

Housing & New Homes Committee

- Date: **15 November 2023**
- Time: **4.00pm**
- Venue: **Council Chamber, Hove Town Hall**
- Members: **Councillors:** Williams (Chair), Czolak (Deputy Chair), McLeay (Opposition Spokesperson), Baghoth, Fowler, Grimshaw, Meadows, Nann, Oliveira and Sheard
- Contact: **Shaun Hughes**
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30 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.

31 Minutes of the previous meeting**7 - 18**

To consider the minutes of the meeting held on 20 September 2023 (copy attached).

32 Chairs Communications**33** Call Over

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

34 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 9 November 2023;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 9 November 2023.

35 Issues Raised by Members

To consider the following matters raised by councillors:

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

36 Private Rented Sector Offer Policy 19 - 54

Contact officer: Harry Williams
Ward Affected: All Wards

37 Lettings Plan: Mobility classified properties 55 - 80

Contact Officer: Luke Harris
Ward Affected: All Wards

38 Rough Sleepers Initiative 5 Grants 81 - 86

Contact Officer: Aaron Burns *Tel: 01273 294163*
Ward Affected: All Wards

39 Procurement of Waste Contractors for Housing Repairs & Maintenance and Tenancy Services **87 - 92**

Contact Officer: Grant Ritchie

Ward Affected: All Wards

40 Building and Fire Safety Act Compliance, Procurement of Contractors **93 - 100**

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

Ward Affected: All Wards

41 Items referred for Full Council

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

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

42 Part Two Proceedings

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

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

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FURTHER INFORMATION

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

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Date of Publication Tuesday, 7 November 2023

BRIGHTON & HOVE CITY COUNCIL
HOUSING & NEW HOMES COMMITTEE
4.00pm 20 SEPTEMBER 2023
COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

15 PROCEDURAL BUSINESS

15.1 **a) Declaration of Substitutes:** None for this meeting.

b) Declarations of Interest: Councillors Williams, Czolak, Sheard and Grimshaw declared they were members of Acorn.

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

16 MINUTES OF THE PREVIOUS MEETING

16.1 The Minutes of the 21 June 2023 committee meeting were agreed with the following amendment from Councillor McLeay: page 4: response to public question from Charles Harrison: change the date from May to April 2023.

17 CHAIRS COMMUNICATIONS

17.1 The Chair addressed the committee and stated the following:

17.2 Welcome to Housing & New Homes committee. I am delighted to begin with some very good news. Building new council homes is a key priority. This is crucial the city's housing crisis tackled. The New Homes for Neighbourhoods (NHfN) programme is proactively responding to the acute housing need in the city, and to build much-needed new rented homes, NHfN has delivered 269 new homes across 15 sites. A further 264 homes (including 212 on the Moulsecomb Hub and Housing Project) have Planning approval and are progressing through the development process.

This proposed next phase represents an exciting opportunity to deliver a further 100 homes on four Council owned sites. This could deliver a mix of one, two, and three-bedroom homes. This is so badly needed. There are so many folk out there in desperate need.

Proposals for these sites have been progressed through the Council's feasibility budget and are now at a stage where they can move towards detailed design, and the subsequent submission of Planning Applications. These sites are- The former Hollingbury Library 10 new homes, Portslade Village Centre, 28 homes, Swanborough Drive 39 homes, Oakley House 23 homes – Let hope we will be able to build many more.

I am doubly delighted that a report is finally before us after a very long wait, which recommends that we commence with the statutory consultation this autumn to introduce selective landlord licencing. This is the very welcome first step and we anticipate this consultation will result in the introduction of Landlord licencing beginning with four wards of Kemptown, Moulsecoomb & Bevendean, Queens Park and Whitehawk & Marina and an additional licencing of HMOs city wide.

The significant growth in the private rented sector in Brighton & Hove means just under one in three households in the city are renting privately. While many landlords operate responsibly, there are concerns that some unfortunately do not, issues are raised in relation to the management, standards, quality and health and safety of homes. This will go a long way in addressing these concerns and will improve conditions for private renters on our city. This report outlines the proposed fee structure for the scheme and our approach to the consultation.

The health & safety of all our residents is important to use and those who visit and work on our council homes is a key Housing Management service priority. In light of significant changes in management and maintenance of council housing and in anticipation of forthcoming legislative and regulatory changes impacting social housing landlords, following the Grenfell Tower tragedy, the service has undertaken a review of our approach toward health & safety compliance with regard to new legislation affecting council homes. We have now published our action plan addressing the core health & safety compliance areas for review which are asbestos; water safety; fire risk, including fire risk assessments; electrical; gas & fuel safety; and lifts and lifting equipment. We already begun install new fire doors in some block and this work will continue to ensure the safety of our residents.

To further improve standards and tackle repairs, damp and mould issues in our council properties quicker, we seeking to procure contracts to help us achieve this. We know that it is frustrating when you have to wait for repairs to be done and we aim to be more responsive more proactive and more efficient. Everyone deserves a decent home.

In our Corporate Plan we wish to optimise the local benefits and social value of our in-house repairs & maintenance service.

Finally, I want to thank officers and the community engagement team for organising our annual tenants conference which took place on Saturday. Over 130 people attended our Housing Repairs & Maintenance Service, Apprenticeship Experience Event at the Housing Centre in July where they had the opportunity to undertake a range of repairs tasks. As a result, the Service have taken on 6 electrical and 10 property maintenance (with plumbing) apprentices. All 16 apprentices started with us in September 2023.

18 CALL OVER

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

19 PUBLIC INVOLVEMENT

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

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

1. From: Charles Harrison

Question: Provision of New Build Council Homes

Following the Council's response to my question at the previous (June) Committee meeting, I am pleased to see that the Council is undertaking a review of the housing supply pipeline, to inform the anticipated numbers and confirm whether the supply of 1,000 homes inherited from the previous administration plus the 800 homes pledged by the current administration will be achieved (or hopefully exceeded!) in the period 2023 to 2027?

Would the Council please state what progress is being made with the pipeline review and when a construction tracker schedule will be made available to the public?

Response: Thank you for your question. The council continues to review opportunities for new build schemes to come forward to build our longer-term pipeline. Targets for our in-year delivery are available through our quarterly performance report which is available on the council's website. The next phase in the council's development programme, New Homes for Neighbourhoods, is outlined in a report being considered at this committee today. It provides details on four new schemes which will deliver c100 new homes. This is alongside previously agreed schemes. As other sites are identified they will be brought to this committee for consideration.

Supplementary Question: Please supply a spreadsheet of schedules. Some 4,671 households are waiting to be housed according to the Government.

Response: The chair confirmed that reports on these matters were coming to committee, and they are on course.

2. Daniel Harris:

Question: As you discuss HMO licensing, I'm deeply concerned about tenants in lower EPC-rated properties (D to G) facing high energy costs and poor living conditions. I'd be interested to know what consultation tenants have received around the introduction of a minimum standard at, say, EPC Rating of C or above. Do we know how much extra in energy bills tenants stuck in the worst energy-efficient homes pay compared to those in C-rated homes? Can you not take the initiative here to explore introducing a minimum EPC rating requirement to protect our community's well-being and net zero targets. The incentive scheme is hardly an incentive for slum landlords.

Response: Thank you for your question. The Private Sector Housing Team has undertaken a proactive project to enforce conditions under the Energy Efficiency (Private Rented Property) (England and Wales) Amendment) Regulations 2015. These are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate. 740 properties were found to be in breach of the regulations and contact was made with all landlords. The majority of these properties subsequently met the requirements without the need for formal enforcement. However, where enforcement has been necessary, we have taken action. 5 fines have been levied on G rated properties totaling £23,500 with a further 6 properties due to receive final notices prior to fines totaling £28,200. In addition, final prompt letters have been sent to 25 landlords with F rated properties prior to enforcement action being considered. The government has introduced legislation to ensure social housing meets a C or above rating by 2030 and also completed a consultation on tightening minimum energy efficiency rules in private sector homes. The regulations on this are still pending. As part of our licensing conditions, we continue to ensure that legally required EPC ratings are met and in recognition of the impact of a higher EPC rating (C or above) can have on a property we are proposing a reduction in future licensing fees for landlords who meet this standard. The council's Warm Safe Homes Grant also provides a further opportunity for private tenants to apply for funding to have energy efficiency measures put into their home to reduce fuel poverty. There is no data available to local authorities to indicate the impact energy efficiency measures in residential accommodation affects energy bills.

Supplementary Question: The council target for 2030 and the government target are not aligned. Please consult on the matter. Residents should receive £500 in support.

3. From: Hermione Berendt

Question: Housing Minister Felicity Buchan is attempting to deregulate multiple occupation (HMO) accommodation for asylum seekers. Specifically, the government is pushing regulations through Parliament to exempt landlords who are renting HMOs to asylum seekers from needing a licence. We know that there is currently limited access to homes in our city for both people seeking asylum and those who have got a positive decision on their asylum claim. Whilst we welcome an influx of new homes for people in the city, we are concerned for the safety and wellbeing of people if HMO licensing is overlooked.

What are BHCC's plans around increasing housing for people seeking asylum in the city and ensuring this housing has an HMO license and is safe and fit for purpose?

Response: Thank you for your question. The proposed new regulation would exempt new accommodation occupied by asylum seekers from having to have an HMO license. Existing HMOs are not impacted, so the licence would still remain and would be enforceable. Any new properties, or where the licence has expired, could be exempt. We would expect this to be a small proportion of previously licensable properties, although the extent at this stage is unknown. Accommodation for Asylum Seekers is a responsibility that sits with the national government through the Home Office. This is not a local authority function. However, when a person or household is granted, leave remain, we will work with them in providing housing assistance so that they have

appropriate options for accommodation when their Home Office accommodation is terminated.

4. From: David Gibson

Question: The minutes for June Housing committee omit the answers to some of the supplementary questions, for example in response to my supplementary question the chair of housing stated that “bringing seaside homes back in house was a priority for the administration” and yet no words appear in the minutes please can the response to all the supplementary questions from the recording of the meeting be added and the minutes corrected accordingly?

Response: Thank you for your question. Following the decision of Policy & Resources committee in December 2022, minutes are agreed to be substantially shorter, and the request goes beyond the bare bones of what was agreed to be necessary. Minutes will include the subject matter description, the names of those who spoke on the matter and the committee resolution.

Supplementary Question: Please include answers to supplementary questions if possible.

5. From: Beata Janik

Question: What is the standard for suitable housing allocation, does the standard for suitable letting include hot running water, working electrics, a roof that doesn't leak, heating, and windows that open and close and are not boarded up, and how does the council check that these standards are met?

Response: Thank you for your question. All of the areas listed are covered by the council's lettable standard. We always check to ensure that all elements are at the required standard when the property becomes empty and is being prepared for letting. Any failure in any of these elements following letting should be reported as a repair and they will be responded to, based on urgency.

Supplementary Question: Recent example included boarded up windows and running water. How does the council deal with this?

Response: The chair stated the council were working with housing associations. The chair was happy to be contacted after the meeting on this matter.

6. From: Jo Tomkins

Question: Where are residents across the city to receive housing support and housing advocacy when living in housing associations, when they don't offer that help and current criteria and charities say you must be “imminently homeless”?

Response: Thank you for your question. Support and housing advocacy will vary depending on what support and advocacy is required, and the individual circumstances. If a person (or household) is homeless or threatened with homelessness, the 'criteria' in

terms of what assistance is provided is set out in legislation (Housing Act 1996; Homelessness Reduction Act 2017), not by charities or local authorities. If a person (or household) believe they are homeless or threatened with homelessness they can email the council via: dutytorefer@brighton-hove.gov.uk. Housing associations are entirely independent from local authorities. If a tenant of a housing association is not satisfied with the service (including support and advocacy) they are receiving from their social landlord, they can raise the issue through that landlord's complaint processes. These are usually advertised on their website.

Supplementary Question: For persons with a home there is no support across the city from housing associations.

Response: The Executive Director - Housing Neighbourhoods & Communities stated that council residents are offered help, however, housing associations vary on this matter. It was not possible for the council to influence housing associations. It was noted that there are charities you may be able to help. The chair stated that they would be happy to talk regarding this matter after the meeting.

c) Deputations: There were none for this meeting.

20 ITEMS REFERRED FROM FULL COUNCIL

20.1 **a) Petitions referred from full Council:** None for this agenda.

b) Deputations referred from full Council: None for this agenda.

21 ISSUES RAISED BY MEMBERS

21.1 **a) Petitions:** None for this meeting

b) Written Questions: Four questions from Councillor McLeay: For this agenda Councillor McLeay asked the following questions and agreed, in the interests of time, that only question number 2 be read out in the meeting and the other 3 would receive a response from officers.

1. Theobald House needs attention. Ahead of the May election I was led to understand that there is major investment capital proposed for the block's improvements this year. Is there a plan in place for when these major works will start, and if so, what will be involved, how will residents be involved and how will that apply to residents wanting a playground?

Response: Thank you for your question, your question will receive a response from officers.

2. As evictions are a major contributing factor to homelessness, we should strive to keep a closer eye on the numbers and trend indicators. Can there be a report on evictions in emergency accommodation to a future Housing & New Homes Committee, within the next 6 months?

Response: Thank you for your question. A report on evictions from both emergency and supported accommodation over the past year is being compiled. Once complete, this will be published on the Council's website.

Supplementary question: What steps can be undertaken by the council to stop residents be evicted.

Response: As this is a personal case, the Assistant Director Housing Needs & Supply will talk with the councillor after the meeting.

3. What rent collection rate is budgeted for 23-24 from council tenants and how much rent is this? What were the actual collection rates for 2022-23 and 21-22?

Response: Thank you for your question, your question will receive a response from officers.

4. When will the annual report for 22/23 of the homeless reduction board and homeless reduction operational board be presented to housing committee? Given the abolition of the homeless reduction board which was a key part of the homelessness and rough sleeping strategy agreed in June 2020, will it be reviewed and rewritten to reflect this?

Response: Thank you for your question, your question will receive a response from officers.

c) Members Letters: None for this agenda.

d) Notices of Motion: One for this meeting: Notice of Motion submitted by Labour Group

This committee notes:

1. Private Rent in Brighton & Hove is one of the highest in the country, with an average rent of £1,100 which accounts for 50% of the average monthly income and this causes distress and poverty.
2. The Labour Mayor of London, Sadiq Khan has called on the Conservative Government to grant him powers to freeze rents in the city. The Labour Mayor of Bristol, Marvin Rees, has also called for powers to intervene in the rental market.

This committee will take action to:

3. Request an officer report to be brought to the Housing & New Homes Committee assessing private rental costs in the city and analysing the impact that rental controls would have on affordability and our local housing market, should such powers be granted by an incoming Labour Government.
4. Explore how we can develop a long-term strategy to improve conditions and affordability for private renters in our city.

Supporting evidence:

On 16th March 2022 a motion was passed at Housing committee requesting that the Chief executive Write to the Secretary of State to ask that powers to implement rents controls are given to the city of Brighton and Hove. This has had absolutely no effect on the plight of renters.

This administration will act and take steps to initiate a report to assess private rental costs in the city and analyze the impact of rent controls should such powers be granted by an incoming Labour Government. We will explore how we can develop a long-term strategy to improve conditions and affordability for private renters on our city.

[Why is renting in Brighton so hard? MP and union respond | The Argus SN06760.pdf \(parliament.uk\)](https://www.parliament.uk/documents/commons/housing/why-is-renting-in-brighton-so-hard-mp-and-union-respond-190322.pdf)

- 21.1 Councillor Sheard presented the Notice of Motion to the committee and was seconded by Councillor De Oliveira.

