

Housing Committee

Date: **16 March 2022**

Time: **4.00pm**

Venue **Council Chamber**

Members: **Councillors:** , Gibson (Joint Chair), Hugh-Jones (Joint Chair), Hills (Deputy Chair), Williams (Opposition Spokesperson), Mears (Group Spokesperson), Barnett, Fowler, Meadows, Osborne and Platts

Contact: **Shaun Hughes**
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AGENDA

59 PROCEDURAL BUSINESS

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

(b) Declarations of Interest:

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

In each case, you need to declare

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

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

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

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

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

60 MINUTES OF THE PREVIOUS MEETING

7 - 22

To consider the minutes of the meeting held on 19 January 2022.

Contact Officer: Shaun Hughes

Tel: 01273 290569

61 CHAIRS COMMUNICATIONS

62 CALL OVER

(a) All agenda items with reports 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.

63 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 10 March 2022;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 10 March 2022.

64 ITEMS REFERRED FROM COUNCIL

23 - 26

To consider the following items referred from the Council meeting held on the 3 February 2022.

- a) Petition
b) Deputation
c) Notice of Motion

65 ISSUES RAISED BY MEMBERS

27 - 32

To consider the following matters raised by councillors:

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

66 PRIVATE SECTOR HOUSING UPDATE

33 - 60

Contact Officer: Sylvia Peckham
Ward Affected: All Wards

Tel: 01273 293318

67 HOUSING COMMITTEE WORKPLAN PROGRESS UPDATE AND HOUSING PERFORMANCE REPORT QUARTER 3 2021/22

61 - 88

Contact Officer: Ododo Dafe
Ward Affected: All Wards

Tel: 01273 293201

68 HOMELESSNESS AND ROUGH SLEEPING - UPDATE

89 - 124

69 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 7 April 2022 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

PART TWO

70 PART TWO PROCEEDINGS

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

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

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. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes, (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Brighton & Hove City Council

Housing Committee

4.00pm 19 January 2022

Council Chamber

Minutes

Present: Councillor Gibson (Joint Chair), Hugh-Jones (Joint Chair), Hills (Deputy Chair), Williams (Opposition Spokesperson), Mears (Group Spokesperson), Fowler, Meadows, Osborne and Platts

Apologies: Councillor Barnett

Part One

47 PROCEDURAL BUSINESS

- (a) **Declaration of Substitutes:** There were none for this meeting.
- (b) **Declarations of Interest:** There were none for this 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. There were no Part Two items for this meeting, therefore the press and public were not excluded.

48 MINUTES OF THE PREVIOUS MEETING

- 48.1 The minutes from the 17 November 2021 were accepted as a true record of the meeting. Councillor Meadows considered that minutes were improved following the request for more detail regarding Member questions and thanked Shaun Hughes for the improvements.

49 CHAIRS COMMUNICATIONS

49.1 Landlord licensing

Council leader Phelim Mac Cafferty recently wrote to Michael Gove about the importance of introducing a national landlord register in England, particularly given that Wales, Scotland and Northern Ireland already have them. The response received stated the Government's commitment to exploring the merits of introducing a landlord register and referred to there being "a range of potential benefits that different models of landlord registration could have." Disappointingly, however, the letter gave no indication of the likely timeframe for introducing a national register. In the meantime, officers are close to procuring the review Committee authorised in September of the national position on selective licensing designations. I am particularly grateful to my colleague Martin Osborne for the research he has conducted into other councils' approach to selective licensing and the evidence base they bring to support their applications.

Private renters

Research by the Joseph Rowntree Foundation published in October has estimated that almost 1 million renters are in arrears and almost 4 million are in arrears with their rent and/or other bills such as utilities and debt repayments, up threefold from before the pandemic. We have again written to landlords to make them aware of the council's direct lets scheme and of the funding allocated from the government to local authorities for low-income families in arrears. This is in addition to the government's £500m Household Support Fund which low-income renters can access themselves on the council website. We have written to landlords encouraging them to work with us and urged them to exercise restraint when it comes to tenant evictions.

Voids tracker

High void levels resulting from the pandemic remain a challenge. Some progress has been made and thanks to officers creating better tracking and monitoring we aim to accelerate the progress in the coming months.

We have seen a significant improvement in our lettings activity which is moving back toward pre-pandemic levels. In the first three quarters of 2021/22 there were 363 lets. This compares with 213 lets during 2020/21 and 445 lets during 2019/20.

The current number of voids is 301. In more detail, a snapshot of the situation in December showed that 131 of 293 voids were awaiting repairs, with a further 5 undergoing major work. That left 157 voids, 52 of which were ready for letting, with viewings arranged. A further 62 were advertised or the advertisement date had been set. 38 were empty for a variety of reasons, including the previous tenant having left property there, and five were the subject of extra care requests, and were due to go to a HASC panel. While only a snapshot, I am sure members will agree that the tracker will prove a useful tool in identifying the issues around voids and reducing them over time. I am pleased to report there were 66 lets in November, up from 32 in April. The figures change from day to day, and the latest figure we have for voids is 301 as of 17th January 2022.

Homelessness

Officers are currently in weekly discussions with DLUHC around the Protect and Vaccinate scheme. The government is covering the costs of this until the end of March. The number of homeless households in Emergency accommodation is down to 701 from a peak of 817. This is above pre-pandemic levels. In line with the Homeless Bill of Rights, we continue to offer accommodation to all verified rough sleepers where we have the power to do so and it's good to report that the most recent spotlight count of rough sleepers last week found only 9 people, which is the equal lowest number since the pandemic began. Only one of these people accepted an offer of accommodation, the others preferring to sleep rough despite the cold temperatures - reminding us that there are a few people who are reluctant to move off the streets. The big challenge now is to find and access more sustainable and suitable longer-term accommodation for those who have moved in and for some people overcoming their hesitancy to move on to something more permanent. Our out-of-borough placements are currently down to 63 in Eastbourne and 94 in Lewes.

At this point I should address the death in December of a resident of Kendal Court. Once we became aware of the situation on Monday 13th December, our Welfare Officers called all residents of Kendal Court that afternoon. Our Welfare Officer for Kendal Court was also available to offer support to any residents who we were unable to contact or may have been affected at their usual Kendal Court drop-in session on that Wednesday (15th December). Any resident raising any issues with Welfare Officers were signposted to additional support.

In light of this sad death, we have paused placements in Kendal Court to allow us to review services offered to residents to ensure we are continuing to deliver an appropriate level of support and that they have access to the appropriate primary and other health care to meet their needs.

On 6th October 2021 we requested information from ESCC on Kendal Court cases referred to ESCC Adult Social Care. That information was emailed to us on 21st December 2021.

Now that we have the relevant information, we have suggested a roundtable meeting of senior council officers involving the two authorities' respective lawyers to discuss and seek to resolve Care Act matters.

Leaseholders

There was to have been a leaseholder reunion and AGM at Hove Town Hall on Saturday 29 January. Unfortunately, due to Covid levels, we have again had to move this online but are taking steps to ensure as many leaseholders as want to attend are able to, irrespective of their level of computer literacy.

Housing Committee members are welcome to attend the Leaseholder Reunion on 29th

As Members may have heard from the press release, the police have charged Jugal Sharma, a former Head of Housing for the Council, with various offences. This matter is under consideration by the criminal courts, and I am advised that it would therefore not be appropriate to refer to that in any of the proceedings before the committee today and if anyone does raise it, I will have to ask them to stop.

50 CALL OVER

50.1 Agenda items 54, 55 and 56 were called for discussion by the committee.

51 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** There were none for this meeting.
- (b) **Written Questions:** One question had been submitted.

Daniel Harris submitted the following:

Question: "Last week I was notified from one resident who is living in emergency / temporary accommodation that they are having to top up their electricity using cards, and these are costing £10 per day. Can the council please outline the current rules around how electricity and energy should be handled by private subcontractors for emergency and temporary accommodation? for example a few years back I had proof one provider was manipulating the rate 1 and rate 2 rates, charging 25% more than they were buying the electricity. which is illegal."

Thank you for your question. Accommodation with card-operated meters should always be set to the lowest tariff. Electricity cards are charged by unit of energy, so if the meter is operating correctly, the cost is directly related to usage. If there are concerns that the meter is defective, this should be highlighted to the accommodation provider and the council's Emergency Accommodation Team to enable this to be investigated. Meters are set by the energy / meter supplier rather than the accommodation provider, so any changes to the tariff would not directly benefit the landlord.

If you wish to share more detailed information regarding the resident (with their consent), the property or the accommodation provider, we can make further enquiries, including the provision of advice on energy consumption.

Do you have a supplementary question?

Daniel Harris informed the committee that the client's meter had been locked and asked that safety inspections of properties included a check of electric meters and whether they are legally compliant. The chair requested that the speaker contact the Housing team and submitted details of the client referred to so the matter can be investigated.

- (c) **Deputations:** One deputation was referred from Full Council on 16 December 2021.

52 ITEMS REFERRED FROM COUNCIL

52.1 Deputation concerning Housing: Spokesperson Jim Deans

On 22nd October 2020 John Hadman's petition came before you (the council), it has been supported by 4,519 signatures. (It now has over 6000) It was agreed by a majority of councillor members that a 24 x 7 shelter for the homeless would be put in place, yet here we are 13 months later with a more fragmented service than ever.

There is plenty council could be applauded for with an increase in many services at a huge cost we must add but genuine increases in service. Many more organisations including from the voluntary sector have committed to providing services in the city for the homeless, rough sleepers and now refugees. Many millions have been spent yet here we are still no shelter, the reason the shelter is so important is pretty straight forward we function as a hospital without an Accident & Emergency dept. there is no triage, people are left to wander the streets, the current answers just do not work. We have a "Secret SWEP" an emergency protocol that does not have a "turn up 27 location" when SWEP is called people cannot just turn up and get life-saving shelter, they need to go into a data system their details need to be recorded, locations should be found prior and then a small search party is sent out looking for them. Already the council has agreed a few may be missed, is there any justification in leaving people to freeze when a much simpler answer was in place.

SWEP was working the council claimed it was far too popular, is that not a success. The public was made aware at around 12noon voluntary groups went out, social media was used the community joined together and supported the Emergency.

John Hadman's petition which had councillors support this was months ago and would be a solution if only we take a more proactive and preventative approach. The shelter would be a triage, regardless of who, when or why. It would be there, a focus for the services to work from a secure area supported by "the city". In the City of Sanctuary" where we are welcoming refugees, men, women and children who have travelled thousands of miles to get safety are finding it in Brighton & Hove yet if you are a victim of domestic violence on a Friday night you have nowhere to run to, this is why so many victims return to the perpetrator or are picked up in a worse state by emergency services.

A few days on the street are all it takes to introduce you to cheap drugs or even cheaper alcohol anything to take the mental anguish away for a few hours. Make no mistake every professional I have ever spoken with understands the importance of early intervention, preventing one night is the solution and we must go further.

So, Brighton and Hove City Council we urgently call upon you again to ask that you live up to those commitments made toward John Hadman's petition and to your agreement to open a 24 x 7 shelter of safety. As the founder of Sussex Homeless Support, and as a Founder Member of the Brighton & Hove Housing Coalition I will be taking your response back to these organisations and every other Professional & Voluntary groups to mobilise them and achieve what was promised all those months ago.

Response:

Thank you for your Deputation. The Council has significantly expanded provision for rough sleepers. At the start of the covid 19 pandemic, the council followed government guidance to provide accommodation for every rough sleeper and those in congregate accommodation. Over 800 people were accommodated during this period of which over 730 have moved on with the remaining people still being assisted.

Following the ending of the Everyone In provision, rough sleepers who were accommodated were assisted to move on to more settled accommodation and that work is still underway. This is reported to the Homeless Reduction Board and Housing Cttee on a regular basis.

Since April 2021 we have also expanded the provision for rough sleepers from 45 to 80 rooms with support, to enable people to continue to move away from the street. This is through our No Second Night Out and Off the Street offers.

In addition, under the government winter fund provision, we have been providing emergency accommodation for 25 people with no recourse to public funds, and a further 18 beds for rough sleepers alongside our Severe Weather Emergency Provision (SWEP) provision.

Following the government announcement on 20th December, we are now using all 42 units of designated winter fund provision to provide "Protect & Vaccinate" accommodation for verified rough sleepers, to encourage the uptake of vaccinations and reduce the spread of the Omicron variant. We have put additional support in place at this accommodation to enable this cohort to move away from the street and are working with our local health partners to deliver an outreach vaccination programme across our homeless services.

In addition to the above provision is SWEP. In light of the Protect & Vaccinate initiative, we are providing additional accommodation in the city for SWEP.

Questions on the access to this SWEP provision have been responded to at a number of previous Housing Committees (Housing Committee on 18 November 2020, 20th January 2021, 17 March 2021 and 17th November 2021).

Following the Covid 19 pandemic, Government and Public Health advice has changed, and the use of shelters and shared facility accommodation is not recommended due to the issues of managing infection control. With rising cases of the latest mutation of coronavirus, we cannot support provision of that style of accommodation at present.

53 ISSUES RAISED BY MEMBERS

- (a) Petitions: None
- (b) Written Questions: Two were received for this meeting.

53.1 From: Councillor Pissaridou

As I understand it when a resident is made homeless, the Council has a housing responsible for them. The current practice seems to be that the homeless residents (and their children) are housed firstly in "emergency" accommodation and then into "temporary" accommodation.

I understand that the majority of both emergency and temporary accommodation are privately owned and leased to the Council. Is this correct? The council then “sub-lets” the accommodation to the resident/tenant. Can you tell me what the contractual arrangements are between the Council and their landlords and what the contractual arrangements are between the Council and the council resident?

I have also been informed that some of these properties do not meet the appropriate standards we would expect in our own council owned properties.

Some of my residents have experienced many issues with the condition of the “emergency” accommodation provided and have then had difficulties getting these problems addressed and are worried and confused as to whom they then need to ask that the necessary repairs are carried out.

Some residents have also expressed concerns that they will be moved out of the City if they complain about their housing conditions.

Please can the council confirm whose responsibility it is to ensure that these tenants do have decent living conditions and a safe home environment for themselves and their families to live.

Response:

Thank you for your question regarding accommodation standards. We take our obligations to provide our residents with safe, good standard, well managed homes very seriously.

I have responded to each of your questions below.

It may be the case that if eligible and in priority need, the Council will have a duty to provide accommodation under housing law or owe respective duties to accommodate under the Children’s Act or Care Act.

If an eligible client approaches as homeless on the day, it is likely that they will be placed into shorter term “emergency” accommodation, and then moved on into accommodation that will be more suitable to their needs in the longer term.

I can confirm that the majority of both emergency and temporary accommodation are privately owned and leased to the Council. The council and landlord enter into a lease, or lease and management agreement, with clearly defined covenants detailing the responsibilities between the parties. This will include maintenance and repairs timeframes and liabilities.

The council and resident enter into a tenancy agreement or licence agreement, which again sets out the respective responsibilities.

The contract specification meets the same standard as council owned stock and is compliant with current legislation and industry standards. If a property is damaged or has been subject to wear and tear over time, these issues will be addressed as part of the empty property (Void) turnaround within the timescales for responsive repairs detailed in the lease agreements.

If residents face issues with the condition of the accommodation, in the first instance, the resident should notify the accommodation provider of a disrepair issue. All our providers are aware of their responsibilities and have caretakers and tradespeople who complete the vast majority of works within the terms of the contract.

If the issue has not been attended to or the timeframe provided for completion of works has been exceeded, this can be escalated through the council's Emergency Accommodation Team.

The movement of residents within the city (or to locations outside the city) is agreed and arranged by the council's Emergency Accommodation Team. Contracted accommodation providers have no input into decisions regarding move-on pathways. The council's criteria for placement is based purely on client need. Raising complaints about a repair issue would have no bearing on any future placement. Indeed, we would always encourage residents to raise repair issues as soon as they are identified.

For accommodation leased by the council, the overarching responsibility for standards remains with the council. Our contractors also have responsibilities under their leases and management agreements, which are reviewed as part of contract compliance & performance monitoring.

If any specific case is brought to your attention, please let the Housing Service know and we can address both the repair issue at hand and also whether the matter should be raised with the contractor to help improve the customer's experience.

- Supplementary Question: *"How many residents and families are currently in emergency accommodation? And how long have they been housed in this accommodation? And how many are in temporary accommodation and what is the average stay in the temporary accommodation?"*

Officers to respond in writing post meeting.

53.2 From: Councillor Platts

A recent presentation to Area Housing Panels outlined an investment of £4.457m to deliver on various priorities including addressing fuel poverty concerns for tenants. In light of the recent news reports that households can expect to see a severe increase in energy costs as the UK's energy price cap is reassessed, with suppliers due to increase prices in line with costs; can the Council confirm whether this figure needs to be increased? Will the Chair consider writing a joint letter to Government Ministers supporting the removal of VAT on fuel?

Response:

Thank you for your question raising the expected rise in household energy bills over the coming months, this is certainly concerning and something officers across the Council have been working on with key partners across the city over recent months. The multi-agency Fuel Poverty & Affordable Warmth Steering Group has been meeting regularly to plan for and identify additional support for residents through this period.

The £4.457M referred to is capital funding for a range of programmes including boiler replacements and low carbon heating and hot water provision, and a solar PV programme due to start in 2022/23. This funding is at an appropriate and deliverable level for immediate plans and will assist residents to reduce the impact of the increase in energy costs. For example, the solar PV programme specifically, will focus on the least energy efficient homes, those with electric heating and where the householder is more likely to be living in fuel poverty. As the HRA carbon neutral energy plan is developed for our own housing stock further funding will be identified in future budget setting, linked to specific plans and projects.

In addition to the investment in our own housing stock there is further support for residents struggling to pay their energy bills and we have been signposting to these through our established channels, these include:

- Money advice and hardship grants through the Council's annual Warmth for Wellbeing programme with additional funding provided through the Household Support Fund until the end of March, offering small grants for fuel bills and debt and benefits advice and casework.
- Signposting to the national Warm Homes Discount and Winter Fuel Payment schemes, as well as promoting local sources of support.
- Home energy efficiency improvements, such as through the Disabled Facilities Grant funded Warm, Safe Homes grant and further schemes in development that will be launched in the coming months for households in the private sector.
- Working with Brighton & Hove Energy Services Coop to offer households small energy saving measures, energy saving advice in their homes and emergency support for fuel poverty such as oil-filled electric heaters.

Sources of help are:

Help is available this winter for households in Brighton & Hove struggling to pay for food, fuel and other essential costs. The council can offer vouchers or find another way to help access essential goods and services.

To access this support, go to www.brighton-hove.gov.uk/household-support-fund or call the Community Hub on 01273 293117 (option 2).

Moneyworks

This service is provided by a partnership of community advice agencies across the city and can help with all money issues, including:

- *fuel bill payments and vouchers*
- *debt and benefits help*
- *foodbank referrals*
- *getting a bank account*
- *getting online*

To access the service, contact either:

Moneyworks Adviceline on 0800 988 7037 (open Mondays 1-5, Tuesdays 9-1, Wednesdays & Thursdays 12.30-4.30, and Fridays 10-2)

Citizens Advice Helpline on 08082 78 78 15 or go to <https://www.cabrightonhove.org/get-advice/>

(c) **Letters:** There were no letters for this meeting.

(d) **Notice of Motion:** One was referred from Full Council.

53.3 Subject: Council placement of Homeless People and Rough Sleepers

Notice of Motion from the Conservative Group

Proposer: Councillor Mears

Secunder: Councillor Meadows

This Council:

- a) Notes that Housing Committee has reported receiving Government funding totalling £21,272,376 million to address homelessness and rough sleeping (see link 1);
- b) Has placed homeless people and rough sleepers in accommodation without adequate support, including:
 - i. At Kendal Court, significant failings of the Council have been identified in an Independent Report titled 'Returning to Kendal Court', September 2021 (see link 2)
 - ii. At Eastbourne, there have sadly been a number of fatalities in out-of-area placements;
- c) Further notes, that a resident fleeing from unsafe accommodation provided by Brighton & Hove City Council in Eastbourne, pitched a tent at Old Steine Gardens for several weeks to escape the situation;
- d) Calls on Audit & Standards Committee to commission a report to audit all Government funding received to tackle homelessness and rough sleeping through the pandemic; and
- e) Calls on the Administration to send an urgent report to Housing Committee to take emergency action to ensure homeless people and rough-sleepers placed in accommodation by Brighton & Hove City Council have proper 24-hour support to ensure their safety and wellbeing.

Supporting Information:

Link 1: Questions and answers – Housing Committee 22 September 2021
<https://www.brightonhoveconservativecouncillors.com/news/questions-and-answers-housing-committee-22-september-2021>

Link 2: Report – Returning to Kendal Court – September 2021
<https://www.brightonhoveconservativecouncillors.com/news/returning-kendal-court-independent-review>

- 53.4 Councillor Mears proposed the Notice of Motion to the committee and stated that the 2018 reports highlighted the concerns from previous boards. The councillor noted that placements out of the city were often detrimental to mental health and sometimes lives. It was considered that the issues lie with Brighton and Hove City Council, East Sussex and Eastbourne Borough Council. It was noted that an MP and other bodies had asked for the Kendal Court to be closed.
- 53.5 Councillor Meadows seconded the motion.
- 53.6 Councillor Gibson proposed a joint Labour Group and Green Group amendment to the notice of motion.

GREEN AND LABOUR GROUPS AMENDMENT

That changes are made as shown in ***bold italics*** and strikethrough below:
 This ***Committee*** Council ***notes that***:

- a) ~~Notes that Housing Committee has reported receiving Government funding and totalling £21,272,376 million~~ ***received over the last year*** to address homelessness and rough

sleeping, **including funding for the “Everyone In” programme and Housing First, has been reported to Housing Committee, and that in recent years funding has been inadequate to address the growing issue of homelessness in our city caused by years of Conservative austerity policy and lack of social housing;** (see link 1);

- b) **The tragic deaths of residents at Kendal Court and other sites are deeply concerning and this Committee vows to continue to work towards improving the standards and services provided in order to help avoid such tragedies in the future** placed homeless people and rough sleepers in accommodation without adequate support, including:
- i) ~~At Kendal Court, significant failings of the Council have been identified in an Independent Report titled ‘Returning to Kendal Court’, September 2021 (see link 2)~~
 - ii) ~~At Eastbourne, there have sadly been a number of fatalities in out-of-area placements;~~
- c) Further notes, that a resident fleeing from unsafe accommodation provided by Brighton & Hove City Council in Eastbourne, pitched a tent at Old Steine Gardens for several weeks to escape the situation; **homelessness is a consequence of the “broken housing market” and it is urgently needed**
- i) **to improve the supply of truly affordable council homes by government investment and ending subsidies under the right to buy**
 - ii) **to revoke the provision of insecure deregulated tenancies (introduced in the 1988 Housing Act) and returning to a fair rent model in the private rented sector; and**
- d) **requests that officers bring** ~~Calls on the Administration to send an~~ **update** urgent report to Housing Committee **following the current review** ~~to n the~~ **take emergency action proposed** to ensure homeless people and rough-sleepers placed in **emergency** accommodation by Brighton & Hove City Council have proper 24-hour support to ensure their safety and wellbeing
- e) **requests the Chief Executive of the Council write to the Government urging it to tackle the shortage of affordable rented housing and help the council reduce homelessness by abolishing section 21 with immediate effect, reimbursing councils for the £7b of additional national debt taken on by HRAs across the country as part of the self-financing settlement to be invested in new council homes at social and living rents.**

Proposed by: Cllr Gibson Seconded by: Cllr Williams

Recommendations to read if carried:

This Committee notes that:

- a) Government funding received over the last year to address homelessness and rough sleeping, including funding the “Everyone In” programme and Housing First, has been reported to Housing Committee, and that in recent years funding has been inadequate to address the growing issue of homelessness in our city caused by years of Conservative austerity policy and lack of social housing;

- b) The tragic deaths of residents at Kendal Court and other sites are deeply concerning and this Committee vows to continue to work towards improving the standards and services provided in order to help avoid such tragedies in the future
- c) homelessness is a consequence of the “broken housing market” and it is urgently needed
 - i) to improve the supply of truly affordable council homes by government investment and ending subsidies under the right to buy
 - ii) to revoke the provision of insecure deregulated tenancies (introduced in the 1988 Housing Act) and returning to a fair rent model in the private rented sector; and
- d) requests that officers bring an update report to Housing Committee following the current review on the action proposed to ensure homeless people and rough-sleepers placed in emergency accommodation by Brighton & Hove City Council have proper 24-hour support to ensure their safety and wellbeing
- e) requests the Chief Executive of the Council write to the Government urging it to tackle the shortage of affordable rented housing and help the council reduce homelessness by abolishing section 21 with immediate effect, reimbursing councils for the £7b of additional national debt taken on by HRAs across the country as part of the self-financing settlement to be invested in new council homes at social and living rents.

