





**Brighton & Hove
City Council**

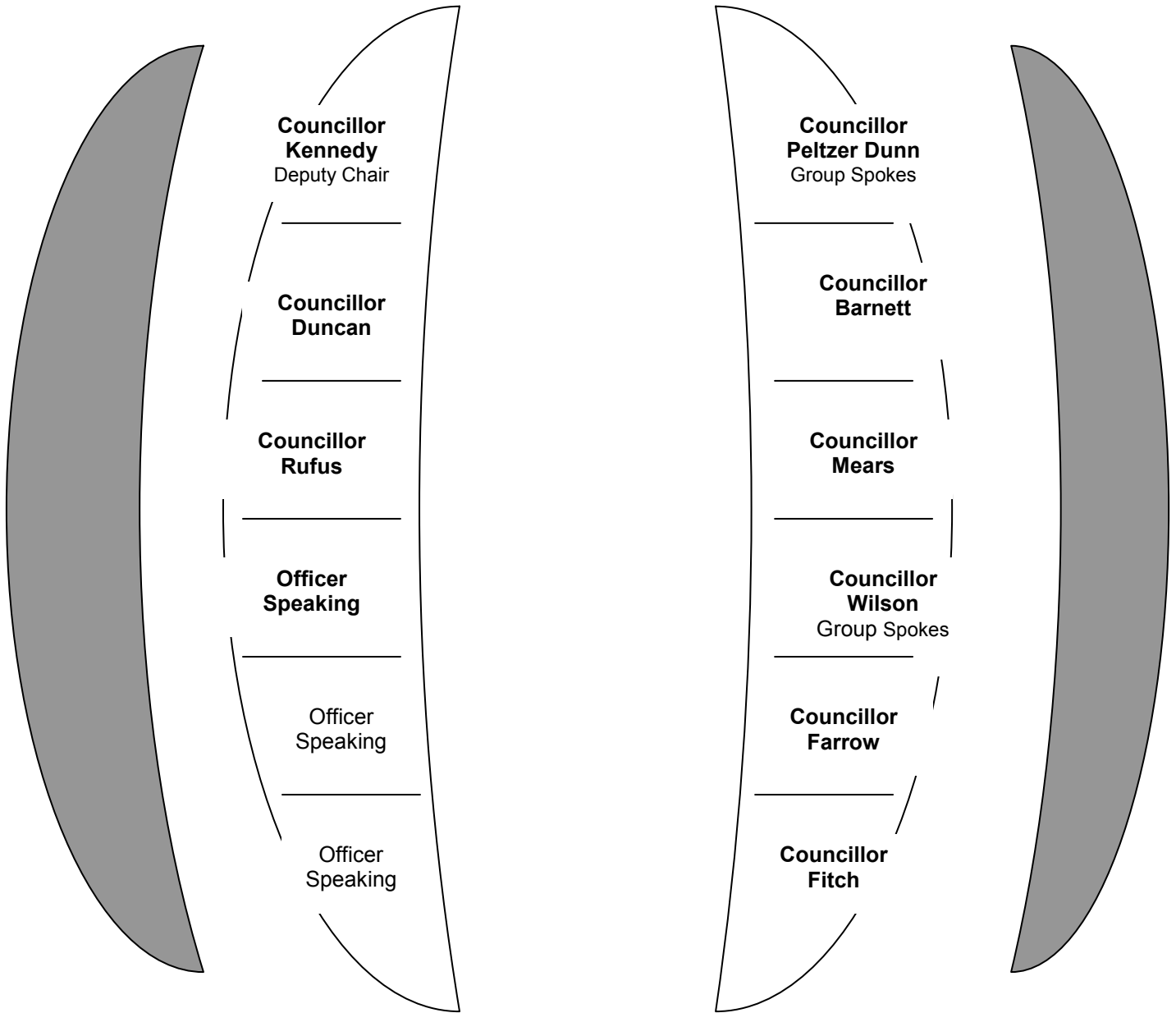
Housing Committee

Title:	Housing Committee
Date:	19 June 2013
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Councillors:	Randall (Chair), Kennedy (Deputy Chair), Peltzer Dunn (Group Spokesperson), Wilson (Group Spokesperson), Barnett, Duncan, Farrow, Fitch, Mears and Rufus
Contact:	Lisa Johnson Senior Democratic Services Officer 01273 291228 lisa.johnson@brighton-hove.gov.uk

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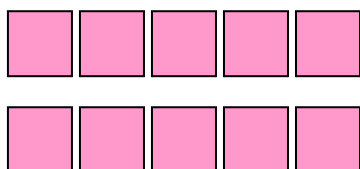
Democratic Services: Housing Committee

Head of Housing	Councillor Randall Chair	Executive Director of Environment, Development and Housing	Lawyer	Democratic Services Officer
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Public Speaker	Public Speaker
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Public Seating



Press

AGENDA

PART ONE

Page

1. 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 not registered on the register of 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.

2. MINUTES

1 - 10

To consider the minutes of the meeting held on 8 May 2013 (copy attached).

Contact Officer: Lisa Johnson

Tel: 01273 291228

3. CHAIR'S COMMUNICATIONS

HOUSING COMMITTEE

4. CALL OVER

- (a) Items 7 to 11 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.

5. PUBLIC INVOLVEMENT

11 - 12

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 12 June 2013;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 12 June 2013.

6. ISSUES RAISED BY COUNCILLORS

13 - 14

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 to be submitted by 10.00am on 7 June 2013
- (c) **Letters:** to consider any letters submitted by 10.00am on 7 June 2013 ; (Letter from Councillor Farrow attached);
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

7. ANNUAL REPORT TO COUNCIL TENANTS AND LEASEHOLDERS 2013

15 - 28

Report of Executive Director of Environment, Development and Housing (copy attached).

Contact Officer: *Ododo Dafe*
Ward Affected: *All Wards*

Tel: 29-3201

8. SELF BUILD HOUSING - RESPONSE TO LETTER FROM COUNCILLOR FARROW

29 - 36

Report of Executive Director of Environment, Development and Housing (copy attached).

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

Tel: 293321

HOUSING COMMITTEE

9. HMO LICENSING UPDATE: RESPONSE TO LETTER FROM COUNCILLOR FARROW 37 - 48

Report of Executive Director – Environment, Development & Housing (copy attached).

Contact Officer: Martin Reid Tel: 293321
Ward Affected: All Wards

10. HCA EMPTY PROPERTY FUNDING ROUND 2 BID 49 - 56

Report of Executive Director – Environment, Development & Housing (copy attached).

Contact Officer: Martin Reid Tel: 293321
Ward Affected: All Wards

11. HOME ENERGY EFFICIENCY UPDATE: PROCUREMENT OF SOLAR PHOTOVOLTAIC ARRAYS FOR HOUSING REVENUE ACCOUNT PROPERTY 57 - 68

Report of Executive Director – Environment, Development & Housing (copy attached).

Contact Officer: Alexander Fox, Martin Reid Tel: 290773, Tel: 293321
Ward Affected: All Wards

12. FIRE SAFETY 69 - 88

Presentation by Michael Meik, Health & Safety Business Partner, (Fire), Corporate Health and Safety Team, BHCC.

13. ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 18 July 2013 Council meeting for information.

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

HOUSING COMMITTEE

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.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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 Lisa Johnson, (01273 291228, email lisa.johnson@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Tuesday, 11 June 2013

BRIGHTON & HOVE CITY COUNCIL

HOUSING COMMITTEE

4.00pm 8 MAY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Wakefield (Chair)

Also in attendance: Councillor Powell (Deputy Chair), Peltzer Dunn (Opposition Spokesperson), Farrow (Opposition Spokesperson), Rufus, Barnett, Fitch, Jarrett, Mears and MacCafferty

PART ONE

63. PROCEDURAL BUSINESS

63A Declarations of Substitute Members

63.1 Councillor MacCafferty declared that he was attending as a substitute for Councillor Davey

63B Declarations of Interests

63.2 There were no declarations of interest.

63C Exclusion of the Press and Public

63.3 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.

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

64. MINUTES

64.1 Councillor Farrow referred to paragraph 58.2 and noted that it had been agreed that a report would be brought to the Housing Committee meeting to be held on 8 May 2013.

Mr Raw, the Executive Director Environment Development and Housing advised the Committee that discussions with the Homes and Communities Agency were taking place, and a report would be brought to a future Housing Committee meeting.

64.2 Councillor Mears referred to paragraph 55.8, and asked if an update on the financial shortfall could be provided. Mr Raw said that a written response would be provided.

64.3 **RESOLVED** – That the Minutes be agreed as a correct record.

65. DRAFT MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE SUB COMMITTEE

65.1 Councillor Jarrett referred to paragraph 53.10 and asked for confirmation on whether the Trusted Assessors provided the same service as a 'Rapid Response Unit'. Mr Raw, the Executive Director Environment Development and Housing, said that he would look into the matter and report back.

65.2 **RESOLVED** – That the Minutes be noted.

66. CHAIR'S COMMUNICATIONS

66.1 The Chair said she was pleased to say that she had visited Baldwin Court, a new housing development in the city. The development was very impressive and new tenants would shortly be moving in. The Chair thanked the previous administration for their involvement in the project.

67. CALL OVER

67.1 It was agreed that all items be reserved for discussion.

68. PUBLIC INVOLVEMENT

68.1 There were no petitions or written questions, but there was a deputation.

68.2 The deputation was submitted by the Brighton Benefits Campaign with Brighton Bedroom Tax Victims Support Group, and the spokesperson was Ms M Pilbeam.

68.3 The Chair welcomed Ms Pilbeam to the meeting and asked her to present her deputation. Ms Pilbeam stated:

Imagine....

You've invested a lot of time and effort in improving your council house over the years. You've always paid the rent on time. Your family have flown the nest successfully. The grandchildren are a joy. Then tragedy hits. Your daughter dies...and suddenly, in mid-life, you are pitched back into the work of full time parenting again, looking after two young granddaughters. NOW you are told that despite your poverty, and despite your enlarged household you must pay a penalty for under-occupying, when in fact your teenage grandson comes to stay for half the week to be with his sisters and sleeps in the box-room. It's a painful reminder that how real families live doesn't count for anything, when it comes to the bedroom tax.

Or, you are seriously ill, constantly tired and in pain. You've had to give up so much of the life you had before. But at least your flat is above the neighbourhood shop. At least it is adapted – in so many ways - for your needs. At least you have long-standing neighbours who support and look out for you. It's your home. Now you are told that you must move, and the stress and disruption is more than you can even bear to think about. Or, your children no longer live with you...but they are all close by. One is a single parent and you try to help out by having the grandchildren to stay occasionally. Your own health is not good, but you're an active person in the community despite it, and your home there is your bedrock. Paying the bedroom tax will reduce your income so far beneath the breadline that you just don't know how you'll manage. You cannot eat properly and you've lost the energy to help others like you used to. It's now a daily struggle not to just sink into despair. Or, you have both serious physical and mental illnesses, and have carers coming in every single day. You feel safe with the good neighbours around you, and are so glad that your garden lets you keep your beloved pets. Moving is unimaginable. New people and new situations are just too much to cope with alongside your illness. A discretionary housing payment seems to offer hope, but then you are told it's only for people who agree to move, and you're refused it. You think: how they can get away with telling me to pay the bedroom tax from money that's not supposed to be for housing, but for the extra costs I have because of my disabilities. You wonder what will become of you with cuts in the real value of social security benefits for years to come, and council tax to pay, and now this. It's so heartless that you wonder if the intention of it all is to drive you to suicide.....Then, no doubt, the money that was supposed to keep you alive will come in handy for tax cuts for the well off. You can imagine this..... but these are not imaginary cases. Nor are they unusual. They are all victims of the bedroom tax here in Brighton and Hove. These are tenants we've spoken to. But many others tell us they are simply too frightened to draw attention to themselves, because they are regularly blamed for wrecking the economy, abused and vilified by central government and the press for claiming benefits they are entitled to by law. What is a home? Just four walls and a roof and "decent home standards"? Tenants say no. Our homes should be places where security, continuity, pride in ourselves and our achievements, our memories and our family history are fully respected, just as they are in owner-occupied housing. Our homes should guarantee us a place within a community through a network of ties and responsibilities. All of this is threatened and that's why the bedroom tax is met with such hostility. None of us voted for our homes to become little more than housing units, so that we can be moved about like packages. And as one young Mum put it... "by people whose master bedroom would take up most of the upstairs in my house!... All our houses are so small anyway, and they are telling us we might have to move again and again. How do you put down roots like that, and what's the point of putting any money into your home? What if we get sick and we lose our jobs?" When it is private sector housing where vastly more under-occupation takes place, why is it poor people in public sector housing who are targeted? Why is the housing benefit bill blamed on us? We're not the private landlords that central government is happy to see making a killing out of the housing shortage. Where are the rent controls? We, the least well off are blamed, when we live in a country stuffed full of private half-empty mansions, second homes, and holiday homes. The government is ducking any responsibility for this housing crisis and refusing to invest in social housing, which would create desperately needed jobs, as well as homes. The report before this committee was written for an administration that say they are committed to a 'No Evictions' policy Let's be clear what it says...Para 3.8. If you won't pay we will evict you. Para 9.1. We will chase your debts even after eviction. Para 9.2.

We will use debt recovery agencies. Para 3.6. We will take money directly from your benefits. Para 3.7. People will be pressurized to pay off their bedroom tax arrears, even if they wish to downsize. Paras 2.3-2.4. This report proposes adding £70,000 to the DHP, dependent upon the permission of the Sec of State. This would be only 10% of the amount people are losing. Paras 3.12-3.14. There is no guarantee to take further action after this initial money runs out. Para 3.2. The report re-states that the council will be using ALL its powers to recover our rent arrears. Para 3.11. There is no intention to defy the government. This is not a report about defying an unjust law. This is not a report planning how to defend the weakest and most vulnerable people in our society. This is not a report that suggests any plans whatsoever for an alliance between tenants and their council to defend tenants from the tax and get rid of it. It is a report planning how to do the government's dirty work for them, in a locally appropriate way. It is a report which will lead to further misery, family break-up, illness, legal persecution, premature death and even suicide amongst the people the council has the strongest duty to protect.

THIS IS WHAT THE COUNCIL SHOULD DO

- § *State publicly and repeatedly that no evictions of council tenants will, under any circumstances, take place for arrears of bedroom tax. Promise to do all in your power to defy this unjust tax. Remind council staff that they have no moral obligation to enact an unjust tax and encourage them to defy it. Encourage them, too, to defy any of their managers who bully them to implement the tax in any way...for instance, by sending out intimidating letters to tenants...by taking part in appointments with tenants to pressurise them to pay the tax, or to move home inappropriately...by organising debt recovery measures...by blocking tenants in arrears from participation in the Homemove transfer system...and so on.*
- § *Encourage council staff to meet together to plan how to support tenants' defiance of this tax. Actively encourage their trade unions to support them.*
- § *Encourage council staff to use all their meetings with tenants to support them in their defiance of this tax.*
- § *Extend the deadline for appeals by a further month and provide clear and simple information to tenants about how to appeal and upon what grounds they may do so.*
- § *Reclassify housing by counting a 'spare' bedroom as other householders do- as a vital study room / storage space / guest room / sick room.*
- § *Block any restrictions upon tenants in arrears from transfers in the Homemove system.*

If the Council does not agree to these simple measures of solidarity and protection for tenant victims of this tax, then the radical sounding resolution proposed to this Committee will, if passed, be no more than hot air !!

68.4 The Chair and the Committee members all thanked Ms Pilbeam for presenting the deputation.

68.5 **RESOLVED** – That the deputation be noted.