Debate

- 21.2 Councillor McLeay considered the costs and officer time relating to the motion.
- 21.3 Councillor Grimshaw considered the motion to be excellent and supportive of residents.
- 21.4 Councillor Meadows considered that private landlords were under extreme pressure and this motion could lead to less properties being available to rent, as landlords are pushed out of the city.
- 21.5 Councillor Nann considered that some landlords may disappear, but builders would stay and work with efficient landlords.
- 21.6 Councillor Czolak considered rent controls to be good with competition in the city the less fortunate are excluded from bidding on properties.
- 21.7 Councillor Fowler noted families are leaving the city as the rents are too high.
- 21.8 Councillor Baghoth noted from Health Watch that Doctors cannot afford to live in the city.

Vote

- 21.9 A vote was taken, and by 9 to 1 against the committee agreed to accept the motion. (Councillor Meadows was against the motion).

22 NEXT PHASE OF NEW HOMES FOR NEIGHBOURHOODS PROGRAMME

- 22.1 The Regeneration Programme Manager (Housing Supply) introduced the report to the committee.

22.2 Following questions the committee were informed that: the affordable housing would be shared ownership and affordable rents in a joint venture project; ward councillors are to be invited to any events and consultations; the right-to-buy spend receipts will be re-laid to Members after the meeting; the Moulsecomb Hub report will hopefully be coming to the next committee meeting; bio-diversity expectations on all schemes will need to be met; tenants at Oakley House are being supported by the council and alternative accommodation is being looked into, whilst the council work with residents.

Vote

22.3 A vote was taken, and by 9 to 1 against (Councillor Meadows) the committee agreed the recommendations.

RESOLVED:

2.1 That the Housing & New Homes Committee:

2.1.1 Authorises the Executive Director Housing, Neighbourhoods and Communities to progress the design development and submission of full plans planning applications for the proposed redevelopments of the Former Hollingbury Library site, Portslade Village Centre, Oakley House, and Swanborough Drive.

23 PRIVATE SECTOR HOUSING: DISCRETIONARY LICENSING SCHEMES – PROPOSED FEES AND CONDITIONS

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

23.2 Following questions, the committee were informed that: during the process for applying for a new Housing of Multiple Occupancy (HMO) the fitness of the applicant will be looked at; the council are not allowed to make a profit from the licensing system of applications; residents are contacted by the local authority and informed of the online surveys, and are also contacted via postcard drops, posters and social media; meetings are online and in person; the benefits for residents are better managed properties; the schemes are fixed term, and the current scheme has finished and a new one started; application needs to be made to the Secretary of State, and if approved can start in early 2025; actions are taken against landlords that do not react to mould in properties; the cost of the scheme is guaranteed to cover the outlay.

Vote

23.3 A vote was taken, and by 9 to 1 against (Councillor Meadows), the committee agreed the recommendations.

RESOLVED:

That Housing & New Homes Committee:

2.1 Approve for consultation the proposed fee structure for a Selective Licensing Scheme and Additional HMO Licensing Scheme.

- 2.2 Approve the updated fee structure for the Mandatory HMO Licensing Scheme.
- 2.3 Note the draft Selective Licensing Scheme conditions and updated Additional HMO Licensing Scheme conditions attached at Appendix 1 and 2.
- 2.4 Note the updated conditions for the Mandatory HMO Scheme attached at Appendix 2.

24 HOUSING, HEALTH & SAFETY UPDATE, REPORT AND ACTION PLAN.

- 24.1 The Assistant Director Housing Management introduced the report to the committee.
- 24.2 Following questions, the committee were informed that: new homes have sprinkler systems and existing homes are being looked at, this was a work in progress; support from ward councillors was welcomed; application 1 is on track for December 2023, however, works are ongoing; the legislation offers some areas of challenge and consequently the preparation is huge, Councillors will be kept informed.

Vote

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

RESOLVED:

- 2.1 That Housing & New Homes Committee note the Housing health & safety update and Action Plan and that further updates will be brought back for Committee consideration following the outcome of current Government and Regulator consultation.

25 HOUSING MAJOR CAPITAL WORKS FRAMEWORK REVIEW OF PROCUREMENT OPTIONS

- 25.1 The Head of Housing Investment & Asset Management introduced the report to the committee.
- 25.2 Following questions, the committee were informed that: legal and procurement process are followed, and although difficult on larger projects, local businesses are used; a social values condition is included in contracts to encourage contractors to use local workers.

Vote

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

RESOLVED:

- 2.1 That Committee delegates authority to the Executive Director Housing, Neighbourhoods & Communities to procure a Framework Agreement for major works over £300,000 and to enter into call-off contracts for works under that Framework Agreement.
- 2.2 That Committee grants delegated authority to the Executive Director Housing, Neighbourhoods & Communities to procure and award contracts for major works over

£300,000 using other routes to market where the use of a Framework Agreement is not available or appropriate.

26 HOUSING REPAIRS & MAINTENANCE, PROCUREMENT OF CONTRACTORS

26.1 The Assistant Director Housing Management introduced the report to the committee.

26.2 Following questions the committee were informed that: the apprenticeship scheme had been a great success with 16 new starters in September and contractors will be encouraged to take on apprentices; the procurement advisory board no longer sits - however the procurement team are working closely with officers.

Vote

26.3 A vote was taken, and by 9 to 1 against (Councillor Meadows) the committee agreed the recommendations.

RESOLVED:

2.1 That Housing & New Homes Committee delegate authority to the Executive Director, Housing, Neighbourhoods & Communities to procure an additional specialist contractor resource to support the Housing Repairs & Maintenance Service repairs recovery plan.

2.2 That Housing & New Homes Committee delegate authority to the Executive Director, Housing, Neighbourhoods & Communities to procure new and replacement contractors to the existing Contractor Framework as follows:
 Lot A Empty Properties,
 Lot B General Building,
 Lot E Damp and Condensation,
 Lot H Floor Fitting.

27 ITEMS REFERRED FOR FULL COUNCIL

27.1 There were no items referred to full council.

28 PART TWO

29 PART TWO PROCEEDINGS

29.1 There were no Part Two items on the agenda.

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 36

Subject: Private Rented Sector Offer Policy

Date of meeting: 15th November 2023

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

Contact Officer: Name: Harry Williams – Head of Homelessness & Housing
Options

Email: harry.williams@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The Localism Act 2011 (sections 148 and 149) introduced provisions which enable the Council to bring its statutory housing duty under section 193 of the Housing Act 1996 as amended to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy.
- 1.2 The Council's Allocations Policy sets out who will be offered Social Housing and how they will be prioritised. Any revised policy will contain the same provisions. However, to offer Private Rented Accommodation, to a household owed a Full Housing Duty by the Council, the Council must have a separate policy in place, the Private Rented Sector Offer policy.
- 1.3 Amendments under the Homelessness Reduction Act 2017 extended the powers in the Housing Act 1996, encouraging local authorities to embed an approach to use private sector accommodation to discharge its 'Prevention' and 'Relief' duties to homeless households and households threatened with homelessness.
- 1.4 The purpose of this report is to seek approval of Committee of the draft Private Rented Sector Offer policy, setting out how the Council will use its powers to offer private rented accommodation to homeless households to end its housing duties.
- 1.5 The policy allows the Council to offer accommodation outside of the city to someone accepted as homeless by Brighton & Hove City Council. Offers of suitable accommodation outside of the city will be made only when appropriate and to households that are already living outside of the city or cannot stay in Brighton & Hove for a particular reason (e.g., fleeing domestic violence or abuse). Prior to making an out of city offer to household under this policy, the Council will undertake a suitability assessment which will identify if the household is already engaged in local services in that area, such as schools and medical services.

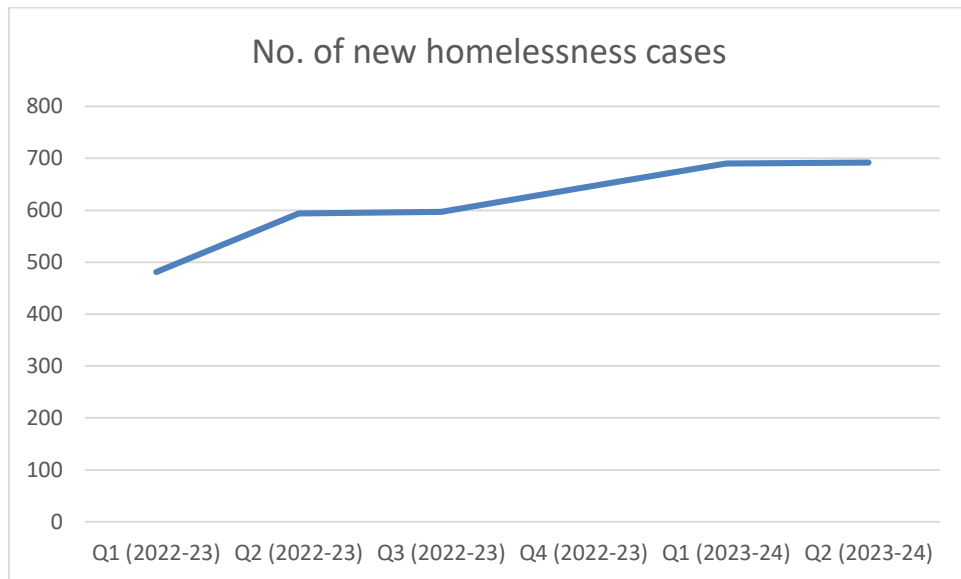
2. Recommendations

- 2.1 That Committee notes the content of the report and agrees to the adoption of the Private Rented Sector Offer (PRSO) Policy as set out in Appendix 1.

3. Context and background information

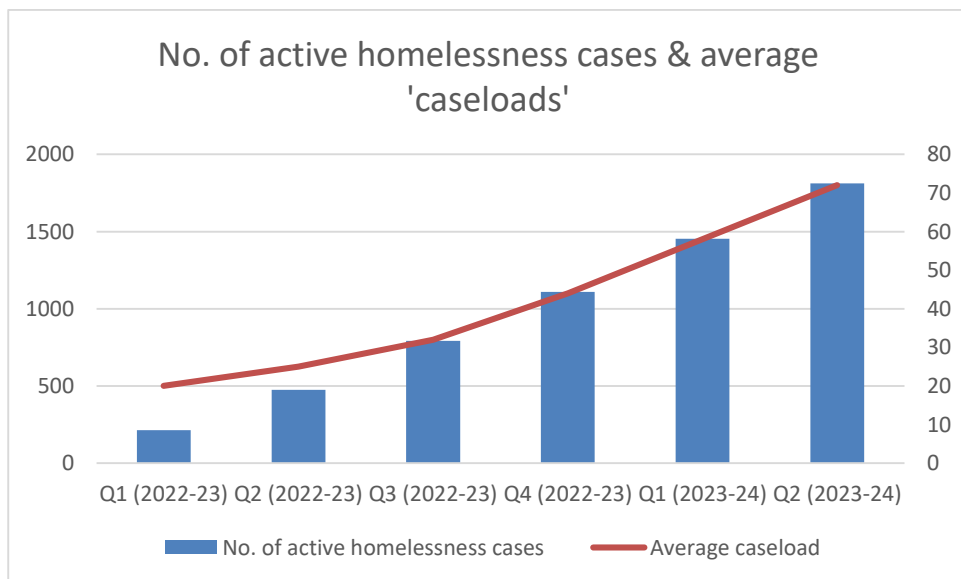
Context

- 3.1 The Council has a statutory duty to assist households experiencing homelessness where they are eligible for assistance and homeless, under the Housing Act 1996. As part of this, the Council is required to provide meaningful assistances to people experiencing homelessness. This includes setting out a Personalised Housing Plan which outlines reasonable steps that the Council and the person will take to 'prevent' or 'relieve' their homelessness. This can include steps such as viewing private rented properties or applying to a specific service.
- 3.2 If the Council is satisfied the household is eligible and homeless and has reason to believe that a household may have a Priority Need it is also required to ensure that accommodation is available to them whilst it carries out further work to determine what further duties are owed. This can include an offer of Temporary Accommodation.
- 3.3 Demand on the Council's homelessness service is increasing, in line with national trends – in Q4 of 2022/23 the government reported 104,510 households in Temporary Accommodation, the highest number ever recorded. In same performance year, 2,316 households presented to the Council's Homelessness & Housing Options service as homeless or threatened with homelessness.
- 3.4 However the number of households accessing the Council's homelessness service has increased by 20% in 2023/24, when compared to the quarterly average in 2022/23, and is forecasting a total of 2,764 households for this performance year. The below table outlines the growing demand on the service:



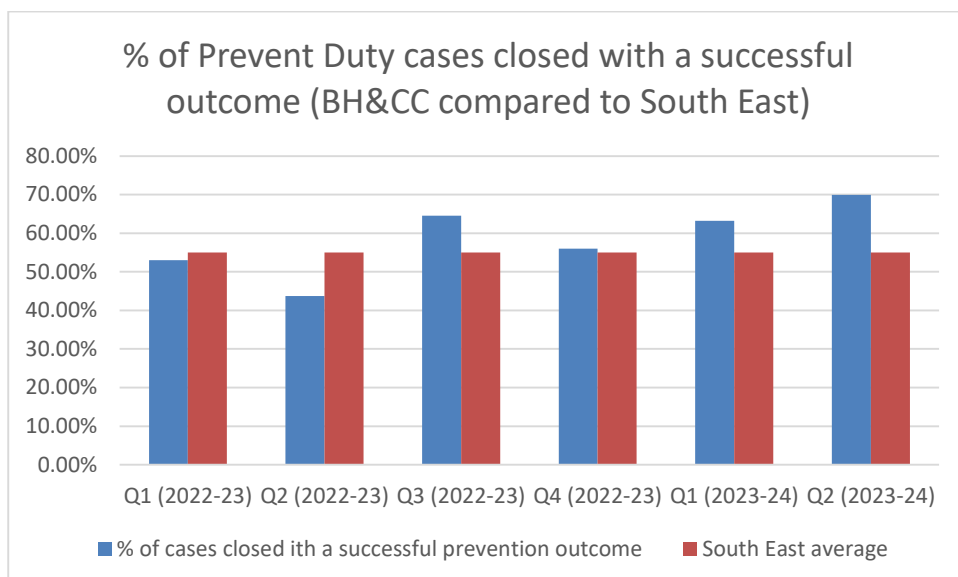
3.5 The increase in demand on the Council’s homelessness service is also increasing the number of homelessness cases being worked on during any one quarter, and therefore the size of the average ‘caseload’.

3.6 The below graph shows the net number of cases in the same period and the average number of homelessness cases a staff member would be responsible for during a quarter:



3.7 Work is underway to improve the way the Council’s homelessness service is provided, through its Homelessness Transformation Programme.

