



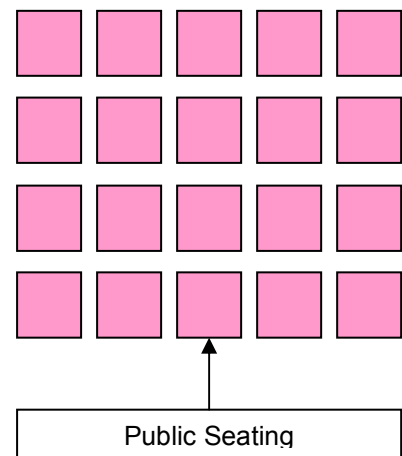
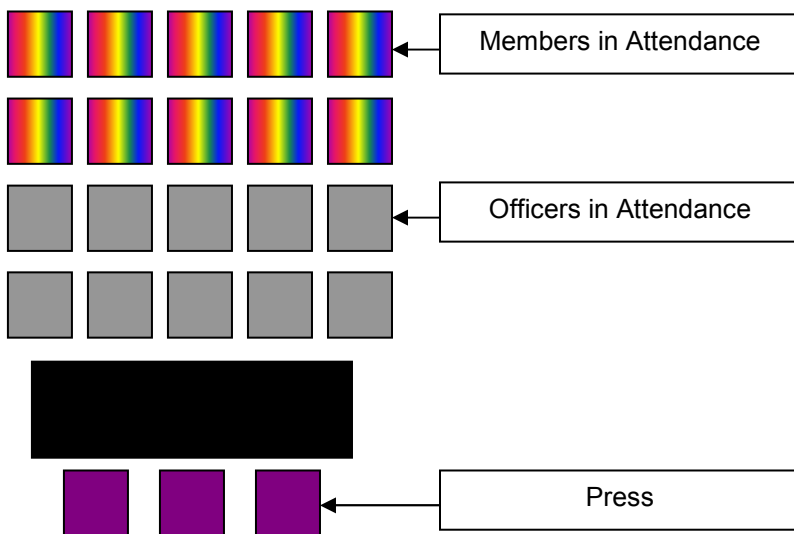
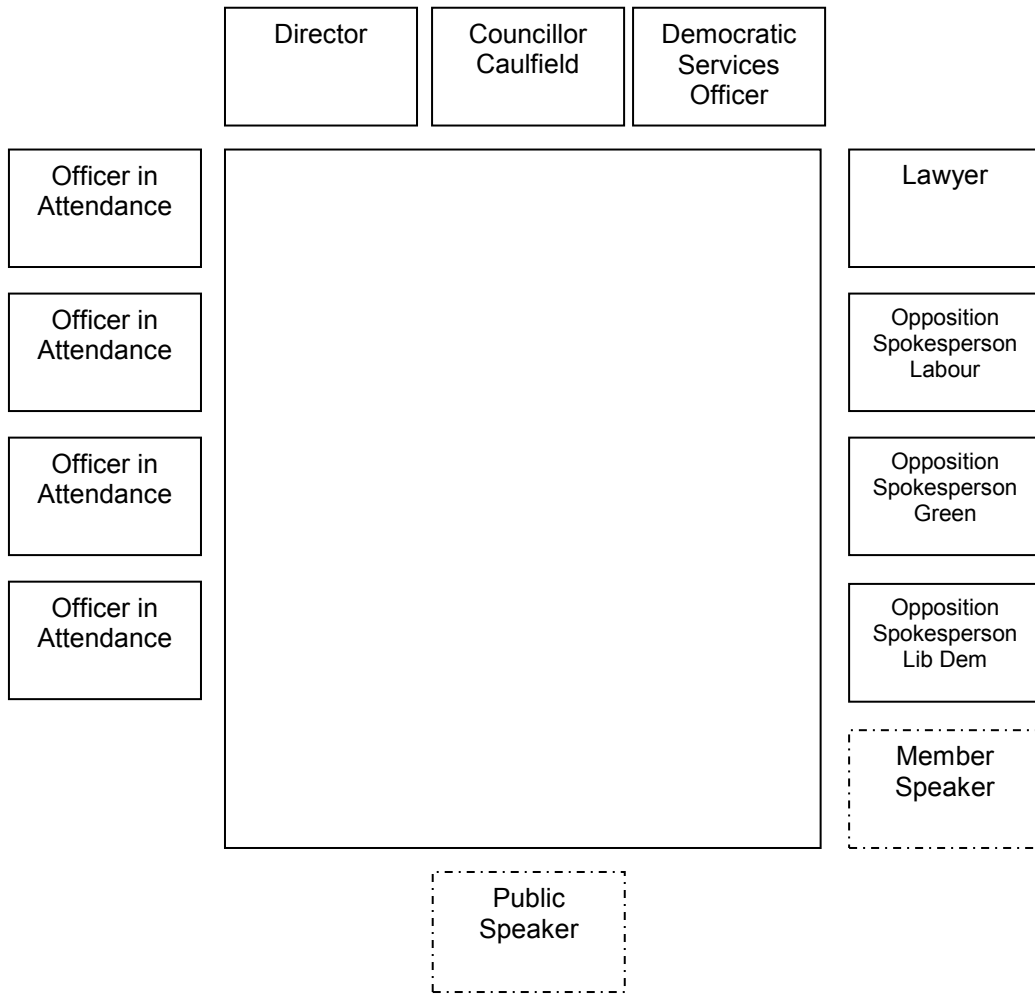
**Brighton & Hove
City Council**

Cabinet Member Meeting

Title:	Housing Cabinet Member Meeting
Date:	21 April 2010
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillor: Caulfield (Cabinet Member)
Contact:	Caroline De Marco Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

97. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) 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 2 of the Agenda states in its heading either that it is confidential or 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 categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

98. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the Meeting held on 3 March 2010 (copy attached).

99. CABINET MEMBER'S COMMUNICATIONS

100. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

101. PETITIONS

No petitions have been received by the date of publication.

102. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 14 April 2010)

HOUSING CABINET MEMBER MEETING

No public questions have been received by the date of publication.

103. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 14 April 2010)

No deputations have been received by the date of publication.

104. LETTERS FROM COUNCILLORS

No letters have been received.

105. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

106. NOTICES OF MOTIONS

No Notices of Motion have been referred.

107. MINUTES OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE 7 - 10

Minutes of the meetings held on 4 March 2010 (copy attached).

108. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE 11 - 18

Minutes of the meeting held on 8 February 2010 (copy attached).

109. USE OF WELLBEING-POWER TO ACCOMMODATE HOUSEHOLDS IN EXCEPTIONAL HOUSING NEED 19 - 28

Report of Director of Housing Culture & Enterprise (copy attached).

Contact Officer: Rachel Chasseaud Tel: 01273 293316

Ward Affected: All Wards;

110. HOUSING MANAGEMENT FINANCIAL INCLUSION STRATEGY (CONSULTATION DRAFT) 29 - 42

Report of Director of Housing, Culture & Enterprise (copy attached).

Contact Officer: Lynn Yule Tel: 01273 293240

Ward Affected: All Wards;

111. REVIEW OF CHOICE BASED LETTINGS 43 - 46

Report of Director of Housing, Culture & Enterprise (copy attached).

Contact Officer: Sylvia Peckham Tel: 293318

Ward Affected: All Wards;

112. TENANT SERVICES AUTHORITY ARRANGEMENTS FOR REGULATING THE COUNCIL'S LANDLORD SERVICES 47 - 56

HOUSING CABINET MEMBER MEETING

Report of Director of Housing, Culture & Enterprise (copy attached).

Contact Officer: Carol Jenkins *Tel:* 29-3832

Ward Affected: All Wards;

113. PROCUREMENT OF PARKING ENFORCEMENT CONTRACT – HOUSING MANAGEMENT LAND 57 - 64

Report of Director of Housing Culture & Enterprise (copy attached).

Contact Officer: Robert Keelan *Tel:* 29-3261

Ward Affected: All Wards;

114. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER ON INDIVIDUAL PROPERTY UNDER EMPTY PROPERTY STRATEGY (PROPERTY A) 65 - 72

Report of Director of Housing, Culture & Enterprise (copy attached).

Contact Officer: Martin Reid *Tel:* 29-3321

Ward Affected: Preston Park;

115. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER FOR A LONG TERM EMPTY PROPERTY (PROPERTY B) 73 - 80

Report of Director of Housing Culture & Enterprise (copy attached).

Contact Officer: Martin Reid *Tel:* 29-3321

Ward Affected: Woodingdean;

116. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER FOR A LONG TERM EMPTY PROPERTY (PROPERTY C) 81 - 86

Report of Director of Housing Culture & Enterprise (copy attached).

Contact Officer: Martin Reid *Tel:* 29-3321

Ward Affected: Westbourne;

117. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER FOR A LONG TERM EMPTY PROPERTY (PROPERTY D) 87 - 94

Report of Director of Housing Culture & Enterprise (copy attached).

Contact Officer: Martin Reid *Tel:* 29-3321

Ward Affected: St Peter's & North Laine;

HOUSING CABINET MEMBER MEETING

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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

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

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

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

Date of Publication - Tuesday, 13 April 2010

BRIGHTON & HOVE CITY COUNCIL

HOUSING CABINET MEMBER MEETING

4.00pm 3 MARCH 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Caulfield (Cabinet Member)

Also in attendance: Councillors Simpson (Opposition Spokesperson - Labour) and Randall (Opposition Spokesperson - Green)

PART ONE

81. PROCEDURAL BUSINESS

- 81.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).
- 81.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of item 96 should there be discussion on this matter.

82. MINUTES OF THE PREVIOUS MEETING

- 82.1 **RESOLVED** – That the minutes of the Housing Cabinet Member Meeting held on 14 January 2010 be agreed and signed by the Cabinet Member.

83. CABINET MEMBER'S COMMUNICATIONS

Scott Marshall

- 83.1 The Cabinet Member introduced Scott Marshall, Director of Housing, Culture and Enterprise. Housing matters would now come under the remit of the new Directorate of Housing, Culture and Enterprise.

Local Delivery Vehicle

83.2 The Cabinet Member reported that there was no further news on the LDV at the present time. The Council had made an offer to the LDV and was waiting for a decision.

84. ITEMS RESERVED FOR DISCUSSION

84.1 **RESOLVED** – That with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate.

85. PETITIONS

85.1 There were none.

86. PUBLIC QUESTIONS

86.1 There were none.

87. DEPUTATIONS

87.1 There were none.

88. LETTERS FROM COUNCILLORS

88.1 There were none.

89. WRITTEN QUESTIONS FROM COUNCILLORS

89.1 There were none.

90. NOTICES OF MOTIONS

90.1 There were none.

91. MINUTES OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE

91.1 The Cabinet Member considered the minutes of the Adult Social Care & Housing Overview & Scrutiny Committee held on the 21 January 2010.

91.2 **RESOLVED** – That the minutes be noted.

92. HOMELESSNESS GRANT – CLG GRANT ALLOCATION 2010/11*

92.1 The Cabinet Member considered a report of the Director of Housing, Culture & Enterprise which outlined the Department of Communities and Local Government (CLG) Homelessness Grant Allocation for 2010/11 and sought approval for the allocation of the grants for 2010/11 amongst external agencies and internal teams to further the work of the Council's Homelessness Strategy. Appendix B in Part 2 of the

agenda set out the funding allocation amongst external agencies and internal teams. These initiatives were put out to tender and the tendering amounts were commercially sensitive.

- 92.2 The Cabinet Member congratulated staff who had worked hard on the cold weather initiative. She mentioned that she had attended a meeting at St Mungo's in London. They were looking at the links between mental health and street homelessness and were impressed with the work that was being carried out in Brighton & Hove.
- 92.3 Councillor Randall asked about the reduced funding for the Sanctuary Scheme. As the take up had been low, he asked whether the scheme had been highly publicised. He also asked how many people used the night shelter. The Housing Options Manager, Single Homeless and Work & Learning explained that the Sanctuary Scheme Fund was used as a last resource. In terms of advertising, officers were working with police magazines and with all victims of crime. Meanwhile, 20 people used the night shelter and 20 people were in bed and breakfast.
- 92.4 Councillor Randall expressed concern over the counts and queried the accuracy of the figures. The Housing Options Manager explained that the counts were carried out in accordance with guidance from central government. However, the council also carried out street audits and the government were moving towards this way of counting. Meanwhile, the council had a duty to report to the CLG in the way they required.
- 92.5 Councillor Randall asked for the council's audit figures to be made available. The Housing Options Manager agreed to include these figures in an update report in June 2010.
- 92.6 Councillor Simpson referred to paragraph 3.8 of the report and queried why she could not find details about "working hostels" in the Part 2 Appendix. Councillor Simpson also asked about the changes to the Homeless Strategy Officer post. The Housing Options Manager explained that officers were waiting to hear if there would be lottery funding for additional posts for the "Working Hostels". Meanwhile, the Homeless Strategy Officer role could change from year to year.
- 92.7 Councillor Randall asked if officers were investigating why street homeless numbers were increasing. The Housing Options Manager explained that this was partly due to an increase in migrants from central Europe. There would be a needs assessment, and a report from the Crime Reduction Initiative was expected soon. There had been initiatives in London and elsewhere to end rough sleeping and this had led to many rough sleepers moving to the city.
- 92.8 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the allocation amongst external agencies and internal teams be approved as set out in Appendix B, which was circulated in part 2 of the agenda papers.
 - (2) That the progress and outcomes of funded services from this grant funding in 2009/10 be noted, as set out in Appendix A of the report.

93. KEEPING PEOPLE WITH LEARNING DISABILITIES SAFE - SAFEGUARDING REPORT QUARTERS 1-3 09/10*

- 93.1 The Cabinet Member considered a report of the Director of Housing, Culture & Enterprise which outlined key issues and current and future action to ensure the council were safeguarding people with learning disabilities in the city.
- 93.2 The Manager, Integrated Learning Disability explained that there would be quarterly reports in future. She reported that the Care Quality Commission would be carrying out an inspection this year and would be looking at safeguarding. There had been a significant increase in reporting year on year. However, it should be noted that there had been an increase in the number of alerts where no investigation was required. Officers were monitoring the impact of the personalisation agenda on alerts.
- 93.3 Councillor Simpson was pleased to hear that fewer safeguarding alerts needed action. She asked who instigated the initial alerts. The Manager, Integrated Learning Disability explained that they could be self alerts; however the majority were from care providers.
- 93.4 Councillor Randall asked how officers were being more vigilant about personalisation. The Manager, Integrated Learning Disability explained when there were alerts, officers would know if the client concerned was receiving an individual budget. The council also had a Risk Enablement Panel.
- 93.5 Councillor Randall asked if officers were able to act quickly if there were serious cases of abuse. He was informed that safeguarding took top priority and cases of abuse were dealt with quickly.
- 93.6 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That the content of the Quarters 1 -3 09/10 Safeguarding Report for people with Learning Disabilities be noted.

94. HOUSING MANAGEMENT CUSTOMER ACCESS REVIEW

- 94.1 The Cabinet Member considered an update report of the Director of Housing, Culture & Enterprise on the review of customer arrangements for the Housing Management Service and presented 'broad principles' for taking the work forward. The report had been submitted to the HMCC on 8 February 2010.
- 94.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the customer access review work to date be noted, and the next steps be agreed.
- (2) That the "Broad Principles" detailed in points 3.6 to 3.27 be approved.