69. ISSUES RAISED BY COUNCILLORS

69.1 There were no Petitions, Written Questions, Letters or Notices of Motion.

70. MINIMISING THE RISK OF EVICTIONS CAUSED BY THE HOUSING BENEFIT SOCIAL RENTED SECTOR SIZE CRITERIA

- 70.1 The Committee considered the report of the Executive Director Environment Development and Housing. Ms Dafe, Head of Income Involvement & Improvement, presented the report.
- 70.2 Councillor Farrow referred to paragraph 3.7 and asked how the advice to tenants could be implemented. Ms Dafe said that it was accepted that not everyone who wanted to move would be able to, but many were moving for the first time or applying for a mutual exchange. Councillor Farrow asked how many were moving. Ms Dafe said she didn't have the exact information with her, but around half of the affected tenants had indicated that they wanted to move. Some tenants had said that they would rather stay in their home and find other ways to meet the rental shortfall.
- 70.3 Councillor Jarrett asked how situation was being monitored. Ms Dafe said that all those affected were being visited by Housing staff. The Financial Inclusion Team was ensuring that people were receiving the correct financial advice. In some cases, this had led to positive changes with people finding they were entitled to additional benefits. How other local authorities were dealing with the changes was also being monitored.
- 70.4 Councillor Mears referred to paragraph 3.12 and said that Area Panels were normally consulted first and then a report brought back to the committee, and asked why that had not happened. Paragraph 3.8 provided information on the support services put in place, and Councillor Mears noted that there would be cost implications and asked if the money was coming from the General Fund. Paragraph 3.9 provided information on provision from the Council's Financial Inclusion Strategy, and asked if that was also coming from the General Fund or the Housing Revenue Account (HRA). The Chair said that she had asked that the Area Panels be consulted, but was advised by officers that there wasn't time to hold them before this meeting. The solicitor said that there was no legal requirement for the Area Panels to be consulted. Ms Dafe said that the Learning and Participation officers were funded from the HRA, but other support was funded from both the HRA and the General Fund. Ms Chapman, Head of Financial Services, said that the 2013/14 budget had identified £150k funding from the HRA.
- 70.5 Councillor Powell referred to paragraphs 3.7 to 3.9 and said that whilst she was sure officers were doing their best to help those affected, asked if the council had taken into account the length of time it could take for someone who was not working to get back into employment, or the fact that someone could lose their job and unexpectedly become unemployed. Mr Raw said that the circumstances of each person affected varied, but the council were working with a number of partners to ensure the right support could be given. Ms Dafe said that the council were trying to help individuals return to work. This included working with the Job Centre Plus, helping access apprenticeships, arranging work placements and voluntary work etc. The Chair added that the authority were aware that there were a limited number of jobs available.
- 70.6 Councillor Jarrett said there had been a suggestion that there had been bullying from some members of staff towards others to get them to carry out unpleasant actions. Mr Raw said all staff should adhere to the corporate values and policies of the council and if

any member of staff were found to be bullying people the appropriate action would be taken.

- 70.7 Councillor Farrow said that it was important to do something to help those affected, but he had concerns that asking the Secretary of State for consent to use £70k would only amount to around £70 for each person. Policy and Resources had agreed to allocate £1m for emergency funding, but there had also been £1.4m of cuts. The Council needed to be part of a national campaign on this matter.
- 70.8 Councillor Jarrett said that whilst the recommendations in the report fell short of what he'd hoped he was pleased that a report had been brought to the committee. He agreed with Councillor Farrow that a national campaign on this issue was needed.
- 70.9 Councillor Mears referred to the Financial Implications in the report, and said that whilst officers would have advised on what could and couldn't be done legally, she was concerned over the legality of using £70k from the HRA budget. Agreement would be needed from the Secretary of State, and in any event the sum of £70k was only a token gesture.
- 70.10 Councillor Mears noted that in 2008 the then Labour government had implemented exactly the same criteria for reduction in Housing Benefit for those in the private sector. The Green and Labour councillors had not sought to bring in similar measures to assist those affected then.
- 70.12 Councillor MacCafferty said that the 'Bedroom Tax' was a cruel measure, which would affect many tenants. He felt that the report did not go far enough and it was important to reassure tenants that the Council was doing what it could to assist them. Councillor MacCafferty proposed an amendment to the Recommendations in the report. The amendment was seconded by Councillor Wakefield. The Green Party Amendment read:
- To add two further recommendations:
1. That for a transitional period until 1st April 2014, where (i) all other avenues have been explored, and (ii) transfer is the only option but there are no suitable properties to transfer to, and (iii) where it is possible to clearly identify that arrears are solely due to the under-occupancy penalty; officers will use all means other than evictions and bailiffs to recover rent due.
 2. That cases that meet these three criteria should not hinder a tenant from moving to another council property.
- 70.13 Councillor Mears referred to the second amended recommendation, and said that she understood that under the terms of a tenancy agreement the tenant could not move if they were in arrears, and asked for legal clarification. The solicitor said that that was correct, but that the Council also had discretion to allow a tenant to move where appropriate.
- 70.14 Councillor Farrow thanked Councillor MacCafferty for the amendment, but was concerned that it was only provided minutes before the meeting started. He said that he supported the amendments, but asked what would happen after April 2014.

- 70.15 Councillor Fitch said he was concerned that policy was being made 'on the hoof' and that was not the appropriate way to do things. The Chair had been advised that there wasn't enough time to properly prepare a report, and he was concerned that the matter wasn't being addressed properly, and that £70k was insufficient. Councillor Fitch said he would support the amendment as he felt that something had to be done to assist people. It was essential that tenants were consulted.
- 70.16 Councillor Jarrett apologised that the proposed amendments were only distributed immediately before the start of the meeting. The administration would look at what could be done, but it was important that something be put in place now. The recommendations covered the period up to April 2014, as that was when Universal Credit would be brought in, and the budget for 2014/15 would be considered.
- 70.17 Councillor Peltzer Dunn thanked Councillor Jarrett for the clarification. Councillor Peltzer Dunn asked whether, if a tenant was seeking a mutual transfer to another authority and they were in arrears with their rent, whether that would be disclosed to the other authority. Councillor Peltzer Dunn said that if someone were in arrears with their rent, it would need to be established whether the shortfall was solely down to the reduction in housing benefit, as the authority had a responsibility to all tenants. Councillor Peltzer Dunn said there was merit in the amendments and regretted that they had not been included in the report.
- 70.18 Councillor Mears said that she supported the amendments, but was concerned that tenants had not been consulted, and trusted that that would be done. Councillor Mears asked for clarification on whether the criteria used to limit housing benefit in the private sector in 2008, was the same criteria which was being used for social housing. Ms Dafe confirmed that it was.
- 70.19 Councillor Jarrett apologised that tenants hadn't yet been consulted but there were compelling reasons to take the report to this meeting. Tenants would be consulted and their comments would be noted.
- 70.20 The Executive Director Environment Development and Housing referred to the first part of the proposed Green Group Amendment, which read '*officers will use all means other than evictions and bailiffs to recover rent due*', and said that the had not been covered in the Financial Implications provided in the report, and members needed to be aware that there could therefore be some potentially challengeable issues. The Council undertook very few evictions and as the landlord it would always be the last resort. As discussed, the report and implications would be referred to the Area Panels and there would be opportunities in the future for officers to provide the financial implications on the proposed amendment. The Chair thanked Mr Raw for the advice but noted that policy was rarely made without taking risks. Councillor Fitch asked whether, given the financial issues, the report would need to be considered by the Policy and Resources Committee. The Chair said that her understanding was that it would not. Mr Raw said that the financial issues were within the capacity of the Housing Committee.
- 70.21 The Committee voted on the Green Group Amendment 1, and they were agreed.

70.22 RESOLVED:

That the Housing Committee

- (1) Note the Council resolution in relation to the Housing Benefit social rented sector size criteria attached as Appendix 1 to this report.
- (2) Request Area Panels consider the Notice of Motion and the proposals contained in this report so that their feedback can be considered by Housing Committee (via Housing Management Consultative Sub -Committee) during autumn 2013.
- (3) Earmark £70,000 on a one off basis from the Housing Revenue Account, to support urgent initiatives to minimise the risk of evictions.
- (4) That for a transitional period until 1st April 2014, where (i) all other avenues have been explored, and (ii) transfer is the only option but there are no suitable properties to transfer to, and (iii) where it is possible to clearly identify that arrears are solely due to the under-occupancy penalty; officers will use all means other than evictions and bailiffs to recover rent due.
- (5) That cases that meet these three criteria should not hinder a tenant from moving to another council property.
- (6) That the consent of the Secretary of State be sought to use that funding to support additional dedicated Discretionary Housing Payments (DHP) for council tenants, supplementing the council's overall DHP fund.

71. HOME ENERGY EFFICIENCY OPTIONS - UPDATE

- 71.1 Mr Reid, Head of Housing Strategy, provided an update on Home Energy Efficiency Investment Opportunities, Solar PV and Green Deal. Mr Reid looked at the strategic context and said one of the key strategic priorities outlined in the Citywide Housing Strategy 2009-14 was to improve housing quality. The Strategic goals under this priority included reducing fuel poverty, minimising CO2 emissions and improving tenants' homes ensuring they were of high quality and well maintained. Identifying funding and investment opportunities for home energy efficiency improvements, in order to maintain the high standards of the previous BEST funded programme, was a challenge which must be faced. With less central government funding available, the authority was looking to access alternative funding. The options available were Feed in Tariffs, HRA Capital Programme and the Green Deal and Energy Company Obligation. More information would be provided at future meetings of the Housing Committee.
- 71.2 Councillor Jarrett asked that when the matter comes back to the committee, technical information and unit costs be provided. Mr Reid agreed.
- 71.3 Councillor Mears thanked Mr Reid and said that it was useful to have regular updates. Councillor Mears noted that the previous administration had agreed to have a number of Solar PV installed, which would have benefited tenants and raised £9m. However, the current administration had delayed the implementation and so doing lost tenants money. Councillor Jarrett stated that it could not be implemented at the time as details were still

being worked on, and the government had then slashed the tariff which had made it no longer financially viable.

71.4 The Committee noted the presentation.

72. ITEMS REFERRED FOR COUNCIL

72.1 The Chair suggested that item 70 be referred to Council. The Committee agreed.

Councillor Peltzer Dunn noted that the meeting may be the last one chaired by Councillor Wakefield, and thanked her being an excellent Chair. Councillor Mears thanked Councillor Wakefield for Chairing the Committee over the last two years, and wished her well for the future. Councillor Farrow also thanked Councillor Wakefield for her role as Chair.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

Subject: Petitions
Date of Meeting: 19 June 2013
Report of: Head of Law
Contact Officer: Name: Lisa Johnson Tel: 29-1228
E-mail: lisa.johnson@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

1.1 To receive any petitions presented at Council, any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

2.2 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
- § referring the petition for consideration by the council's Overview and Scrutiny Committee
- § calling a referendum

3. PETITIONS**3. (i) Bringing Empty Properties Back into Use**

To receive the following e-Petition submitted by Michael Sexton and signed by 34 people as at 10 June 2013 (The committee will receive an update as to the final number of signatories).

"We the undersigned petition the council to bring the 867 long term empty properties in B&H shown in the 2012 Homes from Empty Properties report back into use. We call on the council to publish a list of these properties complete with a funded plan to bring them back in use.

Justification:

867 empty properties could be brought back in use for those in need under the powers that the council already holds. This should be funded by stopping all non essential projects (such as new signage, cycle paths, redevelopment vanity projects, the eye) until 90% of these properties are in use. Homes are far more important than many of the council's other expenditure. Any list of these properties should avoid giving exact addresses to reduce the risk of squatting. Empty Property Report at <http://www.emptyhomes.com/statistics-2/empty-homes-statistic-2011/12>.”

HOUSING COMMITTEE**Agenda Item 6(c)**

Brighton & Hove City
Council

Subject: Letter from Councillor Farrow

Date of Meeting: 19 June 2013

Bill Randall, Chairperson Housing Committee

Dear Bill,

With reference to the article in The Argus dated Friday 31st May 2013. I was concerned to read that our main contractor, the Mears Group, are in dispute with their staff. Please can you inform the Housing Committee what provision the Council is making to ensure that essential repairs and maintenance work can be carried out to our tenants' homes if industrial action takes place.

Regards

Leigh

Leigh Farrow
Labour & Co-operative Councillor for Moulsecoomb & Bevendean Ward
Group Spokesperson for Housing Delivery

Subject:	Annual report to council tenants and leaseholders 2013		
Date of Meeting:	28 May 2013 – Housing Management Consultative Sub-Committee 19 June 2013 - Housing Committee		
Report of:	Executive Director of Environment Development and Housing		
Contact Officer:	Name:	Ododo Dafe	Tel: 29-3201
	Email:	Ododo.Dafe@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The council is required under the current regulatory framework for social housing landlords to publish a 'timely and relevant' annual report for our council tenants.
- 1.2 The annual report for the year ending 31 March 2013 has been produced with the involvement of tenants and leaseholders. This is in line with the plan and timetable agreed with the Housing Management Consultative Sub-Committee on 23 March 2013.

2. RECOMMENDATIONS:

- 2.1 That the Housing Committee approves the annual report to council tenants and leaseholders 2013 at Appendix 1 for publication and distribution to all council tenants and leaseholders in the summer edition of *Homing In*.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The council first produced an annual report to council tenants and leaseholders in 2010 and then again in 2011. The 2012 report was produced under the new regulatory framework of the Homes and Communities Agency (HCA) which replaced the Tenant Services Authority (TSA). This report also follows the guidelines set out by the HCA.
- 3.2 The HCA's requirements are that the annual report should:
- Contain timely and relevant information
 - Contain information on the repairs and maintenance budget
 - Provide support to tenants to build capacity to be more effectively involved.

- 3.3 For the 2012 annual report we consulted with residents through a focus group about what they would like to see in an annual report. Following this consultation it was decided that the key features of the report should be as follows:
- The report should be shorter to make it more accessible to residents
 - Text should be presented in a bullet point format as large amounts of text may be problematical for those who have difficulty reading.
 - Graphics should be used to compliment and emphasize the text.
 - Residents should feature in pictures and their own words, demonstrating their key role in co-regulating our housing management services.

We also encouraged residents to write articles for the report and involved the editorial board of *Homing In* by reviewing the report.

- 3.4 In March 2013 Housing Management Consultative Sub Committee noted the progress already made in implementing the council's improvement plans included in the 2012 annual report to council tenants and leaseholders. The committee also noted the proposed plan and timetable for producing a concise report of eight pages for 2013.
- 3.5 This year's report again involved the editorial board of *Homing In* to advise on content before publication. For residents wanting more information supplementary articles on our services will also be included on the council website.
- 3.6 If approved by Housing Committee at its meeting on 19 June 2013, the annual report will be sent to all tenants with the summer edition of *Homing In* magazine. It will also be publicly available on our website and made available in alternative formats where needed.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Council tenants and leaseholders have been involved in producing the annual report. This has been through the resident Homing In editorial board and through residents writing articles and providing quotes for the report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The budget for producing the annual report to tenants is included within the 2013/14 publicity budget for the Housing Revenue Account. Last year the shorter 8 page document cost £2,920 in print and design, a saving of approximately £3,000 on the year before.

Finance Officer Consulted: Monica Brooks

Date: 14/05/2013

Legal Implications:

- 5.2 Paragraphs 3.1 and 3.2 set out the legal framework for the annual report to tenants and leaseholders. The draft annual report attached to this report

satisfies those requirements. No individual's Human Rights Act rights are adversely affected by the report.

Lawyer Consulted: Liz Woodley

Date: 16/05/2013

Equalities Implications:

5.3 The HCA lays out no specific requirement for equalities reporting in the annual report. However, guidance on this issue is contained in the *Regulatory Framework* which states that registered providers shall:

- treat all tenants with fairness and respect
- demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

The annual report illustrates how the council meets that standard and its progress in continuously improving its performance in this area. It is hoped that based on the feedback from residents in 2012 the format of the annual report will continue to be accessible. Alternative formats of the report will also be available on request or where a need is known.

Sustainability Implications:

5.4 The annual report outlines how the council as landlord addresses sustainability issues and its progress in meeting its objectives. The commitments in the annual report include actions to reduce residents' energy bills and building new council homes.