3.8 Whilst the pressure on the service is high, the Council’s homelessness service is still performing well in a number of key areas, principally in its work to prevent homelessness. The below graph shows the percentage of Prevention cases closed with a successful outcome (accommodation secured for at least 6 months) in previous quarters compared to the average for the South East:



- 3.9 Demand on social housing in the City is high and often out-strips supply. As of September 2023, there were 4,665 qualifying households on the Council's Housing Register – a register or list of people waiting to be allocated to Social Housing – and a further 3,009 households whose applications were either suspended or under assessment. Around 30% (or 1,358) of qualifying households are homeless.
- 3.10 The Council's Homemove service allocates around 600 properties each year. Band C (the band typically given to homeless households) average waiting times for Social Housing are high. Guidelines, based on how long households re-housed over the past 3 years, are:
- 2.2 years to be allocated a 1-bedroom property
 - 4.6 years to be allocated a 2-bedroom property
 - 8.1 years to be allocated a 3-bedroom property
- 3.11 No 4-bedroom properties have been allocated to Band C applicants over the past 3 years, which is an indication of how rare these properties become available for re-letting.
- 3.12 As outlined in paragraph 3.8, around 30% of qualifying households on the Housing Register are homeless and in almost all instances will be living in unsettled Temporary Accommodation. It costs the Council an average of £9,200 per household per year for each extra household in Temporary Accommodation and in 2022/23 the Council expenditure on this type of accommodation was £15.900m.
- 3.13 High demand, a large number of households in Temporary Accommodation and long waiting times for social housing and the inability to make offers of private rented accommodation is contributing towards significant financial pressures on the Council and the Homelessness service is forecasting an overspend of £1.170m for this financial year

- 3.14 All action is being taken to address this overspend however it will only be achieved by reducing the number of households in Temporary Accommodation and this policy will contribute to that outcome.
- 3.15 Brighton & Hove has around 48,000 private rented homes – almost a third of the city’s residential stock. Alongside social housing, the private rented sector is a key solution to preventing people’s homelessness and moving people on from Temporary Accommodation, allowing it to meet its statutory duties outlined within Part 7 of the Housing Act 1996 (as amended).
- 3.16 However, whilst this sector is a key solution to homelessness it can also be a contributing factor. In Q1 2023/24, 58% of households were experiencing homelessness due to an end of private rented tenancy.
- 3.17 Nevertheless, the Private Rented Sector is affordable for a number of people experiencing homelessness and the Council works closely with Landlords and Letting Agents to increase its supply of private rented properties.
- 3.18 The Council only offers settled accommodation which it believes to be suitable and affordable for households and provides a range of support to help people rent privately, such as a deposit and/or rent guarantee, cash incentives to landlords to cover the shortfall between LHA and market rents. It also provides a tenancy sustainment service to help people settle into private rented accommodation. This service includes support such as ‘ready to rent’ training, home visits and a dedicated point of contact for tenants and landlords

The Private Rented Sector Offer policy

- 3.19 The Private Rented Sector Offer Policy allows the Council to make an offer of accommodation to people experiencing homelessness, working alongside a series of other tools to help prevent people’s homelessness and move people on from costly and unsettled accommodation Temporary Accommodation, and bring its statutory duties to an end.
- 3.20 The policy would be applied on a case-by-case basis. However it considers a series of groups that will ordinarily be prioritized for private rented sector offers, such as households who have settled outside Brighton & Hove or those who have settled in Temporary Accommodation and can now be offered an Assured Short hold Tenancy.
- 3.21 It also includes groups that would not be prioritised, such as those whose needs cannot be met in the private rented sector, cannot afford to live in this sector and would be unable to manage a private tenancy.
- 3.22 The Policy has a series of guiding principles that will apply when making private rented sector offers, including:
- Private rented sector accommodation is appropriate for most households however there are some circumstances in which this type of accommodation may not be appropriate for the household.

- Normally one suitable offer will be made, and the duty will be discharged if a household refuses the offer of accommodation, although households will have the right to request a statutory review of the discharge.
- Offers of private rented sector accommodation will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012 (DLUHC, 2012) and will only be made if the Council believes it is a suitable and affordable offer.
- Households may be made a private rented sector offer outside of Brighton & Hove, where appropriate, and support may be offered help to move.

3.23 Households will mainly be offered Assured Shorthold Tenancy of at least 12-months. A detailed suitability assessment, which will include an assessment of a household's income and expenditure to determine what would be affordable, would be made prior to any offer of accommodation. The suitability assessment will have regard to:

- The household size and bedroom need
- Maintenance and security of the property
- Location to services, amenities, support and place of work
- Public Sector Equality Duty
- Affordability
- Child welfare considerations (including educational needs).

3.24 Households have the statutory right to request a review of the suitability of the accommodation offer. The Council will determine that a property is not suitable if it is 'of the view' that in addition to the above any of the following apply:

- The property is not in reasonable physical condition
- any electrical equipment supplied with the accommodation does not meet legal requirements
- The landlord has not taken reasonable fire safety precautions with the accommodation and any furnishings supplied with it
- The landlord has not taken reasonable precautions to prevent the possibility of carbon monoxide poisoning
- The landlord is not a fit and proper person to act in the capacity of landlord
- The accommodation is a house in multiple occupation subject to licensing and or additional licencing and is not licensed
- The accommodation is or forms part of residential property which does not have a valid energy performance certificate
- The accommodation is or forms part of relevant premises which do not have a current gas safety record
- The landlord has not provided to the local housing authority a written tenancy agreement

3.25 The Council will source accommodation to offer households under this policy. As part of its checks prior to making an offer of accommodation, the Council will:

- Verify the tenancy that is being offered by the landlord to the household
 - Check the condition and standard of the property
 - Ensure that the landlord is a 'fit and proper person'
 - Help to sustain a tenancy if things start to go wrong
 - Ensure that minimum standard repairs and safety requirements are met
- 3.26 The policy allows the Council to also offer accommodation outside of the city to someone accepted as homeless by Brighton & Hove City Council. Offers of suitable accommodation outside of the city will be made only when appropriate and to households that are already living outside of the city or cannot stay in Brighton & Hove for a particular reason (e.g., fleeing domestic violence or abuse). Prior to making an out of city offer to household under this policy, the Council will undertake a suitability assessment which will identify if the household is already engaged in local services in that area, such as schools and medical services.
- 3.27 Another example where this policy could apply would be circumstances where the household is already settled in their home, as temporary accommodation, and the landlord has agreed to provide the same accommodation as an Assured Shorthold Tenancy. The Council will engage with the household to help determine if the household has long-term need to live in the city. As part of this the Council will review the household's bidding history to see if they are regularly bidding on accommodation within Brighton & Hove and if not to understand why.
- 3.28 Households will be individually assessed prior to any offer of accommodation being made, taking into account a range of factors, such as any active welfare or safeguarding concerns of any children in the household, access to transport and the level of need to be close to services in the city.
- 3.29 The assessment will also determine if the household requires any support to settled into a new area. The support will vary but may include information on how to claim local council tax support, registering with a local GP and applying for a school place in the area.
- 3.30 The Council would also still retain a responsibility to households offered accommodation under this policy, including those who have accommodation offered outside of Brighton & Hove. This responsibility means that households that make a homelessness application within two years of the date of their acceptance of a PRSO will be provided suitable interim accommodation, regardless of whether the household has a 'priority need', if the Council is satisfied that there is reason to believe that the household is eligible for assistance, homeless and not intentionally homeless.
- 3.31 The Council will also have a responsibility to secure accommodation for the household, which can be discharged by a further offer of private rented accommodation, if appropriate.

3.32 This policy will help the Council to meet its statutory duties outlined Housing Act 1996 (as amended) and Homelessness Reduction Act 2017, enable its Homelessness & Housing Options service to better help people experience homelessness access settled accommodation and support the Council in its delivery of critical financial savings.

4. Analysis and consideration of alternative options

4.1 The option not to adopt a Private Rented Sector Offer policy and continue to only make offers of settled accommodation to homeless households owed a Full Housing Duty by the Council via the Council's Housing Register is **not recommended** because it reduces the Council's ability to make offers of suitable settled accommodation. And it is forecast that not adopting this policy would cost the Council £0.55m per annum (see financial implications).

5. Community engagement and consultation

5.1 There is no statutory requirement to consult on the PRSO policy.

6. Conclusion

6.1 Adopting the Private Rented Sector Offer policy will increase the Council's abilities to best meet its statutory duties outlined Housing Act 1996 (as amended) and Homelessness Reduction Act 2017, through providing an additional option to help people access settled accommodation and support the Council to reduce costs.

6.2 It will also bring the Council in line with many other Local Authorities who actively make Private Rented Sector Offers to homeless households.

6.3 The Policy takes into account the need to make offers on a case-by-case basis and ensure that all offers of accommodation are suitable and affordable for households.

6.4 It helps improve people's life chances and move more quickly into settled accommodation, ending their homelessness.

6.5 The policy provides a safety net for people who are made an offer of accommodation, including a statutory right to review, a reapplication duty and support if moving out of area.

7. Financial implications

7.1 If adopted, this policy will enable households presenting as homeless to be given access to private rented sector properties, rather than having to use expensive temporary accommodation (TA). Each additional household in TA costs the council on average £9,200 per year. A prudent estimate is that this policy will mean 24 fewer households in temporary accommodation during 2023/24.

- 7.2 It is estimated that half of this reduction will relate to reducing increased demand on the service and will therefore reduce the risk of even higher costs and further budget pressures of an estimated £0.110m per year. The other half of this reduction will reduce budgeted costs. As this will happen gradually through the year, the budget saving in 2024/25 is estimated to be £0.055m with a further saving of £0.55m in 2025/26.
- 7.3 The homelessness service is currently forecast to overspend by £1.170m in 2023/24. Adopting this policy is one of the many financial recovery measures that the service is developing in order to try to balance its budget both during 2023/24 and in future years. If this policy is not adopted, this is likely to mean that further recovery measures will be needed which may affect other services within the Housing, Neighbourhoods & Communities (HNC) directorate and will add to the risk of the council not being able to balance its budget in 2024/25.

Name of finance officer consulted: Monica Brooks
Date consulted (20/10/23):

8. Legal implications

- 8.1 There is no requirement under the Act to consult on this policy. The Policy is compatible with primary legislation. Like all good policies, it affords the council the power to review cases on a case-by-case basis and to take account of exceptional circumstances. The policy acknowledges a tenant's statutory right to seek a review of the suitability of the accommodation.
- 8.2 There will be a particular need to take account of the council's duties under the Equality Act 2010. The EIA will be important to ensure that the potential impact of the Policy on those with protected characteristics is considered.
- 8.3 Offers of accommodation outside the City are lawful even where undesirable. In addition to making the decision to offer PRS (even within the City) this has to be explained in a clear, transparent and measurable way. Financial impact on a council should not be the sole determinant of policy but is a matter which can be properly considered.

Name of lawyers consulted: Simon Court/Liz Woodley Date consulted (19/10/23):

9. Equalities implications

- 9.1 The Private Rented Sector Offer policy aims to enable the Council to move applicants to whom it owes a homelessness duty from temporary accommodation to suitable, more stable private rented sector accommodation and to make the offer process consistent and transparent for officers and service users. Using this policy will enable the Council to increase the supply of suitable accommodation available to the Council to meet the needs of applicants for homelessness assistance. The use of this policy is intended to improve the outcomes for homeless applicants who

may otherwise have to stay in temporary accommodation for an unsustainable length of time. This policy will promote stability and minimum standards in the private rented sector accommodation occupied by our service users because it will ensure that landlords under the scheme are fit and proper and that properties meet minimum safety standards. These factors, taken together with the mitigation actions set out in the Equality Impact Assessment and the policy itself, outweigh the potential adverse impacts identified in this document, and ensure that any negative impacts created by this policy are the proportionate means of meeting the legitimate aims of the policy.

10. Sustainability implications

10.1

References

Department for Levelling Up, Housing & Communities (DLUHC) (2012) *Homelessness (Suitability of Accommodation) (England) Order 2012*. UK Government.

Supporting Documentation

1. Appendices

1. Draft Private Rented Sector Offer Policy
2. Equalities Impact Assessment – Private Rented Sector Offer Policy

Brighton & Hove City Council

Private Rented Sector Offer Policy

Introduction

- 1.1 The Localism Act 2011 (sections 148 and 149) introduced provisions which enable the Council to bring its statutory housing duty under section 193 of the Housing Act 1996 as amended to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy.
- 1.2 Amendments under the Homelessness Reduction Act 2017 extended the powers in the Housing Act 1996, encouraging local authorities to embed an approach to use private sector accommodation to discharge its 'Prevention' and 'Relief' duties to homeless households and households threatened by homelessness.
- 1.3 This policy sets out how the Council will use its powers to end the Prevention, Relief or Full Housing Duty (including the 'lesser duty') by making a private rented sector offer (PRSO); in short how and to who we will make formal offers of private rented accommodation to, to discharge our Housing duties as outlined above.
- 1.4 Through the Localism Act 2011, this policy only applies to households that approached as homeless from 9th November 2012.

Key principles

- 1.5 The following principles will apply when making private rented sector offers:
 - Private rented sector accommodation is appropriate for most households however there are some circumstances in which this type of accommodation may not be appropriate for the household.
 - Normally one suitable offer will be made, and the duty will be discharged if a household refuses the offer of accommodation, although households will have the right to request a statutory review of the discharge and/or the suitability of the accommodation.
 - Offers of private rented sector accommodation will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012 and will only be made if the Council believes it is a suitable and affordable offer.
 - Households may be made a private rented sector offer outside of Brighton & Hove, where appropriate, and support may be offered to help move.

Who the private rented sector offers will be made to

- 1.6 The Council will make a PRSO to any homeless household where the law allows it, as outlined in paragraphs 1 and 2.
- 1.7 Decisions will be made on a case-by-case and after consideration of each household's individual circumstances.
- 1.8 However there are a range of circumstances that the Council will consider making a PRSO, including:
- The suitability of a household's temporary accommodation
 - Households who have specific needs that would not be met in Temporary Accommodation
 - The amount of time a household has been in temporary accommodation
 - Households living outside of the Brighton & Hove Local Authority area
 - Households who do not meet the 5-year Local Connection criteria, as set out in the Council's Housing Allocations Policy
 - Households in employment and or with a greater level of affordability
 - Households who aren't actively bidding on properties advertised on the Council's Choice Based Lettings system
 - Households in Temporary Accommodation leased from a private landlord who has asked for their property to be returned
- 1.9 The Council will also take into consideration the supply, and type, of private rented sector accommodation available to it, and the number of offers made each year will largely be supply-led.
- 1.10 The following groups will ordinarily not be prioritised for private rented sector offers:
- Households whose needs cannot be met in the private rented sector, such as households that require Supported Accommodation and or are not ready to 'move-on' from this type of accommodation.
 - Households which the Council determines would be unable to manage a private rented sector tenancy
 - Households who are benefit capped and whose income would fall significantly below the Basic Standard Allowances (BSA) to rent privately.
- 1.11 However, as stated, decisions will be made on a case-by-case and after consideration of each household's individual circumstances and this may include making an offer to those outlined above where the Council is satisfied that this is a suitable option.

Making the offer

- 1.12 The Council will assess a household's housing needs at the point a homelessness application is made and will also reconsider whether there is a change in housing needs where an applicant's circumstances have

changed at any point including when a potential property has been identified.

- 1.13 Households made a PRSO to end the Full Housing Duty will be offered an Assured Shorthold Tenancy (AST) of at least 12-months.
- 1.14 Accommodation offered to households will largely be sourced by the Council.
- 1.15 The Council works with letting agents and landlords to find private rented accommodation, to let to homeless households, who are owed a statutory duty under Part 7 of the Housing Act by the Council.
- 1.16 As part of this, the Council:
 - Verifies tenancies to be offered to homeless households
 - Checks the condition and suitability of a property (ensuring it meets 'enhanced suitability standards')
 - Ensures that landlords under the scheme are 'fit and proper'
 - Helps to sustain tenancies, especially if there is a risk of homelessness
 - Ensures that minimum standard repairs and safety requirements are met
- 1.17 Offers of private rented sector accommodation will have regard to the provisions of the Homelessness (Suitability of Accommodation) Order 2012 (1). This will include an affordability assessment to ensure that the offer is suitable for the household. The assessment will take into account the Local Housing Allowance and the household's current and likely future circumstances.

Support available to households offered accommodation outside of Brighton & Hove

- 1.18 The Council will make a decision to offer accommodation to someone outside of the Local Authority area on a case-by-case basis and households will be individually assessed prior to any offer of accommodation being made.
- 1.19 The assessment is to determine if the accommodation is suitable, specifically its location, and if any support is required to help settle the household into the area.
- 1.20 The support offered to households, who have been made an offer of accommodation outside of the area, will vary but may include, information on:
 - Claiming local council tax support
 - Registering with a Local GP
 - How to access emergency funding
 - How to apply for a school place in the area
- 1.21 The Council will take into account a number of factors when offering accommodation outside of the area, including:
 - Any active welfare or safeguarding concerns of any children in the household, including where a child which has an Education, Health and

Care Plan ('EHCP') or has special educational needs and the Council is satisfied that a move out of area would be detrimental to their continuing educational development.