95. INDEPENDENT & VOLUNTARY SECTOR LEARNING DISABILITY SERVICES FEES REPORT 2010/11

- 95.1 The Cabinet Member considered a report of the Director of Housing, Culture & Enterprise which was presented within the context of the current annual round of fee discussions with those independent and voluntary sector providers who were supplying care services on behalf of Brighton & Hove Council.
- 95.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That approval is given to maintain the 2009/10 fee rates for independent and voluntary sector learning disability services in 2010/11.
 - (2) That an exception is made to 2.1 in the report and approval is given to Southdown Housing Association receiving 1% uplift in 2010/11 for its learning disability block contract for residential/supported accommodation services.

96. APPENDIX B - HOMELESSNESS GRANT - CLG GRANT ALLOCATION 2010/11

- 96.1 The Cabinet Member noted the Appendix B to the Homelessness Grant Allocation 2010/11 report (see Item 92). It had been agreed that it was not necessary to discuss this matter in part 2 of the meeting.

The meeting concluded at 4.47pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE

4.00PM 4 MARCH 2010

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors Meadows (Chairman); Wrighton (Deputy Chairman), Allen, Janio, Taylor, Wells and Smart

Co-opted Members:

PART ONE

42. PROCEDURAL BUSINESS

42A. Declarations of Substitutes

42.1 Councillor David Smart announced that he was attending as substitute for Councillor Dawn Barnett.

42B. Declarations of Interest

42.2 Councillor Keith Taylor declared a personal interest in Item 46(a).

42C. Declarations of Party Whip

42.3 There were none.

42D. Exclusion of Press and Public

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

42.5 RESOLVED – That the press and public be not excluded from the meeting.

43. MINUTES OF THE PREVIOUS MEETING(S)

- 43.1 That the minutes of the meetings held on 07.01.10 and 21.01.10 be approved as a correct record.

44. CHAIRMAN'S COMMUNICATIONS

- 44.1 There were none.

45. PUBLIC QUESTIONS

- 45.1 There were none.

46. LETTERS FROM COUNCILLORS

- 46.1 Councillor Georgia Wrighton introduced a letter proposing holding a Scrutiny panel on autistic spectrum conditions (ASC).
- 46.2 Members debated this issue, agreeing to form a panel to look at adult ASC services, potentially including 'transitional' services supporting people moving from children's to adult services. Members also asked for a briefing note on this issue to be circulated to all members.
- 46.3 Councillor Keith Taylor introduced a letter from Councillor Ian Davey on lease-hold mediation services.
- 46.4 The Chair directed members to a recent response to similar queries from Nick Hibberd, Assistant Director, Housing Management. Committee members agreed that this response answered most of the queries raised in Councillor Davey's letter and that there was currently therefore no need for the matter to be taken further by the Committee.
- 46.5 **RESOLVED** – That: a) an ad hoc panel be formed to investigate issues relating to city services for adults with autistic spectrum conditions; b) that Councillor Davey be thanked for his letter regarding lease-hold mediation, but that no further action would be taken at this time.

47. NOTICES OF MOTIONS REFERRED FROM COUNCIL

- 47.1 There were none.

48. TRAINING SESSION: ADAPTATIONS CARE PATHWAYS

- 48.1 This Item was introduced by Guy Montague-Smith from Access Point and by Lesley D'Arcy-Garven from Community Solutions.
- 48.2 Members asked questions on issues including housing adaptations, social care needs assessments and client satisfaction with the service.

48.3 The Chair thanked Mr Montague-Smith and Ms D’Arcy-Garven for their contribution.

49. ANNUAL PERFORMANCE ASSESSMENT FOR ADULT SOCIAL CARE

49.1 This Item was introduced by Denise D’Souza, Acting Director of Adult Social Care (ASC). Ms D’Souza told members that ASC was expecting to be inspected by the Care Quality Commission (CQC) in the coming months, with the inspection anticipated to focus on safeguarding issues and the provision of Learning Disability services in relation to choice and control.

49.2 In answer to a question regarding the ASC assessment process, Ms D’Souza told the Committee that complying with all the demands of assessment could be onerous, but that the process provided valuable assurance for ASC, confirming that it is performing well in most areas and helping identify those areas where services might be improved.

49.3 In response to a query about voluntary sector involvement in ASC, Ms D’Souza offered to bring a report on this issue to a future meeting of ASCHOSC. It was agreed that this report should be added to the agenda for the September 2010 meeting.

49.4 The Chair asked the Acting Director of Adult Social Care to pass on the committee’s thanks to all ASC staff for their hard work over the past year – as reflected in the generally very positive assessment.

49.5 **RESOLVED** – That the report be noted and ASC staff be commended for their performance.

50. PERSONALISATION

50.1 This Item was introduced by Denise D’Souza, Acting Director of Adult Social Care.

50.2 In response to a query as to the impact of grant funding ending this financial year, members were told that money provided via the Social Care Reform Grant had been used to ‘pump-prime’ various initiatives rather than as a funding source for ongoing expenditure, as it had always been recognised that this money would be available for only three years. The roll-out of the Re-ablement programme is expected to relieve pressure on the Community Care budget, as it will reduce people’s reliance upon long-term care packages, reducing community care expenditure.

50.3 **RESOLVED** – That the report be noted and an update be received by the Committee in six month’s time.

51. ADULT SOCIAL CARE GREEN PAPER/ FREE PERSONAL CARE FOR OLDER PEOPLE - UPDATE

51.1 This Item was introduced by Denise D’Souza, Acting Director, Adult Social Care.

51.2 **RESOLVED** – That the information provided by the Acting Director of Adult Social Care be noted.

52. CARE QUALITY COMMISSION: CONSULTATION ON ASSESSING QUALITY OF HEALTH AND SOCIAL CARE COMMISSIONERS AND PROVIDERS

- 52.1 Members considered a report concerning a national consultation exercise being organised by the Care Quality Commission (CQC) regarding how the CQC should go about assessing providers and commissioners of health and social care.
- 52.2 Councillors Anne Meadows and Keith Taylor agreed to meet with a conservative group member (Councillor Dawn Barnett to be invited to contribute) in order to agree a submission on behalf of the Committee.
- 52.3 **RESOLVED** – That a group of ASCHOSC members should be empowered to make a response to the CQC consultation on behalf of the Committee, providing that this group is able to reach unanimous agreement on the comments to be submitted.

53. ASCHOSC WORK PROGRAMME

- 53.1 **RESOLVED** – That the draft ASCHOSC Work Programme be adopted as the Committee Work Programme for 2010.

54. ITEMS TO GO FORWARD TO CABINET OR THE RELEVANT CABINET MEMBER MEETING

- 54.1 There were none.

55. ITEMS TO GO FORWARD TO COUNCIL

- 55.1 There were none.

The meeting concluded at 6pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

3.00pm 8 FEBRUARY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Caulfield (Chairman); Allen, Carden, Davey, Fryer, Mears, Older, Pidgeon and Wells

Tenant Representatives: Stewart Gover (North & East Area Housing Management Panel), Ted Harman (Brighton East Area Housing Management Panel), Chris Kift (Central Area Housing Management Panel), David Murtagh (Brighton East Area Housing Management Panel), Beverley Weaver (West Hove & Portslade Area Housing Management Panel), John Melson (Hi Rise Action Group) and Barry Kent (Tenant Disability Network)

PART ONE

58. PROCEDURAL BUSINESS

58A Declarations of Substitute Members

58.1 Councillor Older substituted for Councillor Barnett. Councillor Allen substituted for Councillor Simpson. Trish Barnard substituted for Beryl Snelling.

58B Declarations of Interests

58.2 Councillor Wells, Ted Harman and Trish Barnard declared a personal interest in any discussion on the LDV as they are Board Members of Brighton and Hove Seaside Community Homes (the Local Delivery Vehicle).

58C Exclusion of the Press and Public

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

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

59. MINUTES OF THE PREVIOUS MEETING

59.1 Councillor Allen referred to paragraph 44.3 and questioned whether the Special meeting of the HMCC had been held and if so why minutes were not available. The Chairman confirmed that an informal meeting of the HMCC had been held on 8 February 2010 and that minutes had been circulated. Some members said that they had not received the minutes and they were re-circulated to these members. The Senior Lawyer confirmed that her instructions were that the meeting was just an update and not a formal meeting. Therefore the normal access to information rules did not apply. Councillor Allen expressed the view that the discussion on the LDV should have been at a formal meeting of the HMCC. John Melson concurred.

59.2 **RESOLVED** – That the minutes of the meeting held on 17 December 2009 be approved and signed by the Chairman.

60. CHAIRMAN'S COMMUNICATIONS

Local Lettings Scheme

60.1 The Chairman explained that residents had expressed concern the local lettings scheme was not working as they would wish. The Chairman had asked the Assistant Director, Housing Management to investigate this matter and ensure that tenants received the service that had been agreed at a previous HMCC meeting.

Joy Hollister

60.2 The Chairman explained that Joy Hollister, Director of Adult Social Care & Housing was leaving the council. As a result, there would be changes at director level. Scott Marshall would become the Director of Housing, Culture and Enterprise.

Grounds Maintenance

60.3 The Cabinet Member reported that good progress continued to be made on the review of the Grounds Maintenance service.

60.4 Meetings had been held with Estates Service Monitoring Group before Christmas and in January. The group had been enthusiastic about being involved in the project and were working to develop a service to meet the needs and aspirations of residents.

60.5 The group would be:

- reviewing the current service,
- looking at how other housing organisations provide their service, and
- developing a specification for the new service.

They would also work with city parks to explore new and innovative ways of maintaining the council's green spaces (such as opportunities for conservation, wild flower planting, food growing and allotments)

60.6 A detailed report would be brought to a future meeting.

Mobility Scooter Policy Update

60.7 The Cabinet Member reported that officers were working with a focus group of tenants to develop a mobility scooter policy. This would be presented to the next HMCC on 29 March 2010.

60.8 The Fire Authority had said that mobility scooters must not be stored or charged in common parts of buildings. As a landlord, the council needed to respond to this important safety advice, but also work with residents to find alternative solutions for those who use scooters.

60.9 A scoping exercise was being undertaken by Community Wardens to identify where mobility scooters are currently being stored in common parts. Where residents already have mobility scooters, solutions would be sought on a block by block basis, including site specific risk assessment.

60.10 Robert Keelan, Housing Manager, was leading this work.

Choice Based Lettings

60.11 The Cabinet Member informed members that she was proposing a review of the Choice Based Lettings system, with a view to moving away from it. She suggested that a working group of tenants was set up to investigate what was happening in other local authorities.

60.12 Members welcomed the Chairman's proposals and there was general agreement that Choice Based Lettings were not working. Councillor Mears suggested that this matter be discussed under Chairman's Communications at the Area Panels and that facilities be set up for voting on the issue.

60.13 The Assistant Director, Housing Management explained that a limited number of local authorities were not using Choice Based Lettings, although the majority are. Locally it was important to look at how the council can make best use of all the housing available, including the private rented sector.

61. CALLOVER

61.1 The Chairman asked the Committee to consider which items listed on the agenda it wished to debate and determine in full.

61.2 **RESOLVED** - That all items be reserved for debate and determination.

62. PETITIONS

62.1 There were none.

63. PUBLIC QUESTIONS

63.1 There were none.

64. DEPUTATIONS

64.1 There were none.

65. LETTERS FROM COUNCILLORS

65.1 There were none.

66. WRITTEN QUESTIONS FROM COUNCILLORS

66.1 There were none.

67. HOUSING REVENUE ACCOUNT BUDGET 2010/11

- 67.1 The Committee considered a report of the Director of Adult Social Care & Housing and Director of Finance & Resources which presented the Housing Revenue Account Forecast Outturn for 2009/10 as at month 6 and the proposed Budget for 2010/11 as required by the Local Government and Housing Act 1989. Members were required to consider the budget proposals including changes to rents, fees and charges as well as savings and service pressures.
- 67.2 Councillor Mears drew attention to paragraph 3.10 and expressed concern that the overall subsidy position was an increase in "Negative Subsidy" (the transfer of resources to the government) of £1.590 million to £3.321 million. Councillor Mears stressed that this was money that should be spent on housing stock.
- 67.3 Stewart Gover suggested that a strong letter be sent to the government about the issue of the increase in "Negative Subsidy" to £3.321 million.
- 67.4 Chris Kift expressed concern about the rise in heating costs, particularly in Whitehawk. He complained about the overheating of St James House and stressed that tenants were paying for this service. There was a need for better insulation.
- 67.5 The Assistant Director Housing Management reported that heating costs were higher in blocks with gas central heating following a 53% increase in the gas contract in 2008. This contract would be ending soon. Officers would need to ensure there was better value for money with the contract in future. Meanwhile, there were proposals for overcladding blocks in Whitehawk with high heating costs. A project group would look at funding opportunities via the Community Energy Savings Programme.
- 67.6 **RESOLVED** – (1) That Cabinet be requested to recommend Council to:
- (a) Approve the budget for 2010/11 as shown in Appendix 1.

(b) Approve individual rent increases and decreases in line with rent restructuring principles as determined by the Government.

(c) Approve the changes to fees and charges as detailed in paragraph 3.14 to 3.23 of the report.

(2) That a letter be sent to central government about the issue of “negative subsidy”.

68. HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2010 - 2013

- 68.1 The Committee considered a report of the Director of Adult Social Care & Housing and the Director of Finance & Resources that sought approval for the 2010/11 capital programme and provided a provisional capital programme for the following two years, 2011/12 & 2012/13, for the Housing Revenue Account (HRA). The report took into consideration the latest resources available and investment priorities.
- 68.2 The council’s Housing Revenue Account (HRA) related to the council’s landlord duties in respect of approximately 12,300 properties and 2,230 leasehold properties.
- 68.3 Stewart Gover stated that he had not been aware that the council were funding the use of the Super Centre for the use of Mears Limited. He referred to the Estate Development Budget and stated that £88,000 worth of EDB work had not been carried out. He asked why tenants in the north area had been given new doors or kitchens, while EDB money had not been used for redecoration. Chris Kift expressed similar concerns about the EDB.
- 68.4 The Chairman explained that the Super Centre would be used for a number of purposes, including a training academy for trade apprentices. Mears Limited would be based there. Planning permission was being sought for change of use. The Chairman agreed that there were general concerns about the EDB and these needed to be investigated before the next round of area panels.
- 68.5 The Assistant Director, Housing Management stated that changes and improvements needed to be made with the EDB. Officers would work closely with Mears to obtain best value. There would be an improved programme next year.
- 68.6 Ted Harman mentioned that there had been a three year EDB backlog. He asked if Mears would guarantee to do the work when they took over. The Chairman stated that it would be helpful for officers to look at the last three years of EDB work and see what work had been carried out and what work was yet to be completed.
- 68.7 Beverley Weaver asked when there would be a local office for the West area. The Chairman replied that once the Super Centre was up and running, there would be discussions with tenants about a local base for the West area.
- 68.8 Councillor Mears informed the Committee that the executive summary relating to the Mears contract would soon be available. This explained the contract and highlighted tenant’s concerns.

