8.0%	0.0%	3.4%	6.5%	8.2%
Total		369	22	9	75	7	29	31	427

Percentages and totals are based on respondents.

Q2. Do you agree or disagree with the changes to the local connection / residency rule?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		277	12	5	57	5	19	26	317
		74.9%	52.2%	55.6%	75.0%	71.4%	63.3%	81.3%	73.7%
Neither agree nor disagree		41	2	1	5	0	3	4	47
		11.1%	8.7%	11.1%	6.6%	0.0%	10.0%	12.5%	10.9%
Tend to		52	9	3	14	2	8	2	66

or strongly disagree	14.1%	39.1%	33.3%	18.4%	28.6%	26.7%	6.3%	15.3%
Total	370	23	9	76	7	30	32	430

Percentages and totals are based on respondents.

Q3. Do you agree or disagree with the proposed changes if a person's application is assessed as not having a housing need?

		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		241	11	7	54	3	18	24	280
		66.0%	47.8%	87.5%	72.0%	50.0%	62.1%	75.0%	66.2%
Neither agree nor disagree		31	3	1	4	2	2	1	35
		8.5%	13.0%	12.5%	5.3%	33.3%	6.9%	3.1%	8.3%
Tend to or strongly disagree		93	9	0	17	1	9	7	108
		25.5%	39.1%	0.0%	22.7%	16.7%	31.0%	21.9%	25.5%
Total		365	23	8	75	6	29	32	423

Percentages and totals are based on respondents.

Q4. Do you agree or disagree with the proposal to exclude home owners from the Housing Register?

		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		322	19	8	64	6	23	28	372
		87.3%	82.6%	100.0%	85.3%	85.7%	76.7%	90.3%	87.3%
Neither agree nor disagree		22	1	0	4	0	4	3	26
		6.0%	4.3%	0.0%	5.3%	0.0%	13.3%	9.7%	6.1%
Tend to or strongly disagree		25	3	0	7	1	3	0	28
		6.8%	13.0%	0.0%	9.3%	14.3%	10.0%	0.0%	6.6%
Total		369	23	8	75	7	30	31	426

Percentages and totals are based on respondents.

Q5. Do you agree or disagree with the proposals set out around an income cap?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		235	16	4	46	4	20	21	276
		64.9%	76.2%	50.0%	62.2%	57.1%	66.7%	72.4%	66.0%
Neither agree nor disagree		40	4	3	11	0	2	7	50
		11.0%	19.0%	37.5%	14.9%	0.0%	6.7%	24.1%	12.0%
Tend to or strongly disagree		87	1	1	17	3	8	1	92
		24.0%	4.8%	12.5%	23.0%	42.9%	26.7%	3.4%	22.0%
Total		362	21	8	74	7	30	29	418

Percentages and totals are based on respondents.

Q6. Do you agree or disagree with the proposal regarding rent arrears?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		277	10	2	50	3	13	22	308
		74.5%	45.5%	25.0%	66.7%	50.0%	44.8%	71.0%	71.8%
Neither agree nor disagree		31	5	1	5	0	1	5	38
		8.3%	22.7%	12.5%	6.7%	0.0%	3.4%	16.1%	8.9%
Tend to or strongly disagree		64	7	5	20	3	15	4	83
		17.2%	31.8%	62.5%	26.7%	50.0%	51.7%	12.9%	19.3%
Total		372	22	8	75	6	29	31	429

Percentages and totals are based on respondents.

Q7. Do you agree or disagree with proposal about working positive contributions?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		254	10	2	53	5	24	24	290
		73.4%	50.0%	33.3%	74.6%	83.3%	80.0%	80.0%	72.5%
Neither agree nor disagree		47	5	2	10	0	4	3	56
		13.6%	25.0%	33.3%	14.1%	0.0%	13.3%	10.0%	14.0%
Tend to or strongly disagree		45	5	2	8	1	2	3	54
		13.0%	25.0%	33.3%	11.3%	16.7%	6.7%	10.0%	13.5%
Total		346	20	6	71	6	30	30	400

Percentages and totals are based on respondents.

Q8. Do you agree or disagree with the proposal for the cap on working positive contributions should remain at the current levels?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		206	12	4	46	4	19	19	241
		60.4%	54.5%	57.1%	64.8%	57.1%	65.5%	61.3%	60.7%
Neither agree nor disagree		64	4	3	12	1	5	7	75
		18.8%	18.2%	42.9%	16.9%	14.3%	17.2%	22.6%	18.9%
Tend to or strongly disagree		71	6	0	13	2	5	5	81
		20.8%	27.3%	0.0%	18.3%	28.6%	17.2%	16.1%	20.4%
Total		341	22	7	71	7	29	31	397

Percentages and totals are based on respondents.

Q9. Do you agree or disagree with the proposal in relation to right to buy?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		264	18	7	59	3	21	21	308
		77.0%	81.8%	87.5%	84.3%	60.0%	77.8%	67.7%	77.2%
Neither agree nor disagree		50	2	1	6	1	5	4	56
		14.6%	9.1%	12.5%	8.6%	20.0%	18.5%	12.9%	14.0%
Tend to or strongly disagree		29	2	0	5	1	1	6	35
		8.5%	9.1%	0.0%	7.1%	20.0%	3.7%	19.4%	8.8%
Total		343	22	8	70	5	27	31	399

Percentages and totals are based on respondents.

Q10. Do you agree or disagree with the proposal in relation to people on the housing register who have not made a bid for 12 months?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		289	19	7	63	4	21	29	341
		79.0%	86.4%	87.5%	85.1%	57.1%	72.4%	93.5%	80.4%
Neither agree nor disagree		29	2	0	7	2	4	0	31
		7.9%	9.1%	0.0%	9.5%	28.6%	13.8%	0.0%	7.3%
Tend to or strongly disagree		48	1	1	4	1	4	2	52
		13.1%	4.5%	12.5%	5.4%	14.3%	13.8%	6.5%	12.3%
Total		366	22	8	74	7	29	31	424

Percentages and totals are based on respondents.

Q11. Do you agree or disagree with the proposal in relation to refusing an offer of accommodation?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		211	7	4	45	3	11	20	239
		58.6%	30.4%	57.1%	60.0%	42.9%	36.7%	64.5%	57.2%
Neither agree nor disagree		34	6	1	3	0	3	1	41
		9.4%	26.1%	14.3%	4.0%	0.0%	10.0%	3.2%	9.8%
Tend to or strongly disagree		115	10	2	27	4	16	10	138
		31.9%	43.5%	28.6%	36.0%	57.1%	53.3%	32.3%	33.0%
Total		360	23	7	75	7	30	31	418

Percentages and totals are based on respondents.

Q12. Do you agree or disagree with the proposals in relation to overcrowding, insanitary or unsatisfactory housing conditions?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		286	16	6	59	5	19	27	328
		79.7%	69.6%	75.0%	80.8%	71.4%	65.5%	87.1%	78.7%
Neither agree nor disagree		33	1	1	5	0	4	0	38
		9.2%	4.3%	12.5%	6.8%	0.0%	13.8%	0.0%	9.1%
Tend to or strongly disagree		40	6	1	9	2	6	4	51
		11.1%	26.1%	12.5%	12.3%	28.6%	20.7%	12.9%	12.2%

Total	359	23	8	73	7	29	31	417
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Percentages and totals are based on respondents.

Q13. Do you agree or disagree with the proposal regarding the assessment of overcrowded households?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		209	11	5	44	4	11	21	240
		61.3%	52.4%	71.4%	62.9%	57.1%	42.3%	75.0%	60.6%
Neither agree nor disagree		42	5	2	9	1	2	1	51
		12.3%	23.8%	28.6%	12.9%	14.3%	7.7%	3.6%	12.9%
Tend to or strongly disagree		90	5	0	17	2	13	6	105
		26.4%	23.8%	0.0%	24.3%	28.6%	50.0%	21.4%	26.5%
Total		341	21	7	70	7	26	28	396

Percentages and totals are based on respondents.

Q14. Do you agree or disagree with the proposal for when two families split?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		241	14	6	46	3	17	21	281
		70.3%	60.9%	75.0%	63.9%	42.9%	60.7%	75.0%	70.4%
Neither agree nor disagree		46	3	1	9	2	6	1	52
		13.4%	13.0%	12.5%	12.5%	28.6%	21.4%	3.6%	13.0%
Tend to or strongly disagree		56	6	1	17	2	5	6	66
		16.3%	26.1%	12.5%	23.6%	28.6%	17.9%	21.4%	16.5%

Total	343	23	8	72	7	28	28	399
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Percentages and totals are based on respondents.

Q15. Do you agree or disagree with the proposal in relation to the ending of joint tenancies?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		271	15	6	58	4	19	26	317
		77.9%	68.2%	85.7%	81.7%	57.1%	73.1%	86.7%	78.9%
Neither agree nor disagree		53	3	1	7	2	4	3	57
		15.2%	13.6%	14.3%	9.9%	28.6%	15.4%	10.0%	14.2%
Tend to or strongly disagree		24	4	0	6	1	3	1	28
		6.9%	18.2%	0.0%	8.5%	14.3%	11.5%	3.3%	7.0%
Total		348	22	7	71	7	26	30	402

Percentages and totals are based on respondents.

Q16. Do you agree or disagree with the proposal in relation to a medical need to move?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		304	15	6	60	5	25	27	351
		81.9%	71.4%	75.0%	80.0%	71.4%	86.2%	84.4%	81.8%
Neither agree nor disagree		42	3	1	8	1	1	4	47
		11.3%	14.3%	12.5%	10.7%	14.3%	3.4%	12.5%	11.0%
Tend to or strongly disagree		25	3	1	7	1	3	1	31
		6.7%	14.3%	12.5%	9.3%	14.3%	10.3%	3.1%	7.2%

Total	371	21	8	75	7	29	32	429
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Percentages and totals are based on respondents.

Q17. Do you agree or disagree with the proposal in relation to Disability and Mobility categorisation?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		259	13	7	53	4	22	24	300
		79.2%	65.0%	87.5%	81.5%	66.7%	88.0%	82.8%	78.9%
Neither agree nor disagree		55	4	1	10	1	2	4	63
		16.8%	20.0%	12.5%	15.4%	16.7%	8.0%	13.8%	16.6%
Tend to or strongly disagree		13	3	0	2	1	1	1	17
		4.0%	15.0%	0.0%	3.1%	16.7%	4.0%	3.4%	4.5%
Total		327	20	8	65	6	25	29	380

Percentages and totals are based on respondents.

Q18. Do you agree or disagree with the proposal in relation to people that can be on an application?									
		Are you replying as:						All responses	
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation		Other
Strongly or tend to agree		267	12	6	52	5	18	25	307
		76.1%	54.5%	75.0%	71.2%	83.3%	62.1%	80.6%	75.1%
Neither agree nor disagree		41	1	0	5	1	5	4	45
		11.7%	4.5%	0.0%	6.8%	16.7%	17.2%	12.9%	11.0%
Tend to or strongly disagree		43	9	2	16	0	6	2	57
		12.3%	40.9%	25.0%	21.9%	0.0%	20.7%	6.5%	13.9%

Total	351	22	8	73	6	29	31	409
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Percentages and totals are based on respondents.

Q19. Do you agree or disagree with the proposal in relation to care leavers?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		231	9	6	47	4	22	22	263
		72.9%	60.0%	66.7%	74.6%	57.1%	88.0%	75.9%	71.9%
Neither agree nor disagree		72	5	3	15	3	3	6	86
		22.7%	33.3%	33.3%	23.8%	42.9%	12.0%	20.7%	23.5%
Tend to or strongly disagree		14	1	0	1	0	0	1	17
		4.4%	6.7%	0.0%	1.6%	0.0%	0.0%	3.4%	4.6%
Total		317	15	9	63	7	25	29	366

Percentages and totals are based on respondents.

Q20. Do you agree or disagree with the proposal around the challenges to Adult Social Care and Children's services?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		237	13	8	57	3	23	21	271
		76.5%	68.4%	88.9%	86.4%	60.0%	95.8%	75.0%	75.1%
Neither agree nor disagree		65	5	1	8	2	1	6	79
		21.0%	26.3%	11.1%	12.1%	40.0%	4.2%	21.4%	21.9%
Tend to or strongly disagree		8	1	0	1	0	0	1	11
		2.6%	5.3%	0.0%	1.5%	0.0%	0.0%	3.6%	3.0%

Total	310	19	9	66	5	24	28	361
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Percentages and totals are based on respondents.

Q21. Do you agree or disagree with the proposal to self service online as a default?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		248	15	6	48	6	14	26	291
		68.7%	68.2%	75.0%	67.6%	85.7%	50.0%	86.7%	70.0%
Neither agree nor disagree		27	4	1	5	0	6	2	32
		7.5%	18.2%	12.5%	7.0%	0.0%	21.4%	6.7%	7.7%
Tend to or strongly disagree		86	3	1	18	1	8	2	93
		23.8%	13.6%	12.5%	25.4%	14.3%	28.6%	6.7%	22.4%
Total		361	22	8	71	7	28	30	416

Percentages and totals are based on respondents.

Q22. Do you agree or disagree with the proposal relating to anti-fraud?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		334	17	7	67	5	23	29	380
		91.3%	81.0%	100.0%	93.1%	71.4%	85.2%	93.5%	90.0%
Neither agree nor disagree		14	2	0	3	2	1	1	18
		3.8%	9.5%	0.0%	4.2%	28.6%	3.7%	3.2%	4.3%
Tend to or strongly disagree		18	2	0	2	0	3	1	24
		4.9%	9.5%	0.0%	2.8%	0.0%	11.1%	3.2%	5.7%

Total	366	21	7	72	7	27	31	422
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Percentages and totals are based on respondents.

Q23. Do you agree or disagree with the proposal to introduce more rigorous financial checks?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		310	16	8	67	5	25	27	359
		85.6%	72.7%	100.0%	88.2%	71.4%	86.2%	90.0%	85.7%
Neither agree nor disagree		26	2	0	5	0	2	2	30
		7.2%	9.1%	0.0%	6.6%	0.0%	6.9%	6.7%	7.2%
Tend to or strongly disagree		26	4	0	4	2	2	1	30
		7.2%	18.2%	0.0%	5.3%	28.6%	6.9%	3.3%	7.2%
Total		362	22	8	76	7	29	30	419

Percentages and totals are based on respondents.

Q24. Do you agree or disagree with the proposal relating to an Allocation Plan?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		239	12	6	48	5	20	21	276
		72.2%	63.2%	75.0%	72.7%	71.4%	83.3%	75.0%	71.9%
Neither agree nor disagree		59	5	0	10	0	3	5	69
		17.8%	26.3%	0.0%	15.2%	0.0%	12.5%	17.9%	18.0%
Tend to or strongly disagree		33	2	2	8	2	1	2	39
		10.0%	10.5%	25.0%	12.1%	28.6%	4.2%	7.1%	10.2%
Total		331	19	8	66	7	24	28	384

Percentages and totals are based on respondents.

Q25. Do you agree or disagree with the proposal regarding the updating of the policy?									
		Are you replying as:							All responses
		A resident	A non resident	A service commissioner	A service provider	Community champion	Community & Voluntary Sector Organisation	Other	
Strongly or tend to agree		255	12	7	58	5	17	28	296
		76.8%	60.0%	87.5%	82.9%	71.4%	68.0%	96.6%	76.5%
Neither agree nor disagree		56	7	1	11	0	6	1	68
		16.9%	35.0%	12.5%	15.7%	0.0%	24.0%	3.4%	17.6%
Tend to or strongly disagree		21	1	0	1	2	2	0	23
		6.3%	5.0%	0.0%	1.4%	28.6%	8.0%	0.0%	5.9%
Total		332	20	8	70	7	25	29	387

5. Below is a full list of questions that were asked in the consultation.

Please note the questions are not numbered the same as the questions on the on-line consultation portal.

Q1. Do you agree or disagree with our priorities for the allocation of housing?

Q2. Do you agree or disagree with the changes to the local connection / residency rule?

Q3. Do you agree or disagree with the proposed changes if a person's application is assessed as not having a housing need?

Q4. Do you agree or disagree with the proposal to exclude home owners from the Housing Register?

Q5. Do you agree or disagree with the proposals set out around an income cap?

- Q06. Do you agree or disagree with the proposal regarding rent arrears?
- Q07. Do you agree or disagree with proposal about working positive contributions?
- Q08. Do you agree or disagree with the proposal for the cap on working positive contributions should remain at the current levels?
- Q09. Do you agree or disagree with the proposal in relation to right to buy?
- Q10. Do you agree or disagree with the proposal in relation to people on the housing register who have not made a bid for 12 months?
- Q11. Do you agree or disagree with the proposal in relation to refusing an offer of accommodation?
- Q12. Do you agree or disagree with the proposals in relation to overcrowding, insanitary or unsatisfactory housing conditions?
- Q13. Do you agree or disagree with the proposal regarding the assessment of overcrowded households?
- Q14. Do you agree or disagree with the proposal for when two families split?
- Q15. Do you agree or disagree with the proposal in relation to the ending of joint tenancies?
- Q16. Do you agree or disagree with the proposal in relation to a medical need to move?
- Q17. Do you agree or disagree with the proposal in relation to Disability and Mobility categorisation?
- Q18. Do you agree or disagree with the proposal in relation to people that can be on an application?
- Q19. Do you agree or disagree with the proposal in relation to care leavers?
- Q20. Do you agree or disagree with the proposal around the challenges to Adult Social Care and Children's services?
- Q21. Do you agree or disagree with the proposal to self service online as a default?
- Q22. Do you agree or disagree with the proposal relating to anti-fraud?

Q23. Do you agree or disagree with the proposal to introduce more rigorous financial checks?

Q24. Do you agree or disagree with the proposal relating to an Allocation Plan?

Q25. Do you agree or disagree with the proposal regarding the updating of the policy?

6. Organisational responses

The following is a list of organisations who submitted a response to the Council's consultation on the Portal.

Brighton & Hove City Council respondents

Executive Director Adult Social Care
BHCC Housing
Children & Families Worker dealing with homeless families
Housing Adaptations
Local government officer – Housing Service Adviser
Housing Options
Technical
Adult Social Care assessment service
Tenancy Enforcement, Housing
Senior Housing
Brighton & Hove Council, Re-housing
Re-Housing Administrator
New Steine Mews Hostel
Housing and Customer First In A Digital Age
Neighbourhood Team Leader
Housing Income Management

Non Brighton and Hove City Council respondents

Rough Sleeper / Single Homeless
Project Worker BHT
BHT AFW and Move on Project manager
Community (Hostel) Manager
MOSAIC,
Brighton & Hove Black History,

B&H BHM
Brighton Homeless Service St John Ambulance
Mind out LGBT mental health advocate
COMMUNITY ACTIVIST AND ADVOCATE
Mind Out
Kent, Surrey and Sussex Community Rehabilitation Company
Chairman SHRA
Director
Engagement officer and fundraiser
Youth Advocacy Project
Drug & Alcohol Outreach Worker
Leaving Care Personal Adviser
Housing Support Worker
Children Centre
Senior Practitioner - Long Term Condition Management Team
Social care coordinator
Advice & Support Worker
First Aid trainer
BHT Fulfilling Lives
Brighton Housing Trust
Head of Commissioning
Careers Practitioner
MH Nurse – NHS
Wellbeing Service
Community Links
Case worker First base
B&H Police (Sussex Police)
Community Links Advisor from Southdown
Volunteer for the Clinical Commissioning Group
Mental health worker SPFT
Rise
Senior social worker adult social care
Secretary of North Moulsecoomb TRA
Money Advice Plus
The Trans Alliance
Healthcare assistant
BSUH NHS Trust
Nightstop Host
Regional Operations Manager

Community Mental Health Nurse
Young Carer

The list above shows that the consultation reached a wide variety of organisations both within the council and with other statutory services and a cross section of the community and voluntary sector. It is also noted that responses were received from different levels within each of the sectors from Executive directors to administrators and volunteers.