- 53.7 Councillor Gibson proposed the amendment to the Notice of Motion and stated that the amendment was to focus on the wider causes of homelessness. The councillor expressed concerns that the sad situation had been made political. It was noted that some actions were taken following the 2018 B&H Healthwatch report, however the councillor still had concerns regarding the level of support for the homeless. The council has paused new placements at Kendal Court whilst the situation is looked at. The councillor considered that more positive steps were needed, and homelessness needs to be prevented and the housing market was broken. Temporary accommodation was considered a challenging move for people and there was a failure of supply of affordable housing. It was noted that a programme of building affordable homes is underway and ongoing. The amendment asks action at all levels. The councillor would welcome a letter from the Chief Executive asking the government for more affordable housing and to abolish section 21.
- 53.8 Councillor Williams seconded the amendment to the Notice of Motion and stated that it was good to recognise the tragic death and pause and review the situation.
- 53.9 Councillor Meadows stated they were shocked that the Labour Group and Green Group were more concerned with the review than the death. The councillor requested that the homeless were not exploited.
- 53.10 Councillor Mears considered it was disgraceful for party politics to use a person’s death and noted that there had been reports since 2018 to the present on Kendal Court and stated they did not support the amendment to the Notice of Motion.
- 53.11 Councillor Gibson stated that the amendment was not about point scoring and housing outside the city was not good. Placements are currently lower than before the pandemic and there was no quick fix to the situation. The councillor noted that bus passes for those placed outside the city was currently under negotiation.
- 53.12 Councillor Williams stated that the amendment was not about party politics.

Vote

- 53.13 A vote was taken, and the committee agreed by 7 to 2 to accept the amendment to the Notice of Motion.
- 53.14 A vote was taken, and the committee agreed by 7 to 2 to accept the Notice of Motion as amended.

54 HOUSING COMMITTEE WORKPLAN PROGRESS UPDATE AND HOUSING PERFORMANCE REPORT QUARTER 2 2021/22

- 54.1 The Head of Strategy & Supply introduced the report to the committee.

Answers to Committee Member Questions

- 54.2 Councillor Meadows raised questions relating to the 0.22% decrease in the collection of rents, the 273 empty properties awaiting works, with a forecast of an £1m overspend for the HRA, Homeless Reduction Board reports coming to committee, incentivise households to relinquish council tenancies as an alternative to right to buy, 89.1% of leaseholds having a gas safe certificate, total rent reserve of £1.233m, and of those claiming Universal Credit, where is the total rent arrears information from? The councillor was informed that the increase in rent arrears is slight, and the council is performing well against other bench marked authorities. Also, there is 'policy and practice' to identify those in need. The officer noted that empty properties would be back in the black within a year. The Homeless Reduction Board reports have come to committee, and there were no figures as yet on the incentive for households to relinquish tenancies. The council are working with landlords get 100% of leasehold properties to have a gas safety certificate. The total rent reserves supports keeping the rents down and increases housing supply, which helps balance homes and rent levels. The rent arrears information is obtained from Department of Work and Pensions and 57% of tenants are claiming Universal Credit.
- 53.3 Councillor Meadows continued and raised further questions relating to stage three disputes, appendix 2 and ethical loans for homes. The councillor was informed that the next step for stage 3 disputes was not necessarily court action, the best way forward for the leaseholder is considered first. It was noted that appendix 2 of the report was linked to the joint programme and performance report and was a reminder to committee of the items discussed in 2019/20.
- 53.4 Councillor Platts raised questions relating to complaints, turn round time for adaptations, and average re-let times. The councillor was informed that the complaints response times are good, and the council were looking at speeding up the turn around and re-let times. It was noted that many job posts have been filled, around 60% of those outstanding, with a contractor coming on stream for adaptations.
- 53.5 Councillor Mears raised questions relating to £1m overspend snapshot and communal lift parts and repair. The councillor was informed that the snapshot was taken at the end of December 2021, lift repairs were ongoing and replacement parts were an ongoing challenge and the situation was constantly being reviewed.
- 53.6 Councillor Williams raised questions relating to mutual exchange programme, empty homes strategy and number of AirBnB's. The councillor was informed that the AirBnB numbers would be sent later after the meeting, the empty homes strategy was as responsive as

possible and supportive with funding where possible. The Head of Tenancy Services informed the councillor that the mutual exchanges were mostly under a year, around 9 months to complete, with often 12 at one time, to be completed within the 42 days statutory deadline. Urgent needs are addressed first with each property being inspected and repairs carried out. There is always a balance to be struck with other Voids from other social landlords.

- 54.7 Councillors Williams, Mears and Hugh-Jones requested an update on the current situation for Mutual Exchanges. The Head of Tenancy Services stated they would update the committee.
- 54.8 Councillor Fowler raised questions relating to common reasons for rent arrears, who benefits from solar panels, how can pigeons be deterred from roosting under panels and are apprentices being recruited? The councillor was informed that the reasons for rent arrears were often furlough, loss of job, or reduction income. The tenants are supported and informed of ways to maximise incomes, access government funds through programmes and discretionary housing payment. Tenants get a reduction in running costs when Solar panels are installed. Pigeons can be moved away from panels by 'scarecrows' on the roof. Apprentices are being recruited and will be ongoing.
- 54.9 Councillor Gibson stated that they were proud of the work done to achieve additional council homes and wished for more. It was noted that the pandemic had impacted on achievements and targets may need to be revised with input from Housing panels across the city.
- 54.10 Councillor Osborne noted council are behind on the private rented sector affordable housing, however, meetings are being held and robust monitoring put in place. The private rented sector covers around 40,000 properties in the city and the council need to look at future working plans with a selective licensing review upcoming. Government support was received in 2019 and a letter has been sent to the government about a national licensing scheme. The councillor stated they would welcome licensing of AirBnB's.

Vote

- 54.11 A vote was taken, and the committee agreed unanimously to note the recommendations.

RESOLVED:

- 2.1 That Housing Committee notes the report and comments on the priorities for the work programme going forwards.
- 2.2 That a revised workplan is presented for consideration at Housing Committee in June 2022.

55 HOUSING REVENUE ACCOUNT BUDGET AND CAPITAL INVESTMENT PROGRAMME 2022/23 AND MEDIUM-TERM FINANCIAL STRATEGY

- 55.1 The Principal Accountant introduced the report to the committee.

Answers to Committee Member Questions

- 55.2 Councillor Mears raised questions relating to capital investment, social housing white paper, housing stock survey and the investments table. The councillor was informed that the capital investment covers ICT systems that support tenants with good data. No revenue is included,

and the youth grant will be £255,000 for next year. No comments are allowed on the social housing white paper at this time. The housing stock survey will be sent to the councillor. The investment table covers identified priority areas for investment and is spread over two pages.

- 55.3 Councillor Mears expressed concerns regarding the Housing Revenue Account (HRA) budget and considered more needed to be given towards recruitment of staff, noted the cost of the set up and considered that the solar panel roll out was good to note, although it could have been started years before.
- 55.4 Councillor Williams raised a question relating to social rents and was informed that there a number of schemes the maximum use was being gained from each one.
- 55.5 Councillor Meadows raised questions relating to accessible tools, harmonisation of staff contracts, budget table, HRA shortfall details, sufficient HRA reserves and is HRA reserves set aside to support homes and ending April 2022 ongoing. The councillor was informed that the council can help tenants in many ways and the councillor will be sent a detailed description of accessible tools, the cost of harmonisation was a one off cost, the Revenue Contribution to Capital was shown to be within expenditure. The shortfall in the HRA was matched with an increase in revenue fund and included in funding streams and this was considered a manageable way forward. The £3m HRA reserves are considered acceptable. The rent reduction costs are a one off and not ongoing.
- 55.6 Councillor Meadows continued raising questions relating to the flexibility to switch resources, costs of Voids, projected reserves of £247m and reasons for tenant's service charges increase. The councillor was informed that the increases in service charges was to protect tenants from price rises. Switching resources will require Policy & Resources committee for some decisions and any changes will be reported to the tenants. Appendix 1 shows the year on year increases reflecting the high inflation rates across the board, which are then reflected in costs of Voids. The projected reserves are considered acceptable in the 30 year forecast. The repair and maintenance costs is managed as well as possible.
- 55.7 Councillor Gibson commented that they recognised the rent policy increase in income which backed the costs absorbed this year. The councillor considered the revenue capital funding was insufficient. The council needed to invest in energy efficiency. The social rents programme at Bristol Estate is seen as a good move forward. The rent help for tenants is being reviewed and this is ongoing. The report is good, showing how the repairs and Voids coming back to pre-pandemic levels, £3m additional funding to buy existing builds, and additional reserves against carbon reductions are welcomed. The budget aims for recovery, additional homes, increasing affordable homes and easing pressures whether possible.
- 55.8 Councillor Williams raised a question relating to tenant service charges and was informed that the charges were different for each building.
- 55.9 Councillor Hugh-Jones welcomed the s106 sites and noted that the Tourism, Equalities, Communities and Culture Committee (TECC) report was good. It was noted that consultations with tenants regarding retro fitting of heating systems was important and the investment in repairs, Voids and staff were also supported as the where the opportunities to combine fire safety works with the retro fitting programme.

Vote

- 55.10 A vote was taken, and the committee agreed by 7 to 2 to agree the recommendations.

RESOLVED: That the Housing Committee:

- 2.1 Approves a rent increase of up to 4.1% in line with government legislation as detailed in paragraph 4.9 of the report.
- 2.2 Approves the service charges and fees as detailed in Appendix 2 to the report.
- 2.3 Notes the Medium-Term Financial Strategy and 30-year financial projections shown in Appendix 4 to the report.

That Housing Committee approves and recommends to Policy & Resources Committee:

- 2.4 That the updated HRA Revenue Budget for 2022/23 as shown in Appendix 1 to the report be agreed and recommended to full Council for approval.
- 2.5 That an earmarked reserve of £1.500m for the Covid-19 recovery work required to clear the backlog of responsive repairs and voids be set up as per paragraph 5.1 of the main report.
- 2.6 That a contribution to the rent reduction reserve of £1.200m be made from the general reserves held by the HRA as per paragraph 5.1 of the main report.
- 2.7 That a contribution to the Sustainability and Retrofit reserve of £1.200m be made from the general reserves held by the HRA as per paragraph 5.1 of the main report.
- 2.8 That the Capital Programme Budget of £85.077m for 2022/23 be agreed and notes the 3-year programme as set out in Appendix 4 to the report and recommended to full Council for approval; and

That Full Council:

- 2.9 Approves the updated HRA Revenue Budget for 2022/23 as shown in Appendix 1 to the report.
- 2.10 Approves the Capital Programme Budget of £85.077m for 2022/23 and notes the 3-year programme as set out in Appendix 3 to the report.

56 NEW HEATING AND HOT WATER CONTRACT (HRA)

- 56.1 The Housing Sustainability & Affordable Warmth Manager introduced the report to the committee.

Answers to Committee Member Questions

- 56.2 Councillor Platts raised questions relating to concerns raised by the procurement board and the five years plus 2, plus 2 extension options. The councillor was informed that the procurement of contract would be continually reviewed, and any extensions would come back to committee for approval and the procurement board concerns regarding a full 9 year contract have been removed. In the first 5 years the movement from gas to low carbon will be tested and if necessary, come back to committee after approximately 3.5 years.
- 56.3 Councillor Williams raised questions relating to monitoring of contract and consultations. The councillor was informed that all contracts are monitored for performance which starts at the beginning of the procurement process. The contract will contain conditions relating to underperformance and termination. Consultations are not specific to key indicators; however, performance does is a key indicator. There have been high levels of consultation so far and the importance of feedback from tenants is very important and the contractor would need to understand this.

- 56.4 Councillor Mears stated they were nervous regarding the recommendations, and they agreed with the Procurement Advisory Board (PAB) who requested a clearer link between the future Committee approval to extend the contract and the performance of the contract specifically in relation to its role in delivering our Carbon Neutral ambition.
- 56.5 Councillor Osborne raised a question relating to the percentage of quality and was informed that the PAB noted the balance of percentages with 55% quality and 45% cost and discussed the possibility of increasing the quality percentage to 60%. The Housing Sustainability & Affordable Warmth Manager stated they would look into the matter and get back to the councillor.

Vote

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

RESOLVED:

- 2.1 That Housing Committee delegate authority to the Executive Director for Housing Neighbourhoods and Communities to procure and award a contract for the services described below for a term of 5 years with the option to extend for a period of up to two further periods of two years following the initial five year term (5+2+2), subject to satisfactory performance by the contractor and further approval described below.
- 2.2 That Housing Committee note that a report will be presented to Housing Committee updating on the performance of the contract, including its contribution towards our Carbon Neutral ambition, prior to the end of the initial 5 years, seeking authority to extend the contract beyond the initial term.

57 ITEMS REFERRED FOR FULL COUNCIL

- 57.1 There were no items referred to full council.

58 PART TWO PROCEEDINGS

- 58.1 There no Part Two items on the agenda for this meeting.

The meeting concluded at 7.16pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Housing Committee

Agenda Item 64(c)

Subject: Stop people being priced out of our city. Ban the sale of new homes as second homes.
Notice of Motion referred from Council on the 3 February 2022

Date of meeting: 16 March 2022

Ward(s) affected: All

For general release

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the following Notice of Motion which was debated at and referred from the full Council meeting held on the 3 February 2022.

2. RECOMMENDATIONS:

2.1 That the Committee responds to the motion concerning the sale of new homes as second homes either by noting it or where it is considered more appropriate, calling for an officer report on the matter as requested, which may give consideration to a range of options.

3. CONTEXT / BACKGROUND INFORMATION

3.1 The following resolution from the full council meeting held on the 3 February 2022 for the committee to consider is detailed below:

In order to stem the rise of second home ownership which is having a severely detrimental effect on housing supply and affordability, this Council:

1. Supports the implementation of a principal residency policy whereby new open-market housing planning permission will only be granted where there is a condition restricting occupancy as a Principal Residence – the purpose being to reduce the levels of second homes and enable increased primary residence and year-round community benefits;
2. Requests the Housing and Tourism, Equalities, Communities & Culture committees to call for a report to be submitted to meetings of each of the committees within the next six months to outline all possible policy steps that could be considered in order to implement this policy and model the impact of such an approach on both affordability and availability in the next five years;
3. Requests that this report will highlight:
 - The planning policy changes required;
 - Examples of Planning Authorities where such outcomes have been successfully achieved;

- Any evidence gaps or reports required to meet standards of evidence;
- A timetable for implementation for this Authority and potential mitigations required – such as a balancing policy for the development of holiday lettings.

Supporting Information:

Principal residences are defined as those occupied as the residents' sole or main residence, where the resident spends the majority of their time when not working away from home or living abroad.

<https://www.ft.com/content/2128f460-67b0-445b-a684-bf87560a081d>

<https://www.theargus.co.uk/news/19378734.families-priced-brighton-hove>

<https://www.theargus.co.uk/news/19042360.rising-rent-costs-outpacing-wages-brighton-hove/>

<https://commonslibrary.parliament.uk/research-briefings/cdp-2022-0001/>

<https://www.theargus.co.uk/news/19211154.one-every-37-homes-brighton-hove-empty-figures-show/>

<https://www.airdna.co/vacation-rental-data/app/gb/south-east/brighton-and-hove/overview>

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

6.30pm 3 FEBRUARY 2022

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present: Councillors Robins (Chair), Mears (Deputy Chair), Allcock, Appich, Atkinson, Bagaeen, Barnett, Brown, Childs, Clare, Davis, Deane, Druitt, Evans, Fishleigh, Gibson, Grimshaw, Henry, Hills, Hugh-Jones, Lloyd, Meadows, Mac Cafferty, McNair, Miller, Nemeth, Peltzer Dunn, Powell, Shanks, Simson, C Theobald, West, Wilkinson and Williams

PART ONE

77 STOP PEOPLE BEING PRICED OUT OF OUR CITY. BAN THE SALE OF NEW HOMES AS SECOND HOMES.

77.1 The Notice of Motion as listed in the agenda was proposed by Councillor Williams on behalf of the Labour Group and formally seconded by Councillor Childs.

77.2 Councillor Gibson spoke in favour of the motion and Councillor Mears questioned how the sales could be recoded properly and state that she could not support the motion.

77.3 Councillor Williams noted the comments and sought the council's support for the motion.

77.4 The mayor then put the following motion to the vote:

In order to stem the rise of second home ownership which is having a severely detrimental effect on housing supply and affordability, this Council:

1. Supports the implementation of a principal residency policy whereby new open-market housing planning permission will only be granted where there is a condition restricting occupancy as a Principal Residence – the purpose being to reduce the levels of second homes and enable increased primary residence and year-round community benefits;
2. Requests the Housing and Tourism, Equalities, Communities & Culture committees to call for a report to be submitted to meetings of each of the committees within the next six months to outline all possible policy

steps that could be considered in order to implement this policy and model the impact of such an approach on both affordability and availability in the next five years;

3. Requests that this report will highlight:

- The planning policy changes required;
- Examples of Planning Authorities where such outcomes have been successfully achieved;
- Any evidence gaps or reports required to meet standards of evidence;
- A timetable for implementation for this Authority and potential mitigations required – such as a balancing policy for the development of holiday lettings.

77.5 The mayor confirmed that the motion had been carried by 23 votes to 11 against.

Brighton & Hove City Council

Housing Committee

Agenda Item 65(d)

Subject: NOTICE OF MOTION: Rent Controls

Date of meeting: 16 March 2022

Proposer: Councillor Osborne

Seconder: Councillor Gibson

Ward(s) affected: All

This council notes:

That there is growing support for rent controls and that both the recent cooperation agreement in Scotland, between SNP and the Scottish Greens, and in Wales, between Labour and Plaid Cymru, had rent controls at the centre of the joint policy platform. Furthermore, there was a central pledge from Sadiq Khan in his 2021 mayoral election campaign to explore rent controls in London. A YouGov poll conducted at the height of the pandemic revealed that 74% of the public support putting caps on landlords can charge, with only 8% against.

This Council resolves:

- Write to the Secretary of State to ask that powers to implement rents controls are given to the city of Brighton and Hove, or to allow us to pilot the idea and test its impact
- Support campaigns that are asking for rent controls nationally
- Support organisations that are willing to bring in voluntary rent controls and work on this further as part of an ethical lettings charter and good landlords codes in the city
- To engage in dialogue with groups and renters in the city and work with them on a wider campaign to promote the need for rent controls and 'living rents' in the city and calculate a 'living rent' for Brighton and Hove, based on 30% of median income, and publish this figure on the council website
- To include updates on the progress of the above back to future housing committees

Supporting Information:

The Private Rented Sector (PRS) is a large proportionate of the housing stock in Brighton and Hove, with latest estimates from ONS from 2019 stating that there are nearly 40,000 PRS properties in the city, which equates to over 1/3 of properties in the city.

Brighton has been ranked as one of the most unaffordable cities to rent in the UK, being especially difficult for single renters, and [rents are now rising at a 5 year high](#), according to latest research from ONS

Brighton & Hove City Council

Housing Committee

Agenda Item 65(c)

Subject: Member Letter: Housing Policy & Drug Dealing

Date of meeting: 16 March 2022

Ward(s) affected: All

For general release

Councillor Nancy Platts

East Brighton Ward

3rd March 2022

Housing policy and drug dealing

Dear Cllr Hugh-Jones and Cllr Gibson

I would like to ask for your support for a review of housing policy to be conducted as a matter of urgency. This review needs to look at housing policy around 'sensitive lets' and the goal of zero evictions in relation to the placement of people with a history of drug use and drug dealing onto housing estates that have previously and recently experienced a similar problem.

As you may be aware, the residents of Craven Vale have been put through a disturbing, frightening and thoroughly miserable experience due to drug taking, dealing and cuckooing on their estate.

The residents of Craven Vale take a pride in their estate. This is reflected by the neat and tidy garden areas and there are always new projects in the pipeline to improve the environment.

There is an active residents' association that organise lively and fun events, socials, a food bank, café and regular meetings to keep people involved. People take an interest in their neighbours and care for one another.

It was a very happy and peaceful community. But in recent years' that peace has been disrupted by the scourge of drugs.

Residents have experienced disturbed nights, violence, broken windows and doors and even a person collapsing outside a block allegedly after taking drugs secured from a dealer who was living there.

We have organised multi-agency meetings to try and get organisations to work with one another to understand the impact on residents and do something about the problem. After a slightly bumpy start, we succeeded in establishing a way of working where residents' reporting delivered sufficient evidence that resulted in court action and evictions.

To get this far required a lot of courage and I am proud of the residents for coming together to tackle this problem and for making statements to the police that could be used in court. I also made a statement to the police for use in court about the impact on residents.

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We were able to take this action because we built an environment of trust and support at those multi-agency meetings and believed it would return to residents the peaceful life they had previously enjoyed and that they are entitled to.

In addition, because we are not naive in believing the problem will go away, you'll recall that I put forward a budget amendment in 2021 for a Drug Impact Coordinator and summit. We wanted the learning from that awful experience to act as a template for how agencies, residents and Councillors work together in the future to stamp out drug dealing on our estates. That amendment was agreed across all political parties.

The idea of the role was to raise the voice of residents and understand the impact on them, because they feel the Council focuses too much on the vulnerability of those engaged in dealing.

That role is now in place and we await the summit.

Meanwhile, the success we had on Craven Vale has quickly unravelled due to our Housing Policy.

Following the evictions of those involved in drug dealing, it was agreed that certain flats would be subject to 'sensitive lets' so as to give residents some respite. However, whilst this covered the specific flats from which people were previously evicted, we were told that it couldn't cover the whole estate.

As a result, in a matter of weeks, we have found ourselves back at square one.

There are active dealers back on the estate, living in Council properties. In addition, people with a history of dealing, have been housed close to people who are recovering from drug abuse, undermining those individuals' efforts and the officers supporting them. We need a more joined-up approach to these problems.

Light bulbs have been broken so that the dealers can operate under cover of darkness. I asked for all of these to be repaired in January and for all lights to be proactively tested, as a matter of urgency, and gave the reasons why. Those repairs have still not been completed.

Residents are at their wits end. Trust and confidence in the Council and other agencies are being rapidly lost. Residents believe the current situation is a 'dereliction of duty' by the Council and the duty of care they owe to the residents who are not involved in drug dealing but are seriously impacted by it. The Council's goal of zero evictions appears to actively work against the interests of residents who are having their day-to-day lives destroyed by drug dealing.

In short, the relationship between the Council and residents on this estate is in a downward spiral.

I am going to read you some of the comments that have been sent to me – and these are anonymised because whilst trying to get some change for residents, I also have a responsibility to protect them

'...the after-effects of Hadlow Close which took years to address are still felt today'.

'Images and sounds etched in residents' minds, voices filled with pain, holding back tears, as they're coming forward to share their experiences to help in trying to resolve the current situation...'

'For a few months we, on the Craven Vale Estate, felt what it was like to be in a safe environment - as is promised by the Council to tenants. That time is now over, for we see the council has housed two people (in separate tenancies) who are immediately blatantly dealing.'

'We have still not recovered mentally, physically or financially from the havoc of last years' situation.'

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'...there's been nothing but trouble, drugs people in and out all day and night banging. It wakes us up at least four nights a week. The problems haven't stopped.'

'We will not cope, as a neighbourhood...if yet another dealer (or vulnerable individual, who WILL be instantly cuckooed) is moved into this premises. We have seen how it takes years to resolve. We are now incredibly familiar with the pattern that follows. We see what is going on daily - a drug gang has stamped on this estate and is just waiting for a vulnerable tenant to move in - and then they swoop in.'