68.9 **RESOLVED** - That Cabinet be recommended to approve the capital programme budget of £23.975 million and financing for 2010/11 as set out in paragraph 3.7 of the report.

69. HOUSING MANAGEMENT CUSTOMER ACCESS REVIEW

69.1 The Committee considered an update report on the review of customer access arrangements for the Housing Management Service and presented 'broad principles' for taking the work forward. The Housing Management division provided a range of services to the residents of council managed properties in Brighton & Hove. Customers currently accessed services through a number of different channels (e.g. face to face, telephone, email, website etc) and through a range of teams (e.g. housing offices, income management and repairs desk), as set out in Appendix 1 of the report. Reviewing customer access and developing a strategy for the future was a key project in the Housing Management Improvement Programme 2009-2012.

69.2 John Melson made the point that some front line services were improving but stressed that the response time from back room staff needed to be improved. Queries were taking a long time to be answered. Action needed to be taken when staff first received queries.

69.3 Chris Kift mentioned that when phoning the council, the auto response came on too quickly and after 20 minutes the phone went dead. People were fed up waiting for a response. He felt that too many calls were being channelled through the 292929 number, and that there should be more use of officer's direct line numbers.

69.4 The Chairman said these points would be taken on board. She mentioned that there was also a need to look at facilities that would enable people to report online. The IT system would improve under the Mears contract.

69.5 John Melson mentioned that he had had emails unanswered from two years ago. It was up to officers to take action. He considered that a standard STD number should be used for repairs. Ted Harman spoke of problems he had experienced when trying to get his boiler repaired. He had taken 20 minutes to have his initial call answered. The boiler had broken down a second time two months later. The Chairman asked for these comments to be taken on board.

69.6 The Senior Projects Manager assured the Committee that he would take these comments on board and would look at the system as a whole.

69.7 David Murtagh mentioned a practice whereby officers were issuing separate orders for work not carried out. Contractors were sometimes being paid 2 or 3 times for the same job. The Head of Repairs and Maintenance stated that this practice was unacceptable and would be dealt with.

69.8 **RESOLVED** - That the Cabinet Member for Housing be recommended to approve that:
(1) the customer access review work to date be noted, and the next steps be agreed.
(2) the "Broad Principles" detailed in points 3.6 to 3.27 of the report be approved.

70. FOOD GROWING ON COUNCIL LAND

- 70.1 The Committee considered a report of the Director of Adult Social Care & Housing which explained that Councillor Mears had requested the report at Sustainability Cabinet Committee on 8 May 2009 to explore issues around food growing on council housing land in relation to the Citywide four year project 'Harvest Brighton & Hove' (Brighton & Hove Food Partnership) which aimed to extend food growing and consumption of local food in the city.
- 70.2 Chris Kift informed the Committee that the Bristol estate had been the first to have a community allotment. He mentioned that it had not been permitted to sell produce from the allotment at a local market and asked if this could change.
- 70.3 The Head of Housing Management (Brighton East) explained that selling produce from city allotments was not allowed. However, if people were using council land and had an abundance of produce, there were schemes in place to enable produce to be offered to shops and restaurants in the city, in return for funds, which could be used for buying seeds and equipment. Volunteers could also be paid with produce.
- 70.4 Stewart Gover raised the issue of neglected gardens and suggested that when people were allocated council housing they should be asked if they needed the garden. If they did not require use of the garden, then it could be offered to other tenants to use. The Chairman asked the Head of Housing Management to pass this comment on to the relevant officers.
- 70.5 Members all welcomed the scheme and agreed they would like to be kept updated.
- 70.6 **RESOLVED** - That the contents of the report be noted as an update on work within the council to encourage local food growing.

The meeting concluded at 4.30pm

Signed

Chairman

Dated this

day of

HOUSING CABINET MEMBER MEETING

Agenda Item 109

Brighton & Hove City Council

Subject: Use of Well-Being Power to Accommodate Households in Exceptional Housing Need

Date of Meeting: 21st April 2010

Report of: Director of Housing Culture and Enterprise

Contact Officer: Name: Rachel Chasseaud Tel: 293316

E-mail: Rachel.chasseaud@brighton-hove.gov.uk

Key Decision: No

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 As a member of the Local Strategic Partnership, the council is committed to work with its partners in achieving the 8 priorities identified in the 2020 Community Strategy. In the context of homelessness, the most relevant priority is to improve housing and affordability.
- 1.2 The council has a legal duty to provide accommodation to certain groups of homeless persons in Brighton & Hove.
- 1.3 There are a number of groups who fall outside the protection of the statutory schemes but for whom the provision of accommodation would be of significant benefit to individuals as well as the community at large.
- 1.4 Under the Local Government Act 2000, the council has power to do anything which they consider is likely to promote or improve the social, economic or environmental well-being of the local community. The Act also requires the council to have a sustainable community strategy for promoting or improving well-being in the city.

This report sets out proposals on using the council's well-being power to reduce homelessness in Brighton & Hove, and explains how this will support the 2020 Community Strategy and performance measured by Comprehensive Area Assessment.

The proposals will also support actions of council's Crime & Disorder Strategy, as well as helping to meet local area targets, such as reducing the number of beggars.

2. RECOMMENDATIONS:

- 2.1 To use the council's well-being power to provide accommodation to the 10 categories of homeless persons, as defined in 3.5, 3.6, 3.7 and 3.8 below, who normally fall outside the protection of the various statutory schemes.
- 2.2 To work with the council's partners in developing arrangements to deliver accommodation to the identified groups.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Local Government Act 2000 imposes on local authorities a legal duty to produce a sustainable community strategy for promoting or improving the economic, social and environmental well-being of their area. The priorities local to Brighton & Hove have been agreed and set between the council and its strategic partners, now articulated in the 2020 Community Strategy ('2020 Strategy').
- 3.2 The council is committed to working alongside its partners in achieving the eight priorities identified in the 2020 Strategy. The proposals contained in this report would support the council's contribution towards achieving the second priority - Reducing Crime & Improving Safety within the Local Community.
- 3.3 Legislation provides certain categories of homeless persons with rights to accommodation. However, those who fall outside the scope of such statutory schemes remain homeless at detriment to themselves and to the community at large.
- 3.4 The council could use its well-being power to provide accommodation to specific groups of households who are in exceptional housing need who do not benefit from statutory schemes. Doing so is likely to bring about an improvement in the general well-being and quality of life of the local community.
- 3.5 It is proposed that discretionary accommodation assistance be provided to a total of 10 groups, the first 7 of these being

3.5.1 Homeless persons, not in priority need, not owed duties under social services legislation, subject to Multi Agency Public Protection Arrangements (in general only level 3). Local Connection requirement waived with this category due to existing reciprocal referral arrangements between Probation & Police Services and Brighton & Hove City Council.

(This will assist the council in reducing risk to the community posed by violent offenders)

3.5.2 Homeowners whose property is tenanted and need a temporary period in alternative accommodation while they regain occupation of their home. This would be offered as an option to households who would be likely to be in priority need and possess a local connection and where the council is satisfied that they have no other means of sourcing suitable accommodation in the short term.

3.5.3 Homeowners where the property is in such a severe state of disrepair that our Environmental Health Officers have identified that the property is not safe for continued habitation and a temporary period in alternative accommodation is required while repairs are carried out. This would be offered as an option to households who would be likely to be in priority need and possess a local connection and where the council is satisfied that they have no other means of sourcing suitable accommodation in the short term.

3.5.4 Homeowners who have a health problem which means that they are unable to manage residing in their home for a temporary period and so alternative accommodation is required while they recover or suitable adaptations are made to the property. This would be offered as an option to households who would be likely to be in priority need and possess a local connection and where the council is satisfied that they have no other means of sourcing suitable accommodation in the short term.

3.5.5 Verified rough sleepers, who are not owed duties under homelessness legislation or social services legislation, with a local connection, whose vulnerability will increase significantly if they continue to be street homeless, and so therefore in need of temporary accommodation to recuperate. Accommodating this group would be with a view to reducing the impact on health and social care budgets. Additionally, within this group, all rough sleepers who become subject to Severe Weather Protocols regardless of local connection status.

3.5.6 People who are homeless as a result of domestic violence who are not in priority need, who possess a local connection, but who would benefit from a period of temporary accommodation for resettlement.

3.5.7 People who are homeless as a result of domestic violence, who possess a local connection, who are ineligible EU citizens or non-habitually resident UK nationals that are eligible to benefits (housing benefit, income support) but who due to their immigration status are exempt from homelessness provision and who also are not protected by social services legislation.

3.6 Category 8. It is proposed to make accommodation in the form of up to 29 beds available to ex-offenders as identified by probation as being at risk of re-offending, who are not in priority need, not entitled

to assistance from social services, and who have a local connection to Brighton & Hove. Additional beds could be provided as long as the financial test is met so that there is clearly no additional cost to the Local Authority.

(This should help to reduce crime. The Social Exclusion Unit's report; "Reducing re-offending by ex-prisoners demonstrates a link between homelessness and offending)

- 3.7 Category 9 - Households who we are satisfied are at risk of becoming homeless within 3 months but within no less than 28 days (at which part duties under part VII Housing Act 1996 would become relevant). This would only apply to households where would consider that there would be likely to be a statutory priority need should they become homeless and that they have a local connection in (in line with Brighton and Hove City Council Local Connection Policy).
- 3.8 Category 10 – Households which are identified through the council's 'Overcrowding Project' as lacking in adequate space (but not to the extent that they are statutorily overcrowded) and where assisting them to move from the social housing sector to local authority managed private sector accommodation, would bring about an improvement in their quality of life
- 3.9 Any proposal to use the well-being power for these purposes would be scrutinised on a case by case basis and subjected to a strict financial test, under which it would need to be demonstrated that sufficient financial resources and appropriately costed accommodation were available, for both the short and long term. Additionally, for all the above categories the persons being considered for assistance will have to show a local connection to Brighton & Hove City Council in accordance with the council's Local Connection Policy.

4. Estimation of Demand and Cost

4.1 Demand

Using the well-being power in this way will enable us to provide temporary accommodation to vulnerable households who are in need of help with housing but currently fall outside the existing statutory provisions for the Local Authority to provide accommodation but who would require more support from a range of services in the future without such accommodation e.g. from mental health services, adult social care and health. Therefore the range of people to whom we can offer accommodation will broaden. It is therefore difficult to predict exactly what the level of demand will be but in order to anticipate potential demand we have made the following estimations of how many households we have come into contact with over the past 2 financial years who would be eligible to be accommodated under the wellbeing powers according to the criteria set out in the report.

	Total Households from April 2007 to March 2009 (estimated)	Households per year (estimated)
1. MAPPA	16	8
2. Temp. Access issues	5	3
3. Temp. Repair Issues	5	2
4. Temp. Medical Issues	2	1
5. Rough Sleepers	40	20
6. DV – non priority	40	20
7. DV – no recourse to housing	8	4
8. Probation	90	45
9. Very Early Intervention Prevention	50	25
10. Overcrowding	50	25
Total	306	153

4.2 However it should be noted that the level of demand will always be tempered by the financial test we would apply as outlined in paragraph 3.9 of the report. Where someone is on a low income they will be able to claim housing benefit so there should not be a negative impact on corporate budgets and in the longer range we would anticipate savings particularly for adult social care and health budgets because of the wider impact of homelessness on social costs.

4.3 **Costs**

The average cost for the council to provide and manage leased accommodation is currently £212.72 p/w and the average Housing Benefit entitlement is £238p/w (based on the new Housing benefit rules from 1st April 2010.)

4.4 For nightly booked temporary accommodation (ie: non leased) the standard LHA rates will apply and this would not attract the housing benefit subsidy. The average cost of providing spot purchased accommodation for a single person is currently £312 p/w and the LHA rate is £150 p/w. The financial test would be applied so that in practice only leased accommodation, attracting the higher housing benefit subsidy, would be used. Our strategy is to move away from using spot purchased accommodation at all and we have already significantly reduced the use of it. However in emergency and exceptional circumstances where no leased accommodation was available spot purchased accommodation could be used until suitable leased accommodation becomes available (for example to prevent a death of a vulnerable service user during severe weather)

- 4.5 In the case of accommodation provided in hostels, these placements will continue to attract supporting people funding in addition to housing benefit which will ensure that costs are fully met.

5. CONSULTATION:

5.1 Steven Hird (Benefits Manager) Brighton & Hove City Council Housing Benefits Department

The Benefits Manager confirmed that individuals/households placed into accommodation under well-being powers would attract same rate of Housing Benefit as is applicable to individuals/households placed into accommodation under the terms of the homeless legislation.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The cost of accommodating the 10 clearly defined categories of homeless persons will have minimal impact upon the housing general fund budget for those clients placed in leased accommodation as per paragraph 4.3. The risk comes from those client placed in spot purchased / nightly accommodation, where the rent cost to the landlord exceeds the level of housing benefit by an average of £162 per week.

Finance Officer Consulted: Neil Smith

Date: 08/04/10

Legal Implications:

- 6.2 In the context of this report, the following provisions of the council's wellbeing power under the Local Government Act 2000 are of particular relevance:

(i) The well-being power may be exercised in relation to or for the benefit of all or any persons resident or present in the council's area. The report notes that providing accommodation to particular groups of homeless people may benefit them and the local community.

(ii) In determining whether or how to use the power, the council must have regard to the 2020 Community Strategy. The link between the proposals in this report and this Strategy is set out in paragraph 3.2 above.

(iii) The well-being power may not be used where this would be contrary to prohibitions, restrictions or limitations imposed by any legislation. However, it is not considered that the proposals set out in 3.4 - 3.8 above are caught by this veto.

Equalities Implications:

6.3.1 An Equalities Impact Assessment is included with the background documents Actions to be completed by 31/03/11:

(i) Monitor use of Wellbeing Power in this context by equality streams to identify any barriers to services

(ii) Consult with stakeholders to obtain feedback on the benefits and issues arising from using Wellbeing Power in this context.

6.3.2 Opportunity to tackle social exclusion and improve equality of opportunity for those who fall outside of the remit of statutory services which will benefit the individuals themselves and the community at large.

Sustainability Implications:

6.4 The commissioning of these services is in accordance with sustainability objectives.

Crime & Disorder Implications:

6.5 Highly favourable, as highlighted in Point 3.5 above, two of the target groups to benefit from these proposals are groups of homeless persons who are also offender groups. These being the 'Prolific and other Priority Offender Strategy (PPO) and those who fall under supervision of 'Multi Agency Public Protection Arrangements' (MAPPA).

Providing accommodation assistance through the exercise of the well-being power to PPO clients will have beneficial affects on reducing the offending rate of prolific and other priority offenders, which links directly to the NI 30 within the National Indicator Scheme.

Providing accommodation assistance through the exercise of Well Being Powers to MAPPA clients will reduce risk to the public.

Both will contribute to the 2020 Community Strategy's second priority; Reducing Crime & Improving Safety within the local community.

Risk and Opportunity Management Implications:

6.6.1 Scrutiny and legal challenge by external agencies as to the proposed use of the well-being power. Homelessness is a high profile local issue and the city has within it the largest, independent Housing Advocacy agency on the South Coast - Brighton Housing Trust.