8. List of Registered Social Landlords in Brighton and Hove sent the link to the consultation.

A2 Dominion Spelthorne House, Thames Street, Staines, TW18 4TA info@a2dominion.co.uk
Abbeyfield Brighton & Hove Society Ltd 19 Aymer Road Hove, BN3 4GB
Affinity Sutton Group Maple House 157-159 Masons Hill Bromley Kent, BR2 9HY
AmicusHorizon Ltd PO Box 322 Sittingbourne Kent, ME9 8PQ contactus@amicushorizon.org.uk
Anchor Retirement Housing Milestone Place 100 Bolton Road Bradford, BD1 4DH
Brighton & Hove Almshouse Charity Lanes End House c/o Woolley Bevis & Diplock LLP 15 Prince Albert Street Brighton, BN1 1HY
Brighton & Hove Jewish H.A. Ltd 61 Furze Croft Furze Hill Hove, BN3 1PD
Brighton Lions Housing Society Ltd Lions Gate 95 Rowan Avenue, Hove, BN3 7JZ
Sussex Central YMCA Sussex Central YMCA, Reed House, 47 Church Road, Hove, BN3 2BE email: reed.house@sussexcentralymca.org.uk
Carr-Gomm (Sanctuary)
Chisel Ltd 188a Brockley Rd London, SE4 2RN email cto@chisel.org.uk
Hanover Housing Association Hanover House 1 Bridge Close Staines, TW18 4TB

Email general.enquiries@hanover.org.uk
Home Group 3 Cantelupe Mews Cantelupe Road East Grinstead, RH19 3BG
Hyde Group 113-119 Davigdor Road Hove, BN3 1RE Email: info@hydemarket.co.uk
Moat Sevenoaks District Council Offices, Argyle Road, Sevenoaks, TN13 1ZW Email: customer@moat.co.uk
Orbit South 1-3 The Oaks Little Ridge Avenue St Leonards on Sea, TN37 7UW
Pilgrim Homes 35-36 Egremont Place, Brighton, BN2 0GB
Places for People 3rd Floor, Ivy House, 3 Ivy Terrace, Eastbourne, BN21 4QU Email: contactcentre@placesforpeople.co.uk
Porthove Housing Association Ltd c/o Austin Rees Ltd 135-137 Dyke Road Hove, BN3 1TJ Email: Contact Porthove Housing Association Ltd.
Raglan Housing Association Ground Floor, Imperial Buildings 68 Victoria Road Horley RH6 7PZ Email: hsc@raglan.org
Rotary Club of Hove Housing Society 135 Dyke Road Hove, BN3 1TJ
Sanctuary Housing Association 45 Church Road Hove, BN3 2BE Email: contactus@sanctuary-housing.co.uk
Saxon Weald Saxon Weald House 38-42 Worthing Road Horsham, RH12 1DT Email: info@saxonweald.com
Southdown Housing Association 18 Preston Park Avenue Brighton East Sussex BN1 6HL Email: info@southdownhousing.org
Southern Housing Group

2nd Floor, Cornelius House, 178-180 Church Road, Hove, BN3 2D
Sussex Housing and Care Ronald Simson House, 24 Sutton Avenue, Seaford, BN25 4LG
Sussex Overseas Housing Society Limited Bishop Hannington Church Office Nevill Avenue Hove, BN3 7NH
Teachers' Housing Association Rugby Chambers, 2 Rugby Road, London, WC1N 3QN email: enquiries@teachershousing.org.uk
Guinness South 3rd Floor, Beluah Court, Albert Road, Horley, RH6 7HP Email: gs.mail@guinness.org.uk
Two Piers Housing Co-operative Limited 14 Oriental Place Brighton BN1 2LJ
Worthing Homes Limited Davison House North Street Worthing, BN11 1ER

Housing Allocation Scheme 2016



Brighton & Hove
City Council

Brighton & Hove City Council Housing Allocations Scheme and Guidance

If you try to obtain accommodation by making a false or misleading statement, by withholding information or by failing to inform us of a change in your circumstances, it is likely that your application will be cancelled. You may also be prosecuted. If you have moved into a council or housing association home, legal action may be taken against you to recover possession of the property. You may also be guilty of a criminal offence and be fined.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you provide for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Brighton & Hove City Council
Choice Based Lettings Scheme

Table of contents will be inserted here

Introduction

This document is the housing allocation scheme used by the council with effect from XX September 2016. The Council is required by section 166A(1) of the Housing Act 1996 to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation. It is Brighton & Hove City Council's policy to operate a Choice Based Lettings scheme except in certain circumstances laid out within the policy below.

For the purposes of Part 6 of the Housing Act 1996, a housing authority allocates accommodation when it selects a person to be

- a secure (including flexible) or introductory tenant of accommodation held by that authority or
- nominates a person to be an assured (including assured shorthold) tenant of accommodation held by a private registered provider of social housing (PRP) or a registered social landlord.

The nominations to PRPs are made using the same priorities as for allocations to council dwellings where they are made under an obligation of a nominations agreement. However, where nominations are made to properties that fall out side of nominations agreement quotas the council respects the integrity of the lettings policy of the PRPs concerned. The scheme only covers allocations made by the council exercising its housing authority functions. The scheme also applies to existing council and housing association tenants who request an application for a transfer and the council has reason to believe that they have a reasonable preference under s166a.¹

This scheme meets the requirements set out in Part VI Housing Act 1996 (as amended by the Homeless Act 2002). It also contains flexibilities introduced under the Localism Act 2011. In developing this scheme the council has had due regard to guidance issued by the Secretary of State Communities & Local Government (June 2012),² giving reasonable and additional preference to applicants in the greatest need. It incorporates the council's key objectives outlined in the following strategies:

- Housing Strategy 2015
- Homelessness Strategy 2014- 2019
- Tenancy Strategy 2013

Housing Strategy 2015

The Housing Strategy has some key aims that are directly related to the council's allocations policy. These include

- Develop Access to Settled Homes for homeless households
- Support people to 'downsize' from social housing when they choose.
- Supports our Corporate Parenting commitment to care leavers
- Work with occupational therapists and social workers to ensure that

¹ Housing Act 1996 s159 (4B)

² Allocation of accommodation: guidance for local housing authorities in England (June 2012)

family properties are allocated in a co-ordinated manner.

Homelessness Strategy 2014 – 2019

The Homelessness Strategy is a sub strategy of the Housing Strategy which includes the priorities of homelessness prevention and access to settled homes. There are key priority groups within the homelessness strategy that are afforded reasonable and additional preference these include

- Military Veterans & Serving Personnel
- People with Learning Disabilities & Autism
- People with Physical and Sensory Disability
- People with Mental Health
- People living in Temporary Accommodation:

Tenancy Strategy 2013

The Tenancy strategy has a number of areas that have a direct impact on the council's Allocations Policy that include:

- All Affordable Rent and fixed/flexible tenancies to be advertised through our Homemove choice based lettings system. We also expect that
- All new tenancies will be allocated in accordance with the priorities in our adopted Allocation Policy
- Fixed or flexible tenancies must be for a period of at least five years (or two years in exceptional circumstances)
- The Council would not expect any person to be able to succeed to a tenancy where this would result in a property to be under occupied.

Demand for social housing far exceeds the supply of accommodation that becomes available. Whilst the council remains committed to offering choice³ to those seeking housing the scheme is also framed to take into account the limited availability of social housing in the city and the need for partner landlords to have an efficient lettings process to reduce letting times and rent loss on vacant properties. This scheme applies across the city and it also compliments the objectives of the Housing & New Homes Committee's New Homes Programme which aims to build new affordable homes across the city. These new homes will be subject to local lettings plans, on first letting, that will be developed to meet demand.

Under the Choice based lettings Scheme, called Homemove, applicants are placed into one of four Bands that will take account of their housing need according to circumstances of the household. All applicant will become members of Homemove and actively search for available homes. Vacant properties⁴ are advertised on Homemove, which is an internet based application. Members are able to bid for properties in their assessed need. Adapted, sheltered

³ Housing Act 1996 s166(2)(a)

⁴ Housing Act 1996 s166a(2)(b)

and extra care properties will be classified and offered to applicants with an assessed matching need for these properties.

The council is expecting to face a difficult financial environment over the lifetime of this scheme and therefore the scheme incorporates an allocations plan. This allocations plan will distinguish between transfers, homeseekers, homeless households and those where the council has an interest. The allocations plan will be agreed by the Head of Housing with targets for allocations to each of these groups. Targets will be set taking into account the council's statutory obligations, financial considerations and the housing situation across the city, including past performance and projected supply and demand.. Targets will be set and agreed in advance and will remain in place until they are reviewed and agreed by the Head of Housing up to a maximum of two years.

Equalities & Diversity

The council choice based lettings scheme aims to ensure that our services are fair and equitable for our customers. We want our services to be accessible and useful to everyone regardless of age, disability, gender, race, colour, national origin, sexual orientation or any other factor that may cause disadvantage. This policy is however subject to eligibility and qualifying persons under the Housing Act 1996⁵. Eligibility is prescribed under the act and it is unlawful for the council to allocate to a person who is prescribed as ineligible under the Act. The council has the power to classify if a person is a qualifying person. The council has taken into account its equality duties in framing those that may not qualify to join the Housing Register. This policy has been drafted with reference to the Equality Act 2010 in particular to the council's Public Sector Equalities Duty⁶. The Council has adopted the Commission for Racial Equality's Statutory Code of Practice on Racial Equality in Housing.

Brighton & Hove City Council is committed to dealing with applications in an efficient and timely manner. In order to achieve this aim the council is looking to use self service options on-line. The City Council remains committed to help those who will need assistance to access social housing in the City. We will work closely with agencies and supported housing providers to try and assist customers to access this scheme and ensure that information meets the requirements of people with a disability or sensory impairment. The council has reviewed its Housing Vulnerable Person strategy for meeting the needs of vulnerable people. This will include access points where on-line facilities are available across the city.

This policy has been developed following a city wide consultation and an equalities impact assessment.

Joint Housing Register Partners

Hyde Martlet – www.hydemartlet.co.uk

Affinity Sutton – www.affinitysutton.com

Home Group – www.homegroup.org.uk

A2Dominion- www.a2dominion.co.uk

Moat Homes Ltd – www.moat.co.uk

Orbit South Housing Association – www.orbit.org.uk

Places For People – www.placesforpeople.co.uk

Sanctuary Housing – www.sanctuary-housing.co.uk

Servite Houses – www.servitehouses.org.uk

⁵ Housing Act s160ZA

⁶ The essential guide to the public sector equality duty January 2012

Southern Housing Group _ including James Butcher HA) www.shgroup.org.uk
The Guinness Trust – www.guinnesspartnership.com

Our Priorities

Looking to the future the council has to make some difficult choices as resources reduce. This means that there will be an expected fall in the number of available lettings and the council will therefore have to prioritise how we allocate scarce housing resources within the law and using flexibilities in the Localism Act 2011.

- Those who have a local residence connection with the city
- People that are owed a statutory duty under The Housing Acts, Children’s Act, Children Leaving Care Act and the Care Act.
- Households who have a Need to move for welfare or medical reasons that is significantly impacted by their current housing
- Households who occupy accommodation that is overcrowded or lacks facilities
- Households needing sheltered or extra care accommodation
- Households where there is substantial disrepair that cannot be remedied

Housing Options

As you may be aware, there is a shortage of social housing in Brighton & Hove and a huge demand for accommodation. This means that council and housing association properties are not widely available and usually only go to those who are in the most need. Here are some other housing options you may wish to consider

Help and Advice: The Housing Options Team is centred on preventing homelessness by offering housing options tailored to individual needs. They can offer specialist housing advice to help you keep your current home, advice for people who need support to live independently and advice on alternative housing options. Phone (01273) 294400 or e-mail housing.advice@brighton-hove.gov.uk for more information.

Private Renting: You can apply to the private rental agencies in the area for suitable accommodation. You may be eligible for help with paying your rent by claiming for housing benefit. Contact Housing Benefits on (01273) 292000 for more information.

Mutual Exchanges: The council operates a mutual exchange system for council or housing association tenants who wish to swap their homes. Go to www.homemove.org.uk. Or speak to your Housing Officer.

Low Cost Home Ownership - if you are interested in Low Cost Home Ownership then register at <https://www.helptobuyese.org.uk/> or call the bpha Help to Buy Team on 03333 214044 to be considered for new schemes in the city

Who can apply?

Who may apply; eligibility for allocation

Any person may apply to the council for allocation of housing. However, housing will only be allocated to applicants who are registered on the council's housing register for social housing and to be registered an applicant must be:

- eligible for social housing in England (that is, not ineligible due to their immigration status); and
- a qualifying person for social housing in Brighton & Hove (as determined by the following provisions below of the allocation scheme).

Who is eligible for social housing in England

All applicants will be eligible unless they are persons prescribed within the Housing Act 1996 S.160ZA(1) or by regulations made by the Secretary of State. This generally applies to persons from abroad without settled immigration status in the UK, apart from a limited number of exceptions.

A person will be considered to be ineligible for an allocation of under s160ZA if they are

- (i) A person subject to immigration control – such a person is not eligible for an allocation of accommodation unless they come within a class prescribed in regulations made by the Secretary of State⁷ and
- (ii) A person from abroad other than a person subject to immigration control⁸

The Secretary of State has issued regulations in regard to the above and they can be found in Annex 1 of this policy⁹

Where a duty is owed to an applicant who is found to be homeless only by reliance on a household member who is a “restricted person” within the meaning of S184 of the Housing Act 1996, the applicant will not be given any preference under the scheme for an allocation of accommodation. The council will, so far as practicable, bring the duty to secure accommodation to an end by ensuring that an offer of accommodation, in the private sector for a period of at least 12 months, is made to the applicant. A restricted person is defined as someone who requires leave to enter or remain in the UK and does not have it, or a person who does have the required leave but that leave was granted on the condition that the person may not have recourse to public funds.

Joint Tenancies, Household Members & Eligibility

Under s160ZA (1)(b) the council can not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. Where two or more people apply and one of them is eligible, the council may grant a tenancy to the person who is eligible. In addition, whilst ineligible family members must not be granted a tenancy they may be taken into account in determining the size of accommodation which is to be allocated.

⁷ Housing Act 160ZA(2)

⁸ Housing Act 160ZA(4)

⁹ Allocation of Housing and Homeless(Eligibility) (England) Regulations 2006 (SI No.1294) (the eligibility regulations)

Changes to eligibility criteria

The Secretary of State may issue regulations at any time under the Housing Act 1996. Local Authorities are notified of any such changes by way of statutory instruments, approved by Parliament. Eligibility criteria changed by primary or secondary legislation will form part of this scheme from the date any such changes come into force with out the need to refer any changes to committee.

Existing Tenants & Eligibility

The eligibility provisions do not apply to applicants who are existing tenants who are already secure or introductory tenants or assured tenants of a Private Registered Provider¹⁰

Not Eligible decision.

If an applicant is not eligible to register under s160ZA Housing Act 1996, the homemove team will notify the applicant in writing giving the reasons for the decision. The decision will contain the right of review that must be requested within 21 days of the notification. The council will not accept requests for a review after 21 days except in exceptional circumstances. For further information please see reviews.

Who qualifies for social housing in Brighton & Hove?:

Criteria for being a qualifying person

This section sets out the criteria that must be met for applicants to qualify for social housing in Brighton & Hove. Decisions made on whether a person is a qualifying person are made by the assessment officer. Any such decision as to whether a person is a qualifying person has a statutory right of review. Any such review shall be carried out by a person with higher seniority than the decision maker in line with the Statutory Reviews procedure (see below). Any request for a review must be made within 21 days of the decision.

Applicants are able to apply for social housing within Brighton & Hove if they are eligible and “qualifying person” Brighton & Hove is a high demand area where demand for social housing is in excess of supply.

To be a qualifying person for an allocation of social housing in Brighton & Hove and be (or remain) registered on the council’s housing register for social housing, an applicant, or one of joint applicants, must:

- (a) Be eligible for an allocation of housing accommodation (as determined by law and set out above, that is, not ineligible due to immigration status); and
- (b) Be 18 years old or over unless they are subject to statutory homeless duty, a statutory successor (no age restrictions apply), a non statutory successor under the relevant policy in place at the time or referred by the council’s social care services (in which case they must be over the age of 16). Applicants under the age of 16 will only be offered accommodation in certain circumstances (see below).

¹⁰ Housing Act 1997 s160ZA(5)

- (c) Have a household income that is no greater than the household income threshold set by the Housing & New Homes Committee and in place at the time the decision on qualification is made; and
- (d) Live in the Brighton & Hove City Area¹¹ and have lived in the area continuously for the five years immediately preceding the date they make their application for housing and continue to reside in the Brighton and Hove City Area unless any of the following circumstances apply:
- (i) They are homeless and the council has accepted a full duty to them under the Housing Act 1996 S193(2) that has not yet ceased;
 - (ii) The housing department has accepted a nomination for the applicant from the council's children's services or adult social care department or other approved partner support agency in line with inter-agency agreements, to the Council's Interest queue who has been placed outside of Brighton & Hove under a statutory duty and need to return to the city.
 - (iii) They are serving in the regular forces^{12*13};
 - (iv) They have served in the regular forces* where the application is made within five years of discharge.
 - (v) They are serving or have served in the reserve forces**¹⁴ and are suffering from a serious injury, illness or disability, which is attributable (wholly or partly) to that service;
 - (vi) They have recently ceased, or will cease, to be entitled to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner where their spouse or civil partner has served in the regular forces
 - (vii) The council has agreed to rehouse them under a reciprocal agreement with their current landlord or local authority where their current landlord or local authority has agreed that, if Brighton & Hove houses them, they will house an applicant nominated by Brighton & Hove Council;
 - (viii) The Council has accepted an application for an existing Secure or Assured tenant seeking to transfer under the right to move scheme¹⁵
 - (ix) Rehousing/relocation into Brighton & Hove is accepted by the council as being essential in the furtherance of the National Witness Protection Scheme.

¹¹ Providing social housing for local people Statutory guidance on social housing allocations for local authorities in England

¹² Definitions (S374 Armed Forces Act 2006):

¹³ * The 'regular forces' means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force.

¹⁴ ** The 'reserve forces' means the Royal Fleet Reserve, the Royal Navy Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

¹⁵ Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) ('the qualification regulations 2015')

- (x) Applicant accepted under a reciprocal arrangement with another local authority or registered social landlords where there is an agreement to house or nominate an applicant referred by Brighton & Hove City Council.

Exemptions for temporary absence from the local authority area.

A person may cease to reside in the Brighton & Hove City council area for a temporary period in the following circumstances and not lose their local connection for the purposes of the allocations scheme.

- A. An applicant receiving hospital or other treatment outside of the city area in a treatment centre who is required to vacate their accommodation or is evicted from accommodation and is ready to return to the area.
- B. A person who is required to move to give care to another person, outside of the city, for a temporary period not exceeding 6 months.
- C. A person who loses their accommodation and is unable to find alternative accommodation in the city immediately but then returns to the city within a six week period. This will apply to applicants who have obtained local connection or who are building up their local connection with the city.
- D. Applicants who are placed on remand by the courts will not have any time placed outside of the city whilst on remand. If a person is released without conviction the time spent on remand will be discounted. If a person is convicted following a period of remand the sentence will be used to determine if local connection is removed. If a person is convicted for a period of over 13 weeks then local connection will be lost

A person who has obtained accommodation outside of the city under a contract, either written or verbal will not be considered to have maintained continuous residence in the city area for the purpose of the local connection criteria.

For avoidance of doubt Local Connection for the purpose of the allocations scheme does not include the wider definitions of Local Connection contained in Housing Act 1996 Part VII s199.

For the purposes of determining local connection, living in Brighton & Hove will not include the following:

- Occupation of a mobile home, caravan or motor home which is not placed on an official council approved site or other council approval obtained (toleration on unauthorised sites is not included)
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday
- Resident in a bail hostel or other such accommodation
- In-patients of hospitals/specialist centres
- Rough sleeping/squatting

Who is not a qualifying person

This section sets out the circumstances in which applicants who meet the criteria set out above will nevertheless not be qualifying persons for an allocation of social housing in Brighton & Hove. The criteria below will apply to all applications but may, in exceptional circumstances, be waived at the discretion of the Homemove Manager or more senior officer in the housing department. Where an assessing officer considers that exceptional circumstances may apply, they will refer the application to the Homemove Manager or more senior officer to decide whether the criteria in this section should be waived.

Persons who do not qualify on grounds of behaviour

Applicants will not qualify for social housing in Brighton & Hove and be (or remain) registered on the council's housing queues if any of the following circumstances apply:

- (a) The council is satisfied that they have, within the preceding 10 years, obtained or attempted to obtain housing or other housing related services/welfare benefits /public funds, from any public body in the UK, by making a false or misleading statement or withholding information, or encouraging someone else to do so on their behalf;
- (b) The council is satisfied that the applicant is unlikely to satisfactorily manage the tenancy and /or pay their rent because, for example:
 - (i) they have been evicted due to anti-social behaviour (including, but not limited to domestic violence and abuse, homophobic, transphobic abuse and/or noise nuisance) or rent arrears;
 - (ii) they have been served, within the last year, with a notice for breach of their tenancy conditions;
 - (iii) another person who shared a property occupied by them left because of the applicant's violence/abuse or threats of violence/abuse against them or a person associated with them;
 - (iv) they or a member of their household have a history of anti-social behaviour (including domestic violence/abuse and noise nuisance);
 - (v) they have a record of failure to pay rent¹⁶;
 - (vi) they have outstanding debt liabilities to the council and are not making satisfactory arrangements to repay those debts¹⁷.
 - (vii) they are a person who has been removed from a premises subject to a closure order under the Closure of Premises (Anti-Social Behaviour, Crime and Policing Act 2014)
- (c) Where an applicant or member of the household has been found guilty of a criminal offence including theft, assault, criminal damage, robbery, possession or supply of drugs, burglary and fraud, sexual assault or other criminal behaviour a person may not be eligible, or may be removed, for a period no longer than the period that an offence becomes spent under the Rehabilitation of Offenders Act 1974. Each case will be considered on its merits¹⁸.