Crime & Disorder Implications:

5.5 The annual report outlines how the council as landlord addresses anti-social behaviour and its progress in meeting its objectives and commitments to continue to work with residents to improve our services.

Risk and Opportunity Management Implications:

5.6 The HCA says that providers are expected to 'achieve the expectations of the regulator'. These are laid out in paragraph 3.2 of this report. The annual report seeks to meet these requirements. The report informs residents about opportunities for a greater number of tenants to be involved in resident involvement – one of the key requirements of the HCA.

Public Health Implications:

5.7 There are strong links between improving housing and reducing health inequalities. The annual report details the council's investment in improvements to its housing stock to bring all tenants' homes up to Decent Homes Standard. It also reflects our progress and commitments to reducing inequality, such as continuing to extend financial inclusion, to help residents manage their finances and to increase our understanding of tenants' needs and tailor our services to meet them.

Corporate / Citywide Implications:

- 5.8 Publication of this honest and robust assessment of our performance to council tenants and leaseholders meets the council's commitment to resident involvement and transparency. The commitments to further improve our landlord services and housing stock support the council's priorities to involve residents in everything we do, tackle inequalities and create sustainable communities throughout the city. The annual report illustrates how the council as landlord works in partnership with residents and other agencies to improve the neighbourhoods that council tenants and leaseholders live in and provide opportunities for local residents.

SUPPORTING DOCUMENTATION

Appendices:

1. Annual report to council tenants and leaseholders 2013 text version (final draft)

Documents in Members' Rooms

None

Background Documents

1. *The regulatory framework for social housing in England from April 2012*, HCA <http://www.homesandcommunities.co.uk/ourwork/regulatory-framework>
2. Annual report to council tenants and leaseholders 2012 http://www.brighton-hove.gov.uk/downloads/bhcc/housing/council_housing/4358_Housing_AR_2012_-_web.pdf

Appendix 1: Annual Report to council tenants and leaseholders 2013

Please note: this is a text version of the annual report only. A version with design graphics will be sent to members of Housing Management Consultative Sub Committee before the meeting.

Cover text

Annual Report to council tenants & leaseholders 2013

Welcome to the 2013 annual report to all council tenants and leaseholders.

We've worked closely with residents to make sure we're giving you the information you want in your annual report.

Inside you'll find updates on how we're performing, how we use the money we get from rents and service charges, what we're doing well and where we need to improve.

You'll also find details of how we've met our commitments to you and the improvements we're making this year.

Page 2

Performance highlights:

- Balchin Court is the first new council homes built for over 20 years in Brighton & Hove. It is named after Bryan Balchin, a much respected tenant representative who passed away in December 2011. It's made up of three four-bed family homes and 12 flats, including two wheelchair adapted homes. It opened on 13 May. 12 of the 15 homes were allocated to council tenants.
- Over half a million pounds of Estate Development Budget (EDB) funds have been spent on community projects and improvements. This is one of the biggest budgets in the country decided on by residents.
- A restructured service designed to increase the support for tenants. Changes include the creation of the Housing Inclusion Team and an increase in the number of officers to support tenants in managing their tenancy.
- 293030 number and graphic to stay – as per 2012

Resident involvement and empowerment

We continue to provide a wide range of opportunities for you to be involved in what we do and how we do it – which includes setting our standards and making sure we meet them. If you'd like more information, please contact the Resident Involvement Team on 01273 292112, or email RIT@brighton-hove.gov.uk

What we have done

- Established the new Tenant Scrutiny Panel to ensure the highest standards of practice and accountability.
- Extended the EDB to all residents to widen the involvement of residents without an association.
- Launched a 'quick bid' scheme which allows residents' associations to make bids for funding of up to £500 for local neighbourhoods.
- Increased support for the 65 residents associations and areas without associations.
- Introduced the use of electronic voting for decision making at Area Panels and at City Assembly.

What we are doing

- Beginning to implement the actions from the 'Everyone Counts' report and increase resident involvement.
- Improving the resident involvement web page to promote residents' associations and report on decisions at housing meetings.
- Gathering more positive information about what has improved as a result of residents being involved.

Page 3

Customer service, choice and complaints

We will be easy to reach, treat you with respect, listen and get things done.

What we have done

- Improved answering phone calls across all departments, with 79% of calls answered within five rings at the end of March compared to 76% in June. We accept performance can be improved further in this area.
- Appointed a designated mutual exchange officer to help tenants move to more suitably sized homes in this way.
- Seen a fall in formal complaints from 563 to 439. This was in large part due to fewer complaints about repair issues.
- Increased complaints responded to within 10 days from 66% to 73%.
- Achieved our best ever performance on gas safety where 99.97% of tenants had a current gas safety certificate at the end of financial year.
- Increased our use of social media to reply allowing us to respond quickly (we have 750 followers on Facebook).

What we are doing

- Continuing to train our newly dedicated Housing Customer Service Team to resolve 80% of the calls at the first point of contact.
- Reducing missed appointments by introducing a 'text ahead' service to keep tenants fully updated on their repair appointments.

Supporting diversity

We will ensure we communicate and deliver our services in a way which meets the diverse needs of our community.

What we have done

- Increased the number of tenants receiving support from the Tenancy Sustainment Team at any one time from 80 in 2012 to 143 in 2013.
- Extended 11 properties to help those most in need of a larger property.
- Engaged in partnership working with MOSIAC and other organisations to support Black and Minority Ethnic tenants.

What we are doing

- Increasing transgender and traveller awareness training for staff.
- Producing a video version of the annual report.

Page 4:

Your home

We will advise you of major home improvements and work to agreed timescales. We will make sure all empty homes meet the locally agreed standard before we let them.

- The repairs and maintenance budget is £10.2 million in total. Money is invested into three main areas:
 - Responsive repairs - £6.1 million
 - Empty Properties - £1.4 million
 - Servicing and other repairs - £2.7 million

What we have done

- 42,812 responsive repairs were completed this financial year, that's an average of 117 repairs every calendar day.
- At the end of March 2013, 95% of homes met the government Decent Homes Standard.
- Installed 617 new kitchens and new 295 new bathrooms during the year.

What we are doing

- Reviewing the Brighton & Hove Standard to make sure it reflects tenants' wishes.
- In 2013/14 we are focused on improving the customer service delivered by the repairs partnership with Mears.
- Carrying out an Annual Review of the partnership with residents from the Core Group which oversees the repairs contract.
- Planning a citywide implementation of the resident led satisfaction surveys that are currently carried out in Whitehawk.
- Continuing our major works programme to refurbish blocks and replace lifts across the city.

Your tenancy

We will provide the advice and information to maintain your tenancy. We will carry out tenancy visits at least once every three years.

What we have done

- The Re-housing Team continue to perform at the highest levels when compared with other authorities. The average re-let time for a property is 15 calendar days (it was 17 calendar days last year).
- Created a new tenancy casework team, which handled over 900 cases from July to March 2013 in such areas as anti social behaviour, succession and ending a tenancy.
- Carried out 2,235 tenancy welfare visits as part of our rolling programme of visits to every home.

What we are doing

- Working very closely with tenants to help those who are affected by recent welfare benefit changes.
- Holding a mutual exchange event to further promote this method of moving for those who are under-occupying or overcrowded in their home
- Developing a new pet policy in line with RSPCA advice on promoting responsible pet ownership in council properties.
- Working with the Estate Regeneration Team to identify areas for building new homes.

Page 5: Sheltered housing

We will provide every tenant with a support plan to aid their wellbeing. We will prioritise support for the most vulnerable tenants.

What we have done

- Introduced fire boxes at all our schemes ensuring that better information is available to the emergency services in the event of a fire or other major emergency.
- Broadfields won 2nd prize in City in Bloom.

- Set up a low cost complementary therapy service at Elwyn Jones Court involving Active Lightworks, who work with organisations such as Rise and Mind.
- Implemented a new welcome leaflet for new tenants at all schemes.
- Restored a full weekend call service for the most vulnerable of all our residents.

What we are doing

- Working with East Sussex Fire & Rescue's Care Provider scheme and ensuring that we get better fire safety advice
- Working with the NHS to inform older people about cancer and encourage screenings to prevent it.

Getting involved makes stronger communities

Having lived in Whitehawk for 34 years it is important to me that it maintains close neighbourhood links and excellent facilities for the community.

One of the key ways in which the residents' associations in Whitehawk help maintain strong links is by organising a community event every summer.

During the event 30 local groups come together. These groups represent pastimes as diverse as the study of history, tending allotments and belly dancing (yes, we have a belly dancing group in Whitehawk and it has men as well as women).

They all meet up with representatives from key community groups such as the Whitehawk Inn, the police and fire service.

I passionately believe getting involved in a resident's association can be a great way of keeping your community vibrant and strong. It also brings positive change. We have managed to get a ban on the sale of be-be guns at local markets and worked closely with the police to prevent drug-dealing – helping the community to feel safer.

I would encourage anyone who wants to help make their community stronger and safer to join a resident's association – I think you'll be surprised at the amount of change you can bring about.

Lyn Bennett, South Whitehawk.

Page 6

Inclusion

The Housing Inclusion Team was set up in 2012 for residents who needed help managing their finances or with reading, writing, maths or computer skills. It also provides advice in finding a training course, volunteering, or getting back into work. If you would like help with any of these, please contact the team by emailing HousingInclusionTeam@brighton-hove.gov.uk or calling:

- Learning Participation on 01273 293178
- Financial Inclusion: 01273 293317 or 293173

What we have done

- 71 people have been referred to the Learning and Participation Team. Of these:
 - three have been helped back into work
 - three have undertaken work-based training
 - 32 have been helped into further education or training
 - nine have undertaken work on volunteering schemes
- 242 people have been referred on to MACS for further help with their finances, resulting in over £220,000 of financial benefit to these tenants.
- We have introduced resident assessors who are assessing the 'lettable standard'.

What we are doing

- We will be delivering more resident training in energy efficiency, money mentoring, combating loan sharking and being a learning champion.

Helping residents with money advice

Since October 2012 the Housing Inclusion Team has been jointly working with Money Advice and Community Support (MACS) to help residents manage their finances. Here are some quotes from those who have used the service.

"Some of my bills were becoming unmanageable. I contacted Housing Inclusion. They worked together with MACS and I can now pay my bills with the money I am getting. They were very, very helpful."

FK

"I had been having problems with my water bill. Housing Inclusion and MACS did a tremendous amount of work to negotiate payments that I could afford. That's been a great help."

KW

“I needed help with money in a number of areas. The help that I got was great and I feel some much better for having sorted things out.”

JB

Page 7

Anti social behaviour (ASB)

We will not tolerate anti-social behaviour (ASB). We will take action, keeping you informed and offer support to all those who are victims of anti-social behaviour.

What we have done

- Obtained closure orders on two properties where drug-dealing was taking place.
- Ended the tenancies of nine people who caused serious ASB.

What we are doing

- Improving support for victims of ASB so that each victim has a designated person to keep them informed on the progress of their case.
- Working with the police and social services to give greater protection to children at risk.

Your neighbourhood and community

We will make sure common areas and estates are clean; carry out estates inspections and provide a budget for residents to decide on improvements.

What we have done

- Continued with our safe and clear stance on fire safety for common ways.
- Using in-depth surveys, initially at Kingswood and Milner Flats, to gain knowledge of residents' priorities and act accordingly.
- Encouraging residents to be involved in their neighbourhood using the 'Text a photo' campaign to speed up improvements to your estate. You can also send photos of issues on housing land and e-mail it to Neighbourhoods.Team@brighton-hove.gov.uk

What we are doing

- Reviewing how we do Estate Inspections to ensure that they offer value for money and produce results.

- Working with residents to assess satisfaction on the grounds maintenance service and find out how residents want their service charge spent.
- Encouraging more people to get involved in growing projects such as using containers to grow food and flowers on their balconies.

Value for money

To assess annually the Housing Revenue Account and seek to produce high class services at the lowest cost.

What we have done

- Raised a total of £11.8 million in receipts from Seaside Homes to be reinvested in council homes.
- Reduced the amount of rent lost due to empty properties to 0.8% (down from 1.8% last year).
- Lowered the cost per property for tenancy services down from £161.74 per property (or £3.11 per property per week) in 2010/11 to £156.40 per property (or £3.01 per property per week). However, this still remains higher than other similar authorities.
- The number of evictions due to rent arrears continues to fall – 10 in this financial year down from 16 the previous year.

What we are doing

- The council housing budget no longer has to make payments to the government every year, so we can use savings we make in running council housing more efficiently. As a result extra resources are now available for projects such as major repairs work and building new homes.

Page 8 - Income & Expenditure

To be produced as a pie chart as last year.

Total income: £53, 435, 000

Total Expenditure: £51, 073, 000

The difference in income of £2,362,000 is kept in reserve and used for major projects.

Per £10 spent:

Repairs and improvements:	£5.95 – 59.51%
Running housing services	£3.01 – 30.06%
Repaying loans:	£1.04 – 10.43%

You can find more information on our performance at www.brighton-hove.gov.uk/hsg-performance

If you have any comments on this annual report or if there's anything you'd like to see in a future issue, please let us know. Contact James Pemberton, Performance & Improvement Officer on 01273 290562 or e-mail housing.performance@brighton-hove.gov.uk with your suggestions.

Subject:	Self Build Housing – Response to letter from Councillor Farrow		
Date of Meeting:	19 June 2013		
Report of:	Executive Director for Environment, Development & Housing		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
	Email:	martin.reid@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Housing Committee on 16 January considered the following letter from Councillor Farrow to Councillor Wakefield (relevant extract below):
Channel 4 Television's Grand Designs programme recently revisited the Hedgehog Housing Co-operative in Bevendean. The housing co-op developed homes on marginal land using a self build by members scheme. I would request that officers investigate and report back on the feasibility of using similar schemes to develop more homes on marginal land in other areas of the City.
- 1.2 A key objective outlined in the Government Housing Strategy for England is to double the amount of self-build housing (renamed custom-build in the Strategy) over a decade, an increase from 100,000 to 200,000 homes. The Strategy aims to change self-build from a marginal to a mainstream housing option. The Government also announced that it would be making up to £30m of funding available via the Homes & Communities Agency (HCA) to provide short-term project finance to help unlock group custom build – or self-build – schemes.
- 1.3 In addition, the recent University of York Centre for Housing Policy report 'Build-it-Yourself? – understanding the changing landscape of the UK self-build market' endorsed by the All Party Parliamentary Group on Self-Build & Independent Housebuilding considers strengths and weaknesses of the existing self build market, looks at key initiatives to expand the market and identifies further steps that might be taken to encourage additional self build.
- 1.4 Brighton & Hove has a long history of self build schemes. The City-wide Housing Strategy expressly recognises and supports the important and innovative work of housing co-ops in the City and the Council have a long term working relationship with the City's housing co-operatives through Co-operative Housing in Brighton & Hove (CHIBAH) the local co-op network. The Council also have a strong working relationship with the HCA.
- 1.5 In line with our on-going partnership with the HCA and housing co-ops we propose to review the HCA's recent Custom Build Homes Fund Prospectus and University of York report with partners to identify and report back to Housing

Committee on any opportunities for loan finance and capacity building for community groups with plans for self build schemes.

2. RECOMMENDATIONS:

- 2.1 That Housing Committee note the housing strategy context, aspiration and potential funding to support the work of housing co-ops and development of self-build housing.
- 2.2 That Housing Committee note proposals to work with partners to report back to Housing Committee on any opportunities available for community groups with plans for self build schemes in the City.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In November 2011, the Government published its Housing Strategy for England. A key objective of the Housing Strategy was to double the amount of self-build housing (renamed custom-build in the Strategy) over a decade, an increase from 100,000 to 200,000 homes. The aspiration is to change self build from a marginal to a mainstream housing option.