'The residents are just really angry that the council are supporting people that are working illegally and causing trouble and when they have a problem takes years to get them out

'...people are absolutely livid at the moment ...you'll get one out and then they put two more in.'

In conclusion, it is my view, we now need to take a tougher line and I ask for your support for the following actions:

1. Where there have been drugs problems on an estate, we need a period of time when our residents can have respite from this problem. We need to review Council housing policy - both permanent and temporary - on sensitive lets and ensure that we don't resolve the problem one day, only to bring it back the next.
2. Whilst the original goal of zero evictions may have been arrived at with the best of intentions, it is now having the unintended consequence of preventing law-abiding residents from feeling safe in their own homes and this needs to be reviewed.
3. We need to speed up progress towards a plan of action to stop drug taking, cuckooing and drug dealing on our estates.
4. When residents or Councillors ask for urgent action, such as lights to be repaired, to make life more difficult for dealers to operate, we need it to happen.
5. When residents are asked to report incidents, we need that process to be clear and reassurance given that the information will be treated seriously, logged and maintained, not for residents to be ticked off for reporting the wrong things, to the wrong people or for sending too many emails.
6. We need to get better at understanding the impact and vulnerability of our residents who are doing the right thing and to improve our response.
7. We need to get better at co-ordinating across Directorates and within Directorates and across other agencies. We should not expect residents to have to negotiate a route through a maze of bureaucracy, whilst losing weeks when we could be working together to solve the problem instead.

On behalf of the residents of Craven Vale, please seriously consider our requests and review Council policy on sensitive lets, evictions and housing people with a known history of drug dealing on our estates.

I would be grateful for a written response that I can share with residents that fully addresses the points set out in my letter.

Yours sincerely

Councillor Nancy Platts
East Brighton Ward

Brighton & Hove City Council

Housing Committee

Agenda Item [Insert]

Subject: Private Sector Housing Update Report

Date of meeting: 16th March 2022

Report of: Executive Director for Housing, Neighbourhoods & Communities.

Contact Officer: Sylvia Peckham
Tel: 01273 293318
Email: sylvia.peckham@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 Improving the quality and management of homes in the private rented sector over the period 2019-2023 is a key area of focus in the Housing Committee Work Plan. The Housing Committee Work Plan (Housing Committee, 18 September 2019) includes the following key actions in relation to improving private rented sector homes:

- a) Review and resubmit selective licensing scheme proposal to improve the management and standards of private rented sector homes in the city.
- b) Develop the enforcement approach to private sector housing to reflect the full range of potential options available to improve management and standards.
- c) Research and develop a “not for profit” ethical letting agency to enable vulnerable people and others to obtain private rented accommodation and to be supported to retain a tenancy.

1.2 Update reports were provided to Housing Committee in June and September 2021. This report provides further update to Housing Committee.

2. RECOMMENDATIONS:

2.1 Housing Committee to note the updates on progress against key elements of the Housing Committee Work Plan objectives to improve the quality and management of homes in the private rented sector as set out in this report.

2.2 Housing Committee to note the review (Appendix 1) of the current national position with regard to selective licensing designations to better understand the current context within which any approvals are being given.

2.3 Housing Committee to delegate authority to the Executive Director for Housing Neighbourhoods and Communities to proceed with commissioning

any further consultancy work needed prior to any recommendation to Committee on undertaking any formal consultation on a selective licensing scheme.

3. CONTEXT/ BACKGROUND INFORMATION

Progress delivering Enforcement

- 3.1 The private rented sector is a large sector in Brighton and Hove, comprising around 28% of the total housing stock in the city, and is an important source of accommodation for many residents across a wide range of income groups, The council wish to ensure that such accommodation is safe and well managed.
- 3.2 In February 2020, Budget Council agreed additional funding of £0.150m for the Private Sector Housing Team to enable more a proactive approach to enforcement. Although delayed by the Covid 19 pandemic, the recruitment process for additional officers has been completed for both this and for the further funding of £0.045m to enable enforcement of the Energy Performance Certificate standards to ensure private rented properties achieve minimum national standards. Since December 2021 we have recruited 4 new officers. Work has been able to commence on the projects outlined below.
- 3.3 Checking the backlog of outstanding special conditions on HMO licenses to ensure works have been completed to a satisfactory standard. There is a backlog of just over 1000 properties to be checked which could have outstanding license conditions. A programme is now in place to check all these properties, this will be completed by September 2022. Between mid-December and 23rd February 2022, approximately 70 properties have been confirmed as compliant. Officers are now able to check all properties as soon as the period for completion expires for those licenses issued since January 2022.
- 3.4 All HMO license holders have been contacted where gas and electrical safety certificates had expired and obtained current ones for each property. This will now be continued on a monthly basis as certificates are due to expire, having the added benefit of ongoing engagement with license holders.

	GAS	ELECTRICAL
Backlog of expired Certificates from June 21 – Jan 22	2598	1024
Certificates received	2386	906
Certificates not received – these are being followed up	212	118
Ongoing monthly certificates expiry rate (approx.)	150	40

- 3.5 We are taking forward a more systematic approach to investigation of suspected unlicensed HMOs, with a view to gaining sufficient evidence for formal action as required. Up to date information has been obtained from Council Tax, Land Registry and Planning data. This has had the added benefit of improved information sharing with the Planning Department to help with Planning enforcement work on HMO properties operating without Planning consent.

Backlog of possible non-licenced properties from PSH records as of 20/02/22

Properties to be investigated 107 - These are properties that have either been referred by other parties or where the HMO Licence has expired, and no new application received.

Of which:

39 Closed after proactive investigation – either received licence application or non-licensable.

68 remain for further investigation/enforcement as at 20.02.22.

Partnership work with Planning Team

868 properties identified with a Mandatory HMO licence which may fall under the remit to require residential status of C4 under planning – Planning to investigate status.

617 properties that have been identified as having applied for C4 status through planning in the past 10 years (either authorised or refused) but the property does not have a HMO license – PSH investigating status.

- 3.6 A procedure has been set up with the Corporate Collections Team for issuing Civil Penalties. The first civil penalty of £1,000 has been successfully received, (for non-compliance with Improvement Notice), with a second one served for £2,000, (for non-licensed HMO). A third is being discussed with the Legal team currently (for non-compliance with an Improvement Notice).
- 3.7 Discussions have commenced with East Sussex Fire and Rescue Service (ESFRS) to update liaison agreements, including better information sharing to inform their risk based proactive inspection programme of HMOs. We are looking into options for undertaking a small project of joint proactive inspections with ESFRS of the highest risk properties.
- 3.8 Officers have reviewed and updated procedures relating to noise and anti-social behaviour (ASB) from licensed HMOs, including more comprehensive information to be provided to complainants and increased officer liaison with license holders, at an earlier stage than previously.
- 3.9 Minimum Energy Efficiency Standard Regulation compliance work has started. The Council's website has been updated with this information in addition to sending out information via social media channels. Procedures have been set up including joint processes with Trading Standards. Data has been obtained from the National Energy Performance Certificates and Exemptions databases on properties with F and G rated properties (approx. 3000 properties), cross referenced with information on property owners from Council Tax records. As of 4th March 2022, we have sent out 259

information letters to landlords who we consider may be non-compliant advising them of their obligations under the regulations and possible future actions. We are prioritising areas with the most MEES non-compliance and fuel poverty. However, we will eventually cover the whole city. So far, the responses have been positive. There is also information on our website. There is planned approach to contact remaining landlords in addition to responding to enquiries subsequently generated.

- 3.10 The next step is to engage with private rented sector residents and representative groups to ensure they are aware of the Private Sector Housing Enforcement Policy and can access the Private Sector Housing service. This will better enable the council to work with tenants and landlords to ensure properties are safe and well managed. We propose to monitor the impact of the enhanced enforcement approach.
- 3.11 In line with our focus on enforcement and energy performance outlined in this report, we will develop further 'Improving Private Sector Housing' Key Performance Indicators for incorporation into our regular quarterly Housing Performance Report to Housing Committee.

HMO licensing.

- 3.12 Current licensing of HMOs is undertaken under both the national mandatory HMO licensing provisions and the council's own city-wide Additional Licensing Scheme for smaller HMOs. As of 07 March 2022, 1713 HMO licenses under the national scheme have been issued and a further 1716 under the Additional Licensing Scheme, bringing the total licenses to 3429. The council's Additional HMO licensing scheme designation commenced on 1 March 2018 and lasts for 5 years, ending in 2023. We will consider and report back to Housing Committee on the successful implementation and impact of the Additional HMO licensing scheme and the proposed next steps with regard to planning for the end of this designation and considerations around any future scheme.

Selective licensing of non-HMO private rented homes

- 3.13 The Housing Act 2004 gave councils the power to introduce selective licensing of private rented properties not covered by an HMO licensing scheme, to improve conditions for tenants and the local community in certain specific circumstances. This would primarily cover properties occupied by single family units. Circumstances include where significant and persistent anti-social behaviour and / or poor property condition can be demonstrated to the extent required by the legislation. An application to Secretary of State is required for a scheme covering more than 20% of the local authority geographical area and / or affects more than 20% of privately rented homes.
- 3.14 Housing Committee requested a review of the current national position about selective licensing designations to better understand the current context within which any approvals are being given. Identifying the resources that are required to undertake this work to be considered.
- 3.15 Following this a specialist legal housing consultancy (Cadence Innova) have been commissioned to undertake this review to inform our next steps on the council's approach to selective licensing.

3.16 The review will cover:

- Consideration and understanding of the background and current position with regard to private sector housing enforcement and licensing in Brighton & Hove.
- Desk top review of peer local authorities' recent experiences; current government information and approach; any relevant independent studies and research undertaken and any alternative approaches that have been successful elsewhere.
- Interviews with peer local authorities with recent experience of seeking consent for selective licensing schemes to understand both where schemes have been approved and were not. In particular, to contact those local authorities who have been subject to judicial review to understand any learnings.
- Provision of a report to enable officers to report back to Housing Committee members to inform the next steps. Initial feedback on this review will be provided to this Housing Committee meeting. This initial review from Cadence Innova is included as Appendix 1 to this report.

Ethical Letting Agency

3.17 September 2021 Housing Committee approved the following recommendations'

“That Housing Committee agrees the re-purposing and expansion of the Direct Lets scheme as an ethical letting agency incorporating Good Landlord standards. Any additional costs arising as a result of these changes will be brought back to committee for approval ‘

“That Housing Committee notes the funding required to explore and scope the feasibility of a broader based ethical letting agency proposal. This will require an estimated budget of £0.100m.”

The Direct Lets scheme continues to expand as the Housing Options service refocuses on prevention and in enabling single homeless and rough sleepers to move on from supported accommodation. In addition, following a successful grant award from Accommodation for Ex-Offenders programme (AFEO), a further 10 people can be assisted where there would be no other accommodation duty on the local authority.

As we progress with developing the Ethical Landlord Agency, we will incorporate the good landlord standards, which encourages landlords to limit rents to local housing allowance levels and matches landlords with lower income tenants who would otherwise struggle to pay market rent, along with industry best practice.

The Direct Lets Team are trained on ensuring property standards meet legal requirements and assessing and understanding suitability for individual clients' needs. In addition, landlords are provided with advice on how to achieve and maintain improved property standards. The direct lets team works collaboratively with Private Sector Housing colleagues to jointly improve property standards across the city. Further, we are exploring IT solutions to improve accessibility to prospective tenants and support

agencies so properties can be viewed on-line which will improve the customer experience.

Between April 2021 and 31st Jan 2022, the Direct Lets achieved are as follows:

Group assisted	Total Number of properties	Studios	1 Bed	2 Bed	3 Bed	4 Bed +
Prevention	137	16	43	58	14	6
Rough sleepers	93	76	17			
AEFO	7	7				

- 3.18 September 2021 Housing Committee noted the funding required to explore and scope the feasibility of a broader based ethical letting agency proposal and that this would require an estimated budget of £100,000. Following the approval of £100,000 additional funding in the 2022/23 Budget proposals (comprising £75,000 agreed at Budget Council and £25,000 as part of the Corporate Plan Delivery Risk fund) we are identifying a resource to provide the initial scoping of specialist advice needed and to scope the outline of the project.

Ethical Landlords Charter

- 3.19 Housing Committee on November 13th November 2019 noted a deputation on a 'Minimum Standards for Brighton Landlords Charter' produced by ACORN. Full Council on 19th August 2020 considered a Labour Group & Green Group Notice of Motion on Housing & Evictions, including a request that officers, 'finalise the establishment of the Ethical Lettings Agency and Ethical Landlords Charter'. Work on this has been delayed by the ongoing pandemic and addressing resultant service pressures and backlogs. However, officers will review the Charter and similar examples adopted by other local authorities and further progress this over the coming months by meeting with landlords and other key stakeholders.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 These are as previously considered in the Private Sector Housing Update Report presented to Housing Committee in September 2021.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 We will continue to seek to engage both with tenants and landlords and with representative organisations, in particular to support renters to understand what legal remedies are available to them under the Private Sector Housing Enforcement Strategy, including any provided by new legislation in this area.

6. CONCLUSION

- 6.1 In relation to enforcement in private sector housing following the additional resources that were provided, the service is making good progress in terms of communication, enforcement and checking that Energy Performance Certificates are at the minimum level.
- Progress has also been made with engaging legal consultation to review and advise on the next steps in relation to a selective licensing scheme. Finally, we continue to expand the Direct Lets scheme and will engage resources to explore and scope the feasibility of a broader based ethical letting agency proposal which will be considered at a future Housing Committee.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 As part of the council budget setting 2020/21, Budget Council approved extra investment of £0.150m to enable the private housing team to have a more proactive approach to improving standards in the private rental sector by enforcement of landlords. Budget council in February 2021 also agreed a further £0.045m to enable enforcement of the Energy Performance Certificate standards to ensure private rented properties achieve minimum national standards on energy efficiency. Staff are already operational as discussed in the report.
- 7.2 £0.100m one-off funding for has been identified to explore and scope the feasibility of a broader based ethical letting agency proposal. £0.025m has been identified from the Corporate Plan Delivery Risk Fund and the other £0.075m was agreed as part of the 2022/23 budget setting process at Budget Council 24 February 2022.
- 7.3 A total of £0.065m one-off funding has been identified to review the current national position with regard to selective licensing designations to better understand the current context within which any approvals are being given. An initial report (at Appendix 1) has already been undertaken. Any further commissioning of advice and consultancy will need to take account of the current budget available.

Finance Officer Consulted: Monica Brooks

Date: 07/03/22

Legal Implications:

- 7.4 In terms of selective licensing, there is still a large deficit in evidence to support an application. The current enquiries are a step towards identifying next steps but separate from this there will need to be data acquired which will support any further steps, without appropriate evidence and unless we ensure that all relevant parts are in place, then it is unlikely that Sec of State Approval will be obtained. In the alternate if the threshold of total PRS is below 20% (so Sec of State approval is not required), we would also be at risk of judicial reviews. Judicial review is also a possibility if we pursue a scheme over 20% and this was what occurred on the last occasion.
- 7.5 Previous comments in relation to securing an ethical letting agency remain – that it would need to be created (if it is to be separate from the Direct Lets scheme) in such a way so as to avoid legal challenge in its formation and

also ensure that it is able to function in a way which means it is fully compliant with all statutory provisions. The Direct Lets scheme is a pre-existing process, but if there is any significant departure from its current format, then this will need to be reviewed.

Lawyer Consulted: Simon Court

Date: 08/03/22

Equalities Implications:

- 7.6 The private rented sector provides accommodation for a range of households. At the lower end of the market, some of the most disadvantaged groups may be living in poorer standard homes. By having a proactive enforcement policy and ensuring minimum energy efficiency standards (MEES), we anticipate that standards will be improved for those households.

Sustainability Implications:

- 7.7 The MEES are intended to ensure that private rented accommodation can be adequately warm but also is energy efficient. This contributes towards reducing carbon emissions.

Ex-CEO

Scrum
Master

UX
Designer

Entrepreneur

Creative
Lead

Industry
Expert

Client

Analyst

Strategist

Change
Agent

Programme
Manager

Private Rented Sector Licensing: Brighton & Hove City Council (B&HCC)

Councillor's report

March 2022

Glossary

Acronym / Abbreviation	Definition
ASB	Anti Social Behaviour. Behaviour related to a rented property that causes annoyance and irritation to neighbours and the community. Most commonly noise, litter and waste.
B&H	Brighton and Hove
B&HCC	Brighton and Hove City Council
BC	Borough Council
Cat 1 hazard	Category 1 hazard. A serious or immediate risk to a person's health and safety that is related to housing
Cat 2 hazard	Category 2 hazard. A less serious or less urgent risk that can still be regarded as placing the occupiers' health, safety and welfare at risk
CC	County Council
DC	District Council
DLUHC	Department for Levelling Up, Housing and Communities
EPC	Energy Performance Certificate. A property's energy efficiency rating.
HHSRS	Housing Health and Safety Rating System. A government prescribed system that rates housing hazards based on their risk to occupiers' health, safety and welfare.
HMO	House(s) in Multiple Occupation. Residential properties where 'common areas' exist and are shared by more than one household.
IMD	Indices of Multiple Deprivation. A dataset produced by the government to give a relative value to how deprived an area is, compared to the rest of the country.
JR	Judicial Review. A type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.
LA	Local Authority
NAO	National Audit Office
NRLA	National Residential Landlord Association. A membership organisation supporting and representing private residential landlords.
PRS	Private Rented Sector
PRSL	Private Rented Sector Licensing
PSH	Permanent Supportive Housing. A service combining affordable housing assistance with voluntary support services to build independent living and tenancy skills of chronically homeless people.
SL	Selective Licensing. A local scheme which requires landlords to have a licence to legally let their property to a family or two sharers.
SOS	Secretary of State
UPRN	Unique Property Reference Number. A unique alphanumeric identifier for every spatial address in Great Britain, available via the Ordnance Survey.

Purpose

This report:

- Informs Brighton and Hove City Council's **(B&HCC) approach and next steps to selective licensing** and the investment decisions around gathering robust evidence to justify the need for a scheme.
- **Illustrates what is needed for an effective scheme and the application to DLUHC** (if required,) and the possible licensing journey.
- **Outlines why the Private Rented Sector (PRS) licensing is relevant to B&HCC, which has 28% private rented properties out of the total housing sector; 37,518 properties.**
- **Highlights that the PRS is key to providing significant amounts of housing including to house some of its most vulnerable residents** . Private Rented Sector Licensing (PRSL) could be used a possible strategic tool to improve management standards in the PRS.
- **Positions property licensing, as one of several LA tools to improve management standards.** It should be the case that the scheme generates enough income to meet it own administrative costs however this may not include all the consequential enforcement costs.
- **States the widely anticipated view that PRSL will remain in place.** The government is publishing a White Paper on PRS (spring 2022) as part of its Leveling Up agenda. It looks likely that a national landlord register will be introduced, while the LA PRSL application process for larger schemes (>20% PRS by geographical area and/or stock) looks like being streamlined; though there aren't indications that it will be any less rigorous.

Background



Cadence Innova have carried out an initial review that includes:

- ✓ Consideration of the background and current position regarding private rented sector housing enforcement and licensing in Brighton & Hove, including previous experience of seeking Secretary of State approval
- ✓ Desktop review of peer local authorities' recent experiences, current government information and approach; and relevant independent studies undertaken in this area; including alternatives to property licensing
- ✓ Interviews with other local authorities with recent experience of seeking consent for selective licensing schemes, including local authorities who have been subject to judicial review
- ✓ Provision of a report to inform B&HCC next steps.

	Key areas	Slide
1	Purpose	2
2	Private Rented Sector and Licensing Review, including literature findings	4
3	What councils are doing PRSL and to raise standards	6
4	The Private Rented Sector in Brighton and Hove	11
5	Conclusions and next steps	18

Glossary of terms can be found on slide 2

This pack is to give a high-level overview of research into private rented sector selective licensing (PRSL) and its application to B&HCC.

2. Private Rented Sector and Licensing Review

Following our review of papers regarding PRS, a picture of the general situation regarding housing in the private rented sector and PRSL follows.

1. **PRS renting is increasingly important to house to many different type of tenants**, including vulnerable individuals and families. **PRS is growing as a sector and will continue to do so.** In the coming months and years given economic circumstances, the pressures to improve standards in this tenure will increase. There isn't clear intelligence or data to support consensus on PRS value, with ambiguous and contradictory policy interventions. It is a complex and evolving market, prompting new understandings of what it means to rent and let property.
2. **Housing is controlled by a complex legislative (36 legal acts) and regulatory framework** with several Departments involved in governing PRS standards. The Government is now looking to take a more systematic and strategic approach to regulation, including the 'Exploration of a National Landlord Register.'
3. **There is general recognition for increased tenants' redress options**, such as dispute resolution services. Currently improving property standards mostly falls to individual tenants. Multiple reports underline tenants' unwillingness to complain and the barriers to tenants enforcing their rights e.g., costs and lack of awareness.
4. **Engagement with landlords helps to inform and professionalise the market.** At a local level there needs to be clear and shared views of landlord rights and responsibilities, as well as those of the tenant. Landlords are made up a wide range of individuals and organisations, with many different drivers and needs, not all of which are necessarily understood or appreciated; to keep them onboard it is important this is recognised. It should be noted that for some landlords, licensing and wider regulation is generally not seen as necessary.
5. **Proactively raising PRS standards relies on effective enforcement (which for residents outside of HMOs) can include selective licensing.** Nationally many LAs have significantly reduced their enforcement activity, alongside a doubling of PRS in some areas. Enforcement works best with local intelligence and accountability, combined with the capability to apply it. Joint working provides the intelligence and legal framework for enhanced agency partnering for effective and enhanced enforcement.
6. **It is widely anticipated that at least a version of selective licensing will form part of the Government's future PRS approach**, given the Levelling Up White Paper (2022) and its ambition for the number of non-decent rented homes to fall by 50%, (with the biggest improvements being in the lowest performing areas,) it is acknowledged that some form of enforcement will be needed along with a strategic vision for the PRS. We wouldn't expect any legislation to be enacted before 2025/26.
7. **Selective licensing scheme applications need robust up to date and benchmarked evidence** against each chosen criteria. It must demonstrate areas are worse than the national average/trends. The designations included in a scheme cannot be a political decision but the decision whether to proceed with a scheme is.

'Regulations may deliver greater levels of compliance amongst already-compliant landlords in the mainstream market but offer little protection to tenants where landlords and agents choose to act illegally.', Safer Renting - Journeys in the shadow private rented sector. A Cambridge House Research Publication, (2020).

Private Rented Sector Licensing

Overview of PRSL schemes that are applied locally

Selective Licensing



- Applies to privately rented properties let to single family household or two sharers
- Area designated by the Council
- Large schemes need approval by the Secretary of State
- In selective licensing areas where smaller HMOs are not covered by Additional licensing, it is possible to cover them through the Selective scheme. Legal advice would be required.

Additional HMO Licensing



- Applies to smaller houses in multiple occupation (HMOs) let to 3 or 4 unrelated people, forming 2 or more households who share amenities such as a kitchen or bathroom.
- Area designated by the Council.

Mandatory HMO Licensing



- Applies to all Councils and affects large HMOs, let to 5 or more unrelated people, forming 2 or more households who share amenities such as a kitchen or bathroom.

An application to SOS is required for a scheme covering more than 20% of geographical area and/or affects more than 20% of privately rented homes.

The application process is complex, and councils must:

- Provide robust supporting evidence and producing a clear proposal identifying what is to be designated, its intended objectives and consequences
- Data must be most recently available and should be benchmarked both to national averages and (where possible) to previously approved scheme precedents. Evidenced must be at a property/ward level and demonstrate areas included, are significantly worse than national average or trends
- Demonstrate that the scheme is a part of a coordinated approach to tackle homelessness, empty properties and anti-social behaviour in the PRS
- Consider alternatives to achieve the intended objectives. Only where no other measures are available to achieve the same objectives, should the council embark on scheme
- Consult widely for a minimum of 10-weeks.

The approach to selective and additional licensing must be aligned with the overall housing strategy and coordinated with B&HCC approach on homelessness, empty properties and antisocial behaviour. Only where there is no practical and beneficial alternative to a designation should a scheme be made. The following section considers the national picture.