¹⁶ Rent arrears will not include any payment of Housing Benefit paid in arrears

¹⁷ Debt repayment plans are in place and have been kept for at least 6 months and continue to be kept until cleared or at the point of offer.

¹⁸ R (YA) v Hammersmith and Fulham LBC [2016] EWHC 1850 considered

Persons who do not qualify on grounds of home ownership etc

Under s160ZA Housing Act 1996 the council is only allowed to allocate to an eligible and qualifying person. The Code of Guidance recommends that local authorities should avoid allocating social housing to people who already own their own homes. If the council were to allocate social housing this should only be in exceptional circumstances.

Applicants who own their own homes will be provided advice and guidance on other housing options. Decisions will be made on a case by case basis and medical, disability, community care and other relevant needs will be taken into account

Applicants will not qualify for social housing in Brighton & Hove and be (or remain) registered on the council's housing register if:

- (a) they own or jointly own accommodation (including shared ownership accommodation) in the UK or elsewhere¹⁹, or have a legal right to occupy accommodation in the UK or elsewhere (other than as a tenant or licensee) unless they satisfy the council that it would not be possible and reasonable for them to:
 - (i) occupy the accommodation; or
 - (ii) sell or let the accommodation in order to obtain suitable accommodation; or
- (b) the council is satisfied that they have equity and/or savings that it would be possible and reasonable for them to use in order to obtain suitable accommodation.
- (c) Where there are medical, disability, community care or other relevant needs applications will be considered under the following circumstances:
 - a. Where it is not possible to adapt the current accommodation to meet the needs of the owner occupier's medical/disability or
 - b. Where it is too expensive to adapt the existing accommodation to meet the needs of the owner occupier's medical/disability and they cannot afford to buy or rent suitable alternative housing, including shared ownership or private retirement housing and
 - c. The sale of the property would not enable the owner occupier to purchase or rent an alternative property suitable to meet their needs. This would include shared ownership. purchase or renting outside of Brighton and Hove all will be a factors in reaching the decision.

Where a person or member of the household disposes of a property the equity received at the point of sale will be taken into account for the purposes of a financial assessment (see below). Equity that is received will be counted as income/savings in line with the policy below.

¹⁹ Follows Housing Act 1996 s175

Person who does not qualify following disposal of property, purchased under the Right to Buy, Council and Registered Providers.

Where an applicant or member of the household has purchased a property under the right to buy and has disposed of this asset by way of sale or gift to any other person the applicant will not qualify to join the housing register for a period of five years following the disposal of the property. Following this period the household's income will be taken into account in line with financial limits contained in this policy below.

Persons who do not qualify on the grounds of sufficient resources to accommodate themselves

The council is permitted to take into account the financial resources available to an applicant to meet their own housing need. The following will not qualify to join the housing register.

An income financial assessment will be carried out. If a household's income exceeds the following amounts they will not qualify to join the housing register

Studio/One Bedroom	£30,000
Two Bedroom	£55,000
Three Bedroom or above	£60,000

Income will be calculated taking account of all adults on the application and include income from working and any other income regardless of its source.

In addition to the cap on income, account will be taken of any savings or investments that the household has to enable them to source accommodation. The level set will be

Studio/One Bedroom	£3,000
Two Bedroom	£5,000
Three Bedroom and above	£7,500

Where income/savings is derived from the sale of any assets such as a house then the council will assume that this sum is available as part of the financial assessment. If an applicant deliberately deprives themselves of capital or income in order to qualify for housing, they will be treated as still having it for the purpose of the financial assessment. Where a person is treated as having "notional" capital this amount may be reduced on a monthly basis to take into account living costs such as rent, council tax and other general outgoings until the notional capital is less than the financial caps under this policy. Deliberate deprivation includes gifted money to relatives and friends and payments to third parties that do not form part of authorised loans that are regulated by the financial services authority.

Increase in income and savings levels

The above financial limits will be increased on an annual basis using the increase in the consumer price index each year that is used by central government for increases in welfare benefits. Any increased levels will be approved by the Head of Housing. This increase will not be subject to ratification by the relevant council committee.

Carrying out financial checks

The council will carry out checks, including credit checks, on any member of the household, who are included, on the application with the applicant in order to determine household income and savings levels. Financial checks may apply to any part of this policy, which requires such an assessment, including at the offer of accommodation stage. Income is derived regardless of source and will include income from earning, savings and welfare benefits.

The council will not take into account the following in assessment of savings or income:

Any members of the armed forces recently discharged from the forces with a payment due to injury or disability, unless there is an award towards resolving their housing costs.

Disability Living Allowance or personal independence payments or any other replacement benefit for the above.

Persons who do not qualify on grounds of refusing a suitable and reasonable offer

Applicants will not qualify for social housing in Brighton & Hove and be (or remain) registered on the council's housing register if they have refused any offer of suitable accommodation within the last two years made or arranged by the council and there has been no material change in their circumstances so as to make the earlier offer clearly unsuitable in the light of the applicant's changed circumstances.

Persons who do not qualify on grounds of being an applicant with no recognised housing need

Applicants will not qualify for social housing in Brighton & Hove and be (or remain) registered on the council's housing register if the council is satisfied, once the application has been assessed, that they are suitably housed, that is, they have no recognised housing need under the Council's Housing Allocation Scheme.

Exceptional Circumstances

There may be occasions not predicted by this allocations scheme where the applicant is deemed not to be a qualifying person and accordingly following a person having requested a review of the decision (see reviews) not to include an applicant on the basis of not being a qualifying person, the reviewer may exercise discretion not to invoke the policy in exceptional circumstances. Each case will be considered on its merits. Applicants will have to demonstrate why the case is exceptional in each case.

In circumstances not predicted by the allocations scheme where, the applicant is not deemed to be a qualifying person and has not requested a review, the council may look to exercise discretion not to invoke the policy if the applicant can demonstrate that there are exceptional circumstances. Each case will be considered on its own merits

Non Qualifying application decision.

If an applicant is not a qualifying person under this policy, the homemove team will notify the applicant in writing giving the reasons for the decision. The decision will contain the right of review that must be requested within 21 days of the notification. The council will not accept requests for a review after 21 days except in exceptional circumstances. For further information please see reviews.

Data Protection and rights to information

We aim to provide excellent customer service to applicants using or seeking to use the Housing Register. This includes a right to confidentiality and right to certain information.

Right to confidentiality

We will not divulge (without their consent) information about a housing applicant. This includes the fact that they are an applicant²⁰.

Right to Information

An applicant has the right to see information²¹ held about them on the Housing Register. This is known as a subject access request (SAR) We will provide this information within 40 days of a written request of the applicant a charge of £10 will be payable for a copy of this information.

After we have completed a full assessment, we will inform an applicant about their priority on the Housing Register.

We will provide information, through the Homeseeker guide and Sussex Homemove website, about property types they are eligible for.

We will provide, through Sussex Homemove website (<http://www.homemove.org.uk/>), feedback information²² about the lettings undertaken so that the applicant can estimate the length of time they are likely to have to wait before being rehoused. This will be provided when the result of a letting is known by the council.

We will inform an applicant if they have been given any priority status on the Housing Register²³.

An applicant has the right to request that we inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them²⁴.

The applicant has a right of review against any decision we make about their application. Their right to review is set out below in this policy²⁵.

We will publish a summary of the Allocations Policy on the Council's Website and provide a copy of this summary free of charge to any member of the public that requests it.²⁶

We will publish the full copy of this Allocations Policy on the Council's website and make it freely available for any person to inspect at Bartholomew House, Bartholomew

²⁰ 166(4) of the Housing Act 1996 as amended by the Homelessness Act 2002

²¹ 166A (9) of the Housing Act 1996 as amended by the Homelessness Act 2002

²² 166A (9)(ii) of the Housing Act 1996, as amended by the Homelessness Act 2002.

²³ section 166A(a)(i) of the Housing Act 1996

²⁴ Housing Act 1996 section 166A (9)(b) as amended by Section 16 of the Homelessness Act 2002

²⁵ Housing Act 1996 section 166(9)(c) as amended by Section 16 of the Homelessness Act 2002.

²⁶ Section 168 (1)

Square, Brighton. A person may request a copy of the full policy. A reasonable fee will be payable for this service²⁷.

Who can apply?

The housing register is open to people who are eligible and qualify under this policy and are 16 years old or over although applicants under the age of 18 will only be offered accommodation in certain circumstances (see below).

Existing Social Housing Tenants & Joint Tenants

Existing Social Housing Tenants

Any secure council tenant or any assured tenant of any of the council's partners in the joint housing register living in the city may join the housing register if they are a qualifying person.

The council will not normally make an offer of accommodation to a transfer applicant where the tenant is in breach of their tenancy resulting in

- A valid Notice of Seeking Possession or suspended order for rent arrears.
- Housing Act Injunction, Anti Social behaviour order, Notice of seeking possession for other breaches to the tenancy.

Tenants will also be asked to join the council's mutual exchange register. This register contains the details of tenants who are looking to swap their home with someone else. Mutual exchanges can be found in the city and elsewhere if people are looking to relocate to other parts of the country. There are restrictions for mutual exchanges such as size criteria or for those in rent arrears. For further information please contact **XXXX**

Joint tenants

Applications for transfers can only be considered from joint tenants where both tenants are moving. If one of a joint tenant is requesting a transfer then the existing joint tenancy issues must be resolved before the application can proceed. Applications will be suspended until the tenancy issues are resolved and then any banding will be backdated to the date of the application. Joint tenants will be required to obtain independent legal advice on determining the joint tenancy.

How to apply

All Homeseekers requesting rehousing and tenants requesting transfers **MUST** complete an application to be put onto the housing register. Applications can be made on-line at <http://www.homemove.org.uk/> . Information is available on this scheme in a number of different languages <http://www.homemove.org.uk/otherlanguages.aspx> . If you are unable to complete an on-line application because you do not have access to the internet you can get on-line free of charge at the following venues in the City

Customer Service Centre Bartholomew House
Customer Service Centre Hove Town Hall

²⁷ Section 168 (2)

Coldean Library
Hangleton Library
Hollingbury Library
Hove Library
Jubilee Library
Mile Oak Library
Moulsecomb Library
Patcham Library
Portslade Library
Rottingdean Library
Saltdean Library
Whitehawk Library
Woodingdean Library

Brighton & Hove has a digital inclusion project called Digital Brighton & Hove that has a list of all free access points across the city. Digital on-line can also offer free places in Brighton and Hove to get online or improve your skills like searching, security, email, social media, form-filling, finding jobs, shopping and paying bills.

<http://digitalbrightonandhove.org.uk/>

Digital Brighton & Hove can also assist those with no knowledge how to begin to get on line.

If you need help completing an on-line application you can contact the Customer Assessment and Advice Team on 01273 294400 Option 1

If you are housebound you may request that a member of staff assists you to make a telephone application or in exceptional circumstances you may request a home visit for someone to help you. For further information please see our vulnerable person strategy.

Who can be included on the application?

Applications for General Needs Accommodation.

Demand for social housing in Brighton & Hove is extremely high. As a result the city has to ensure that it makes best use of accommodation and that it is allocated to those in need.

The following may be included on a person's application

- Applicant who is an eligible and qualifying person.
- Applicants Husband, Wife, Civil Partner or someone with whom they cohabit.
- All dependent children under the age of 18, children of the applicant, husband, wife civil partner who are currently living with the applicant or could reasonably be expected to live within the household and residence is 100% of the time.

- This can apply to households that are split households who are not able to live together because they do not have accommodation.
- Normally other people who can be included on the application must be members of the applicant's immediate family who usually reside and have done so for a period of six months prior to the application. Any other person or persons will only be accepted as part of the applicants household in circumstance in which is reasonable for the person or person to reside with the applicant.
- A carer where the applicant can prove that a 24 hour is essential and currently lives with the applicant or there is an identified person not currently living with the person and there is a risk that the applicant may have to go into residential care if the carer is not living with the applicant.

People who cannot be included on the application

People that cannot be included on a person's application include

- Lodgers
- anyone subletting from the applicant.
- People flat sharing not in a relationship (joint tenants)
- An adult applicant may not appear on more than one application for the allocation of housing simultaneously²⁸.
- Children who do not reside with the applicant and who have accommodation with another parent, guardian, foster carer. This includes households with shared custody where there is available accommodation for the child/ren

Under 18s & Under 21s

Under 18s

Applicants who are eligible and qualify under the allocation scheme who are under 18 may register under the allocations policy. Although we will not usually offer them a property until they are over 18. In the event that there is an urgent housing need, a further assessment will be carried out and we will work with the individual to find the most suitable accommodation to meet their need. An offer of permanent accommodation will only be made if the council is satisfied that: the young person is able to live independently; able to sustain a tenancy; and has an identified package of support available to them.

Exemptions

An applicant who is entitled to succeed to a tenancy by virtue of Housing Act 1985 s87 (as amended) will be granted a tenancy by way of succession.

²⁸ Someone with own application cannot also be on a transfer application.

Under 21s

The Government has proposed to withdraw automatic housing cost for people under the age of 21. The introduction of the Youth Obligation, with its tougher conditionality, and the removal of “automatic entitlement” to housing support for 18-21 year olds It is expected that the provisions will include an element of working or learning in order to qualify for Housing Benefit (or housing element of universal credit). The policy will be updated to comply with any statutory scheme introduced by government without the need to refer to committee..

Considerations for assessment.

Assessment of Needs

Officers will assess applications in line with this policy taking account of all available information provided by the applicant together with any information that is available to the assessor from any other source, such as Housing Benefit, Council Tax, Electoral Register, Land Registry searches and any credit checks used to confirm residence or income.

Best use of accommodation

Assessment of accommodation will be carried out using “best use” of accommodation that is available based on the number of occupants in a property and the number of rooms. The assessment will use the overcrowding standard when assessing on this criteria.

False or misleading information

Section 171 Housing Act 1996 makes it an offence:

- To knowingly or recklessly make a statement which is false in a material particular; or
- To knowingly withhold information which the authority has reasonably required an applicant to give the council in connection with dealing with their application.

The council may request supporting documentation in relation to any application from any member of the household to determine if a person is an eligible or qualifying person. It may request details in order to assess the application. This may include information including financial, medical, employment or voluntary contribution, property ownership or disposal of a property or any other material that may be required from time to time to allow the council to reach a decision under the policy.

Failure to provide the requested information may lead to the application being suspended for a period. Failure to continue to provide any information will lead to the applications being cancelled. Any applicant or third party person submitting information under this policy may be liable to prosecution.

Any person found to have supplied false or misleading information will have their application cancelled.

Application and assessment process

Applications from Homeseekers, transfers and the Council's interest queue will be required to complete a housing registration form on-line at www.brighton-hove.gov.uk/homemove

Applications from accepted homeless applicants will be copied over from their homeless application and will not be required to complete an application form. For the purposes of fraud or misleading information any information contained on the homelessness form will be considered under this policy.

The council will have four queues contained within this policy. These will be:

- Homeseekers - general waiting list applicants
- Homeless Accepted Homeless under full housing duty s193(2)
- Transfer applicants – existing tenants of Brighton & Hove City Council or registered housing provider with a nomination agreement with the Council
- Council's interest queue – Quota arrangement with Council or other statutory services

Application Process

Applicant(s) will be required to provide a passport size photograph of each applicant(s) and each member of the household over the age of 18.

Any applicant applying on-line will receive a letter that gives a **provisional band** automatically. This will allow the applicant to bid on properties while their application is being verified. Any provisional band may be changed once information has been received and the applicant will be given a band on their assessed need.

Once applications are received and a person is deemed an eligible and qualifying applicant the homemove team carry out an initial housing needs assessment based on the information contained on the application form and other information available. The homemove team will have access to other data contained in other council departments such as Housing and Council Tax Benefit. Should the homemove team be unable to carry out a full assessment due to the lack of available evidence the highest band that the application can achieve is Band C. The homemove team will write to the applicant to request additional information required to fully assess an application.²⁹

Information that is required is stated on the on-line application form on each screen. This information will be summarised at the end of the on-line application. A full and final assessment can only be carried out once the requested information is provided. Should a request for information not be complied with a second request³⁰ for information will be sent. If this second request is not complied with the application will be cancelled. If an application is cancelled the applicant will be notified in writing. The notification will give the applicant the right to a review not to be included on the housing register. This right

²⁹ FINO

³⁰ FINO reminder

of review must be requested within 21 days of the notification. The council will not accept requests for a review after 21 days except in exceptional circumstances. For further information please see reviews.

Any application that is received on a paper form will be assessed in the same manner as those received on-line. This however may take longer to process than those received on-line.

Following the applicant submitting an application this application will firstly be assessed to see if a person is:

- Eligible
- A qualifying person

Applicants will need to provide information to prove that they are an eligible person. This proof will be in the form a passport or other acceptable form of identification for all persons on the application.

If a person proves that they are eligible then the council will look to see if they are a qualifying person in line with the policy above. Information may be required to ascertain if a person qualifies under the allocations policy to be included as a qualifying person. This will include proof of residence or any other consideration contained in the policy.

If the person is eligible and a qualifying person the application will be assessed taking account of the relevant information supplied by the applicant. Checks will be made where necessary to verify any information that is received. This may include, but not limited to, housing benefit, council tax records, electoral registration and household financial checks.

Bedroom size assessment

Each application will be assessed to determine what size of property an applicant is entitled to. The assessment will be based on the following unless there is a medical requirement for an extra bedroom on the basis of medical or disability related factors.

Size	Minimum People	Maximum People	Example Types of Household
Studio	1	1	Single Person
One Bed	1	2	Single Person or childless couple
Two Bed	2	4	One to two child family or single person with live in carer
2 bed Sheltered	2	3	A single person/couple and live in carer
3 Bed	3	6+ depending on Size	Two or more children (different sex over the age of 10)
Four Bed	4	8+ depending on Size	Five or more children

Applicant with children following a family breakdown.

As the Council has a very limited supply of social housing the council is not able to offer an applicant additional bedrooms where the children have accommodation with the other parent. A person in this situation who is eligible and a qualifying person may be offered a one bedroom property to allow occasional access arrangement. This aligns the allocations policy with Housing Act 1996 Part VII³¹

Medical Assessment

Medical priority is assessed by the Homemove Team and is based on the information supplied on the on-line or a self assessment medical form. Medical priority is not awarded solely on a person's medical condition. There is a need to show that there is an impact of the person's current housing circumstances along with the medical condition. If there is insufficient details on the on-line application or self assessment medical form, applicants may be requested to provide additional details before a full assessment can be undertaken.

Assessments are made on the effect of present housing considering the health condition of the member or anyone in the household (who is/are moving) and not on the medical condition alone. In reaching the decision we will consider whether the overall effect on the household (who is/are moving) or any member of the household (who is/are moving) is sufficient to warrant one of the medical priority bands.

The Homemove assessment officers have access to the council's medical advisor who can advise on the medical conditions and the impact of on the person's housing conditions to assist them in their decision making of when to award medical priority. The medical advisor must be requested to provide advice on the need for an extra bedroom over and above that an application is entitled to under this policy. The medical advisor may also make recommendations in relation to any mobility classification.

A medical assessment may be requested by applicants where a medical conditions occurs after they have made an application. This will be assessed as above where the medial condition is having an impact based on their current housing conditions.

Medical awards can be made as follows:

Band A

Overriding (severe and immediate) medical priority awarded by the assessor where there is a **need to move** - where the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or member of the current household as to warrant emergency priority.

Band B

³¹ Holmes-Moorhouse v London Borough of Richmond Upon Thames considered

High (major) medical priority awarded by the Medical Advisor –where there is a **need to move** where the housing conditions are having a major adverse effect on the medical condition of the applicant or member of the current household as to warrant extra priority.

No award

Where a person does not meet the criteria to be awarded band A or B then no award will be made under this policy. There must be an identified **need to move** in order to justify this priority.