HCA Custom Build Homes Fund Prospectus

- 3.2 In [Laying the Foundations – a Housing Strategy for England](#), the Government announced that it would be making up to £30m of funding available to provide short-term project finance to help unlock group custom build – or self-build – schemes. The aim of the fund is two-fold:
 - To stimulate the growth of the Custom Build Homes market by enabling more multi-unit custom build home projects and attract more commercial lenders and investors to this market, thereby increasing the number of custom built homes developed annually over the next decade;
 - focus exclusively on multi-unit ‘group’ projects with the objective of bringing forward sufficient numbers of successful schemes to demonstrate to commercial funders that the lending model is a viable and sustainable business which can be taken forward by industry, without public funding support, when the fund closes on 31 March 2015.
- 3.3 Eligible groups including appropriately constituted Community Organisations can make funding applications subject to scheme conditions. Local authorities are not eligible to apply for funding but may work closely with eligible applicants to support them to bring forward a project.
- 3.4 Funding is in the form of loans repaid with interest at a range of commercial rates. Eligible projects must comprise a minimum of five homes up to a cap of £3m for any single project. Maximum eligible cost of each home to be supported by a Custom Build loan is £250,000 with loans capped at maximum of 75% of eligible costs meaning the applicant must have access to a minimum of 25% of the projects funding.

- 3.5 Projects will be prioritised for loan funding that have secured at least outline Planning permission.
- 3.6 Qualifying expenditure includes:
- Land acquisition costs
 - Site preparation costs
 - Construction of supporting infrastructure
 - S106 Planning obligations
 - Construction costs for homes
 - Post planning permission professional fees.

Brighton & Hove City-Wide Housing Strategy & Partnership Working

- 3.7 Our City-wide Housing Strategy expressly recognises and supports the important and innovative work of housing co-ops in the City. The Strategy states that we will continue to engage with local housing co-ops and will review any opportunities that may arise to develop their role. This includes supporting development of new co-operative housing and self build homes.
- 3.8 The Council have a long term working relationship with the City's housing co-operatives through Co-operative Housing in Brighton & Hove (CHIBAH) the local co-op network. We have engaged with and support the work of housing co-ops over a number of areas outlined below:
- Bringing empty private sector properties back into use through housing co-ops continued input into the Council's Empty Property Strategy;
 - Supporting local housing co-ops and community groups in their successful bid under the Communities element of the Government Empty Homes Programme 2012–15. £650k was allocated to local groups in 2012 (Round 1) to provide 38 bed-spaces in 6-8 properties by April 2015. Two properties (11 bed-spaces) have now been purchased on the open market using this funding and negotiations are underway for a further property on a long lease. Further bids have been forwarded in Round 2 (2013). HCA allocation details are imminent. The Council continue to work with co-ops in identifying eligible empty properties in the private sector;
 - Continuing to support housing co-ops through joint work on short life lease end and lease renewal issues;
 - Supporting local housing Co-ops in their business modelling to achieve our shared goal of developing new co-operative housing in the City via the Commission for Co-operative Housing Warehouse funding model.
- 3.9 Brighton & Hove has a long history of self build schemes. Hedgehog Housing Co-op was supported by the Council and self build work undertaken in partnership with a Registered Provider in receipt of a substantial amount of Housing Corporation funding.

3.10 In line with our on-going partnership with the Homes & Communities Agency and housing co-ops we propose work with partners to review the HCA's recent Custom Build Homes Fund Prospectus and the findings of the University of York study to identify and report back to Housing Committee on any opportunities for loan finance for community groups with plans for self build schemes. In particular, where this funding may be aligned to marginal public sector land that may be available for release in the City, including any opportunities that may arise on Council owned land.

University of York Centre for Housing Policy report 'Build-it-Yourself? – understanding the changing landscape of the UK self-build market'

3.11 The University of York report published in Spring 2013 considers strengths and weaknesses of the existing self build market, looks at key initiatives to expand the market and identifies further steps that might be taken to encourage additional self build.

3.12 The key findings from the report are outlined below and include:

- There is the potential for increase in self build but it is too early to appraise outcomes and to what extent momentum can be maintained;
- Individual self build is a long and often complicated process currently concentrated amongst older affluent households and not always adding to the overall housing stock;
- Access to land and planning permission often less difficult than previously reported;
- Development finance and access to mortgage finance is tightly constrained, in particular for group projects;
- Most self build housing is lead by community groups under a variety of potential models which require support in future to expand capacity. Social landlords or developers may initiate and manage the process;
- New models of self build are emerging led by local authorities and developers often aimed at: addressing concerns about accessing land, planning and development finance; offering support; and, responding to Government initiatives. However it is unclear what options will emerge as successful and sustainable;
- Some potential key players see no business case for self build and do not wish to engage with self build viewing it as inefficient, 'burdensome'; not delivering volume required to support investment and not meeting their priorities including for social housing provision or land development.

3.13 The key report recommendations include:

- Lenders should provide additional guidance to potential self-builders about the criteria for funding and should also consider the development of more accessible products;
- Government should maintain their enabling role by co-ordinating reform of existing processes to enable building of capacity, offer longer term support and encourage evaluation and information sharing to enable a better understanding of what works;

- Local authorities should consider the extent to which planning agreements can be used to embed self build sites within speculative developments, consider supporting the sector to provide more affordable housing for local people and review opportunities to make land available as self build plots;
- Developers and registered providers should recognise the social and economic benefits of working with prospective residents to enable them to procure / customise their homes and also opportunities to work as enablers to provide packaged professional services solutions to help self-builders.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 As outlined above, the Council have a long term working relationship with the City's housing co-operatives through Co-operative Housing in Brighton & Hove (CHIBAH) the local co-op network. We have supported local housing co-ops and community groups including in their successful bid under the HCA Empty Homes Community programme. We will engage with community groups to support any future bids they may wish to make.
- 4.2 In addition, we will work with partners to report back to Housing Committee on any opportunities available for community groups with plans for self build schemes in the City.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 As outlined in paragraph 3.3, Local Authorities are not eligible to apply for funding for self build schemes but can provide support to eligible applicants to bring forward a project.
- 5.2 Recommendation 2.2 proposes working closely with partners in this capacity and this support would be provided within existing staffing resources in Housing Strategy.

Finance Officer Consulted: Michelle Herrington *Date:* 06/06/13

Legal Implications:

- 5.3 The recommendation in paragraph 2.2 to work with partners is compatible with the Housing Strategy and as such is within the council's powers. No individuals human rights are adversely affected by the report's recommendations.

Lawyer Consulted: Liz Woodley *Date:* 06/06/13

Equalities Implications:

- 5.4 Working with partners to improve housing supply is aligned to the key Corporate priority of tackling inequality through meeting identified needs of disadvantaged groups in the City to whom the Council owes a housing duty.

Sustainability Implications:

- 5.5 Work with co-ops and proposals outlined in this report support corporate priorities, Tackling Inequality and Creating a Sustainable City and specific outcomes: 'A healthier and higher quality built environment' & 'Decent, Affordable, Healthy Housing'.

Crime & Disorder Implications:

- 5.6 There are no crime and disorder implications arising directly from this report.

Risk and Opportunity Management Implications:

- 5.7 Any risk and opportunity management implications will be included in any future report back to Housing Committee on any opportunities available for community groups with plans for self build schemes in the City.

Public Health Implications:

- 5.8 Brighton & Hove Joint Strategic Needs Assessment 2012 highlights the relationship between poor housing & health outcomes:
- Cost to individual: repeat hospital admissions; frequent visits to GP; isolation; substance misuse; suicide & death;
 - Wider implications: costs to NHS and local authority; environmental impact (e.g. in creased carbon emissions); crime & antisocial behaviour; low community resilience.

In terms of community wellbeing and resilience Director of Public Health Annual report (2010) identifies that Housing in Brighton & Hove represents a particular vulnerability for children and adults.

Working with housing co-ops and identifying opportunities to improve housing supply supports the aims of the City-wide Housing Strategy to make best use of housing resources and improve housing supply and housing quality in the City.

Corporate / Citywide Implications:

- 5.9 Work with housing co-ops and proposals around reporting back on any opportunities to support self-build housing support corporate priorities, Tackling Inequality and Creating a Sustainable City and specific outcomes: 'A healthier and higher quality built environment' & 'Decent, Affordable, Healthy Housing'.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Evaluation of alternative options will be included in future report to Housing Committee.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 These are outlined in the body of the report.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

None

Subject:	HMO Licensing Update: Response to letter from Councillor Farrow		
Date of Meeting:	19 June 2013		
Report of:	Executive Director, Environment, Housing & Development		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
	Email:	martin.reid@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Housing Committee on 16 January 2013 considered the following letter from Councillor Farrow to Councillor Wakefield:
Publicity was recently given to the London Borough of Newham's scheme to register all landlords in their local authority area. I would request that officers investigate and report back on this scheme and the feasibility of implementing a similar scheme in our City.
- 1.2 As requested by the Chair of Housing, this paper reports on the Newham scheme and on circumstances set out in the Housing Act where a local authority may consider establishing a Selective Licensing scheme or any further designation of Additional Licensing and the evidence needed to support this.
- 1.3 The Council currently license and / or have licence applications for 995 larger Houses in Multiple Occupation (HMOs) under the national mandatory licensing scheme applied city-wide.
- 1.4 Designation of an Additional Licensing scheme in the five Lewes Road wards commenced on 5 November 2012 following Housing Committee approval on 20 June 2012. Housing Committee approved the designation on the basis of extensive consultation and robust evidence that a significant proportion of the smaller HMOs in the five Lewes Road wards affected are being managed sufficiently ineffectively as to give rise to one or more particular problems either for those occupying the HMOs or for members of the public. As of 5 June 2013 the Council has received 1451 valid additional licence applications and checked and issued 926 draft and full licences.
- 1.5 The Housing Act sets out circumstances where a local authority may consider establishing a Selective Licensing scheme or designation of Additional Licensing and the evidence needed to support this. Introduction of any further additional HMO licensing would be subject to the same legal tests, extensive consultation and robust evidence base required to support the decision on the existing designation. Selective Licensing is a discretionary power to license all privately rented properties in a designated area that is deemed to suffer from low housing demand and/or significant and persistent antisocial behaviour. Before

considering designation of any further additional HMO licensing scheme or any Selective Licensing the Council would have to comply with specific requirements set out in the Housing Act in relation to extensive consultation, robust evidence base and resourcing any new scheme. Failure to do this would leave the Council at risk of Judicial Review.

2. RECOMMENDATIONS:

- 2.1 That Housing Committee note progress with implementation of the Additional Licensing scheme in the five Lewes Road wards since the commencement of designation on 5 November 2012.
- 2.2 That Housing Committee note the information on the Newham scheme and the legal parameters framing Additional Licensing and Selective Licensing schemes outlined in the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Private Rented sector in Brighton & Hove

- 3.1 In recent years we have seen a growth in the private rented sector to 34,081 homes, 28% of all housing stock. The most recent census indicates that the number of private rented homes in the City has increased by 45.7% (an extra 10,691 homes). The City has the 9th largest private rented sector in England & Wales. The City has the 6th highest proportion of converted dwellings or shared houses (houses in multiple occupation and bedsits) in England & Wales.
- 3.2 The private rented sector is an important source of flexible housing supply in the City with a range of benefits including:
 - Catering for a highly mobile population;
 - Supporting university growth to the benefit of the local economy, labour market and cultural offer;
 - Helping to address housing need in the City;
 - Supporting investment in improving city housing stock;
 - Supporting direct and indirect employment, including in local trades and businesses.
- 3.3 However, the private rented sector does have some problems for which statutory regulation, particularly licensing is required. Houses in Multiple Occupation (HMOs) are amongst the more difficult to manage properties in the sector. In some HMOs the standards of management and living conditions can be poor, for example research has shown the risk in HMOs from hazards such as fire can be as much as four or more times higher than the risk in a residential property occupied by a single household. Licensing allows local authorities to proactively identify and engage with landlords, particularly with the less responsible private landlords.

Mandatory Licensing of Houses in Multiple Occupation

- 3.4 The Council currently license or have licence applications for 995 larger Houses in Multiple Occupation across the City under the existing national mandatory HMO licensing scheme. Current breakdown by ward is below:

Ward Name	Count of Licences
St. Peter's And North Laine	245
Hanover And Elm Grove	200
Queen's Park	116
Moulsecomb And Bevendean	93
Regency	60
Hollingdean And Stanmer	59
Preston Park	57
Goldsmid	40
Brunswick And Adelaide	37
Central Hove	25
Westbourne	19
East Brighton	16
Rottingdean Coastal	7
Withdean	7
South Portslade	5
Wish	4
Hove Park	3
Hangleton And Knoll	1
Patcham	1
Total	995

Additional Licensing of Houses in Multiple Occupation

- 3.5 Following resident and councillor concerns, Housing Committee approved the recent Additional Licensing designation on the basis of evidence that a significant proportion of the smaller HMOs in the five Lewes Road wards affected are being managed sufficiently ineffectively as to give rise to one or more particular problems either for those occupying the HMOs or for members of the public.

Housing Committee on 20 June 2012 designated the wards of Hanover & Elm Grove, Moulsecomb & Bevendean, St Peters & North Laine, Hollingdean & Stanmer and Queen's Park as subject to Additional Licensing under S56(1) of the Housing Act 2004 in relation to smaller Houses in Multiple Occupation of two or more storeys and three or more occupiers. The designation came into force from 5 November 2012 and will last for 5 years.

- 3.6 The designation was agreed following an extensive two phase consultation exercise. Housing Committee considered representations, a comprehensive evidence base and resourcing before they made their decision to approve the Additional Licensing designation.
- 3.7 Before designating an additional HMO licensing scheme, the council had to comply with the specific requirements set out in the Housing Act. Failure to do

this would leave the Council open to Judicial Review. Regulations issued under the Housing Act 2004 introduced the mandatory licensing of HMOs that have 3 or more storeys and are occupied by 5 or more persons who are living in 2 or more households. The Act also allows the discretionary licensing of HMOs and other private rented housing to meet local needs in certain circumstances.

Sections 56 and 57 of the Housing Act 2004 provide local authorities with the power to designate areas as being subject to an Additional HMO Licensing Scheme in respect of some or all of the HMOs in that area that are not already subject to mandatory licensing

- 3.8 Additional Licensing schemes may be introduced for a period not exceeding 5 years and can be used to address problems that may exist in sub-standard converted self-contained flats and smaller HMOs. The Council cannot profit from any licensing scheme. The licence fee that is set must be justifiable and representative of each individual local authority's process. The fee will cover a licence for 5 years. Setting higher fees than any scheme requires to support resourcing would be open to challenge as would failure to sufficiently resource the operation of any new scheme. In line with statutory provisions the Housing Committee paper (20 June 2012) identified fees and resourcing to support the Additional Licensing designation in the five Lewes Road wards. Any further Additional Licensing or Selective Licensing scheme would also be subject to the same Housing Act requirements to identify fees and resources to operate the scheme.
- 3.9 In addition, the Housing Committee paper set out provisions for future review of the Additional Licensing scheme progress within the 5 year designation advising that 'The scheme will be reviewed after 2 years of implementation'. Future review of the existing Additional HMO Licensing scheme will be reported back to Housing Committee.
- 3.10 Before introducing an Additional HMO Licensing Scheme, the council must comply with the specific requirements set out within sections 56 and 57 of the Housing Act 2004. This includes being satisfied that a significant proportion of the HMO's proposed under the additional scheme are being managed sufficiently ineffectively. The scheme must be consistent with the authority's overall housing strategy.
- 3.11 We have been evidencing management issues arising in relation to smaller HMOs in the five Lewes Road wards since 2008, following reporting of University of Brighton research on the issues to Strategic Housing Partnership, and including a scrutiny report on Students in the Community on 28 January 2010, and the Student Housing Strategy. The Student Housing Strategy, adopted in November 2009, is part of the overarching city-wide Housing Strategy 2009 – 2014.
- 3.12 Welcoming the economic contribution of the universities to the City, the Student Housing Strategy outlined a strategic approach to the supply and management of student housing in the City.
- 3.13 While in no way limited to or seeking to target student households, implementation of additional HMO licensing schemes in the City was included in

the Student Housing Strategy action plan along with other measures to support and enhance the quality and management of housing and residential environments within HMO dominated studentified neighbourhoods.