3. What councils are doing PRSL and to raise standards

The PRS landscape is fragmented, there isn't an overall picture of value. Through desktop research we have found*:

1. **Limited information and data available for reporting on policy, tools and effectiveness** (NAO) with fee level, enforcement and use of PRSL devolved to Local Housing Authority's (LHAs) to administer.
2. **55 (out of 309) LHAs** had Additional and/or Selective licensing schemes across England in 2020.**
3. **40 Selective licensing schemes in operation in LHAs, including 5 starting in 2 months.** (Durham, Liverpool, Luton, Manchester and Scarborough)
4. **Another 5 schemes are awaiting the consultation outcome**
5. **Due to their size (passing the 20% threshold), 11 (of the above 40) schemes have had DLUHC approval already (8 are in place and 3 recently approved, will be starting later in 2022).** It took between 4 – 17 months to gain DLUHC approval but the average overall journey from feasibility study to scheme implementation took between 15-24 months. The schemes range in size from 2,702 properties (Blackpool) to 45,000 (Liverpool).
6. 3 of the above schemes are ending in 2023, 2 ending 2024, 1 ending 2025, 1 ending 2026 and 4 ending 2027.
7. 3 (of the above 11) LHAs had previously tried to bring in large SL schemes but were rejected by the SOS (Liverpool, Redbridge) or were Judicially Reviewed (JR'd) (Enfield) . They subsequently resubmitted smaller schemes that were approved.
8. **Consultation ranged from 12 weeks to 5 months.*** Respondents ranged from 2,063 (Liverpool) to 336 (Scarborough) responses and licence fees from £500(Durham) to £900 (Barking & Dagenham).
9. *Schemes can be based on **a combination of criteria** determined by the LHA. The criteria (in order of most used) are:
 - Property conditions (11)
 - ASB (7)
 - Deprivation (7)
 - Crime(4)
 - Migration (3)
 - Low housing demand (1)

*Based on those that applied to DLUHC. **Please note multiple criteria were used in most cases.**
10. **13 LHAs were rejected and some a for a number of reasons** these include poor evidence (6), proposed scheme is not part of a wider council approach to tackle the PRS issues (2), lack of evidence of successfully implementing a previous scheme (1), consultation was not easily accessible or did not consult stakeholders (6) or the proposed licence conditions were unlawful/went beyond the scope of the legislation (1).
11. **More councils/LHAs introducing licenses of >20% PRS in smaller phases** due to Central Government delays, to pilot scheme and mitigate risk of rejection.

*This is not exhaustive

**NRLA

Alternatives to Selective Licensing

The following tables outline the alternative measures considered by councils when applying and the reasons they were discounted

Alternative Measure	Strengths	Weaknesses	Example of Councils who have tested /discounted these alternatives as stand alone
'Do nothing	N/A	Not a viable option. If no action is taken, the significant problems with poor housing conditions will continue and are likely to increase further as the private rented sector continues to grow.	N/A
Use of legislation e.g., Fitness for Habitation Act 2018 Landlord/tenant act 1985	Can be used without any discretionary licensing scheme in place	These measures usually place the onus on the tenant to take legal action to enforce their rights. Many tenants requiring support are vulnerable and unable to take the legal action needed. This may be due to lack of English, financial issues or fear of reprisals and being made homeless.	London Borough (LB) Lewisham LB Southwark LB Wandsworth LB Lambeth
Use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers	Formal notices can be served that require improvements to be carried out. Councils can carry out work by default, if a notice is not complied with. Landlords also risk being prosecuted if they do not comply with the notice	The Councils had undertaken significantly increased levels of enforcement to improve private rented properties over a period of ~3 years. However, despite this, large scale improvements were still needed in the sector. Formal action is slow with appeal provisions against most types of notices served, which can significantly delay the time period for compliance. Work in default (where a local authority carries out works to a property when the landlord fails to and the landlord is then billed for it) can be effective but is expensive and time consuming, with the risk that costs are not recovered. In addition, the Council's powers under Part 1 do not enable it to regulate the management of property as licensing schemes do. The Part 1 provisions are currently available to the Council but have not provided the necessary large-scale improvements in the sector. The Council can only respond reactively to complaints or reports of disrepair, overcrowding etc. on individual properties, but is not able to raise standards in a specific area. These powers do not address the volume or scale of the issues in the borough.	LB Waltham Forest LB Enfield LB Southwark West Lindsey District Council (DC) Durham County Council (CC) Bristol Doncaster
Voluntary Accreditation schemes facilitate improvement in management practices and standards	For those landlords who take part, accreditation can improve the ability to effectively manage a property	This requires voluntary landlord engagement. Our experience is that attendance/membership is usually only by a relatively small proportion of landlords. A local landlords' forum was previously set up by the Council but was attended by only 30 landlords and agents. Attendance dwindled to ten and it was eventually disbanded in 2014. The national membership schemes are currently available but have not had a significant uptake or provided the necessary improvements in the borough. Rogue operators are unlikely to attend/engage. Accreditation scheme by Hull Council challenged by Humber Landlords Association but this was dismissed	LB Southwark Hull LB Newham West Lindsey DC Charnwood Borough Council (BC) Nottingham Bristol

It is difficult to gain information about where these measures have been used and their effectiveness, as publicly available data and reporting is not available.

Alternatives to Selective Licensing

Alternative Measure	Strengths	Weaknesses	Example of Councils who have tested /discounted these alternatives as ineffective
Rely on prosecutions and civil penalties for housing offences	Provides a disincentive to keep properties in poor condition	These powers do not place any obligation on landlords to be proactive in improving property conditions. Successful prosecutions, or the imposition of civil penalties, do not themselves secure improvements in property conditions. The absence of licensing means that the Council cannot enforce against unlicensed properties or breaches in licence conditions which are needed to improve property conditions.	LB Waltham Forest Hull West Lindsey DC LB Southwark North East Lincs DC Durham CC Doncaster
Improvement grants to improve sub-standard properties	Grants subsidise improvement works, improving standards and deriving benefits for landlords and tenants	Generally, there are few grants available and the Council has very limited scope to offer grants through successful external funding bids. In the most part, grant awards would fund improvements that the landlord should in any event be carrying out to meet their legal obligations. Any grant scheme would be discretionary and would rely on voluntary landlord engagement	LB Waltham Forest LB Newham
ASB powers under other legislation	Formal notices can be served that address ASB identified at individual properties which, if complied with, would remedy ASB at that location	Action would generally be taken against the tenant in occupation. These powers do not place any obligation on landlords to be proactive in managing their properties to prevent or reduce the likelihood of ASB occurring and are therefore ineffective without enforcement powers	LB Waltham Forest West Lindsey DC LB Southwark North East Lincs DC Durham CC
Targeted use of interim management and Empty Dwelling Management Orders	Removes rogue landlord responsibilities and transfers to responsible nominated agent Improves property standards	Resource intensive Not a long term or large scale solution (max 5 years) Reactive not proactive intervention Does not tackle poor management Represents a last resort intervention	Durham County Council Charnwood BC LB Waltham Forest Doncaster
PRS Enforcement Policy	Combines use of Civil penalty/ Management order	Relies on a reactive inspections Resource intensive Led to a landlord challenge	Hull

Without selective licensing it is difficult to gain information about where these measures have been used and their effectiveness, as publicly available data and reporting is not readily available.

Alternatives to Selective Licensing

Alternative Measure	Strengths	Weaknesses	Example of Councils who have tested /discounted these alternatives as stand alone
Training schemes for private landlords	Improves links between landlords and Council Helps Landlords understand their responsibilities in line with legislation	Useful in conjunction with a licensing scheme No compulsion for landlords to attend or comply with the standards covered No enforcement powers for Council Unclear how this would be funded	LB Southwark LB Lewisham LB Wandsworth
Private sector leasing agency scheme	Can help prevent homelessness	Landlords often receive below market rent so do not readily sign up No compulsion for landlords to sign up Resource intensive for Council Not all properties eligible Does not represent a large-scale solution	LB Enfield LB Redbridge LB Southwark
Subsidise rents for vulnerable/low-income families	Allows vulnerable and those on low income to move into decent properties	Source of funding unclear Reactive and does not tackle the problem of poor property condition and poor management in the area	LB Enfield Durham CC
Cooperative working between Council & landlords		This works best when in conjunction with property licensing No powers for council to enforce No compulsion for councils to engage with the Council or join the scheme Very limited sanctions if landlords break guidelines Can only enforce minimum legal standards Does not improve property or management standards	Durham CC West Lindsey DC LB Enfield LB Waltham Forest LB Newham LB Southwark LB Ealing Bristol
Reactive response to tenant complaints	Does not require a selective licensing scheme to be in place	Reactive and does not improve property or management standards of properties Not all tenants aware of the service Many tenants are afraid of reprisal following a complaint Complaints can only be used to enforce minimum legal standards	Bristol

The following table outlines the main reasons why councils were rejected

Challenges to schemes

Councils PRSL schemes may be unsuccessful if they are challenged by landlords, (including through JRs,) and or rejected by DLUHC.

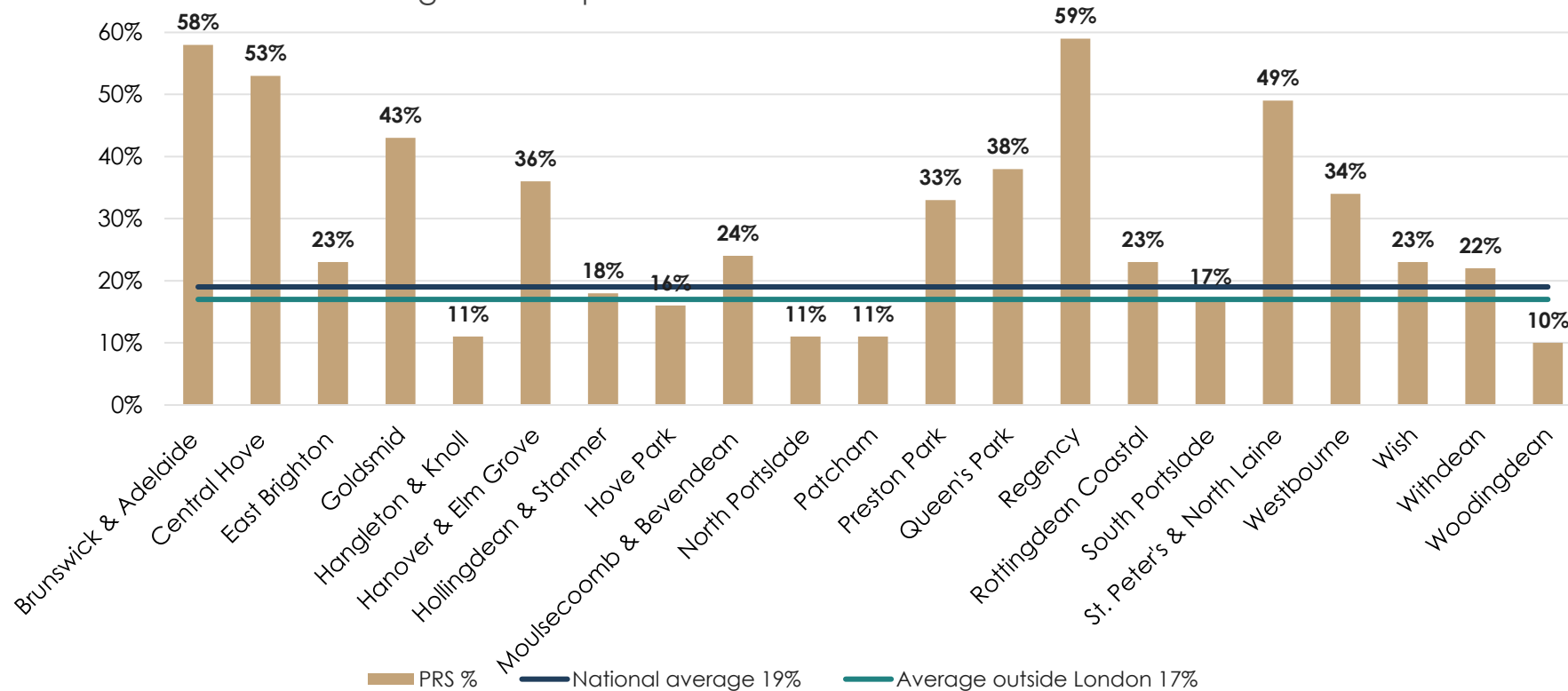
Some reasons why licensing schemes have been unsuccessful include:

1. Evidence challenged for proposed designations:
 - Brent,
 - Brighton,
 - Hastings,
 - Liverpool,
 - Luton,
 - Redbridge
2. Proposed scheme is not part of a wider council approach to tackle PRS issues:
 - Croydon,
 - Hounslow
3. Lack of evidence of successfully implementing previous schemes:
 - Croydon
4. Consultation challenged as it was not easily accessible or did not offer stakeholders opportunities to engage:
 - Croydon,
 - Durham,
 - Enfield,
 - Hounslow,
 - Manchester
 - North Somerset
5. Proposed licence conditions were unlawful/went beyond the scope of the legislation:
 - Great Yarmouth

The next slides focus on the evidence needed to underpin a scheme and its designations.

4. The Private Rented Sector in Brighton and Hove

- To be included in a designation the area must have a high proportion of PRS property, greater than the national average. Nationally the private rented sector currently makes up **19%**, however outside of London the figure is **17%**
- For inclusion in a designation, it also needs to meet at least one other criteria with robust data to justify this – ASB, deprivation, migration, poor property conditions, crime or low housing demand. DULHC will be seeking any LA to demonstrate that this significantly worse than the local and or national average.
- Currently 15 wards* have PRS above the national average however only 9 are currently estimated to have evidence of another criteria, so could be considered for inclusion in a designation at present.



This shows that PRS is high enough to warrant further research, but the data is not available to determine designations.

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Overview of data required for each criteria

Before an informed decision can be made around the need for a selective licensing scheme or the shape of designations, a in depth evidence gathering exercise needs to take place. The table below shows only the core data that needs to be triangulated with other data sources.

Criteria	Data required	Benchmark	Notes & Challenges
%PRS	<ul style="list-style-type: none"> % of PRS in the proposed designation areas 	National average 19% Average outside London 17%	Must be above national average to be considered for inclusion
Property Conditions	<ul style="list-style-type: none"> % cat 1 hazards per ward; complaints per ward Tenant complaints per ward Notices served (informal & formal) Local Child poverty measure analysis (HM Revenue & Customs data) EPC data Gazetteer Experian/Mosaic 	National average of Cat 1 hazards 13%	One of the most straightforward criteria to evidence against PRS and show how licensing in conjunction with other activity can make an improvement
Deprivation	<ul style="list-style-type: none"> 2019 Indices of deprivation ranking by ward (should be below average) Barriers to housing services per household/ward EPC data (Number of properties with EPC F & G ratings) SAP Energy ratings per dwelling/ward Tenant deposit scheme data Gazetteer Experian/Mosaic 	IMD National average 5 (1-10)	One of the most straightforward criteria to evidence against PRS and show how licensing in conjunction with other activity can make an improvement
ASB	<ul style="list-style-type: none"> Repeat ASB offences by property- may include: Police crime data (e.g., burglary, inconsiderate/aggressive behaviour) Fire services data Council noise complaints Envirocrime (e.g., wrongly presented waste) Number of ASB related complaints by dwelling/ward 	Above 5% repeat incidences	Difficult to link ASB to specific properties in PRS and this needs to be a persistent problem. Police data not always available/Council data not always linked to UPRN
Migration	<ul style="list-style-type: none"> Analysis of Property turnover (e.g., agency such as Rightmove) Population increase of around 15% or more over a 12 month period 	UK average 12.3%: People who have moved in the last 12 month period	Data is difficult to gather
Crime	<ul style="list-style-type: none"> Repeat ASB offences by property- may include: Police crime data (e.g., burglary, inconsiderate/aggressive behaviour) Envirocrime (e.g., wrongly presented waste) Number of ASB related complaints by dwelling/ward 		Difficult to prove licensing can improve crime statistics Difficult to link to PRS Proving link to PRS
Low Housing Demand	<ul style="list-style-type: none"> Average House price in problem areas compared to other areas in the locality Number of empty properties/ condition of these properties Duration properties are empty/ on market General appearance of the locality e.g., fly tipping, pests, envirocrime 	National average price £276,759 Average in Brighton: £407,000	Very difficult to evidence (as seen by Liverpool). Only applicable if compared to properties within the LA's area

The data collection exercise needs to be comprehensive-For each criteria and other evidence e.g., local cases studies for example should also be gathered to strengthen the application

Key observations of Brighton and Hove PRS

The following observations are for illustrative purpose only and based on the current incomplete data sets and evidence.

1. **There is insufficient data, and the existing data is either too old and/or incomplete to inform the Council's approach to selective licensing** Further work is required to gather accurate and up to date evidence at a property level (UPRN) on a ward-by-ward basis:
 - A Stock Condition Survey needs to be undertaken to comply with the Housing Act 2004. The one carried out in 2020 only considered 4 wards (204 properties) and does not give a city-wide picture
 - Housing conditions data (Feb 2022) is based on disrepair issues in a B&H report on officer intervention and so is not exhaustive. Given levels of fuel poverty, age of stock and other indicators within the B&H Community insight data, a further comprehensive study of Cat 1 & 2 hazards is needed before a decision can be made around property conditions in the area.
 - As there is not an existing selective licensing scheme little additional data exists. Experience and data from the additional scheme, which is about to lapse should be included in any application for selective licensing.
 - **This report is reliant on the 2011 census.** This would need to be reviewed with the release of the 2021 census data which is due around May 2022.
2. **With the insufficient data available the best estimate is:**
 - 15 wards have PRS above the national out-of-London average of 17%
 - Currently best estimate 9 wards across 2–4 designations could possibly be eligible, covering 62% of total PRS and 23,181 properties – Deprivation, High Migration and ASB, and High Migration. This is based on available data only against 6 criteria and legislative requirements
 - If the data was robust, due to its size and if B&HCC wanted to proceed, then it would need DLUHC approval.
3. **Property conditions have not been included as a possible criteria because of the lack of existing data**, but this would need to be reviewed as part of a suggested further evidence gathering exercise and then could be included. We anticipate that it is likely there would be evidence to include some wards under this criteria but without updated evidence this cannot be confirmed.

To identify possible gaps in overall strategies that may impact how B&HCC proceed, we have reviewed:

- Existing council policy and strategy
- Alternatives
- Existing evidence and current available data to support any selective licensing scheme

Council Strategies and Policies needed for a holistic strategic approach

An up-to-date or refreshed Housing Strategy must outline how the implementation of a Selective licensing scheme will be used as part of the council's coordinated approach to Housing and housing related issues. To be considered, a Selective Licensing Scheme the council must:

- Be consistent with the overall housing strategy and form part of a coordinated approach to homelessness, empty properties and other relevant policies, dependent on the criteria the application is based on, such as ASB.
- Show a joined-up approach to resolving B&Hs housing issues and licensing is an intrinsic part of this. Ideally, strategies and policies would mention licensing as vital to their approach in improving housing and the situation for private renters.
- Have a “**Golden thread**” of selective licensing weaved through all relevant council strategy:
 - Housing Strategy
 - Empty Homes Strategy
 - ASB Strategy
 - Private Sector enforcement Strategy
- Outline how other activity will work with property licensing to tackle the issues identified and where Council will work with third sectors/partnerships to achieve the desired objectives for each of these strategies and any selective licensing scheme.

Strategies must have a “golden thread” of property licensing running through them.

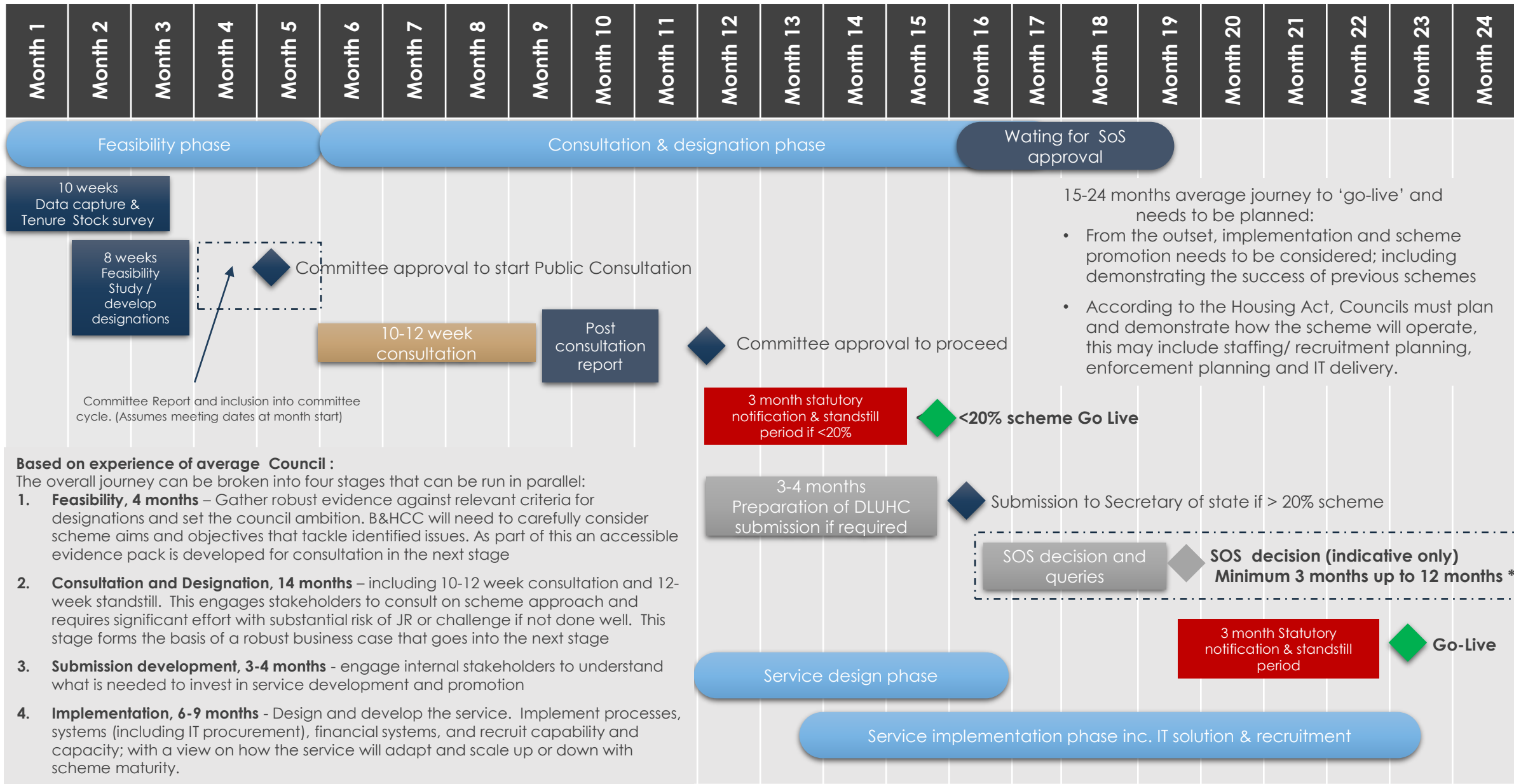
Conclusions and challenges around the data

In order to develop robust designations, there are several challenges around the current evidence and data sets:

- There is currently insufficient evidence and much of the data is too old or incomplete to be able to decide on criteria and robustly justify a selective licensing scheme in B&HCC
- Further work would be needed initially to gather accurate and up to date evidence about the PRS in B&H at property level on a ward-by-ward basis
- The 2020 Stock condition Survey only considered 4 wards (204 properties) and as such does not give a city-wide picture of what is going on in the PRS or where the main issues pertain
- Little data exists about the PRS in the area as there hasn't been a selective licensing scheme in force before
- Anecdotally several wards have high levels of HMOs and student accommodation which will need to be extracted from the data and evidence for specific criteria to be considered e.g., ASB or migration
- Social housing will also need to be identified and extracted from PRS data
- To meet the ASB criteria, it is essential to link the ASB incidents to UPRNs (properties) in the PRS as well as demonstrating that some of these are persistent issues. This data is currently not available
- The data on housing conditions is based only on the disrepair issues requiring officer intervention according to PSH Request for Assistance-Review document (B&HCC, Feb 2022) and so can only be indicative of potential issues. More work is required to determine that this criteria is relevant
- Deprivation and Property conditions – given levels of fuel poverty, age of property and other indicators (B&H Community insight data) some areas of B&H show deprivation levels comparable to the national average, we recommend further study around cat 1 & 2 hazards on a ward-by-ward basis

It is vital to consider the property licensing journey as a whole, as each stage needs to meet the legislative criteria and feeds the next step. The following slide outline the entire journey.