Medical Assessment Accepted Homeless Case

Where the council receives a request for a medical assessment for a person who the council has placed into temporary accommodation under s188³² or s193³³ the request will be referred to the Housing Options Team³⁴ for a suitability assessment. If the Housing Options team find that the accommodation is either suitable or that an alternative accommodation can be found within a reasonable time then there will be no medical priority awarded. The applicant will be notified of the decision by the Housing Options Team. The applicant will have the right to request a review of the suitability assessment under Part VII. If the Housing options team find that the accommodation is not suitable and no other accommodation can be found then the case may be passed to the Homemove Manager to agree the case to be placed into Band A.

Assessment for accommodation in Mobility Groups.

All properties adapted for disabled people will be advertised across all bands. Properties will have a mobility classification as below and priority will be given to those with a matching need for a property that is advertised.

Properties will also be advertised with notes where the potential for adaptations or further adaptations exists and any further restrictions applicable.

Mobility Groups

Irrespective of the band assessment, where a member, or one of the household, has a substantial and permanent physical disability which may place them in mobility groups 1,2 and 3 (see below) the Homemove team work with the Occupational Therapist team, A report on their housing needs may be requested before any award is made. Taking into account the recommendations of the report the Homemove team will place the member in one of the following mobility groups:

Mobility Group 1 – Typically suitable for a person who uses a wheelchair full time, i.e. indoors and outdoors. The property will provide full wheelchair access throughout.

Mobility Group 2 – Typically suitable for a person with restricted walking ability and for those that may need to use a wheelchair some of the time. The property will have

³² Housing Act 1996 Part VII

³³ Housing Act 1996 Part VII

³⁴ This is to ensure that there is consistent assessment of our statutory duty under Housing Act 1996 s210

internal and external level or ramped access, but some parts of the property may not be fully wheelchair accessible.

Mobility Group 3 – Typically suitable for a person able to manage two or three steps, may use wheelchair but not full time, or may be unable to manage steep gradients. The property may have adaptations to assist people with limited mobility.

Where a disabled applicant applied for accommodation which does not meet his or her access needs, the council will take into account whether it is reasonable and practicable to adapt that property when assessing the offer consistent with our duties under Equalities Act 2010 and the Housing Grants, Construction and Regeneration Act 1996 and also whether it would meet the housing need. On occasion accommodation offers may be withdrawn from a case where the housing need would not be met.

Mobility cases will be banded under the medical awards above unless there is a minor need to move in which case the case may be awarded Minor Need to Move Band C (mobility).

Unsatisfactory housing conditions and overcrowding. (Homeseekers only)

Unsatisfactory housing conditions

The Homemove team may refer an application to the council's private sector housing team where there are major issues with regards to the condition of the property. A case will only be referred if the person agrees to work with the private sector housing team and any recommendations that are made. These referrals will require the private sector team to make contact with the relevant landlord or managing agent who is responsible for the property. Any applicant who withholds consent for the private sector housing team to contact the Landlord or Agent will not be eligible for a banding assessment under this policy. Following any inspection of the applicant's property if there is any required intervention and there is no prospect of this being completed within 6 months the following banding awards will apply:

Unsatisfactory housing conditions as confirmed after a visit from the Private Sector Housing Team and classed as a category 1 hazard(s) that cannot be rectified within 6 months (as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 HA 2004)) will be awarded Band B.

If the works required are completed before an offer of accommodation is made then these priority award will be removed. Awards in this category will be reduced by up to one band if it is considered that the applicant has moved into accommodation that is not suitable to meet their needs or if the applicant refuses to cooperate with any works required.

Overcrowding

Where the property is deemed to be 'statutorily overcrowded' by the Private Sector Housing Team under Part X of the 1985 Housing Act and there are no practicable means to make the property suitable for the number of occupants within a reasonable time period the applicant will be placed in band A. Applicants will be placed in band B if they lack two or more bedrooms and band C if they lack one bedroom below these minimum provisions

An independent adult (18 years+)	1 bedroom, including a bedsit or studio
Co-habiting couples	1 bedroom, including a s/c studio
A dependent child	1 bedroom
Two children of opposite gender where one is aged over 10 years	2 bedroom
Two children of the same gender (any age)	1 bedroom

Please note that if there is a second reception room it will generally be deemed to be available for use as a bedroom and box room, which can reasonably be used by a child, will count as a single bedroom.

Assessment for full time carers (only given when caring from someone out side of your household)

If a person who is eligible and a qualifying person and the prime applicant(s) provide care in an area of the city, the priority may be applied for in the area in which they provide the care (bids will only be considered within one square mile surrounding the household your are caring for. Carers must have been providing care to a named person for a continuous period of at least six months up to the point of application and the same at the point of offer. Care in this context is not the provision of child care. Care must be related to a physical, mental or learning disability.

Proof required for full time care priority

The prime applicant(s) must provide proof that full time care is required (this will be in the form of a care assessment from Adult Social Care or Children’s Services). A copy of the person welfare benefits DLA with care or mobility component or PIP and Carers allowance that is being paid. We will also require a letter for the person/people receiving care. If the care status changes whilst on the Housing register or at the point of offer it is up to the prime applicant(s) to inform the homeless team immediately of the changes.

Assessment for person with carer not required to live in full time.

Someone that has an occasional need for a carer will not automatically be awarded an additional bedroom. If a person is currently occupying a one bedroom property then this will be assessed as being suitable as the occasional carer can be expected to sleep in the living room on an occasional basis.

Other cases will be considered on their merits and based on the facts of each case. There is however a severe shortage of social housing and the council and its partners have to ensure that this is used to its maximum potential. Any need for an occasional carer will need to be assessed as required and evidenced as part of a care plan before it can be considered in line with the assessment for a live in carer.

Accepted Homeless Applicants

Accepted Homeless households owed the main duty by Brighton & Hove City Council under s193 of the 1996 Act or s.65 of the 1985 Act will be placed in the following bands **only**

Band A

- Accepted Homeless households owed the main duty by B&HCC, placed in temporary accommodation where the landlord requires the property back or the property is unsuitable³⁵ to meet the applicant's or a member of the household's needs, and where the household have been assessed as ready to manage independent accommodation and no other temporary accommodation can be sought.

Band C

- Accepted Homeless households owed the main duty by Brighton & Hove City Council placed in B&B or short term temporary accommodation.
- 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.
- Accepted Homeless households occupying temporary accommodation on an assured short hold or non-secure

Care Leavers & Care Leavers leaving supported accommodation

Priority will be awarded to care leavers where Brighton & Hove City Council has a Corporate Parenting role. Care leavers will be given priority under this scheme under the care leaver protocol into Band A if they are deemed to be tenancy ready.

If the young person is not deemed to be ready to manage an independent tenancy and are offered a supported housing placement then they will awarded Band A once there is an agreement from Housing and Children's services that the young person is tenancy ready. There will be a six months bidding time and at the end of this time the homemove team will start to bid for the applicant until a suitable offer is made. No Band A will be given without a full support package in place and the applicant is ready for social housing.

Leaving Supported Accommodation

In some case where a household is living in support accommodation funded by Brighton and Hove City Council , an assessment of housing need will take place. If the outcome of the assessment is that the household is not ready for independent general needs accommodation, as they are deemed not to be ready to manage an independent tenancy but need supported accommodation, then they will not be able to access general needs housing.

Households are supported in this accommodation and their skills and abilities are thoroughly assessed to ensure that they are ready to make steps to greater

³⁵ Suitability assessment required under Housing Act 1996 Part VII

independence. Supported accommodation is designated as accommodation commissioned and funded through Adult Social Care (Housing)

When these households are ready to move on from supported accommodation reasonable preference will be awarded when a household is assessed as ready to move to independent settled housing on the recommendation of the supported accommodation Key Worker.

If any ongoing support needs are assessed and, and where appropriate, a support plan must be put in place. This means that only a household who is ready to manage a tenancy will be able to access social housing. The assessment will take account of being able to manage a tenancy, have no rent arrears, have no record of anti social behaviour in the last 9 months, and demonstrate that they have completed a life skills course.

Sheltered Housing

Applicants can apply for sheltered housing using the Housing Registration form or can be referred by a relative, support worker, GP, or by the Medical Advisor recommending sheltered housing. Generally applicants or at least one of joint applicants must be over 55 years old.

The council and housing association partners have a variety of sheltered accommodation specifically for an older community where it has been agreed that a housing and support need is called for. Applicants will be required to complete a support needs form. This form will be assessed and presented to the sheltered accommodation panel.

On receipt of an application for sheltered housing, the Homemove Team will register the application and place it in the relevant housing and support need band. These are:

- High
- Medium
- Low

Social Welfare Considerations

Band A – Severe Need Authorised by the Senior Homemove Officer (or above) where members are in ‘severe need’, who would otherwise be placed in Band B, has needs which when assessed cumulatively are deemed to warrant emergency priority as to warrant them being placed in Band A (Three or more band reasons from Band B)

Band B – Multiple Needs – Authorised by the Senior Homemove officer (or above) where an applicant who would otherwise be placed in Band C, has needs which when assessed cumulatively are deemed to be so severe as to warrant them being placed in Band B (three or more band reasons from Band C).

Band B – Enabling Fostering/Adoption – Where social services make a recommendation that permanent accommodation be provided to enable someone to

foster or adopt a child, if the Homemove Team agrees this then the applicant will be placed in band B. This is only accepted with the full support of Brighton & Hove Council Children's Services.

Band C – Other social welfare/hardship – 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 care or support

Band C – Delivering a Care Plan – This is where accommodation is required to assist Brighton & Hove City Council's Social Services in delivering a Care Plan (eg moving the member nearer to the source of care and support or to accommodate a carer), or to relieve other social/welfare hardship as agreed between Social Services and Housing

Other priority categories (applicable to transfer applicants only)

Band A – Priority Transfers

Agreed in exceptional circumstances by the Homemove Manager and Housing Manager where there significant insurmountable problems associated with the tenant's occupation of a dwelling and there is imminent personal risk to the tenant or their family if they remain in the dwelling.

Where the Homemove Manager and Housing Manager agree a non-urgent management transfer Band B will be awarded.

Band A – Moving for major works

Awarded to transfer applicants if their property is imminently required for essential works and the tenant cannot remain in the property. Although the council will encourage and assist such tenants to make bids through the Homemove system we recognise that we have a duty to provide suitable alternative accommodation and will make a reasonable bid within the necessary timescale.

Band A is awarded to facilitate a tenant's move in one of the following circumstances:

- Make best use of adapted sock – for example where providing adaptations in the current property is not feasible but there may be a suitable alternative property available as agreed under Tenants Incentive Scheme(TIS).
- Statutory Successors to a property who are required to move due to the person under-occupying a property
- Non-statutory successors – approved by Housing Management, Housing Options and The Homemove Team for an offer of suitable accommodation
- Enable tenants under occupying family accommodation or adapted property they no longer require, to move to smaller accommodation or alternative accommodation under the Transfer Incentive Scheme (information on this scheme can be requested from your housing officer). Under occupiers who do not qualify for this scheme will be placed in Band C

- Retiring council and HA employees, e.g. Sheltered Scheme Managers, Residential Estate Wardens where the council or HA has a contractual obligation to house

Band B is awarded to facilitate a tenant's move for the following circumstance:

- Ex-tenants returning from institutions, e.g. rehabilitation where a commitment has been made in order to secure the relinquishment of a council or HA tenancy on entering the institution.

Transfer Incentive Scheme (TIS)

The TIS is a popular and successful route for many households, wanting to downsize to smaller flats from larger family homes they no longer need.

The TIS is available to council tenants who move out of a family size unit of accommodation and move to another area or into an affordable and sustainable private sector property of at least 12 months duration.

The table below shows the payment amounts (before any deductions)

Downsizing by one bedroom	£1,000
Downsizing by two bedrooms	£1,500
Downsizing by three bedrooms	£2,000
Downsizing by four bedrooms	£2,500
Moving from a wheelchair-adapted property, even if the same size	£1,000

The scheme to also include tenants moving from not just fully wheelchair adapted properties, but also partially adapted properties they no longer need (graded Mobility 2), to non-adapted, non-mobility rated properties. This is because there are very few fully wheelchair adapted properties in our council stock, but many that have been partially adapted (e.g. with level access showers, ramps).

It should be noted that some Housing Association Tenants can qualify for the Priority Banding but that the payments listed above are for Council tenants who have held standard tenancies for at least 12 months.

A person may only receive one payment under TIS

The TIS is a cash limited fund and applications may be refused if there are insufficient funds to make payments in any one financial year. A person who is refused on the basis of lack of funds may reapply to the scheme in future years.

Payments of the above amounts will be reduced if there is any remaining balance on the applicants rent account or if there are any amounts owing to Housing Benefits or any recharges following the ending of the tenancy. These amounts will be calculated by Tenants Service Income Management Team

Offers of accommodation may be restricted to council offers only if an applicant will still have any arrears or housing benefits overpayment to ensure that this may be recovered by the income management team

Council Interest Queue

BHCC Children's Services Nominations under quota arrangements – Band A

Under two schemes: 1. The Divert Scheme, which has been designed to prevent children being looked after by the Local Authority, and 2. General Social Services Nominations as agreed at Head of Service level.

BHCC Children's services Nominations early intervention – Band B

The Homemove manager agrees with social service an annual quota for housing client who would not be able to meet the criteria under the policy for Band B but is considered that the early intervention would enable the family to move forward with limited social care involvement.

BHCC Adult Social Care Nominations under quota arrangements - Band A

The Homemove Manager agrees with Adult Social Services an annual quota for housing clients in housing need designed to enable the person to live independently in the community and have been assessed under a care plan to be able to sustain an independent tenancy. This quota can comprise of either general needs or sheltered accommodation (agreed by sheltered panel)

Care leavers Protocol –

Applications will be dealt with under the care leavers protocol for applications from BHCC Care leavers team for those deemed to be tenancy ready. The Council's Children's services will inform the Housing Department of expected demand for accommodation each year so the housing department may include this demand in the Council's interest queue.

Extra Care Housing.

Extra care housing is specifically designed for applicants who have specific need of housing and support. Applicants can apply for this type of accommodation but applications will only be assessed for extra care housing if this is supported by a Social Worker working for Brighton & Hove City Council.

Applications for extra care are considered by the Extra Care Panel. This panel will look at the support needs to ensure that best use of this type of accommodation is made. Extra Care Housing deals with a range of support levels and allocation to Extra Care Housing may take account of the needs of existing residents in prioritising applicants.

Extra Care Housing in Patching Lodge and New Larchwood is restricted to applicants or one of joint applicants who are 55 years of age

Extra Care Housing at Vernon Gardens and Brookmead will be open to applicants who are normally over 55 years old although applications can be considered under the age restrictions on a case by case basis. Applications may be refused if the balance of these schemes changed by the number of applicants under 55 as they are designed to meet the needs of older people.

Other

Witness Protection – Band A (Homeseekers queue)

The Homemove Manager agrees with NWMS (National Witness Mobility Service) an annual quota for housing clients in housing need..

Banding structure

Banding can only be awarded if an applicant is an eligible and qualifying person as outlined above.

The four priority bands are:

Band A	Overriding (severe and immediate) priority awarded by the homemove assessor after seeking advice from the Medical Officer – 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 applicants current household as to warrant emergency priority
	Armed Forces personnel, or their spouses, with an urgent level of housing need who current serving members of the Armed forces required to leave their accommodation or who have left within the last five years ³⁶
	Social Services nominations under the quota arrangements
	Witness protection nominations under a quota arrangement agreed by the National Witness Mobility Service
	Accepted homeless households owed the main duty by Brighton & Hove City Council and placed in temporary accommodation where the landlord requires the property back or the property is unsuitable to meet the applicants or member of the household's needs, and where the household have been assessed as ready to manage independent accommodation and no further accommodation can be sought as agreed by the Temporary Accommodation Allocations or Homemove Manger.
	Transfer applicants under-occupying family sized accommodation qualifying for the Transfer Incentive Scheme.
	Transfer applicants who are statutorily overcrowded and this overcrowding has occurred by family growth or two families joining together.
	Transfer applicants needing permanent or temporary decants where the property is imminently required for Major Repair.
	Where the property is deemed to be statutorily overcrowded by the Private Sector Housing 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 period the applicant will be placed into Band A subject to a person intentionally overcrowding a property (see below).
	Priority Transfers, agreed in exceptional circumstances 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, bi-phobic abuse or harassment.

³⁶(Additional preference for former armed forces personnel) (England) Regulations 2012

	Leaving a mother and baby unit funded by Brighton & Hove City Council who has successfully completed the support placement and requires a move.
	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).
	Retiring council employees, e.g. sheltered scheme managers, residential estate wardens where the council or Housing Association has a contractual obligation to house the applicant.
	Care leavers – where Brighton & Hove are the corporate parent to the applicant and there is agreement from the Homemove Manager and professional colleagues within the council, this priority is not valid for care leavers where the corporate parenting role is held by another Authority.
	Non statutory successors – where agreement has been provided by Housing Management and it is agreed that the applicant would be considered to be in priority need, as agreed by the Housing Options Service, and the council would therefore have a statutory duty to accommodate the person but the council considers that the property is too large to meet their needs.

Band B	Severe overcrowding – household lacking two or more separate bedrooms. This assessment may be qualified if a person is seen to have caused the overcrowding intentionally. (See below)
	Management Transfers – agreed by Housing Management for transfers on management grounds that do not satisfy the grounds of a Priority Transfer above. This will be agreed in consultation with the Homemove Manager.
	High (Major) priority awarded by the homemove assessor after seeking advice from the Medical Officer – 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 applicants current household as to warrant emergency priority
	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 and 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 with in six months (as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 Housing Act 2004))).
	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 homemove manager are deemed to be so severe as to warrant being placed in a higher priority band.

Band C	Armed Forces personnel, or their spouses, with an urgent level of housing need who were former members of the Armed forces who have left the service for more than five years ³⁷
	Moderate Overcrowding – households lacking one separate bedroom
	Council and housing association tenants under-occupying that do not qualify for the transfer incentive scheme.
	Accepted homeless households owed the main duty by Brighton & Hove City Council placed in temporary accommodation.
	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.
	Unsanitary conditions that cannot be addressed by the Private Sector Housing Team within a reasonable time scale. Unsanitary conditions are lacking one or more of the following an inside WC or a bathroom or no access to cooking facilities.
	Applications for sheltered accommodation where there is no higher need (must have a support need) allocation to general needs accommodation will not be accepted under this band reason.
	People 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.
	An applicant where a household is living in support accommodation funded by Brighton and Hove City Council and has been assessed as ready to leave supported accommodation.
	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).

Band D	Any applicant who has applied to the council and who's application has been demoted from any other band to enable an investigation to take place on their application on the basis of false and misleading information.
	Key workers
	Applicants required to be on the Housing Register of the purpose of obtaining shared ownership. These applicants may only be assessed for the above purpose and will not receive an allocation of social housing or be nominated to a Housing Association.

Notification of assessed application

Once assessed the application will be placed in the appropriate bedroom, mobility category and Band and awarded a priority date (see priority date). The homemove team will write to the applicant to inform them of the following:

- Registration Number
- Priority date
- Priority Band

³⁷ (Additional preference for former armed forces personnel) (England) Regulations 2012

- Band reason under the policy
- Bedroom size
- Medical assessment (if applicable)
- Mobility assessment (if applicable)
- Support Need – for sheltered (if applicable)
- Extra Care –(if applicable)

PLEASE KEEP THIS NOTIFICATION IN A SAFE PLACE AS YOU WILL NEED YOUR REGISTRATION NUMBER IN ORDER TO PLACE BIDS ON PROPERTIES.

These notifications will advise applicants that they have the right to see information held on the application under the freedom of information act (subject access request). If they consider any information is inaccurate they may request that the information is corrected.

Reviews

Applicants have a right of review on any decisions made under this policy in line with the provisions of the Housing Act 1996 Part VI. The notification will contain details of how to request a review. A request must be requested within 21 days of the decision. Requests for a review out side of the 21 day period will only be considered on an exceptional basis. There is no right to second review of the same decision. (See Reviews)

Change of circumstances/ moving

Housing register assessments are based on an applicant's current circumstance. If you move it is the applicant's responsibly to inform the council. This can be done on the on-line change of circumstances form on the homemove web site. You should inform us if you wish to add or remove someone from your application. Adding someone to your application will be considered in line with the allocations policy above. A person may not appear on two applications at the same time.

Homeless applicants may have to be assessed to see if it is reasonable to add someone to their application. Having a child will automatically be approved. You should inform us if you wish a person to be removed from your application. We are not able to remove the main applicant from an application. If you do not wish to move with the main applicant you will need to make a new application.

Once an application has been re-assessed on the change of circumstances/moving a notification will be issued if there is any change to the applicants banding.