- Level of education of any children in the household, specifically any children in secondary school in the year at the end of which they take their GCSEs or A level exams
- Identified risks from living in the area
- Employment status and the permanency and flexibility of employment
- Access to transport
- Level of need to be close to services (including services providing specific medical treatment) and support networks
- Impact on caring responsibilities

Rights to review

- 1.22 PRSOs will contain information on a household's right to request a review on the suitability of the accommodation offered.
- 1.23 Households can request a review within 21 days of receipt of notification of a PRSO.
- 1.24 The property will not be held open while the review is conducted. Households can accept the PRSO and move in and still exercise their right of review.
- 1.25 If the review overturns the PRSO, a new offer will be made.

Reapplications after private rented sector offer

- 1.26 Households that make a homelessness application within two years of the date of their acceptance of a PRSO will be provided suitable interim accommodation, regardless of whether the household has a 'priority need', if the Council is satisfied that there is reason to believe that the household is eligible for assistance, homeless and not intentionally homeless.
- 1.27 The Council will also have a duty to secure accommodation for the household, which can be discharged by a further PRSO, if appropriate.
- 1.28 Furthermore, for reapplications after PRSOs, the Council will treat a household who has been issued a valid notice under section 21 of the Housing Act 1988 as being homelessness from the date on which the notice expires, or threatened with homelessness from the date the notice is issued.

References

1. Homelessness (Suitability of Accommodation) (England) Order 2012: Department of Levelling Up, Housing & Communities. Available at: [Homelessness \(Suitability of Accommodation\) \(England\) Order 2012: Final Stage Impact Assessment \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612122/Homelessness_Suitability_of_Accommodation_England_Order_2012_Final_Stage_Impact_Assessment_publishing.service.gov.uk)

Equality Impact and Outcome Assessment (EIA) Template - 2019

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

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

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

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Private Rented Sector Offer Policy	ID No.⁶	
Team/Department⁷	Housing Needs – Housing, Neighbourhoods and Communities Directorate		
Focus of EIA⁸	The Housing Needs department proposes to implement a policy on when Brighton & Hove City Council ('the Council') will make an offer of private rented sector accommodation to households who are homeless or threatened with homelessness. These offers of private rented sector offers will bring the prevention, relief or main housing duty owed to these households under Part 7 of the Housing Act 1996 to an end. The policy provides a framework to officers who are bringing the Council's housing duties under Part 7 of the Housing Act 1996 to an end, so that offers are legally suitable. The policy aims to maximise the supply of scarce suitable accommodation available to the Council and to make best use of all available housing supply. The policy will enable households owed a duty by the Council to receive an offer of accommodation in a shorter time than waiting for an allocation of social housing.		

2. Update on previous EIA and outcomes of previous actions⁹

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What further actions do you need to take? (add these to the Action plan below)
Not applicable – this is the first time the Council has proposed to implement a private rented sector offer policy.	N/A	N/A

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations 																						
Age ¹⁴	<table border="1"> <thead> <tr> <th>Age Group</th> <th>% of main applicants</th> </tr> </thead> <tbody> <tr> <td>16-17</td> <td>< 1%</td> </tr> <tr> <td>18-24</td> <td>10%</td> </tr> <tr> <td>25-34</td> <td>27%</td> </tr> <tr> <td>35-44</td> <td>26%</td> </tr> <tr> <td>45-54</td> <td>19%</td> </tr> <tr> <td>55-64</td> <td>11%</td> </tr> <tr> <td>65-74</td> <td>5%</td> </tr> <tr> <td>75+</td> <td>2%</td> </tr> </tbody> </table> <p>Table: Age of main applicants assessed as owed a prevention or relief duty by Brighton & Hove City Council 2022-2023</p> <table border="1"> <thead> <tr> <th>Age Group</th> <th>% of Brighton & Hove Population</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Age Group	% of main applicants	16-17	< 1%	18-24	10%	25-34	27%	35-44	26%	45-54	19%	55-64	11%	65-74	5%	75+	2%	Age Group	% of Brighton & Hove Population			<p><i>In Brighton & Hove, people aged 25 – 44 disproportionately experience homelessness and are therefore more likely to be impacted by this policy. Children are most likely to be part of households where the main applicant is aged 25 – 44.</i></p>	<p><u>Children</u> <i>Children will be negatively affected if a private rented sector offer means that they need to move schools. Moving schools will always be disruptive. The most disruption will likely occur for children subject to welfare or safeguarding concerns, or with special educational needs, or are about to take GCSEs or A level exams.</i></p> <p><u>People with caring responsibilities for those outside their household (typically aged 25 – 60)</u> <i>People with caring</i></p>	<p><u>Children</u> <i>To safeguard and promote the welfare of children, private rented sector offers will not be made in a way which seeks to minimise the disruption to the education of children. Private rented sector offers will not be made where the officer is satisfied that the level of disruption to children's lives - including (but not limited to) involvement with Children's</i></p>
Age Group	% of main applicants																									
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Age Group	% of Brighton & Hove Population																									

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff		What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations 																		
	<table border="1"> <tr><td>0-15</td><td>15</td></tr> <tr><td>16-19</td><td>5.4</td></tr> <tr><td>20-24</td><td>10.1</td></tr> <tr><td>25-34</td><td>15</td></tr> <tr><td>35-49</td><td>21.3</td></tr> <tr><td>50-64</td><td>19.1</td></tr> <tr><td>65-74</td><td>7.6</td></tr> <tr><td>75-84</td><td>4.4</td></tr> <tr><td>85+</td><td>2</td></tr> </table> <p><i>Table: Office for National Statistics 2021 Census Data on Age of Brighton & Hove Population</i></p>		0-15	15	16-19	5.4	20-24	10.1	25-34	15	35-49	21.3	50-64	19.1	65-74	7.6	75-84	4.4	85+	2		<p><i>responsibilities will be negatively affected if a private rented sector offer means they have to travel further to fulfil their caring responsibilities, such as to an elderly relative.</i></p> <p><u>People receiving care due to frailty or infirmity (typically aged 60+)</u> <i>People who rely on care from relatives or friends they do not live with will be negatively affected if a private rented sector offer means they cannot continue to receive care.</i></p>	<p><i>Services, specialist education and studying for key examinations – makes the location of the offer unsuitable.</i></p> <p><u>Caring responsibilities</u> <i>Private rented sector offers will not be made where the officer is satisfied that the location of accommodation will cause disruption to the giving or receiving of care which is likely to be so significant as to make the offer unsuitable.</i></p>
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Disability ¹⁵	<table border="1"> <thead> <tr> <th>Support needs of households owed a homeless duty by Brighton & Hove 2022 - 2023</th> <th>% of households owed a homeless duty</th> </tr> </thead> <tbody> <tr> <td>Physical ill health and disability</td> <td>24</td> </tr> <tr> <td>History of mental health problems</td> <td>35</td> </tr> </tbody> </table>		Support needs of households owed a homeless duty by Brighton & Hove 2022 - 2023	% of households owed a homeless duty	Physical ill health and disability	24	History of mental health problems	35	<p><i>In Brighton & Hove, people impacted by disability disproportionately experience homelessness and are therefore more likely to be impacted by this policy.</i></p>	<p><i>Tenants who require adaptations to their home to meet the accessibility needs of a physical disability may be at a disadvantage when in private rented sector accommodation when compared with accommodation in the social rented sector. For example, a landlord can refuse adaptations to be made where</i></p>	<p><i>When considering whether to make a private rented sector offer, the officer will consider whether the applicant is likely to be able to sustain the accommodation offered. When doing so, Officers will refer to the Homelessness Code of Guidance and</i></p>												
Support needs of households owed a homeless duty by Brighton & Hove 2022 - 2023	% of households owed a homeless duty																						
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	<table border="1" data-bbox="474 363 965 438"> <tr> <td>Learning disability</td> <td>5</td> </tr> </table> <p data-bbox="474 443 965 528"><i>Table: Support needs of households owed a homeless duty by Brighton & Hove City Council 2022 – 2023</i></p> <table border="1" data-bbox="474 715 954 1098"> <thead> <tr> <th>Disability status</th> <th>% of Brighton & Hove Population 2021</th> </tr> </thead> <tbody> <tr> <td>Disabled and limited a lot</td> <td>8.0%</td> </tr> <tr> <td>Disabled and limited a little</td> <td>11.5%</td> </tr> <tr> <td>Not disabled</td> <td>80.5%</td> </tr> </tbody> </table> <p data-bbox="474 1102 954 1187"><i>Table: Office for National Statistics 2021 Census Data on Disability in Brighton & Hove Population</i></p> <p data-bbox="474 1225 981 1517"><i>A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Households with support needs as a result of a physical or mental impairment are</i></p>	Learning disability	5	Disability status	% of Brighton & Hove Population 2021	Disabled and limited a lot	8.0%	Disabled and limited a little	11.5%	Not disabled	80.5%		<p data-bbox="1294 363 1733 762"><i>the mortgage lender, or freeholder, or other owners in the building object. Private rented sector landlords are generally more likely to have mortgages and are generally less likely to own the freeholds of their properties, which makes refusal of adaptations more likely in the private rented sector.</i></p> <p data-bbox="1294 810 1733 1098"><i>Some disabled applicants are less likely to be able to sustain a private rented tenancy when compared with a social rented tenancy, for example due to a fluctuation health condition b that physical or mental or often both combined.</i></p> <p data-bbox="1294 1145 1733 1533"><i>Disabled applicants are more likely to be receiving support and care. Disabled applicants receiving care and support are likely to be adversely affected if a private rented sector offer disrupts care, and/or results in them having to move to an area where equivalent essential care or support is unavailable.</i></p>	<p data-bbox="1758 363 2089 1134"><i>the Homelessness (Suitability of Accommodation) Order 2012. The officer will also consider the proximity and accessibility of the accommodation to medical facilities and other support which are currently used by or provided to the applicant or members of the person's household; and the proximity and accessibility of the accommodation to local services, amenities and transport.</i></p> <p data-bbox="1758 1182 2089 1533"><i>A private rented sector offer will only be made where it will be affordable for the applicant. The wider context of the applicant's particular circumstances should be considered when considering their</i></p>
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	<p><i>likely to be disabled according to this definition.</i></p> <p><i>We have not used the data on homeless applicants who self-report whether they are disabled, as take-up for this option is low and will therefore likely produce unreliable data which will under-report the probable number of households owed a homelessness duty by Brighton & Hove City Council who have a disability.</i></p> <p><i>Instead, we have used the data on support needs of households, as this is mandatory data for officers to produce following a detailed needs assessment with each household, so is likely to be reliable.</i></p>		<p><i>Disabled applicants are more likely to incur higher costs to meet their essential needs, including, but not limited to, travel.</i></p>	<p><i>household expenditure especially when these are higher than might be expected. For example, an applicant with a disabled child may have higher travel costs to ensure that the child is able to access additional support or education that they require and so this should be taken into account when assessing their essential needs, and the income that they have available for accommodation costs.</i></p> <p><i>Account will be taken of medical facilities and other support currently provided for the applicant and their household. An officer will consider the potential impact on the health and wellbeing of an applicant, or any person reasonably</i></p>

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				<p><i>expected to reside with them, were such support to be removed or medical facilities were no longer accessible. They should also consider whether similar facilities are accessible and available near the accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving.</i></p> <p><i>No private rented sector offer will only be made in cases where the officer is satisfied that it will be affordable and are satisfied that it will not be likely to have such a disruption to the</i></p>

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff		What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations 				
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Gender reassignment ¹⁶	<table border="1" data-bbox="474 646 954 1061"> <thead> <tr> <th data-bbox="474 646 719 1018">% of Brighton & Hove Population Where Gender identity is different from sex registered at birth 2021</th> <th data-bbox="719 646 954 1018">% of England Population Where Gender identity is different from sex registered at birth 2021</th> </tr> </thead> <tbody> <tr> <td data-bbox="474 1018 719 1061">0.99%</td> <td data-bbox="719 1018 954 1061">0.5%</td> </tr> </tbody> </table> <p data-bbox="474 1061 954 1125"><i>Table: Office for National Statistics 2021 Census Data on Gender Reassignment</i></p>		% of Brighton & Hove Population Where Gender identity is different from sex registered at birth 2021	% of England Population Where Gender identity is different from sex registered at birth 2021	0.99%	0.5%	<i>The number of people indicating that their gender identity is different from their sex registered at birth in Brighton & Hove is twice as great as the average across of England. Accordingly, Brighton & Hove is home to health services, a charity and a peer support service for trans and non-binary residents.</i>	<i>Applicants who have undergone/ are undergoing/ are proposing to undergo gender reassignment who are receiving treatment, care and/or support are likely to be adversely affected if a private rented sector offer disrupts care, and/or results in them having to move to an area where equivalent essential care or support is unavailable. Such services are less likely to be available outside the city, so any offers made outside the city would likely result in applicants from this group having to travel into the city to access these services.</i>	<i>Private rented sector offers will only be made in cases where the officer is satisfied that it will be affordable. No private rented sector offer will be made where the officer is satisfied that it will likely cause such a disruption to the applicant's care, support and treatment needs as to make it unsuitable. Travel to access essential services must be affordable and over a reasonable distance.</i>
% of Brighton & Hove Population Where Gender identity is different from sex registered at birth 2021	% of England Population Where Gender identity is different from sex registered at birth 2021								
0.99%	0.5%								
Pregnancy and maternity ¹⁷	<table border="1" data-bbox="474 1276 965 1540"> <thead> <tr> <th data-bbox="474 1276 757 1500">Household composition 2022 - 2023</th> <th data-bbox="757 1276 965 1500">% of households who are owed a homeless duty</th> </tr> </thead> <tbody> <tr> <td data-bbox="474 1500 757 1540">Pregnant woman</td> <td data-bbox="757 1500 965 1540">2%</td> </tr> </tbody> </table>		Household composition 2022 - 2023	% of households who are owed a homeless duty	Pregnant woman	2%	<i>In Brighton & Hove, single parent households disproportionately experience homelessness</i>	<i>Applicants who are pregnant will likely have links to local services and these links could be disrupted if they need to move out of the city to take up a private rented sector offer. An applicant who</i>	<i>Account will be taken of medical facilities and other support currently provided for the applicant and their household. An officer will consider the</i>
Household composition 2022 - 2023	% of households who are owed a homeless duty								
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				<p><i>affordable and are satisfied that it will not be likely to have such a disruption to the applicant's care, support and treatment needs as to make it unsuitable.</i></p> <p><i>The suitability of a private sector offer will be assessed over the long-term, as well as the immediate term. Where an applicant is on maternity leave, the officer must work on the basis that the applicant must be practicably able to return to work. Therefore, it must be affordable and reasonable for the applicant to travel to work from any private rented sector offer.</i></p>		
Race/ethnicity¹⁸ Including migrants, refugees and asylum seekers	<table border="1"> <tr> <td data-bbox="472 1390 757 1543">Ethnicity of households owed a homeless duty</td> <td data-bbox="757 1390 965 1543">% of households owed a homeless</td> </tr> </table>	Ethnicity of households owed a homeless duty	% of households owed a homeless	<i>In Brighton & Hove, Black, Caribbean, African residents and residents of</i>	<i>A private rented sector offer may result in applicants from some racially minoritised groups being less able to access community and cultural</i>	<i>Where a private rented sector offer is being made to an applicant who has difficulty</i>
Ethnicity of households owed a homeless duty	% of households owed a homeless					