- 3.14 In addition to continued joint working with both Universities in areas including enhancement of their community liaison work, the Student Housing Strategy also sought to promote and enable the appropriate development of purpose built student accommodation at suitable locations within the City. Over 2000 units of new purpose built student housing have now been approved in the City including large developments at Northfield, University of Sussex Campus & Varley Halls of Residence for University of Brighton in Coldean. Further new purpose built student housing is currently proposed on other major sites in the City.
- 3.15 Following Housing Committee approval for additional HMO licensing to be introduced in the five Lewes Road wards commencement of the designation was from 5 November 2012. As of 5 June 2013 the Council has received 1451 valid Additional License applications, breakdown by ward is below:

Table - valid Additional Licensing applications received as of 5 June 2013

Ward Name	Count of Licences
Moulsecoomb and Bevendean	553
Hanover And Elm Grove	400
St. Peter's And North Laine	271
Hollingdean And Stanmer	161
Queen's Park	66
Total	1451

- 3.16 In the Housing Committee report of 20 June 2012 we estimated that there were potentially between 1,500 & 3,000 smaller HMOs in the five wards that may be subject to licensing under Additional Licensing proposals.
- 3.17 In order to ensure that landlords and agents of all licensable HMOs in the five Lewes Road wards comply with the Additional Licensing designation the Private Sector Housing Team have also commenced an Additional Licensing enforcement programme targeting smaller HMOs yet to register under the Additional Licensing designation.

London Borough of Newham's Additional & Selective Licensing schemes

- 3.18 London Borough of Newham has sought to implement borough wide licensing to ensure that the private rented sector provides decent quality accommodation and that anti-social behaviour is effectively managed. Newham's borough wide introduction of Selective and Additional Licensing is currently the largest regulatory intervention in the private rented sector in the UK. Newham is the first council in the country to implement a scheme to license all private rented properties.

- 3.19 Newham consulted extensively with residents, stakeholders, private sector tenants, landlords and lettings agencies. 74% of residents and 76% of private tenants supported the borough-wide licensing scheme. Newham's scheme followed creation of a 'task force' to combat 'sheds with beds'. illegal buildings built at the bottom of gardens which often house tenants living in very poor conditions exploited by rogue landlords. The initiative was successfully piloted on a small scale in the borough's Little Ilford Neighbourhood Improvement Zone (NIZ). The pilot scheme achieved 100% compliance following enforcement action against a number of non-compliant landlords.
- 3.20 As of 3 June 2013 it has been reported that Newham Council has received licence applications from 30,000 private landlords.
- 3.21 Newham have evidence that poor property and tenancy management, and associated anti-social behaviour is found in all types of private rented properties and in all wards of the borough. Therefore, Newham have introduced a comprehensive, borough-wide licensing scheme with the clear objective to secure a consistent level of responsible property management among all private landlords.
- 3.22 Newham has declared 2 licensing designations operative from January 2013 each encompassing the whole of the borough of Newham but capturing different property use types
- Firstly, Newham has introduced a borough wide Additional Licensing designation of Houses in Multiple Occupation (HMOs) that will require all landlords who let a property that is occupied by 3 or more non-related occupiers that share some basic facilities or amenities such as a kitchen or bathroom to have a licence;
 - Secondly Newham has introduced a borough wide Selective Licensing designation that requires landlords who let all other residential accommodation that falls outside of the mandatory and additional HMO definition to have a licence.
- 3.23 All private landlords that let properties within the borough which will be designated as an Additional or Selective Licensing designation will require a licence from Newham for each of their rented properties. Newham believe that this will address the negative issues identified.
- 3.24 In introducing Additional and Selective Licensing Newham have demonstrated that over and above the application of their existing statutory powers in relation to private sector housing there are circumstances supporting the establishment of a Selective Licensing scheme and designation of Additional Licensing and the evidence needed to support this including that the local authority has:
- consulted with local residents, landlords and tenants for a minimum of ten weeks;
 - a robust evidence base for introducing an Additional Licensing scheme, demonstrating that there are significant management issues and poor property condition that need addressing within a designated area;
 - a robust evidence base for introducing a Selective Licensing scheme, demonstrating there are significant management issues such as low housing demand and/or significant and persistent antisocial behaviour that need addressing within a designated area.

- 3.25 Should Brighton & Hove consider further Additional Licensing or introducing Selective Licensing the same requirements would apply prior to Housing Committee being in a position to consider any recommendation to designate any area subject to such any new scheme.

Outline of the main Local Authority Housing Powers in relation to Private Sector Housing

- 3.26 The Housing Act sets out a range of local authority powers in relation to private sector housing, including circumstances where a local authority may consider establishing a Selective Licensing scheme or any designation of Additional Licensing and the evidence needed to support this. More details on the main powers available to local authorities are below.

Outline of the main Local Authority Housing Powers in relation to Private Sector Housing

(Taken from DCLG guidance – Dealing with Rogue Landlords – A Guide for Local Authorities - August 2012)

Housing Act 2004

What the power allows

Housing Health and Safety Rating System is an evidenced based system used to assess housing conditions in all residential property. The Housing Health and Safety Rating System sets a minimum standard for all residential properties, ensuring that they are safe and habitable.

The Housing Health and Safety Rating System comprises an assessment of the presence and severity of 29 hazards, including 'excess cold'. Local authorities have a duty to take enforcement action to secure necessary improvements where Category 1 (serious) hazards are present. Local authorities also have discretionary power to intervene where Category 2 hazards are present. In determining the most appropriate form of action, local authorities can consider the extent of vulnerability of person's living (or likely to live) in the accommodation.

What the power can deliver

A local authority can carry out an assessment of a home and will look at the likelihood of an incident arising from the condition of the property and what the harmful outcomes might be.

As a result of the assessment, the council will be able to say whether the property has 'Category 1' (serious) or 'Category 2' (other) hazards.

If the local authority discovers serious Category 1 hazards, they will first discuss these with the home owner or landlord to encourage them to deal with the problems. If this isn't successful, then they can:

- serve a hazard awareness notice to draw attention to the problem

- issue an improvement notice to the landlord to carry out improvements to the property
- take emergency action to fix the hazard where there is an immediate risk
- ban the use of the whole or part of a dwelling or restrict the number of people living there using a prohibition order.

If a home owner/landlord doesn't carry out the requirements of a legal ('statutory') notice issued by the local authority, they could face a fine which is currently up to £5,000 but will be increased to unlimited when the Legal Aid Sentencing and Punishment of Offenders Act is commenced.

Mandatory Licensing of Houses in Multiple Occupation

What the power allows

There is a statutory duty on local authorities to license larger higher risk Houses in Multiple Occupation of three or more storeys housing five or more unrelated persons. These properties are seen as higher risk, both because of the nature and condition of the properties, and the vulnerability of their occupants.

The mandatory Houses in Multiple Occupation licensing regime addresses poor management practices and aims to secure a reduction in death and injury from fire and other health and safety hazards, and ensures adequate provision of amenities.

What the power can deliver

Private landlords must be deemed to be a "fit and proper" person in order to be granted a licence.

Local authorities can impose conditions on a licence, such as how the licence holder deals with the behaviour of occupiers and the maximum number of occupants allowed in the property. They can also impose conditions requiring adequate amenities and safety requirements to ensure decent standards in properties where there are several households sharing basic facilities.

Breach of a licence condition is an offence currently subject to a fine of up to £5,000. Letting or managing a property without a licence is a criminal offence currently subject to a maximum fine of £20,000.

Additional Licensing of Houses in Multiple Occupation

What the power allows

Poor conditions and bad management practices can manifest themselves in smaller Houses in Multiple Occupation in specific areas. These smaller types of Houses in Multiple Occupation may not meet the mandatory licensing criteria but there is a discretionary power to extend licensing to smaller types of Houses in Multiple Occupation. Local authorities have the general consent to introduce such schemes subject to local consultation.

What the power can deliver

In order to introduce additional licensing for Houses in Multiple Occupation local authorities are required to consult with local residents, landlords and tenants for a minimum of ten weeks.

Local authorities are required to provide a robust evidence base for introducing a scheme, such as demonstrating there are significant management issues and poor property condition that need addressing within a designated area.

Once a designation is confirmed landlords who operate within the designated area will be required to apply for a Houses in Multiple Occupation licence for each of their properties.

Selective Licensing

What the power allows

This is a discretionary power to licence all privately rented properties in a designated area that is deemed to suffer from low housing demand and/or significant and persistent antisocial behaviour. Such schemes are subject to local consultation. Selective Licensing is intended to address the adverse impact that poor management by a minority of private landlords, and antisocial behaviour by a few tenants, can have on other tenants and the wider community.

What the power can deliver

In order to introduce a Selective Licensing scheme local authorities are required to consult with local residents, landlords and tenants for a minimum of ten weeks.

Local authorities are required to provide a robust evidence base for introducing a scheme, such as demonstrating there are significant management issues that need addressing within a designated area.

Once a designation is confirmed landlords who operate within the designated area will be required to apply for a licence for each of their properties.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 In order to introduce Additional Licensing for Houses in Multiple Occupation or any Selective Licensing local authorities are required to consult with local residents, landlords and tenants for a minimum of ten weeks.
- 4.2 In line with these statutory requirements Housing Committee report of 20 September 2012 outlined extensive consultation undertaken on Additional Licensing proposals for the five Lewes Road wards. In addition to attending various meetings including with landlord groups, representatives of letting agents and Local Action Teams and landlords Housing Committee were advised of the following responses to consultation that took place from 18 January to 31 March 2012:
 - 311 responses were received via the consultation portal (majority from landlords & agents) 44% (136) yes & 56% (173) no.

- 1010 responses were received from the door to door survey of residents and businesses in the 5 wards. 71% (713) yes & 8% (81) no, with 14% (146) don't know & 7% (70) not answered.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from this report however, should further licensing be considered in the future, it would be necessary to review the staffing resources needed to carry out the required consultation and evidence gathering exercise. Fees for any future schemes would need to be set at a level reasonably expected to recover all costs of administering that scheme. Fees in relation to the existing two schemes are reviewed as part of the budget process each year.

Finance Officer Consulted: Michelle Herrington Date: 28/05/13

Legal Implications:

- 5.2 Before a designation for selective or additional licensing can be introduced, the council must comply with the statutory framework of the Housing Act 2004. Designations can be introduced for an area, areas or the whole of the city, where the council is satisfied that either an area is, or is likely to become, an area of low housing demand and that the making of the designation, when combined with other measures, will contribute to the improvement of the social and economic conditions in the area.

Alternatively, designations for selective licensing can be considered where the authority considers that the area is suffering from anti-social behaviour (ASB) and the following criteria are satisfied:

- i) the area is experiencing a significant and persistent problem caused by ASB
- ii) that some or all of the private sector landlords who have let premises in the area are failing to take action to combat the problem that it would be appropriate for the to take and
- iii) that making a designation will, when combined with other measures lead to a reduction in, or the elimination of, the problem.

The definition of "private" sector landlord does not included a non-profit registered provider of social housing or a landlord falling within exceptions set out in Regulations.

Additional matters that the council must consider before a selective licensing designation is made are specified in sections 81 and 82 of the 2004 Act, and in particular that the exercise of the power is consistent with its overall housing strategy.

Equalities Implications:

- 5.3 A full equalities impact assessment was undertaken in relation to the additional licensing designation for the five Lewes Road wards. No negative consequences of additional licensing were identified. A further equalities impact assessment would need to be undertaken should any further licensing proposals be forthcoming.

Sustainability Implications:

- 5.4 Maintenance and improvement of existing housing stock is generally more sustainable than continued deterioration. Adoption of measures such as licensing of HMOs should improve management and standards for the residents in those homes and the liveability of residential areas impacted by large numbers of HMOs more generally.

Crime & Disorder Implications:

- 5.5 An Additional Licensing designation aligns to evidence of significant management issues and poor property condition that need addressing within a designated area. Adoption of any Selective Licensing scheme is intended to address the adverse impact that poor management by a minority of private landlords, and antisocial behaviour by a few tenants, can have on other tenants and the wider community. Such licensing should therefore assist local enforcement agencies gain a better understanding of the problems in areas where any designation applies and help address concerns about crime and disorder including anti social behaviour and neighbourhood nuisance.

Risk and Opportunity Management Implications:

- 5.6 The risks associated with the current additional HMO licensing designation have been managed in compliance with the Council's risk management strategy and a full risk log was attached to the relevant Housing Committee report.

Risks relating to consideration of any further designation are outlined in the report.

Public Health Implications:

- 5.7 In terms of community wellbeing and resilience the Director of Public Health Annual report identifies that Housing in Brighton & Hove represents a particular vulnerability for children and adults. The Joint Strategic Needs Assessment identifies that poor housing conditions present risks to health.
- 5.8 Any improvement of management and standards of HMOs arising from HMO licensing should have a beneficial Public Health impact.

Corporate / Citywide Implications:

- 5.9 Housing Committee approved the Additional Licensing designation on the basis of extensive consultation and robust evidence that a significant proportion of the

smaller HMOs in the five Lewes Road wards affected are being managed sufficiently ineffectively as to give rise to one or more particular problems either for those occupying the HMOs or for members of the public. The scheme should have a beneficial impact on the communities in the areas covered by the existing designation.

- 5.10 Residents in other parts of the City may consider that issues that have led to proposals for additional licensing in the 5 identified wards also exist in their area. The Housing Act parameters around consideration of any further Additional Licensing or the introduction of any Selective Licensing are outlined in the report.
- 5.11 The experience with mandatory licensing suggests that Additional licensing would have no significant adverse effect on property supply.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 An outline of the main local authority housing powers in relation to Private Sector Housing are outlined in the report.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The reasons for report recommendation are outlined in the report.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None .

Subject:	HCA Empty Property Funding Round 2 Bid		
Date of Decision:	19 June		
Report of:	Geoff Raw, Executive Director Environment Development & Housing		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
	Email:	martin.reid@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No:	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Working with the Homes & Communities Agency (HCA) and neighbouring authorities to bring long term private sector empty homes back into use meets key aims of the City-Wide Housing Strategy and Corporate Plan priority of Tackling Inequality. Bringing long term empty homes back into use:
- Promotes effective use of the City's housing stock to meet housing need
 - Ends the blight on neighbourhoods caused by long term empty homes
 - Attracts New Homes Bonus from Government
- 1.2 Brighton & Hove has a successful Empty Property Strategy. During 12/13 the Empty Property Team worked with owners to return 157 long term empty private sector homes back into use (against target of 153) including 34 homes brought back on long term leases for homeless families. The Empty Property Team have a strong track record as a sub-regional lead in delivering empty property services and investment across borough boundaries including Lewes DC & Horsham DC.
- 1.3 As reported to Housing Committee (6 March 2013) Brighton & Hove were sub-regional lead on a recent successful funding bid under the HCA Empty Homes Programme 2012–15 (Round 1) receiving an allocation of £900k to bring 60 long term empty homes back in use across Brighton & Hove and Lewes District.
- 1.4 This paper seeks to inform Housing Committee of an additional funding bid under Round 2 of the HCA Empty Homes programme consists of £620k to bring an additional 31 long term empty private sector homes back into before 31 March 2015. The bid is aligned to working with established private sector landlords and other partners on larger developments (more than one home) of longer lease length. We propose to offer grants to owners of long term empty homes (empty for more than six months) in return for a minimum ten year lease. This complements the existing allocation made under Round 1. Any funding will be used across Brighton & Hove and Lewes District. We currently await the HCA funding announcement which was due on 31 May 2013.
- 1.5 In addition, we also supported Sussex Central YMCA's bid to provide 30 rooms in shared housing for their client group and bids by three local community groups and co-ops under the community programme element of this funding.