Applicants who have changed their accommodation will be reassessed on their new circumstances. Medical and Mobility may also be reassessed. If your new property is suitable to meet your needs this may be reflected in a change to your banding.

Re- registration

All homeseeker and transfer applicant must complete a review form to stay on the housing register once every 12 months. If you are sent a notification you will have up to six weeks following your registration anniversary date to return the form. If an applicant does not comply with this reregistration process the application will be cancelled and the applicant will be removed from the housing register. Applicants will be informed that they have been removed from the register and will have 21 day to appeal against this decision. (See reviews)

Closing of housing register applications & removal from the register

Once a household has been moved via the homemove scheme it will be deemed that the housing need has been met and therefore the housing application will be automatically be closed. If there are other applications from the same address that are impacted by the household being moved i.e. overcrowding, then these applicants will be reassessed. If a household is moved by the scheme into council accommodation then the information contained in their file will become available to the District Housing Office as part of the tenancy file.

If a person is moved to one of the partner registered providers then the information may be passed to the registered provider to form part of their tenancy file.

The council will hold a copy of any application that is closed for a period of six years from the date that it is closed. After this date the council will destroy any information relating to the application. If a person reapplies within the six year period and is subsequently removed from the housing register then the time period will run from the date that the later application is removed.

Re-assessing need and priority dates

The council may review all applications annually. If an applicant's circumstances change, at any time, they may be moved up or down the bands depending on their need.

All applicants must inform the homemove team immediately when their circumstances change. If any change results in a band change, the homemove will write to inform the applicant of the new band, their priority date, if applicable, and of their right to request a review of this decision. The principal of the scheme is that no one should overtake existing applicants in a Band.

Moving up a Band

If an applicant moves up a band their priority date will be as follows:

- Overcrowding due to the birth of a child. Date that information is received
- Priority or Management Transfer – date as agreed by the Housing Manager
- For Private Sector Housing Team reasons the date the decision is received from the Private Sector Team.

- For Social Services nominations, the date request is received from Social Services
- Medical reasons, the date the information is received into the Homemove Team.
- Homeless Households, the date the duty was accepted by Brighton & Hove City Council.
- All other Band Changes, the date the information is received.

Moving down a Band

If an applicant moves down a band, then their priority date will revert to the date that applied when the applicant was previously in that band, or an earlier date in a higher Band.

Multiple Needs

As part of the assessment of an applicant's needs, those applicants who have a range of needs will be identified. These cases will be assessed to identify those applicants whose needs, when considered cumulatively, are deemed to be so severe as to warrant them being placed in a higher band. Where such exceptional circumstances exist and a higher priority band is thought appropriate the Homemove officer will, having fully considered the details of the case, forward their recommendation to the Senior Housing Needs Officer to seek authorisation that the applicant be placed into a higher priority band. The applicant will be notified of the decision of the Senior Housing Needs Officer and if this is refused the applicant will be notified and given the right of review. (See Reviews)

Circumstance that result in reduction of Band awarded.

The council may reduce a person's Band award if there are indications that a person has moved into accommodation knowing that this accommodation is not suitable to meet the needs of their household. This will include moving into studio accommodation that causes statutory overcrowding and moving additional people into accommodation knowing that this will cause severe overcrowding. This is to ensure that applicants do not use the housing register to be housed over and above others that have waited to be accommodated. The Band reason may be reduced by one Band.

How does the council advertise properties?

Allocations Plan

The council is facing a number of challenges and has to provide services with reduced resources. In order for the council to meet these challenges the council requires the allocation of social housing to be flexible. The applications will be assessed and be placed into one of four queues. These are

1. Homeseeker
2. Transfer
3. Homeless
4. Council's interest (care leavers and other agreed quotas)

The council will formulate an allocation plan each financial year that prioritise the proportion of lettings to each queue. The allocations plan will be based on the performance of the last financial year to take account of the number of lettings required to each of the above groups. This will be enable the council to balance the ongoing pressures and at the same time allow it to meet it statutory obligations, for example to discharge its homeless duty or to provide stable housing for some one leaving care or other commitments within children and adult social care.

The allocations plan must ensure that it still meets the requirements to those that are assessed as having a reasonable or additional preference. The allocations plan will be agreed by the Head of Housing each year and provide up to a certain level of lettings to each of the four queues.

The allocation plan will be applied to all adverts for properties that are available to let on the homemove scheme. Priority will be given to applicants in the allocated queue. If there are no successful applications from within the advertised queue then the property will be allocated in accordance with the allocation policy to an applicant in one of the alternative queues in priority order.

Advertising available properties

The council uses Sussex Homemove <http://www.homemove.org.uk/> to advertise all properties that are available. Full details on how to bid are set out in the scheme user guide. The Council will advertise properties in one of four queues, selected by the landlords, in accordance with the allocations plan (see above). These are:

- Transfer
- Homeseeker
- Homeless
- Councils interest

You may bid on properties in any of the queues; however priority will be given to applicants within the advertised queue before other applicants will be considered. You will be notified which queue you have been allocated to in your assessment letter. Other eligibility criteria will be laid out in the adverts for each property, such as

- The minimum and maximum number of persons in the household
- If there are age limits of households without young children
- The mobility group, if applicable, and details or potential for adaptations
- If pet are allowed
- Whether it is sheltered or extra care housing
- Who the landlord is (either council or housing association)
- The minimum and maximum weekly charge³⁸ including any other charges

³⁸ Housing & Planning Act 2016 pay to stay regulations

Security of Tenure & Fixed Term Tenancies

The council has a tenancy strategy that lays out the expected security of tenure; Council tenancies will be issued as introductory tenancies. Housing Associations will normally issue a starter tenancy. Under the Localism Act 2011 and Housing & Planning Act 2016, landlords may offer different types of tenancy, which could be either a lifetime tenancy or a tenancy with a fixed number of years (that is then renewed if you are still in need).

New tenants will normally be given a 12 month starter or introductory tenancy before a longer tenancy is allowed. Existing tenants transferring will usually keep the same type of tenancy when moving.

The advert will clearly state which tenancy applies to that property. More information is available in landlords' respective Tenancy Policies.

Under the Housing and Planning Act 2016 it will be compulsory for all new council tenancies to be offered for a fixed term of between two and ten years. This Policy may be amended to comply with any future legislative provisions that have been passed that impact the council's ability to let properties on a fixed term basis and to align it with its tenancy strategy.

Housing & Planning Act 2016

The Housing & Planning Act 2016 has introduced measures that will affect the levels of rents that will be charged. Any applicant(s) will be subject to a financial assessment. This assessment will look at the financial means of the household. All income must be disclosed on this assessment including income from any source of employment, saving, income from any other source including bank accounts. Any person who do not disclose all income may be withholding information that they should disclose and may be committing an offence under s171 Housing Act 1996

The Council will make such enquires into the financial details of any applicant and any other member of the Household as required to under the Housing & Planning Act 2016. This may include credit checks on bank accounts and any other financial transactions that the person have had including any mortgages for example.

Size of property you can bid for

An assessment of your housing need is made and you will be informed of the size of property you can bid for, please see the table below for guidance.

Size	Minimum People	Maximum People	Example Types of Household
Studio	1	1	Single Person
One Bed	1	2	Single Person or childless couple
Two Bed	2	4	One to two child family or single person with live in carer
2 bed Sheltered	2	3	A single person/couple and carer

3 Bed	3	6+ depending on Size	Two or more children of different sex over 10 years old
Four Bed	4	8+ depending on Size	Five or more children

In deciding the appropriate size of a property the age and gender of the children within the household are considered for example a male and female child where one is over 10 years are not expected to share a bedroom. Therefore some two child families are eligible for a two bed property and others with two children are eligible for a three bedroom property.

Extra Bedrooms Applicants may apply for extra bedrooms by submitting medical and or mobility information. This medical or mobility needs will have to be very high to meet the requirements of being awarded an additional bedroom.

Homeless applicants and property size

In cases where households have been accepted as homeless under Part V11 Housing Act 1996 and have been awarded the relevant band, a household may bid for accommodation that falls outside of the above criteria if it has been assessed that the property is reasonable for the households needs. The offer will discharge the council's duty under Part VII Housing Act 1996.

In addition:

- Where there is overriding medical need to support the request the council will allocate households up to one additional bedroom over the standards set above
- No applicants can bid for properties that would result in overcrowding or under-occupation
- Where a household is moving to smaller accommodation, they may be entitled to assistance under the Transfer Incentive Scheme
- If there are no eligible bidders over 50 years of age where an age restriction applies, applicants under 50 without children will be considered.

The bidding process

Eligible applicants can make bids for properties advertised, by telephone bidding or by bidding online via the website. Applicants can also nominate a proxy bidder, and in exceptional circumstances request that the council bid on their behalf (assisted bidding). Full details of how to bid are set out in the Scheme User Guide, which will be sent out to all new applicants and is available on the website www.homemove.org.uk.

Applicants with support needs and those who have difficulty with written English will be supported by an appointed support provider or the Homemove team.

Applicants who urgently need to move and who do not bid for properties may receive a direct bid. (see 'Direct bidding').

All bids for a property are checked against the eligibility rules, for example any age restrictions or size of property. Ineligible bids are excluded from consideration. We will

provide advice and support to applicants who regularly bid for properties they are not eligible for.

Applicants can bid for up to a maximum of three properties they are eligible for. NO bids can be placed on any available property after a shortlist deadline. Applicants are not required to place all three bids at the same time. Shortlists will be created within three working days for housing associations properties.

Council tenancies will be shortlisted once the Housing department has notified homemove that the property is vacant and ready for letting. Successful applicants will be contacted as soon as possible by the landlord. Homemove are not responsible for the letting process this is carried out by the landlord.

The shortlist sent to the landlords will include the three applications that are eligible for the property in accordance with the scheme. These will be:

- Top applicant
- 1st reserve candidate
- 2nd reserve candidate

If an applicant is the top applicant in any shortlist then they will still be able to place bids on other properties. However while the applicant is waiting to view the property they will not be considered for any other properties until the result of the offer is known. If the property is unsuitable then the applicant will be able to resume bidding. If the property is refused and deemed suitable the application will remain suspended until the result of the review is known.

If none of the shortlisted applicants accept the property then this will then be offered to the next eligible applicant and this will continue until the end of the shortlist. If no applicants accepts the property this will then be re-advertised.

Changes to advertising, shortlisting, selection and offers

The council is in the process of tendering for a new IT system to underpin the assessment and allocation of social housing. This policy may be updated, with out the need to refer changes to committee, to reflect changes that are made with any new IT system in how properties are advertised, shortlisted or offered to applicants and to reflect any enhancements that may be available that increases customer choice, such as automated bidding mobile apps or any enhancements that reduce property void times such as daily or continuous bidding so long as it is does not make changes to eligibility, qualifying persons, local connection or exemptions agreed in the policy.

Detection of fraud

The council is obliged to ensure that offers of a social housing tenancy are only awarded to those that are entitled to be offered the accommodation. Housing is a valuable community asset and unfortunately is sometimes obtained fraudulently. The Council is committed to improving our detection of fraud and reducing our losses from fraud.

Fraud is an act of deception intended for personal gain or to cause loss to another party. The harm caused by fraud is not just financial; it causes harm to local people. It can include:

- Failure to disclose information - for example providing false information on the housing application.
- Abuse of a position that is carried out to make personal gain - for example someone using their knowledge of council policies and procedures to gain advantage such as gaining access to a council service.
- False representation – Someone submitting false information on your behalf that is untrue and designed to increase the chance of an applicant obtaining housing.

Before the shortlist is passed to the landlord the Homemove team will pass the successful candidates to the Council's corporate fraud team who will carry out any necessary checks in relation to the application. These checks will include cross checking against council records, financial checks (including any bank accounts held), check with other local authorities or checks with utility and mobile phone companies.

If any information comes to light that contradicts any information held by the homemove team in any respect then the council will by-pass any application on the shortlist and may continue to investigate an application. If any fraud is found to be true then the applicant will be informed of the council's decision and removed from the housing register. If the information is not correct then the application will be reinstated. Offers of accommodation will not be held open if the case is suspected of being fraudulent or during an investigation.

Once an offer has been made the applicant has the choice to refuse the property. If they refuse they may be able to bid again the following cycle, there are exception to this and 'refusals' further in this Scheme should be considered. If an applicant is an Accepted Homeless Band A case and refused a successful bid (irrespective of bidding deadlines) then the Housing Options Team and the Homemove Team may consider that this is a full discharge of duty. Any accepted homeless case considering refusing a part 6 offer should contact the Housing Options Team before formally refusing a property

The Selection Process

All eligible bids for each property are placed in priority order. Priority is decided first on the advertised queue and then by the priority band, thirdly by priority date within the band. Where a property has been advertised to give preference to a mobility group, bids from these applicants will be prioritised in band order above bids from members who are not in that stated group. Every bid will be assigned a random number when the bid is made. This number is used to resolve a tie; the highest number gets the priority. If there are no eligible bidders for a property the Homemove team may decide to re-advertise the property.

If the property is owned by a housing association, the prioritised list will be referred to the landlord.

To minimise delays all landlords may arrange multiple viewings for up to three applicant households per property. Applicants will be required to bring proof of identity (for example Driving Licence or Passport) to the viewing. For general needs housing, the Lettings Team will:

- Contact the applicant using the telephone or e-mail contact provided; applicants are responsible to keep homemove updated of any changes to contact details. Any contact details that are not kept up to date may result in an applicant being by-passed on a shortlist.
- Offer the applicant the option to accept and invite to sign for the tenancy or agree a decision within 24 hours
- If the applicant chooses to refuse, the rehousing officer will note the reasons for the refusal and the next applicant is selected for an offer. Applicants will be offered one offer of suitable accommodation to meet their housing needs, except in certain circumstances contained in this policy. Properties are not kept open if they are refused.
- Applicants who do not provide proof of identity at the viewing will be given 24 hours to provide proof at a council office prior to signing for the tenancy, if this is not provided there is the chance the offer may be withdrawn and the case referred back to the Homemove Team for investigation
- Once an offer of accommodation has been accepted the Housing Application will be closed by the Homemove Team or the Lettings Team
- A failure to respond to an offer or viewing will be deemed for the purposes of this policy as a refusal. A failure to contact the housing office following a viewing will also count as a refusal.

If the property is considered to be a sensitive let any issues surrounding this will be discussed with the incoming tenant prior to a tenancy being granted. If a property is considered to be a sensitive let and an applicant refuses the property this will not count as a suitable offer of housing.

How shortlisting takes place

Offers will normally be made to applicants at the top of the shortlist. In very exceptional circumstances we may need to reject an applicant on the shortlist for a particular property to ensure that we meet the following objectives:

To ensure that communities are as balanced as possible

Landlords may adopt Local Lettings Plans for specific areas. These plans will need to be agreed by stakeholders and Brighton & Hove City Council and will consider the problems that need addressing, backed up by evidence. Properties subject to Local Lettings Plans will be clearly advertised and priority will be given to those that meet the agreed criteria.

To ensure that allocations are sensitively made

In exceptional cases, for housing management reasons, we may not offer to the person at the top of the shortlist. You will be contacted by the landlord in writing with the reasons for this decision. Any property that requires a “sensitive let” will be notified to the Homemove team before it is advertised. Any person that requires a sensitive let will be notified as part of the assessment process.

To make best use of the council’s stock and to reduce under occupation

From time to time a property may be advertised for those who are releasing larger council accommodation or reserved for those who need to move urgently because the council is undertaking work on the property

To ensure properties are let quickly

This is important to minimise rent loss and empty property turn around time. Applicants must be available and able to take up an offer of accommodation, applicants will be contacted by telephone or e-mail or in certain cases by letter, and if there is no contact after three days then the offer will be withdrawn and counted as a refusal.

If an offer is not made to the applicant at the top of the shortlist, the reasons will need to be agreed by the Homemove Manager in line with this policy.

Time limits for bidding for properties

There is a three-month time limit for bidding for the following categories of applicants (except where otherwise noted):

- Social Services nominations under quota arrangements
- Witness Protection nominations under a quota arrangement and agreed through the National Witness Mobility Service
- Reciprocal letting arrangements with another landlord or local authority
- Accepted homeless households owed the main duty by Brighton & Hove City Council Band A
- Accepted Homeless Household in Band C who are not bidding under the scheme.
- Households who are statutorily overcrowded
- Transfer applicants needing a permanent or temporary decant where the property is imminently required for major repair
- Where the property is deemed to be 'statutorily overcrowded' by the Private Sector Housing Team under section X of the 1985 Housing Act and there are no practicable means to make the property suitable for the number of occupants within a reasonable time period.
- Priority transfer, agreed in exceptional circumstances due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain.
- Retiring council and HA employees, e.g. Sheltered Scheme Managers, Residential Estate Wardens where the council or HA has a contractual obligation to house.
- Non-statutory successors – where agreement has been provided by Housing

Management and Housing Options that the council will try to re-house in accommodation suitable for the applicant's housing need.

- Under-occupiers who have succeeded to the tenancy where the council has grounds for seeking possession by offering suitable alternative accommodation.
- Care leavers – where the applicant has been placed by Brighton & Hove city council and there is agreement from the Homemove Manager and professional colleagues within the council, this priority is not valid for care leavers from other authorities.
- Management Transfers - agreed by Housing Management for transfers on management grounds.
- Ex-council and HA tenants released or discharged from an institution that the council has given an undertaking to house who have not successfully bid within the timescale will be made one offer before duty is discharged or priority lost.

After the bidding time allowed above has passed and the applicant has not been successful the council will then place bids on behalf of the applicant that are more likely to receive an offer of accommodation this is known as direct bidding.

Applicants not bidding

Applicants who are not subject to a minimum bidding time limit who fail to make any bids within a 12 month period will be informed that they must be actively bidding. Applicants will be given one written warning giving them a further month to make a bid. If an applicant fails to make bid then the application will be cancelled and removed from the housing register. Applicants may reapply to the housing register but this will be considered to be a new application and be assessed accordingly. There will be no backdating of any priority dates to a former application that is removed.

Direct Bidding

It is our aim to advertise all properties through Homemove but there may be circumstances where we will make bids on behalf of households.

- Special circumstances, e.g. applicants who are assessed as high risk offenders have their application processed through a multi-agency panel. This group will be restricted from bidding and a property identified as recommended by the panel. The panel will make one reasonable offer and if refused the applicant can request a review. The final decision on eligibility to bid lies with the Homemove Manager.
- Accepted Homeless households in Band A or C who have failed to exercise choice through the bidding process within the three month timescale or who have bid within the timescale but have not been successful. The council may make one reasonable offer of accommodation before duty is discharged.
- Retiring council employees or those who have highly specific requirements or

who have failed to bid successfully within their bidding time will be offered one property. If refused, the Homemove Manager will review the case and priority may be lost and/or request proceedings possession begins.

- Tenants who need to be temporarily or permanently decanted who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost.
- Ex-council & HA tenants released or discharged from an institution that the council has given an undertaking to house who have not successfully bid within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost and/or request proceedings possession begins.
- Non-statutory successors who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost and/or request proceedings possession begins.
- Statutory successors who need to downsize who have failed to bid successfully within their bidding time will be offered one property
- Priority Transfers who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost and/or request proceedings possession begins.
- Social Services nominations under quota arrangements who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost.
- Witness Protection nominations under a quota arrangement and agreed through the National Witness Mobility Service who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost.
- Care leavers – where the applicant has been placed by Brighton & Hove City Council and there is agreement from the Homemove Manager and professional colleagues within the council, this priority is not valid for care leavers from other authorities. If refused the Homemove Manager will review the case and priority may be lost.
- Management Transfers — agreed by Housing Management for transfers on management grounds who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost and/or request proceedings possession begins. –
- Where the property is deemed to be 'statutorily overcrowded' by the Private Sector Housing Team under Part X of the 1985 Housing Act and there are no practicable means to make the property suitable for the number of occupants within a reasonable time period who have failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost.
- Reciprocal housing agreement with another landlord or local authority who have

failed to bid successfully within their bidding time will be offered one property. If refused the Homemove Manager will review the case and priority may be lost

Offers of accommodation.

With such high demand for accommodation and the need for landlords to let properties to keep down void periods and any subsequent rent loss the council will only make one suitable offer of accommodation to applicants who are bidding them selves or are receiving assisted bidding, except in the circumstances below.

Exceptions to one offer policy.