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	<table border="1"> <thead> <tr> <th data-bbox="472 363 757 475">by Brighton & Hove 2022 - 2023</th> <th data-bbox="757 363 965 475">duty</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 475 757 515">Asian</td> <td data-bbox="757 475 965 515">4%</td> </tr> <tr> <td data-bbox="472 515 757 592">Black, Caribbean or African</td> <td data-bbox="757 515 965 592">5%</td> </tr> <tr> <td data-bbox="472 592 757 668">Multiple ethnic groups</td> <td data-bbox="757 592 965 668">2%</td> </tr> <tr> <td data-bbox="472 668 757 745">White British/Irish/Other</td> <td data-bbox="757 668 965 745">60.7%</td> </tr> <tr> <td data-bbox="472 745 757 821">White Gypsy/Irish Traveller/Roma</td> <td data-bbox="757 745 965 821">0.3%</td> </tr> <tr> <td data-bbox="472 821 757 898">Other ethnic group</td> <td data-bbox="757 821 965 898">5%</td> </tr> <tr> <td data-bbox="472 898 757 938">Not known</td> <td data-bbox="757 898 965 938">23%</td> </tr> </tbody> </table> <p data-bbox="472 938 965 1026">Table: Ethnic group of households owed a homeless duty by Brighton & Hove City Council 2022 – 2023</p> <table border="1"> <thead> <tr> <th data-bbox="472 1058 757 1246">Ethnic Group</th> <th data-bbox="757 1058 965 1246">% of Brighton & Hove Population 2021</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 1246 757 1286">Asian</td> <td data-bbox="757 1246 965 1286">4.8%</td> </tr> <tr> <td data-bbox="472 1286 757 1362">Black, Caribbean or African</td> <td data-bbox="757 1286 965 1362">2%</td> </tr> </tbody> </table>		by Brighton & Hove 2022 - 2023	duty	Asian	4%	Black, Caribbean or African	5%	Multiple ethnic groups	2%	White British/Irish/Other	60.7%	White Gypsy/Irish Traveller/Roma	0.3%	Other ethnic group	5%	Not known	23%	Ethnic Group	% of Brighton & Hove Population 2021	Asian	4.8%	Black, Caribbean or African	2%	<p data-bbox="1016 363 1272 691"><i>'Other ethnic group' disproportionately experience homelessness and are therefore more likely to be impacted by this policy.</i></p> <p data-bbox="1016 730 1272 946"><i>Brighton & Hove has the largest North African community outside of London¹</i></p> <p data-bbox="1016 994 1272 1358"><i>Language barriers can cause applicants for whom English is not their first language to have difficulty understanding the consequences of</i></p>	<p data-bbox="1299 363 1736 579"><i>groups, services, and support and becoming very isolated. This includes local refugee and migrant support services which may not be available elsewhere.</i></p> <p data-bbox="1299 619 1736 874"><i>Difficulties understanding English could result in some applicants from racially minoritised groups not understanding the consequences of a private rented sector offer.</i></p>	<p data-bbox="1762 363 2087 842"><i>understanding English, the offer letter should be translated into their language and an officer should meet the applicant with an interpreter to explain the consequences of the offer and the steps the applicant will need to take when moving to the new property.</i></p> <p data-bbox="1762 882 2087 1321"><i>Account must be taken of the impact that moving away from community groups and no private sector offer should be made where the impact is of such a significance as to make the location of the property unsuitable for the affected household.</i></p>
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¹ See page 8 of

<http://www.bhconnected.org.uk/sites/bhconnected/files/Black%20and%20Minority%20Ethnic%20Communities%20in%20Brighton%20%26%20Hove%20%28April%202015%29%20-%20Full%20report.pdf>

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff		What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	Multiple ethnic groups	4.8%	<i>a private rented sector offer¹.</i>		
	White British/Irish/Other	85.1%			
	White Gypsy/Irish Traveller/Roma	0.4%			
	Other ethnic group	2.9%			
Religion or belief¹⁹	Religion or belief of households who made an application for homelessness assistance to Brighton & Hove City Council 2022 - 2023	% of total households	<i>Brighton & Hove is home to one of only 27 Coptic Orthodox churches in the British Isles². Muslim people account for only 3.1% of the Brighton & Hove population meaning they are overrepresented in applications for</i>	<i>There is a potential impact that a private rented sector offer could result in an applicant being offered a property in a location which could make it more difficult for them to access their faith groups and place of worship – particularly if equivalent faith groups do not exist in the area offered. Judging the by data, the numbers of people who may be potentially adversely impacted by this will likely be</i>	<i>Where a private rented sector offer is made, an officer should discuss the location of the property with the applicant and consider the perspective of the applicant with regard to their religion or belief, and the area the applicant aspires to live. The suitability of the offer should be</i>
	Buddhist	0.78%			
	Christian	13.84%			
	Hindu	0.29%			
	Jewish	0.1%			

¹ For example, see the case of Mekonen v LB Waltham Forest, County Court at Central London, 08/08/2022 <https://www.nhas.org.uk/news/article/round-up-of-legislation-case-law-guidance-and-news-october-2022>

² <https://web.archive.org/web/20080723140932/http://www.hertsdirect.org/comdirectory/comvol/relig2y/rechri3y/recchu4y/12237204/12212398>

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	<table border="1"> <tr> <td>Muslim</td> <td>4.95%</td> </tr> <tr> <td>No religion</td> <td>25.59%</td> </tr> <tr> <td>Sikh</td> <td>0.1%</td> </tr> <tr> <td>Other</td> <td>2.87%</td> </tr> <tr> <td>Not stated</td> <td>51.48%</td> </tr> </table>		Muslim	4.95%	No religion	25.59%	Sikh	0.1%	Other	2.87%	Not stated	51.48%	<i>homelessness assistance.</i>	<i>very small, but the impact on those individuals could be significant.</i>	<i>carefully considered with regard to the applicant's ability to access their faith groups or place of worship from the property.</i>
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Sex/Gender²⁰	<table border="1"> <thead> <tr> <th>Sex/Gender of lead applicant of households who made an application for homelessness assistance to Brighton & Hove City Council 2022 - 2023</th> <th>% of total households</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>49.43%</td> </tr> <tr> <td>Male</td> <td>29.37%</td> </tr> <tr> <td>Other</td> <td>0.55%</td> </tr> <tr> <td>Not stated</td> <td>20.65%</td> </tr> </tbody> </table>		Sex/Gender of lead applicant of households who made an application for homelessness assistance to Brighton & Hove City Council 2022 - 2023	% of total households	Female	49.43%	Male	29.37%	Other	0.55%	Not stated	20.65%	<i>Women are disproportionately represented among lead homeless applicants and are therefore more likely to be impacted by this policy.</i>	<p><i>Women are more likely to be lone parents, so the location of a private rented sector offer may impact family life and the welfare of children.</i></p> <p><i>Women are more likely to be carers who may be adversely impacted by a move which takes them further away from those they have caring responsibilities for.</i></p> <p><i>Women are more likely to be or have experienced domestic abuse. A private rented sector offer may enable the woman to have the opportunity to move into settled accommodation more quickly than if they were restricted to bidding for a socially rented home.</i></p>	<p><i>Private rented sector offers will not be made where the officer is satisfied that the location of accommodation will cause disruption to the giving or receiving of care which is likely to be so significant as to make the offer unsuitable.</i></p> <p><i>Private rented sector offers will not be made where the offer fails to safeguard and promote the welfare of children.</i></p> <p><i>Private rented sector offers will not be made where the location of the property will place the applicant at</i></p>
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Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations 				
				<i>probable risk of domestic abuse. A private rented sector offer may enable a victim of domestic abuse to move to a place of safety.</i>				
Sexual orientation ²¹	<table border="1" data-bbox="477 735 954 1114"> <thead> <tr> <th data-bbox="477 735 719 1070">% of Brighton & Hove Population aged over 16 years who are lesbian, gay, bisexual or other (LGB+) 2021</th> <th data-bbox="719 735 954 1070">% of England Population aged over 16 years who are lesbian, gay, bisexual or other (LGB+) 2021</th> </tr> </thead> <tbody> <tr> <td data-bbox="477 1070 719 1114">10.73%</td> <td data-bbox="719 1070 954 1114">3.2%</td> </tr> </tbody> </table> <p data-bbox="477 1114 987 1174"><i>Table: Comparison of LGB+ populations in Brighton & Hove and England 2021</i></p>	% of Brighton & Hove Population aged over 16 years who are lesbian, gay, bisexual or other (LGB+) 2021	% of England Population aged over 16 years who are lesbian, gay, bisexual or other (LGB+) 2021	10.73%	3.2%		<i>LGB+ applicants who rely on LGB+ services in the city are likely to be adversely affected if a private rented sector offer disrupts support, and/or results in them having to move to an area where equivalent support is unavailable. Such services are less likely to be available outside the city, so any offers made outside the city would likely result in applicants from this group having to travel into the city to access these services.</i>	<i>Private rented sector offer will only be made in cases where the officer is satisfied that it will be affordable. No private rented sector offer will be made where the officer is satisfied that it will likely cause such a disruption to the applicant's support requirements as to make it unsuitable. Travel to access essential services must be affordable and over a reasonable distance.</i>
% of Brighton & Hove Population aged over 16 years who are lesbian, gay, bisexual or other (LGB+) 2021	% of England Population aged over 16 years who are lesbian, gay, bisexual or other (LGB+) 2021							
10.73%	3.2%							
Marriage and civil partnership ²²	Not held.	Not held.	<i>Households with adults who are married or in a civil partnership are likely to have a higher income, so will be more likely to be able to afford a</i>	A private rented sector offer will only be made where an officer is satisfied that the property will be				

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<i>private rented sector offer. Therefore, these groups are less likely to be affected by any affordability issues.</i>	affordable in the immediate and long term.
Other relevant groups ²³	<p><i>8% of applicants to Brighton & Hove City Council in 2022 – 2023 were found to have a priority need for accommodation as a result of being homeless due to that person being a victim of domestic abuse.</i></p> <p><i>10% of applicants to Brighton & Hove City Council in 2022 – 2023 were found to have support needs relating to drug dependency.</i></p> <p><i>2.5% of applicants to Brighton & Hove City Council in 2022 – 2023 were found to be care leavers.</i></p>	<i>Victims of domestic abuse, those with drug dependency needs and care leavers are disproportionately more likely to experience homelessness and are therefore more likely to be affected by this policy.</i>	<p><i>Applicants with drug dependency needs may be less able to maintain private rented sector accommodation as a result of their drug dependencies. Applicants with drug dependency needs may be less able to access support services as a result of a private rented sector offer.</i></p> <p><i>Applicants with a history of being looked after, accommodated or fostered by the local authority may be less able to maintain private rented sector accommodation as a result of having less experience and support networks to rely on in setting up and maintaining a home.</i></p> <p><i>Impacts for domestic abuse victims are explored under ‘sex’ above. We anticipate that impacts for male victims of domestic abuse are likely to be</i></p>	<p><i>Officers will only make a private rented sector offer where they are satisfied that an applicant will be likely to be able to sustain the accommodation offered, taking into account their support needs and any services they require. Any consistent and reliable support available to the applicant should be considered.</i></p> <p><i>Mitigations for domestic abuse victims are outlined in ‘sex’ above. We anticipate that mitigations for male victims of domestic abuse are likely to be similar.</i></p>

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<i>similar.</i>	

Assessment of overall impacts and any further recommendations²⁴

The Private Rented Sector Offer policy aims to enable the Council to move applicants to whom it owes a homelessness duty from temporary accommodation to suitable, more stable private rented sector accommodation and to make the offer process consistent and transparent for officers and service users. Using this policy will enable the Council to increase the supply of suitable accommodation available to the Council to meet the needs of applicants for homelessness assistance. The use of this policy is intended to improve the outcomes for homeless applicants who may otherwise have to stay in temporary accommodation for an unsustainable length of time. This policy will promote stability and minimum standards in the private rented sector accommodation occupied by our service users because it will ensure that landlords under the scheme are fit and proper and that properties meet minimum safety standards. These factors, taken together with the mitigation actions set out in this document and the policy itself, outweigh the potential adverse impacts identified in this document.

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

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Data on applicants who have made an application for homelessness assistance to Brighton & Hove City Council from our computerised record system, Home Connections	October 2023	Data on marriage and civil partnership was not recovered from the computerised record system.	The data should be accessed from the computer system.
Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government Statistical data set statutory homelessness live tables	11 October 2023	None known	N/A
Office for National Statistics Census Data 2021	2021	None known	N/A

5. Prioritised Action Plan²⁵

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
All groups affected. See 'Review of information' tables above	Mitigating actions taken in the application of the policy	To reduce disadvantage outlined above	No unsuitable private rented sector offers are made in the application of the policy	Ongoing
No local data used in this EIA on marriage or civil partnership	Gather local data on marriage and civil partnership	Data to be downloaded from our computerised record system Home	Data secured. If this is not achieved, then the data must be recorded in	November 2023

		Connections	future.	
All groups affected. We will need to provide information about support available to those who experience discrimination when relocating	Develop awareness of internal and local sources of support for those experiencing discrimination so we can signpost people to these services if/when discrimination arises in their new premises	Anyone who experiences discrimination in their new private rented location will be signposted to relevant support networks e.g – Tenancy services contact details, Third Party Reporting Centre	Anyone experiencing discrimination as a direct result of their relocation will be signposted to support	Ongoing

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment: Luke Harris Project Manager Date: 20/10/2023

Head of Service Harry Williams Date: 6th November 2023

CCG or BHCC Equality lead: Jamarl Billy Date: 6th November 2023

Guidance end-notes

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

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

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

² Our duties in the Equality Act 2010

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

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

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

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

-
- Promote understanding

³ EIAs are always proportionate to:

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

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

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

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

⁹ **Previous actions:** If there is no previous EIA or this assessment is of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;

(c) allow enough time for consultation;

(d) make sure what people tell you is properly considered in the final decision.

- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

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

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

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

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁷ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁸ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁹ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

²⁰ **Sex/Gender:** Both men and women are covered under the Act.

²¹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²² **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²³ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²⁴ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁵ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 37

Subject: Lettings Plan: Mobility classified properties

Date of meeting: 15 November 2023

Report of: Executive Director for Housing, Neighbourhoods and Communities

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

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To seek authority to make minor amendments to the existing Allocations Policy which will better meet the needs of disabled households.

2. Recommendations

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

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

3. Context and background information

3.1 Local authorities can only let social housing in line with Part 6 of the Housing Act 1996. The legislation requires local authorities to maintain a housing register, and to make lettings only to those on this register, and in accordance with a published policy which has been approved by Members ('the Allocations Policy').

3.2 The current Allocations Policy was agreed in 2016. The Allocations Policy places households on the housing register into one of four queues. Applicants can only bid for those lettings which have been assigned to their queue. The Allocations Policy contains a Lettings Plan. The Lettings Plan specifies the percentage of the total available lettings that will be assigned to each queue in a financial year.

3.3 In January 2023, the Committee agreed the following Lettings Plan:

Queue	Proportion of lets advertised
Homeless	50%
Transfers	30%
Homeseekers	10%
Council Interest Queue	10%

Table 1: Percentage of lets to each queue under current Lettings Plan

- 3.4 As of 30 November 2022, there were 4,589 households on the housing register. Table 2 provides a breakdown of each of the queues. To understand the equality impact, the proportion of households identifying as Black and Minority Ethnic (BME) or with a disabled member of the household are provided.