- 6.6.2 Opportunity to support work in reducing crime in other strategic areas, such as the Crime & Disorder Strategy.
- 6.6.3 Opportunity to contribute to achieving National Indicators and Local Area Agreements which will positively feed into Brighton & Hove City Council's star rating within Audit Commission's Comprehensive Area Assessment.
- 6.6.4 Opportunity to reduce costs on local Primary Health Care Trusts, Police Authority and links to corporate budgets.

Corporate / Citywide Implications:

- 6.7 Projected as beneficial to the City as contributes to many of the priorities set out in the 2020 Community Strategy. Affecting all corporate and wards in the district.

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

First alternative is to continue current practise – not recommended as the proposed changes to current practise through application of the well-being power represents an improvement of practise and provision and enhanced capabilities to meet objectives set out in the 2020 Community Strategy as well as in Audit Commission Performance Indicators contained within Local Area Agreements and National Indicator Scheme.

8. REASONS FOR REPORT RECOMMENDATIONS

This is a significant new initiative which will enable the council to improve the quality of life for the local community. The ability to offer accommodation using the well-being power will allow the council's to intervene at an early stage to accommodate households who are vulnerable, in exceptional housing need or socially excluded. It is anticipated that this early intervention will help prevent future statutory duties arising (e.g. preventing future homelessness, health issues, looked after children, community care act duties). In this way the wider inequalities and social costs of homelessness can be reduced.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms:

None

Background Documents:

1. Protocol for Exercise of the Well-being Power
2. Procedures for Use of the Well-being Power
3. Equalities Impact Assessment
4. MAPPA Referral Form – Housing Options Team (Vulnerable Adults)
5. Referral/Authorisation Form – HPU for Homeless Applicants
6. Standard (WBP) s.184 Decision Letter – Homeless Persons Unit
7. Non-Secure Tenancy for use of Well-being Power (TA Only)
8. 2020 Community Strategy – Summary of Priorities
9. BHCC Local Connection Policy
10. Financial Test for use of Well-being Power

HOUSING CABINET MEMBER MEETING

Agenda Item 110

Brighton & Hove City Council

Subject:	Housing Management Financial Inclusion Strategy (Consultation Draft)		
Date of Meeting:	21 April 2010		
Report of:	Director of Housing, Culture & Enterprise		
Contact Officer:	Name:	Lynn Yule	Tel: 29-3240
	E-mail:	Lynn.yule@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. HSG15012	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report updates the Cabinet Members on the on the development of the Financial Inclusion Strategy for residents in Council housing.

2. RECOMMENDATIONS:

- (1) That the Cabinet Member for Housing approves the consultation draft of the Financial Inclusion Strategy attached at Appendix 1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Financial exclusion amongst residents affects our performance as a landlord. It has a direct impact on our business, affecting rent arrears and rent collection costs, void losses, evictions, failed tenancies and homelessness, anti-social behaviour, customer satisfaction, efficiency and value for money.
- 3.2 The Audit Commission inspection regime, through the KLOEs (Key Lines of Enquiry) sets specific expectations of an 'excellent' landlord service in relation to promoting financial inclusion.
- 3.3 In March 2009 the Audit Commission completed an advice and assistance visit and recognised the need for a financial inclusion strategy. The Housing Revenue Account Service Improvement Plan takes forward the

recommendations made by the Audit Commission by including in its core strategic priorities the development of an effective financial inclusion strategy.

- 3.4 The Housing Management financial inclusion strategy has close links with other projects in the Housing Improvement Programme, particularly initiatives aimed at tackling social inclusion and promoting social mobility.
- 3.5 The strategy aims to address the interrelated issues experienced by financially excluded residents in Brighton & Hove.

4. CONSULTATION

- 4.1 Residents have been involved in the development of the strategy through the Housing Income Management Monitoring Group.
- 4.2 A discussion paper was presented to the Adult Social Care & Housing Overview & Scrutiny Committee on 3 September 2009 and the proposals were welcomed by Members.
- 4.3 A stakeholder event was held on 24 September 2009 to raise awareness of the issues surrounding financial exclusion. The event was attended by The Mayor, local residents, council officers, community sector professionals and key organisations active in the field of financial inclusion.
- 4.4 The Chartered Institute of Housing Financial Inclusion Advisor and the Department of Work & Pensions Financial Inclusion Champions have commented on the strategy and are working with us to assist us to achieve our aims.
- 4.5 The ASSG (Advice Services Strategy Group) has been consulted to ensure strong links with the independent advice sector.
- 4.6 The Financial Inclusion Project Group has informed the development of the strategy and will oversee its implementation.
- 4.7 Consultation will not end with the publication of the strategy, but will be part of an ongoing process, involving residents and stakeholders throughout the life of the strategy, helping us to monitor its implementation and review our services.
- 4.8 We will be using the consultation period to develop a SMART action plan for the strategy and will bring the final draft to a future HMCC, with a particular focus on embedding financial inclusion work across the division and

ensuring appropriate links with the Housing Strategy and other strategies such as the Turning the Tide pilot.

4.9 Consultation Timetable

• Workshops to consult with staff	Apr – May 2010
• Workshops to consult with residents	May – Jun 2010
• Workshop with wider stakeholders (including Local Strategic Partnership and Advice Services Strategy Group)	Jun – Jul 2010
• Development of action plan	Jul – Aug 2010
• Final draft strategy for consultation at HMCC	Sep 2010
• Final draft strategy for approval	Oct 2010

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of developing the Financial Inclusion Strategy will come from existing resources within the 2009/10 Housing Revenue Account budget. Once the Financial Inclusion Strategy is developed any financial implications arising will be reported to the appropriate committee prior to implementation.

Finance Officer Consulted: Monica Brooks, Principal Accountant, 22/07/09

Legal Implications:

- 5.2 We must be aware that any advice given is accurate and timely. Inaccurate or wrong information may lead to the Council being held responsible for the consequences, where we give information directly. Where we make referrals to outside agencies on a contractual basis, then we will have to keep this under review – monitoring any complaints about that agency, to ensure that the information they give is accurate and timely. If complaints are received we should investigate that with the provider and take appropriate steps. It is not considered at this stage that any individual's Human Rights are adversely affected by the proposal.

Lawyer Consulted: Simon Court, Senior Lawyer, 08/03/10

Equalities Implications:

- 5.3 The strategy will promote social housing as a platform for reducing inequality and creating opportunity. An equalities impact assessment will be undertaken before the strategy is published.

Sustainability Implications:

- 5.4 Encouraging fuel efficiency and recycling and reducing the wasted resources that arise from tenancy abandonment will contribute to the UK's Sustainable Development Strategy.

Crime & Disorder Implications:

- 5.5 Tackling financial exclusion will help to reduce illegal money lending activities.

Risk and Opportunity Management Implications:

- 5.6 Financial exclusion affects communities and neighbourhoods and can be a significant barrier to employment and enterprise.

Corporate / Citywide Implications:

- 5.7 Increasing the economic viability of employment and enterprise will require a holistic approach to workforce integration that incorporates housing, childcare, education, health, employment and greater access to financial inclusion services.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 There are no alternative options to implementing a Financial Inclusion Strategy.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To inform the Cabinet Member for Housing of progress and gain approval for the draft Financial Inclusion Strategy.

SUPPORTING DOCUMENTATION

Appendices:

1. Financial Inclusion Strategy (Consultation Draft)

Documents In Members' Rooms

1. None

Background Documents

1. None



**Brighton & Hove
City Council**

Housing Management Financial Inclusion Strategy (Consultation Draft)

Supporting residents who face financial difficulties

Brighton and Hove City Council is committed to

- providing our residents with the knowledge and skills they need to make informed and effective financial choices
- providing access to affordable credit and banking, appropriate financial products and free face-to-face advice

Background Information

What is financial inclusion?

'Financial inclusion is when citizens have access to appropriate financial products and services *and* the opportunity, ability and confidence (and appropriate support and advice) to make informed decisions about their financial circumstances as would be regarded as a minimum to organise their finances in society effectively.'

Citizens Advice/Institute for Public Policy Research definition of financial inclusion

Who is affected by financial exclusion?

The Department for Work and Pensions estimates that 2.8 million people are financially excluded and that 60% - 70% of these are social housing tenants.

Brighton and Hove contains some of the most deprived areas in England, particularly East Brighton, Queens Park and Moulsecoomb and Bevendean wards. 8% of the city's neighbourhoods are amongst the most deprived 10% in England. The majority of residents in these areas are social housing tenants and it is estimated that 60%-70% of those who experience financial exclusion live in this type of accommodation.

Some groups are particularly at risk of financial exclusion and they include a proportion of the city's Bangladeshi and Black African population who are concentrated in the most deprived areas and people with mental health issues who are disproportionately represented within social housing.

Children in low income families are even more concentrated in the deprived areas and many of these children have special educational needs. This problem is acute in the Eastern areas of Brighton and Hove. Nearly a quarter of the city's children live in out of work households mainly headed by women.

Disability and incapacity benefit levels are high across the city. More than 50% of all working age people on benefit claim as a result of incapacity. Disabled children are at greater risk of living in poverty. Nearly 20% of all people over 60 receive disability related benefits.

In 2008 a STATUS survey of a randomly selected sample of 3000 tenants found that:

- 61.3% of respondents reported a long term illness
- 43.5% of respondents were over 60 years of age
- 25.5% of respondents were working in full or part time employment
- The majority of respondents were White British (92.4%), 1% of respondents were Asian, 1.4% Black and 1.4% from mixed backgrounds

Finally, there are a significant number of people with multiple needs living in social housing with over two thirds of households experiencing at least two indicators of inequality, i.e. income, benefits dependency, health, crime and environment.

A key component in reducing inequality is to tailor services and resources to target certain communities and areas. Financial inclusion initiatives can help promote equality by providing our residents with the knowledge and skills they need to make informed and effective financial choices and by providing access to affordable credit and banking, appropriate financial products and free face-to-face advice.

Key to the success of this strategy will be identifying and targeting groups that may be hard to reach and those groups that have difficulty taking up offers of help and assistance, e.g. people experiencing mental health problems, those whose first language is not English and those with complex and multiple needs.

What does financial exclusion mean for our residents living in social housing?

Financial exclusion can mean:

- no bank account
- low household income
- debt, including rent arrears
- no access to money advice
- no savings
- no access to affordable credit
- no insurance
- fuel poverty
- limited financial awareness
- lack of confidence, aspiration, mobility

People who are financially excluded are less likely to be in work and may find it difficult to obtain and hold down employment

What are the possible impacts of financial exclusion?

Ill-health, relationship breakdown and loss of employment can be brought about by debt and low household income.

In 2006 the Ministry of Justice estimated that the average cost of social welfare problems over the previous 3.5 years to individuals, health and other public services was at least £13 billion. Debt problems and financial exclusion contribute significantly to this figure.

Financial exclusion amongst residents affects our performance as a landlord. It has a direct impact on our business, affecting rent arrears and rent collection costs, void losses, evictions, failed tenancies and homelessness, anti-social behaviour, customer satisfaction, efficiency and value for money.

What are we doing now to reduce financial exclusion?

We have already made good progress towards promoting financial inclusion for our residents through a number of services and initiatives:

Money Advice

Since April 2006 we have funded a CAB (Citizens Advice Bureau) Adviser to provide money advice for tenants with rent arrears. Many tenants in arrears have multiple debts and the adviser's role includes renegotiating payments with other creditors, including door step lenders. The adviser works with tenants for approximately six months, making housing costs a priority in their budgeting. Tenants in financial difficulty are encouraged to take advantage of this service.

eBenefits

In September 2008 we introduced eBenefits, an on-line claims system. This service prevents arrears by reducing the time it takes to process claims. To date the time taken to assess claims has reduced from 25 days to 6 days. The majority of our tenants (75%) now receive housing benefit and the Benefit Service is the largest single source of payments into our rent accounts.

Housing Pre-action Advice Scheme

Since January 2009 we have participated in the Housing Pre-action Advice Scheme (Rent Arrears) pilot set up by the Ministry of Justice. The project is managed in partnership with Brighton County Court and BHT (Brighton Housing Trust) and aims to avoid possession action and prevent evictions and homelessness. Tenants who are due to be summonsed are invited by Brighton County Court to attend an appointment with a BHT adviser to resolved any housing benefit issues and/or agree a repayment plan.

Financial Inclusion Health Check

In January 2009 we introduced financial inclusion health checks for all new tenants, covering:

- bank accounts
- benefits advice
- free debt and money advice
- free internet access
- affordable credit & savings
- low cost insurance
- low cost furniture
- energy efficiency
- financial capability

In addition, we are working with the Financial Inclusion Champions to influence the banks regarding the provision of free cash points in the most deprived areas. This work was initiated following feedback from Moulsecoomb and Bevendean residents.

What do we want to do next?

We want to facilitate a range of initiatives that will have an impact on poverty by providing access to a wide range of services.

Key Objectives

1. Develop a workforce committed to eliminating financial exclusion

To achieve this objective we will:

- Launch this strategy
- Train front line staff to recognise when a customer is at risk of financial exclusion so they are able to refer them for appropriate advice and support

2. Assist our residents to make informed and effective financial choices

To achieve this objective we will:

- Take a proactive approach to financial inclusion and actively promote independent advice services to all residents
- Improve the quality and range of information available to residents and make this available in a variety of ways, e.g. website, Homeing In, posters etc

3. Ensure that financial inclusion initiatives are applied prior to and throughout the tenancy process

To achieve this objective we will:

- Ensure that prospective tenants are aware of the costs of maintaining a tenancy and are offered financial advice and assistance prior to bidding for a property
- Offer financial health checks to all new and existing tenants and signpost them to a range of service providers

4. Maximise housing and welfare benefit take-up

To achieve this objective we will:

- Continue to fast-track housing benefit claims for tenants by offering eBenefits appointments at a variety of locations, including tenants' homes
- Run a series of targeted benefit take-up campaigns

5. Promote and encourage the take up of basic bank accounts

To achieve this objective we will:

- Promote the benefits that a bank account can offer and provide information about the different bank accounts available
- Assist residents who may find it difficult to open a bank account

6. Promote the council's Home Contents Insurance Scheme

To achieve this objective we will:

- Make sure tenants are aware of the importance of having insurance cover
- Promote the council's low cost insurance scheme

7. Promote and support the work of the Brighton and East Sussex Credit Union

To achieve this objective we will:

- Promote the Credit Union as a source of affordable credit and an accessible place to save
- Help to increase the membership of the Credit Union by encouraging residents and council staff to join

8. Promote and support the work of the Illegal Money Lending Team

To achieve this objective we will:

- Train front line staff to recognise when residents may be using illegal money lenders
- Provide access to appropriate advice and affordable credit for residents with debt problems

9. Work in partnership with residents and other key organisations active in the field of financial inclusion

To achieve this objective we will:

- Involve residents and stakeholders in monitoring and reviewing our services to ensure continuous improvement
- Ensure that links with the Chartered Institute of Housing Financial Inclusion Advisor, the Department of Work & Pensions Financial Inclusion Champions and other partner organisations are maintained

and developed so we are able to utilise their expertise and specialist knowledge to achieve our goals

Equality and Diversity

We will use this strategy to promote social housing as a platform for reducing inequality and creating opportunity.

We are currently working to build up profiles about our service users so we can use this information to develop the services outlined in this strategy to meet the diverse needs of our communities.