- Applicants accepted under the Tenants Incentive Scheme (TIS) or Tenants Support Scheme (TSS) downsizing from family accommodation
- Applicants accepted under the TIS or TSS Scheme releasing adapted properties
- Applicants in Homeseeker and Transfer groups seeking sheltered accommodation (three reasonable offers of accommodation in any one 12 month period will apply)

Suitability of offers

In order to maintain a transparent and open system that aligns offers of accommodation across all groups the allocations policy will apply suitability of all offers of accommodation using the criteria that is used for homeless applicants under the Housing Act 1996³⁹

Refusals following bidding or direct bidding

In the above cases the council will make a suitable offer, one that as far as possible matches the size, and type of property the applicant is eligible for. The applicant must give their reasons for refusing. The property will **not** be held empty while the refusal is reviewed but will be let to another applicant.

If the offer is to a homeless household the Temporary Accommodation Allocations Manager will check the case and see if the offer will be enforced. Applicants will be given the required notification on their rights to request a review under Housing Act 1996 Part VII s202. Applicants will be advised that they should accept an offer of accommodation and can still request a review under Part VII. This will at least leave the person with some accommodation if the review process does not uphold their review.

If an offer is to other categories of applicant the Homemove will consider the reasons for refusal. If there is a clear mismatch, eg where applicant or property details were incorrect, the offer will be withdrawn and the applicant notified. If the

³⁹ Housing Act 1996 Part VII s210

offer was found to be a reasonable one, the Homemove manager will advise the applicant of the reasons for this finding and of the effect that this decision has on their application.

Refusals of suitable accommodation member bidding

Applicants who have refused a suitable offer of accommodation will have their application closed, please note that if applicants who are second or third become first for an offer and refuse will be deemed 'first' under this part of the policy.

It should be noted that if a tenancy is accepted and then refused without the tenancy being moved into this will result in the application being closed. There is no facility for an application set to a status of let being reopened. This will be seen as a refusal and dealt with as the above.

All cases will be dealt with based on information supplied and submitted. There is no right to request a further review of the decision.

It should also be noted that this does not include Accepted Homeless cases where if households in this group are successful in obtaining an offer of accommodation within three months, this will be considered a final offer. Any refusal of offers for accepted homeless case will be dealt with under the reviews procedure under Part VII Housing Act 1996 and not under the allocations policy.

The council may exercise discretion to retain the current bandings or priority dates in certain instances, for example where a council or housing association tenant is releasing a property they are under occupying or one that has been adapted that could meet the needs of households who are waiting in a high banding.

Feedback on let properties

All properties let will be listed on the Homemove website showing the number of bidders for each property and the band and priority date of the successful applicant.

Ending a joint tenancy when one party to the tenancy leaves

Joint tenants remain jointly and severally liable for the terms of any tenancy granted by the council of housing association. A tenancy agreement is a legal contract between the landlord and the tenant. If one of the joint tenants leaves or abandons the property it is the responsibility of the remaining tenant to take action to resolve the situation. As the Council is an interested party the remaining joint tenants will be advised to seek independent legal advice on how to bring a tenancy to an end.

Broadly speaking the council will grant a joint tenancy to partners applying together for housing as long as both parties are eligible. A joint tenancy remains in joint names until one or both joint tenants terminate the tenancy. Where there has been a relationship breakdown then one of the joint tenants may make an application for a property adjustment order. If there is a dispute as to who should remain in the property the courts will make a decision on who can remain.

Local Lettings Plans

A local lettings plan is an agreement between the social landlord and local tenants and residents that restricts lettings in the area to certain households. This is done

to tackle a specific issue or problem that has been identified locally at either block, street, estate, neighbourhood or city level, or to achieve a sustainable community on a new development. Local lettings plans allow the council or HA to:

- Identify and explore the barriers to access housing.
- Deliver better outcomes and improve life chances for current tenants and future residents.
- Developing a stock and demand profile of the area alongside the views of local tenants and residents groups will primarily identify the need for any local lettings plans.

Four key elements will be considered when developing a new local lettings plan:

- Selective lettings - there may be some restrictions as to who can apply for certain properties or areas. For example this may involve age restrictions or a requirement to have a local connection.
- Making the best use of housing stock.
- Developing a balanced and sustainable community - where a local policy would promote community cohesion and balance the needs of existing and new tenants to create more inclusive neighbourhoods where people want to live. This may be in areas where there is a high turnover of properties either within an estate or amongst certain property types.
- Attract potential tenants - for example certain properties may be offered with a level of furnishings.

Key stages of development

Developing a stock and demand profile of the area - this may include a breakdown of and information on:

- Property types and numbers
- Household type, including customer profile information of residents
- Voids and lettings within last financial year
- Numbers and reasons for refusal
- Reasons for rehousing and reasons why tenants leave
- Where most availability has occurred and why
- Number of registered transfers
- The level of demand for properties in the area
- How long tenancies are lasting
- How quickly vacancies are filled
- The layout of the area and services available
- Social issues within the area and any multi-agency involvement
- An estimate of vacancies expected
- Local targets for performance

Involving and consulting residents and tenants

The landlords and partners will be responsible for consulting with residents and existing tenants and involving them in the development of any proposals for local lettings plans. This may involve carrying out 'door to door' surveys to collate resident and tenant's views. Partner landlords who have stock within the area will be consulted on the need or otherwise for a local plan. Full Quality

Impact Assessments will be carried out on all Plans.

Evaluating the information

The council will evaluate the information in the stock and demand profile. It will also take account of tenants' views when identifying recommendations to develop local lettings criteria. The council must also consider diversity and equal opportunity issues of local communities when formulating any local lettings plans.

Making recommendations

Recommendations may include some of the following criteria:

- Setting a maximum or minimum age limit for certain properties.
- Preference to tenants / applicants with a local connection or who already live or work in that area.
- Preference to tenants / applicants who are giving or receiving support to or from family/extended family, voluntary work, day care, playgroups or other support from locally based organisations.
- Preference to people who are employed.
- Preference to other household types who would not normally be eligible under the council's letting policy — e.g. this could be couples without children, where there is a high density already in the area of families with children.
- Preference to specific groups of people for specific types of properties or in specific localities where this would benefit the community.
- Preference to people from BME and religious cultures.
- Meeting need of a category of people to ensure most appropriate use of stock.

Impact of Local Lettings Plans on the Lettings Policy

Once a report with recommendations has been finalised, the council will have to formally adopt the plan and this will override the current eligibility criteria. This will take into account the impact of overall lettings in the district. Any property subject to a local lettings plan will be clearly labelled (LLP) within the advertisements.

Review of local lettings plans

The council will ensure that Local Lettings Plans are publicised and implemented. In addition, they will ensure that these plans are continuously monitored and reviewed annually or in line with the local lettings plan recommendation of any review period not exceeding four years, with the involvement of local tenants and residents. If a local lettings plan is agreed it will be promoted within the affected area. If a local lettings plan is not reviewed on an annual basis or in line with the recommendations agreed by committee, then the local lettings plan will lapse.

Reviews under Part VI Housing Act 1996

An applicant will be notified of the right to a review under the allocations policy. The Right of review under the allocations policy are as follows:

- (i) A decision an applicant is not eligible⁴⁰
- (ii) A decision concerning the facts of the case which are likely to be or have been taken into account in considering whether to allocate accommodation⁴¹
- (iii) A decision that an applicant is not a qualifying person for an allocation⁴²

Reviews concerning the facts of the case in above (ii) above include

- a) The type of property for which an applicant will be considered
- b) The extend of the applicant's household to be considered for housing with the applicant
- c) The applicant's medical condition or welfare needs
- d) Other fact used to determine whether the applicant in entitled to a reasonable preference
- e) Whether the applicant should receive additional preference on the grounds of urgent housing need or otherwise and
- f) Determining the applicant's priority including his or her financial resources, behaviour (or that of his or her family), and local connection.

Procedures on review

The Secretary of State has issued guidance⁴³ on how the local authority should carry out reviews under the allocations policy.⁴⁴

The review procedures should be clearly set out, including timescales for each stage of the process, and must accord with the principles of transparency and fairness. Failure to put in place a fair procedure for reviews, which allows for all relevant factors to be considered, could result in a judicial review of any decision reached. The following are general principles of good administrative practice:

Review time scales

⁴⁰ Housing Act 1996 160ZA(9)(a) & (c)

⁴¹ Housing Act 1996 166A (a)(b) & (c)

⁴² Housing Act 1996 160ZA 9(b) & 166A(9)(c)

⁴³ Allocation of accommodation: guidance for local housing authorities in England June 2012

⁴⁴ Housing Act 1996 s166a (10)

Applicants will be notified that they will have 21 days to request a review of any decision that is statutorily reviewable.

Review requests that are received outside of the 21day time limit may be accepted if there are exceptional circumstances as to why the applicant was unable to request a review within 21days.

Applicants will be notified that the request for review should be made in writing, and that it would also be acceptable for the request to be submitted by a representative on their behalf. Applicants will also be advised of the information which should accompany the request.

Representation for the review will normally be made in writing setting out the grounds for the review and any other submissions that the applicant wishes to be considered as part of the review. In exceptional circumstances the council may allow an applicant to make verbal representations to the person carrying out the review, if for example the case is extremely complex.

The review will be carried out by an officer who is senior to the person who made the original decision by at least one grade. It will not be carried out by a person who made the original decision or involved in the decision that is subject to the review.

The review will be considered on the basis of the authority's allocation scheme, any legal requirements and all relevant information. This should include information provided by the applicant on any relevant developments since the original decision was made – for instance, the settlement of arrears or establishment of a repayment plan or departure of a member of the household responsible for anti-social behaviour or a change in a person's medical or mobility.

Reviews should be completed wherever practicable within eight weeks from the date the review is requested. The applicant or their representative may request an extension of time to submit representations. The council will look to notify an applicant if the review cannot be completed with eight weeks with the reason for the extension.

Applicants will be notified in writing of the outcome of the review. The notification will set out the reasons for the decision. This is to assist the applicant and the authority if, for example, the applicant is not satisfied with the outcome and decides to seek a judicial review or to take their case to the Local Government Ombudsman.

Rights of Applicants following a review.

An applicant who is dissatisfied with the outcome of a decision made on review can either decided to pursue their case to the local government ombudsman or to seek a judicial review. If an applicant is seeking to pursue the matter by way of judicial review then they are advised that to seek advise from a legal advisor before doing so.

There is no right for an applicant to request a second right of review.

Right to Move (Transferring tenants from another local authority only)

Work

In order to qualify for an exemption of the local connection criteria the following will be taken into account in assessing if an exemption applies.

The Right to Move qualification regulations 2015⁴⁵ only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

Short-term

In determining whether work is short-term, the following are relevant considerations:

- whether work is regular or intermittent (This is likely to be particularly relevant in the case of the self-employed).
- the period of employment and whether or not work was intended to be short-term or long-term at the outset
- if a contract of employment that was intended to last for less than 12 months would be considered to be short-term.

Marginal

The following considerations would be relevant in determining whether work is marginal:

- the number of hours worked
- if less than 16 hours a week could be considered to be marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit. (The fact that a tenant only works 15 hours a week, for example, may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial).
- the level of earnings.

Ancillary

⁴⁵ Statutory guidance on social housing allocations for local housing authorities in England 2015

Work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded for the purposes of this policy.

A further relevant consideration would also be whether the tenant is expected eventually to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer.

A person who seeks to move to Brighton & Hove to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority – are also excluded from the right to work

Voluntary work

Regulations exclude voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

Apprenticeship

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Genuine intention to take up an offer of work

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the local authority's satisfaction that they have a genuine intention to take up the offer.

Verification and evidence

In all cases the council will want verification and evidence that the work or job-offer is genuine and therefore the following documentary evidence will be required:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible) P60 or other information related to the employment.
- a formal offer letter and letter of acceptance
- the employer to verify the position.
- Letters should be on company headed paper.

Applicant must qualify for an allocation under the right to move both at the time of the initial application **and** when considering making an allocation. This means that proof we have to be provided that the person's circumstances have not changed.

Any application that is suspected of attempting to supply false or misleading statements in order to obtain accommodation with the council commits an offence and may be prosecuted. If a property is allocated following false or misleading statements a person may face eviction.

Section 166A provides that the council must frame the allocations policy to ensure that reasonable preference is given to move to the area, where failure to meet that need would cause hardship to themselves or others. Reasonable preference for the Right to Move Scheme has been set at Band C under the banding structure. In exceptional circumstances an applicant may be awarded a higher band under the scheme on the basis of a medical condition to Band B. This will be assessed on the same basis as those with a local connection if they meet the relevant criteria above.

Quota of properties under right to work

The secretary of state recommends that council set a quota to allow people to move under this scheme. The recommended quota is advised to at one percent of letting each year. Councils that wish to set aside less than one percent of allocations have to be ready to explain publicly why this is the case.

In this allocations policy it is recommended that the council sets aside half a percent (0.5) as a quota for the right to work scheme. The rationale for this figure is that Brighton and Hove is an area of high housing demand that the council is unable to meet the needs of local residents including those that the council has a statutory duty to accommodate. Since the introduction of the right to move scheme there have been no applications to the council under this scheme. It is likely that people that move to the city are likely to move to employment that affords them the ability to source their own accommodation. It is also likely that the job market in the locality may only provide seasonal work to those on lower incomes.

This quota will be kept under review to see if it meets demand. This quota may be varied to a maximum of one percent of allocations by the Head of Housing.

Rehabilitation periods for certain types of sentence/disposal under the 1974 Act (as amended by the 2012 Act)

Sentence/disposal	Rehabilitation period if aged 18 or over when convicted/disposal administered	Rehabilitation period if aged under 18 when convicted/disposal administered
A custodial sentence of over 48 months	Never spent	Never spent
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed	42 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 30	48 months from the date on which the sentence (including any licence	24 months from the date on which the sentence (including any licence period) is completed

months	period) is completed	
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed	18 months from the date on which the sentence(including any licence period) is completed
Fine	12 months from the date of the conviction in respect of which the fine was imposed	6 months from the date of conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect	6 months from the last day on which the order has effect
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)

All offences that are not spent must be disclosed to the council on the application form. No offences that are spent have to be disclosed under the Rehabilitation of Offenders act 1974.

Sexual Offences Act 2003

Applicants who are required to sign onto the sex offenders register are required to inform the council that they are required to do so. Offers of accommodation for this group may require authorisation from the public protection or Multi-agency Public Protection Arrangements before they can proceed to an offer of accommodation. Any refusal by public protection or MAPPA to agree to the offer will result in the offer being bypassed.

Reciprocals

The council recognise the need for the allocations scheme to contain an element of social mobility whilst protecting social housing as a valuable and scarce resource. In order to strike a balance the council will enter into reciprocal arrangement with another local authority or housing association.

All reciprocal arrangements are agreed on a discretionary basis and the Council retains the right to decline a request for a reciprocal agreement if it is not considered to be in the interests of the Council.

Applicants must have been registered on a mutual exchange system and have been unable to obtain housing through these schemes, except in the case of domestic violence.

The Homemove Manager must approve all reciprocal arrangements both in and out bound.

Requests for a reciprocal agreement will only be accepted if a person would otherwise meet the eligibility and qualification criteria contained in this policy requests for a reciprocal agreement for anti social behaviour and rent arrears will usually be refused. Applications will be considered to take into account the welfare cap on any reciprocal request.

Reciprocals are only agreed when there is no material loss to the Council in terms of available housing stock. In most cases, this means that the Council will expect back a property of equal or larger size than the unit offered. The unit must also be comparable in terms of quality and type. If a property requirement is within mobility groups one or two it will be mandatory that the reciprocal is of the same group and in the case of an inbound request that an outbound reciprocal will have to be identified before a request will be agreed.

In exceptional circumstances, the Council may agree to accept an equal number of bedrooms in exchange for a larger unit of the same number of bedrooms, i.e. 1 three bed for 3 three beds or 1 one bed and 1 two bed, This will only be considered where there is no other re-housing option available to the applicant and where there is a strong welfare reason to support the request. This request may be agreed where a tenant under the TIS or TSS schemes will vacate family size accommodation.

The Council expects to receive back the replacement unit within twelve months of the original re-housing.

The local authority or housing association concerned will be required to provide a written commitment to the terms of the reciprocal, as agreed by the Homemove Manager.

Applicants approved on a reciprocal basis will be placed in and be able to bid for the agreed housing appropriate to meet their needs for three months and if unsuccessful during this period will be given one direct offer of suitable accommodation. If this is unreasonably refused the application will be closed. The council's one offer policy applies.

The Council will contact the applicant's landlord at the point of re-housing, to notify them of the move and to request details of the property being provided in replacement.

The applicant will not be re-housed out of turn and all of the terms of bidding, shortlisting and letting apply.

Brighton & Hove Allocations Scheme guidance to officers on the assessment and implementation of this policy.

In order to implement the council's allocations scheme the following is guidance to officers on the use of council systems and procedures following council's agreement of the scheme by Members. This will be developed following the policy above. This guidance may change from time to time to reflect changes in the law or service delivery within the housing department or other services involved.

ANNEX 1: ELIGIBILITY

i.) As a local housing authority we must consider all applications made in accordance with the procedural requirements of our allocation scheme (Housing Act 1996 sections 166(3) and 166A(14)). In considering applications, we must decide:

- if an applicant is eligible for an allocation of accommodation, and
- if he or she qualifies for an allocation of accommodation

Eligibility

ii.) An applicant may be ineligible for an allocation of accommodation under s.160ZA(2) or (4).

We will consider an applicant's eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

Joint Tenancies

iii.) Under s.160ZA(1)(b), we must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, we may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, we should take them into account in determining the size of accommodation which is to be allocated.

Existing Tenants

iv.) The eligibility provisions do not apply to applicants who are already our tenants. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

Persons from abroad

v.) A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

- a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and

- a person from abroad other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))

vi.) The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'). Persons subject to immigration control

vii.) The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given)

The following categories of persons do not require leave to enter or remain in the UK:

- British citizens
- certain Commonwealth citizens with a right of abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement
- EEA nationals⁴⁶, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

viii.) Any person who does not fall within one of the four categories in paragraph x.) will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

xi.) If there is any uncertainty about an applicant's immigration status, we will contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at LA@UKBA.gsi.gov.uk . Where UKBA indicates the applicant may be an asylum seeker, enquiries of their status can be made to the Immigration Enquiry Bureau helpline on 0870 606 7766.

x.) Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

⁴⁶ European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland

- a person granted refugee status: granted 5 years' limited leave to remain in the UK
- a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.
- a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later – to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.
- a person who has humanitarian protection granted under the Immigration Rules⁴⁷: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

Other persons from abroad who may be ineligible for an allocation

xi.) By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph 3.14 below)
- a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations').
- a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations
- a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

xii.) See Annex 2 for guidance on rights to reside in the UK derived from EU law.

⁴⁷ Inserted by the Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006

Xiii.) The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)⁴⁸
- a person who is a family member of a person referred to in (a) to (c) above
- a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there
- a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

xiv.) A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations (see annexes 2 and 3 for further guidance).

xv.) The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

xvi.) Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 4 for further guidance).

⁴⁸ As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK.

Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a).

ANNEX 2: RIGHTS TO RESIDE IN THE UK DERIVED FROM EU LAW

i.) EEA nationals and their family members who have a right to reside in the UK that derives from EU law are not persons subject to immigration control. This means that they will be eligible for an allocation of accommodation under Part 6 unless they fall within one of the categories of persons to be treated as a person from abroad who is ineligible for an allocation of accommodation by virtue of regulation 4 of the Eligibility Regulations.

General

Nationals of EU countries

ii.) Nationals of EU countries enjoy a number of different rights to reside in other Member States, including the UK. These rights derive from the EU Treaties, EU secondary legislation (in particular Directive 2004/38), and the case law of the European Court of Justice.

iii.) Whether an individual EU national has a right to reside in the UK will depend on his or her circumstances, particularly his or her economic status (e.g. whether employed, self employed, seeking work, a student, or economically inactive etc).

Nationals of Bulgaria and Romania - the A2 accession states

iv.) A slightly different regime applies to EU nationals who are nationals of Bulgaria and Romania which acceded to the EU on 1 January 2007. Bulgaria and Romania are referred to in this guidance as the A2 accession states. The Immigration (European Economic Area) Regulations 2006

The Immigration (European Economic Area) Regulations 2006

v.) The EEA Regulations' – SI 2006/1003) implement into UK domestic law Directive 2004/38. Broadly, the EEA Regulations provide that EU nationals have the right to reside in the UK without the requirement for leave to remain under the Immigration Act 1971 for the first 3 months of their residence, and for longer, if they are a 'qualified person' or they have acquired a permanent right of residence.