Queue	Total	BME (%)	Disabled (%)
Homeless	1,358 (29.2%)	11.9%	12.9%
Transfers	1,124 (24.3%)	8.2%	62.1%
Homeseekers	2,022 (43.7%)	10.4%	21.3%
Council Interest Queue	85 (1.8%)	14.0%	2.7%

Table 2: Percentage of BME and Disabled households in each queue Nov 22

- 3.5 The Allocations Policy awards a Mobility Group coding to those households which include a person who has a disability which makes them unable to manage climbing stairs or steep gradients. Properties which meet the needs of Mobility Group households are given a mobility classification. These properties are typically ground-floor or lift-accessible flats which are level-access within. Mobility Group households receive priority for an allocation of mobility classified properties in their queue.
- 3.6 Local authorities must have allocations policies which takes steps to meet the needs of disabled people, and which do not put disabled people at a disadvantage when compared with people who are not disabled¹. There is a possibility that the lettings plan puts disabled applicants at a disadvantage when compared with non-disabled applicants. This is because, at present, some properties which meet the particular needs of an applicant with a Mobility Group coding may not be available to them, if those properties are only available to those applicants who are in another queue. As mobility classified properties meet the needs of disabled households, this disadvantage is not one which would be faced by applicants who are not disabled.
- 3.7 The current lettings plan allocates 50% of properties through the housing register to the homeless queue. The current lettings plan reduced the allocation to the homeless queue from 80% to 50% to more equitably share the allocation of housing with the other queues. However, even at 50%, this proportion runs the risk of the unintended consequence of a homeless candidate being more likely to succeed than a transfer candidate, including in relation to mobility classified properties.

¹ Sections 19 and 149 of the Equality Act 2010.

- 3.8 This impact of the queue system is greater for disabled applicants than non-disabled applicants because more properties are allocated to the homeless queue (of which only 12.9% are disabled) than to the transfer queue (of which 62.1% are disabled.) Being in the transfer queue therefore puts applicants with a Mobility Group coding at a disadvantage when compared with both disabled and non-disabled applicants in the homeless queue. In the transfer queue, applicants with a Mobility Group coding are competing against a higher proportion of disabled applicants for a smaller number of properties.
- 3.9 The current policy permits priority transfers of existing social housing tenants in the city where there is imminent personal risk to the household if they remain in the property. This occurs on page 31 of the policy, under the Band A band reason which starts, '*Priority transfers...*' However, the only example given in the policy of when imminent personal risk is likely to occur is when a tenant is at risk of violence, abuse and harassment. This puts disabled applicants at a disadvantage in gaining a priority transfer. The data shows that disabled applicants are a group who are likely to need a priority transfer. However, the power to transfer these tenants is not transparent in the wording of the current policy. To reduce the potential disadvantage faced by disabled by the existing wording of the priority transfer band reason – and to increase transparency in the operation of the scheme – it is necessary to expand the priority transfer band reason examples to include those cases where a home is unreasonable to continue to occupy. This would make it clear that the policy permits a broad discretion for an urgent priority transfer, such as where the adverse impact of a disability has made a tenant's home unreasonable for them to continue to occupy.
- 3.10 The current policy does not permit applicants with a Mobility Group coding to be given additional priority over other applicants with a similar need for properties which are not mobility classified, but have the potential to be adapted. This may put disabled applicants at a disadvantage where they have needs with regard to factors such as location or a number of bedrooms, but no mobility classified properties are available which meet these needs.
- 3.11 To reduce the potential disadvantage faced by disabled applicants under the current system, to address disproportionate impact, and to advance the equality of opportunity and access, we ask that the Committee agrees to amend the Allocations Policy to allow mobility classified properties to be available to applicants in any queue, and to permit the service to exercise the discretion to offer priority transfers and direct lets.

4. Proposal

4.1 Option 1

Make the following minor amendments to the Allocations Policy:

On page 31, make the following addition to the Band A band reason which starts, '*Priority transfers...*':

Existing policy	Proposed change
<p>Priority Transfers, agreed in exceptional circumstances due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic abuse or harassment.</p>	<p>Priority Transfers, agreed in exceptional circumstances, at the discretion of the Homemove Manager, due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic, ableist, faith or migrant-related abuse, victimization, or harassment. This may also include, but not be limited to, households which are existing tenants of Brighton & Hove City Council or registered providers in the city with a nomination agreement with the Council whose accommodation would be likely to be assessed as being unreasonable to continue to occupy if they made an application for homelessness assistance under Part 7 of the Housing Act 1996.</p>

Add a new paragraph to the bottom of the section, 'How the council allocates properties' on page 36 of the Allocations Policy:

'To better meet the accessibility needs of households impacted by a disability, properties with a mobility classification will be made available to be bid on by any applicant in the relevant mobility group, regardless of the four queues they are placed in. Accordingly, properties with a mobility classification will not be bound by the proportions of the Lettings Plan.'

On Page 44, add the following new paragraph: 'Direct Let/Management Transfer Discretion'

Where an applicant in Band A with a Mobility Group coding has needs with regard to factors such as location or a number of bedrooms, but no mobility classified properties are available which meet these needs within 3 months, the Homemove Manager or Tenancy Services Manager may at their discretion make an offer of a direct let or a management transfer to a property that can be adapted to meet the mobility needs of the household. This property will not be advertised through the Homemove Choice Based Lettings system.'

This option is **recommended**. This option makes multiple minor amendments to the existing Allocations Policy, and it proportionately addresses all the issues outlined in paragraphs 3.1 – 3.9.

5 Analysis and other options considered.

5.1 Option 2

Make the following minor amendment to the Allocations Policy:

Add to the bottom of the section, 'How the council allocates properties' on page 36 of the Allocations Policy:

'To better meet the accessibility needs of households impacted by a disability, properties with a mobility classification will be made available to be bid on by any applicant in the relevant mobility group, regardless of the four queues they are placed in. Accordingly, properties with a mobility classification will not be bound by the proportions of the Lettings Plan.'

While this option goes some way to reducing the potential disadvantage faced by some disabled applicants on the Housing Register, it is **not recommended** because it does not address the bidding by disabled applicants on properties which are not adapted, and which are not mobility classified.

5.2 Option 3

Make no amendments to the Allocations Policy at this time, as the Council is in the process of producing a completely new Allocations Policy in the next 24 months.

This 'wait and see' approach will reserve limited officer time for drafting the completely new Allocations Policy. However, this option is **not recommended**. If the concerns that the existing policy disadvantages disabled applicants are correct, Option 1 would result in disabled applicants being disadvantaged until a whole new policy is produced. Implementing an entirely new policy would constitute a major change which would require lengthy public consultation, so this disadvantaged could continue for a further 24 months.

6 Community engagement and consultation

6.1 The Council is required to consult with stakeholders in line with Part 6 of the Housing Act 1996, on any major changes to the Allocations Policy. The proposed changes are not a major change and therefore no community engagement or consultation has been carried out. The minor amendments proposed will create more equity and are expected to have an overall positive impact for disabled and disabled Black and Racially Minoritised residents based on current data.

7 Conclusion

- 7.1 Making the changes recommended in paragraph 4.1 will reduce the potential disadvantage that the current Allocations Policy poses to disabled applicants. These recommended changes should be approved for immediate change so as to ensure that the Council complies with the public sector equality while the new Allocations Policy is made.

8 Financial implications

- 8.1 The change to the allocations policy outlined in this report could lead to extra spend on adaptations in the HRA where a household is allocated a property that requires an adaptation when previously the property may not have been allocated to a disabled applicant. However, the numbers of mobility-category households in the transfer queue are small and it is anticipated that this can be met within existing budgets. This will need to be monitored as part of the Targeted Budget Management (TBM) process.

Name of finance officer consulted: Monica Brooks Date consulted
(dd/mm/yy): 23/10/2023

9 Legal implications

- 9.1 It is within the committee's powers to review and agree minor changes to the allocation plan. We have taken advice from a specialist barrister, who has confirmed their view that the recommended changes would not be a major change to the Allocations Policy, so consultation is not required.

Name of lawyer consulted: Juliet Escombe Date consulted: 05/10/2023

10 Equalities implications

- 10.1 The recommendations of the report directly support the council's legal obligations to advance opportunity of equality and have a pro-active approach to meeting the need of disabled people. An Equality Impact Assessment has been completed for the proposals in this report.

Supporting Documentation

1. Appendices

1. Equality Impact Assessment

2. Background Documents

1. Brighton & Hove City Council Housing Allocations Scheme and Guidance (referred to as 'Allocations Policy' in this document.) - <https://www.brighton-hove.gov.uk/sites/default/files/2022-05/Allocations%20policy%20final%202018%20web.pdf>

Equality Impact and Outcome Assessment (EIA)

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

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

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

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA)

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Minor amendments to the existing Allocations Policy aimed at better meeting the needs of disabled households.	ID No.⁶	HNC79
Team/Department⁷	Housing Needs – Housing, Neighbourhoods and Communities Directorate		
Focus of EIA⁸	Minor amendments to the existing Allocations Policy (i.e., the policy on which persons get priority for social housing) are proposed with the aim of reducing the potential disadvantage faced by disabled applicants in the Transfer queue in the existing Allocations Policy. The proposed changes are set out in the Housing Committee Report by Luke Harris dated 15 November 2023.		

2. Update on previous EIA and outcomes of previous actions⁹

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What further actions do you need to take? (add these to the Action plan below)
The Equality Impact Assessment from when the Allocations Policy was introduced in 2016 did not assess the impact of the queuing system on the disabled nor the impact of the allocation of accommodation to queues on the disabled.	N/A	Identify and take steps to address the disadvantage to the disabled applicants in the transfer queue. Assess whether these changes are likely to have any impact on other groups.

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹⁴		N/A	<i>No actual or potential disproportionate impacts are predicted to occur to any age groups as a result of the recommended amendments to the Allocations Policy.</i>	N/A

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		<i>with both disabled and non-disabled applicants in the homeless queue. In the transfer queue, applicants with a Mobility Group coding are competing against a higher proportion of disabled applicants for a smaller number of properties.</i>	<i>disadvantage is not one which would be faced by applicants who are not disabled. The current policy does not permit applicants with a Mobility Group coding to be given additional priority over other applicants with a similar need for properties which are not mobility classified, but have the potential to be adapted. This may put disabled applicants at a disadvantage where they have needs with regard to factors such as location or a</i>	

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			<i>number of bedrooms, but no mobility classified properties are available which meet these needs.</i>	
Pregnancy and maternity¹⁶	48.09% of live applicants are households with children (2,338 of 4,862)	N/A	<i>No actual or potential impacts are predicted to occur to this group because of the recommended amendments to the Allocations Policy.</i>	N/A

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(blank)	609	12.53%																																
Total	4,862	100.00%																																
Community Cohesion ²⁰	<i>There are many more disabled households on the transfer queue than other queues.</i>	<i>In the transfer queue, applicants with a Mobility Group coding are competing against a higher proportion of disabled applicants for a smaller number of properties.</i>	<i>We predict that the proposed recommended amendments to the Allocations Policy will have a positive impact on mobility classified disabled households on the transfer queue, as they will be more likely to access properties which meet their needs. Any potential</i>	<i>Approve the proposed amended change.</i>																														

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<i>adverse impact on disabled and non-disabled households in other queues facing greater competition is anticipated to be small and will be far outweighed by the substantial reduction in disadvantage to mobility classified disabled applicants in the transfer queue.</i>	
Other relevant groups²¹	<p>Homeless - 31.59% (1,536 of 4,862) of applicants on the Housing Register are in the 'Homeless' category.</p> <p>Care Leavers - 0.84% (41 of 4,862) of applicants on the Housing Register are care leavers.</p> <p>Armed Forces - 0.06% (3 of 4,862)</p>	<i>We have received feedback that disabled mobility classified applicants in the transfer queue will, by nature of their current accommodation being</i>	<i>The proposed changes to the Allocations Policy will likely have a positive impact on mobility classified disabled households intersectionally on the transfer queue,</i>	<i>Approve the proposed amended change.</i>

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		<p><i>unreasonable to occupy in the long term due to its unsuitability for their mobility needs, be homeless according to the definition in section 175(3) of the Housing Act 1996. Under the existing policy, applicants are only allowed to be in one queue. This means that disabled mobility transfer applicants must choose which queue to be a part of, and then cannot bid for properties which are not in their queue.</i></p>	<p><i>as they will be more likely to access properties from other queues which meet their needs. We predict that the proposed recommended amendments to the Allocations Policy may have a very small negative impact on homeless mobility classified households on the homeless queue, as they will face greater competition than previously. Any potential adverse impact on homeless mobility classified households in the homeless queue</i></p>	

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<i>facing greater competition is anticipated to be small and will be far outweighed by the substantial reduction in disadvantage to mobility classified disabled applicants in the transfer queue.</i>	
Cumulative impact²²	<i>The cumulative impact has been considered in the rows above.</i>	<i>The cumulative impact has been considered in the rows above.</i>	<i>The cumulative impact has been considered in the rows above.</i>	<i>The cumulative impact has been considered in the rows above.</i>
Assessment of overall impacts and any further recommendations²³				
<i>For the reasons given above, the proposed amendment to the Allocations Policy will greatly reduce the disadvantage to disabled mobility classified applicants in the transfer queue and the reduction to the disadvantage to this group will greatly outweigh the impact of groups from other queues facing slightly greater competition for social housing as a result of this proposed change. This weight is particularly pertinent when one bears in mind that compliance with the public sector equality duty may require disabled persons to be treated differently than non-disabled persons in order to create equity, advance the equality of opportunity and access, and reduce substantial disadvantage to a disabled group.</i>				

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
<i>No data is held on the following protected characteristics of gender reassignment of Housing Register applicants. This data should be gathered. However, it is not predicted that the proposed amendment will be likely to have a disproportionate impact on this group.</i>				

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

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
<i>Data on protected characteristics of Housing Register applicants</i>	<i>Nov 2022 and Oct 2023</i>	<i>Gender reassignment</i>	<i>Gather data on gender reassignment by December 2024.</i>
<i>Feedback on the impact of the current Allocations Policy on a mobility classified disabled applicant in the transfer queue</i>	<i>September 2023</i>	<i>None</i>	<i>N/A</i>

5. Prioritised Action Plan²⁴

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
<p><i>Disadvantage to mobility classified disabled applicants in the transfer queue, outlined in this Equality Impact Assessment.</i></p>	<p><i>Proposal to amend the Allocations Policy, outlined in this EIA and committee report in November 2023.</i></p> <p><i>Continue data analysis and data-informed change as appropriate to assess policy change impact and outcomes based on intersectional data analysis post implementation.</i></p>	<p><i>Amendment agreed by committee and adopted, which will reduce the disadvantage to mobility classified disabled applicants in the transfer queue.</i></p> <p><i>Expected change and equity creation evidence based on future post-implementation data analysis.</i></p>	<p><i>Removal of the disadvantage faced by mobility classified disabled applicants in the transfer queue.</i></p> <p><i>Intersectional data insights for disabled applicants indicate positive changes and benefits predicted.</i></p>	<p><i>Amendment adopted by 20 November 2023.</i></p> <p><i>Data insights and intersectional change assessment carried out within 2 years of the policy amendment.</i></p>

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment: Luke Harris Date: 18/10/2023

Directorate Management Team rep or Head of Service/Commissioning: Harry Williams Date: 20/10/2023

CCG or BHCC Equality lead: Sabah Holmes Date: 18/10/2023

Guidance end-notes

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

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

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

² Our duties in the Equality Act 2010

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

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

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

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

³ EIAs are always proportionate to:

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

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

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

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

⁹ **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

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

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

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

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁷ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁸ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

¹⁹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²⁰ **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²¹ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²² **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²³ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁴ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Brighton & Hove City Council

Housing and New Homes Committee

Agenda Item 38

Subject: Rough Sleeping Initiative 5 Grants

Date of meeting: 15th November 2023

Report of: Executive Director, Housing, Neighborhoods and
Communities

Contact Officer: Name: Aaron Burns
Tel: 01273 294163
Email: aaron.burns@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 To obtain approval to continue with grant agreements for three services funded through the Department of Levelling Up, Housing and Communities (DLUHC) 'Rough Sleepers Initiative 5' (RSI5) funding.
- 1.2 The three services referenced in this report have a total funding value of over £600,000 each requiring committee approval. Services One and Two have been active since July 2022 and service Three has been active since September 2022.
- 1.3 This report lays out the background to these services, the current position and the requirements to move forward.