We will try to ensure that our services meet the different needs of our residents by involving communities in identifying their needs and making sure they are met.

We want to make sure there is maximum take-up of the services aimed at reducing financial exclusion by all communities, particularly those groups facing disadvantage or discrimination.

Impact of this strategy

It is hoped that this strategy will have the following impact:

For our residents:

- easier access to bank accounts
- debt advice when they need it in the format that suits their needs
- improved knowledge/understanding of available financial products/services
- improved access to affordable credit and reduced reliance on doorstep lenders
- ability to maintain their tenancy by prioritising rent payments
- increased confidence to access/use financial products/services
- increased take up of home contents insurance

For the organisation:

- reduced rent arrears levels
- reduced income collection costs
- increased use of more efficient collection methods
- reduced number of court actions/evictions due to rent arrears
- reduced number of abandoned properties/failed tenancies
- reduced tenancy turnover/reduced void costs
- increased levels of customer satisfaction

Monitoring our progress

A project group has been established to oversee the implementation of this strategy and monitor our progress.

The project group will inform the future development of this strategy and will ensure that we continue to work together with our partners to eliminate financial exclusion.

Future Review

This strategy will be reviewed by the project group in December 2010 although amendments and revisions will be made in the interim as necessary.

DRAFT

HOUSING CABINET MEMBER MEETING

Agenda Item 111

Brighton & Hove City Council

Subject:	Review of Choice Based Lettings		
Date of Meeting:	21st April 2010		
Report of:	Director of Housing, Culture & Enterprise		
Contact Officer:	Name:	Sylvia Peckham	Tel: 293318
	E-mail:	Sylvia.peckham@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to set out the scope of the Review of Choice Based Lettings.
- 1.2 A major review of the current Housing Register Allocations Policy was undertaken and approved by cabinet on 20th January 2009. However, Tenants have expressed dissatisfaction at the Choice Based Letting system by which properties are allocated. It is agreed that the area of Choice Based Lettings and systems for allocating accommodation therefore be subject to a fundamental review.
- 1.3 Following consultation, a final report will be prepared for HMCC and Housing Cabinet setting out recommendations

2. RECOMMENDATIONS:

- (1) That Housing Cabinet notes the scope of the review and the timetable to achieve this.
- (2) A report will be brought back to Housing Cabinet in 6 months time to report the recommendations of the Review.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At the Housing Management Consultative Committee on 8th February 2010 the Chairman announced the creation of a tenant led focus group to Review Choice Based Lettings
- 3.2 This report sets out the scope of the review. The first meeting of the focus group is planned for 15th April and at that meeting timescales for reporting and finalising the review will be agreed. A report detailing the outcome of the Review will be brought back to HMCC and Housing Cabinet in 6 months time.
- 3.3 The review will be led by a focus group which will comprise tenant representatives from BHCC. Two tenant representatives have been elected from each of the four Area panels and at the meetings on 14th April, a representative will also be elected from the High Rise Action Group, the Sheltered Housing Action Group and the Tenant Disability Network.
- 3.4 The focus group will work with the Head of Temporary Accommodation & Allocations to determine priority outcomes to be delivered by the Allocation policy for the city having regard to the priority and preferences set out in Housing Act 1996 Part 6 and having regard to the relevant Code of Guidance.
- 3.5 The group will also explore the platform for delivering the allocation of accommodation, which is currently Choice Based Lettings
- 3.6 The group will formulate recommendations which will be subject to wider Consultation with the City and subject to Equality Impact Assessment

4. CONSULTATION

- 4.1 Not applicable at this time

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The review of Choice Based Lettings will be carried out from within existing resources and therefore there are no financial implications at this stage.

Finance Officer Consulted: Sue Chapman Date: 16.03.10

Legal Implications:

- 5.2 By virtue of section 167 of the Housing Act 1996 the Council is required to have an allocation scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation. The scheme must include a statement as to the Council's policy on offering people who are to be allocated accommodation a choice of accommodation, or the opportunity to

express preferences about the accommodation to be allocated to them. Choice Based Lettings is the Council's allocation scheme for the purposes of section 167. In exercising its functions in relation to the allocation of housing accommodation, the Council is required to have regard to the guidance issued by the Secretary of State. Guidance issued in August 2008 includes the following statement, " In the Secretary of State's view, all housing authorities should adopt an allocation scheme which offers a choice of accommodation and she has set a target for all housing authorities to have done so by 2010. " There is nothing to prevent the Council from reviewing its allocation scheme, but any proposals arising from the review must have proper regard to the legislative framework. It is not considered that any individual's Human Rights will be adversely affected by the proposal to review Choice Based Lettings.

Lawyer Consulted: Liz Woodley

Date: 11.03.10

Equalities Implications:

- 5.3 Any policy or strategy development arising from the work reported above will be subject to a full Equalities Impact Assessment

Sustainability Implications:

- 5.4 There are no sustainability implications arising directly from this report. Housing is one of the 12 key objectives in the Council's Sustainability Strategy which aims 'to ensure that everyone has access to decent affordable housing that meets their needs'

Crime & Disorder Implications:

- 5.5 There are no direct implications arising from this report

Risk and Opportunity Management Implications:

- 5.6 Any policy or strategy development work arising from the work of the Focus Group will be undertaken with due regard to appropriate risk assessment requirements

Corporate / Citywide Implications:

- 5.7 The work of this Focus Group reflects the priorities and aims of the 2020 Community Strategy and Council's strategic goals of improving housing in the City and ensuring that residents have a healthy living environment.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative is not to review the Allocation policy or CBL. Tenants have expressed dissatisfaction with the current system. National Guidance emphasises Consultation with tenants and interested parties over Allocations policies. Therefore if we were to not review the Allocation policy and CBL we would continue to have dissatisfied tenants.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To note the scope of the Review

SUPPORTING DOCUMENTATION

Appendices:

1. None

HOUSING CABINET MEMBER MEETING

Agenda Item 112

Brighton & Hove City Council

Subject:	Tenant Services Authority arrangements for regulating the council's landlord services		
Date of Meeting:	21 April 2010		
Report of:	Director of Housing, Culture & Enterprise		
Contact Officer:	Name:	Carol Jenkins	Tel: 29-3832
	E-mail:	Carol.jenkins@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Tenant Services Authority (TSA) became the regulator of the council's landlord services on 1 April 2010 when it acquired responsibility for regulating all social housing landlords including stock retaining local authorities. After formal consultation, the TSA published its regulatory framework and standards for landlords on 16 March 2010.
- 1.2 This report outlines the content of the regulatory framework for social housing in England from April 2010 for noting by the Cabinet Member for Housing.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Housing notes the new regulatory framework for social housing in England from April 2010

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The TSA was created under the 2008 Housing and Regeneration Act as an independent regulator of providers of social housing (known as 'registered providers'). Its objectives include ensuring:
 - that actual or potential tenants of social housing have an appropriate degree of (a) choice, and (b) protection;
 - that tenants of social housing have the opportunity to be involved in its management; and
 - that registered providers of social housing perform their functions efficiently, effectively and economically.

The TSA aims to ensure tenants are able to be involved in decisions that affect them, their homes and neighbourhoods and to protect tenants if their landlord performs poorly. Its model for regulating landlords is one where tenants are at the heart of shaping, influencing and monitoring the services they receive. This 'co-regulation' model sees landlords self-regulating involving their tenants, with the TSA intervening on an exception basis where landlords fail to improve.

- 3.2 The TSA's powers cover tenants of low-cost rented accommodation and low-cost home ownership, though not leaseholders. This reflects government's view that leaseholders have a degree of choice to move out of social housing (unlike most tenants) and are protected by other regulations and legislation. However, the TSA considers the improvements its regulation will have for tenants are likely to have positive 'spill over' effects for leaseholders and it also encourages providers to include leaseholders and other residents in their involvement strategies.
- 3.3 The TSA took over the regulation of housing associations in December 2008. From 1 April 2010 it became responsible for supervising all social housing landlords, including councils which own housing stock, in line with the recommendations of the independent Cave review of social housing regulation in 2007. The aim is to ensure tenants receive an equally good service, no matter who their landlord happens to be.
- 3.4 At the centre of how the TSA will regulate social housing landlords are six TSA standards which providers must meet. These describe the outcomes landlords must deliver and the TSA's specific expectations about how providers will achieve those outcomes. They are not intended, however, to prescribe detailed processes landlords should follow. The TSA considers the primary focus for discussions on service delivery and improvement should be between landlords and their tenants rather than between the regulator and the provider. So providers must involve their tenants in deciding how to meet the outcomes for each standard and offer tenants the opportunity to agree 'local offers' on service delivery that reflect local priorities. A summary of the TSA's standards and required outcomes for them is at Appendix 1.
- 3.5 The standards on governance and financial viability will not apply to local authorities as the Audit Commission already has responsibility for overseeing these aspects of councils' performance and different legislation and regulations apply. The TSA has committed to working with the Audit Commission in regulating council landlords and supporting the Local Performance Framework. It intends to minimise the additional burden on council landlords by making best use of information landlords already have available.
- 3.6 The TSA states that responsibility for meeting the standards lies with the boards and councillors that govern landlords' service delivery. As part of the co-regulation approach, it expects honest and robust self-assessment that is evidence based, using external validation, independent audit and peer review where appropriate. Tenant scrutiny is also a key part of the co-regulation model and landlords must support tenants to build their capacity to make co-regulation effective.

3.7 Providers will be required by 1 October each year to publish a report for their tenants (and shared with the TSA) on how they are meeting the TSA standards, including their local offers. These annual reports should:

- assess how they are currently meeting the standards, including how they measure our compliance
- note any gaps and improvement plans
- include their offer to tenants against the standards over the next year, including local service offers
- refer to how the provider has gained assurance on the outcomes reported, including how tenants have been involved in scrutinising performance and, where appropriate, use of external validation, peer review and benchmarking
- detail how tenants have been involved in producing and scrutinising the report.

The first report should include plans for developing locally tailored offers or provide a progress update for their tenants. The TSA will make annual reports publicly available to improve transparency and promote continuous improvement.

3.8 All providers must meet the TSA's standards and the service delivery standards require landlords to deliver the commitments they make in their annual report. Where providers do not meet the standards or deliver the performance outcomes promised to tenants the TSA expects there initially to be a dialogue to support the landlord's self-improvement. If that is insufficient, the TSA will have a range of intervention and enforcement powers to investigate further and ensure that services to tenants are improved to meet the standards. For councils, those powers include collecting information; arranging an Audit Commission inspection or survey; directing an inquiry or extraordinary audit; appointing advisors; enforcement notices; directing a tender or transfer of management; directing the Homes and Communities Agency not to invest; placing restrictions on disposals or transfers of property; appointing advisers to a local authority and censuring a local authority officer or agent during or following an inquiry. The TSA undertakes to take a proportionate and generally graduated approach in exercising its powers, seeking first to agree the way forward with the landlord and consider any remedial strategies or voluntary undertakings the provider proposes.

3.9 Housing Management officers have already analysed the division's current performance against the draft standards proposed in the consultation document, including any actions in business plans. A thorough analysis will now be undertaken against the final TSA standards. The quality of accommodation section of the Home standard states registered providers shall ensure that tenants' homes meet the Decent Homes Standard by 31 December 2010 and continue to maintain their homes to at least this standard after this date. The recently agreed 3 year capital programme for the council's stock will achieve decency by the end of 2013. However, the TSA may agree an extension to the December 2010 date where this is reasonable and will make a judgement about the extent to which availability of public funds, for council providers in particular, is the primary or exclusive grounds for the inability to comply with the standard. As well as producing the required reports and plans, the council will ensure that the resident involvement strategy which is currently in course of development with the Tenant Compact Monitoring Group meets all the TSA's requirements.

4. CONSULTATION

- 4.1 The TSA's formal consultation on its proposed regulatory framework was reported to the Housing Management Consultative Committee in December 2009.
- 4.2 A copy of the summary formal consultation document was sent to all council tenant and resident associations for information and comment. All council tenants and leaseholders were informed of the development of the TSA's proposals through *Homing In* newsletters, including contact details for the TSA for more information and to have their say.
- 4.3 Staff from both Housing Management and Housing Strategy divisions were informed of the proposals through internal briefings and invited to comment on them.
- 4.4 All council members were informed of the consultation and invited to comment.
- 4.5 The council sought the views of housing association representatives on the consultation documents at the Social Landlords Forum meeting in January 2010.
- 4.6 The comments of the Housing Management Consultative Committee were collated with those received from all stakeholders and summarised in a response to the consultation which was submitted to the TSA and circulated at the meeting of the Housing Management Consultative Committee in February.
- 4.7 The TSA's confirmed arrangements for regulating the council's landlord services were reported to the Housing Management Consultative Committee in March.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any financial implications arising from the new regulatory framework will be included in the monthly targeted budget monitoring forecast for 2010/11 and considered in future HRA budget setting.

Finance Officer Consulted: Monica Brooks

Date: 17/03/10

Legal Implications:

- 5.2 Sections 192 to 269 of the Housing and Regeneration Act 2008 confer upon the Tenant Services Authority extensive regulatory and enforcement powers in relation to social housing. The report briefly mentions some of them. The new standards referred to in the report have been set under Sections 193 and 194, which empower the Authority to set standards for registered providers as to the nature, extent and quality of accommodation, facilities or services provided in connection with social housing and management of financial affairs. In exercising this power the Authority was required to have regard to the desirability of registered providers being free to choose how to provide services and conduct

business. No individuals human rights are adversely affected by the report's recommendation.

Lawyer Consulted:

Liz Woodley

Date: 17/3/10

Equalities Implications:

- 5.3 The TSA's Tenant Involvement and Empowerment standard requires registered providers to understand and respond to the diverse needs of tenants in meeting all of the standards. This states registered providers shall treat all tenants with fairness and respect and demonstrate that they understand the different needs of their tenants, including in relation to the seven equality strands and tenants with additional support needs.

Sustainability Implications:

- 5.4 The TSA standards promote the use of engagement and partnership with tenants to support sustainable communities. The Neighbourhood and Community standard includes a requirement for registered providers to co-operate with relevant partners to help promote social, environmental and economic well being in the areas where they own properties.

Crime & Disorder Implications:

- 5.5 The Neighbourhood and Community standard requires registered providers to work in partnership with other public agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Risk and Opportunity Management Implications:

- 5.6 Risks of not meeting the TSA's standards are set out in paragraph 3.8 of this report.

Corporate / Citywide Implications:

- 5.7 In regulating the councils' landlord function the TSA has committed to work closely with the Audit Commission to avoid any overlap or duplication, for example in the Commission's role in Comprehensive Area Assessments (CAA). It states it will also help support the Audit Commission in its CAA role, for example by providing information it has on how providers generally in an area contribute to local outcomes. The TSA states its standards are designed to support the principles of the Local Performance Framework and the independent role of the Audit Commission in respect of local authorities' governance, financial management and approach to value for money.
- 5.8 Although the TSA does not have specific powers to set standards for governance and viability for local authority providers, if through its work it had reason to be concerned there may be an issue with a council landlord's governance and/or financial management it would refer the matter to the Audit Commission.

6. EVALUATION OF ALTERNATIVE OPTIONS

- 6.1 There are no alternative regulatory options for local authority social landlords.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To inform the Cabinet Member for Housing of the new regulatory framework for the management of the council's housing stock.