Indicative Selective licensing timeline



Based on experience of average Council :

The overall journey can be broken into four stages that can be run in parallel:

- 1. Feasibility, 4 months** – Gather robust evidence against relevant criteria for designations and set the council ambition. B&HCC will need to carefully consider scheme aims and objectives that tackle identified issues. As part of this an accessible evidence pack is developed for consultation in the next stage
- 2. Consultation and Designation, 14 months** – including 10-12 week consultation and 12-week standstill. This engages stakeholders to consult on scheme approach and requires significant effort with substantial risk of JR or challenge if not done well. This stage forms the basis of a robust business case that goes into the next stage
- 3. Submission development, 3-4 months** - engage internal stakeholders to understand what is needed to invest in service development and promotion
- 4. Implementation, 6-9 months** - Design and develop the service. Implement processes, systems (including IT procurement), financial systems, and recruit capability and capacity; with a view on how the service will adapt and scale up or down with scheme maturity.

5. Conclusions and next steps



The sector is growing and is increasingly important to meeting housing need for many groups



PRSL is only one tool to improve housing standards and needs to be part of a strategic approach



PRSL should be self funding in terms of the administrative cost



Our experience is that licensing should be planned for as at least a 15-24 month journey



A successful application needs robust, triangulated and benchmarked evidence. Presently this isn't available to B&HCC



There will be landlords who will oppose and challenge any PRSL approach, so each stage needs to be addressed correctly



The cost of getting it wrong is extremely high in terms of reputation, resources, time and money



This is a complex and long process. Cadence have used their experience of supporting multiple Councils with selective licensing schemes to develop this report

Next steps:

1. Council to decide on their ambition and appetite for PRSL
2. If they want to proceed, to carry out a Tenure Intelligence and Stock Conditions Study
3. Undertake analysis to determine designations and how scheme(s) should be approached and implemented; including developing investment case
4. Selective licensing is a tool the council can use to improve PRS conditions. As part of the application, the council should demonstrate its strategic approach to improving standards in PRS. It should consider renewing additional licensing, as well it's other relevant strategic policies that impact PRS standards.
5. Agree overall licensing route map and mobilise council teams
6. Based on evidence take decision whether to proceed with consultation.

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Brighton & Hove City Council

Housing Committee

Agenda Item

Subject: Housing Committee workplan progress update and Housing performance report - Quarter 3 2021/22

Date of meeting: 16 March 2022

Report of: Executive Director Housing, Neighbourhoods & Communities

Contact Officer: Name: Ododo Dafé
Tel: 01273 29201
Email: ododo.dafe@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report illustrates progress against Housing Committee work plan 2019-23 priorities and targets, as well as other Housing service targets. The report covers Quarter 3 of the 2021/22 financial year and is attached as Appendix 1.

1.2 Information highlights from the quarter include:

- **Customer feedback** – 60 compliments received from customers, and 82% of stage one complaints responded to within 10 working days
- **Private sector housing** – 53% of Houses in Multiple Occupation have met all special conditions (for licences issued over 12 months ago)
- **Major adaptations** – waiting times for applications were 15.7 weeks for private sector homes, down from 21.3 weeks during the last quarter
- **Housing needs** – 1,965 households placed in temporary accommodation, down from 2,012 at the end of the last quarter
- **Housing supply** – 20 additional council homes delivered through buy backs
- **Council housing management** – 122 council homes were re-let in an average of 89 days excluding major works, up from 66 during the last quarter
- **Council housing repairs and maintenance** – the proportion of 'Decent Homes' increased from 92.9% to 96.9%

2. Recommendations

2.1 That Housing Committee notes the report.

3. Context and background information

3.1 The report uses red, amber and green traffic light symbols to provide an indication of performance, and also trend arrows to provide an indication of movement from the previous quarter.

4. Analysis and consideration of alternative options

4.1 This report is for noting so alternative options are not required.

5. Community engagement and consultation

5.1 This report went to Area Panels in February 2022 for residents to comment and enquire upon and discuss.

6. Conclusion

6.1 Members are invited to comment and enquire upon this regular quarterly report, and to make recommendations for future versions.

7. Financial implications

7.1 The financial implications are contained in the report. An area of performance with significant financial effect is the ability to collect rents from tenants as well as the impact of the length of time that properties are empty. Over the last two years the percentage of rent collected has fallen in the HRA, and although the performance still compares favourably when benchmarked against other stock holding councils around the country, this is of concern and a review is underway to identify actions that will help to improve this. The collection of rents at 15.1 in Appendix 1 show that in Quarter 3, there has been a 0.66% decrease in the collection of rents with collection now forecast at 95.58%. This equates to a forecast increase in arrears of £0.400m.

7.2 Indicator 15.18 shows that the number of general needs empty properties has increased from 273 to 293 in quarter 3 and current forecasts suggest that this is causing an overspend of close to £1m for the HRA due to the loss of rent and extra council tax costs incurred. However, the good news is that there has been an increase to the number of lettings during quarter 3, from 98 to 122, above pre pandemic levels. However, this has still not been sufficient to reduce the backlog in quarter 3. Having empty properties extends the time those on the Housing Register are waiting for council housing and increases the costs incurred on temporary accommodation in the general fund. On average, one empty property costs the HRA an estimated £93 per week in lost rent and also there are further council tax costs are incurred. The average re-let time for quarter 3 is 223 days. Therefore, on average a void property is costing an estimated £3,000. The

service is working on the backlog of empty properties and extra staff have been recruited to assist in lettings. Recovery efforts to tackle the backlog of empty council homes include using approved procurement routes to increase contractor capacity and large-scale recruitment of new permanent staff who can carry out works directly.

Name of finance officer consulted: Monica Brooks Date consulted 07/03/22

8. Legal implications

8.1 There are no significant legal implications arising from this report.

Name of lawyer consulted: Liz Woodley Date consulted 14/02/22

9. Equalities implications

9.1 There are no direct equalities implications arising from this report.

10. Sustainability implications

10.1 Although this report is for noting, the workplan updates within it include progress on objectives relating to sustainability, as well as monitoring of the average energy efficiency rating of council homes, which stands at 68.1 (out of a maximum of 100).

11. Other Implications

11.1 There are no other direct implications arising from this report, which is for noting.

Supporting Documentation

1. Appendices

1. Housing Committee workplan progress update and Housing performance report - Quarter 3 2021/22

Committee workplan progress update and Housing performance report

Quarter 3 2021/22

This report provides updates on the Housing Committee priorities and work plan for 2019 to 2023, as well as a range of performance indicators. Delivery of a complex housing service during the Covid-19 crisis had been a challenge, and gratitude is expressed to residents for the patience and understanding they have shown.

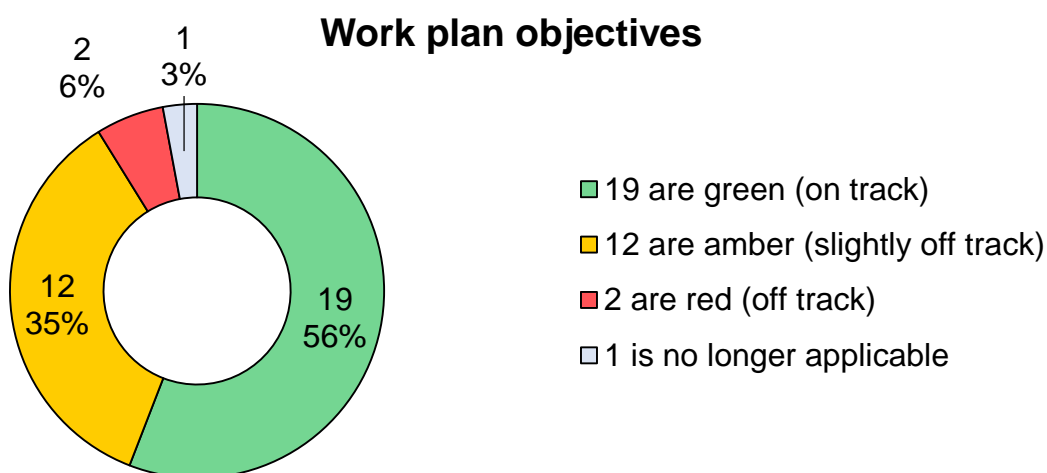
While there continue to be areas of strong performance, with 19 Housing Committee Work Plan objectives on track for delivery and 9 performance indicators on or above target, some delivery challenges remain. The report highlights actions being taken to improve services where performance has been adversely impacted by the Covid-19 pandemic, and resource capacity issues.

Performance areas	Page
Housing Committee priorities and work plan	
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Other additional affordable homes	5
Council home buy backs	4, 8, 9, 19
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Private sector empty homes returned to use	13, 16







Performance areas	Page
Performance indicators	
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Compliments and complaints – all Housing Services	15
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Decent Homes Standard	23
Gas safety compliance (council homes)	23
Lift breakdowns	23
Leaseholder disputes	24

This housing performance report covers Quarter 3 (Q3) of the 2021/22 financial year. It uses red, amber and green ratings to provide an indication of performance.

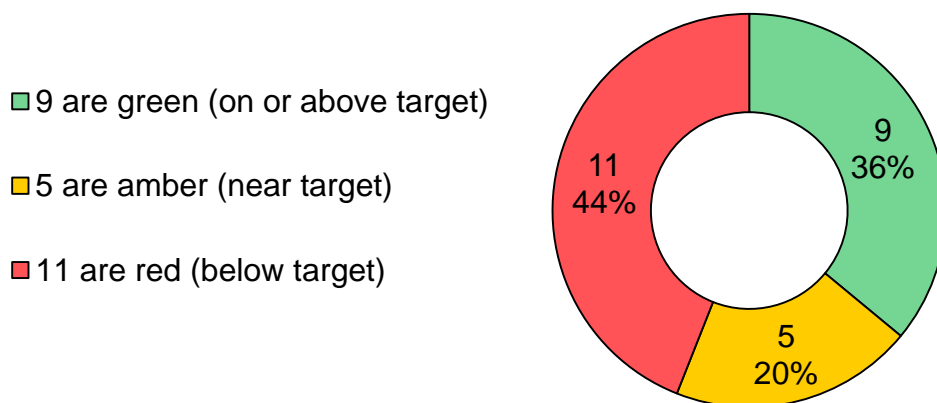
Part one provides an update of performance against the Housing Committee work plan objectives for 2019 - 2023:



Part two presents results for a range of performance indicators across Housing and similarly uses red, amber and green ratings, as well as trend arrows. Commentary has been included for indicators which are red. During Q3, the ratings and trends were as follows:

- | | | | |
|---|---|---|---|
|  | Green – on or above target
(9 indicators) |  | Improved since last time
(9 indicators) |
|  | Amber – near target
(5 indicators) |  | Same as last time
(4 indicators) |
|  | Red – below target
(11 indicators) |  | Poorer than last time
(12 indicators) |

Performance indicators



Part one: Housing Committee priorities and work plan 2019-23

1. Provide additional affordable homes

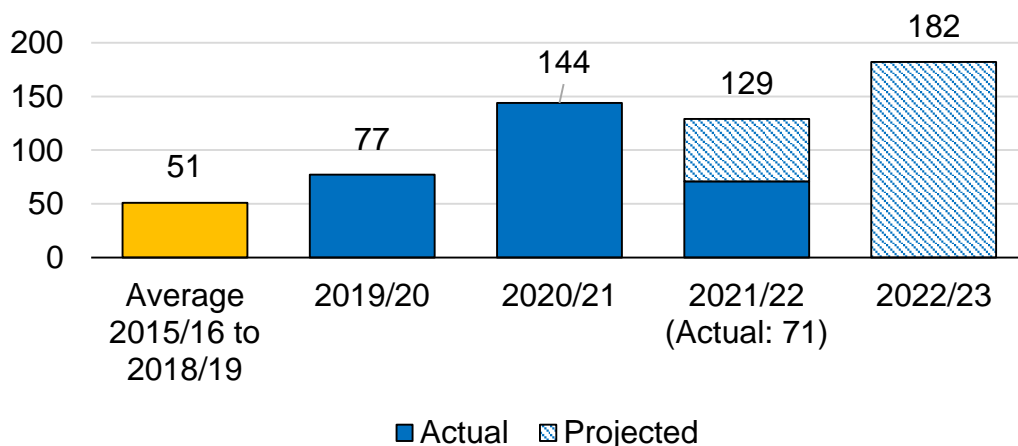
1.1 Slightly off track: Achieve 800 additional council homes (including develop the existing Hidden Homes strategy)

Regular updates on progress are provided to Housing Supply Member Board.

A total of **532** homes are projected for completion between April 2019 and March 2023, including 292 already completed:

- 2019/20: 77 homes – buy backs (43), Hidden Homes (6), Kensington Street (12), Tilbury Place (15) and Devon Lodge (1 lease handed back)
- 2020/21: 144 homes – buy backs (64), Buckley Close (12), Hartington Road (38) and Hawkrigde Court (30)
- 2021/22: 129 homes – buy backs (79 general needs and 26 Housing First), Hidden Homes (14) and Oxford Street (10)
- 2022/23: 182 homes – buy backs (95 general needs* and 10 Housing First), Hidden Homes (4), Rotherfield Crescent (3), Victoria Road (42), Hollingbury Library (13) and Frederick Street (4), Palace Place (11)
- Completion dates for 408 homes have changed from 2022/23 to early 2023/24 (including 176 Homes for Brighton & Hove dwellings)

Additional council homes per year



*Subject to budget approval

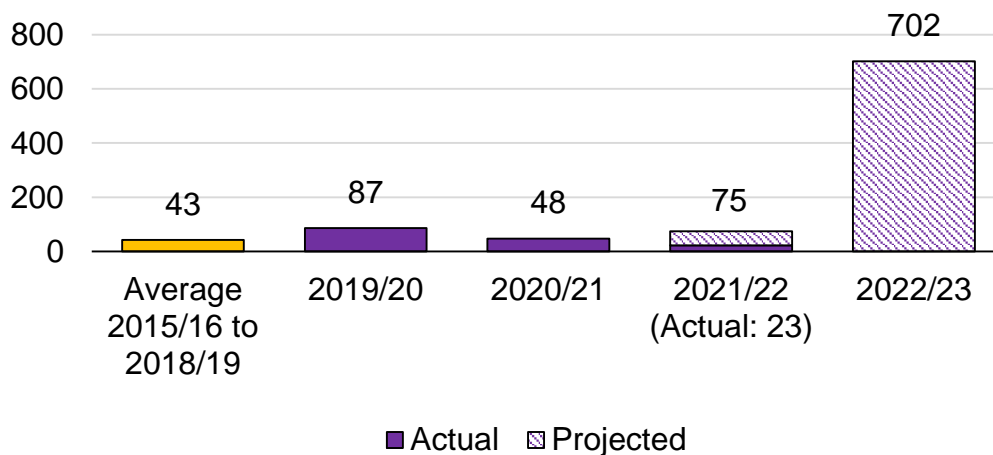
1. Provide additional affordable homes

1.2 On track: Achieve 700 other additional homes (registered provider, affordable rented, shared ownership)

A total of **912** homes (353 rent and 559 shared ownership) are projected for completion between April 2019 and March 2023, including 158 already completed:

- 2019/20: 87 homes – Montpelier Place (5), Kingsway (54) and Circus Street (28)
- 2020/21: 48 homes – Freehold Terrace (8), Plumpton Road (2), Nevill Road (4) and Preston Road (34 from two providers)
- 2021/22: 75 homes – Preston Barracks (19), Falmer Avenue (13), Hangleton Way (33) and Lions Gardens (10)
- 2022/23: 702 homes – Edward Street (33), Longley (22), School Road (104), Preston Barracks (226), Eastergate Road (30), Dunster Close (2), Graham Avenue (125), Sackville Hotel (7), Sackville Estate (56) New Church Road (5) and King’s House (92)

Other additional homes per year

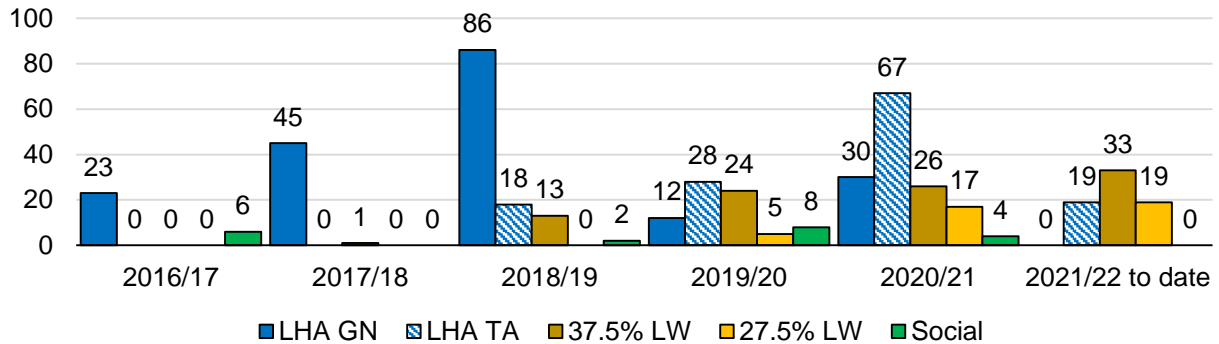


1. Provide additional affordable homes

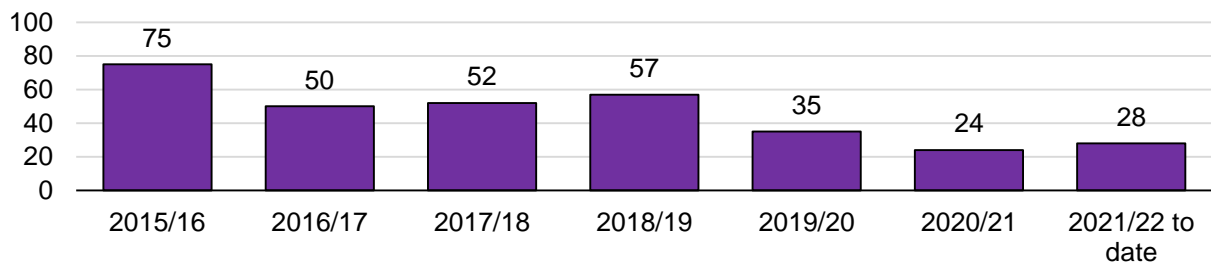
1.3 On track: Review the rent policy to maximise the number of council homes replaced at social or living wage rents (especially those at 27.5% Living Wage)

37% of new general needs (GN) council homes delivered during 2021/22 are at 27.5% Living Wage rents (19 of 52) and the remaining 63% (33 of 52) are at 37.5% Living Wage rents. The 19 new temporary accommodation (TA) council homes are at Local Housing Allowance (LHA) rates.

Additional council homes by rent level



Council homes sold through the Right to Buy (RTB)



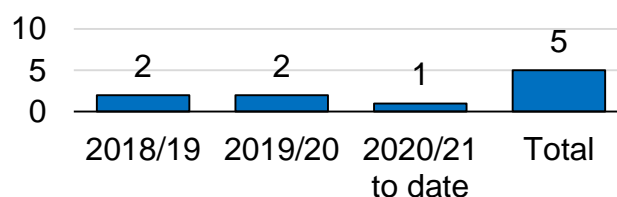
1.4 On track: Develop a policy for the council to take the role of developer on major sites

- Homes for Brighton & Hove Joint Venture is now a delivery company

1.5 Slightly off track: Bring a report to committee identifying suitable sites to work in partnership with Community Land Trust (CLT) for development

- 5 out of 10 sites so far identified for Community Land Trust development
- Planning applications are regularly reviewed to seek opportunities for self-build plots on large private development sites, but this has not yet yielded suitable plots

Sites identified



2. Improving private rented housing

2.1 Slightly off track: Review and resubmit selective licensing scheme proposal to improve the management and standards of private rented sector homes in the city

- Private Sector Housing Update reports went to Housing Committee in June and September 2021

2.2 Off track: Research and review an ethical loan scheme

- This work has been deferred due to Covid-19 priorities and resource capacity issues

2.3 Off track: Develop or commission an information or advice hub for private renters and consider options for a private tenants' forum

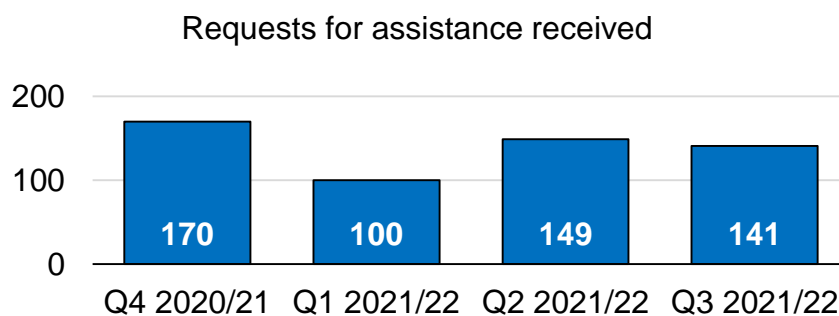
- This work has been deferred due to Covid-19 priorities and resource capacity issues

2.4 On track: Research and develop a social lettings agency

- Report taken to Housing Committee in September 2021, which agreed to re-brand 'Direct Lets' work which places households into the private rented sector

2.5 On track: Develop the enforcement approach to private sector housing to reflect the full range of potential options available to improve management and standards

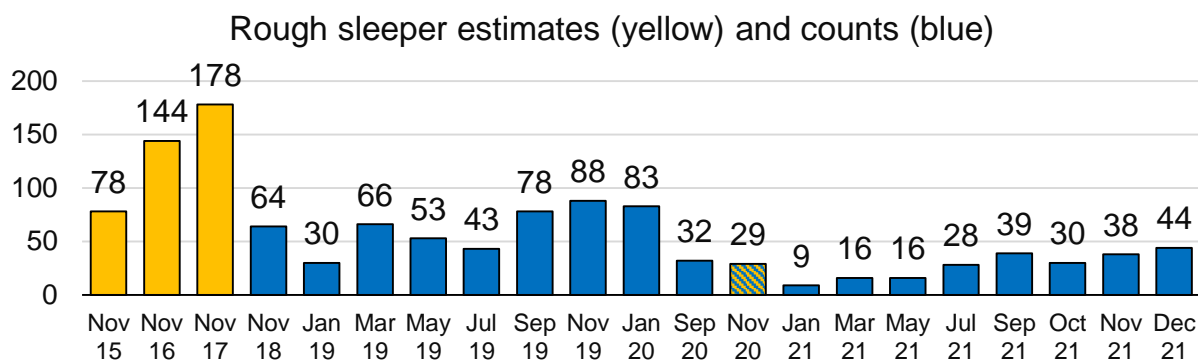
- Request for assistance top categories during Q3: 55 disrepair (39%), 13 dampness (9%), 12 other safety concerns (9%) and 6 nuisance from neighbour's disrepair (6%)



3. Alleviating homeless and rough sleeping

3.1 On track: Develop a rough sleeping strategy (to include partnerships with community homeless and faith projects and delivery of homeless enterprise projects)

- Homeless & Rough Sleeper Strategy approved by Housing Cttee in June 2020
- Next Steps Accommodation Programme (NSAP): number of rough sleeper and other Covid placements has reduced from 134 to 76 during Q3



The November 2020 figure used a blended methodology of an estimate with a spotlight count. Please note that estimates have only been carried out at times when counts have not been. While it would have been desirable to do both simultaneously and compare them, staff capacity has not allowed this over the last few years