2. RECOMMENDATIONS:

2.1 It is recommended that Housing Committee –

2.1.1 Note the bid to the Homes & Communities Agency for funding under the Empty Homes Programme Round 2 2013-15 (currently subject to contract).

2.1.2 [Subject to bid outcome] Delegate authority to Executive Director Environment Development & Housing to enter into the Empty Homes (Round 2) Agreement (2013-15 allocation (local authority)) with the HCA (Homes & Communities Agency), the key elements of which are set out in paragraphs 3.14 & 3.22 of this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Improving Housing Quality and Housing Supply by working with owners to bring more of the City's long term empty private sector homes back into use are key strategic goals of City-Wide Housing Strategy 2009-14.

3.2 The Empty Property Team bring back c 150 long term empty private sector homes back into use per annum through:

- Working with colleagues in Council Tax to identify empty homes;
- Working with owners offering advice and assistance and any available funding to encourage owners to bring empty homes back into use;
- Where all other negotiation has failed use of appropriate enforcement action up to and including Compulsory Purchase Order to bring long term empty homes back into occupation through EPEG (Empty Property Enforcement Group) which works with teams across the Council to co-ordinate any and all appropriate enforcement actions.

3.3 In addition to making best use of existing housing resources in the City and ending the blight on neighbourhoods often caused by homes left empty, bringing empty homes back into use also generates income for the General Fund.

3.4 The New Homes Bonus (NHB) is a funding incentive for local authorities largely to facilitate the creation of new homes in their area and bring empty homes back into use. The funding allocation announced in January includes £0.191m from a reduction in long term empty properties payable for six years from 2013/14.

3.5 The recent Council Tax Discounts and Exemptions Reform report made the following recommendations relating to work of Housing Empty Property Team and bringing long term empty private sector homes back into use:

- That the Council introduces a period of up to six weeks 100% discount for dwellings that are empty and unfurnished, to replace the current six month exemption known as Class C;
- That the Council introduces an Empty Home Premium at the maximum 50%, meaning that those liable for empty dwellings will have to pay 150% Council Tax after two years of the dwelling remaining empty.

- 3.6 Brighton & Hove Empty Property Team provide a sub-regional lead through both the BEST (Brighton & Hove and East Sussex Together) partnership and the pan Sussex Empty Homes Forum.
- 3.7 From 2008-2011 the sub-regional BEST partnership (Brighton & Hove, Lewes, Wealden, Eastbourne, Rother & Hastings) delivered a programme of more than 700 empty homes returned to use, through direct funding and enabling work, as part of the wider programme of private sector renewal.
- 3.8 Brighton & Hove chair the Sussex Empty Homes Forum which brings together empty property officers (or those dealing with the issue) from all authorities in East and West Sussex and the Homes & Communities Agency (HCA) to share skills and resources.
- 3.9 The Brighton & Hove Empty Property Team also directly provide empty property services to Horsham District Council & Lewes District Council
- 3.10 Brighton & Hove were sub-regional lead on a recent successful bid for funding under the Homes & Communities Agency (HCA) Empty Homes Programme 2012–15 Round 1 programme.
- 3.11 Brighton & Hove’s allocation, including delivery for Lewes DC, is £900k to bring 60 long term empty homes back in use over three years across both authorities. This is on the basis of recyclable loan fund supporting capital investment for repair and lease back to the Council for a minimum of 5 years. Additional homes will also be returned to use as the loan funding is repaid and then recycled and used to fund further loans.
- 3.12 We also supported local housing co-ops and community groups in their successful bids under this programme, £650k was allocated to four local groups in 2012 (Round 1) to provide 38 bedspaces in 6-8 properties by April 2015 through a mixture of leasing and purchasing empty properties. Two properties (11 bedspaces) have now been purchased on the open market by local housing co-operatives using this funding and negotiations are underway for a further property on a long lease. Further bids have been forwarded in Round 2 (2013). The council will continue to work with co-ops in identifying eligible empty properties in the private sector.
- 3.13 This funding provides additional investment to support the strategic priorities of maximising housing supply, investment and income and to secure sub-regional partnership working with the Homes and Communities Agency and Lewes DC.
- 3.14 Details of the bid under HCA Empty Homes Funding Round 2 are broken down below. Any additional funding is subject to bid outcome, HCA announcement was expected on 31 May 2013, and is subject to contract including HCA approval for delivery on behalf of Lewes DC. This current bid is for £620k to bring 31 long term empty homes back in use, broken down as follows:

HCA operating area	Number of units	Funding requested
East & South East (BHCC)	26	£520k
East & South East (Lewes District)	5	£100k

- 3.15 We have also supported Sussex Central YMCA's bid for funding as an existing partner working in the City. Their bid aims to identify 30 bedspaces/studios within 5 to 10 empty buildings across Brighton & Hove. This complements our existing allocation of loan funding for individually owned properties and also our new bid for working with private landlord and other partners for larger development (more than one unit) and longer lease lengths. There isn't any shared housing provision within the existing empty property programme in the City other than through local community groups and housing co-ops who have bid under community programme. We will work with Sussex Central YMCA (as with other groups) in identifying empty properties suitable for their use which we will see as a two way process (properties are also brought forward by YMCA). Sussex Central YMCA have shown good deliverability on their previous Empty Property allocation in other local authority areas.
- 3.16 In addition we have also supported bids by three local community groups and co-ops under the community programme element of this Round 2 funding to bring long term empty homes back into use through a mixture of leasing and purchasing empty properties.
- 3.17 The bid and funding allocation are based on offering grants under our revised Empty Property Assistance policy to enable long term empty homes to be brought back into use on a lease and repair basis whereby we secure the property for a period of time under our private sector leasing scheme in return for the grant funding.
- 3.18 The Council has insufficient Council homes to meet the demand from vulnerable households to whom we owe an accommodation duty. In order to meet this accommodation need the Council currently lease c 700 homes from private owners. Our Empty Homes Team support this leasing through funding long term empty homes back into use on the basis that homes are leased back to the Council to provide temporary accommodation. Overall, up to a third of the homes leased provide homes to meet referrals for accommodation Adult Social Care (Adult Mental Health, Physical Disabilities & Learning Disabilities), CYPT, Community Safety Team and Housing Management. The budget strategy is to reduce costs by taking long term lease agreements with private sector landlords based on forecasts of need from referring services. It has been estimated that long term leasing of homes for some 312 households has saved the Council £4.86m pa.
- 3.19 Given the impact of rising rents in the City, we are also aiming to secure the supply of leased accommodation at lesser cost by sub-regional procurement of leased accommodation. This includes work with Lewes DC on leasing as well as Empty Property Services in support of Lewes DC also meeting accommodation needs in their area.
- 3.20 The HCA Empty Property Programme funding is payable on a property by property basis when a long term empty home is brought back into use. Usually front funding of capital of up to 50% of approved grant to be paid at commencement of works (and the remaining 50% paid at completion of works) Overall HCA capital will support costs of work and related administration costs. This scheme will be suitable for owners / developers who are able to forward

fund the works avoiding forward funding issues.

- 3.21 In terms of next steps. The HCA awarded Brighton & Hove Affordable Housing Programme Investment Partner status, approved on 21/11/12. The HCA Empty Homes Round 2 announcement was due on 31 May 2013. Should we be successful a Funding Agreement will be released and will be subject to review and final agreement in negotiation between Brighton & Hove and HCA Legal teams. In order to achieve timely sign off for any Funding Agreement we are seeking Housing Committee approval for delegation of authority for the Executive Director Environment Development & Housing to enter into the Empty Homes (Round 2) Agreement subject to review and final agreement in negotiation between Brighton & Hove and HCA Legal teams.
- 3.22 The HCA Funding Agreement is based upon standard HCA Affordable Homes Programme contract as amended, including:
- Property should not have been occupied for residential purposes during any of immediately preceding six months;
 - Minimum Lease Duration - ten years;
 - Affordable Rent Terms – the tenant rent (inclusive of service charge) must be set at a level which is no more than 80% of the estimated market rent for an equivalent rent in the locality.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The bid and potential funding allocation are based on Empty Property Assistance offered under our existing Private Sector Housing Renewal Assistance policy & revised Empty Property Strategy to enable long term empty homes to be brought back into use. Development and review of the Private Sector Housing Renewal Assistance Policy has been subject to consultation.
- 4.2 In addition, we have supported local housing co-ops and community groups in their successful bid under the HCA Empty Homes Community programme and will continue engagement with community groups to support any future bids they may wish to make.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The total value of the bid is £620k of which £520k relates to BHCC and £100k relates to Lewes DC. The funding would be used to provide capital grants for eligible properties in return for a minimum 10 year lease.
- 5.2 Officer time to support this scheme would be met from existing resources and there would be a Service Level Agreement with Lewes DC for the support provided on their behalf.
- 5.3 Should the bid be successful, the relevant capital budgets will need to reported to Policy and Resources Committee for approval.

Finance Officer Consulted: Michelle Herrington

Date: 07 June 2013

Legal Implications:

- 5.4 If the bid is successful, the council's lawyers will be reviewing the Agreement to ensure that the council's interests are protected – paragraph 3.21 refers. No individual's human rights are adversely affected by the report's proposals.

Lawyer Consulted:

Name Liz Woodley

Date: 06.06.13

Equalities Implications:

- 5.5 Working with partners including the Homes & Communities Agency and neighbouring authorities to bring long term empty homes back into use and improve housing supply is aligned to the key Corporate priority of tackling inequality through meeting identified needs of disadvantaged groups in the City to whom the Council owes a housing duty.

Sustainability Implications:

- 5.6 Bringing long term empty homes back into use makes best use of existing housing resources in the City. Improving homes brought back into use includes improvement to thermal comfort benefiting energy efficiency, addressing fuel poverty and reducing carbon emissions in line with One Planet Living principles. property.

Crime & Disorder Implications:

- 5.7 Empty property is recognised as having high potential to attract anti-social behaviour and crime (i.e. stripping of materials from the property), which can add to a sense of insecurity in the neighbourhood.

Risk and Opportunity Management Implications:

- 5.8 An initial risk will be lack of funding if unsuccessful in our bid. Also, we could lose funding if we are unable to finalise any HCA contract within their timetable or comply with the terms of any Funding Agreement meaning that the Council will be unable to access HCA Funding available under any Funding Agreement.

Other risks include:

- Not being able to identify suitable empty homes;
- Rents under the scheme not being attractive enough for owners to lease for minimum term;
- Homeowners not being eligible for or willing to enter into long lease agreements.

There is also a relationship risk with Lewes DC should we be unable to fulfil their element of the programme and deliver empty homes back into use in their local authority area.

By way of risk mitigation:

- We have an established and successful empty property strategy which identifies and makes sustained contact with owners and a previous funding scheme (albeit grant rather than loans) that funded 60 units 2008 - 2011.

- EPEG (Empty Property Enforcement Group) will work to encourage owners to a positive return to use for their property. Introduction of the Council tax premium from 1 April 2013 will be used as another disincentive for owners to leave their properties empty. The enforcement role of the Empty Property Team is outlined in the report (3.2) and can include legal action to bring empty homes back into use up to and including Compulsory Purchase Order.
- We have a strong track record of sub-regional working including past delivery of Empty Property Officer services in Lewes District and a current leasing scheme with LDC. We have now entered into a Service Level Agreement with LDC around delivery of Empty Property Officer services.

In addition, with the end of Government funding for Private Sector Housing Renewal under Comprehensive Spending Review there are currently no other capital funding streams available to enable / encourage homeowners to bring long term empty homes back into use.

Public Health Implications:

- 5.9 Brighton & Hove Joint Strategic Needs Assessment 2012 highlights the relationship between poor housing & health outcomes:
- Cost to individual: repeat hospital admissions; frequent visits to GP; isolation; substance misuse; suicide & death;
 - Wider implications: costs to NHS and local authority; environmental impact (e.g. increased carbon emissions); crime & antisocial behaviour; low community resilience.

In terms of community wellbeing and resilience Director of Public Health Annual report (2010) identifies that Housing in Brighton & Hove represents a particular vulnerability for children and adults.

Bringing long term empty homes back into use supports the aims of the City-wide Housing Strategy to make best use of existing housing resources and improve housing supply and housing quality in the City.

Corporate / Citywide Implications:

- 5.10 The scheme supports corporate priorities, Tackling Inequality and Creating a Sustainable City and specific outcomes: 'A healthier and higher quality built environment' & 'Decent, Affordable, Healthy Housing' The scheme will operate within the council's Empty Property Strategy which works to bring long term empty properties back into use as homes.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 With the end of Government funding for Private Sector Housing Renewal under Comprehensive Spending Review there are currently no other capital funding streams available to enable / encourage homeowners to bring long term empty homes back into use.
- 6.2 Should funding not be available to assist owners to bring long term empty homes back into use options left to the Council would be limited to identification,

encouragement, without any funding incentive, and enforcement action up to and including compulsory purchase.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The reasons for the recommendation are identified in the report.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

[1. Empty Homes (Round 2) Agreement (2013-15 allocation (local authority))]

Subject:	Home Energy Efficiency Update: Procurement of Solar Photovoltaic Arrays for Housing Revenue Account Property		
Date of Meeting:	19 June 2013		
Report of:	Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Martin Reid / Alex Fox	Tel: 293321 / 290773
	Email:	martin.reid:@brighton-hove.gov.uk alex.fox@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE.**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Tackling inequality and creating a more sustainable city are key priorities in the Council's Corporate Plan aligned to One Planet Living commitments. The Council is committed to improving the energy efficiency of the City's housing, reducing the cost of living at a time when energy prices continue to rise. The aim is to help households to access affordable energy efficiency measures, in particular people on low incomes. This will assist in tackling fuel poverty and contribute to reducing the City's carbon dioxide (CO₂) emissions. In addition, the Council is committed to contributing to the development of the One Planet approach to ensure Brighton & Hove will improve energy security, become more resilient to shortages and price increases in energy and other resources and take opportunities for growth in environmental sector jobs.
- 1.2 The Council has a strong track record of significant investment to increase the energy efficiency of the City's council housing stock. The Housing Investment Capital Programme 2013-2016 (approved by February 2013 Policy & Resources Committee) identifies £1.555m Housing Revenue Account capital budget over the next 3 years to be allocated to the installation of Solar Photovoltaic Arrays (Solar PV). It is estimated that this will achieve over 240 installations. In addition, we are committed to updating our business modelling to inform a review of proposals for installing Solar PV to the full 1600 potential council (HRA) properties identified in our original Solar PV options appraisal (2010-11).
- 1.3 This report sets out an update to the original Solar PV modelling for a large scale installation project as requested by Members of this Committee.
- 1.4. In addition this report seeks approval to tender a contract for the supply and installation of a small number of Solar Photovoltaic Arrays to Housing Revenue Account ('HRA') owned dwellings included in the 3 year HRA capital programme.
- 1.5 Further to the report presented to Policy and Resources in January 2013, this report also offers a brief update on progress with the West Sussex County Council led procurement of a Green Deal provider for Sussex through the Sussex Energy Saving Programme.

2. RECOMMENDATIONS:

2.1 That Housing Committee –

- (1) Notes an update of the option appraisal for a large scale installation of Solar PV's to housing stock.
- (2) Approves the procurement of a contract for the supply and installation of Solar Photovoltaic Arrays to HRA owned dwellings for up to 12 months with two extensions of up to 12 months each if required, subject to satisfactory performance of the contractor.
- (3) Grants delegated authority to the Executive Director Environment, Development & Housing, in consultation with Director of Finance & Resources, to award the contract for up to 12 months following the recommendations of the evaluation panel, and approve two extensions to the contract of up to 12 months each if required, subject to satisfactory performance of the contractor.