SUPPORTING DOCUMENTATION

Appendices:

1. Tenant Services Authority standards and required outcomes

Documents In Members' Rooms

None

Background Documents

1. *The regulatory framework for social housing in England from April 2010* Tenant Services Authority, March 2010

http://www.tenantservicesauthority.org/upload/pdf/Regulatory_framework_for_social_housing_in_England_from_2010.pdf

Tenant Services Authority arrangements for regulating the council's landlord services

Appendix 1: TSA standards and required outcomes

Tenant involvement and empowerment standard

1 Customer service, choice and complaints

Registered providers shall:

- provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards
- have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly

2 Involvement and empowerment

Registered providers shall support co-regulation with their tenants by:

- offering all tenants a wide range of opportunities to be involved in the management of their housing, including the ability to influence strategic priorities, the formulation of housing-related policies and the delivery of housing-related services
- consulting with their tenants and acting reasonably in providing them with opportunities to agree local offers for service delivery
- providing tenants with a range of opportunities to influence how providers meet all the TSA's standards, and to scrutinise their performance against all standards and in the development of the annual report
- providing support to tenants to build their capacity to be more effectively involved

3 Understanding and responding to the diverse needs of tenants

Registered providers shall:

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

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

Registered providers shall take the obligations of the Tenant Involvement and Empowerment Standard into account in setting out how they are meeting and intend to meet all the other TSA standards.

Home standard

1 Quality of accommodation

Registered providers shall:

- ensure that tenants' homes meet the standard set out in section 5 of the Government's Decent Homes Guidance by 31 December 2010 and continue to maintain their homes to at least this standard after this date
- meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance, if these standards are higher than the Decent Homes Standard
- in agreeing a local offer, ensure that it is set at a level not less than these standards and have regard to section 6 of the Government's Decent Homes Guidance

2 Repairs and maintenance

Registered providers shall:

- provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements 'right first time'
- meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

Tenancy standard

1 Allocations

Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how they:

- make the best use of available housing
- are compatible with the purpose of the housing

- contribute to local authorities' strategic housing function and sustainable communities

There should be clear application, decision-making and appeals processes.

2 Rents

The rent standard is based on the government's direction to the TSA which only applies to providers that are not councils. The government has indicated that it intends to direct the TSA in relation to a rent standard that applies to local authority providers at a later date.

3 Tenure

Registered providers shall offer and issue the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community. They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

Neighbourhood and community standard

1 Neighbourhood management

Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

2 Local area co-operation

Registered providers shall co-operate with relevant partners to help promote social, environmental and economic wellbeing in the areas where they own properties.

3 Anti-social behaviour

Registered providers shall work in partnership with other public agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

Value for money standard

1 Value for money

In meeting all TSA standards, including their local offers, registered providers shall have a comprehensive approach to managing their resources to provide cost-effective, efficient, quality services and homes to meet tenants' and potential tenants' needs.

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

Governance and financial viability standard

This standard requiring registered providers to have effective governance arrangements and to manage their resources effectively to ensure their viability is maintained does not apply to local authority landlords as there are different arrangements for regulation of these areas.

HOUSING CABINET MEMBER MEETING

Agenda Item 113

Brighton & Hove City Council

Subject:	Procurement of parking enforcement contract – Housing Management land		
Date of Meeting:	21 April 2010		
Report of:	Director of Housing, Culture and Enterprise		
Contact Officer:	Name:	Robert Keelan	Tel: 29-3261
	E-mail:	Robert.keelan@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. HSG 14536	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To implement recommendations around the way Housing Management parking controls are enforced and the outcome of the recent parking procurement process.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing agrees the proposal to place a contract with Ethical Parking Management for three years.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS.

- 3.1 The Housing Management department own approximately 2500 rentable spaces split between approximately 1300 car parking spaces and 1200 garages.
- 3.2 Clamping has been the preferred method for parking enforcement on housing land since 2004. Parking control by clamping is a recommendation of the Car Parks and Garages Working Group,
- 3.3 The contract is the third to be awarded, the earlier contracts being 2004 and 2007. The current contract expired at the end of 2009.
- 3.4 Interviews took place in October 2009 with the preferred candidate being Ethical Parking Management. The evaluation team consisted of Officers from Housing Management and the Procurement Team plus two tenant representatives from the Car Parks and Garages Working Group.

4. CONSULTATION

4.1 The new contract was discussed with the Car parks and Garages Working Group leading up to the tender process. The working group consists of two tenant representatives from all four geographical areas of the city. The working group wanted the following questions asked of the clamping firms and these were incorporated into their written responses and presentations. The questions were to ensure that the clamping enforcement would be tailored to the needs of local residents.

4.2 **Question 1**

Communication with the council is very important. How would you ensure that you had a good working relationship with the Car Parks and Garages team of BHCC both at the start of the contract and during the contract?

Ethical Parking Management responded with:

- An allocated contract manager.
- Bi-monthly management meetings.
- Statistics on key performance indicators as per the requirements of the council.
- 24 hour telephone response (no answer machines).

Question 2.

The successful clamping company will resolve complaints at first instance. What process will your clamping operatives undertake to ensure that you have appropriate records to deal with any such complaints and how will you store and retrieve such information when dealing with a complaint?

Ethical Parking Management responded with:

- All invoices given on payment will have full details of how to appeal or complain.
- They have a written appeals procedure.
- They have a clear record keeping strategy with photographs of all parking infringements.
- They will work with BHCC and to allow BHCC employees to sit in on the appeals meetings at their request.

Question 3

BHCC owns approximately 2500 parking spaces yet only half of these are currently covered by the clamping contract. Please can you advise how you would be able to run the clamping contract but also meet the needs of future sites being added to the contract?

Ethical Parking Management responded with:

- Dedicated staff to patrol the BHCC car parks.

- Relief staff from other areas who will be trained in our sites.
- Two visits to each site in a 24 hour period.
- 24 hour management to divert resources.
- Additional staff as the contract grows as and when sites are added.

Question 4

As you will be aware, residents will often discover they have been clamped when they are starting off on a journey. The speed of being unclamped is therefore paramount. Please can you advise on your processes and timescales after somebody makes the initial call? How would your processes differ if the call was made after midnight? What do you do if you don't meet the target response time? Would your response differ if the person clamped was verbally aggressive on the telephone?

Ethical Parking Management responded with:

- A target maximum response time of one hour whenever possible from the time that the release payment is made.
- Brighton and Hove based patrollers to facilitate this response time in unsociable hours.
- A response after midnight will have no lesser a response than that made in traditional working hours.
- A response that took longer than one hour would be considered in the appeals process for a part or full refund.
- Staff training in dealing with aggressive customers and an acknowledgment that this is part of their work.
- Police support where threats are made to ensure the safety of the vehicle immobiliser.

Question 5

It is important that your clamping operatives give good customer service and can handle people who may be distressed at being clamped. Please can you advise what training your clamping operatives receive and how the quality of their work is monitored?

Ethical Parking Management responded with:

- All operatives trained in social and communication skills.
- All operatives trained in conflict.
- All operatives trained in to maintain a 'friendly but firm' approach.
- A full training program with regular appraisals.
- A strict uniform policy.

Question 6

The regulations of the Security Industry Authority are important. What is your knowledge of these regulations and how does your company take these regulations into account in terms of licensing, training and choice of operatives?

Ethical Parking Management responded with:

- The owners of Ethical Parking management have many years experience of working with the 2001 Private Security Industry Act.
- Knowledge of the requirement to be licensed under the Act.
- All employees are licensed operatives.
- All employees understand that they risk losing their individual licence if they :
 - Clamp a visitor showing a disabled badge
 - Clamp an emergency vehicle
 - Do not provide a receipt highlighting the location, licence details, their name and date

4.3 Further, we advised the clamping companies that BHCC may move towards penalty charge notices (parking ticket fines) rather than applying clamps and asked the companies to comment on their thoughts and how they could implement this system. Ethical Parking Management already run penalty charge schemes for other land owners and would be able to implement such a system for the council as and when it can be put in place.

4.4 The company most suited to locally deliver the standards set by the Car Parks and Garages Working Group was the current contractor Ethical Parking Management. Ethical Parking Management only employ accredited immobilisers and are accredited under the Security Industry Act voluntary approved contractor scheme.

4.5 The contractors are clear that they will be required to meet with the car parks and garages team on request, that managers are accessible by telephone during working hours and that we can visit their offices without prior notice. Ethical Parking Management have advised that they would welcome regular meetings, as often as BHCC would require and recommended as a minimum bi-monthly.

4.6 Following a robust evaluation and scoring process, the evaluation panel agreed that Ethical Parking Management have submitted the most advantageous tender on the basis of both quality and meeting the expectations and aspirations of our residents.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There will be no direct costs to the Housing Revenue Account from the proposal to place the contract with Ethical Parking Management. The contract will be funded by the contractor who will keep the revenue generated by the service. There will be some internal staff time required to

manage the contract but this will be absorbed within existing staffing resources.

The contract will allow the Housing Revenue Account to maximise the income from its car parks as the service will minimise illegal parking.

Susie Allen, Principal Accountant *22 March 2010*

Legal Implications:

- 5.2 The general power of management, regulation and control given to local housing authorities in section 21 (1) of the Housing Act 1985 is sufficiently wide to allow the Council to enforce parking restrictions on its housing land. The method of procurement undertaken and described in the report accords with both the EU Procurement Directive and corresponding UK Regulations. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendation in this report.

Lawyer Consulted: *Liz Woodley* *Date: March 2010*

Equalities Implications:

- 5.3 Blue badge holders are exempt from being clamped providing that their badge is displayed appropriately on the dashboard of their vehicle.

Sustainability Implications:

- 5.4 There are none

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 There are none

Corporate / Citywide Implications:

- 5.7 Clamping controlled sites can operate through the city but are currently concentrated in central Brighton. Sites are added at the request of BHCC residents through the resident association structure.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 No parking control. As licence holders can pay £20.00 per week for an exclusive space, this is not considered an option. Licence holders want a deterrent to stop casual users accessing their space.
- 6.2 Lockable posts could be provided to all spaces. A lockable post would be approximately £150.00 per space and the expenditure is not thought to be viable at this time. 1300 spaces would be £195 000.
- 6.3 Parking could be patrolled by the on-street team issuing penalty charge notices. The on street team patrol highways land, the housing department owned land cannot simply be added to the patrol routes. To do so would involve consultation and the application and granting of a Road Traffic Order. As this would take some time to see through, it was not felt to be a viable option at this time. Similarly, the additional sites were not part of the on-street tender and this would need to be tendered separately.
- 6.4 The contract tendered was entitled 'Security Wheel Clamping Contract', The primary function of the contract is clamping. There is some ability within the contract to vary the services but a complete change from clamping to issuing Penalty charge notices (parking tickets) would be beyond the scope of the contract offered.
- 6.5 With the current clamping system, the company retains the income, under a penalty charge system, the council would expect a contribution. It is expected that officers examine this system in view of implementation at the next tender round in three years time. There is scope within the current award to trial this on a small scale. The preferred contractor, Ethical Parking Management, run penalty charge schemes locally and have indicated at interview that they would happily implement such a trial.
- 6.6 The current contract expired at the end of 2009 and is continuing with the goodwill of the contractor on a periodic basis. We need to remedy this and ensure appropriate procurement as per the council's procurement guidelines

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek authorisation from the Cabinet Member for Housing to procure a contract with Ethical Parking Management for three years.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

HOUSING CABINET MEETING

Agenda Item 114

Brighton & Hove City Council

Subject:	Empty Property Strategy: Compulsory Purchase Order on Individual Property under Empty Property Strategy		
Date of Meeting:	Cabinet Member Meeting : 21 April 2010		
Report of:	Director of Housing Culture & Enterprise		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
	E-mail:	martin.reid@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Preston Park		

FOR GENERAL RELEASE

Note: The individual address for this property is exempt information as defined in paragraph 6 of Schedule 12a to the Local Government Act 1972. In addition to this the Empty Property Strategy aims to work with owners where possible and does not reveal addresses of empty properties until action is approved. Property address will not be made public before the decision is taken.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek approval to initiate formal compulsory purchase action on this privately owned long term empty property as part of the council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.
- 1.2 The Empty Property Enforcement Group is charged with evaluating the option of compulsory purchasing empty properties where efforts to encourage the owner to bring properties back into use have failed. The group is made up of Senior Officers from Private Sector Housing, the Empty Property Team, Planning and Legal Services. It evaluates each empty property on a case by case basis and makes recommendations to the Cabinet Member in cases where the only likelihood of bringing the property back into use is through enforcement action.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing approve formal action, by means of a Compulsory Purchase Order (CPO), on this long term empty property and it's subsequent disposal under Part 11 of the Housing Act 1985 Section 17.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council's Empty Property Strategy (2006-2009) is based on the principles of Identify, Encourage and Enforce to bring empty private sector properties back into use. The Empty Property Strategy has an excellent performance record. Performance targets are consistently met and Brighton & Hove is one of the top performing local authorities nationally.

- 3.2 The council's CPO Policy is a powerful tool in persuading owners that the council is serious about dealing with empty property in the city, and will take action where appropriate. This momentum needs to be maintained to ensure that the strategy continues to deliver results. Owners of empty property often live elsewhere and do not bear the consequences of living next to it, both in terms of community safety issues for neighbours and de-valuation of adjacent property.
- 3.3 The city has significant housing need of all kinds. There are a large number of concealed households (those living within another household and who can't access the housing market directly) who are unable to afford to rent privately or buy. There are currently over eleven thousand households on the council's Housing Register (Oct 2009) and an estimated shortfall of some twelve hundred affordable homes per year (Housing Needs Survey 2005).

3.4 Further Information: Legislation

- 3.4.1 Part 11 of the Housing Act 1985 Section 17 is a general 'enabling' piece of legislation that allows Local Authorities to acquire property and land for residential purpose. This is the relevant legislation for CPO. Acquisition of the property or land must achieve quantitative or qualitative housing gain. The main uses are to assemble land for housing and ancillary development; to bring empty properties into housing use or to improve sub-standard or defective properties.
- 3.4.2 Guidance from the Department of Communities and Local Government (DCLG) states that CPO action must only be taken as a last resort. The Local Authority needs to show that reasonable steps have been taken and the owner has been given options to sort out the problem.
- 3.4.3 Current practice is of Local Authorities acquiring property or land compulsorily to dispose of it to preferred partners such as Housing Associations or in the private sector. Regulation 15 and 16 in the Local Authorities Capital Finance Regulations 1990 (amended) make special provisions for onward disposal.
- 3.4.4 The Empty Property Enforcement Group (EPEG) has identified this property as one of four properties where CPO appears to be the only means of bringing them back into use. In all cases the Empty Property and Private Sector Housing Team (Environmental Health) have given repeated advice to owners about maintaining the properties and bringing them back into use.
- 3.4.5 A summary is given below and photographs are attached as Appendix 1 below. A full case history of the property will be included as part of the Order paperwork

Table 1: Property Details : Summary

Property A	
Last Occupied	Believed to have been empty since at least 1993. Verbal reports that it has been empty for longer. Owner lives nearby.
No. of complaints or correspondence from the public	Letter Nov 2002 stating that this house not occupied since 1995 when they moved in and commenting on the appalling state of the building. June 2005 – same complainant asking for follow up as no change to property. June 2008 – anonymous report via FixMyStreet website stating it has been empty for over a dozen years, foxes live in the overgrown garden and asking the council to take urgent steps to make it occupied. Jan 2010 – anonymous complaint via Empty Homes website asking what the council is doing about this long term empty property. March 2010 - further anonymous report through Empty Homes website.
No. of letters and contact from Empty Property Officer	The property has a long history of involvement with officers from private sector housing and the empty property team. Several dozen letters sent; three meetings or series of meetings with the owner over the past eight years. The owner was offered the (out of policy) chance to apply for loan funding in 2008 but this was not pursued. In 2009 the mortgagee (a private individual) and the owner said that the mortgagee had now taken possession of the property, with the intention of refurbishing and living in it. The mortgagee will be included in the paperwork for the CPO along with the owner as dealt with previously. The property is not registered at the Land Registry.
Involvement by other Teams	Private Sector Housing Team involvement as grant was originally given and then cancelled because works were delayed extensively beyond the time allowed under grant conditions.
Statutory Action	Two CPO actions previously taken but not followed through to sale of property.
Other	•Preston Park Ward

A detailed Case History of the property will be prepared as part of the Order.