Nationals of Iceland, Liechtenstein and Norway, and Switzerland

vi.) The EEA Regulations extend the same rights to reside in the UK to nationals of Iceland, Liechtenstein and Norway as those afforded to EU nationals. (The EU countries plus Iceland, Liechtenstein and Norway together comprise the EEA.) The EEA Regulations also extend the same rights to reside in the UK to nationals of Switzerland. For the purposes of this guidance, 'EEA nationals' means nationals of any of the EU member states (excluding the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

Initial 3 months residence

vii.) Regulation 13 of the EEA Regulations provides that EEA nationals have the right to reside in the UK for a period of up to 3 months without any conditions or formalities other than holding a valid identity card or passport. Therefore, during their first 3 months of residence in the UK, EEA nationals will not be subject to immigration control (unless the right to reside is lost following a decision by an immigration officer in accordance with regulation 13(3) of the EEA Regulations).

viii.) However, regulations 4(1)(b)(ii) and (c) of the Eligibility Regulations provide that a person who is not subject to immigration control is not eligible for an allocation of accommodation if:

his or her only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations, or his or her only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) is a right equivalent to the right mentioned in (i) above which is derived from the EU Treaty

Rights of residence for 'qualified persons'

ix.) Regulation 14 of the EEA Regulations provides that 'qualified persons' have the right to reside in the UK so long as they remain a qualified person. Under regulation 6 of the EEA Regulations, 'qualified person' means:

- a) a jobseeker
- b) a worker
- c) a self-employed person
- d) a self-sufficient person
- e) a student

Jobseekers

x.) For the purposes of regulation 6(1)(a) of the EEA Regulations, 'jobseeker' means a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed.

xi.) Nationals of Bulgaria and Romania who need to be authorised to work do not have a right to reside in the UK as a jobseeker⁴⁹. However, they may have a right to reside by virtue of another status, e.g. as a self-sufficient person.

xii.) Although a person who is a jobseeker is not subject to immigration control, regulation 4 of the Eligibility Regulations provides that a person is not eligible for an allocation of accommodation if:

- his or her only right to reside in the UK is derived from his or her status as a jobseeker or the family member of a jobseeker, or

⁴⁹ Regulation 6(2) of the Accession (Immigration and Worker Authorisation) Regulations 2006 (SI 2006/3317).

- his or her only right to reside in the Channel Islands, the Common Travel Area is a right equivalent to the right mentioned in (i) above which is derived from the Treaty establishing the European Community

Workers

xiii.) In order to be a worker for the purposes of the EEA Regulations, a person must be employed. That is to say, he or she is obliged to provide services for another person in return for monetary reward and is subject to the control of that other person as regards the way in which the work is to be done.

xiv.) Activity as an employed person may include part time work, seasonal work and cross-border work (i.e. where a worker is established in another Member State and travels to work in the UK). However, case law provides that the employment must be effective and genuine economic activity, and not on such a small scale as to be regarded as purely marginal and ancillary.

xv.) Provided the employment is effective and genuine economic activity, the fact that a person's level of remuneration may be below the level of subsistence or below the national minimum wage, or the fact that a person may be receiving financial assistance from public benefits, would not exclude that person from being a 'worker'.

xvi.) A person who is a worker is not subject to immigration control, and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

Retention of worker status

xvii.) A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

- (a) is temporarily unable to work as the result of an illness or accident; or
- (b) is recorded as involuntarily unemployed after having being employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:

-

- (i) was employed for one year or more before becoming unemployed, or
- (ii) has been unemployed for no more than 6 months, or
- (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or
- (c) is involuntarily unemployed and has embarked on vocational training; or
- (d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

A2 state workers requiring authorisation who are treated as workers

xviii.) By virtue of the Accession (Immigration and Worker Authorisation) Regulations 2006 ('the Accession Regulations'), nationals of the A2 states (with certain exceptions) must obtain authorisation to work in the UK until they have accrued a period of 12 months continuous employment.

xix.) An A2 national requiring authorisation is only treated as a worker if he or she is actually working and:

- (i) holds an accession worker authorisation document, and
- (ii) is working in accordance with the conditions set out in that document (regulation 9(1) of the Accession Regulations)

xx.) We may need to contact the employer named in the authorisation document, to confirm that the applicant continues to be employed.

Self-employed persons

xxi.) 'Self-employed person' means a person who establishes himself in the UK in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union.

xxii.) A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to their business. A person who is no longer in self-employment does not cease to be treated as a self-employed person for the purposes of regulation 6(1)(c) of the EEA regulations, if he or she is temporarily unable to pursue his or her activity as a self-employed person as the result of an illness or accident.

xxiii.) A2 nationals are not required to be authorised in order to establish themselves in the UK as a self-employed person.

xxiv.) A person who is a self-employed is not subject to immigration control and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

Self-sufficient persons

xxv.) Regulation 4(1)(c) of the EEA regulations defines 'self-sufficient person' as a person who has:

- (i) sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence, and
- (ii) comprehensive sickness insurance cover in the UK

xxvi.) By regulation 4(4) of the EEA Regulations, the resources of a person who is a self-sufficient person (or a student – see below) and, where applicable, any family members, are to be regarded as sufficient if (a) they exceed the maximum level of resources which a UK national and his or her family members may possess if he or she is to become eligible for social assistance under the UK benefit system or, if (a) does not apply, (b) taking into account the personal situation of the person concerned and, where applicable, any family members, it appears to the council that the resources of the person or persons concerned should be regarded as sufficient.

xxvii.) Where an EEA national applies for an allocation of accommodation as a self-sufficient person and does not appear to meet the conditions of regulation 4(1)(c) of the

EEA regulations, the housing authority will need to consider whether he or she may have some other right to reside in the UK.

xxviii.) Where the applicant does not meet the conditions of regulation 4(1)(c) but has previously done so during his or her residence in the UK, the case will be referred to the Home Office for clarification of their status.

xxix.) A person who is a self-sufficient person is not subject to immigration control, but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

Students

xxx.) Regulation 4(1)(d) of the EEA regulations defines 'student' as a person who :

- a. is enrolled at a private or public establishment included on the Register of Education and Training Providers⁵⁰, or is financed from public funds, for the principal purpose of following a course of study, including vocational training, and
- b. has comprehensive sickness insurance cover in the UK, and
- c. assures the Secretary of State, by means of a declaration or such equivalent means as the person may choose, that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

xxxi.) A person who is a student is not subject to immigration control but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation

Permanent right of residence

xxxii.) Regulation 15 of the EEA Regulations provides that the following persons shall acquire the right to reside in the UK permanently :

- a. an EEA national who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years
- b. a non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years
- c. a worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity)
- d. the family member of a worker or self-employed person who has ceased activity
- e. a person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person immediately before the death and the worker or self-

⁵⁰ Now known as the register of sponsors and held by the UKBA

employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease)

- f. a person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence).

Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years.

xxxiii.) A person with a right to reside permanently in the UK arising from (c), (d) or (e) above is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area. Persons with a permanent right to reside by virtue of (a), (b), or (f) must be habitually resident to be eligible.

Rights of residence for certain family members

The right to reside

xxxiv.) Regulation 14 of the EEA Regulations provides that the following family members are entitled to reside in the UK:

- (i) a family member of a qualified person residing in the UK
- (ii) a family member of an EEA national with a permanent right of residence under regulation 15
- (iii) a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition)

xxxv.) A person who has a right to reside in the UK as the family member of an EEA 38 national under the EEA Regulations will not be subject to immigration control. The eligibility of such a person for an allocation of accommodation should therefore be considered in accordance with regulation 4 of the Eligibility Regulations.

xxxvi.) When considering the eligibility of a family member, we will consider whether the person has acquired a right to reside in their own right, for example a permanent right to reside under regulation 15 of the EEA Regulations.

Who is a 'family member'?

xxxvii.) Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below):

- (a) the spouse of the person
- (b) the civil partner of the person
- (c) a direct descendant of the person, or of the person's spouse or civil partner, who is under the age of 21
- (d) a direct descendant of the person, or of the person's spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner

- (e) an ascendant relative of the person, or of the person's spouse or civil partner, who is dependent on the person or the spouse or civil partner
- (f) a person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations (see below)

Family members of students

xxxviii.) Regulation 7(2) of the EEA regulations provides that a person who falls within (c), (d) or (e) above shall not be treated as a family member of a student residing in the UK after the period of 3 months beginning on the date the student is admitted to the UK unless:

(i) in the case of paragraph 37(c) and (d) above, the person is the dependant child of the student, or of the spouse or civil partner, or

(ii) the student is also a qualified person (for the purposes of regulation 6(1) of the EEA regulations) other than as a student

Extended family members

xxxix.) Broadly, extended family members will be persons who:

(a) do not fall within any of the categories (a) to (e) in paragraph 37 above, and

(b) are either a relative of an EEA national (or of the EEA national's spouse or civil partner) or the partner of an EEA national, and

(c) have been issued with an EEA family permit, a registration certificate or a residence card which is valid and has not been revoked

Family members' eligibility for an allocation of accommodation

Relationship with other rights to reside

xxxx.) This section concerns the eligibility of an applicant for an allocation of accommodation whose right to reside is derived from his or her status as the family member of an EEA national with a right to reside. In some cases, a family member will have acquired a right to reside in his or her own right. In particular, a person who arrived in the UK as the family member of an EEA national may have subsequently acquired a permanent right of residence under regulation 15 of the EEA Regulations, as outlined in paragraph 32 (a) – (f) above. The eligibility for an allocation of accommodation of those with a permanent right of residence is discussed at paragraphs xxxii.) and xxxiii.)

Family members who must be habitually resident

xxxxi.) For family members with a right to reside under regulation 14 of the EEA Regulations, the following categories of persons must be habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland in order to be eligible for an allocation of accommodation:

- a) a person whose right to reside derives from their status as a family member of an EEA national who is a self-sufficient person for the purposes of regulation 6(1)(d) of the EEA regulations
- b) a person whose right to reside derives from their status as a family member of an EEA national who is a student for the purposes of regulation 6(1)(e) of the EEA regulations
- c) a person whose right to reside is dependent on their status as a family member of an EEA national with a permanent right to reside
a person whose right to reside is dependent on their status as a family member who
- d) has retained the right of residence

Family members who are exempt from the habitual residence requirement

xxxii.) A person with a right to reside under regulation 14 as a family member of an EEA national who is a worker or a self-employed person for the purposes of regulation 6(1) of the EEA regulations is exempted from the requirement to be habitually resident by regulation 4(2)(d) of the Eligibility Regulations. However, we note that an extended family

member (see above) is not counted as a family member for the purposes of regulation 4(2)(d) of the Eligibility Regulations (see regulation 2(3) of the Eligibility Regulations).

Family members of UK nationals exercising rights under the EU Treaty

xxxiii.) There are some limited cases in which the non-EEA family member of a UK national may have a right to reside under EU law. Under regulation 9 of the EEA Regulations, the family member of a UK national should be treated as an EEA family member where the following conditions are met:

- (i) the UK national is residing in an EEA State as a worker or self-employed person, or was so residing before returning to the UK, and
- (ii) if the family member of the UK national is his spouse or civil partner, the parties are living together in the EEA State, or had entered into a marriage or civil partnership and were living together in that State before the UK national returned to the UK

xxxiv.) Where the family member of a UK national is to be treated as an EEA family member by virtue of regulation 9 of the EEA Regulations, that person is not subject to immigration control, and his or her eligibility for an allocation of accommodation should therefore be determined in accordance with regulation 4 of the Eligibility Regulations.

ANNEX 3: STATUTORY OVERCROWDING

The statutory overcrowding standard

There are two standards in Part X of the 1985 Housing Act that are used to assess whether a home is 'statutorily overcrowded.' If either or both of these standards are breached a dwelling will be statutorily overcrowded.

1.1 The room standard

Section 325 of the Housing Act 1985 provides that there is overcrowding wherever there are so many people in a house that any two or more of those persons, being ten or more years old, and of opposite sexes, not being persons living together as husband and wife, have to sleep in the same room. For these purposes children under ten may be disregarded and a room means any room normally used as either a bedroom or a living room. A kitchen can be considered to be a living room provided it is big enough to accommodate a bed. When interpreting this definition a local authority looks at how the sleeping arrangements within the premises could be organised rather than how they are actually organised

Thus, a couple, with two children of opposite sexes and aged ten years old or more, with two living rooms (e.g. bedrooms), are not statutorily overcrowded because the couple could occupy separate rooms, with one each of the children (of the appropriate sex). There is no limit on the number of people of the same sex who can live in the same room although there may be a contravention of the space standard (see below).

1.2 The space standard

This standard works by the calculating the permitted number of people for a dwelling in one of two ways. The lower number thus calculated is the permitted number for the dwelling. One test is based on the number of living rooms in the dwelling (disregarding rooms of less than 50 square feet):

One room = two persons

Two rooms = three persons

Three rooms = five persons

Four rooms = seven and a half persons

Five rooms or more = ten persons plus two for each room in excess of five rooms.

A child below the age of one does not count and a child between the age of one and ten counts as a half person.

The other test is based on floor areas of each room size:

less than 50 square feet = no-one

50 to less than 70 square feet = half a person

70 to less than 90 square feet = one person

90 to less than 110 square feet = one and a half persons

110 square feet or larger = two persons.

Subject:	Repairs & Improvement Partnership - Update		
Date of Meeting:	21 September 2016		
Report of:	Acting Executive Director Economy Environment & Culture		
Contact Officer:	Name:	Glyn Huelin	Tel: 01273 293306
	Email:	Glyn.Huelin@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report provides an update on processes in place within the Repairs & Improvement Partnership with Mears Ltd to manage quality and avoid overpayments following the results of an internal audit review of overpayments identified by the council in respect of contracted housing repairs.
- 1.2 This follows an Internal Audit report to Audit & Standards Committee on 12th January 2016 and Housing & New Homes Committee on 13th January 2016 that concluded that mechanisms put in place by Mears to identify overcharging were not operating as intended. There was significant evidence that a particular subcontractor had routinely overcharged Mears and that these costs had been passed onto the council.
- 1.3 Mears Ltd provide a comprehensive responsive repairs, planned maintenance and major works service for council homes across the city under a 10-year contract. Around 20% of the annual contract is responsive repairs and approximately 4% of the annual cost relates to subcontracted responsive repairs. The overcharging was isolated to a single subcontractor working on a small proportion of responsive repairs.
- 1.4 The subcontractor involved with the overpayments no longer works with Mears and the council is continuing to work with Mears to strengthen processes and procedures to prevent any reoccurrence.

2. RECOMMENDATIONS:

- 2.1 That the Housing & New Homes Committee notes the updates on progress following the initial report to both Audit & Standards Committee and Housing & New Homes Committee in January 2016.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Housing & New Homes Committee received a report of the Acting Director Finance & Resources summarising the results of an internal audit review of overpayments identified by the council in respect of contracted housing repairs delivered via the Repairs & Improvement Partnership on 13 January 2016. The same report was also discussed at Audit & Standards Committee on 12 January 2016.
- 3.2 Members asked that a report be presented to the Committee on a biannual basis, demonstrating that the council and Mears have robust processes in place to avoid any further overpayments.
- 3.3 The Housing & New Homes Committee requested a workshop to look at the operation of the contract between the council and Mears. This workshop was held on the 23rd February 2016.
- 3.4 Following the identification of the issue by council officers within the Housing Property & Investment team the council has been meeting with senior management at Mears on a weekly basis to review progress with quality assurance on the contract and undertake, monitor and complete agreed actions.

Agreed actions undertaken

- 3.5 The council has received a total repayment of £513,113 related to the overcharge. This is made up of a sum of £274,866 for repairs post April 2014 and a sum £238,247 relating to the repairs undertaken by this subcontractor before April 2014.
- 3.6 The contractual mechanism allows for retrospective review and adjustment of all valuations on a monthly basis. The total credit for repairs post April 2014 represents 0.7% of the total valuations for the period.
- 3.7 Mears recruited a Quality Assurance Manager for the contract shortly after this issue came to light. This has had a positive impact in terms of implementing robust new post inspection and audit procedures and delivering cultural change.
- 3.8 Mears have reduced reliance on subcontractors for the responsive repairs service. This has reduced from an annual expenditure of £1.7 million to £0.872 million as at end of July 2016. This represents 12% of repair orders. There was an increase in subcontracted jobs in February to April 2016 due to increased roofing and drainage issues however there were still considerably less jobs subcontracted than in the same period in 2015 and the overall trend is still a reduction in subcontractor usage. This will continue to be monitored on a quarterly basis and is detailed in the table below:

	Projected annual subcontractor spend	Projected annual subcontractor jobs	Projected annual spend with subcontractors (%)	Projected annual jobs with subcontractors (%)
Feb 15 to Apr 15	£1,690,401.96	7,040	56%	20%

May 15 to Jul 15	£1,553,365.31	6,962	52%	20%
Aug 15 to Oct 15	£1,330,288.71	6,359	44%	18%
Nov 16 to Jan 16	£973,207.42	5,439	32%	15%
Feb 16 to Apr 16	£1,105,884.87	6,239	39%	15%
May 16 to Jul 16	£872,290.92	4,820	31%	12%

3.9 The following trades have moved from subcontractor delivery to directly employed operatives over the last six months; roofing, flooring, plastering, drainage, general building. Fourteen additional locally recruited and directly employed operatives have been appointed to deliver work in house. The following are the main areas of the repairs service that are supported by specialist subcontractors; glazing, large scale drainage.

3.10 As part of the review of quality assurance Mears post inspected the work of all other large volume responsive repair subcontractors working on responsive repairs to establish whether the overcharging was isolated to the one subcontractor or not. In total 1,002 targeted inspections and re-inspections were completed. Aside from nominal coding errors and minor quality issues, no concerns were highlighted as part of this exercise.

3.11 Mears are funding an additional council resource to work alongside the existing team of three Quantity Surveyors in sample checking the post inspection process detailed in 3.10.

3.12 The Mears responsive repairs team is now producing more reliable, consistent, structured and timely data to ensure that a robust view of the quality of work and accuracy of valuations is gained. Examples of this are providing staff with in-depth, property specific repair history prior to inspection and ensuring that comprehensive post inspection records are received by return.

3.13 Mears have overhauled inspection documentation to accurately reflect and record findings. The new post inspection form ensures that there is suitable levels of focus on the measurement and valuation of works, as well as the quality. A suite of reports has been produced detailing findings from post inspection data on a weekly and monthly basis. These reports cover all areas of data captured at inspection stage and identify any incorrect coding

3.14 Next Steps

3.15 The council and Mears will continue to meet on a weekly basis to discuss progress with quality assurance within the partnership.

3.16 The council will be undertaking a review of the partnership to identify further improvements that would benefit the partnership, residents and stakeholders.

3.17 Alongside this the council will continue work with Mears to pro-actively monitor and review other areas of the contract including planned works and major projects for contractual compliance.

3.18 A further report will come to Housing & New Homes Committee in six months time.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 None considered.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 An initial update on overcharging was provided to Area Panels in July 2016 as part of the “Blue Pages” responses.

5.2 A copy of this report has been provided to the September 2016 round of Area Panels for information.

6. CONCLUSION

6.1 This report sets out the progress made following the identification of a subcontractor overcharging on the repairs partnership in 2015.

6.2 A further report will follow in six months in line with the recommendations made by Housing & New Homes Committee on 13th January 2016.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The HRA revenue budget outturn for 2015/16 included the recovery of the over payments totalling £513,113, as detailed in this report, which increased the overall HRA revenue budget underspend for 2015/16. The HRA provisional outturn for 2015/16 was included in the council’s Targeted Budget Management (TBM) provisional outturn report to Policy, Resources & Growth Committee in June. It should be noted that any HRA net underspend will be transferred to the HRA general reserves and will be available for future reinvestment within the HRA.

7.2 A small element of the entire over payment for both periods estimated at £6,500 related to leaseholders. This is a total amount across all leaseholders and not an individual amount per leaseholder. This will have been included in leaseholder service charges and therefore a reimbursement for any overcharge will be included in the 2016 service charge statement.

Finance Officer Consulted: Susie Allen, Principal Accountant

Date: 27/08/16

Legal Implications:

- 7.3 The measures outlined in this report will help ensure that the council is protected from similar overcharging in the future

Lawyer Consulted: Liz Woodley

Date: 23/08/16

Equalities Implications:

- 7.4 None

Sustainability Implications:

- 7.5 None

Any Other Significant Implications:

- 7.6 None

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None

Subject:	Housing Management Performance Report Quarter 1 2016/17		
Date of Meeting:	21 September 2016		
Report of:	Acting Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Ododo Dafé	Tel: 01273 293201
	Email:	ododo.dafe@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Housing Management performance report covers quarter one of the financial year 2016/17. The report is attached as Appendix 1.