3.2 On track: Review/consult/adopt the Homeless Bill of Rights

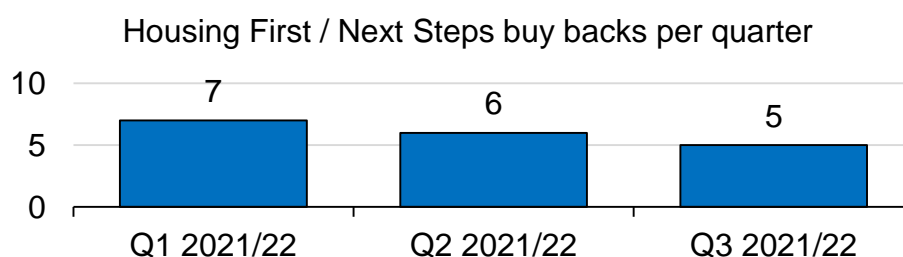
- Values of the Homeless & Rough Sleeper Strategy approved by Housing Committee in June 2020 align to the Homeless Bill of Rights. Strategy states that *'The Homeless Bill of Rights should be viewed as a standard against which the Council and its partners judge our policies and practices'*
- The Homeless Bill of Rights was adopted by full council in March 2021 and is an aspirational document against which to measure services and progress

3.3 No longer applicable: Provide a 365 day night shelter

- Night shelter was closed in early April 2020 on the advice of MHCLG and Public Health England due to Covid-19 restrictions, as it had congregate sleep sites

3.4 On track: Expand Housing First

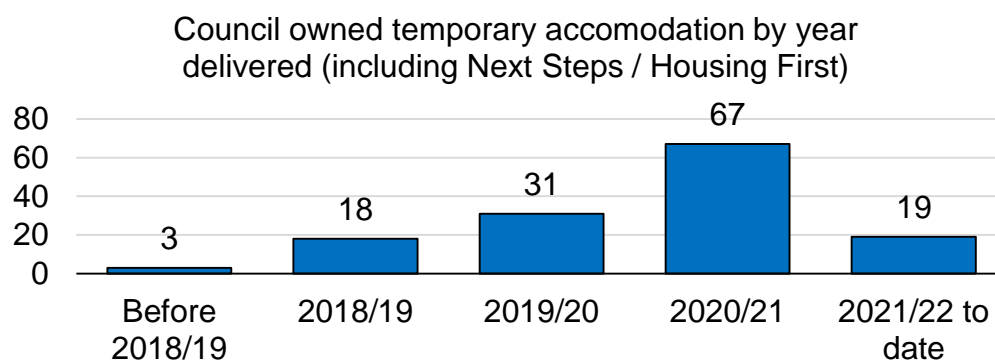
- 60 homes are currently used for Housing First, including buy backs
- 18 homes have been bought for Housing First during 2021/22 to date



3. Alleviating homeless and rough sleeping

3.5 On track: Develop a strategy for the provision of council run temporary accommodation including Seaside Homes

- Hartington Road – 38 homes became ready in February 2021
- Oxford Street – completion of 10 homes expected March 2022
- Buy backs – 69 of 192 homes purchased are for temporary accommodation



3.6 On track: Develop a homeless strategy, ensuring homeless people are involved in the design and development of services which directly affect them

- Homelessness & Rough Sleeper Strategy approved by Housing Cttee in June 2020
- Homeless Reduction Board has been meeting since September 2020 and its role includes monitoring progress of the aspirations contained in the Homeless Bill of Rights and making recommendations to Housing Committee
- Homeless Reduction Operational Board met for the first time in July 2021 and includes people with a lived experience of homelessness

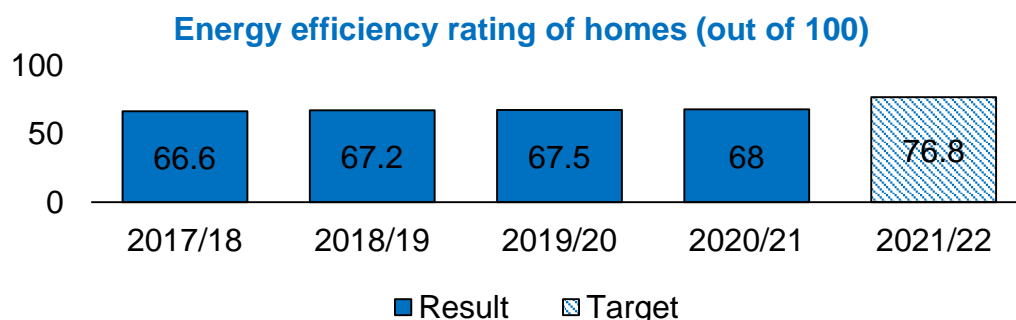
4. Achieving carbon reductions and sustainability in housing including address fuel poverty

4.1 On track: Develop an action plan to set out how we will work collaboratively to ensure housing contributes to making the city carbon neutral by 2030

- A report on 'Housing action towards carbon neutral 2030' was approved at Housing Committee in January 2021
- A further 'Carbon Reduction in Housing' report was considered at Housing Committee in November 2021, with a costed retrofit plan towards carbon neutral by 2030 to follow in 2022

4.2 Slightly off track: Develop a new PV and energy efficiency strategy for council homes to include standards for new homes

- Standards for new council homes are guided by the revised new build specification – minimum Energy Performance Certificate rating of A
- Procurement of domestic solar PV programme on council homes (1,000 by 2023) expected to start in 2022 once additional project management support recruited



4.3 On track: Review the energy efficiency and provision on all new developments

- A report providing an 'Update on Sustainability Measures for New Homes and Housing Supply Sustainability Policy' went to Housing Committee in January 2021 and the committee endorsed a draft New Build Housing Sustainability Policy
- Victoria Road new build scheme will pilot a low energy 'microgrid' heating and electricity solution integrating ground source heat pumps and solar panels to reduce residents' bills

4.4 On track: Investigate and report the possibility of bulk buying PV panels and other energy saving resources

- Round 1 of the Solar Together Sussex (STS) scheme was launched in Autumn 2020, to date approximately 70 installs have been completed
- Round 2 of STS was launched in September 2021. Over 7,000 homes registered across Sussex and a local supplier has been appointed to begin installations from January 2022

5. Improving council housing and community involvement

5.1 Slightly off track: Work with tenants to develop a 'decent environment' standard

- Delayed due to service pressures and other priorities due to Covid-19

5.2 On track: Develop a fire safety programme in conjunction with tenants and residents

- Sprinklers are now fitted as standard in all council new build homes
- Sprinkler systems at St James's House and Essex Place – currently reviewing following feedback from residents
- Council is working to consider the likely impacts of the proposed Building Safety legislation including proposed resident engagement strategy for building safety
- Fire Risk Assessments are carried out regularly to council housing buildings
- Currently engaging consultancy services to support a review of the new building safety guidance and implementation

5.3 On track: Review and develop a new tenant and community involvement policy/strategy for housing, ensuring we learn from the lived experience of our clients, meet the 'Involvement and Empowerment' standard and that co-production is at the heart of our tenant and resident involvement work

- New Tenant and Leaseholder Engagement Strategy was approved at Housing Committee in March 2021

5.4 On track: Extend participatory budgeting

- Report approved at March 2021 Housing Committee including development of a policy for extending participatory budgeting

5.5 Slightly off track: Develop the work undertaken with leaseholders to develop a new leasehold involvement policy, setting out how leaseholders can be supported to be more proactively involved in capital works and other leasehold matters

- Consultation with leaseholders on new planned maintenance and improvement programme contracts has concluded and contracts are now operating. Leaseholders are being consulted where the council has plans to undertake works under these contracts on a block-by-block basis
- A new procedure is now in place for engagement with tenants and leaseholders for proposed projects that will be tendered through the major works framework
- The council has completed a survey of all leaseholders and shared the results with the Leaseholder Action Group

6. Enabling more affordable home ownership

6.1 On track: Work with Community Land Trust (CLT) to develop self-build opportunities

- CLT focus is on affordable rented homes which are likely to be self-build

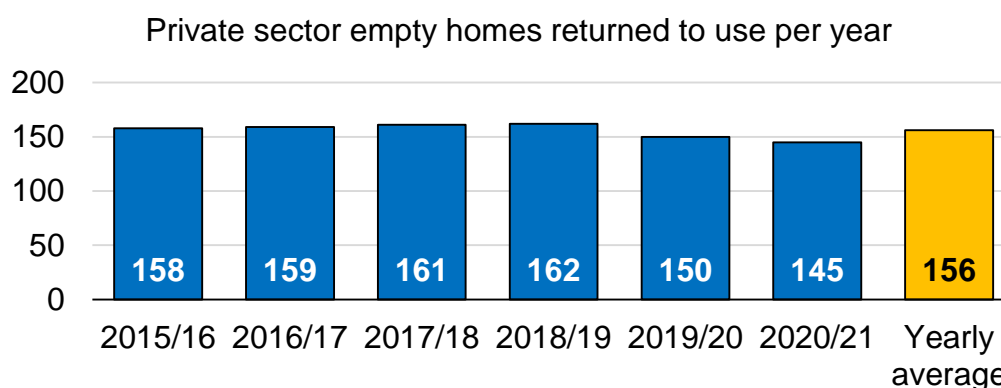
6.2 On track: Work with Homes for Brighton & Hove and registered providers in the city to develop 500 shared ownership properties for essential workers who live and work in the city

- 559 shared ownership homes are projected for development by March 2023
- The Living Wage Joint Venture, Homes for Brighton & Hove, has started construction on its first two sites totalling 346 homes
- Homes for Brighton & Hove is becoming a delivery company, with 168 Hyde shared ownership homes and 178 rented homes (176 council and 2 Hyde) expected for completion in 2023/24

7. Make fuller use of shared housing capacity

7.1 On track: Review our empty homes policy to ensure 650 empty homes are brought back into use

- 92 homes brought back into use during 2021/22 to date
- It is anticipated that additional properties will be confirmed as back in use once council tax records have been updated



7.2 Slightly off track: Develop a policy to incentivise households to relinquish council tenancies as an alternative to right to buy

- Work on this will start in April 2022

7.3 Slightly off track: Investigate the possibility of supporting a 'lodger' scheme and report to Committee

- Committee report due for March 2021 – deferred due to Covid-19 priorities and capacity issues

7.4 On track: Undertake an impact assessment of short-term holiday lets and Air BnB in the city and consider options that may inform an approach to alleviate the most detrimental issues arising

- Report on Regulation of Short-Term Holiday Lets was agreed at Tourism, Equalities, Communities & Culture and Housing committees in March 2020. It included using existing powers to deal with complaints, ensuring coordinated approach to enforcement between services and lobbying central government for enhanced enforcement powers and a national registration scheme
- A new system is now in place for the public to report issues with short term holiday lets, so that relevant council teams can take appropriate enforcement action where possible

8. Alleviating poverty

8.1 Slightly off track: Ensure the in house repairs services include measures to: provide opportunities for young people to develop skills for example through apprenticeships; maximise community benefits, including through use of local firms and labour for supply chain as well as planned and major works; and, develop pathways to employment that are inclusive in offering opportunities to all the communities we serve

- Due to the Covid-19 outbreak, the planned and major works procurement was paused as were other areas of the programme, including taking on apprentices
- Some existing apprentices were moved to empty property works so they could physically distance while working, but it has not yet been possible to recruit many additional apprentices
- However, the service has recruited three electrical apprentices and further apprenticeship opportunities will be advertised later in the year

8.2 Slightly off track: Review arrears policy to ensure all action is taken at the earliest stage, support given and eviction is used as a last resort








- Business Process Review of income collection, including arrears policies, has been delayed while resources have been diverted to the Covid-19 response







8.3 On track: Develop an arrears policy for temporary accommodation, which gives tenants the same level of support and assistance as those in permanent accommodation




- Policy is in place for long term temporary accommodation which matches that in council owned housing




Part two: Performance indicators










The council is responsible for managing 11,729 council owned homes and 2,301 leaseholder homes, as well as providing temporary accommodation for 1,965 households.




 Customer feedback – all Housing services	Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2
9.1  Compliments received from customers	Info	59	60	n/a	n/a
9.2  Stage one complaints responded to within 10 working days	80%	85% (84 of 99)	82% (120 of 146)		
9.3 Stage one complaints upheld	Info	46% (46 of 99)	49% (72 of 146)	n/a	n/a
9.4 Stage two complaints upheld	18%	47% (9 of 19)	43% (6 of 14)		
<p>There is an increased focus on how complaints are handled across the council, especially on improving the overall quality of complaint responses in the early stages of the complaints process, in order to reduce the need for cases to be escalated from stage one to stage two for further investigation.</p>					

  Private sector housing	Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2	
10.1	New licences issued for Houses in Multiple Occupation (HMOs)	Info	147	153	n/a	n/a
10.2	HMOs where all special conditions have been met (for licences issued over 12 months ago)	47%	53.05% (1,019 of 1,921)	52.97% (1,016 of 1,918)		
The indicator above measures cases where the council has verified that conditions have been completed. We are currently working through a backlog of cases that need to be verified as complete and so it is anticipated this figure will rise.						
10.3	Private sector empty homes returned to use	32	37	21		
The Q2 figure above has increased from 26 to 37 since last reported. This is because Council Tax records have identified more homes brought back in use during this period, and there is a reporting lag between the date they were back in use and the date this could be confirmed.						

 Housing adaptations	Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2	
11.1	Private housing – average weeks taken to approve Disabled Facilities Grant applications	10	21.3	15.7		
The amber threshold for this indicator is set at 26 weeks based on historic guidance timescales, with the target of 10 weeks reflecting revised guidance timescales. The indicator relating to adaptations to council homes is temporarily absent from this report while work is underway to develop new reporting systems following the switchover of our main housing management IT system since the start of July 2021. Once this work is complete, we intend to retrospectively provide the results in future versions of this report.						

 Housing Needs – Housing Options and allocations	Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2	
12.1	Households prevented from becoming homeless (by council and partner agencies)	424	448	394		
12.2	New households accepted as homeless	Info	77	67	n/a	n/a
12.3	Number of households on the social housing waiting list	Info	5,143	5,265	n/a	n/a

	Housing Needs – temporary accommodation (including emergency accommodation)	Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2
13.1	Total households in temporary accommodation (homeless and through service level agreements)	Info	2,012	1,965	n/a	n/a
13.2	Rent collected for emergency accommodation (year to date including loss from empty homes)	89.21%	73.30% (£2.6m of £3.6m)	81.12% (£3.8m of £4.6m)		
The rent collection indicators in this table measure the actual amount of rent collected during the year to date compared to the amount due within the same period. The indicator above includes rent loss from empty emergency accommodation dwellings, which has been higher than usual while people who were placed in response to Covid-19 are moved on from 'block booked' accommodation such as hotels and hostels, ahead of handing some of them back.						
13.3	... as above but excluding rent loss from empty homes	For info	94.89% (£2.6m of £2.8m)	97.69% (£3.8m of £3.8m)	n/a	n/a
13.4	Rent collected for leased properties (year to date including loss from empty homes)	96.10%	87.28% (£3.3m of £3.8m)	85.81% (£4.9m of £5.7m)		
A new reporting system has recently been developed for this indicator following the switchover of our main housing management IT system, and we will closely monitor trends into the second half of the current financial year.						
13.5	... as above but excluding rent loss from empty homes	For info	93.33% (£3.3m of £3.6m)	92.62% (£4.9m of £5.3m)	n/a	n/a
13.6	Rent collected for Seaside Homes (year to date including loss from empty homes)	91.00%	90.74% (£2.6m of £2.7m)	92.64% (£3.9m of £4.2m)		
13.7	... as above but excluding rent loss from empty homes	For info	95.49% (£2.6m of £2.6m)	99.22% (£3.9m of £4.0m)	n/a	n/a
13.8	Empty temporary accommodation homes	For info	115	141	n/a	n/a
13.9	Seaside Homes with a valid Landlord's Gas Safety Record	100%	99.8% (425 of 426)	99.5% (424 of 426)		
13.10	Leased properties with a valid Landlord's Gas Safety Record	For info	89.1% (554 of 622)	87.4% (508 of 617)	n/a	n/a
The indicator above does not have a target because when it comes to leased properties the council's role is to monitor progress and remind landlords to arrange gas safety checks, whereas the council's gas contractor carries out checks in Seaside and council owned homes.						

 Council housing – supply		Q2 2021/22	Q3 2021/22
14.1	 Additional council homes	27	20
14.2	... at Local Housing Allowance (LHA) rents	22% (6 of 27)	25% (5 of 20)
*All six homes at LHA rates from Q2 and Q3 were buy backs for use as temporary housing			
14.3	... at 37.5% Living Wage rents	37% (10 of 27)	65% 13 of 20
14.4	... at 27.5% Living Wage rents	41% (11 of 27)	10% (2 of 20)
14.5	...at social rents	0% (0 of 27)	0% (0 of 20)
14.6	Council homes sold through the Right to Buy	11	7
Of the 21 homes sold during 2021/22 to date, 10 were for leasehold (flats) and 11 were for freehold (houses)			
14.7	Net change in the number of council homes – all rent levels	+16	+13
14.8	Net change in the number of council homes – social and 27.5% Living Wage rent homes only	0	-5
14.9	 Total council owned homes	11,716	11,729
Total council owned dwelling stock of 11,729 includes 10,714 general needs, 877 seniors housing and 138 temporary housing (including dwellings not yet handed over)			

14.10 Council housing – buy backs (Home Purchase and Next Steps / Housing First)

Buy backs by application date	2017/18	2018/19	2019/20	2020/21	2021/22 to date	Total
Total applications	5	53	88	159	124	429
Of which, became purchases	2	32	53	86	19	192
Council declined	1	13	11	16	6	47
Owner declined offer	1	5	12	15	9	42
Owner withdrew	1	3	12	34	32	82
Outcome pending	0	0	0	8	58	66

Completed buy backs by rent level	2017/18	2018/19	2019/20	2020/21	2021/22 to date	Total
Completed purchases	1	13	43	64	71	192
... general needs social rent	0	0	1	4	0	5
... general needs 27.5% Living Wage	0	0	5	17	19	41
... general needs 37.5% Living Wage	1	5	24	14	33	77
... temporary housing at LHA rates	0	8	13	29	19	69











Summary of all buy backs since start of programmes, September 2017






Total purchases	Social rent	27.5% LWR	37.5% LWR	LHA rate	No. rent reserve applied	Total rent reserve applied	Net modelled subsidy (surplus) over all properties to date (£)
192*	5	41	77	69	26 **	£1.233m ***	£104,000

















* Of which 174 are flats (4 studio, 63 one bed, 92 two bed, 15 three bed) and 18 are houses (3 two bed, 14 three bed, 1 four bed)

** Following Housing Committee decision to use rent reserve to keep rents as low as possible















*** Applied during 2019/20 – a further £827k is anticipated to be used during 2021/22

	Council housing – management	Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2
15.1	 Rent collected from council tenants (forecast for whole financial year)	95.68%	96.16% (£51.2m of £53.2m)	95.58% (£50.8m of £53.2m)		
The Q2 and Q3 figures above are forecasts for the whole of the 2021/22 financial year, and the Q4 figures in the next report will provide the actual results for the year. The methodology excludes rent loss from empty properties and includes arrears from the end of the previous financial year.						
15.2	 Tenants known to claim Universal Credit (UC)	Info	24% (2,717 of 11,290)	25% (2,820 of 11,298)	n/a	n/a
15.3	UC tenants in arrears who have an alternative payment arrangement	Info	57% (848 of 1,496)	48% (875 of 1,837)	n/a	n/a
15.4	Arrears of UC tenants as a proportion of total arrears	Info	65% (£1.3m of £2.0m)	63% (£1.5m of £2.4m)	n/a	n/a
15.5	Tenants evicted due to rent arrears	Info	0	0	n/a	n/a
15.6	Tenants evicted due to anti-social behaviour (ASB)	Info	0	2	n/a	n/a
15.7	New reports of ASB from victims and witnesses	Info	236	203	n/a	n/a
15.8	ASB perpetrator cases opened	Info	144	157	n/a	n/a
15.9	ASB perpetrator cases closed	Info	35	99	n/a	n/a
15.10	Average days to close ASB perpetrator cases	Info	20	56	n/a	n/a
15.11	Active ASB perpetrator cases at quarter end	Info	120	178	n/a	n/a
The anti-social behaviour (ASB) indicators above have been developed to reflect the way ASB is recorded on the new housing management IT system, which includes reports from victims and witnesses as well as linked cases dealt with in relation to the perpetrators. There are often multiple victims and witnesses linked to a single perpetrator.						
15.12	 Calls answered by Housing Customer Services	85%	82% (5,385 of 6,596)	90% (4,272 of 4,763)		
15.13	Tenancies sustained following difficulties	90%	97% (31 of 32)	92% (12 of 13)		


 Council housing – empty homes		Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2
15.14	 Average re-let time (calendar days) excluding time spent in major works	21	66	89		
<p>Re-let times are high while recovery efforts remain underway to tackle the backlog of empty council homes, which includes many homes which have been empty for long periods of time. However, there has been a significant improvement in number of re-lets during Q3 (122) which exceeds pre pandemic levels (based on an average of 111 per quarter during 2019/20).</p>						
15.15	Average re-let time (calendar days) including time spent in major works	Info	206	223	n/a	n/a
15.16	Number of previously occupied council homes re-let (general needs and seniors)	Info	98	122	n/a	n/a
15.17	Number of new council homes let for the first time (general needs and seniors)	Info	5	16	n/a	n/a
15.18	 Empty general needs and seniors council homes (includes new homes)	Info	273	293	n/a	n/a
15.19	Empty council owned temporary accommodation homes (includes new homes not yet handed over)	Info	15	15	n/a	n/a

 Council housing – repairs and maintenance		Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2
16.1	Emergency repairs completed within 24 hours	99%	95.5% (2,583 of 2,706)	95.8% (2,759 of 2,880)		
Q3 shows a small improvement over Q2. Emergency response times are still being impacted by a shortage of trades people and the impact on staff resource of the Covid pandemic and self-isolation guidance. Recruitment to full staff capacity is underway (reaching approximately 80/85% in January 2022) and is scheduled to be complete by the end of the 2021/22 financial year.						
16.2	 Routine repairs completed within 28 calendar days	92%	67.0% (2,786 of 4,156)	64.0% (2,574 of 4,020)		
Recently completed routine repairs have included jobs from a backlog which has built up since the start of the pandemic and due to reduced staffing levels and availability of contractors. This means that these jobs took longer than their target timescales once they were completed. Recruitment to full staff capacity is underway (as per the comment above) and the service will determine whether any future recruitment is needed as part of a plan to clear the backlog.						
16.3	Average time to complete routine repairs (calendar days)	15	48	43		
As above.						
16.4	 Calls answered by Repairs Helpdesk	85%	93% (19,888 of 21,410)	93% (19,739 of 21,159)		
16.5	 Surveyed tenants satisfied with standard of work	96%	-	97% (199 of 205)		
16.6	Surveyed tenants satisfied with overall customer service	96%	-	99% (203 of 205)		
Satisfaction surveys were paused during Q2 to allow time to develop a new IT system for capturing and reporting on satisfaction data. Once this was achieved, surveys resumed in November 2021 and therefore the trend arrows for the two indicators above compare to performance from Q1, which was 98% and 99% respectively.						

Please note the figures for the first three indicators in the table above are provisional as there are currently issues with reporting of repairs data arising from the switchover of our main housing management IT system since the start of July 2021. At present two IT systems are being used and it is not possible to integrate reporting between them, meaning that performance data is currently being extracted and manually combined from the two systems, which is likely to be less accurate than automatic system reporting (due to the volume and multiple stages of the jobs managed by the repairs and maintenance service). We are in the process of procuring a new works management system. Once we have this new system, we should be able to report on all jobs automatically.