4. CONSULTATION

- 4.1 The Empty Property Team has advised the local Ward Members that CPO action is being sought on a property in their ward (including the address of the property). Members will be kept updated regularly regarding progress of the proposed action.
- 4.2 Where appropriate The Empty Property Team will consult the Planning Team to establish whether there are any planning issues or whether it is listed or situated in a Conservation Area.
- 4.3 Where there is an outstanding Council Tax debt on the property the Empty Property Team will consult the Revenues Court Team to establish if they are pursuing the case for a bankruptcy, or to allow them to register a charge against the property which can be recovered when the property is sold.
- 4.4 A notice will be published in The Argus to allow any person with an interest in the property to challenge the CPO. Any challenge must be made in writing and addressed to the Department for Communities and Local Government. Any challenge will prompt a Public Local Inquiry.

5.0 FINANCIAL & OTHER IMPLICATIONS

5.1 Financial implications:

The recommendations in the report support the key objectives in the 'Empty Property Strategy 2006-2009'. There is budget provision for enforcement action within the strategy; therefore there will be no additional costs to the housing strategy budget'

Finance Officer Consulted: Neil Smith

Date: 30/11/2009

Accountant for Housing Strategy

5.2 Legal Implications:

Paragraph 3.4 of the Report summarises the basic legal provisions that enables CPO action to be taken. Even though a property may be subject to CPO action, the majority of cases will be resolved by the Owner entering into an undertaking to take action to bring their empty property back into residential use within specific time scales and adhering to those time scales. The ability to progress the CPO will be a fall back position where an undertaking is breached. It is important that where a CPO runs its full course, a sub-sale is negotiated with a third party, so that the Council does not become liable to stamp duty land tax. It is not considered that any individual's Human Rights Act rights will be adversely affected by the recommendation in this report.

Lawyer Consulted: Joanne Dougnaglo

Date: 09/12/2009

5.3 Equalities Implications:

Lack of suitable housing disproportionately affects the most vulnerable members of society. Bringing empty homes into use increases the supply of housing in the city.

5.4 Sustainability Implications:

Bringing empty homes back into use helps towards improving the quality of life in local neighbourhoods and to maximise housing resources. It helps to tackle and reduce incidents of antisocial behaviour, crime and disorder; it avoids existing housing going to waste providing much needed accommodation in the city.

5.5 Crime & Disorder Implications:

Empty Properties are known to blight areas and cause a nuisance to local people, attract anti-social behaviour, graffiti, drug activity and vandalism, and lead to dumping of rubbish and an increase in rodent and pigeon activity.

5.6 **Risk and Opportunity Management Implications:**

A general risk assessment for properties where a CPO is to be sought has been considered by the Empty Property Enforcement Group evaluation process.

5.7 **Corporate / Citywide Implications:**

Bringing empty homes back into use meets the following Council priorities:

'Protect the environment while growing the economy' by re-using existing housing stock and making property economically active, and

'Fair enforcement of the law' through use of relevant enforcement legislation.

Bringing empty homes back into use meets the following Adult Social Care & Housing priorities:

'Homes to meet the needs of the City' by increasing housing provision,

'Improving housing quality' by bringing property up to Decent Homes / liveable standards

The performance of the Empty Property Strategy is measured through a local PI set under the 'Improving housing & Affordability' section of the Local Area Agreement 2008 – 2011

In addition to the above bringing empty homes back into use improves the 'liveability' of local neighbourhoods, reducing potential hotspots for anti-social behaviour, and may generate additional council tax revenue.

6. **EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Grant funding under the Empty Property Assistance Scheme has been offered to the owners, however this has not to date been taken up. The owner of Property A was also offered the possibility of applying for Decent Homes Loan /Assistance (which is subject to an assessment before being confirmed) on an out of policy basis where the requirement for the owner to have resided in the property for six months was waived. This was not taken up.
- 6.2 Owner/s have also been given advice on letting the property and selling the property, and contact details have been sent to the owner of parties interested in buying the properties (where applicable). Again these options have not been taken up by the owner/s.
- 6.3 Even though a property may be subject to CPO action the majority of cases will be resolved by the owner entering into an undertaking to take alternative actions to bring their property back into residential use within a specific time scales and adhering to those time scales. The ability to progress the CPO will be a fall back position where an undertaking is breached. Officers will continue where possible to engage with the owner.

7. **REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 It is officers' opinion that without compulsory purchase action the property will remain empty. Officers have little confidence that the property will be returned to use without this action. Approval of this action will work to focus the owner's actions to bring it back into use themselves through an undertaking, or the CPO will be the fall back position.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 Photographs (attached below)

Background Documents

1. Empty Property Strategy 2006-2009
2. Empty Property Strategy; Compulsory Purchase Orders
Report to Policy and Resources Committee, 25th January 2006

Property A

3 bed house
Empty since at least 1993

Street view 2005 (same 2009)



Internal views in Sept 2008.

Substantial works undertaken but never completed and reoccupied.



HOUSING CABINET MEMBER MEETING

Agenda Item 115

Brighton & Hove City Council

Subject: Empty Property Strategy: Compulsory Purchase Order for a long term empty property

Date of Meeting: Cabinet Member meeting : 21 April 2010

Report of: Director of Housing Culture & Enterprise

Contact Officer: Name: **Martin Reid** Tel: **29-3321**

E-mail: martin.reid@brighton-hove.gov.uk

Key Decision: No

Wards Affected: Woodingdean;

FOR GENERAL RELEASE

Note: The individual address for this property is exempt information as defined in paragraph 6 of Schedule 12a to the Local Government Act 1972. In addition to this the Empty Property Strategy aims to work with owners where possible and does not reveal addresses of empty properties until action is approved. Property address will not be made public before the decision is taken.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek approval to initiate formal compulsory purchase action on a privately owned long term empty property as part of the council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.
- 1.2 The Empty Property Enforcement Group is charged with evaluating the option of compulsory purchasing empty properties where efforts to encourage the owner to bring properties back into use have failed. The group is made up of Senior Officers from Private Sector Housing, the Empty Property Team, Planning and Legal Services. It evaluates each empty property on a case by case basis and makes recommendations to the Cabinet Member in cases where the only likelihood of bringing the property back into use is through enforcement action.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing approve formal action, by means of a Compulsory Purchase Order (CPO), on this long term empty properties and subsequent disposal of the property under Part 11 of the Housing Act 1985 Section 17.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council's Empty Property Strategy (2006-2009) is based on the principles of Identify, Encourage and Enforce to bring empty private sector properties back into use. The Empty Property Strategy has an excellent performance record. Performance targets are consistently met and Brighton & Hove is one of the top performing local authorities nationally.

- 3.2 The council's CPO Policy is a powerful tool in persuading owners that the council is serious about dealing with empty property in the city, and will take action where appropriate. This momentum needs to be maintained to ensure that the strategy continues to deliver results. Owners of empty property often live elsewhere and do not bear the consequences of living next to it, both in terms of community safety issues for neighbours and de-valuation of adjacent property.
- 3.3 The city has significant housing need of all kinds. There are a large number of concealed households (those living within another household and who can't access the housing market directly) who are unable to afford to rent privately or buy. There are currently over eleven thousand households on the council's Housing Register (Oct 2009) and an estimated shortfall of some twelve hundred affordable homes per year (Housing Needs Survey 2005).

3.4 Further Information: Legislation

- 3.4.1 Part 11 of the Housing Act 1985 Section 17 is a general 'enabling' piece of legislation that allows Local Authorities to acquire property and land for residential purpose. This is the relevant legislation for CPO. Acquisition of the property or land must achieve quantitative or qualitative housing gain. The main uses are to assemble land for housing and ancillary development; to bring empty properties into housing use or to improve sub-standard or defective properties.
- 3.4.2 Guidance from the Department of Communities and Local Government (DCLG) states that CPO action must only be taken as a last resort. The Local Authority needs to show that reasonable steps have been taken and the owner has been given options to sort out the problem.
- 3.4.3 Current practice is of Local Authorities acquiring property or land compulsorily to dispose of it to preferred partners such as Housing Associations or in the private sector. Regulation 15 and 16 in the Local Authorities Capital Finance Regulations 1990 (amended) make special provisions for onward disposal.
- 3.4.4 The Empty Property Enforcement Group (EPEG) has identified this property as one of four properties where CPO appears to be the only means of bringing them back into use. In all cases the Empty Property and Private Sector Housing Team (Environmental Health) have given repeated advice to owners about maintaining the properties and bringing them back into use.
- 3.4.5 A summary is given below and photographs are attached as Appendix 1 below. A full case history of the property will be included as part of the Order paperwork

Table 1: Property Details : Summary

Property B	
Last Occupied	Empty since July 1998
No. of complaints or correspondence from the public	<p>June 2005 letter of complaint from neighbour to local councillor as property has been empty for some time ; garden is unkempt and full of wrecked cars.</p> <p>January 2008 – verbal complaint to Empty Property Officer during visit poor and dangerous condition of property. Also complaint of children getting into property.</p> <p>July 2009 complaint from neighbour (different to previous letter) re condition of property</p>
No. of letters and contact from Empty Property Officer	<p>A combination of at least 10 letters sent from the Empty Property Team and the Private Sector Housing Team. Phone contact with owner several times. Repeated non-approvable planning applications (overdevelopment).</p> <p>2009 Empty property officer in detailed discussions with Agent appointed by owners. Help, including with planning matters offered but no further progress.</p> <p>January 2010 Investor information forwarded (on behalf of potential buyer) – owner response that they don't want to sell.</p>
Involvement by other Teams	<p>Private Sector Housing Team involvement due to rubbish build up, potential pests and dilapidated condition. Visits & inspections carried out. Notices served.</p> <p>Planning Team involvement with processing of unsuccessful planning applications.</p> <p>Council Tax team involvement with summons to owner for unpaid council tax & visit to property to recommend removal from rating.</p>
Statutory Action	<p>6 August 2009: S16 local Government (Miscellaneous Provisions) Act 1976</p> <p>25 Aug 2009: S4 Prevention of damage by pests Act 1949</p> <p>25 Aug 2009: S29 Local Government (Miscellaneous Provisions) Act 1982</p>
Other	<ul style="list-style-type: none"> • Woodingdean Ward

A detailed Case History of the property will be prepared as part of the Order.

4. CONSULTATION

- 4.1 The Empty Property Team has advised the local Ward Members that CPO action is being sought on a property in their ward (including the address of the property). Members will be kept updated regularly regarding progress of the proposed action.
- 4.2 Where appropriate The Empty Property Team will consult the Planning Team to establish whether there are any planning issues or whether it is listed or situated in a Conservation Area.
- 4.3 Where there is an outstanding Council Tax debt on the property the Empty Property Team will consult the Revenues Court Team to establish if they are pursuing the case for a bankruptcy, or to allow them to register a charge against the property which can be recovered when the property is sold.
- 4.4 A notice will be published in The Argus to allow any person with an interest in the property to challenge the CPO. Any challenge must be made in writing and addressed to the Department for Communities and Local Government. Any challenge will prompt a Public Local Inquiry.

5.0 FINANCIAL & OTHER IMPLICATIONS

5.1 Financial implications:

The recommendations in the report support the key objectives in the 'Empty Property Strategy 2006-2009'. There is budget provision for enforcement action within the strategy; therefore there will be no additional costs to the housing strategy budget'

Finance Officer Consulted: Neil Smith

Date: 30/11/2009

Accountant for Housing Strategy

5.2 Legal Implications:

Paragraph 3.4 of the Report summarises the basic legal provisions that enables CPO action to be taken. Even though a property may be subject to CPO action, the majority of cases will be resolved by the Owner entering into an undertaking to take action to bring their empty property back into residential use within specific time scales and adhering to those time scales. The ability to progress the CPO will be a fall back position where an undertaking is breached. It is important that where a CPO runs its full course, a sub-sale is negotiated with a third party, so that the Council does not become liable to stamp duty land tax. It is not considered that any individual's Human Rights Act rights will be adversely affected by the recommendation in this report.

Lawyer Consulted: Joanne Dougnaglo

Date:09/12/2009

5.3 Equalities Implications:

Lack of suitable housing disproportionately affects the most vulnerable members of society. Bringing empty homes into use increases the supply of housing in the city.

5.4 Sustainability Implications:

Bringing empty homes back into use helps towards improving the quality of life in local neighbourhoods and to maximise housing resources. It helps to tackle and reduce incidents of antisocial behaviour, crime and disorder; it avoids existing housing going to waste providing much needed accommodation in the city.

5.5 **Crime & Disorder Implications:**

Empty Properties are known to blight areas and cause a nuisance to local people, attract anti-social behaviour, graffiti, drug activity and vandalism, and lead to dumping of rubbish and an increase in rodent and pigeon activity.

5.6 **Risk and Opportunity Management Implications:**

A general risk assessment for properties where a CPO is to be sought has been considered by the Empty Property Enforcement Group evaluation process.

5.7 **Corporate / Citywide Implications:**

Bringing empty homes back into use meets the following Council priorities:

'Protect the environment while growing the economy' by re-using existing housing stock and making property economically active, and

'Fair enforcement of the law' through use of relevant enforcement legislation.

Bringing empty homes back into use meets the following Adult Social Care & Housing priorities:

'Homes to meet the needs of the City' by increasing housing provision,

'Improving housing quality' by bringing property up to Decent Homes / liveable standards

The performance of the Empty Property Strategy is measured through a local PI set under the 'Improving housing & Affordability' section of the Local Area Agreement 2008 – 2011

In addition to the above bringing empty homes back into use improves the 'liveability' of local neighbourhoods, reducing potential hotspots for anti-social behaviour, and may generate additional council tax revenue.

6. **EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 Grant funding under the Empty Property Assistance Scheme has been offered to owners (where applicable), however this has not to date been taken up by owners.

6.2 Owners have also been given advice on letting the property and selling the property, and contact details have been sent to the owner of parties interested in buying the property (where applicable). Again these options have not been taken up by the owners.