3. RELEVANT BACKGROUND INFORMATION

3.1 One of the key strategic priorities outlined in the City-wide Housing Strategy 2009-14 is to improve housing quality; to make sure that residents are able to live in decent homes suitable to their needs. Our strategic goals under this priority include, reducing fuel poverty, minimising CO2 emissions and improving tenants' homes, ensuring they are of high quality and well maintained.

3.2 Brighton & Hove faces a number of challenges in increasing the energy efficiency of its housing stock:

- Homes contribute the most significant source of carbon dioxide in the City at 42% of Brighton & Hove's measured carbon footprint, or 514,000 tonnes per year, compared to 31% nationally;
- Domestic emissions in the City (including Council homes) account for around 57% of the city's total emissions from buildings;
- Fuel poverty rose to 13.5% in Brighton & Hove in 2010, higher than the South East average;
- The Joint Strategic Needs Assessment identifies the relationship between poor housing and poor health outcomes, in particular fuel poverty and poor thermal comfort. Director of Public Health Annual Report has identified good quality housing as important for building wellbeing and resilience and housing in the City as an area representing a particular vulnerability.

3.3 Where considering the energy efficiency of the city's housing stock there are also wider national energy challenges that need to be reflected, including:

- Rising energy costs - prices expected to double by 2030;
- Rising energy demand - expected to double by 2050 due to electrification of transport and population growth;
- De-carbonisation - 5% renewable energy within 8 years, 30% by 2030; 80% all energy 'de-carbonised' by 2050;

- Energy security - UK has only 14 days power reserves compared to France and Germany with >80 days, a 5% drop in imports could lead to 'sustained blackouts within weeks'.

3.4 Identifying funding and investment opportunities for home energy efficiency improvements to maintain the high standards of the previous programmes is a challenge we must face. With less central government funding available we are looking to access alternative funding streams to finance energy efficiency programmes for private sector housing and council housing in the City, these include:

- HRA capital programme;
- The 'Green Deal' and Energy Company Obligation;
- Feed In Tariffs – (Feed-in Tariffs (FITs) became available in Great Britain on 1st April 2010. Under this scheme energy suppliers have to make regular payments to householders and communities who generate their own electricity from renewable or low carbon sources such as solar electricity panels (PV) or wind turbines).

3.5 **HRA capital programme**

Significant investment has been made to increase the energy efficiency of the City's own housing stock through both the planned capital works programme and CERT & CESP funded schemes. The Brighton & Hove HRA capital programme for 2013-16 supports the action plan commitments set out as part of the One Planet Living plan, to reduce annual Carbon Emissions associated with energy use in council owned properties.

3.6 Against the background of rising fuel costs, we recognise that it is imperative that we reduce energy wastage by ensuring homes have modern heating systems and are well insulated to minimise the number of households suffering from fuel poverty. £10.1 million is included over the next three years to replace and upgrade a number of the communally heated systems alongside individual domestic replacements and improvements. Where practicable, renewable energy is being incorporated within these projects, for example, in 2012/13 Walter May House received a communal solar hot water system along with new high efficiency boilers. It is intended to undertake more of these types of project, subject to feasibility surveys that are now being undertaken.

3.7 Insulated over cladding provides an additional protective layer to our buildings this has a number of benefits including energy efficiency. The programme also includes survey and installation of cavity wall insulation and loft insulation top ups to 270mm, where construction types and location allow it. In addition it is proposed to fund the completion of ongoing major projects at Essex Place and Hereford Court, as well as starting Phase 2 improvements at the Bristol Estate (subject to further studies and required permissions).

3.8 We have installed 29 Solar PV installations on council housing stock. These serve 76 tenant dwellings and 26 leasehold flats.

3.9 Over the next 3 years £1.555 million has been allocated to the installation of Solar PV in Housing Revenue Account capital budget, it is estimated that this will achieve over 240 installations. This will allow the procurement of a separate

contract, which will scale-up delivery over the next 3 years, to enable the installation of Solar PV panels, integrated with appropriate projects, where possible, to take advantage of economies of scale and other identified stand-alone building improvement opportunities. It is recognised that insulation and other improvements to properties may be required in order to meet minimum energy performance requirements.

- 3.10 This small installation will help reduce fuel poverty, assist in meeting the Council's long-term carbon emissions reduction targets and provide accurate pricing for solar panels should the council wish to pursue a larger installation programme. It is envisaged at this time that the tender will take place via an existing framework agreement available to the Council.
- 3.11 As at the end of December 2012 the average SAP rating (using rdSAP09) across the council housing stock was 61.9.

3.12 **Green Deal Update**

Further to the report presented to Policy and Resources in January 2013 we can update on progress with the West Sussex County Council led procurement of a Green Deal provider for Sussex through the Sussex Energy Saving Programme. An opportunity for a Green Deal provider for Sussex was advertised through an OJEU notice in March 2013 with Brighton & Hove identified as a potential partner in a Sussex wide scheme. This procurement activity is ongoing with three bidders being taken forward to the dialogue stage, a significant focus of the procurement dialogue is on how the scheme can support the local economy through the use of local businesses, developing skills through education and apprenticeships and ultimately creating local jobs. A supplier is expected to be awarded a contract towards the end of 2013. A further report outlining the options available to Brighton & Hove to participate and potentially invest in this scheme will be presented to relevant committees over the coming months.

3.13 **Home Energy Conservation Act (HECA) requirements**

Guidance under the Home Energy Conservation Act 1995 (HECA) to English local authorities with housing responsibilities was published on 26 July 2012. It sets out requirements for those authorities to report on the measures they propose to take to significantly improve the energy efficiency of all the residential accommodation in their areas. The guidance links with the delivery of the Green Deal by local authorities. The HECA report should identify: practicable and cost-effective measures to significantly improve the energy efficiency of all residential accommodation in their area and the progress made in implementing the measures. HECA aims to focus the attention of local authorities more closely on the energy efficiency of all residential accommodation and on developing an integrated approach to their housing and energy efficiency strategies. There is a requirement for the Council to complete and submit an annual HECA report.

- 3.14 Progress on Solar PV will contribute toward our local authority Home Energy Conservation Act (HECA) requirement to report on measures we propose to take to significantly improve the energy efficiency of all residential accommodation in their areas. Recent HECA guidance also links this with delivery of the Green Deal by local authorities.

3.15 **OPTIONS APPRAISAL FOR LARGE SCALE SOLAR PV INSTALLATION**

Background

In 2010, an options appraisal identified that a large Solar PV installation project of approximately 1,600 installations on the council's housing stock would result in an overall positive return (that is net income to Housing) on the original capital investment and maintenance. This was mainly because at that time the Government was providing a significant income stream by guaranteeing to pay a high Feed in Tariff scheme for electricity generated and returned to the grid. A HRA capital scheme was then approved by Cabinet in September 2011 for installation of solar panels to 1,600 properties at a cost of £15 million fully financed by borrowing. This scheme was forecast to fund borrowing through net annual income streams and result in a net Net Present Value (NPV) surplus of c£9million over 25 years.

- 3.16 However, a major review of the Feed in Tariff scheme was then announced by the Government in December 2011, which meant it was no longer financially viable to proceed with a large scale scheme as in all scenarios the NPV returns became a deficit (cost), ranging from £2 to £8 million over 25 years. Further to this, the reduced tariffs meant that surpluses were not generated until year 17, which is when the borrowing costs would have been repaid. Therefore on these assumptions, there was an annual deficit which would need to be funded from the revenue budget over 16 years which ranged from £0.300 million to £0.600 million per annum. The HRA Capital Programme 2012-2015 report to Cabinet in February 2012, said that should circumstances change and positive revisions be made to the FIT tariffs or a very substantial reduction in the installation costs emerge that the business case for large scale installation would be revisited.
- 3.17 Since the Government reductions to the FIT scheme, and due to improvements in technology and manufacturing, the installation costs for Solar PVs have been reducing resulting in further changes to options appraisals.
- 3.18 **Updated Options Appraisal**
Our existing energy efficiency managing partner, Climate Consulting (who carried out the original options appraisal) and Officers, have now completed an updated options appraisal based on the current situation. Since the original appraisal the number of potential installations have reduced from 1,600 to 1,463, (of which 1,100 are houses) due to technical changes in panel sizing.
- 3.19 The options appraisal has been completed using two different assumptions for unit installation costs:
- 1 Climate Consulting estimated installation costs of £1,500 per Kwp inclusive of costs of planning, building control and DNO liaison and other project set up costs.
 - 2 Installation rates of £1,900 per Kwp plus initial project set up costs of £0.500 million as estimated by officers.
- 3.20 Table 1 compares the results of the two assumptions which provide Capital investment costs of between £6.7 and £8.5 million with a NPV return on investment, over 20 years of between a small surplus of £0.107 million and a

cost (negative NPV) of £2.8 million for unit installation rates of £1,500 and £1,900 per Kwp respectively.

- 3.21 The Climate consulting rates of £1,500 per Kwp achieving a surplus are lower than the current installation rates achieved at Brighton and Hove and are therefore currently untested. Current rates are at £1,900 per Kwp which would require capital investment by the Council. The procurement via the framework for small scale installations proposed in this report will provide officers with the current installation rates achievable in the City and therefore provide some cost certainty before procuring a larger installation scheme.
- 3.22 Table 1. Financial Appraisal of large scale Solar PV installation on Housing Stock

Scenario Modelled on 1,463 installations	Average Install cost per KWp£	Capital Cost	NPV Surplus/ (Deficit) over 20 Years
		£'000	£'000
Current BHCC install rates achievable.	1,900	8,455	(2,839)
Consultant assumed install rates.	1,500	6,675	107

- 3.23 There is a financial benefit to residents through savings in electricity bills of which the majority of savings would be to tenants in houses (1,100 installations), with some savings in costs for communal electricity on blocks of flats. It is difficult to accurately quantify the level of savings to residents as this would be dependant on electricity prices, resident usage behaviour and the amount of electricity generated but is likely to be in the region of £80 to £150 per annum for those in houses.
- 3.24 **PROCUREMENT OF FRAMEWORK FOR SMALL SCALE INSTALLATIONS 2013-2016**
- 3.25 The Housing Investment Programme 2013-16 supports our action plan commitments as set out in the One Planet Living plan, to reduce annual Carbon Emissions associated with energy use in council owned properties. The programme included funding totalling £1.555 million over the next 3 years to allow the procurement of a separate contract to enable the installation of Solar PV panels, integrated with appropriate projects, where possible, to take advantage of economies of scale and other identified stand-alone building improvement opportunities.
- 3.26 The Council is seeking to procure a contract for the supply, installation and FIT (Feed in Tariff) administration of Solar PV for a small number of HRA owned properties, including dwellings, where possible prioritising dwellings within the following criteria:

- That they be fitted to Sheltered Accommodation and/or;
- Dwellings in Lower Super Output Areas (LSOA's);
- That systems do not exceed 4kWh and;
- With EPC ratings of band D, or above and;
- That such buildings are suitable to receive PV;
- Other buildings where clear opportunities are identified.

3.27 Presently the Council has 29 PV systems on HRA property. This is comprised of 20 on individual houses (2 of which are now leased to BHSC) and 9 on flat blocks. In all, these serve a total of 78 HRA dwellings and 26 Leaseholders.

3.28 Indicative Property Lists:

Given the energy and cost savings to residents Solar PV provides, this report advises that the project targets areas of the City where the residents savings will be most effective. Paragraph 3.26 above indicates criteria that may frame prioritisation of homes. While seeking to address fuel poverty we are not proposing to *exclusively* target households in fuel poverty. By prioritising households in LSOA's and Sheltered Accommodation we are likely to both assist households that are fuel poor and also prevent fuel poverty that may arise among other residents. Other factors that will frame prioritisation of installations include cost effectiveness aligned to existing programmes of work and meeting technical criteria for optimisation of Solar PV installation in terms of suitability of the building. Therefore, from desk top studies only, Property & Investment has identified an initial potential batch of properties in LSOA's totalling over 400 dwellings and a large proportion of the Council's 23 Sheltered Accommodation blocks (which serve 850 dwellings). The need to clearly prioritise is required as the demand for Solar PV from residents is likely to be much greater than the number of installations that can be undertaken using the budgets available.

3.29 Project format:

The intention is to award the contract for the 2013/14 budget initially with two extensions subject to the performance of the contractor. The aim of this is to increase interest in the advertisement and tendering process and incentivise the successful contractor to be performance driven. It will also reduce the cost of further procurement through economies of scale. We currently model the cost of an average system at around £7000. Using that rate, the approximate values of the contract and extension are likely to be as follows:

- £300k in 2013-14 which should allow for the installation of around 42 PV systems.
- £500k in 2014-15 for an extension (at the Council's discretion) which should allow for the installation of around an additional 75 PV systems.
- £730k in 2015-16 for an extension (at the Council's discretion) which should allow for the installation of around an additional 130 PV systems.

3.30 The contract will be procured through an OJEU compliant Framework operated by Procurement for Housing (PfH). The Mini competition will be awarded on the basis of most economically advantageous tender based on the published evaluation criteria as follows:

- Commodity specific & whole life cost (Price) 60%

- Quality & Capacity (Quality) 20%
- Added value (Quality) 20%

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Housing & Social Inclusion has a programme of continuous engagement with our residents through the various resident groups and representatives attend regular meetings with BHCC officers and contractors. Discussion and progress of the project will be incorporated into the relevant engagement groups, fully involving residents and their representatives in helping to deliver a successful project.
- 4.2 Leaseholder consultation will not be required.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Housing Revenue Account Capital Programme 2013-16 report, approved by Policy & Resources Committee in February 2013, included funding of £0.309 million for 2013/14 for Solar PVs, with provisional further funding in the programme of £0.516 for 2014/15 and £0.730 million for 2015/16. Any Feed in Tariff income generated from the installation of solar panels will be included in the 2014/15 Budget Strategy and Medium Term Financial Strategy.
- 5.2 The procurement and installation of a large scale solar panel programme would need to be reported to Policy & Resources Committee for both budget and funding approval.

Finance Officer Consulted: Susie Allen Date: 28 March 2013

Legal Implications:

- 5.3 The authority of Housing Committee is required for matters with housing implications, such as the procurement of the supply and installation of Solar Photovoltaic Arrays to HRA owned dwellings for which the costs are likely to exceed £500,000. Accordingly the committee is entitled to agree the recommendations at section 2 above.
- 5.4 Further, the Council's contract standing orders require that authority to enter into a contract valued at £500,000 or more be obtained from the relevant committee.
- 5.5 The Council is entitled to make alterations and improvements including the installation of solar PV panels on HRA owned dwellings so long as these comply with the appropriate buildings regulations and fire safety requirements.
- 5.6 The tender of the contract is subject to compliance with the full application of applicable EU legislation together with the Public Contracts Regulations 2006, the Council's Contract Standing Orders and Financial Regulations.

Lawyer Consulted: Isabella Sidoli

Date: 3 April 2013

Equalities Implications:

- 5.7 In targeting LSOA's installations will have direct affect on the quality of life for the Council tenants they serve. There will also be a wider positive impact socially and economically as the systems go some of the way towards tackling fuel poverty and the City's energy consumption. Importantly, systems installed on the sheltered schemes serve some of our elderly and most vulnerable residents.
- 5.8 Dependent on the model chosen there is the potential for a large energy efficiency retrofit programme in Brighton & Hove to address a number of issues faced by vulnerable residents in the City, and those at greater risk of fuel poverty and its impacts. A full Equalities Impact Assessment can be carried out if and when details of a preferred model and delivery route emerge.