 Council housing – repairs and maintenance		Target	Q2 2021/22	Q3 2021/22	Status against target	Trend since Q2
16.6	 Dwellings meeting Decent Homes Standard	100%	92.9% (10,884 of 11,716)	96.9% (11,365 of 11,729)		
<p>The stock condition survey identified many dwellings which did not meet the standard, and there was a lack of planned installations of new kitchens and bathrooms through 2020 due to Covid restrictions, shortages of supplies and components, and the mobilisation of new contractors. However, performance has increased since kitchen and bathroom replacements resumed under new contracts, focusing on empty homes (in order to reduce the backlog) then occupied homes.</p>						
16.7	Energy efficiency rating of homes (out of 100)	76.8	68.1	68.1		
<p>A very ambitious target was set in line with performance by other local authorities (the median for our HouseMark peer group was 76.8 at the end of March 2021). A retrofit plan is being prepared for Housing Committee to show how Housing can contribute to the Carbon Neutral 2030 objective, and a programme to install solar panels on 1,000 council homes is to begin in 2022.</p>						
16.8	 Council homes with a valid Landlord's Gas Safety Record	100%	100% (10,017 of 10,017)	100% (10,044 of 10,044)		
16.9	 Lifts restored to service within 24 hours	95%	91% (292 of 321)	92% (288 of 312)		
<p>There have been delays in repairing some lifts due to aging equipment and difficulty sourcing spare parts. Aging equipment is being modernised at Seniors schemes during 2021/22 and 2022/23; and the lift contractor will investigate potential to retain a greater stock of critical spares from European supply chains.</p>						
16.10	Lifts – average time taken (days) to restore service when not within 24 hours	7	12	14		
As above.						

Following a request at Area Panel in February 2022, a summary of the capital works programme will be included as an accompaniment to future versions of this report.

 Leaseholder disputes		Q2 2021/22	Q3 2021/22
17.1	Stage one disputes opened	7	6
17.2	Stage one disputes closed	4	7
17.3	Active stage one disputes (end quarter)	22	21
17.4	Stage two disputes opened	0	1
17.5	Stage two disputes closed	0	1
17.6	Active stage two disputes (end quarter)	3	3
17.7	Stage three disputes opened	0	0
17.8	Stage three disputes closed	1	0
17.9	Active stage three disputes (end quarter)	1	1

Brighton & Hove City Council

Housing Committee

Agenda Item 68

Subject: Homelessness and Rough Sleeping update

Date of meeting: 16th March 2022

Report of: Executive Director of Housing, Neighbourhoods and Communities

Contact Officer: Sylvia Peckham
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Ward(s) affected: All

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Housing Committee (17th June 2020) agreed to adopt the Homelessness & Rough Sleeper Strategy 2020 – 2025 and to the formation of a member led Homelessness Reduction Board (HRB). The purpose of the HRB includes to promote homelessness reduction and prevention, to monitor and ensure delivery of strategic priorities contained in the Homelessness and Rough Sleeper Strategy and to report back to Housing Committee.
- 1.2 This paper reports back to Housing Committee on the latest updates received by HRB on the council's Homeless Transformation Programme and the work of our Rough Sleeper & Single Homeless Services. These two update presentations provided to the HRB on 22 January 2022 are contained in the Appendices to this report and outline progress on transforming the Homelessness service and provide an update on the Rough Sleeper and Single Homeless service.
- 1.3 Details of significant progress in reducing placements in Emergency Accommodation (EA), overall numbers in EA and out of borough placements are outlined in the report. Current forecasts are that two hotels will be required until June 2022 and that these costs can be met within the proposed 22/23 budget for this service.
- 1.4 The report includes an update on progress on our Rough Sleeper and Single Homeless services and our continued work with Government on securing further funding and support for verified rough sleepers in the city going forwards. The report requests committee note the contents of the Homes England Compliance Audit Report on the Rough Sleeper Accommodation Programme (RSAP).
- 1.5 In addition, the report confirms that the Emergency Accommodation Charter developed by Justlife and Fulfilling lives, has been reflected and embedded within the new specification for emergency accommodation where it is measurable and practical in contract terms. This specification will shortly be tendered. Those items in the Emergency Accommodation Charter that are

not measurable and therefore difficult to incorporate and monitor within a contract, have been noted for the upcoming tender.

- 1.6 At January 2022 Housing Committee a Notion of Motion as amended requested a report “on the action proposed to ensure homeless people and rough sleepers placed in emergency accommodation by Brighton & Hove City Council have proper support to ensure their safety and wellbeing”. The response to this is contained in the body of this report.

2. RECOMMENDATIONS:

Housing Committee:

- 2.1 Note the update on Rough Sleeper & Single Homeless Services.
- 2.2 Note the update on the Homelessness Transformation Programme.
- 2.3 Note the contents of the Homes England Compliance Audit Report on the Next Steps Accommodation Programme
- 2.4 Note the update requested following the Notice of Motion agreed at January Housing Committee on the action proposed to ensure homeless people and rough sleepers placed in emergency accommodation by Brighton & Hove City Council have proper support to ensure their safety and wellbeing.
- 2.5 Agree the Emergency Accommodation Charter as an aspirational document and a standard against which the Council and its partners judge our policies and practices and outcomes.
- 2.6 Note that the measurable and feasible aspects of the Charter have been embedded in our revised Emergency Accommodation specification.
- 2.7 Agree that the charter be subject to review periodically and upon renewal of the associated contracts. Where the Charter is not embedded in the contract, this will also be kept under review with JustLife and Fulfilling lives.

That Housing Committee recommends to Full Council:

- 2.8 To adopt the Emergency Accommodation Charter as outlined in paragraph 3.12 and included in Appendix 4, as an aspirational document and a standard against which the Council and its partners judge our policies, practices and outcomes.

CONTEXT/ BACKGROUND INFORMATION

Homeless Transformation Programme

- 3.0 To support the corporate priority of reducing homelessness and rough sleeping, and to embed the transfer of the rough sleeper and single homeless service into Housing, a Homelessness Transformation programme is underway to focus on the aims of:
- reducing use of emergency & temporary accommodation
 - improving the customer experience.

- prevention of homelessness.
 - support and new pathways.
 - improved data and systems to support service development.
- This is further outlined in the Transformation presentation in Appendix 1.

- 3.1 Significant progress has been made, in particular with our overall Emergency Accommodation (EA) reduction plan:
- Reducing placements in EA – 160 -per calendar month as of July 2021 month to 42 placements per month as of January 2022.
 - Reducing numbers in EA – 817 as of 4th May 2021 (highest point) to 653 as of 3 March 2022.
 - Reducing numbers placed out of borough (in Lewes DC & Eastbourne BC) – 314 as of 26th February (highest point) to 142 as of 4 March 2022.

The council has for many years had to use some emergency short term accommodation outside the city due to the capacity of the market within the city. However, as previously reported, following the outbreak of the pandemic and the increasing need for emergency accommodation, we have worked hard to identify additional accommodation within the city. We have now managed to reduce numbers to pre-pandemic levels of placements outside of the city as we reduce our overall need for Temporary and Emergency accommodation with our refocus on prevention.

The remaining number of people that need to be moved on from those accommodated under pandemic provisions, as of 27th February 2022 is 50 which is a significant achievement. This reduction is contained within the overall reduction of homeless households in emergency accommodation as set out in the Transformation presentation contained in Appendix 1. It is important to note that the Council has been successful in enabling just under 800 of the additional households accommodated during the covid pandemic to move on during the period of the pandemic.

However, while the focus has been on moving those accommodated during the pandemic, and more latterly on reducing down the use of emergency accommodation, there still remains a need for 47 units of additional emergency accommodation in two hotels until June 2022 when we project those figures will be reduced sufficiently to end the need for this accommodation. This can be managed within current budget.

Rough Sleeper & Single Homeless Services update.

- 3.2 As we prepared for Winter provision and Severe Weather Emergency Protocol (SWEP) for the Winter of 2021-22, the levels of the Omicron variant of the Coronavirus were rising. In response to this and in partnership with the Department of Levelling Up, Housing and Communities (DLUHC) provided additional funding to enable provision of 45 units of accommodation under the “Protect and Vaccinate” programme, to enable rough sleepers to have accommodation and be encouraged to be vaccinated. The funding for Protect and Vaccinate ends on 31st March 2022, and we are currently planning the move on of current occupants to align with the ending of that funding programme. Provision for clients with No Recourse to Public Funds who remain accommodated is outlined below.

- 3.3 This winter provision was additional to our current No Second Night Out and Off the Street offer of 79 bedspaces for rough sleepers to move from the street. This increased the total provision to 124 units commissioned for rough sleepers and single homeless people to enable them to move off the street during the winter.

A total of 891 bed spaces are currently provided in the city for single homeless people and rough sleepers. Provision comprises:

- 79 spaces at hubs and assessment accommodation throughout the year (these include Off Street Offer and No Second Night Out)
- 45 spaces available to vulnerable rough sleepers, including those with No Recourse to Public Funds, until 31 March 2022 under 'Protect and Vaccinate'
- 25 Beds within EA for restricted eligibility/NRPF under winter provision which covers until 31 March 2022.
- 469 units of supported accommodation for adults (ranging from low through to high complex needs and includes 30 units in female-only accommodation)
- 145 units of supported accommodation for young single people and young parents
- 122 units of mental health supported accommodation
- 6 hospital step-down beds for homeless clients being discharged from hospital
- The Severe Weather Provision shelter is open to all when temperature drops to 'feels like' 0 degrees or in response to an Amber Weather Warning
- We are in the process of increasing Housing First stock to 90 units of housing led support for entrenched rough sleepers

- 3.4 The numbers of people sleeping out is reducing. Following the last official count of rough sleepers which took place in November 2021, the number of people found to be rough sleeping in Brighton & Hove had reduced significantly in comparison with figures prior to the Covid 19 pandemic.

In 2019 there were 88 people sleeping rough compared to 37 in the official count in November 2021. This is a reduction of over 50% which is a significant achievement and has put us in a good position to end the need to rough sleep, in line with the council and government priorities.

In 2020, due to the lockdown, it was not possible to undertake a full count and instead a smaller count was taken, and an estimate made of the full number which was estimated at 27. We are pleased that we could conduct a full count in November 2021 to have more accurate data.

An intelligence count was conducted in January 2022 which is a combination of a partial count supplemented by intelligence from the Street Services Outreach Team. This counted 9 people bedded down which indicates a downward trend.

During the initial and early stages of the outbreak of the pandemic the government guidance was for local authorities to make accommodation available for all people who would otherwise be rough sleeping and also for

those living in shared dormitory style accommodation so as to contain the spread of infection, on public health advice. This ceased as restrictions relaxed but in December 2021 with the upsurge of the Omicron variant and following government advice, accommodation was provided under a Protect and Vaccinate programme which has been very successful in Brighton and Hove. This will cease at the end of March 2022.

In line with the national government's stated aim to end rough sleeping by the end of this parliament and the Council's priorities, the approach going forwards is focused on prevention of homelessness where possible, and to adequately support and intervene where it is not possible; with a view to moving on when stable as people recover.

- 3.5 In addition to HRA budget funding for 18 units, under the Rough Sleepers Accommodation Programme (RSAP) 21-22 funding previously reported to Housing Committee, enabled the purchase of an additional 12 new homes to be used for Housing Led Support for rough sleepers with complex needs to bring the total to 30, (20 in 2021/22 and 10 in 2022/23) as at 15th February 2022, a total of 25 offers have been made to purchase accommodation, of which 14 are now completed with 9 of those ready to let.
- 3.6 The RSAP also awarded funding towards purchasing a further 30 properties under 10-year leases for Rapid Rehousing scheme aimed at lower need rough sleepers. As of 15th February 2022, we have completed on 8 properties and are on track to deliver the remainder by early April 2022.
- 3.7 In order to maximise available capacity in the accommodation commissioned to move rough sleepers off the street, the council is working with NSNO and Off the Street Offer providers to achieve swift move on for clients of these services into more settled accommodation. These move on pathways encompass support and funding to: -
 - assistance to move from supported accommodation into private rented accommodation thereby freeing up supported accommodation for those who need to move in.
 - Increase in Housing First under NSAP by 30 units to create a total of 60.
 - A further 30 units of Housing Led support will be delivered across 21/22 and 22/23(18 funded via Housing Revenue Budget and 12 via RSAP)
 - 30 units acquired under 10-year leases for a Rapid Rehousing Scheme for rough sleepers who have a lower support need.
 - 40 bedspaces in HMOs have been delivered with support for low to medium level of needs.
 - In addition, there are moves to social housing which stalled during the pandemic as previously reported to Housing Committee is now increasing at a steady rate.
- 3.8 However, there remain significant challenges that we are focusing on. We are working with our advisors at DLUHC to revise our Action Plan aligned with the Homelessness and Rough Sleeper Strategy, to build on the work undertaken during the covid pandemic and develop the broad partnerships with public health; the voluntary and faith sector to find tailored solutions to anyone who has, is, or will, sleep rough. To assist with planning provision

DLUHC have confirmed the next round of Rough Sleeper Initiative Funding (RSI) will be for 3 years instead of one year. This will cover the period from April 2022 to March 2025.

3.9 There are a number of strands of funding provided by DLUHC in 2021-22. The funding comprises:

- Homelessness Prevention Grant,
 - RSI grant
 - Ex Offender PRS access grant.
 - Protect and Vaccinate funding of £451,313 which comprised £399,616 for accommodation and £51,697 for health to undertake vaccinations
 - Winter pressure funding to provide accommodation for rough sleepers over the winter of £86,000
- This funding expires 31st March 2022.

In addition, there was funding under NSAP (2020/21) and RSAP (2021/22 and overflow into 2023/24) which provided capital funding to enable property purchases, with Revenue attached to deliver support for 3 years.

Funding for 2022-23

- Homeless Prevention Grant confirmed at the same rate as for 21/22
- RSI grant which will be part of a three-year settlement 2022 -2025, bid underway with outcome anticipated in summer 2022.
- AEFO (Accommodation for Ex-Offenders) is available to bid for a 6-month extension in 2022
- RSAP is available to bid for to cover 2022/23 and 2023/24.

With this funding and over the three years of RSI (22-25) funding, the Government wish to see a clear transition to a strong prevention focus and pro-active interventions rather than reactive approaches. Focus will be on transitioning provision to deliver:

1. Prevention: understanding the issues that lead to rough sleeping and providing timely support for those at risk.
2. Intervention: helping those already sleeping rough with swift support tailored to their individual circumstances.
3. Recovery: supporting people in finding a new home and rebuilding their lives.
4. A focus on systems and performance monitoring on outcomes which will inform future funding.

This aligns with our overall Homelessness and Rough Sleeper Strategy and mirrors the council's priority to reduce homelessness and rough sleeping. The outcome of the bid will not be known until the summer 2022 and will be reported to the Homeless Reduction Board who also oversee progress towards the outcomes in the strategy.

Homes England Audit

3.10 Homes England have an annual Compliance Audit programme which provides assurance that organisations receiving grant have met all of Homes England's requirements and funding conditions and have properly exercised their responsibilities as set out in its Capital Funding Guide. Standardised checks are made by provider appointed independent auditors on an agreed

sample of schemes which have received Homes England funding under current and earlier affordable housing programmes.

The council was selected in Summer 2021 for an audit on the Next Steps Accommodation Programme. This applied to the purchase and repair scheme, where the council brought 30 properties. Independent auditors Grant Thornton was appointed to carry out the audit with the outcomes verified by Homes England. In January 2022 the council was notified by Homes England that the audit had received a green rating with no breaches identified.

We must ensure that the contents of the report are acknowledged by our board (or in our case Housing committee). A copy of the report is contained in Appendix three.

Notice of Motion

- 3.11 A Motion of Motion as amended was agreed Housing Committee in January 2022 which requested a report “on the action proposed to ensure homeless people and rough sleepers placed in emergency accommodation by Brighton & Hove City Council have proper support to ensure their safety and wellbeing”.

Support has been provided to people placed into emergency accommodation as follows:

- Welfare officers – Core funding was agreed previously at Policy and Resources to fund a team of Welfare officers to support residents and reduce evictions from emergency accommodation. This team has been expanded during the pandemic and now comprises 8 officers who check on all people placed into emergency accommodation at the point of placement and at regular intervals thereafter, including being on site weekly at accommodation out of the city.
- Southdown is funded from the RSI grant to provide outreach support to residents in emergency accommodation. There is also specific funding for outreach support to people placed in Lewes and Eastbourne areas.
- As part of an integrated approach to health and homelessness, Department of Health and Social Care (DHSC) have been funding 3 posts to focus on supporting homeless people in emergency accommodation and preventing a return to rough sleeping. These consist of:
 - An Out of Area Health engagement worker- supporting rough sleepers placed in out of area emergency accommodation to maintain their links with health & wellbeing services and prevent a return to rough sleeping
 - An A&E preventing admissions worker based in A&E at the Royal Sussex County Hospital. As part of their triage/assessment process, they are working to prevent potential accommodation loss due to hospitalisation/treatment services; and making referrals or securing short term accommodation placements, preventing further homelessness and rough sleeping. In the last quarter effective engagement by the A&E worker prevented four people from returning to rough sleeping and secured accommodation of a further 20

- preventing homelessness and diverting them away from statutory homeless services.
- Building on this model, a MH Engagement worker started in post in January 2022, working in A&E at Millview Mental Health Hospital. The worker is triaging clients working to sustain accommodation and making referrals for placements. Expected outcomes are in line with those of the other two workers to proactively prevent people from returning to rough sleeping locally.

As part of the bid for future RSI 22-25 funding, consideration has been given to how support is best delivered going forward. A focus is to rationalise support provision to ensure it is joined up and to tackle any gaps. In addition, with the refocus on prevention and up-coming re-procurement of supported accommodation in 2023/24, a key aim is to reduce the need for emergency accommodation, and where it is needed, to shorten the period of residency before moving on to more suitable supported accommodation.

Recommissioning of our supported accommodation contracts will also focus on aligning outcomes to strategic objectives, in particular enabling move on from supported housing to more settled accommodation sourced by commissioned partners.

Emergency Accommodation Charter

- 3.12 Housing Committee on 16th September 2020 received a Deputation on Emergency Accommodation concerning a proposed 'Brighton & Hove Emergency Accommodation Charter'. Committee were advised that the Charter had been developed 'to ensure a reasonable standard of accommodation is provided to homeless households who have to spend time in emergency accommodation'. The Charter set out 'expectations, aspirations and commitments' to achieve this and sought 'for this Charter to be embedded into provider contracts'. The Deputation was presented by representatives from Fulfilling Lives South East Partnership and Justlife.

The response to the Deputation from the Chair was that 'To adopt the charter would involve a decision of the full council upon the recommendation of housing committee. Before Housing committee decides on recommending the charter, Legal & Finance advice will be needed'. 'I therefore propose that one or two meetings are organised between representatives of the Temporary Accommodation Action Group, council officers, a joint chair of housing and legal advisers to firm up agreed wording that can be recommended to a future housing committee. This was agreed'.

In developing the specifications for emergency accommodation in preparation for the impending re-procurement, the Emergency Accommodation Charter has been considered and incorporated where possible. The response to the Deputation to Sept 2020 Housing Committee is reflected in the Recommendations in this Report.

- 3.13 **No Recourse to Public Funds / Restricted Eligibility.**

There are 29 individuals in emergency or off the street type accommodation as of 1st March 2022 who have No Recourse to Public Funds (NRPF) or restricted Eligibility and require a different approach as the Local Authority has very limited powers to make provision for this group. The majority, (19) are EEA nationals who can be supported to apply for settled status. We are in discussions with Faith in Action to explore the potential to provide accommodation solutions that the community could deliver for 10 non EEA nationals.

Reconnection of people who have no local connection to Brighton and Hove

- 3.14 Reconnection of people who have no local connection to Brighton and Hove has been challenging during the pandemic. However, as restrictions have relaxed, we have been able to take a more robust approach and ensure the reconnections are of a good quality to reduce the chances of people returning to the city. To improve performance on local connection, we have established a cross agency team, which includes Housing colleagues co-located at First Base Day Centre, No Second Night Out (NSNO) and Off the Street Offer. There are potentially between 25 -35% of people within the assessment hubs who could be reconnected depending on establishing robust evidence to support a referral. We have expanded resources to enable reconnection following successful award under RSI4 and a budget to assist with expenses to enable reconnection.
- 3.15 The above measures together with the Homelessness Transformation programme will enable more focused and joined up working to improve outcomes aligned to prevention, support and move on of homeless households. Progress will continue to be reported to the Homeless Reduction Board and will be reflected in the regular performance reports brought to Housing Committee.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

We are working closely with advisors at DLUHC to transform services and achieve grant funding to assist.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 None at this time but we will be seeking feedback from customer, partners and providers in spring 2022 as part of a review of the service going forwards.

6. CONCLUSION

- 6.1 As we move out of the Winter and restrictions brought in under the pandemic are removed, we are continuing to focus on moving on the remaining people who were accommodated.
- 6.2 Services are being transformed to focus on reducing homelessness and rough sleeping by increasing prevention, support and review the pathways out of homelessness. This transformation also includes reducing overall numbers in emergency accommodation.
- 6.3 While focusing resources on those in clients accommodated under pandemic provisions, we retained high numbers of households to whom we

owe a statutory duty in emergency accommodation. We therefore seek to extended some of the hotels while we continue to recover and transform the service to refocus on prevention and enabling move on options following resolving the covid groups. These additional hotels will be decanted and handed back over the coming months.

- 6.4 There are challenges ahead that we will continue to monitor and reflect upon through updates to the HRB and work with Government.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Most of the recommendation in this report are for noting and the financial information is contained within the body of the report.
- 7.2 Paragraph 3.1 mentions the need for two emergency hotels, procured during the pandemic to continue up until June 2022. Current forecasts are that these costs can be met within the proposed 2022/23 budget for this service of £0.160m.

Finance Officer Consulted: Monica Brooks

Date:07/03/22

Legal Implications:

- 7.2 With regards to the Charter, we note that this phrased as adopting a standard to which the Council aspire. There are a number of matters in the Charter which it will be hard to measure (this could lead to unverifiable outcomes). It is noted that as far as practical many of the requirements have been incorporated within the contract – these are where there are measurable outcomes with regards to contract management. There are minor issue relating to these as compliance becomes a contractual matter, not entirely without risk, but the contract itself will contain mechanism for dispute resolution. Where there are inclusions that cannot be readily measured, but against which complaints can be raised, it is important that there is sufficient flexibility to be able to address the intention of the charter, but not set in such away, that the Council is exposed to legal challenge, for matters that are beyond their control and that there is no objective standard to apply.
- 7.4 There also need to be some flexibility in interpretation, where there is the potential for conflict between different aims and objectives. For instance, protecting residents, while also placing a minimal period before being evicted. There may well be circumstances, that a risk is so significant that it needs to be acted on promptly, by way or an eviction, so as to protect a victim. No policy should be so rigid so as to ‘tie the hands’ of a public body. There must always be exceptional circumstances where there can be a departure from, as in this case the aspirational standard. As a standard that the Council is seeking to achieve there is the flexibility inherent as it is what is being sought to be achieved rather than a rigid absolute requirement.
- 7.5 So far as recommendations 2.1 – 2.3 these are simply for note and raise no legal implications.