6.3 Even though a property may be subject to CPO action the majority of cases will be resolved by the owner entering into an undertaking to take alternative actions to bring their property back into residential use within a specific time scales and adhering to those time scales. The ability to progress the CPO will be a fall back position where an undertaking is breached. Officers will continue where possible to engage with the owner.

7. **REASONS FOR REPORT RECOMMENDATIONS**

7.1 It is officers' opinion that without compulsory purchase action the property will remain empty. Officers have little confidence that the properties will be returned to use without this action. Approval of this action will work to focus the owner's actions to bring it back into use themselves through an undertaking, or the CPO will be the fall back position.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 Photographs

Background Documents

1. Empty Property Strategy 2006-2009
2. Empty Property Strategy; Compulsory Purchase Orders
Report to Policy and Resources Committee, 25th January 2006

Property B :

2 bed bungalow
Empty since July 1998

Street scene taken Nov 08



HOUSING CABINET MEMBER MEETING

Agenda Item 116

Brighton & Hove City Council

Subject: Empty Property Strategy: Compulsory Purchase Order for a long term empty property

Date of Meeting: Cabinet Member meeting : 21 April 2010

Report of: Director of Housing Culture & Enterprise

Contact Officer: Name: **Martin Reid** Tel: **29-3321**

E-mail: martin.reid@brighton-hove.gov.uk

Key Decision: No

Wards Affected: Westbourne

FOR GENERAL RELEASE

Note: The individual address for this property is exempt information as defined in paragraph 6 of Schedule 12a to the Local Government Act 1972. In addition to this the Empty Property Strategy aims to work with owners where possible and does not reveal addresses of empty properties until action is approved. Property address will not be made public before the decision is taken.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek approval to initiate formal compulsory purchase action on a privately owned long term empty property as part of the council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.
- 1.2 The Empty Property Enforcement Group is charged with evaluating the option of compulsory purchasing empty properties where efforts to encourage the owner to bring properties back into use have failed. The group is made up of Senior Officers from Private Sector Housing, the Empty Property Team, Planning and Legal Services. It evaluates each empty property on a case by case basis and makes recommendations to the Cabinet Member in cases where the only likelihood of bringing the property back into use is through enforcement action.

2. RECOMMENDATIONS:

That the Cabinet Member for Housing approve formal action, by means of a Compulsory Purchase Order (CPO), on this long term empty property and subsequent disposal of the property under Part 11 of the Housing Act 1985 Section 17.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council's Empty Property Strategy (2006-2009) is based on the principles of Identify, Encourage and Enforce to bring empty private sector properties back into use. The Empty Property Strategy has an excellent performance record. Performance targets are consistently met and Brighton & Hove is one of the top performing local authorities nationally.

- 3.2 The council's CPO Policy is a powerful tool in persuading owners that the council is serious about dealing with empty property in the city, and will take action where appropriate. This momentum needs to be maintained to ensure that the strategy continues to deliver results. Owners of empty property often live elsewhere and do not bear the consequences of living next to it, both in terms of community safety issues for neighbours and de-valuation of adjacent property.
- 3.3 The city has significant housing need of all kinds. There are a large number of concealed households (those living within another household and who can't access the housing market directly) who are unable to afford to rent privately or buy. There are currently over eleven thousand households on the council's Housing Register (Oct 2009) and an estimated shortfall of some twelve hundred affordable homes per year (Housing Needs Survey 2005).

3.4 Further Information: Legislation

- 3.4.1 Part 11 of the Housing Act 1985 Section 17 is a general 'enabling' piece of legislation that allows Local Authorities to acquire property and land for residential purpose. This is the relevant legislation for CPO. Acquisition of the property or land must achieve quantitative or qualitative housing gain. The main uses are to assemble land for housing and ancillary development; to bring empty properties into housing use or to improve sub-standard or defective properties.
- 3.4.2 Guidance from the Department of Communities and Local Government (DCLG) states that CPO action must only be taken as a last resort. The Local Authority needs to show that reasonable steps have been taken and the owner has been given options to sort out the problem.
- 3.4.3 Current practice is of Local Authorities acquiring property or land compulsorily to dispose of it to preferred partners such as Housing Associations or in the private sector. Regulation 15 and 16 in the Local Authorities Capital Finance Regulations 1990 (amended) make special provisions for onward disposal.
- 3.4.4 The Empty Property Enforcement Group (EPEG) has identified this property as one of four properties where CPO appears to be the only means of bringing them back into use. In all cases the Empty Property and Private Sector Housing Team (Environmental Health) have given repeated advice to owners about maintaining the properties and bringing them back into use.
- 3.4.5 A summary is given below and photographs are attached as Appendix 1 below. A full case history of the property will be included as part of the Order paperwork

Table 1: Property Details : Summary

Property C	
Last Occupied	Empty from January 1998
No. of complaints or correspondence from the public	Interest from potential purchasers.
No. of letters and contact from Empty Property Officer	At least 18 letters since Jan 2001 2009 Meeting with owners to discuss resolution of a longstanding dispute- now resolved. Agreed to start works January 2010. March 2010 Architect appointed by owners submits planning application.
Involvement by other Teams	Private Sector Housing team involvement as notices served as below Further notices also threatened but works carried out before issue needed Property squatted in 2007
Statutory Action	7 Feb 2006 - S.80 of Environmental Protection Act 1990 2001 and again in 2003 - S.59 of Building Act 1984 'Minded to' Notice S189 of Housing Act 1985
Other	Ongoing dispute between owners has delayed sale or refurbishment of the property Property was squatted 2007 causing substantial damage to interior decorations (which had been re-done due to works needed under statutory notice) <ul style="list-style-type: none"> • Westbourne Ward

A detailed Case History of the property will be prepared as part of the Order.

4. CONSULTATION

- 4.1 The Empty Property Team has advised the local Ward Members that CPO action is being sought on a property in their ward (including the property address). Members will then be kept updated regularly regarding progress of the proposed action.
- 4.2 Where appropriate The Empty Property Team will consult the Planning Team to establish whether there are any planning issues or whether it is listed or situated in a Conservation Area.
- 4.3 Where there is an outstanding Council Tax debt on the property the Empty Property Team will consult the Revenues Court Team to establish if they are pursuing the case for a bankruptcy, or to allow them to register a charge against the property which can be recovered when the property is sold.

4.4 A notice will be published in The Argus to allow any person with an interest in the property to challenge the CPO. Any challenge must be made in writing and addressed to the Department for Communities and Local Government. Any challenge will prompt a Public Local Inquiry.

5.0 **FINANCIAL & OTHER IMPLICATIONS**

5.1 **Financial implications:**

The recommendations in the report support the key objectives in the 'Empty Property Strategy 2006-2009'. There is budget provision for enforcement action within the strategy; therefore there will be no additional costs to the housing strategy budget'

Finance Officer Consulted: Neil Smith

Date: 30/11/2009

Accountant for Housing Strategy

5.2 **Legal Implications:**

Paragraph 3.4 of the Report summarises the basic legal provisions that enables CPO action to be taken. Even though a property may be subject to CPO action, the majority of cases will be resolved by the Owner entering into an undertaking to take action to bring their empty property back into residential use within specific time scales and adhering to those time scales. The ability to progress the CPO will be a fall back position where an undertaking is breached. It is important that where a CPO runs its full course, a sub-sale is negotiated with a third party, so that the Council does not become liable to stamp duty land tax. It is not considered that any individual's Human Rights Act rights will be adversely affected by the recommendation in this report.

Lawyer Consulted: Joanne Dougnaglo

Date: 09/12/2009

5.3 **Equalities Implications:**

Lack of suitable housing disproportionately affects the most vulnerable members of society. Bringing empty homes into use increases the supply of housing in the city.

5.4 **Sustainability Implications:**

Bringing empty homes back into use helps towards improving the quality of life in local neighbourhoods and to maximise housing resources. It helps to tackle and reduce incidents of antisocial behaviour, crime and disorder; it avoids existing housing going to waste providing much needed accommodation in the city.

5.5 **Crime & Disorder Implications:**

Empty Properties are known to blight areas and cause a nuisance to local people, attract anti-social behaviour, graffiti, drug activity and vandalism, and lead to dumping of rubbish and an increase in rodent and pigeon activity.

5.6 **Risk and Opportunity Management Implications:**

A general risk assessment for properties where a CPO is to be sought has been considered by the Empty Property Enforcement Group evaluation process.

5.7 **Corporate / Citywide Implications:**

Bringing empty homes back into use meets the following Council priorities:

'Protect the environment while growing the economy' by re-using existing housing stock and making property economically active, and

'Fair enforcement of the law' through use of relevant enforcement legislation.

Bringing empty homes back into use meets the following Adult Social Care & Housing priorities:

'Homes to meet the needs of the City' by increasing housing provision,

'Improving housing quality' by bringing property up to Decent Homes / liveable standards

The performance of the Empty Property Strategy is measured through a local PI set under the 'Improving housing & Affordability' section of the Local Area Agreement 2008 – 2011

In addition to the above bringing empty homes back into use improves the 'liveability' of local neighbourhoods, reducing potential hotspots for anti-social behaviour, and may generate additional council tax revenue.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Grant funding under the Empty Property Assistance Scheme has been offered to owners, however this has not to date been taken up by owners.
- 6.2 Owners have also been given advice on letting the property and selling the property, and contact details have been sent to the owner of parties interested in buying the properties (where applicable). Again these options have not been taken up by the owners.
- 6.3 Even though a property may be subject to CPO action the majority of cases will be resolved by the owner entering into an undertaking to take alternative actions to bring their property back into residential use within a specific time scales and adhering to those time scales. The ability to progress the CPO will be a fall back position where an undertaking is breached. Officers will continue where possible to engage with the owner.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 It is officers' opinion that without compulsory purchase action the property will remain empty. Officers have little confidence that the property will be returned to use without this action. Approval of this action will work to focus the owner's actions to bring it back into use themselves through an undertaking, or the CPO will be the fall back position.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 Photograph (see below)

Background Documents

[List any background / supporting documents referred to or used in the compilation of the report. The documents must be made available to the public upon request for four years after the decision has been taken]

1. Empty Property Strategy 2006-2009

2. Empty Property Strategy; Compulsory Purchase Orders
Report to Policy and Resources Committee, 25th January 2006

Appendix 1 : Photograph

Property C

5 bed house



HOUSING CABINET MEMBER MEETING

Agenda Item 117

Brighton & Hove City Council

Subject:	Empty Property Strategy: Compulsory Purchase Order for a long term empty property		
Date of Meeting:	Cabinet Member Meeting : 21 April 2010		
Report of:	<i>Director of Housing Culture & Enterprise</i>		
Contact Officer:	Name: Martin Reid	Tel: 29-3321	
	E-mail: martin.reid@brighton-hove.gov.uk		
Key Decision:	No		
Wards Affected:	St Peter's and North Laine		

FOR GENERAL RELEASE

Note: The individual address for this property is exempt information as defined in paragraph 6 of Schedule 12a to the Local Government Act 1972. In addition to this the Empty Property Strategy aims to work with owners where possible and does not reveal addresses of empty properties until action is approved. Property address will not be made public before the decision is taken.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek approval to initiate formal compulsory purchase action on this privately owned long term empty property as part of the council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.
- 1.2 The Empty Property Enforcement Group is charged with evaluating the option of compulsory purchasing empty properties where efforts to encourage the owner to bring properties back into use have failed. The group is made up of Senior Officers from Private Sector Housing, the Empty Property Team, Planning and Legal Services. It evaluates each empty property on a case by case basis and makes recommendations to the Cabinet Member in cases where the only likelihood of bringing the property back into use is through enforcement action.

2. RECOMMENDATIONS:

That the Cabinet Member for Housing approve formal action, by means of a Compulsory Purchase Order (CPO), on this long term empty property and subsequent disposal of the property under Part 11 of the Housing Act 1985 Section 17.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council's Empty Property Strategy (2006-2009) is based on the principles of Identify, Encourage and Enforce to bring empty private sector properties back into use. The Empty Property Strategy has an excellent performance record. Performance targets are consistently met and Brighton & Hove is one of the top performing local authorities nationally.

- 3.2 The council's CPO Policy is a powerful tool in persuading owners that the council is serious about dealing with empty property in the city, and will take action where appropriate. This momentum needs to be maintained to ensure that the strategy continues to deliver results. Owners of empty property often live elsewhere and do not bear the consequences of living next to it, both in terms of community safety issues for neighbours and de-valuation of adjacent property.
- 3.3 The city has significant housing need of all kinds. There are a large number of concealed households (those living within another household and who can't access the housing market directly) who are unable to afford to rent privately or buy. There are currently over eleven thousand households on the council's Housing Register (Oct 2009) and an estimated shortfall of some twelve hundred affordable homes per year (Housing Needs Survey 2005).

3.4 Further Information: Legislation

- 3.4.1 Part 11 of the Housing Act 1985 Section 17 is a general 'enabling' piece of legislation that allows Local Authorities to acquire property and land for residential purpose. This is the relevant legislation for CPO. Acquisition of the property or land must achieve quantitative or qualitative housing gain. The main uses are to assemble land for housing and ancillary development; to bring empty properties into housing use or to improve sub-standard or defective properties.
- 3.4.2 Guidance from the Department of Communities and Local Government (DCLG) states that CPO action must only be taken as a last resort. The Local Authority needs to show that reasonable steps have been taken and the owner has been given options to sort out the problem.
- 3.4.3 Current practice is of Local Authorities acquiring property or land compulsorily to dispose of it to preferred partners such as Housing Associations or in the private sector. Regulation 15 and 16 in the Local Authorities Capital Finance Regulations 1990 (amended) make special provisions for onward disposal.
- 3.4.4 The Empty Property Enforcement Group (EPEG) has identified this property as one of four properties where CPO appears to be the only means of bringing them back into use. In all cases the Empty Property and Private Sector Housing Team (Environmental Health) have given repeated advice to owners about maintaining the properties and bringing them back into use.
- 3.4.5 A summary is given below and photographs are attached as Appendix 1 below. A full case history of the property will be included as part of the Order paperwork

Table 1: Property Details : Summary

Property D	
Last Occupied	Believed not permanently lived in since August 1994 but apparently let at least once to students, who moved out in July 2003
No. of complaints or correspondence from the public	July 2003 – outgoing tenants report re: possible gas leak & property in poor repair. July 2007 – neighbour complaint regarding rubble, demolition waste & other waste in gardens. Oct 2009 – two complaints from near neighbours regarding the condition of the property and specifically the large overgrown tree in the garden
No. of letters and contact from Empty Property Officer	At least 16 letters and emails since November 2004 plus telephone conversations and three meetings at the property. 2010 Several meetings with owner at property regarding clearance and works needed
Involvement by other Teams	Private Sector Housing Team and Building Control involvement due to unsafe works being carried out at the property. Several visits and meetings at the property. Notices served.
Statutory Action	16 July 2003: S16 Local Government (Miscellaneous Provisions) Act 1976 22 August 2003: s189(1) Housing Act 1985 10 December 2004: Building Control Regularisation Application Request No.RA2004/0158
Other	Outstanding Council Tax debt of £5628.67 as at October 2009 <ul style="list-style-type: none"> • St Peter's and North Laine Ward

A detailed Case History of the property will be prepared as part of the Order.

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Finance Officer Consulted: Neil Smith

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Property D

3 bed house