2. RECOMMENDATIONS:

- 2.1 That the Housing & New Homes Committee notes and comments upon the report, a summary version of which went to Area Panels in July 2016.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Housing Management Performance Report Quarter 1 2016/17 has been re-designed as a separate document and is attached as Appendix 1. This has been done so that the performance report can be made more accessible to a wider audience. Changes have primarily been made to the formatting rather than to the content (which remains largely the same). For example, size 12 font is used throughout the report in order to meet the requirements for Area Panel documents.
- 3.2 The report continues the use of the 'RAG' rating system of red, amber and green traffic light symbols to provide an indication of performance, and also trend arrows to provide an indication of movement from the previous quarter. These symbols have been re-designed to make them easier to read, and the key to them is included in the report, as are explanations of performance for indicators which are red or amber.

4. COMMUNITY ENGAGEMENT AND CONSULTATION:

- 4.1 A summary version of the performance report went to Area Panels in July 2016 and was noted and commented upon. It was agreed that future reports would include performance and satisfaction data for estate inspections and Estate Development Budget

works. Suitable indicators will be developed and tested with a view to publication during 2016/17 for the former and the start of 2017/18 for the latter.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The area of performance with the most significant financial impact is the ability to collect rents from tenants. For the first quarter 2016/17, the collection rate has increased by 0.14% to 98.91% when compared to the collection rate for the financial year 2015/16 and currently exceeds the target set for the year which is good news. This continues to be closely monitored so that appropriate action can be taken to minimise arrears as the effects of welfare reform unfold. Any improvement in rent collected has a direct impact on the resources available to spend on the management and maintenance of tenants' properties.

Finance Officer Consulted: Monica Brooks

Date: 25/08/16

Legal Implications:

- 5.2 There are no legal implications to draw to Members' attention.

Lawyer Consulted: Liz Woodley

Date: 22/08/2016

Equalities Implications:

- 5.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

- 5.4 The increase in the energy efficiency rating of homes reflects an improvement towards the council's sustainability commitments, among other objectives such as financial inclusion and reducing fuel poverty.

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications arising from this report. Cases of anti-social behaviour involving criminal activity are worked on in partnership with the Police and other appropriate agencies.

Risk and Opportunity Management Implications:

- 5.6 There are no direct risk and opportunity implications arising from this report.

Public Health Implications:

- 5.7 There are no direct public health implications arising from this report.

Corporate or Citywide Implications:

- 5.8 There are no direct corporate or city wide implications arising from this report. However, two performance indicators featuring in this report ('dwellings meeting Decent Homes

Standard' and 'energy efficiency rating of homes') are among those used to measure success against the Corporate Plan principle of increasing equality.

SUPPORTING DOCUMENTATION

Appendices:







1. Appendix 1. Housing Management Performance Report Quarter 1 2016/17.

Background Documents:

1. None

Housing Management Performance Report (Quarter 1 2016/17)

This Housing Management performance report covers Quarter 1 of the financial year 2016/17. It uses the 'RAG' rating system of red, amber and green traffic light symbols to provide an indication of performance, and also trend arrows to provide an indication of movement from the previous quarter.

Status		Trend	
	Performance is below target (red)		Poorer than previous reporting period
	Performance is close to achieving target, but in need of improvement (amber)		Same as previous reporting period
	Performance is on or above target (green)		Improvement on previous reporting period








Explanations of performance have been provided for indicators which are red or amber. A total of 49 performance indicators are measured against a target, of which 34 are on target (green), eight are near target (amber) and seven are below target (red).

The Quarter 4 2016/17 report will include benchmarking data from Housemark.

The icons used throughout the report are sourced from www.flaticon.com and were designed by 'Freepik.'

1. Rent collection and current arrears


Indicators marked with an * are accumulative throughout the year and their targets are set for the year end. Therefore, the status and trend symbols will be applied in the Quarter 4 report, once performance for the year is known.

	Rent collection and current arrears indicators	Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
1.1	Rent collected as proportion of rent due for the year (projected rate)	98.50%	98.77% (£51.43m of £52.07m)	98.91% (£50.57m of £51.13m)		
1.2	Total current tenant arrears	£780k	£640k	£557k		
1.3	Tenants served a Notice of Seeking Possession*	No target	680	154	-	-
1.4	Tenants evicted because of rent arrears*	Under 20	7	1	-	-
1.5	Rent loss due to empty dwellings	1%	0.93% (£478k of £51.71m)	0.91% (£461k of £50.94m)		
1.6	Former tenant arrears collected*	25%	29.24% (£179k of £612k)	7.79% (£50k of £641k)	-	-
1.7	Rechargeable debt collected*	20%	11.32% (£21k of £185k)	3.21% (£6k of £185k)	-	-


**Rent collection and current arrears indicators****Target
2016/17****Previous
quarter
Q4 2015/16****Current
quarter
Q1 2016/17****Status
against
target****Trend
since last
quarter**

1.8	Universal Credit – affected tenants	No target	23	32	-	-
1.9	Removal of the Spare Room Subsidy – affected tenants (under occupiers)	No target	711	709	-	-
1.10	Benefit Cap – affected tenants	No target	8	8	-	-
1.11	Arrears related to Universal Credit	No target	2% (£10k)	2% (£13k)	-	-
1.12	Arrears related to Removal of the Spare Room Subsidy	No target	5% (£31k)	6% (£36k)	-	-
1.13	Arrears related to Benefit Cap	No target	0.3% (£2k)	0.3% (£2k)	-	-














1.14 Area breakdown of rent collected

 Rent collection area	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Trend since last quarter
North (includes Seniors Housing)	99.23% (£14.68m of £14.79m)	99.25% (£14.42m of £14.53m)	↑
West	99.00% (£10.45m of £10.55m)	99.11% (£10.33m of £10.43m)	↑
Central	98.64% (£9.26m of £9.38m)	98.89% (£9.08m of £9.18m)	↑
East	98.31% (£17.05m of £17.34m)	98.51% (£16.74m of £16.99m)	↑
All areas	98.77% (£51.43m of £52.07m)	98.91% (£50.57m of £51.13m)	↑

1.15 Tenants in arrears by amount

 Amount of arrears (Q1 2016/17)	All tenants
No arrears	79% (9,069)
Any arrears	21% (2,351)
... arrears of £0.01 to £99.99	9% (1,003)
... arrears of £100 to £499.99	9% (1,075)
... arrears of £500 and above	2% (273)
Total tenants	11,420

2. Customer services and complaints

	Customer services and complaints indicators	Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
2.1	Calls answered by Housing Customer Services Team (HCST)	92%	90% (8,072 of 8,944)	94% (7,239 of 7681)		
2.2	Customer satisfaction with HCST ('very satisfied' or 'fairly satisfied')	91%	86% (243 of 284)	TBC (next report)	-	-
2.3	Ease of effort to contact HCST ('very easy' or 'fairly easy' to contact)	92%	92% (260 of 282)	TBC (next report)	-	-
2.4	Stage 1 complaints responded to within 10 working days – housing management	80%	59% (22 of 37)	69% (24 of 35)		
2.5	Stage 1 complaints upheld – housing management	33% or under	19% (7 of 37)	14% (5 of 35)		
2.6	Stage 1 complaints escalated to Stage 2 – housing management	10%	8% (3 of 37)	9% (3 of 35)		
2.7	Stage 2 complaints upheld – housing management	15% or under	33% (1 of 3)	0% (0 of 3)		
2.8	Housing Ombudsman Complaints upheld – housing management	20% or under	0% (0 of 2)	0% (none)		

Customer services and complaints commentary

Five indicators are on target and one is below target. Two indicators are to be confirmed (TBC) because the HCST carries out customer satisfaction surveys every six months, so results from the September 2016 survey will be presented in the next report.










The indicator below target is:

Stage 1 complaints responded to within 10 working days

The 80% target has been set by the Corporate Customer Feedback Team and response times have been identified as a key area in which Housing can improve. A total of 35 complaints were responded to, of which 11 took longer than 10 working days (these complaints were overdue by an average of 9 days).

Although the target was missed, there has been a significant improvement in performance compared to the previous quarter, from 59% to 69%, and a similar improvement is expected during the next quarter.


















3. Empty home turnaround time and mutual exchanges


















	Empty home turnaround time and mutual exchange indicators	Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
3.1	Average re-let time, excluding time spent in major works (calendar days)	18	17 (126 lets)	16 (147 lets)		
3.2	... as above for general needs properties	17	14 (98 lets)	16 (110 lets)		
3.3	... as above for Seniors Housing properties	30	30 (28 lets)	16 (37 lets)		
3.4	Average re-let time, including time spent in major works (calendar days)	No target	32 (126 lets)	58 (147 lets)	-	-
3.5	Decisions on mutual exchange applications made within 42 calendar days (statutory timescale)	100%	100% (30 of 30)	100% (56 of 56)		








3.6 Long term empty dwellings by ward (empty 6 weeks or more as of 1 July 2016)

Ward name (excludes those with no long term empty properties)	No. dwellings	Average days empty for	Range of days empty for	Comment
East Brighton	7	93	48-181	One ready to let and six to go to Seaside Homes (including one empty 181 days).
Goldsmid	2	146	125-167	One in major works (empty 167 days) and one to go to Seaside Homes.
Hangleton and Knoll	5	116	48-258	One for extension/refurbishment (empty 258 days), one in major works and three to go to Seaside Homes.
Hanover and Elm Grove	16	248	48-769	Majority (14 studios, including one empty 769 days) within Stonehurst Court – which is to be closed as part of Seniors Housing scheme review – and two ready to let.
Hollingdean and Stanmer	1	146	146-146	One to go to Seaside Homes.
Moulsecoomb and Bevendean	12	185	48-433	Five for extension/refurbishment (one of which empty 433 days), three to be converted to larger dwellings (in Seniors Housing Scheme) and four to go to Seaside Homes.
North Portslade	1	118	118-118	One to go to Seaside Homes.
Patcham	4	79	48-104	Three to be converted to larger dwellings (in Seniors Housing Scheme) and one to go to Seaside Homes.
South Portslade	3	323	258-433	Three for extension/refurbishment (one of which empty 433 days).
Queens Park	1	111	111-111	One to go to Seaside Homes.
Wish	4	189	48-419	Two ready to let and two to go to Seaside Homes (one of which empty 419 days).
Woodingdean	1	545	545-545	One ready to let following major works (which has since been let).
Total	57	187	48-769	The dwelling which has been empty longest (769 days) is a Seniors studio flat in Hanover and Elm Grove, as per above.

4. Repairs and maintenance

 Repairs and maintenance indicators		Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
4.1	Emergency repairs completed in time	99%	100% (3,209 of 3,209)	99.8% (2,739 of 2,745)		
4.2	Routine repairs completed in time	99%	99.9% (5,165 of 5,173)	99.4% (4,097 of 4,121)		
4.3	Average time to complete routine repairs (calendar days)	14 days	18 days	16 days		
4.4	Appointments kept by contractor as proportion of appointments made	97%	96.5% (10,188 of 10,556)	97.1% (11,535 of 11,879)		
4.5	Tenant satisfaction with repairs ('very satisfied' or 'fairly satisfied')	96%	94.4% (1,156 of 1,225)	96.4% (1,013 of 1,051)		
4.6	Responsive repairs passing post-inspection	97%	94.3% (1,129 of 1,197)	95.8% (978 of 1,021)		
4.7	Repairs completed at first visit	92%	91.4% (7,657 of 8,382)	89.8% (6,164 of 6,866)		
4.8	Cancelled repair jobs	Under 5%	6.7% (742 of 11,134)	7.3% (699 of 9,624)		

 Repairs and maintenance indicators		Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
4.9	Dwellings meeting Decent Homes Standard	100%	100% (11,573 of 11,573)	100% (11,552 of 11,552)		
4.10	Energy efficiency rating of homes (SAP 2009)	64.4	65.2	65.2		
4.11	Planned works passing post-inspection	97%	100% (456 of 456)	100% (317 of 317)		
4.12	Stock with a gas supply with up-to-date gas certificates	100%	99.96% (10,124 of 10,128)	100% (10,083 of 10,083)		
4.13	Empty properties passing post-inspection	98%	98% (148 of 151)	100% (145 of 145)		
4.14	Lifts – average time taken (hours) to respond	2 hours	1h 45m	2h 10m		
4.15	Lifts restored to service within 24 hours	95%	97.7% (169 of 173)	94.6% (106 of 112)		
4.16	Lifts – average time to restore service when not within 24 hours	7 days	3 days (11 days, 4 lifts)	3 days (19 days, 6 lifts)		

 Repairs and maintenance indicators		Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
4.17	Repairs Helpdesk - calls answered	90%	98% (24,123 of 24,680)	96% (20,909 of 21,779)		
4.18	Repairs Helpdesk - calls answered within 20 seconds	75%	83% (20,113 of 24,123)	73% (15,270 of 20,909)		
4.19	Repairs Helpdesk - longest wait time	5 mins	5m 23s	7m 2s		

Repairs and maintenance commentary

Eleven indicators are on target, six are near target and two are below target.

The indicators below target are:

Repairs completed at first visit

Performance on repairs completed at first visit (89.8%) is 2.2% below the target (92%) in Quarter 1 and has declined slightly (by 1.6%) since the previous quarter.

Mears have undertaken a significant review of the responsive repairs service over the past six months. Mears are now directly delivering more external trades that are not completed in one appointment, including plastering, building and roofing.

Cancelled repair jobs

The number of jobs being cancelled due to being a duplicate order has decreased from 184 in Quarter 4 to 154 in Quarter 1. A further 192 jobs were cancelled at the request of the tenant.

Mears have committed to reducing the number of jobs that are cancelled due to “incorrect instructions” or “duplicate jobs”, as these jointly account for 40% (279 out of 699) of jobs which were raised and later cancelled.

The indicators near target are:

Average time to complete routine repairs (calendar days)

Although the 14 day target has not yet been met, the average time to complete routine repairs (16 days) has improved by two days since the previous quarter. This was anticipated, as the number of overdue orders had reduced – from 466 at the end of May to 185 at the end of June.

Responsive repairs passing post-inspection

During Quarter 1, there were 1,021 post-inspections carried out (a sample of 14.8%) of which 43 failed. This is an improvement of 1.5% from the previous quarter.

The reasons for the failures are as follows: 11 were due to needing corrections to the Schedule of Rates codes used; 17 were due to poor quality work; 13 were due to extra works being required to complete the job; and two were due to poor customer service.

Lifts – average time taken (hours) to respond

Lift breakdowns were responded to in an average of 2 hours 10 minutes, which is 10 minutes in excess of the target of two hours. There were two breakdowns which included a person trapped in the lift, and both these calls were attended to in less than two hours.

Lifts restored to service within 24 hours

106 of 112 lift breakdowns (94.6%) had the lift successfully restored to service within 24 hours. This is only 0.4% below the 96% target, and needed just one more breakdown to be restored within 24 hours in order to reach target.














Repairs Helpdesk - calls answered within 20 seconds

At 73%, performance is 2% below the 75% target. This is due to an increase in staff turnover and time spent training new staff, but is anticipated to be back on target in Quarter 2.




Repairs Helpdesk - longest wait time

This indicator measures the longest time that a caller has waited for their call to be answered which was 7 minutes and 2 seconds. This was in April and the second longest wait was in 5m 55s (in June). The average time that a caller waited during this period was 25 seconds.

5. Estates Service


	Estates Service indicators	Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
5.1	Cleaning quality inspection pass rate	99%	100% (181 of 181)	100% (147 of 147)		
5.2	Emergency Response Team quality inspection pass rate	99%	100% (97 of 97)	100% (74 of 74)		
5.3	Cleaning tasks completed	99%	98% (13,191 of 13,513)	99% (13,146 of 13,323)		
5.4	Bulk waste removed within 7 working days	93%	95% (711 of 746)	93% (707 of 760)		
5.5	Light replacements/repairs completed within 3 working days	99%	99% (292 of 296)	99% (171 of 173)		
5.6	Mobile warden jobs completed within 3 working days	96%	97% (1,344 of 1,381)	98% (1,282 of 1,305)		
5.7	Incidents of drug paraphernalia collected and reported to the Police	No target	50	15	-	-

6. Anti-social behaviour (ASB)


 Anti-social behaviour (ASB) indicators		Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
6.1	Victim satisfaction with the way their ASB complaint was dealt with*	88%	90% (47 of 52)	93% (13 of 14)		
6.2	Tenants evicted due to ASB	No target	1	0	-	-
6.3	ASB cases closed without need for legal action	No target	87% (60 of 69)	95% (35 of 37)	-	-

*Year to date indicator measuring telephone survey respondents who were 'very satisfied' or 'fairly satisfied' with the way their ASB complaint was dealt with






6.6 Reports of ASB incidents by type

 Type of ASB incident	Previous quarter Q4 2015/16	Current quarter Q1 2016/17
Noise incidents	21% (130)	21% (119)
Harassment / threats incidents	17% (106)	25% (144)
Hate-related incidents	1% (5)	1% (7)
Vandalism incidents	1% (5)	4% (20)
Pets / animals incidents	14% (88)	15% (83)
Vehicles incidents	4% (25)	0% (1)
Drugs incidents	9% (56)	8% (45)
Alcohol related incidents	2% (12)	1% (8)
Domestic violence / abuse incidents	3% (16)	3% (18)
Other violence incidents	3% (19)	4% (22)
Rubbish incidents	13% (81)	5% (30)
Garden nuisance incidents	7% (41)	7% (41)
Communal areas / loitering incidents	5% (34)	3% (17)
Prostitution / Sex incidents	0% (1)	1% (6)
Other criminal behaviour incidents	1% (6)	2% (9)
Total ASB incidents	100% (625)	100% (570)

6.7 Reports of ASB incidents by ward

 Ward name	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Incidents per 1,000 properties Q1 2016/17	Change between quarters Q4 to Q1
Brunswick and Adelaide	0	0	0	0
Central Hove	11	4	44	-7
East Brighton	105	87	35	-18
Goldsmid	19	14	30	-5
Hangleton and Knoll	82	43	25	-39
Hanover and Elm Grove	27	29	53	2
Hollingdean and Stanmer	78	91	59	13
Hove Park	0	1	59	1
Moulsecoomb and Bevendean	56	54	33	-2
North Portslade	23	25	50	2
Patcham	25	16	27	-9
Preston Park	6	0	0	-6
Queen's Park	107	116	55	9
Regency	0	0	0	0
Rottingdean Coastal	0	0	0	0
South Portslade	23	13	30	-10
St. Peter's and North Laine	26	28	54	2
Westbourne	7	6	41	-1
Wish	9	7	14	-2
Withdean	5	6	105	1
Woodingdean	16	30	61	14
Total	625	570	41	-55

7. Tenancy management

	Tenancy management indicators	Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
7.1	Properties taken back due to tenancy fraud (year to date indicator)	30 by year end	7	2	-	-
7.2	Tenancy fraud cases investigated and closed	No target	29	29	-	-
7.3	New tenancy fraud cases	No target	47	49	-	-
7.4	Total open tenancy fraud cases	No target	101	121	-	-
7.5	Closed Tenancy Sustainment Officer cases where the tenancy was sustained	97%	100% (23 of 23)	97% (34 of 35)		
7.6	Secure general needs tenants who have had a tenancy visit within the last 5 years	90%	80% (8,214 of 10,268)	86% (8,782 of 10,259)		

Tenancy management commentary










One indicator is on target (green), one is near target (amber) and four are monitored without targets.

The indicator near target is:

Secure general needs tenants who have had a tenancy visit within the last 5 years

The Neighbourhoods Team have been successfully clearing a backlog of overdue tenancy visits, which are carried out every five years for general needs households with secure (non-introductory) tenancies. Of the 10,259 households who require such a visit, 86% (8,732) have had one within the past five years, meaning that performance does not yet meet the 90% target set for the year. However, performance has continually improved on a monthly basis – from 82% in April, to 83% in May, to 86% in June – and is progressing towards reaching this target.

8. Seniors Housing

	Seniors Housing indicators	Target 2016/17	Previous quarter Q4 2015/16	Current quarter Q1 2016/17	Status against target	Trend since last quarter
8.1	Residents who have had a tenancy visit within the last 12 months	98%	88% (764 of 870)	91% (788 of 864)		
8.2	Residents living in schemes offering regular social activities	95%	97% (818 of 843)	97% (838 of 864)		
8.3	Residents living in schemes offering regular exercise classes	65%	68% (570 of 843)	66% (571 of 864)		
8.4	Schemes hosting events in collaboration with external organisations	90%	87% (20 of 23)	91% (21 of 23)		

Seniors Housing commentary

Three indicators are on target and one is below target.

The indicator below target is:

Residents who have had a tenancy visit within the last 12 months

Although performance has improved since the previous quarter, from 88% to 91%, it has not yet reached the target of 98%. The ability to carry out home visits has been hampered due to local issues in some schemes (such as tenancy management casework taking precedence over home visits) but performance has improved each month since this indicator was introduced at the end of March 2016.

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