2. Recommendations

- 2.1 That Committee agree the continuation of the three services through the grant funding from DLUHC.

3. Context and background information

- 3.1 The three services (detailed separately below) form part of the Single Homeless and Rough Sleeper Accommodation Pathway. They are essential elements of this pathway.
- 3.2 The 'Off Street Offer' provides direct accommodation for people sleeping rough, enabling an initial assessment in a safe and secure setting in order to understand the most appropriate accommodation options to move to. The Seagulls project offers accommodation with medium level of support, enabling people to step down from higher support when appropriate to do so. The Southdown project then provides floating support for when people are ready to live independently, with the support assisting people to maintain that accommodation.

- 3.3 The services were included in BHCC's funding bid for the DLUHC RS15 awarded in May 2022. The services are funded wholly by the ring fenced RS15 funding. Any underspend on this funding is retained by DLUHC.
- 3.4 Due to the total funding value BHCC's procurement team have advised that Committee approval is required to move forward before Officers can sign the outstanding grant agreements with providers.
- 3.5 The services have monitored service performance indicators and are contract managed by the Single Homeless and Rough Sleeper Commissioning Team. The three services are currently performing satisfactorily and within performance indicators.
- 3.6 Services have not been brought to Committee prior to this report due to the speed at which mobilisation was required in line with the funding award, alongside the mobilisation of 'Rough Sleepers Accommodation Programme' funded services and capacity within the service following the 'Everyone In' response. The funding means that save for officer time there is no costs to the Council. None the less there has been some procurement of local services all be it using DLUHC funds. Approval by Committee will enable grant agreements to be signed for the services to operate as currently.
- 3.7 The current total grant funding values is £2,226,234 for the term 07/2022 to 03/2025. This level of funding has been agreed as part of the RS15 bid moderation process based on the information submitted in the BHCC bid.

4. Service One – Off Street Offer – Glenwood Lodge Place

- 4.1 Service One is part of BHCC's Off Street Offer for rough sleepers. The service offers direct access to accommodation for people sleeping rough, via referral from the Street Outreach Service. It provides 30 units of accommodation and is delivered by BHCC Health & Adult Social Care (HASC).
- 4.2 Referrals are made by the Street Outreach Team for male verified rough sleepers. The service provides 24 hour support, working in a trauma informed manner to support first stage recovery from rough sleeping.
- 4.3 The service is within the Glenwood Lodge Place hostel, run by BHCC. The remaining 18 beds in the hostel are managed by HASC however referrals are made by the Single Homeless Adults Supported Accommodation Panel - HNC.
- 4.4 The service works on a Single Service Offer model, focusing on quick assessment, reconnections and links with statutory assessment. The service aims for a 90 day stay, providing quick referral and intervention for service users to longer term services both within and outside the city.
- 4.5 The funding provides an average of 200 hours per week of staffing through the term of the service, covering Service Manager, Deputy Manager, Assessment & Reconnections Workers and Night Workers.

- 4.6 The total value of the grant for the service is: £817,374.00 broken down into:
2022/2023 - £275,365 (01/07/22 to 31/03/23)
2023/2024 - £285,877
2024/2025 - £256,132

5. Service Two – Medium Support HMOs – Seagulls

- 5.1 Service Two is part of the longer term pathway for Single Homeless and Rough Sleepers in the city. The Seagulls Project provides 36 rooms in HMOs across the city. The Service Provider is Safe Haven Sussex CIC.
- 5.2 Nominations are made from BHCC's Supported Accommodation Panel – HNC for single adults locally connected to the city requiring support to live independently.
- 5.3 The service provides a medium level of support, meaning step down from higher support projects within the city or for those who come into the pathway with less complex needs but recovering from homelessness.
- 5.4 The service provides trauma informed person-centred support with staff available during the day and additional on call provision as required evenings and weekends. The service supports residents to move on to low support accommodation or independent living within two years.
- 5.5 The funding provides approximately 260 hours of staffing per week. This covers Service and Service Manager, Team Leader, Support Co-ordinators and Administrator.
- 5.6 The total value of the grant for the service is: £594,590.00 broken down into:
2022/2023 - £195,590 (01/07/22 to 31/03/23)
2023/2024 - £266,000
2024/2025 - £133,000

6. Service Three – Transition & Resettlement – Southdown

- 6.1 Service Three is part of the longer term pathway for Single Homeless and Rough Sleepers in the city. The Grant Funded Transition & Resettlement Service (T&R) sits alongside the Council's Core Funded T&R service. The Service Provider is Southdown Housing Association. The Service provides floating support for adults or young people moving into independent accommodation and manage a private sector tenancy.
- 6.2 Referrals are made to the service by providers with the Young Person and Single Homeless Adults accommodation pathway as well as BHCC's Housing Options Team.
- 6.3 The service provides floating support, allowing stepdown from supported accommodation, rough sleeping or emergency accommodation for those ready to leave independently but requiring support for the transition.

- 6.4 The service aims to offer support and intervention for an average of nine months, working with a case load of around 60 individuals at any one time.
- 6.5 The funding provides staffing for the project including direct staffing of Team Manager, 5 Resettlement Officers and Admin Support, as well as other additional project costs.
- 6.6 The total value of the grant for the service is: £814,270.00 broken down into:
2022/2023 - £179,670 (01/09/22 to 31/03/23)
2023/2024 - £314,160
2024/2025 - £320,440

7. Risks without approval

- 7.1 If approval is not given for services to continue and officer signature on the outstanding grant agreements this places BHCC under the following risks:
- 7.2 Without signed grant agreements, services are being carried out without acknowledgement and acceptance of agreed terms of service. In the event of poor performance, service mismanagement, dispute over pricing or serious incident this leaves BHCC in a vulnerable position. It should be noted that at the time of this report the services are performing too or above expected standard and meeting the performance indicators set out in service specifications. It is also noted that the legal position is challenging as there has been no formal contract put in place (in the absence of signature). It is probable that the Court would deem a contract is in effect as both parties have acted accordingly, but it would be useful to formalise the situation.
- 7.3 If Service One is prevented from continuing this would leave the Council without its main Off Street Offer for rough sleepers. This would see an increase of 30 rough sleepers within the city, placing significant pressure on resources both within and outside the Council. In addition the individuals supported by the Off Street Offer would have increased risk of deterioration of health and wellbeing, risking possible loss of life due to prolonged rough sleeping.
- 7.4 In addition at Service One, staff are employed direct by BHCC. If the service is not able to continue that the posts funded would be at risk of redundancy.
- 7.5 If Service Two is prevented from continuing this would leave the Council without 36 beds within the Single Homeless Supported Accommodation pathway. This would prevent move on from High Support Hostels, keeping residents within these settings for longer. If access to High Support or Medium Support beds is reduced this will see residents remaining in emergency accommodation (at cost to BHCC), Off Street Offer or rough sleeping for longer periods of time with increased risk of deterioration.
- 7.6 As the services are DLUHC funded if they are unable to continue this would need to be reported to DLUHC and the ring fenced funding returned. Reputationally this will reflect poorly on BHCC and is likely to influence future funding decisions.

8 Conclusion

- 8.1 It is recommended that committee approval is given to continuation of the services and authorisation for the Executive Director HNC to sign the outstanding grant agreements.

9. Financial implications

- 9.1 There are no financial implications arising from the recommendations in this report. All three services are funded through the Rough Sleeper Initiative 5 (RSI5) grants programme funded by the Department of Levelling up, Housing and Communities (DLUHC).

10. Legal implications

- 10.1 There are no legal implications arising directly from the report's recommendation.

Name of lawyer consulted: Liz Woodley

Date consulted: 06/11/23

11. Equalities implications

- 11.1 There are no equalities implications in the approval of these grant payments

12. Sustainability implications

- 12.1 None arising directly from this report.

13. Social Value Implications

- 13.1 None arising from this report

14 Procurement implications

- 14.1 These arrangements are grant agreements and therefore are not subject to the Public Contract Regulations 2015. Therefore none arising directly from this report.

15 Crime and Disorder Implications

- 14.1 None arising directly from this report.

15 Public Health Implications

- 15.1 None arising directly from this report.

Brighton & Hove City Council

HOUSING & NEW HOMES COMMITTEE

Agenda item 39

Subject: Procurement of Waste Contractors for Housing Repairs & Maintenance and Tenancy Services

Date of Meeting: 15 November 2023

Report of: Executive Director for Housing, Neighbourhoods & Communities

Contact Officer Name: Grant Ritchie

Tel: 01273 296806

Email: Grant.Ritchie@brighton-hove.gov.uk

Ward(s) affected: (All Wards).

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 The Housing Management landlord service currently source waste collection and disposal through three separate routes for the purposes of managing waste arising from the operation of our Housing Repairs & Maintenance service, Estates service and through our Tenancy Sustainment service, providing support to highly vulnerable residents to enable them to live safely in their homes.

1.2 This is currently delivered under two waivers that end on 31 March 2024 and by spot purchase arrangements.

1.3 This proposal will seek to combine the separate arrangements into new contract/s for the Housing Management service.

1.4 This report seeks delegated authority for the Executive Director of Housing Neighbourhoods and Communities to procure and award waste management contract/s, for the provision of collection and disposal of waste for the Housing Management service with an initial contract term of three years, with the option to extend for a further two years.

2. RECOMMENDATIONS:

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

2.1 Procure and award waste management contract/s for the provision of collection and disposal of waste from the three separate service areas within the Housing Management service, Repairs & Maintenance, Estates and Tenancy

Sustainment, with an initial term of three years with the option to extend for up to a further two years;

- 2.2 Grant the optional extension of the contract referred to in 2.1 subject to satisfactory performance of the contractor.

3 CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Housing Repairs & Maintenance service was brought in-house on 1st April 2020. The opportunity to review and potentially combine the overall Housing Management waste management requirements was not feasible at the time due to the prioritisation of other insourcing activities.
- 3.2 The Repairs & Maintenance service complete approximately 2,600 housing repairs and on average 80 empty homes refurbishments each month, creating various levels and types of waste. The waste is deposited in skips and containers located at the council's Housing Centre or Queensway site and collected by the contractor at frequent intervals, depending on waste type. This is taken for both disposal and recycling purposes. Waste is also tipped by both services, using secure caged vans at a facility site in Lewes, East Sussex.
- 3.3 The Housing Estates service provide a responsive collection service to remove and dispose of goods causing a hazard or impacting on resident's enjoyment of community spaces. This includes items deposited in communal ways, fly-tipped items and larger clearances from Housing land across the City. This service completes approximately 200 jobs per month, which are mixture of planned bulky waste removals, ad-hoc collections of fly-tipped items and rapid response to deal with health and safety risks. Once the caged vehicle is full, the waste is taken to a facility site in Newhaven, East Sussex.
- 3.4 The Tenancy Sustainment service provide support to highly vulnerable residents to enable them to live safely in their homes. This involves a specialist waste service, to remove and dispose of items from homes and gardens, including hoarded items and household rubbish and other waste. This element of the contract will involve removal of bio-hazardous waste and bio-hazardous deep cleans. The future service specification will reflect the need for trained and skilled staff to sensitively engage with tenants and liaise with Housing staff, working with vulnerable households.
- 3.5 The average yearly spend across all three service areas is approximately £0.400m, which is funded from the Housing Revenue Account (HRA) revenue budget. Housing Management have reviewed how the waste management service contract can best be procured and are exploring various options.
- 3.6 The procurement process will provide an opportunity for local organisations to bid for this work. The identified benefits for this procurement activity include:
 - 3.6.1 **Value for Money** – By combining service needs and contract values.
 - 3.6.2 **Efficiency** – Combining the skip and tipping provision for the Repairs & Maintenance service and Housing Estates service will achieve greater efficiency than the current arrangements. It will improve contract

management and create opportunities to implement new ways of working across Housing.

3.6.3 Sustainability – The procurement process will require interested parties to demonstrate how they will support the Council’s work to reduce carbon emissions and become a carbon neutral city by 2030. Also, how they will support one of the City Council Plan priorities for 2023-2027: “a sustainable, safe and clean environment”.

3.6.4 Social Value – Through the duration of the contract/s we will seek to secure long-term investment and detailed commitments to social value.

3.6.5 Innovation – The Invitation to Tender will request innovative waste and IT solutions, for example to provide a smartphone App with the ability to show the nearest facility to recycle electrical equipment. The contractor/s will also have to commit to increasing the amount of materials that can be reused and recycled for the duration of the contract term. This will be monitored in the monthly contract meetings.

3.6.6 Flexibility - Other council services such as Health & Adult Social Care will be able to access relevant contract/s to support their existing arrangements and provide value for money across the Council.

3.6.7 Simplify invoicing - Finance processes to be made easier, simpler and less resource intensive to process under new arrangements.

3.6.8 Customer / contract relations – Longer contract terms provide an opportunity to establish working relationships with dedicated waste providers. It also provides tenants with consistency of staffing for the specialist cleans and clearances.

3.6.9 Contract management – Formal monthly contractor meetings will be held to monitor key performance indicators. The meetings will also be used to continually drive service improvements and efficiency of the service.

4. ANALYSIS & CONSIDERATIONS OF ALTERNATIVE OPTIONS

4.1 This procurement exercise is intended to replace the two existing waivers and current spot purchase arrangements, with new contractual arrangements, including clear requirements for the future needs of the service.

4.2. We have approached Cityclean, the Council’s in-house waste and recycling collection service. This service offer would be limited to collecting glass, refuse (rubbish) and recycling the same items as the household collection service. All other waste needs, including biohazardous waste and skips, would need to be met through a separate contract and would result in several companies being responsible for the different parts of the contract.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The Survey of Tenants and Residents (STAR) was carried out during October 2023. This research included a question to all participating tenants or residents about their satisfaction or dissatisfaction with the way the Housing Management service keeps communal areas clean and well maintained. Responses from STAR will be used to provide data on satisfaction rates prior to the new waste procurement. Future STAR results will then be reviewed to see if customer satisfaction levels have increased, decreased or stayed the same.

6. CONCLUSION

6.1 Our recommendation to Committee is to procure and award waste management contract/s for the provision of collection and disposal of waste from the three separate service areas identified within the Housing Management service.

6.2 Delegated authority will enable the Housing Management service to complete all stages for the procurement process in a timely way.

6.3 It is critical for the Housing Management service to have reliable contractors, who will work with us on agreed terms and conditions. This will assist with the collection of waste as a result of repairs, hoarding, fly tipping, items deposited in common ways. This will assist the Council to provide an excellent service to residents, whilst fulfilling our duties to provide safe and well-maintained homes.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 There may be financial implications if the submitted tender prices are substantially different from the proposed HRA revenue budgetary provision for 24/25, which are based on current spending levels as referred to in section 3.5 of the report. However, it is expected that the proposed framework and contract arrangements will deliver efficiencies; both financial and operational and this will help inform future HRA budget setting for 25/26 onwards.

Finance Officer consulted: Mike Bentley

3rd November 2023

Legal Implications:

7.2 The Housing & New Homes Committee is the appropriate committee for the recommendations set out in paragraph 2 above in accordance with Part 4 of the council's constitution. In order to comply with the Contract Standing Order 3.1, authority to enter into contracts in excess of £500,000 must be obtained from the relevant Committee.