Contractor Sustainability Implications:

- 5.9 The proposals outlined above would bring significant sustainability benefits in terms of climate change and energy use and promoting sustainable communities.
- 5.10 The procurement process shall ensure that all contractors will be assessed for their sustainability credentials, where relevant, in the following typical areas (please note the actual criteria for assessment is still to be formulated):
- Have policies in place that will improve energy efficiency and encourage awareness of energy issues in terms of their own operations.
 - Have a commitment to reducing waste, reusing and recycling resources used in the delivery of the service wherever possible, and aim to ultimately send a minimum amount of waste to landfill.
 - Have a commitment to reduce green house gas emissions to the atmosphere arising from its activities including operational and embedded CO₂ levels.
 - As part of this commitment the contractor should encourage low carbon modes of transport and fuel-efficient driving, as well as reducing the need to travel.
 - Have a commitment to sustainable procurement and consider the whole life cost of goods and services procured on behalf of the Council. All aspects of procurement should be assessed to help reduce significant environmental impacts, whilst also maintaining a balance between social and economic needs of the wider community.
 - Actively engage with and improve the performance and sustainability of its own supply chain.

Crime & Disorder Implications:

- 5.11 This project is not thought to have any specific crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.12 Risks associated with this procurement will be managed using the corporate risk management methodology.

Public Health Implications:

- 5.13 As identified above and within the Joint Strategic Needs Assessment the impact of living in cold homes and fuel poverty is significant on health, particularly for vulnerable groups, including: children; older people; and people with disabilities and long term health conditions. The health risks of living in a cold home include breathing difficulties, heart and circulatory problems, mobility problems, increased risk of stroke and poor mental health.

Corporate / Citywide Implications:

- 5.14 The proposals outlined in this report support the following council priorities
- Tackling inequalities
 - Making Brighton & Hove a more sustainable city
- 5.15 The installation of solar PV systems will help demonstrate the Council's commitment to act on fuel poverty & climate change, and be seen to take a positive lead in the use of renewable technology.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S)

- 6.1 Options available in relation to Home Energy Efficiency measures are outlined in the body of the report. .

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 In tackling climate change this report recognises key national policies such as the Climate Change Act (2008) which sets out targets for reducing carbon emissions and the UK Renewable Energy Strategy (2009) which commits the UK to producing 15% of its energy from renewable sources by 2020. In tackling fuel poverty as well as climate change this report recognises Brighton & Hove's Housing Strategy 2009-14 which includes strategic goal no. 7 of reducing fuel poverty and minimising CO₂ emissions.
- 7.2 The delivery of Solar PV is part of Housing & Social Inclusion's One Planet Living Sustainability Action Plan, approved unanimously at P&R March 2013.

8. TIMESCALE

- 8.1 An indicative timetable for the procurement and the implementation of the contract is shown below.

	Start Date	End Date
Formulate Call off documentation	24 June 2013	12 July 2013
Issue mini Competition Documentation	15 th July 2013	15 July 2013
Site Visits	29 July 2013	2 August 2013
Tender Returned	12 August 2013	12 August 2013
Tender Evaluation	13 August 2013	30 August 2013
Issue Evaluation Report for approval	2 nd September 2013	6 th September 2013
Award / Rejection Letters	9 th September 2013	9 th September 2013
Contract Start Date	30 September 2013	tbc

EXTINGUISHING THE RISK

A COUNCILLOR'S GUIDE TO FIRE SAFETY IN HOUSING

by

MICHAEL MEIK

Health and Safety Business Partner (Fire)

Corporate Health and Safety Team

Brighton and Hove City Council



Brighton & Hove
City Council

Objectives

- To understand Fire Safety Law.
- To be aware of the legal responsibilities that elected members have.
- To understand the term “Responsible Person”.
- To be able to outline the basic Fire Safety requirements in Housing Stock



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WHY US?

HOUSING ACT 2004

And

REGULATORY REFORM (FIRE SAFETY)
ORDER 2005

also known as the RRO or FSO

or

The Order



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WHAT DO WE NEED TO KNOW

- Regulatory Reform (Fire Safety) Order 2005 (RRO) – came into effect in October 2006.
- Places the onus for Fire Safety on the Responsible Person for the building. Must carry out Fire Risk Assessments and provide a safe environment.
- Does not apply to single private dwellings e.g. a single flat or house.
- Does apply to the common ways of purpose built blocks of flats and Houses in Multiple Occupancy (HMOs).



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WHAT/WHO IS THE “RESPONSIBLE PERSON”?

- The Employer
- The Owner
- The person who has control
- The person with the budget
- Head of Service
- Chief Executive
- Elected Member/s



BASIC FIRE SAFETY IN BLOCKS OF FLATS.

- Do not place anything that will burn in the common ways and staircase of flats.
- Do not obstruct the common ways or staircase in any way – bikes, mobility scooters etc.
- Do not use the lift in the event of a fire.
- Do not obstruct the vents in the staircases or lobbies.



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BASIC FIRE SAFETY IN BLOCKS OF FLATS.

- Each unit of accommodation is a compartment usually with at least 60 minutes of fire separation between each other and also the common way.
- Do not compromise the compartmentalisation between individual units of accommodation and the common way.



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BASIC FIRE SAFETY IN BLOCKS OF FLATS.

- Do not install a common way fire alarm system in a purpose built block of flats.
- This could lead to residents being encouraged to evacuate into a potentially dangerous atmosphere.



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BASIC FIRE SAFETY IN BLOCKS OF FLATS.

- Do install, or encourage, stand alone, hard wired, smoke detection within each unit of accommodation.
- This will alert the occupant of a unit of accommodation to a fire and enable early escape.
- Sprinklers?



REASSURANCE

- Housing management have ensured that suitable Fire Risk Assessments (FRAs) have been carried out.
- These have been facilitated by the Corporate Health and Safety Team under a Service Level Agreement.
- Work is ongoing by Property and Investment to complete actions identified in those FRAs.
- Partnership working with East Sussex Fire and Rescue Service.

STRATEGY

Consistency in approach relating to:

- Complaints from residents
- Press stories



Coroners' Inquests – A Discussion

- Shirley Towers, Southampton 6th April 2010. Two Fire-fighters killed.
- Lakanal House, Camberwell 3rd July 2009. 6 residents killed.
- Rule 43 letters.



Coroners' Inquests – A Discussion



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Any questions?



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Any questions?

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Extinguishing the risk: a councillor's guide to fire safety

What you need to know and what you need to do

What legal responsibilities do you as an elected member have for safeguarding people in their homes from the danger of fire?

For you as a leading councillor, it is actually quite straightforward.

Housing law states that:

- Landlords, including councils and Arms Length Management Organisations (ALMOs) are responsible for fire safety in their properties
- Councils have responsibility to enforce fire safety standards in privately rented accommodation.

Fire Law states that:

- Landlords are responsible for communal areas in multi-occupied buildings and for carrying out fire risk assessments
- Fire authorities have power to take action if standards are not met and also have a duty to promote fire safety in their area.

Councils therefore need to focus on the two distinct roles of a landlord and fire authority.

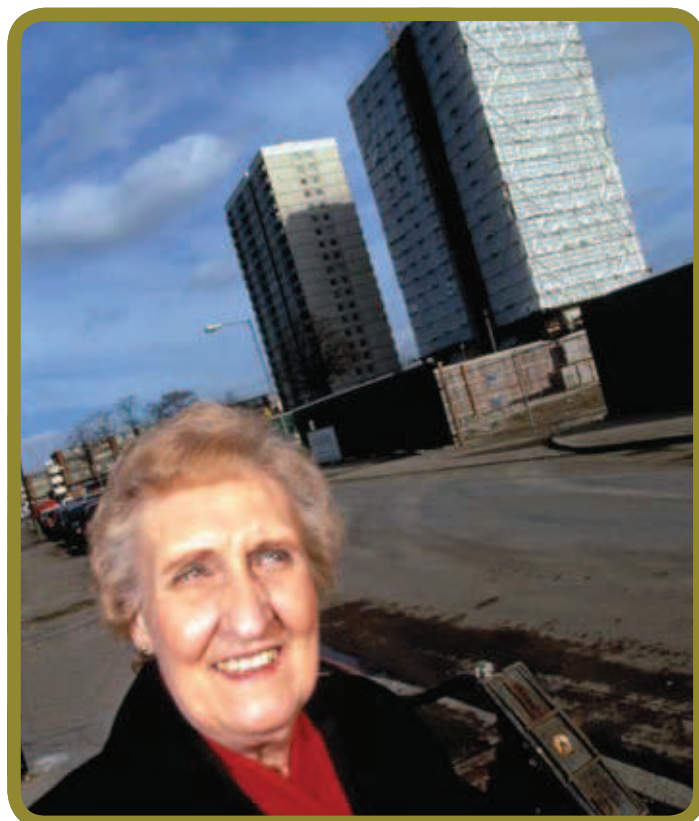
All **housing authorities** are responsible for regulating standards in privately rented homes, while those who are still landlords themselves are also responsible for the homes they own.

Along with responding to fires, all **fire authorities** have two roles: responsibility for enforcing the law in multi-occupied residential buildings and for educating communities about how to reduce the risk of fire.

Where a property could be under both council and fire authority regulation, they should work together to decide who will lead on any enforcement action.

This guide is for leading councillors, whether you are a Leader or Deputy Leader, housing portfolio holder, regulatory services portfolio holder, fire authority member or county fire service portfolio holder, Overview and Scrutiny Committee member or ALMO Board Member. It will give you the information you need to be confident that your authority is doing all it can to comply with the law, enforce the law and safeguard people in their own homes. If things were to go wrong you would need to be able to show that your authority's systems can withstand intense scrutiny.

STRATEGY + ACTION = CONFIDENCE



Responsible for council homes?

Strategy

Your responsibilities as a landlord, whether of retained stock or via an ALMO, are exactly the same as for any other landlord. In order to assure yourself that fire safety is being taken seriously in your housing strategy, you will need to know the type of housing in your stock. It may be flats in houses or tower blocks, sheltered accommodation or mixed residential and commercial premises. Your asset management and investment strategy should identify the approach to fire safety your council is taking in those buildings. Paper briefings are useful, but you should not rely on them completely; you should also visit some of the premises and see for yourself.

Action

Every multi-occupied building must have a risk assessment that identifies the things that might cause a fire, what risks a fire might present and to whom, the action you are going to take and the information you will give to people. One size will not fit all and you will need to make sure that the person doing the risk assessments on your behalf is competent; this is not the duty of the fire authority. The risk assessment is a live document and will need to be kept under review. Having an action plan will help you prioritise activity and resources and you will need to monitor the action plan.

There are three important issues to think about:

- the state of fire precautions in your housing stock
- day-to-day management of communal areas
- keeping tenants and leaseholders informed.

In a fire, people do not usually die from the fire itself but from toxic smoke, so keeping fire precautions such as fire doors and smoke alarms in good repair is essential. Your repairs policy should identify fire safety as a priority. Building works may affect fire precautions and, in some cases, the Building Regulations require contractors to tell you if the fire safety in the block has changed as a result of their work. You need to make sure this is happening with systems in place and responsibility clear for the different aspects of fire precautions in the building.

Keeping communal areas clear at all times is important, such as corridors and staircases, as people may need to escape from a fire and dumped items can themselves be a source of fire risk. Regular checks should be made and residents made aware of their responsibilities.

The information you give your residents about how to keep safe in their homes, their responsibilities and what to do in a fire could save lives. Your residents may not all have English as a first language or be able to understand written materials easily, so the information must be in an understandable form. Giving a leaflet when a new resident moves in is not enough. Regular updates should be given, particularly when changes occur following refurbishment, for example. Tenants' and residents' associations may be able to help with this.

The fire authority should be a partner in your housing strategy and you should have a working relationship with your fire authority members. Sharing information about your properties and the people who live in them with the fire authority will help to target fire safety activity and fight fires.

Confidence

There are no prizes for good fire safety management but the penalties are severe. You will only be confident if you regularly measure and keep on top of your performance on fire safety. This can be evidenced through local indicators developed for your area, such as the number of risk assessments carried out, reduction in fires, response time to fire safety repairs and feedback from residents' surveys.



Responsible for council regulatory services?

Strategy

Your council will not have the resources to inspect all privately rented accommodation. Your private sector housing strategy should identify the number and type of premises in your area and give risk ratings so you know which type should be inspected as a priority.

Action

Enforcement is just one of the tools available to you. Your enforcement policy should set out when you must take action, as well as how landlords will be supported through information and advice to improve and maintain fire safety in their properties. Private tenants are often unaware of their rights and you should provide information for them on how to get help.

To maximise use of resources you should have an agreement with the fire authority on how you will deal with premises where you both have powers to improve fire safety.

Confidence

You need to measure and review your performance on private rented accommodation. You can develop a local evidence base that might include a risk based inspection programme, the percentage of Houses in Multiple Occupation licensed and the number of contacts with private landlords.



Responsible for Fire and Rescue Services?

Strategy

The range of buildings in your responsibility is very wide and includes offices, care homes and schools. You will need to direct resources to those presenting the highest risk. Your plans should include an overview of the multi-occupied housing stock in your area and a risk profile so that you know which should be targeted for inspection and proactive fire prevention. Operational experience should inform Integrated Risk Management Plans and vice versa.

Action

Working arrangements with all the local councils in your area should not just look at the division of enforcement responsibilities but also identify the vulnerable communities where you should focus your fire prevention work.

Confidence

The reputation of your fire authority could be at risk, so you will need to measure and review your performance. This might be by way of a local evidence base, such as the reduction in fire deaths, the percentage of high risk premises visited or the number of home fire safety visits.



What does fire safety legislation require?

The **Housing Act 2004** (the Act) sets down a risk-based framework for assessing the health impacts of housing. The Housing Health and Safety Rating System (HHSRS) identifies 29 hazards associated with housing, one of which is fire safety. The Act is enforced by councils (usually the private sector housing team) and applies to all residential accommodation, including individual dwellings. If the council discovers a fire safety hazard, they can take a range of action including service of an Improvement Notice or a Prohibition Order. Non-compliance is a criminal offence.

Councils are unable to take enforcement action against council-managed property but serious failures in achieving the HHSRS standards will cause council property to not meet the Decent Homes Standard. This in turn will lead to failure to achieve National Indicator 158 relating to decent council homes. The fire authority can take action on fire safety failings in multi-occupied council property.

The **Regulatory Reform (Fire Safety) Order 2005** (the RRO) applies to the common parts of all residential buildings, including council-owned property, that are shared or used by more than one household. Areas covered by the RRO include the common stairways, corridors, lift shafts, entrance lobbies and all associated services. The RRO does not apply to individual flats occupied by a single household.

Under the RRO, the 'responsible person' (usually the landlord) must carry out a fire risk assessment. The fire risk assessment should identify fire hazards, those people at risk, mitigation measures and action to be taken, information and training needs and how the assessment will be kept under review. If the landlord has five or more employees, the fire risk assessment must be recorded in writing.

The RRO is enforced by fire and rescue authorities and non-compliance can attract a criminal conviction resulting in an unlimited fine or up to two years imprisonment. If individual officers or members are found to have been negligent, they could also find themselves subject to legal action.

Under Regulation 16(B) of the **Building Regulations 2000**, a person carrying out certain works to specified buildings to which the RRO applies must give fire safety information to the owner or occupier that will assist them to operate and maintain the building or extension with reasonable safety. Council Building Control teams have responsibility for enforcement of the Building Regulations.

Useful sources of information

Guidance on the principles of fire risk assessment and an example of a joint enforcement protocol can be found in LACORS (part of the LGA Group) fire safety guidance issued in 2008:

www.lacors.gov.uk/lacors/ContentDetails.aspx?id=19843

Government guidance on carrying out fire risk assessments is available at:

www.communities.gov.uk/fire/firesafety/firesafetylaw

Guidance is also available from the British Standards Institution in the form of a publicly available specification (PAS 79).

The Fire Kills website is a good source of information and has versions of public information leaflets in a number of languages: firekills.direct.gov.uk/other-languages.html

Information on the risk-based approach to fire inspections for purpose-built flats can be found in Appendix C in the current IRMP Guidance Note 4, September 2009, available at: www.communities.gov.uk

Guidance on Fire Service enforcement can be found in the Government (Regulatory Reform (Fire Safety) Order 2005 Guidance Note 1 Enforcement:

www.communities.gov.uk/publications/fire/guidance1enforcement2005



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