Equalities Implications:

7.3 An equalities impact assessment has been carried out

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1. Transformation Presentation

Appendix 2. Rough Sleeper Services Update

Appendix 3. Homes England have an annual Compliance Audit

Appendix 4. Emergency Accommodation Charter

Homelessness Transformation

Hamid Khan – Homelessness
Transformation Lead



Brighton & Hove
City Council

Rationale for Change

- Aligns to Corporate Plan
- Reduce Homelessness and Rough Sleeping
- A Modernising Council
- The Customer Promise
- Build on improvement work that commenced pre-pandemic.
- To create a new Operating Model for the Homelessness Service based on local experience

The Role

- To support the Homelessness Service
- Improve the whole customer journey, including outcomes and pathways for all customers.
- Improve quality of casework focusing on systems and develop performance
- Investment in staff and training/collaborative
- Align with transfer of Rough Sleeper & Single Homeless services into Housing

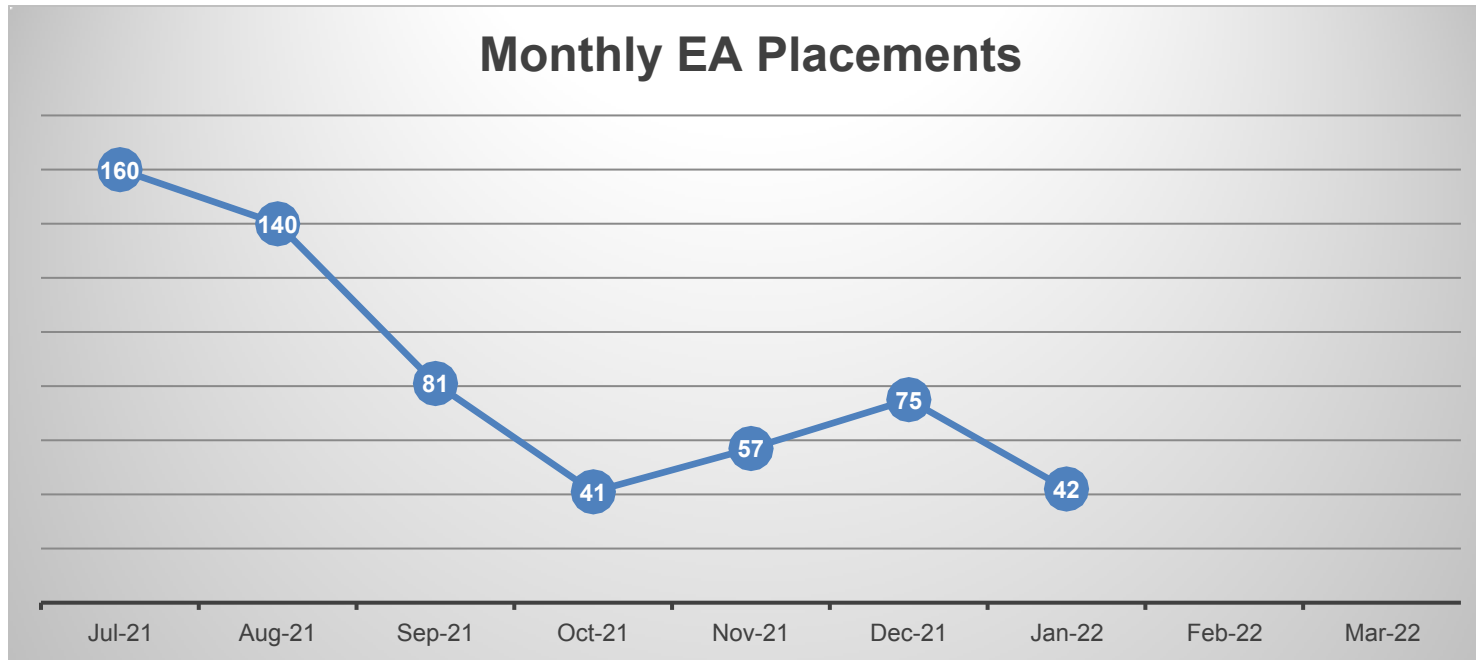
Key Workstreams

- Promote a culture focused on high quality casework and advice, and with a 'one service approach'
- Improve the customer journey with more effective outcomes for customers, better information, communication, and signposting
- Homeless Prevention to be the main offer to customers, including support and new pathways
- Reduce homelessness including placements into Emergency Accommodation
- Investment in systems training, legal training for staff and staff development. PIE training and other training in consultation with all staff
- Business Process Redesign to create an efficient service, with the emphasis on early intervention and prevention with local knowledge/collaboration
- TA Improvement Review
- Promote better alignment with Rough Sleeper & Single Homeless Services to better achieve outcomes across a range of accommodation for single people.

Emergency Accommodation Update

- EA Reduction Plan as part of Transformation
- Reducing EA placements
- Increasing 'move on'
- Aligns with budget pressures

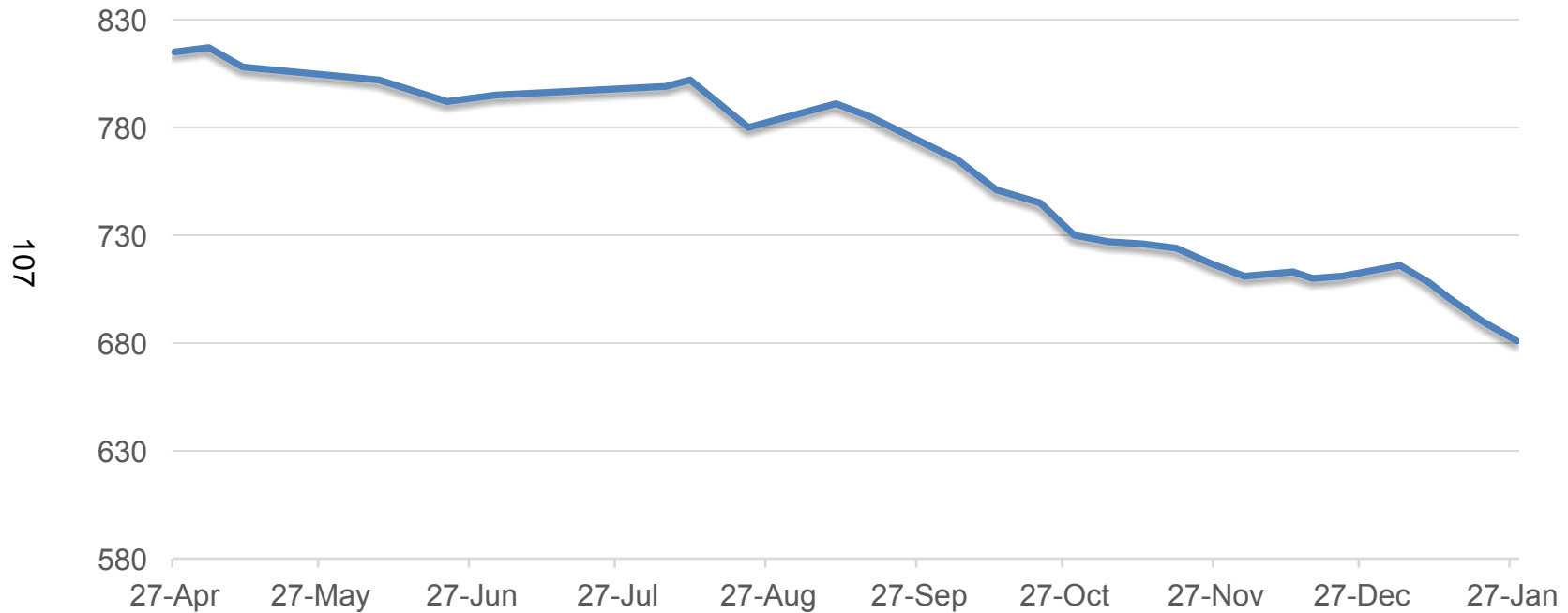
How are we Doing? Placements in EA



73% reduction in EA placements

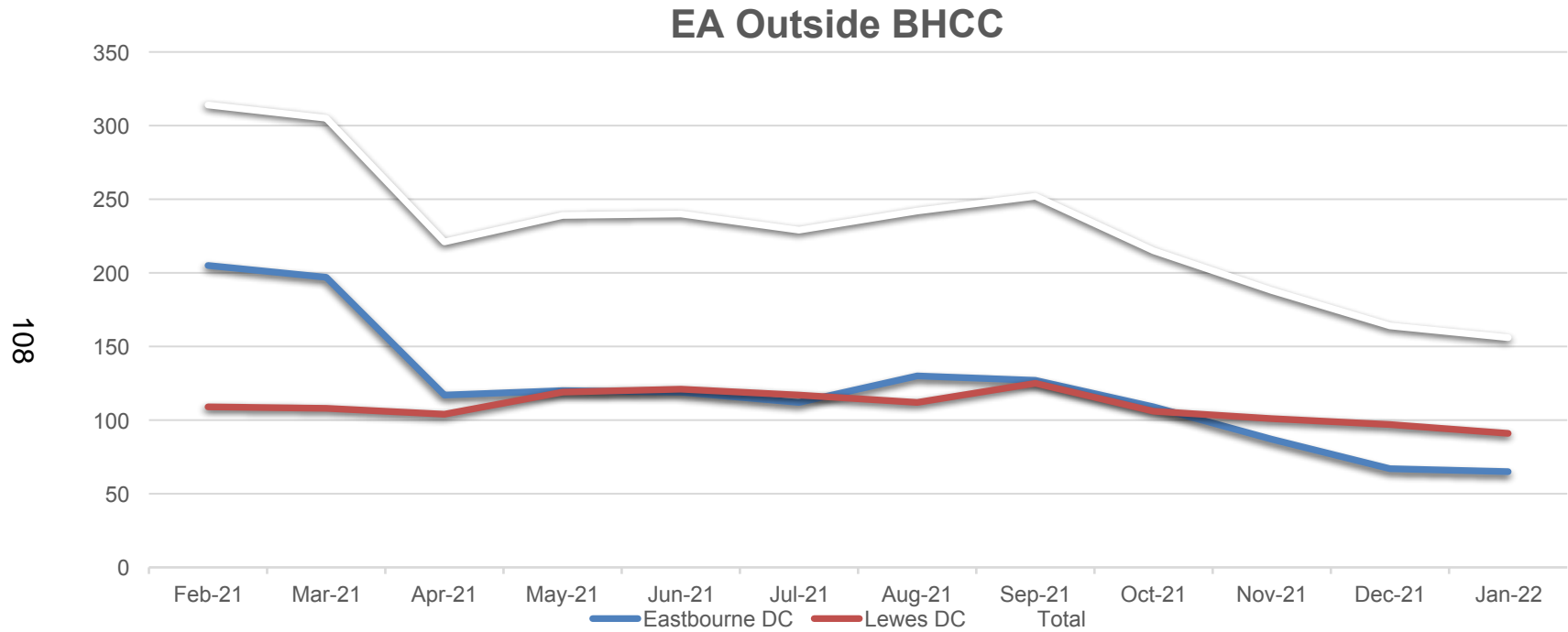
Overall Reduction in EA

Total Numbers in EA



16% Decrease

EA Placements Outside BHCC



Overall Reduction 50%
Eastbourne Reduced by 68%
Lewes Reduced by 16%

Rough Sleeper and Single Homeless Services

Commissioning Team moved back to Housing in March 2021

Focus has been on -

- Mobilising and overseeing new contracts/services funded through RSI initiatives to reduce rough sleeping
- Developing/improving relationships and referral pathways between service providers and statutory homeless services
- Managing the services pressures and impact of Everyone In/Covid
- Re-setting the focus with providers on Prevention, Reconnection and Move On
- Ensuring a culture of performance management, recording and reporting, accountability
- Evaluation and analysis of services within the Pathway to inform the upcoming commissioning cycle
- Setting up Winter Surge/ SWEP provision/Protect & Vaccinate



Key Challenges

- Levels of Rough sleeping within the city
- Analysing the key triggers for rough sleeping in the city to improve prevention/early intervention
- Flow in and out of the Pathway services- Improving performance on Reconnections and Move On
- Access to Supported accommodation – demand for higher needs supported accommodation
- Access to PRS/affordable accommodation in the city
- Preventing housing loss – abandonments, evictions
- Options/Pathways for limited eligibility/NRPF Clients



Reconnection

- Reconnections Workers now in post at OSO, NSNO, FBDC and the Street Outreach Service
- Co-located Homeless Prevention Officers and Navigators
- Reconnections Group meets fortnightly
- Consistency/improved reporting and recording
- Bespoke training programme to upskill staff
- Weekly monitoring of cases within services by the Commissioning Team
- Improving outcomes for reconnection and reducing average number of days in NSNO/OSO
- Key challenges- Length of time reconnection cases can take where there is a statutory duty (LA response times)
- Non UK reconnections



Move On

- Transition and resettlement offer for move on into the PRS
- Direct Lets into PRS including assisting offenders into PRS
- Rapid Rehousing – 30 units of RSAP accommodation with Floating Support by March 2022
- Housing First
- Move on HMO accommodation

Key challenges:

- Demand for Higher needs supported accommodation
Current waiting lists: Adult Services 56; Young People 89;
- Impact this has on the rough sleeper pathway – silting up services
- Access to the PRS/affordable housing in the city
- Managing expectations of suitable housing offers
- Options for restricted eligibility/NRPF clients

Winter Provision

- SWEP provision
- Providing 68 additional units of accommodation for rough sleepers under Winter provision/Protect and Vaccinate upto end of March 2022 (including some couples accommodation and NRPF clients)
- Protect & Vaccinate Accommodation is for verified rough sleepers to encourage the uptake of vaccinations and reduce the spread of the Omicron variant
- Targeted work with the most clinically extremely vulnerable
- Additional resources to provide support to enable this cohort to move away from the streets
- Working with health partners to deliver an outreach vaccination programme across our homeless services including our EA provision in Newhaven and Eastbourne



Compliance Audit Report – 2021/22

00ML – Brighton and Hove City Council

Final Grade	Green - Meets requirements
Independent Auditor Organisation	Grant Thornton UK LLP
Independent Auditor Name	Darren Wells

Report Objectives and Purpose

Compliance Audits check Provider compliance with Homes England's policies, procedures and funding conditions. Standardised checks are made by Independent Auditors on an agreed sample of Homes England schemes funded under affordable housing programmes. Any findings, which may be a result of checks not being applicable to the scheme or an indication of procedural deficiency, are reported by the Independent Auditor to both the Provider and Homes England concurrently. The Homes England Lead Auditor reviews the findings and records those determined to be 'breaches' in this report. Breaches are used as the basis for recommendations and final grades for Providers. Grades of green, amber or red are awarded; definitions are provided on page 2 of this document.

Further information is available at: <https://www.gov.uk/guidance/compliance-audit>.

Provider's Acknowledgement of Report

The contents of this report should be acknowledged by your Board's Chair or equivalent. Confirmation of this acknowledgement should be recorded in the IMS Compliance Audit System by your Compliance Audit Lead on behalf of your Board's Chair or equivalent. Online acknowledgement should be completed within three calendar months of the report email notification being sent.

Confidentiality

The information contained within this report has been compiled purely to assist Homes England in its statutory duty relating to the payment of grant to the Provider. Homes England accepts no liability for the accuracy or completeness of any information contained within this report. This report is confidential between Homes England and the Provider and no third party can place any reliance upon it.



Compliance Audit Grade Definitions

Green Grade	No high or medium severity breaches identified, although there may be low breaches identified. The Homes England audit report will show that the provider has a satisfactory overall performance but may identify areas where minor improvements are required.
Amber Grade	One or more medium severity breaches identified. The Homes England audit report will show that the provider has failed to meet some requirements but has not misapplied public money. The provider will be expected to correct identified problem(s) in future schemes and current developments.
Red Grade	One or more high level severity breaches identified, the Homes England audit report will show that the provider has failed to meet some requirements and there has been a risk of misapplication of public funds.

Compliance Audit Grade and Judgement

Final Grade	Green - Meets requirements
Judgement Summary	On review of the evidence provided, the outcome of the audit has shown the provider has complied with all the programme requirements and guidance. A GREEN grade has been assigned and no breaches were identified.

Scheme/Completions details

Scheme ID/ Completion ID	Address/Site ID	Scheme type
1020064	58 Harmsworth Crescent Harmsworth Crescent, BN3 8BW	Next Steps Accommodation - Capital



Audit Results

Number of Schemes/Completions Audited	1
Number of Breaches Assigned	0
Number of High Severity Breaches	0
Number of Medium Severity Breaches	0
Number of Low Severity Breaches	0

Brighton & Hove Emergency Accommodation Charter

Introduction

This charter has been developed to ensure a reasonable standard of accommodation is provided to homeless households who have to spend time in emergency accommodation. This document sets out expectations, aspirations and commitments to achieve this and has been developed in collaboration with a number of organisations. We want to see the Charter adopted by Brighton & Hove City Council and emergency accommodation providers who house Brighton and Hove residents experiencing homelessness, and for this Charter to be embedded into provider contracts.

Context: Emergency accommodation is accommodation used by Brighton & Hove City Council to house people who they have a legal duty to house, or while they investigate that legal duty, under the Housing or Care Acts. It is part of the broader temporary accommodation used in the city but is predominantly large units of between 12 and 60 rooms, many with shared kitchen and bathroom facilities.

We recognise that providing accommodation to homeless people can present significant challenges given the vulnerability often experienced and the disruption to their lives that homelessness brings. We are keen therefore to ensure that the accommodation and support provided in Brighton & Hove to homeless households meet reasonable standards to ensure the best outcomes for people.

It is recognised that a significant proportion of people placed in emergency accommodation will have multiple and complex needs and as a result will require additional support. Multiple and complex needs is defined by the Public Health Joint Strategic Needs Assessment steering group ('JSNA') as people aged 16+ experiencing combinations of housing issues/homelessness, substance misuse, offending, mental health and domestic abuse issues, with an overarching focus on complex trauma and inequalities.

This document builds on the Charter developed by the Eastbourne Citizens Advice Bureau and the East Sussex Temporary Accommodation Action Group.

Vision

We want emergency accommodation placements to be seen as an opportunity to support somebody away from homelessness and towards long-term accommodation, and access to the support they identify and need. The Local Authority should work in collaboration with the support services and emergency accommodation providers to keep peoples stay in emergency accommodation to a minimum, ensuring they are as safe and healthy as possible.

Support for this Charter

Fulfilling Lives and Justlife have developed this Charter following their work with hundreds of people placed in emergency accommodation over the past 7 years. We hope the Local Authority, accommodation providers and other third sector organisations will support this Charter.



Brighton & Hove Emergency Accommodation Charter

Summary

This Charter calls for a formal commitment from the Local Authority to provide information and support where needed to everyone placed in emergency accommodation, and be proactive in their approach to working with people placed to move onto long term accommodation. This includes;

- Clear information provided by the Local Authority on the accommodation they are being placed in; rights; expectations and responsibilities of the local authority, the resident and the accommodation provider, including the 'Emergency Accommodation: Useful Stuff to Know' leaflet.
- Clear information on who to contact should they have concerns about the emergency accommodation placement and how they can make a complaint if they need to.
- With the consent of the resident, the Local Authority will provide information about the person's needs and any associated risks, including contact details for any support services involved, to safeguard the resident and other residents in the best way possible.

This Charter also calls for a formal commitment from the Local Authority that the emergency accommodation providers will maintain an approach, behaviour and commitment to ensure the conditions of their properties are at a reasonable standard consistently and that residents have the best chance possible to move on from homelessness. The Charter should be followed by providers and agreed in their contracts. This includes:

- Behaving in a manner towards residents that promote respect and empathy.
- Not engage in any abuse, bullying or any form of harassment of residents.
- Health and safety standards being adhered to.
- Engage with regular contract monitoring led by the local authority.
- Training their staff with a focus on safeguarding, Multiple Complex Needs awareness and trauma informed care (TIC) and Psychologically Informed Environments (PIE) approaches.
- Collaboration with the local authority and third sector support providers via attendance at a local Temporary Accommodation Action Group (TAAG).

Staff recruitment, support and conduct

Emergency accommodation staff are expected to treat everyone staying with them as residents. They will not engage in any abuse, bullying or any form of harassment. They should do their best to ensure their staff and other residents are also safe and free from any form of abuse. Where there are incidents where residents whose behaviour causes significant disruption or concern the emergency accommodation provider should instigate a discussion with the Local Authority housing team for advice on how best to respond.

All residents should be received in the same way as if they were themselves paying all the costs of the accommodation and services directly themselves. Providers should promote respect and actively seek to cultivate working environments that encourage empathy and understanding of the multiple factors that may have led people to be placed in emergency accommodation.

Brighton & Hove Emergency Accommodation Charter

Emergency accommodation providers staff members will be recruited, trained and supervised in an appropriate manner based on the needs of those people placed in their accommodation. This will include;

- Having a [basic DBS check](#).
- Having training including safeguarding adults and children, Multiple Complex Needs awareness and working within trauma informed care (TIC) and Psychologically Informed Environments (PIE) approaches.

Reasonable standard of emergency accommodation

Health and Safety

Providers of temporary accommodation have legal responsibilities for Health and Safety and will keep written records of their risk assessments and all safety checks and actions undertaken.

Safeguarding Children and Adults

Providers of emergency accommodation will have up to date policies and procedures for safeguarding children and adults. This will include will appropriate training (completed every 2 years) for all staff (caretakers and office-based staff) in understanding safeguarding and the appropriate action to take when safeguarding concerns arise. Staff will be appropriately supervised on an ongoing basis.

Evictions

Evictions should only take place following consultation between the emergency accommodation provider and the Local Authority and there should be a clear written process for evictions and appeals. Where support workers are identified, they too should be notified, before the eviction notice is served, of any evictions to help support the household during this time. Occupants will be given sufficient notice of eviction which will be at least 48 hours.

Information & Safe spaces for support

Residents will be provided information on the standards they can expect and equally, it will be clear what is expected of residents regarding payment, standards of behaviour and proactive cooperation in efforts to maintain the placement.

Where the premises allow, the temporary accommodation provider will allocate a private room to be used as a safe space for support services to be delivered such as advice or counselling services.

Services supporting people should be actively supported to access the building when they need to.

Information about key services and about local opportunities should be made available to residents in the form of leaflets provided by support services/Local Authority and on a notice board in every property.

Disrepair

Emergency accommodation will be maintained in a good state of repair, free of mould and damp, and accessible to all guests where reasonably practical. Any maintenance issues reported by

Brighton & Hove Emergency Accommodation Charter

residents should be dealt with as quickly as possible and an order placed for repair within 2 working days with an emergency response within 24 hours.

Service Charge

Service charges should be ideally removed from temporary accommodation. If it is needed, then it should be at a fixed rate across all properties of no more than £12.50 per room per week. What is included in this service charge should be made transparent and should be the same for all residents no matter what address or provider they have. This should include all heating and electricity costs, and meters should not be used.

Furniture & Bedding

All temporary accommodation units will include enough beds for the household placed there, somewhere to store possessions and clothing, and a chair as a minimum. Clean bedding should be in the room for people when they arrive at the accommodation, this includes duvet, pillow, bedding covers and bed sheet. No charge or deposit should be incurred by the resident.

Temperature

Temperatures will be comfortable to protect health. 18C/64F is the World Health Organisation's recommended room temperature for healthy people; 20C/68F for older people or very young children; 16C/60.8F for those with allergies or respiratory problems. No rooms should have metered electricity so residents can maintain these temperatures and not be left without heating due to restricted funds. All measures will be taken to insulate the rooms effectively.

Security

Guests should feel safe and secure in their accommodation. Any suspected crime should be recorded and reported immediately to the police.

Rooms and storage areas will be lockable to protect the household's privacy and property.

All incidents, accidents and near misses should be recorded by the emergency accommodation provider and reported back to the Local Authority.

Efforts should be made to minimise noise and disturbances, especially at night, and this should be managed by trained security staff.

Cooking facilities

Shared or individual cooking facilities will be made available, including fridges. If shared, there will be a fully functioning, clean kitchen where residents can store their food securely.

Bathrooms

Bathrooms (where shared with other residents) will be kept clean and will be fully accessible. All bathrooms (shared and private) should have safety rails fitted as standard for those with mobility issues.

Brighton & Hove Emergency Accommodation Charter

Cleaning

Cleaning equipment will be made available to residents to borrow and will be properly maintained to allow people to clean their rooms (including access to vacuum cleaners).

Infestation

Every effort should be made to prevent infestations and to deal with any infestations as quickly as possible through contact with the local authority.

Collaboration

Providers will inform staff of support services, if the resident consents, when there are potential issues such as arrears, complaints or anti-social behaviour. This way the support service can work with the resident to avoid any further action needing to be taken.

Providers of emergency accommodation will attend the quarterly Temporary Accommodation Action Group (TAAG) and proactively collaborate with services and groups represented.

Monitoring and evaluation of emergency accommodation

The Local Authority will work with providers to inspect properties on a regular basis, help and support will be given to achieve compliance, but the Council may decide to cease using a provider if the standards are not met within a reasonable period of time. This will be at the Local Authorities discretion.

Residents will be asked for regular feedback on the accommodation.

A person with lived experience of emergency accommodation and a representative with learned experience from a voluntary sector group on behalf on the Temporary Accommodation Action Group (TAAG) should take part in inspections, contract meetings and gathering feedback from residents. This should all be reported back to the TAAG.

Charter agreed by Brighton & Hove City Council

Signed by:

Role:

On behalf of:

Date:

Brighton & Hove Emergency Accommodation Charter

Charter agreed by emergency accommodation providers

Signed by:

Role:

On behalf of:

Date:

Signed by:

Role:

On behalf of:

Date:

Signed by:

Role:

On behalf of:

Date:

The following support services and third sector organisations also agree with this Charter and commit to working alongside our colleagues at the council and the accommodation providers to support them to provide safe and suitable accommodation.