7.3 The council has a duty to secure 'economy, efficiency and effectiveness' in all its activities. The procurement of the proposed contract in a manner which attracts the most economically advantageous bid supports this principle and is in line with

the relevant procurement rules.

7.4 The council's Legal officers will advise on the use of any framework agreements and the call off contract(s) during the procurement process to ensure that the council complies with all relevant public procurement legislation as well as the council's Contract Standing Orders (CSOs).

Lawyer consulted: Eleanor Richards 31st October 2023

Equalities Implications:

7.5 The procurement process documents will include questions that ensure interested parties address all equalities considerations, both as a business and through evaluation on how they will engage with residents to ensure they give consideration and commitments to the Council's Equality and Inclusion Policy Statement and Strategy.

7.6 The council's standard anti-racism clause will be included in the future Waste Management Framework. Monitoring will take place via monthly contract meetings which will require the contractor/s to supply data to evidence positive actions to achieve equality and diversity in their workforce. For example, via recruitment policies and training or actively challenging any prejudice or discrimination against staff or people using the service.

Sustainability Implications:

7.7 The key sustainability criteria for this procurement is included in the 'Invitation to Tender' document. This includes the council's target of Caron Net Zero by 2030, requiring consideration to be given to the impact of our Housing waste management service on the carbon footprint of the city. The contract meetings will regularly review recycling rates and landfill amounts, vehicle usage, mileage, cleaning products used and wastewater disposal methods.

7.8 Sustainability will form part of our evaluation of tender submissions, and a minimum of 10% of our overall quality score.

8.0 Any Other Significant Implications:

Social value and community wealth building considerations

8.1 The 'Invitation to Tender' states the minimum commitments that add additional value to the community. This includes a minimum of one apprenticeship for every two years of the contract term. Facilitation of a minimum of four community clean up events per year with the contractor/s being required to identify a minimum of one local community organisation, community project or local charity to support with the delivery of one specified project (as the minimum) for each year of the contract/s.

8.2 Through the procurement process we will seek to secure support for local business, optimise opportunities for community wealth building, engage with local contractors and help provide employment opportunities for the city's residents.

8.3 Social value and community wealth building will form part of our evaluation, and a minimum of 10% of our overall quality score.

SUPPORTING DOCUMENTATION

Appendices:

1. There are none.

Documents in Members' Rooms

2. There are none.

Background Documents

3. There are none associated with this report.

Crime & Disorder Implications:

4. None arising directly from this report.

Risk and Opportunity Management Implications:

5. The current arrangements for waste collection and removal services do not offer the required assurance around service delivery, value for money and contractual control or agreement. The opportunities arising from the procurement process include to complete a test of the market to achieve an improved level of value for money. Also, to establish clear contractual terms that deliver value for money, efficiency, sustainability, social value, innovation and good contractual management. All of which should result in a better reflection of and allowance for how the Housing Management service will develop and improve over the contract term.

Public Health Implications:

6. Securing contract/s to dispose of goods causing a hazard, or impacting on resident's enjoyment of community spaces could have a positive impact on the health, wellbeing and quality of life for our residents.

Corporate / Citywide Implications:

7.0 Outcome 1: A City to be proud of: An accessible, clean, and sustainable city –
'What we will do' 1: Keep our city clean and manage waste, with a focus on minimising waste.

'What we will do' 2: Work towards carbon net zero, reduce carbon emissions.

7.1 Outcome 2: A Fair and Inclusive City - Homes for everyone.

'What we will do' 3: Improve housing support for residents • Optimise the local benefits and social value of our inhouse repairs and maintenance service.

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 40

Subject: Building and Fire Safety Act Compliance, Procurement of Contractors

Date of meeting: 15th of November 2023

Report of: Executive Director Housing, Neighbourhoods & Communities

Contact Officer: Name: Geoffrey Gage
Tel: 01273 293235
Email: Geoffrey.gage@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The health and safety of our residents and those who visit and work on our council homes is a key housing service priority. The Housing Revenue Account (HRA) contains the income and expenditure relating to the council's social landlord duties covering approximately 11,900 rented properties and approximately 2,300 leasehold properties. As the owner and manager of these homes the council is responsible for the buildings compliance with legislation and regulation related to buildings maintenance and investment.
- 1.2 As outlined in previous reports to Housing & New Homes Committee, significant legislative and regulatory changes impacting on the duties of social housing landlords, including the council, have been introduced following the Grenfell Tower tragedy. In 2022 the Building Safety Act alongside the latest Fire Safety (England) Regulations were issued. We are investing in building, fire and health & safety in council homes in line with these new duties, including a programme of building surveys and enhanced fire surveys on our blocks. This investment is to make sure we continue to provide safe, good quality council homes in line with the legislative and regulatory changes impacting council housing.
- 1.3 The changes in obligations for owners / managers of residential blocks exceeding 11 metres in height require the council to undertake a significant number of building and fire safety surveys. The outcome of these surveys may include recommendations for further investigative and / or remedial works to ensure legislative and regulatory compliance.
- 1.4 This report requests delegated authority be granted to the Executive Director of Housing, Neighbourhoods & Communities to procure and award contracts exceeding £500,000 for works and services requirements arising from these building and fire safety surveys. This authority would extend to

contracts for works and services related to compliance with the Building Safety Act and relevant fire safety regulations, including the Fire Safety (England) Regulations 2022 following a complaint procurement process and within approved HRA budget/s.

2. Recommendations

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

3. Context and background information

- 3.1 Housing & New Homes Committee and residents have been regularly updated on the ongoing review of our approach towards health and safety compliance and assurance for council homes, including fire safety in council high rise blocks, in light of new Building Safety Act, Social Housing (Regulation) Act and fire safety regulations. In 2022 new legislation through the Building Safety Act regulations was enacted alongside amendments to fire safety requirements through the Fire Safety (England) Regulations 2022. The changes include significantly higher standards for surveying and reporting on building fire safety standards for residential properties that exceed 11 metres (m) in height. Within the council housing stock there are 45 blocks over 18m in height and 14 blocks between 11-18m in height. An additional 23 seniors housing schemes form part of this phase of works. Going forward we will be undertaking a review of 1282 council blocks of up to 11m in height.
- 3.2 The Housing Investment & Asset Management (HIAM) service has been working to secure contracts for surveyors to undertake measured surveys of the council's properties over 11m high prior to securing the further, more extensive surveys required to meet the standard of the new legislation. The measured surveys work began in March 2023 and is ongoing.
- 3.3 Housing & New Homes Committee have previously been advised on the procurement of specialist contractors to assist with meeting our legislative and regulatory requirements, including for provision of: digital floor plan surveys of our high rise blocks; external wall surveys to high-rise blocks; the Large Panel System (LPS) structural investigation surveys of 8 HRA blocks (St James House, Nettleton and Dudeney, Swallow, Kestrel, Kingfisher, Heron and Falcon) that are underway; procurement of a specialist contractor, to carry out Type 4 enhanced fire risk assessments (FRA); Procurement of a specialist contractor to carry out annual checks of flat entrance doors and quarterly checks of all fire doors in common areas.
- 3.4 At this time the extra surveys and works subject to this request for approval of delegated authority are funded from the existing HRA budget set out in paragraph 7.1 alongside the works outlined above. Committee approval for

any additional budget requirements will be managed via TBM and / or the 2024/25 HRA budget setting as set out in paragraph 7.2.

- 3.5 East Sussex Fire & Rescue Service (ESFRS) are a key stakeholder and regulator, and we work closely with them on all fire safety compliance in our buildings.
- 3.6 In order to discharge their regulatory duties, following recent inspections of 5 council high rise blocks, in September 2023 ESFRS served the council enforcement notices specifying the dates for completion of some aspects of fire safety work, ranging from the end of October 2023 to September 2024. The notices refer to work required in Clarendon House in Hove; Somerset Point, Hereford Court and Saxonbury in Queen's Park; and Nettleton Court in Hollingdean.
- 3.7 We have completed a number of the actions specified in the notices and are continuing to work closely with ESFRS to ensure full assurance and compliance with their requirements as soon as possible. It is a key priority for the Council to rectify areas where we currently don't comply with fire safety regulations. Since receiving the notices, we have been through our planned fire safety work on our 45 high-rise blocks and reprioritised the actions needed. This includes bringing forward some of the work that we have previously reported to Committee that requires specialist contractors in order that we can address all outstanding issues on the fastest timescales possible.
- 3.8 The Council has subsequently awarded a number of surveying contracts in October 2023 to address the initial requirements of these notices alongside provision to undertake the required surveys on all of the councils' relevant properties.
- 3.9 The surveys on the properties with current enforcement notices and all of the council's relevant properties are likely to result in recommendations to improve / update the fire safety standards of these properties through remedial works. They may also recommend further, more intrusive surveys. These recommendations will form an obligation both for compliance to the regulations but also to residents' continued safety.
- 3.10 The required remedial works / more extensive surveys will arise as initial surveys are completed and given the enforcement notices and other legal requirements, including potential for further action, will urgently require the council to deliver. Currently HIAM and Corporate Procurement alongside the Housing Repairs & Maintenance Service are carrying out contractor engagement to identify suitable specialists. This includes the identification of suitable frameworks and procurement compliant routes to market.
- 3.11 The current volatility of the construction market alongside high demand for specialist fire safety remedials means that the more flexibility the council has to award contracts quickly will improve how quickly remedial works can be completed.

- 3.12 As the values of these works is currently unknown this report aims to pre-emptively seek delegated authority to the Executive Director to ensure that appointments made (compliant with the procurement regulations) are not limited by the committee cycle. Procurement of works has to take place aligned to agreed HRA budgets which are outlined in the Finance comments in Section 7 of this report, below.

4. Analysis and consideration of alternative options

- 4.1 Retaining the current procedure would potentially result in a delay of up to 3 months from recommendations to the start of procurement for any remedials over £500,000 in value. This would put both the council at risk of further action from ESFRS and result in delays in works to ensure our homes are fully compliant with updated legislative requirements, including minimising fire health & safety risks for our residents.
- 4.2 Consideration was also given to a total collection of works, seeking delegated authority at this stage and then procurement of this in packages but as the surveys are currently programmed over the next 12 months this would result in potential delays of over a year on the recommended works / surveys.

5. Community engagement and consultation

- 5.1 Housing Health & Safety Update presentations have been shared with September Housing Area Panels and the Council Tenant Annual Conference. We have also engaged with Home Group, Involvement & Empowerment Service Improvement Group and Tenant Disability Network and included updates in Homing In.
- 5.2 We have written to all residents of council high rise blocks providing relevant fire safety instructions, including instructions on how to report a fire and what a resident must do should a fire occur. The information letter sent to existing residents is also being provided to new residents in their Tenancy Information Packs. The Council have also updated information on our website to include this detail.
- 5.3 In addition, we have written to all residents in the 5 blocks subject to enforcement notices to share the detail of the fire safety work we will be carrying out in those blocks. Our letter set out how to contact the Housing service if residents have any follow up questions or concerns. We also held drop-in sessions for residents.
- 5.4 Works that arise as a result of this review could be chargeable to leaseholders if higher value and Section 20 consultation in accordance with the Landlord and Tenant Act 1985 would be followed and agreed.
- 5.5 Resident engagement would be undertaken with all residents affected by any works that may arise as part of our Resident Engagement Procedure and Policy which would include in person meetings as well as general information communications.

6. Conclusion

- 6.1 In order to maintain compliance with our legislative and regulatory requirements, the Council must as a priority, on the shortest available timescales, address recommendations from fire safety surveys on its residential blocks over 11 metres in height. To do this within a volatile and high demand market the Council needs flexibility to appoint contractors quickly. Delegated authority to the Executive Director will ensure that these appointments (when over £500,000.00) are not negatively affected by the timings of the committee cycle and allow an agile approach to the procurement of works to meet our statutory duties in order to achieve the timescales required. The budget parameters within which this procurement activity will be undertaken are outlined in the Finance comments below.

7. Financial implications

- 7.1 The June 2023 Housing & New Homes Committee paper outlined the investment required to support the fire safety compliance works. It is currently estimated to total £2.808m per annum over the medium term of which £2.654m is already within approved HRA budgets for 2023/24, this includes the cost of surveys. This investment will result in the recruitment of a Fire Safety Manager (existing establishment post) and a Fire Safety team totaling £0.218m of which 50% of this will be considered to be capitalised. For surveys and works excluding the fire safety team there is an annual budget of £2.590m.
- 7.2 This is a recurring investment over the medium term and as such will form part of the part of the HRA budget paper to be presented in to Housing & New Homes Committee in January 2024 and subsequently to Strategy, Finance and Regeneration Committee in February 2024. As set out in the paragraph above any costs associated with these works which are incurred during the financial year 2023/24 have been budgeted for and will be managed within existing approved resources, due to the part year effect of spend being incurred.
- 7.3 The Building and Fire Safety Act compliance and assurance is a significant risk for the HRA, with close monitoring of the financial impacts being undertaken on a regular basis via the councils TBM process. The capital investment programme is monitored and reviewed on a monthly basis to ensure that the level of investment is adequate, if further budget is required following those reviews this will be reported via the councils TBM process to the Strategy, Finance and City Regeneration Committee.

Name of finance officer consulted: Michael Bentley & Craig Garoghan.
Date consulted: 01/11/2023.

8. Legal implications

- 8.1 The report sets out that the essential nature of the procurement needed to obtain works and services in order for the Council to remedy existing

breaches and meet core statutory legal standards for building and fire safety in respect of buildings for which the Council is the social landlord. The nature of this work is that it is required as a priority, on the shortest available timescales, and the Council is expected to take an agile approach to the procurement of works to meet its statutory duties in order to achieve the timescales required.

- 8.2 The Housing and New Homes Committee is the appropriate committee for the recommendations set out in paragraph 2 above in accordance with Part 4 of the council's constitution. In order to comply with the Contract Standing Order 3.1, authority to enter into contracts in excess of £500,000 must be obtained from the relevant Committee. The recommendations in this report will, if approved, enable officers to enter into contracts (including those over £500,000) without bringing further reports to committee. The total value of those contracts will be that set out in 7.2 above.
- 8.3 The council has a duty to secure 'economy, efficiency and effectiveness' in all its activities. The procurement of the proposed contract in a manner which attracts the most economically advantageous bid supports this principle and is in line with the relevant procurement rules.
- 8.4 The council's Legal officers will advise on the use of any framework agreements and the call off contract(s) during the procurement process to ensure that the council complies with all relevant public procurement legislation as well as the council's Contract Standing Orders (CSOs).

Name of lawyer consulted: Eleanor Richards & Natasha Watson Date consulted (01/11/23):

9. Equalities implications

- 9.1 The tender documents will include questions that ensure the bidders address all equalities considerations, both as a business and through evaluation of how they will engage with residents to ensure they give consideration to the diversity of the city's population.
- 9.2 Contractors will be expected to carry out their works in line with the Council's Fair & Inclusive Action Plan.

10. Sustainability implications

- 10.1 Bidders proposals will be evaluated for the sustainable practice and delivery which will be weighted at a minimum of 10% of the quality evaluation.

11. Other Implications

Social Value and procurement implications

- 11.1 Contractors will be asked to submit a Social Value proposal against the relevant criteria from the Social Value framework which will be evaluated at a minimum of 10% of the quality criteria.

- 11.2 This weighting may be altered through requests for specific Social Value outcomes such as delivery of a fixed number of apprentices.
- 11.3 A number of procurement compliant frameworks have been identified to address the need for remedials contractors and surveying specialists.
- 11.4 Where proposed contract values are below the relevant threshold (Works: £5.3M and services / surveys: £213k) HIAM and Procurement will collaborate on achieving best value through seeking quotations either through the frameworks identified or through request for quotations based on the value and the requirements under the contract standing orders.

Supporting Documentation

None

